CODE OF ORDINANCES

CITY OF

ST. IGNACE, MICHIGAN

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PREFACE

This Code constitutes a codification of the general and permanent ordinances of the City of St. Ignace, Michigan.

Source materials used in the preparation of the Code were the 1987 Compiled Ordinances, as supplemented through July 6, 2004, and ordinances subsequently adopted by the city council. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the comparative tables appearing in the back of this Code, the reader can locate any section of the 1987 Compiled Ordinances, as supplemented, and any subsequent ordinance included herein.

The chapters of the Code have been conveniently arranged in alphabetical order, and the various sections within each chapter have been catchlined to facilitate usage. Notes which tie related sections of the Code together and which refer to relevant state law have been included. A table listing the state law citations and setting forth their location within the Code is included at the back of this Code.

Chapter and Section Numbering System

The chapter and section numbering system used in this Code is the same system used in many state and local government codes. Each section number consists of two parts separated by a dash. The figure before the dash refers to the chapter number, and the figure after the dash refers to the position of the section within the chapter. Thus, the second section of chapter 1 is numbered 1-2, and the first section of chapter 6 is 6-1. Under this system, each section is identified with its chapter, and at the same time new sections can be inserted in their proper place by using the decimal system for amendments. For example, if new material consisting of one section that would logically come between sections 6-1 and 6-2 is desired to be added, such new section would be numbered 6-1.5. New articles and new divisions may be included in the same way or, in the case of articles, may be placed at the end of the chapter embracing the subject, and, in the case of divisions, may be placed at the end of the article embracing the subject. The next successive number shall be assigned to the new article or division. New chapters may be included by using one of the reserved chapter numbers. Care should be taken that the alphabetical arrangement of chapters is maintained when including new chapters.

Page Numbering System

The page numbering system used in this Code is a prefix system. The letters to the left of the colon are an abbreviation which represents a certain portion of the volume. The number to the right of the colon represents the number of the page in that portion. In the case of a chapter of the Code, the number to the left of the colon indicates the number of the chapter. In the case of an appendix to the Code, the letter immediately to the left of the colon indicates the letter

of the appendix. The following are typical parts of codes of ordinances, which may or may not appear in this Code at this time, and their corresponding prefixes:

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Index

The index has been prepared with the greatest of care. Each particular item has been placed under several headings, some of which are couched in lay phraseology, others in legal terminology, and still others in language generally used by local government officials and employees. There are numerous cross references within the index itself which stand as guideposts to direct the user to the particular item in which the user is interested.

Looseleaf Supplements

A special feature of this publication is the looseleaf system of binding and supplemental servicing of the publication. With this system, the publication will be kept up-to-date. Subsequent amendatory legislation will be properly edited, and the affected page or pages will be reprinted. These new pages will be distributed to holders of copies of the publication, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

Keeping this publication up-to-date at all times will depend largely upon the holder of the publication. As revised pages are received, it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

Acknowledgments

This publication was under the direct supervision of Bill Carroll, Senior Code Attorney, and William B. Eddy, Editor, of Municode, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to Ms. Reneé Vonderwerth, City Clerk, and Mr. Gary L. Heckman, City Manager, and Mr. Prentiss M. Brown, City Attorney, for their cooperation and assistance during the progress of the work on this publication. It is hoped that their efforts and those of the publisher have resulted in a Code of Ordinances which will make the active law of the city readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the city's affairs.

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(This checklist will be updated with the printing of each Supplement)

From our experience in publishing Looseleaf Supplements on a page-for-page substitution basis, it has become evident that through usage and supplementation many pages can be inserted and removed in error.

The following listing is included in this Code as a ready guide for the user to determine whether the Code volume properly reflects the latest printing of each page.

In the first column all page numbers are listed in sequence. The second column reflects the latest printing of the pages as they should appear in an up-to-date volume. The letters "OC" indicate the pages have not been reprinted in the Supplement Service and appear as published for the original Code. When a page has been reprinted or printed in the Supplement Service, this column reflects the identification number or Supplement Number printed on the bottom of the page.

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The table below allows users of this Code to quickly and accurately determine what ordinances have been considered for codification in each supplement. Ordinances that are of a general and permanent nature are codified in the Code Book and are considered "Included." Ordinances that are not of a general and permanent nature are not codified in the Code Book and are considered "Omitted."

By adding to this table with each supplement, users of this City of St. Ignace, Michigan Code of Ordinances will be able to gain a more complete picture of the code's historical evolution.

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Code of Ordinances

1
General Provisions

CODE OF ORDINANCES

Chapter 1

GENERAL PROVISIONS

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Sec. 1-3. Catchlines of sections; history notes; references.
Sec. 1-4. Effect of repeal of ordinances.
Sec. 1-5. Amendments to Code; effect of new ordinances; amendatory language.
Sec. 1-6. Supplementation of Code.
Sec. 1-7. Fees.
Sec. 1-8. General penalty; continuing violations.
Sec. 1-9. Municipal civil infractions.
Sec. 1-10. Severability.
Sec. 1-11. Provisions deemed continuation of existing ordinances.
Sec. 1-12. Code does not affect prior offenses or rights.
Sec. 1-13. Altering Code.
Sec. 1-14. Certain ordinances not affected by Code.

Sec. 1-1. Designation and citation of Code.

The ordinances embraced in this and the following chapters shall constitute and be designated the "Code of Ordinances, City of St. Ignace, Michigan," and may be so cited. Such ordinances may also be cited as the "St. Ignace City Code."

State law reference—Authority to codify ordinances, MCL 117.5b.

Sec. 1-2. Definitions and rules of construction.

The following definitions and rules of construction shall apply to this Code and to all ordinances and resolutions unless the context requires otherwise:

Generally. When provisions conflict, the specific shall prevail over the general. All provisions shall be liberally construed so that the intent of the council may be effectuated. Words and phrases shall be construed according to the common and approved usage of the language, but technical words, technical phrases and words and phrases that have acquired peculiar and appropriate meanings in law shall be construed according to such meanings.

Charter. The term "Charter" shall mean the Charter of the City of St. Ignace, Michigan.

City. The term "city" shall mean the City of St. Ignace, Michigan.

City council, council. The terms "city council" and "council" shall mean the city council of the city.

Civil infraction. The term "civil infraction" shall mean an act or omission prohibited by law which is not a crime and for which civil sanctions may be ordered.

Code. The term "Code" shall mean the Code of Ordinances, City of St. Ignace, Michigan, as designated in section 1-1.

Computation of time. In computing a period of days, the first day is excluded and the last day is included. If the last day of any period or a fixed or final day is a Saturday, Sunday, or legal holiday, the period or day is extended to include the next day that is not a Saturday, Sunday, or legal holiday.

Conjunctions. In a provision involving two or more items, conditions, provisions or events, which items, conditions, provisions or events are connected by the conjunction "and," "or" or "either . . . or," the conjunction shall be interpreted as follows:

(1) The term "and" indicates that all the connected terms, conditions, provisions or events apply.

(2) The term "or" indicates that the connected terms, conditions, provisions or events apply singly or in any combination.

(3) The term "either . . . or" indicates that the connected terms, conditions, provisions or events apply singly but not in combination.

County. The term "county" means Mackinac County, Michigan.

Crime. The term "crime" means an act or omission forbidden by law that is not designated as a civil infraction and that is punishable upon conviction by any one or more of the following:

(1) Imprisonment.

(2) Fine not designated a civil fine.

(3) Other penal discipline.

Delegation of authority. A provision that authorizes or requires a city officer or city employee to perform an act or make a decision authorizes such officer or employee to act or make a decision through subordinates.

Gender. Words of one gender include the other genders.

Health department. The terms "health department" and "department of public health" shall mean the county health department.

Health officer. The term "health officer" shall mean the director of the county health department.

Highway. The term "highway" includes any street, alley, highway, avenue, or public place or square, bridge, viaduct, tunnel, underpass, overpass or causeway, dedicated or devoted to public use.

Includes, including. The terms "includes" and "including" are terms of enlargement and not of limitation or exclusive enumeration, and the use of the terms does not create a presumption that components not expressed are excluded.

Joint authority. A grant of authority to three or more persons as a public body confers the authority on a majority of the number of members as fixed by statute or ordinance.

May. The term "may" is to be construed as being permissive and not mandatory.

May not. The term "may not" states a prohibition.

MCL. The abbreviation "MCL" shall mean the Michigan Compiled Laws, as amended.

Month. The term "month" shall mean a calendar month.

Must. The word "must" is to be construed as being mandatory.

Number. The singular includes the plural and the plural includes the singular.

Oath, affirmation, sworn, affirmed. The term "oath" includes an affirmation in all cases where an affirmation may be substituted for an oath. In similar cases, the term "sworn" includes the term "affirmed."

Officers, departments, etc. References to officers, departments, boards, commissions or employees are to city officers, city departments, city boards, city commissions and city employees.

Owner. The term "owner," as applied to property, includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or part of such property. With respect to special assessments, however, the owner shall be considered to be the person who appears on the assessment roll for the purpose of giving notice and billing.

Person. The word "person" shall mean any individual, partnership, corporation, association, club, joint venture, estate, trust, limited liability company, governmental unit, and any other group or combination acting as a unit, and the individuals constituting such group or unit.

Personal property. The term "personal property" shall mean any property other than real property.

Preceding, following. The terms "preceding" and "following" shall mean next before and next after, respectively.

Premises. The term "premises," as applied to real property, includes land and structures.

Property. The term "property" shall mean real and personal property.

Public acts. References to public acts are references to the Public Acts of Michigan. (For example, a reference to Public Act No. 279 of 1909 is a reference to Act No. 279 of the Public Acts of Michigan of 1909.) Any reference to a public act, whether by act number or by short title, is a reference to the act as amended.

Real property. The term "real property" includes lands, tenements and hereditaments.

Roadway. The term "roadway" shall mean that portion of a street improved, designed or ordinarily used for vehicular traffic.

Shall. The term "shall" is to be construed as being mandatory.

Sidewalk. The term "sidewalk" shall mean any portion of the street between the curb, or the lateral line of the roadway, and the adjacent property line, intended for the use of pedestrians.

Signature, subscription. The terms "signature" and "subscription" include a mark when the person cannot write.

State. The term "state" shall mean the State of Michigan.

Street. The term "street" shall mean any street, alley, highway, avenue, or public place or square, bridge, viaduct, tunnel, underpass, overpass or causeway, dedicated or devoted to public use.

Swear. The term "swear" includes affirm.

Tenses. The present tense includes the past and future tenses. The future tense includes the present tense.

Week. The term "week" shall mean seven consecutive days.

Written. The term "written" includes any representation of words, letters, symbols or figures.

Year. The term "year" shall mean 12 consecutive months.

State law reference—Definitions and rules of construction applicable to state statutes, MCL 8.3 et seq.

Sec. 1-3. Catchlines of sections; history notes; references.

(a) The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and are not titles of such sections, or of any part of the section, nor unless expressly so provided shall they be so deemed when any such section, including the catchline, is amended or reenacted.

(b) The history or source notes appearing in parentheses after sections in this Code have no legal effect and only indicate legislative history. Charter references, cross references and state law references that appear in this Code after sections or subsections or that otherwise appear in footnote form are provided for the convenience of the user of the Code and have no legal effect.

(c) Unless specified otherwise, all references to chapters or sections are to chapters or sections of this Code.

State law reference—Catchlines in state statutes, MCL 8.4b.

Sec. 1-4. Effect of repeal of ordinances.

(a) Unless specifically provided otherwise, the repeal of a repealing ordinance does not revive the ordinance originally repealed nor impair the effect of any saving provision in it.

(b) The repeal or amendment of an ordinance does not affect any punishment or penalty incurred before the repeal took effect, nor does such repeal or amendment affect any rights, privileges, suit, prosecution or proceeding pending at the time of the amendment or repeal.

State law reference—Effect of repeal of state statutes, MCL 8.4.

Sec. 1-5. Amendments to Code; effect of new ordinances; amendatory language.

(a) All ordinances adopted subsequent to this Code that amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of the Code and printed for inclusion in the Code. Portions of this Code repealed by subsequent ordinances may be excluded from this Code by omission from reprinted pages affected thereby.

(b) Amendments to provisions of this Code may be made with the following language: "Section (chapter, article, division or subdivision, as appropriate) of the Code of Ordinances, City of St. Ignace, Michigan, is hereby amended to read as follows: . . . ."

(c) If a new section, subdivision, division, article or chapter is to be added to the Code, the following language may be used: "Section (chapter, article, division or subdivision, as appropriate) of the Code of Ordinances, City of St. Ignace, Michigan, is hereby created to read as follows: . . . ."

(d) All provisions desired to be repealed should be repealed specially by section, subdivision, division, article or chapter number, as appropriate, or by setting out the repealed provisions in full in the repealing ordinance.

Sec. 1-6. Supplementation of Code.

(a) Supplements to this Code shall be prepared and printed whenever authorized or directed by the city. A supplement to this Code shall include all substantive permanent and general parts of ordinances adopted during the period covered by the supplement and all changes made thereby in the Code. The pages of the supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages that have become obsolete or partially obsolete. The new pages shall be so prepared that when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this Code, all portions of the Code that have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the person authorized to prepare the supplement may make formal, nonsubstantive changes in ordinances included in the supplement, insofar as necessary to do so in order to embody them into a unified code. For example, the person may:

(1) Arrange the material into appropriate organizational units.

(2) Supply appropriate catchlines, headings and titles for chapters, articles, divisions, subdivisions and sections to be included in the Code and make changes in any such catchlines, headings and titles or in any such catchlines, headings and titles already in the Code.

(3) Assign appropriate numbers to chapters, articles, divisions, subdivisions and sections to be added to the Code.

(4) Where necessary to accommodate new material, change existing numbers assigned to chapters, articles, divisions, subdivisions or sections.

(5) Change the words "this ordinance" or similar words to "this chapter," "this article," "this division," "this subdivision," "this section" or "sections ____________ to ____________" (inserting section numbers to indicate the sections of the Code that embody the substantive sections of the ordinance incorporated in the Code).

(6) Make other nonsubstantive changes necessary to preserve the original meaning of the ordinances inserted in the Code.

Sec. 1-7. Fees.

Where a fee is set or established by city council and amended from time to time by resolution or ordinance, a list of such fees will be available for inspection in the office of the city clerk.

Sec. 1-8. General penalty; continuing violations.

(a) In this section, the term "violation of this Code" means any of the following:

(1) Doing an act that is prohibited or made or declared unlawful, an offense or a violation by ordinance or by rule or regulation authorized by ordinance.

(2) Failure to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance.

(3) Failure to perform an act if the failure is prohibited or is made or declared unlawful, an offense, or a violation or by ordinance or by rule or regulation authorized by ordinance.

(b) Any provision of this Code that is made or declared to be a misdemeanor, civil infraction or municipal civil infraction is a violation of this Code.

(c) In this section, the term "violation of this Code" does not include the failure of a city officer or city employee to perform an official duty unless it is specifically provided that the failure to perform the duty is to be punished as provided in this section.

(d) Except as specifically provided otherwise by state law or city ordinance, all violations of this Code are misdemeanors. Except as otherwise provided by law or ordinance, a person convicted of a violation of this Code that is a misdemeanor shall be punished by a fine not to exceed $500.00, and costs of prosecution or by imprisonment for a period of not more than 90 days, or by both such fine and imprisonment. However, unless otherwise provided by law, a person convicted of violation of this Code which substantially corresponds to a violation of state law that is a misdemeanor for which the maximum period of imprisonment is 93 days is punishable by fine not to exceed $500.00 and costs of prosecution or by imprisonment for a period of not more than 93 days, or by both such fine and imprisonment.

(e) Except as otherwise provided by law or ordinance, with respect to violations of this Code that are continuous with respect to time, each day that the violation continues is a separate offense. As to other violations, each violation constitutes a separate offense.

(f) The imposition of a penalty does not prevent suspension or revocation of a license, permit or franchise or other administrative sanctions.

(g) Violations of this Code that are continuous with respect to time are a public nuisance and may be abated by injunctive or other equitable

relief. The imposition of a penalty does not prevent injunctive relief or civil or quasi-judicial enforcement.

State law reference—Penalty for ordinance violations, MCL 117.4i(k), 117.41.

Sec. 1-9. Municipal civil infractions.

(a) The term "municipal civil infraction" means an act or omission that is prohibited by any ordinance or code of the city, but which is not a crime under city ordinance or code, and for which civil sanctions, including, without limitations, fines, damages, expenses and costs may be ordered by chapter 87 of Public Act No. 236 of 1961 (MCL 600.8701 et seq.). A municipal civil infraction is not a lesser included offense of a violation of the Code or ordinance that is a criminal offense.

(b) The sanction for a violation which is a municipal civil infraction shall be a civil fine in the amount as provided by this section plus any costs, damages, expenses and other sanctions, as authorized under chapter 87, Public Act No. 236 of 1961 (MCL 600.8701 et seq.), and other applicable laws.

(1) Unless otherwise specifically provided for a particular municipal civil infraction violation by this section, the civil fine for a violation shall be not less than $25.00 nor more than $100.00, plus costs and other sanctions, for each infraction.

(2) Increased civil fines may be imposed for repeated violations by a person of any requirements or provision of this section. As used in this section, "repeat offense" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision (i) committed by a person within any six-month period (unless some other period is specifically provided by this section) and (ii) for which the person admits responsibility or is determined to be responsible. Unless otherwise specifically provided by this section for a particular municipal civil infraction, the increased fine for a repeat offense shall be as follows:

a. The fine for any offense which is a first repeat offense shall be not less than $50.00 nor more than $250.00, plus costs.

b. The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be not less than $300.00 nor more than $500.00, plus costs.

(c) A violation includes any act which is prohibited or made or declared to be unlawful or an offense by this section; and any omission or failure to act where the act is required by this section.

(d) Each day on which any violation of this section continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.

(e) In addition to any remedies available at law, the city may bring an action for an injunction or other process against a person to restrain, prevent or abate any violation of this section.
(Comp. Ords. 1987, §§ 21.281, 21.282)

State law reference—Municipal civil infraction, MCL 117.41.

Sec. 1-10. Severability.

If any provision of this Code or its application to any person or circumstances is held invalid or unconstitutional, the invalidity or unconstitutionality does not affect other provisions or application of this Code that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this Code are severable.

State law reference—Severability of state statutes, MCL 8.5.

Sec. 1-11. Provisions deemed continuation of existing ordinances.

The provisions of this Code, insofar as they are substantially the same as legislation previously adopted by the city relating to the same subject matter, shall be construed as restatements and continuations thereof and not as new enactments.

State law reference—Similar provisions as to state statutes, MCL 8.3u.

Sec. 1-12. Code does not affect prior offenses or rights.

(a) Nothing in this Code or the ordinance adopting this Code affects any offense or act committed or done, any penalty or forfeiture incurred, or any contract or right established before the effective date of this Code.

(b) The adoption of this Code does not authorize any use or the continuation of any use of a structure or premises in violation of any city ordinance on the effective date of this Code.

Sec. 1-13. Altering Code.

It shall be unlawful for any person to change or amend by additions or deletions any part or portion of this Code, or insert or delete pages, or portions thereof, or to alter or tamper with such Code in any manner whatsoever, except by ordinance or resolution or other official act of the council, which will cause the law of St. Ignace, Michigan, to be misrepresented thereby. Any person violating this section shall be punished as provided in section 1-8.

Sec. 1-14. Certain ordinances not affected by Code.

(a) Nothing in this Code or the ordinance adopting this Code affects the validity of any ordinance or portion of any ordinance:

(1) Annexing property into the city or describing the corporate limits.

(2) Deannexing property or excluding property from the city.

(3) Promising or guaranteeing the payment of money or authorizing the issuance of bonds or other instruments of indebtedness.

(4) Authorizing or approving any contract, deed, or agreement.

(5) Granting any specific right or franchise or establishing the procedure for granting a right or franchise.

(6) Making or approving any appropriation or budget.

(7) Providing for the duties of city officers or employees not codified in this Code.

(8) Providing for salaries or other employee benefits.

(9) Adopting or amending a comprehensive plan.

(10) Levying or imposing any special assessments.

(11) Dedicating, establishing, naming, locating, relocating, opening, paving, widening, repairing or vacating any street, sidewalk or alley.

(12) Establishing the grade of any street or sidewalk.

(13) Dedicating, accepting or vacating any plat or subdivision.

(14) Not codified in this Code that levies, imposes or otherwise relates to taxes, exemptions from taxes and fees in lieu of taxes.

(15) Pertaining to zoning map amendments.

(16) That is temporary, although general in effect.

(17) That is special, although permanent in effect.

(18) The purpose of which has been accomplished.

(b) The ordinances or portions of ordinances designated in subsection (a) of this section continue in full force and effect to the same extent as if published at length in this Code.

2
Administration

Chapter 2

ADMINISTRATION*

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ARTICLE I. IN GENERAL

Secs. 2-1—2-30. Reserved.

ARTICLE II. CITY COUNCIL*

Secs. 2-31—2-60. Reserved.

ARTICLE III. OFFICERS AND EMPLOYEES†

DIVISION 1. GENERALLY

Sec. 2-61. Adoption of law enforcement officer employment standards.

The minimum employment standards for law enforcement officers as established and adopted by the Michigan Law Enforcement Officers Training Council in accordance with Public Act No. 203 of 1965 (MCL 28.601 et seq.) are hereby adopted by reference.
(Comp. Ords. 1987, § 40.001)

Secs. 2-62—2-80. Reserved.

DIVISION 2. RESIDENCY REQUIREMENT‡

Sec. 2-81. Permanent employees; residency requirement.

All permanent employees of the city and all permanent employees hereafter hired must establish a residence as herein defined either in the city limits or within 20 miles of the city limits, with the exception of those officials obligated to be within the boundaries of the city as set forth in the city Charter and Public Act No. 212 of 1999 (MCL 15.601 et seq.).
(Comp. Ords. 1987, § 12.451)

Sec. 2-82. Definition of residence.

The term "residence" shall mean and be construed to be the actual domicile of the individual where he normally eats and sleeps and maintains his personal and household effects.
(Comp. Ords. 1987, § 12.452)

Sec. 2-83. Definition of employee.

The term "employee" shall mean and be construed to be any permanent employee. The term "employee" shall not include (i) temporary employees, i.e., those who are not specifically hired as permanent employees; (ii) professional services personnel to assist the city on a limited or temporary basis, such as an engineer, lawyer, accountant or other consultant; (iii) firefighters.
(Comp. Ords. 1987, § 12.453)

Sec. 2-84. Preference regarding employment applicants.

Where qualifications of prospective employees for a specific job or position are equivalent, preference shall be given to a city resident.
(Comp. Ords. 1987, § 12.454)

Secs. 2-85—2-110. Reserved.

ARTICLE IV. BOARDS AND COMMISSIONS**

DIVISION 1. GENERALLY

Secs. 2-111—2-130. Reserved.

***State law references**—Open meetings act, MCL 15.261 et seq.; freedom of information act, MCL 15.231 et seq.

†**State law references**—Freedom of information act, MCL 15.231 et seq.; standards of conduct and ethics, MCL 15.341 et seq.; conflicts of interests as to contracts, MCL 15.321 et seq.; political activities by public employees, MCL 15.401 et seq.; legal defense of public employees, MCL 691.1408; incompatible offices, MCL 15.181 et seq.; nondiscrimination in employment, MCL 37.2102.

‡**State law reference**—Authority for this division, MCL 15.601 et seq.

****State law references**—Open meetings act, MCL 15.261 et seq.; freedom of information act, MCL 15.231 et seq.

DIVISION 2. LOCAL OFFICERS COMPENSATION COMMISSION*

Sec. 2-131. Creation.

There is hereby created a local officers compensation commission whose principal duty shall be to determine the salaries of all local elected officials.
(Comp. Ords. 1987, § 12.401)

Sec. 2-132. Membership; appointment.

The local officers compensation commission shall consist of five members who are registered electors of the city and shall be appointed by the mayor subject to confirmation by the city council.
(Comp. Ords. 1987, § 12.402)

Sec. 2-133. Terms of office.

The terms of office for members of the local officers compensation commission shall be five years, except that the members first appointed shall each be individually appointed to the following terms: One for one year; one for two years; one for three years; one for four years and one for five years. When vacancies occur during the term of any member of the local officers compensation commission, the appointments shall be for the unexpired term.
(Comp. Ords. 1987, § 12.403)

Sec. 2-134. Eligibility for membership.

No member or employee of the legislative, judicial or executive branch of any level of government or members of the immediate family of such member or employee shall be eligible to be a member of the local officers compensation commission.
(Comp. Ords. 1987, § 12.404)

Sec. 2-135. Duties.

After the local officers compensation commission has been appointed and qualified according to law, they shall perform the duties imposed upon them by section 5c of Public Act No. 279 of 1909 (MCL 117.5c).
(Comp. Ords. 1987, § 12.405)

Secs. 2-136—2-150. Reserved.

DIVISION 3. PLAN COMMISSION†

Sec. 2-151. Creation.

A city planning commission is hereby created pursuant to the provisions of Public Act No. 285 of 1931 (MCL 125.31 et seq.). The city planning commission shall be known as the city plan commission.
(Comp. Ords. 1987, § 14.001)

Sec. 2-152. Membership; qualifications; appointment; compensation; term; removal; vacancies.

The plan commission shall consist of seven voting members who shall represent, insofar as it is possible, different professions or occupations. Six of said members shall be appointed by the mayor, and confirmed by a majority vote of the members elect of the city council. The other member, who shall serve ex officio, shall be one of the city council to be selected by it. All members of the city plan commission shall serve as such without compensation, and all six appointed members shall hold no other municipal office except that one of such appointed members may be a member of the zoning board of adjustment or appeals. The term of the ex officio member shall be determined by the council and shall be stated in the resolution selecting the ex officio member, but the term shall not exceed the member's term of office as a member of the council. The ex officio member shall have full voting rights. The term of each appointed member shall be three years. All members shall hold office until their successors are appointed and have qualified. Members, other than the member selected by the council, after a public hearing, may be removed by the mayor for inefficiency, neglect of duty or malfeasance in office. The council may for like cause remove the

*State law reference—Authority to create this commission, MCL 117.5c.

†State law reference—Municipal planning, MCL 125.31 et seq.

member selected by it. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired term by the mayor in the case of members selected or appointed by him, and by the council in the case of the councilmanic member.
(Comp. Ords. 1987, § 14.002)

Sec. 2-153. Chairperson; meetings; rules and records; quorum.

The plan commission shall elect its own chairperson from the members of the commission and create and fill such other of its offices as it may determine. The term of the chairperson shall be one year, with eligibility for re-election. The plan commission shall hold at least one regular meeting in each month at the municipal building in the city. The plan commission shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be open to public examination. A majority of the city plan commission shall constitute a quorum for the transaction of business.
(Comp. Ords. 1987, § 14.003)

Sec. 2-154. Employees; contracts for special services; source; limit on expenditures.

The city plan commission may appoint such employees as it may deem necessary for its work, whose appointment, promotion, demolition, and removal shall be under the direction of the city plan commission. The city plan commission may also contract with planners, engineers, architects, and other consultants for such services as it may require. The expenditures of the city plan commission, exclusive of gifts, shall be within the amounts appropriated for that purpose by the city council, which shall provide the funds, equipment and accommodations necessary for the commission's work. No expenditure of any kind shall be made without an appropriation therefor having been first made by the city council.
(Comp. Ords. 1987, § 14.004)

Sec. 2-155. Powers and duties.

The city plan commission shall have such powers concerning the preparation and adoption of a master plan or any part thereof, the making of surveys as a basis for such plan, the approval of public improvements, the carrying out of educational and publicity programs, the approval of plats and such other rights, powers, duties and responsibilities as are provided in sections 6 to 15 of Public Act No. 285 of 1931 (MCL 125.36—125.45).
(Comp. Ords. 1987, § 14.005)

Sec. 2-156. Gifts.

The city plan commission may receive gifts for purposes of carrying out its objectives and may expend any funds received in the form of a gift in such manner as it may deem proper.
(Comp. Ords. 1987, § 14.006)

Sec. 2-157. Reports and recommendations.

The city plan commission shall make reports and recommendations to the city council; provided, however, that no such recommendation shall be binding upon the city council and the same may be overruled by the city council by a vote of not less than two-thirds of its members elect.
(Comp. Ords. 1987, § 14.007)

Secs. 2-158—2-180. Reserved.

DIVISION 4. HARBOR ADVISORY COMMITTEE*

Sec. 2-181. Purpose.

The City of Saint Ignace, by and through the city council and the city manager pursuant to Charter, shall have the power and authority to

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***Editor's note—**Ord. No. 628, § 2, adopted July 18, 2011, repealed Ch. 2, Art. IV, §§ 2-181—2-189, in its entirety and enacted new provisions to read as herein set out. Prior to this amendment, Div. 4 pertained to Harbor Authority. See Code Comparative Table for derivation.

State law reference—Authority for this division, MCL 324.79301 et seq.

Note—Ord. No. 628, § 2, adopted July 18, 2011 states "The purpose of the revocation and dissolution is to shift day to day responsibilities of the operation and maintenance of the St. lgnace Marina to general city administration with the input and advice of a harbor advisory committee to be created as provided hereinafter and/or the city council and to Revoke Ordinance 527, the same to be repealed by this Ordinance."

regulate the waters and waterfront from the southeasterly tip of Graham Point to the northeasterly point commonly called Mill Slip Point, and shall have the power and authority to perform the acts which follow, and such other powers as are necessary and incidental to them:

(1) To maintain, operate, and administer the public marina in accordance with any and all contracts and agreements with the State of Michigan Waterways Commission et. al.

(2) To maintain, operate, and administer the public boat launches.

(3) To adopt any rules, regulations, and ordinances designed to safeguard the public in the use of these facilities.

(4) To negotiate with the waterways commission any and all matters which need to be negotiated including major repairs and improvements.

(5) To provide for the suitable fees for services and facilities provided by the City or its agents.

(6) To hire a harbor master pursuant to City Charter, and provide for the staffing of such facilities pursuant needs.

(7) To provide for any other duties as may be determined by the city council or city manager.

(Ord. No. 628, § 3, 7-18-2011; Ord. of 09-19-2016)

Sec. 2-182. Powers and authority.

The city hereby grants the powers of appointment to the Harbor Advisory Board to the Mayor of Saint Ignace with the advice and consent of city council.
(Ord. No. 628, § 4, 7-18-2011)

Sec. 2-183. Membership.

The Harbor Advisory Board shall be made up of members of the boating community whose expertise and insights would be helpful in city decision making.
(Ord. No. 628, § 5, 7-18-2011)

Sec. 2-184. Terms of office.

Five members will be appointed to two year terms concurrent to the mayoral term.
(Ord. No. 628, § 6, 7-18-2011)

Sec. 2-185. Compensation.

No member of the Harbor Advisory Board shall serve with compensation.
(Ord. No. 628, § 7, 7-18-2011)

Sec. 2-186. Meetings.

Meetings of the Harbor Advisory Board shall meet quarterly or as needed.
(Ord. No. 628, § 8, 7-18-2011)

Secs. 2-187—2-210. Reserved.

DIVISION 5. LIBRARY BOARD*

Sec. 2-211. Library board of directors.

According to section 2 of Public Act No. 164 of 1877 (MCL 397.202), the city council hereby increases the number of members on the library board of directors from five to seven members.
(Ord. No. 598, § I, 1-17-2005)

Sec. 2-212. Term of office.

The term of office for each member of the library board of directors shall be as hereby established in section 3 of Public Act No. 164 of 1877 (MCL 397.203), wherein each new member, shall serve a term of five years, unless one of said members is a member of the city council, as allowed by section 2 of Public Act No. 164 (MCL 397.202); that member shall serve concurrently with the member's term of office as elected city councilmember.
(Ord. No. 598, § II, 1-17-2005)

Secs. 2-213—2-240. Reserved.

*__State law reference—__City, village and township libraries, MCL 397.202.

ARTICLE V. FINANCE*

DIVISION 1. GENERALLY

Secs. 2-241—2-260. Reserved.

***State law references—**Revised municipal finance act, MCL 141.2101 et seq.; uniform budgeting and accounting act, MCL 141.421 et seq.; deposit of public moneys, MCL 211.43b.

DIVISION 2. PURCHASING PROCEDURES

Sec. 2-261. Purchasing procedures amended.

Pursuant to the provisions of section 12.1 of the Charter of the city, the purchasing procedures of the city are hereby amended as follows:

In all purchases in excess of $1,000.00:

(1) The purchase shall be approved by the city council;

(2) Sealed bids shall be obtained unless the council by unanimous resolution of those present at the meeting, based upon written recommendation of the city manager, determines that it would not be advantageous to the city to obtain sealed bids.

(Comp. Ords. 1987, § 12.201)

Secs. 2-262—2-280. Reserved.

DIVISION 3. HAZARDOUS WASTE INCIDENT REIMBURSEMENT

Sec. 2-281. Purpose.

In order to protect the city from incurring extraordinary expenses resulting from the utilization of city resources to respond to an incident involving hazardous materials, the city council authorizes the imposition of charges to recover reasonable and actual costs incurred by the city in responding to calls for assistance in connection with a hazardous materials release.
(Comp. Ords. 1987, § 12.671)

Sec. 2-282. Dangerous or hazardous substances or materials defined.

A dangerous or hazardous substance or material is defined as any substance which is spilled, leaked, or otherwise released from its container, which, in the determination of the fire chief or his authorized representative, is dangerous or harmful to the environment or human or animal life, health or safety, or is obnoxious by reason of odor, or is determined by the city to constitute a danger or threat to the public health, safety or welfare; and shall include, but not be limited to, such substances as chemicals and gases, explosives, radioactive materials, petroleum or petroleum products or gases, poisons, etiologic (biologic) agents, flammables and corrosives.
(Comp. Ords. 1987, § 12.672)

Sec. 2-283. "Release" defined.

The term "release" is defined as any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, leaching, dumping or disposing into the environment.
(Comp. Ords. 1987, § 12.673)

Sec. 2-284. "Responsible party" defined.

The term "responsible party" is defined as any individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity or any other legal entity that is responsible for a release of a hazardous material, either actual or threatened, or is an owner, tenant, occupant or party in control of property onto which or from which hazardous materials are released.
(Comp. Ords. 1987, § 12.674)

Sec. 2-285. Duty to remove and clean up.

It shall be the duty of any person or any other entity which causes or controls leakage, spillage or any other dissemination of dangerous or hazardous substances or materials to immediately remove such and clean up the area of such spillage in such manner that the area involved is fully restored to its condition before such happening.
(Comp. Ords. 1987, § 12.675)

Sec. 2-286. Charges imposed upon responsible party.

Where the city fire department, police department or any other city department responds to a call for assistance in connection with a hazardous materials release, actual costs incurred by the city responding to such a call shall be imposed upon responsible parties. Such responsible parties shall pay the city its costs and expenses, including the costs incurred by the city to any party which it engages, for the complete abate-

ment, cleanup and restoration of the affected areas. Costs incurred by the city shall include, but shall not necessarily be limited to, the following:

(1) Actual labor costs of city personnel, including worker's compensation benefits, fringe benefits, administrative overhead;

(2) Costs of equipment operation;

(3) Costs of materials obtained directly by the city; and cost of any contract labor and materials;

(4) Charges to the city imposed by any local, state or federal government entities related to the hazardous materials incident;

(5) Costs incurred in accounting for all hazardous material incident-related expenditures, including billing and collection costs.

(Comp. Ords. 1987, § 12.676)

Sec. 2-287. Billing procedures.

Following the conclusion of the hazardous materials incident, the fire chief shall submit a detailed listing of all known expenses to the city clerk, who shall prepare an invoice to the responsible party for payment.
(Comp. Ords. 1987, § 12.677)

Sec. 2-288. Other remedies.

The city may pursue any other remedy, such as a tax lien, or may institute any appropriate action or proceeding in a court of competent jurisdiction to collect charges imposed under this division. The recovery of charges imposed under this division does not limit liability of responsible parties under local ordinance or state or federal law, rule or regulation.
(Comp. Ords. 1987, § 12.678)

Chapter 3

RESERVED

4
Animals

Chapter 4

ANIMALS*

Article I. In General

Secs. 4-1—4-30. Reserved.

Article II. Animal Control

Sec. 4-31. Definitions.
Sec. 4-32. Animal control officers established; duty.
Sec. 4-33. Permits.
Sec. 4-34. License and permit issuance and revocation.
Sec. 4-35. Restraint.
Sec. 4-36. Animal care.
Sec. 4-37. Control of rabies.
Sec. 4-38. Keeping of wild animals.
Sec. 4-39. Animal waste.
Sec. 4-40. Article not permissive.
Sec. 4-41. Enforcement.
Sec. 4-42. Penalties.
Secs. 4-43—4-70. Reserved.

Article III. Horses

Sec. 4-71. Traffic rules and regulations.
Sec. 4-72. Use on property not dedicated for roadway or bridle path purposes.
Sec. 4-73. Racing; riding more than two abreast; riding on state street.
Sec. 4-74. Throwing missile at horse or rider; mistreatment.
Sec. 4-75. Keeping within city.
Sec. 4-76. Special permits.
Sec. 4-77. Applications for licenses and permits.
Sec. 4-78. Suspension or revocation of license or permit.
Sec. 4-79. Penalty.

***State law references**—Wildlife conservation, MCL 324.40101 et seq.; endangered species protection, MCL 324.36501 et seq.; crimes relating to animals and birds, MCL 750.49 et seq.; local authority to adopt animal control ordinance, MCL 287.290.

ARTICLE I. IN GENERAL

Secs. 4-1—4-30. Reserved.

ARTICLE II. ANIMAL CONTROL

Sec. 4-31. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal means every nonhuman species of animal, both domestic and wild.

Animal-at-large means any animal not under the restraint of a person capable of controlling the animal and/or off the premises of the owner.

Animal shelter means any facility operated by a humane society, or municipal or county agency, or its authorized agents, for the purpose of impounding animals under the authority of this article or state law for care, confinement, return to owner, adoption, or euthanasia.

Grooming shop means a commercial establishment where animals are bathed, clipped, plucked, or otherwise groomed.

Guard dog means any dog that will detect and warn its handler that an intruder is present in or near an area that is being secured.

Humane officer and *animal control officer* mean any person designated by the state, a municipal government, or a humane society as a law enforcement officer who is qualified to perform such duties under the laws of this state.

Kennel and *cattery* mean any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats.

Not under reasonable control means the existence of an animal not under any of the conditions defined in "reasonable control" or the existence of an animal under any of the conditions defined in "reasonable control," which animal nonetheless commits damage to the person or property of anyone other than the owner, except when in the defense of its owner or his family or property.

Owner means any person, partnership, or corporation owning, keeping, or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three consecutive days or more.

Performing animal exhibition means any spectacle, display, act, or event, other than circuses, in which performing animals are used.

Pet or companion animal means any animal kept for pleasure rather than utility, an animal of a species that has been bred and raised to live in or about the habitation of humans and is dependent on people for food and shelter.

Pet shop means any person, partnership, or corporation, whether operated separately or in connection with another business enterprise (except for a licensed kennel), that buys, sells, or boards any species of animal.

Public nuisance means any animal or animals that unreasonably annoy humans, endanger the life or health of other animals or persons, or substantially interfere with the rights of citizens, other than their owners, to enjoyment of life or property. The term "public nuisance animal" shall mean and include, but is not limited to, any animal that:

(1) Is repeatedly found at large;

(2) Damages the property of anyone other than its owner;

(3) Molests or intimidates pedestrians or passersby;

(4) Chases vehicles;

(5) Excessively makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;

(6) Causes fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;

(7) Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored;

(8) Is offensive or dangerous to the public health, safety, or welfare by virtue of the number and/or types of animals maintained;

(9) Attacks other domestic animals; or

(10) Has been found by the animal control officer, after notice to its owner and a hearing, to be a public nuisance animal by virtue of being a menace to the public health, welfare, or safety.

Reasonable control means the keeping of an animal on one's own premises by training, or by a leash, fence or other physical restraint; or the keeping of an animal off one's own premises under one's direct oral control or on a suitable leash or the confinement of an animal in a vehicle, cage or other enclosure.

Restraint means any animal secured by a leash or lead under the control of a responsible person and obedient to that person's commands, or within the real property limits of its owner.

Veterinary hospital means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis, and treatment of diseases and injuries of animals.

Vicious animal means any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals.

Wild animal means any living member of the animal kingdom, including those born or raised in captivity, except the following: human beings, domestic dogs, (excluding hybrids with wolves, coyotes or jackals), domestic cats (excluding hybrids with ocelots or margays), farm animals, rodents, any hybrid animal that is part wild, and captive-bred species of common cage birds.

Zoological park means any facility operated by a person, partnership, corporation, or government agency, other than a pet shop or kennel, displaying or exhibiting one or more species of nondomesticated animals.
(Comp. Ords. 1987, § 35.252)

Sec. 4-32. Animal control officers established; duty.

(a) *Established.* The office of animal control officer is hereby established in the police department of the city.

(b) *Officers designated.* The chief of police shall be the animal control officer, and every police officer shall be a deputy animal control officer. The chief of police may appoint additional persons as needed to serve as deputy animal control officers under this article. Animal control officers shall have the powers and authority of the animal control officer under this article, except as limited by him.

(c) *Duty to enforce article.* It shall be the duty of the animal control officer to enforce all of the provisions of this article.
(Comp. Ords. 1987, § 35.253)

Sec. 4-33. Permits.

(a) No person, partnership, or corporation shall operate a commercial animal establishment or animal shelter without first obtaining a permit in compliance with this section.

(b) The city clerk shall determine whether all regulations for the issuance of permits are met and shall determine that the requirements for humane care of all animals and for compliance with the provisions of this article, the zoning provisions set out in chapter 38, and other applicable state and county laws are met.

(c) When a permit applicant has shown that he is willing and able to comply with the regulations herein as determined by the city clerk, a permit shall be issued upon payment of the applicable fee.

(d) The permit period shall begin with the fiscal year and shall run for one year. Renewal applications for permits shall be made 30 days prior to, and up to 60 days after, the start of the fiscal year. Applications for a permit to establish a

new commercial animal establishment under the provisions of this article may be made at any time.

(e) If there is a change to ownership of a commercial establishment, the new owner may have the current period transferred to his name upon payment of a transfer fee as currently established or as hereafter adopted by resolution of the city council from time to time.

(f) No person shall train any dog to be used as a guard or sentry dog without possessing a valid license. This section shall not apply to the state/ city/county government or any of its agencies. The application for a guard or sentry dog training license shall state the name and address of the owner and trainer, location of the facility, and the maximum number of dogs to be housed at the training facility.

(g) Animal permits shall be issued upon payment of the applicable fee as currently established or as hereafter adopted by resolution of the city council from time to time.

(h) Every facility regulated by this article shall be considered a separate enterprise requiring an individual permit.

(i) Persons operating kennels for the breeding of dogs or cats may elect to license such animals individually.

(j) No fee may be required of any veterinary hospital, animal shelter, or government-operated zoological park.

(k) Failure to obtain a permit before opening any facility covered in this section shall result in a fine of $200.00.

(l) Any persons who has a change in the category under which a permit was issued shall be subject to reclassification and readjustment of the permit fee.
(Comp. Ords. 1987, § 35.255)

Sec. 4-34. License and permit issuance and revocation.

(a) After an application is filed, the animal control officer shall inspect the facility before issuing the permit. The animal control officer may revoke any permit or license if the person holding the permit or license refuses or fails to comply with this article, or any law governing the protection and keeping of animals.

(b) Any person whose permit or license is revoked shall, within ten days thereafter, humanely dispose of all animals owned, kept or harbored. No part of the permit or license fee shall be refunded.

(c) It shall be a condition of the issuance of any permit or license that the animal control officer shall be permitted to inspect all animals on the premises where animals are kept at any time and shall, if permission for such inspection is refused, revoke the permit or license of the refusing owner.

(d) If the applicant has withheld or falsified any information on the application, the city clerk shall refuse to issue a permit or license.

(e) No person who has been convicted of cruelty to animals shall be issued a permit or license to operate a commercial animal establishment.

(f) Any person having been denied a license or permit may not reapply for a period of 30 days. Each reapplication shall be accompanied by a fee as currently established or as hereafter adopted by resolution of the city council from time to time.
(Comp. Ords. 1987, § 35.256)

Sec. 4-35. Restraint.

(a) It shall be unlawful for the owner of any dog, cat or other animal in the city to allow such animal to stray beyond the premises of such owner unless such animal is under such owner's reasonable control.

(b) All dogs shall be kept under restraint.

(c) No owner shall fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance.

(d) Every female dog or cat in heat shall be confined in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding.

(e) Every vicious animal, as determined by the animal control officer, shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.

(f) It shall be unlawful for any person to own a dog which by loud or frequent or habitual barking, yelping or howling shall cause a serious annoyance to the neighborhood, or to people passing by upon the sidewalks or streets.
(Comp. Ords. 1987, § 35.257)

Sec. 4-36. Animal care.

(a) No owner shall fail to provide his animals with sufficient wholesome and nutritious food, water in sufficient quantities, proper air, shelter space and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment.

(b) No person shall beat, cruelly ill-treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans.

(c) No owner of an animal shall abandon such animal.

(d) Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner; in the event the owner cannot be ascertained and located, such operator shall at once report the accident to the appropriate law enforcement agency or to the local humane society.

(e) No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be eaten by any animal, provided that it shall not be unlawful for a person to expose on his own property common rat poison mixed only with vegetable substance.
(Comp. Ords. 1987, § 35.259)

Sec. 4-37. Control of rabies.

(a) It shall be unlawful for any person to own any dog, cat or other animal which is afflicted with rabies, or has been bitten by any other animal known to have been afflicted with rabies.

(b) Any person who owns any dog, cat or other animal shall immediately notify the police department or health department, and upon the demand of any animal control officer, police officer or health officer shall produce and surrender such animal to such officer, whenever any of the following conditions exist:

(1) Such animal has contracted rabies or is suspected of having contracted rabies;

(2) Such animal is known to have been bitten by any other animal which is known to have rabies or suspected of having rabies.

(3) Such animal has bitten any person.

(c) It shall be the duty of every person, whether owner or not, to report any dog, cat or other animal to the police department or health department whenever such animal is known or suspected to be involved in any of the three conditions described in subsection (b) of this section.

(d) Whenever any dog, cat or other animal is reported to be involved in any of the three conditions described in subsection (b) of this section, it shall be the duty of any animal control officer or any police officer to notify the county animal control officer to confine or cause to be confined such animal in the county animal shelter if suitable, or with a licensed veterinarian, for a period of at least ten days for the purpose of ascertaining whether such animal is afflicted with rabies. If such animal is afflicted with rabies, it shall be destroyed under the direction of the animal control officer. If such dog is not so afflicted, it may be returned to such owner as hereinafter provided. In the event any such animal is confined under provisions of this section, the owner thereof shall be liable for any fees and costs which accrued from such confinement, and for licensing and vaccination fees if required by any ordinance or statute, prior to the return of such animal to such owner.
(Comp. Ords. 1987, § 35.260)

Sec. 4-38. Keeping of wild animals.

(a) No person shall own, possess, or have custody on his premises any wild or vicious animal for display, training, or exhibition purposes, whether gratuitous or for a fee. This section shall

not be construed to apply to American Association of Zoological Parks and Aquariums accredited facilities.

(b) No person shall keep or permit to be kept any wild animal as a pet.

(c) The animal control officer shall have the power to release or order the release of any infant wild animal under temporary permit that is deemed capable of survival.
(Comp. Ords. 1987, § 35.261)

Sec. 4-39. Animal waste.

The owner of every animal shall be responsible for the removal of any excreta deposited by his animal on public walks, recreation areas, or private property.
(Comp. Ords. 1987, § 35.262)

Sec. 4-40. Article not permissive.

Nothing contained in this article shall be construed to permit or encourage the owning or keeping of any species of animal prohibited by any other ordinance or statute, or the owning, keeping, housing, using or treating of any animal in any manner prohibited by any other ordinance or statute.
(Comp. Ords. 1987, § 35.263)

Sec. 4-41. Enforcement.

The civil and criminal provisions of this article shall be enforced by those persons or agencies designated by municipal authority. It shall be a violation of this article to interfere with an animal control officer in the performance of his duties.
(Comp. Ords. 1987, § 35.264)

Sec. 4-42. Penalties.

(a) Any person violating any provisions of this article shall be deemed guilty of a municipal civil infraction

(b) If a violation continues, each day's violation shall be deemed a separate violation. If a person is found guilty by a court of violating section 4-36, his permit to own, keep, harbor, or have custody of animals shall be deemed automatically revoked and no new permit may be issued.
(Comp. Ords. 1987, § 35.265)

Secs. 4-43—4-70. Reserved.

ARTICLE III. HORSES

Sec. 4-71. Traffic rules and regulations.

Persons riding or driving horses on the public streets of the city shall be bound by all traffic laws, rules and regulations and by the directions of traffic signal devices and traffic signs the same as motor vehicle drivers.
(Comp. Ords. 1987, § 35.301)

Sec. 4-72. Use on property not dedicated for roadway or bridle path purposes.

The driving or riding of horses on private property or on sidewalks or other property not dedicated for roadway or bridle path purposes is prohibited.
(Comp. Ords. 1987, § 35.302)

Sec. 4-73. Racing; riding more than two abreast; riding on state street.

Speed racing on the streets of the city is prohibited and riding horses more than two abreast is prohibited. Horseback riding on State Street is prohibited unless written permission is first obtained from the chief of police.
(Comp. Ords. 1987, § 35.303)

Sec. 4-74. Throwing missile at horse or rider; mistreatment.

It shall be unlawful for any person to throw a rock or other missile at a horse or its rider. It shall be unlawful for the keeper of a horse or other riding animal, or for any other person, to abuse, mistreat or be cruel to such animal.
(Comp. Ords. 1987, § 35.304)

Sec. 4-75. Keeping within city.

No horses, mules or ponies shall be stabled or kept for any period of time, or pastured or tethered for a period longer than two hours, in the city except:

(1) In outlying districts where there are no more than two residences other than that

occupied by the owner and that such residences are not within a distance of 500 feet from the building housing such animal, or

(2) Unless a special permit is granted by the city council upon recommendation by the city health officer or his representative, that such animal can be kept under conditions that will not create a nuisance.

(Comp. Ords. 1987, § 35.305)

Sec. 4-76. Special permits.

(a) Special permits shall be granted only when all of the following conditions occur:

(1) There is no occupied residence other than the one owned or occupied by the owner or keeper of such animals within 500 feet of the building where such animals are kept.

(2) Such animal or animals were kept prior to the ordinance from whichthis article is derived and there has been no increase in the number of animals kept since the enactment of the ordinance from which this article is derived.

(3) There were no more than two occupied residences within 500 feet of the structure housing such animals at the time the keeping of such animals began but additional residences within 500 feet may have since been built.

(4) All persons owning or residing in occupied residences within 500 feet of the structure housing such animals shall sign written approval of such special permit.

(b) A fee as currently established or as hereafter adopted by resolution of the city council from time to time shall be charged for each permit and all special permits shall expire on December 31 of each year; provided, however, in the case of a resident of the city such permit may be renewed from year to year without additional charge until such special permit is revoked or the animal ceases to remain in the city.

(Comp. Ords. 1987, § 35.306)

Sec. 4-77. Applications for licenses and permits.

Applications for all licenses and permits required by this section shall be on forms furnished by the city clerk; shall give the name and address of the owner or owners applying for same; shall give the name and description of each horse owned or kept, boarded or in training by the applicant; shall give a description of the structure in which such horses or other animals shall be housed; what sanitary facilities are available and what receptacles will be used for the manure.

(Comp. Ords. 1987, § 35.307)

Sec. 4-78. Suspension or revocation of license or permit.

Any licenses or permits issued under this article shall be subject to suspension or revocation upon any violation of this article. The city health officer, city building inspector or the chief of police shall have power to summarily suspend any license or permit for a period not to exceed ten days. The city council shall have the power to revoke any license or permit granted hereunder upon any violation of the terms of this article or upon the showing that the keeping of such animals constitutes a public nuisance. No license or permit shall be permanently revoked without giving the licensee at least 48 hours' notice and an opportunity for a hearing before the city council.

(Comp. Ords. 1987, § 35.308)

Sec. 4-79. Penalty.

The violation of the terms of this article shall be deemed a public nuisance and may be abated by the city. Further, any violation of the terms of this article shall be deemed a municipal civil infraction.

(Comp. Ords. 1987, § 35.309)

Chapter 5

RESERVED

6
Buildings and Building Regulations

Chapter 6

BUILDINGS AND BUILDING REGULATIONS

Article I. In General

Secs. 6-1—6-30. Reserved.

Article II. Stille-Derossett Hale Single State Construction Code

Sec. 6-31. Enforcing agency designated.
Secs. 6-32—6-60. Reserved.

Article III. Property Maintenance Code

Sec. 6-61. Adoption of International Property Maintenance Code
Sec. 6-62. Additions, insertions and changes.
Sec. 6-63. Scope.
Sec. 6-64. Registration and inspection.
Sec. 6-65. Certificate applications.
Sec. 6-66. Temporary certificate.
Sec. 6-67. Fees.
Sec. 6-68. Enforcement by authorized city official.
Secs. 6-69—6-100. Reserved.

Article IV. Dangerous Buildings

Sec. 6-101. Definitions.
Sec. 6-102. Prohibition of dangerous buildings.
Sec. 6-103. Standards for repair, alteration, vacation or demolition.
Sec. 6-104. Duties of building inspector regarding inspection.
Sec. 6-105. Duties of building inspector regarding notice to abate.
Sec. 6-106. Dangerous building hearing procedure.
Sec. 6-107. Procedure for noncompliance.
Sec. 6-108. Emergency cases.
Sec. 6-109. Implementation and enforcement of remedies.
Sec. 6-110. Administrative liability.
Sec. 6-111. Violations; penalty for disregarding notices or orders.
Sec. 6-112. Enforcement by authorized city official.
Sec. 6-113. Appeal of city council decision.

ARTICLE I. IN GENERAL

Secs. 6-1—6-30. Reserved.

ARTICLE II. STILLE-DEROSSETT HALE SINGLE STATE CONSTRUCTION CODE*

Sec. 6-31. Enforcing agency designated.

Pursuant to Section 8b(6) of the Stille-DeRossett Hale Single State Construction Code Act, 1972 PA 230, MCL 125.1508b(6), the City of St. Ignace hereby elects to administer and enforce the 1972 PA 230 and the Michigan Building Code. The City of St. Ignace shall also administer and enforce the respective provisions of the Michigan Residential, Rehabilitation, and Uniform Energy Codes and all applicable laws and ordinances. A government official registered in accordance with 1986 PA 54 shall be appointed to receive all fees, issue permits, plan reviews, notices, orders, and certificates of use and occupancy. All personnel performing plan reviews and inspections shall be registered in accordance with 1986 PA 54.
(Ord. No. 633, § 1, 1-16-2012)

Secs. 6-32—6-60. Reserved.

ARTICLE III. PROPERTY MAINTENANCE CODE

Sec. 6-61. Adoption of International Property Maintenance Code

The International Property Maintenance Code, 2003 edition, as published by the International Code Council, is hereby adopted as the property maintenance code of the city for the control of buildings and structures as herein provided, and each and all regulations, provisions, penalties, conditions and terms of such property maintenance code are hereby referred to, adopted and made a part hereof, as if fully set out in this article, with the additions, insertions, deletions and changes prescribed herein.
(Comp. Ords. 1987, § 40.152)

Sec. 6-62. Additions, insertions and changes.

The International Property Maintenance Code adopted in section 6-61 is amended and revised in the following respects:

Section 106.4 Penalty: Any person, firm or corporation who shall violate any provision of this code shall be guilty of a municipal civil infraction.

Section 111.2 Membership: The St. Ignace Board of Zoning Appeals will act as the code appeals board.

Section 111.2.1: This section is deleted

Section 304.14 Insect screens: During the period from May 1 to September 30, every door, window and other outside opening utilized or required for ventilation purposes serving any structure containing habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch and every swinging door shall have a self-closing device in good working condition.

Exception: Screen doors shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

Section 602.3 Heat supply: Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either express or implied, to furnish heat to the occupants thereof shall supply sufficient heat during the period from September 1 to June 1 to maintain the room temperatures specified in section 602.2 during the hours between 6:30

***Editor's note**—Ord. No. 626, adopted May 16, 2011, repealed Ch. 6, Art. II, §§ 6-31—6-34, in its entirety. Ord. No. 633, § 1, adopted Jan. 16, 2012, enacted new provisions which did not specifically amend the Code, hence inclusion as § 6-31, was at the discretion of the editor.

Note—Pursuant to the provisions of Section 8b(7) of the State Construction Code Act of 1972, as amended, the City of St. Ignace hereby transfers responsibility for the administration and enforcement of its building provisions to the Bureau of Construction Codes.

State law reference—Single state construction code, MCL 125.1501 et seq.

a.m. and 10:30 p.m. of each day and not less than 60 degrees F (16 degrees C) during other hours.

Section 602.4 Nonresidential structures: Every enclosed occupied work space shall be supplied with sufficient heat during the period from October 1 to May 1 to maintain a temperature of not less than 65 degrees F (18 degrees C) during all working hours.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.

2. Areas in which persons are primarily engaged in vigorous physical activities.

Section 702.5: Every sleeping room located below the fourth story shall have at least one openable window or exterior door approved for emergency egress or rescue or shall have access to not less than two approved independent exits.

Exception: Buildings equipped throughout with a complete automatic fire suppression system.

Section 704.3 Power source: In Group R occupancies and in dwellings not regulated as Group R occupancies, single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for over current protection.

Exception: Smoke alarms are permitted to be solely battery operated in buildings where no construction is taking place, buildings that are not served from a commercial power source and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for building wiring without the removal of interior finishes. The battery shall be a non-rechargeable battery that is capable of operating the smoke alarm in the normal condition for a life of five (5) years.

(Comp. Ords. 1987, § 40.153; Ord. No. 631, § II, 8-1-2011)

Sec. 6-63. Scope.

(a) *Generally.* The International Property Maintenance Code shall apply to any dwelling or part thereof which is occupied by a person pursuant to an oral or written rental agreement for monetary compensation. These shall include, but not be limited to, single-family dwellings, two-family dwellings, multiple-family dwellings, roominghouses and boardinghouses.

(b) *Exceptions.* The International Property Maintenance Code shall not apply to:

(1) Multifamily apartment complexes, as long as they remain under the jurisdiction of and/or a financial obligation is owed to an agency such as HUD, MSHDA and FHA.

(2) Transient rental dwelling units such as hotels, motels and bed and breakfast.

(Comp. Ords. 1987, § 40.154)

Sec. 6-64. Registration and inspection.

(a) All buildings or structures within the scope of International Property Maintenance Code shall be registered with the building department within 45 days of the effective date of the ordinance from which this article is derived.

(b) Failure to register as required by this section shall result in a fine of not more than $500.00 in addition to the initial fee.

(c) The building official or his designee shall make an appointment in writing for inspection of the rental dwelling unit within 20 working days of filing for registration by the owner or his agent or expiration of the housing maintenance certificate. The owner/agent must give at least a 24-hour notice, with an alternate date and time, to change the appointment.

(d) The building official or his designee shall inspect each unit registered and shall issue a housing maintenance certificate provided that provisions of this Code are complied with.

(1) If violations are found, a certificate will not be issued and the owner shall have 30 days to correct said violations. Any follow-up inspections, due to uncorrected violations or appointments missed by the owner/agent, may be charged a fee as currently established or as hereafter adopted by resolution of the city council from time to time. A time extension may be granted by the building official or board of zoning appeals upon evidence of extenuating circumstances. Less time to enforce a violation may be imposed by the building official to correct a life-threatening or health-threatening situation.

(2) If the violations are not corrected upon the time of the follow-up inspection, the owner shall be then given ten more days for corrective action and each follow-up inspection shall be charged to the owner a cost as currently established or as hereafter adopted by resolution of the city council from time to time per inspection.

(3) Violations not corrected within 45 days from date of initial inspection may be corrected by the city and the cost may be assessed against the property.

(Comp. Ords. 1987, § 40.155)

Sec. 6-65. Certificate applications.

(a) No person shall occupy buildings covered by the International Property Maintenance Code unless a current unrevoked housing maintenance certificate has been issued by the building official or his designee for the specific named dwelling.

(b) No person shall operate or permit occupancy of buildings covered by the International Property Maintenance Code unless a current, unrevoked housing maintenance certificate has been issued by the building official or his designee in said person's name for the specific named dwelling.

(c) The following shall apply to the issuance of any housing maintenance certificate:

(1) Application for a housing maintenance certificate or for renewal shall be made in writing to the building official on forms furnished by the building inspection department and shall be accompanied by a fee as published.

a. If, after inspection, the dwelling is found to be in accordance with all the provisions of the International Property Maintenance Code, a certificate will be issued.

b. Housing maintenance certificates shall be for a period of six years from the date of issuance unless otherwise revoked, and may be renewed upon compliance with the International Property Maintenance Code for successive periods of six years. Inspections shall only be required when adding a new rental or upon valid complaint.

c. Interim inspections may be conducted by the building inspector pursuant to section 104.4 of the International Property Maintenance Code.

(2) Application for a housing maintenance certificate shall be made by the owner and shall be issued in the applicant's name. The building official shall not issue a certificate when the existing conditions constitute a hazard to the health, safety, or welfare of those who may occupy the premises or where the existing conditions are a hazard to the health, safety, or welfare of the community.

(3) Applicants shall designate in writing, with each application or renewal, an agent upon whom service of notice under the International Property Maintenance Code and service or process for violation of the International Property Maintenance Code may be made in the absence of the owner. This designated agent must give written approval for the use of his name as the designated agent.

(4) Each certificate shall be kept by the owner or the designated agent. No certificate is transferable to another dwelling, and each person issued a housing certificate shall give notice in writing to the building official within 24 hours after having transferred or otherwise disposed of legal control of any licensed dwelling. Such notice shall include the name and address of persons succeeding to the ownership or control of such dwelling, and to whom the certificate is to be transferred. Within ten days of any transfer or ownership, the assignee shall comply with the International Property Maintenance Code.

(5) Every person holding a housing maintenance certificate shall keep or have records of all written requests for repair and complaints by tenants which are related to the provisions. Such records shall be available to the building official for inspection and copy on request.

(6) A record of all housing maintenance certificates issued shall be kept on file in the office of the building official, and copies will be furnished upon request and payment of a fee as currently established or as hereafter adopted by resolution of the city council from time to time for each certificate copy.

(Comp. Ords. 1987, § 40.156; Ord. No. 631, § I, 8-1-2011)

Sec. 6-66. Temporary certificate.

The building official may issue a temporary housing maintenance certificate for all or part of a building in the process of erection, alteration or in the process of correcting nonhealth/life threatening violations of a building or part thereof to be occupied. No temporary housing maintenance certificates may be issued for longer than six months, and no temporary housing certificates shall be effective more than five days after erection or alternation of the building is completed.
(Comp. Ords. 1987, § 40.157)

Sec. 6-67. Fees.

Housing maintenance certificate fees shall be set by resolution of the city council, and kept at the office of the building inspector.
(Comp. Ords. 1987, § 40.158)

Sec. 6-68. Enforcement by authorized city official.

Either the building inspector and/or city police are hereby designated as the authorized city official to issue municipal civil infraction citations (directing alleged violators to appear in court) or a municipal civil infraction violation under this article.
(Comp. Ords. 1987, § 40.161)

Secs. 6-69—6-100. Reserved.

ARTICLE IV. DANGEROUS BUILDINGS*

Sec. 6-101. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Dangerous building means any building or structure, residential or otherwise, that has one or more of the following defects or is in one or more of the following conditions:

(1) A door, aisle, passageway, stairway or other means of exit does not conform to the city fire code or single state construction code.

(2) A portion of the building or structure is damaged by fire, wind, flood or other cause so that the structural strength or stability of the building or structure is appreciably less than it was before the catastrophe and does not meet the minimum requirements of the Housing Law of the State of Michigan, Public Act No. 167 of 1917 (MCL 125.401 et seq.) or single state construction code for a new building or structure, purpose or location.

***State law reference**—Similar provisions, MCL 125.538 et seq.

(3) A part of the building or structure is likely to fall, become detached or dislodged, or collapse, and injure persons or damage property.

(4) A portion of the building or structure has settled to such an extent that walls or other structural portions of the building or structure have materially less resistance to wind than is required in the case of new construction by the Housing Law of the State of Michigan, Public Act No. 167 of 1917 (MCL 125.401 et seq.) or the single state construction code.

(5) The building or structure, or a part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, or the removal or movement of some portion of the ground necessary for the support, or for other reason is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fall or give way.

(6) The building or structure, or a part of the building or structure, is manifestly unsafe for the purpose for which it is used.

(7) The building or structure is damaged by fire, wind or flood, or is dilapidated or deteriorated and becomes an attractive nuisance to children who might play in the building or structure to their danger, or becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful or immoral act.

(8) A building or structure used for, or intended to be used for dwelling purposes, including the adjoining grounds, because of dilapidation, decay, damage, faulty construction or arrangement, or otherwise, is unsanitary or unfit for human habitation, is in a condition that the health officer of the county determines is likely to cause sickness or disease, or is likely to injure the health, safety or general welfare of people living in the dwelling.

(9) A building or structure is vacant, dilapidated and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.

(10) Those buildings which exist in violation of any provision of any ordinance or code of the city.

(11) A building or structure remains unoccupied for a period of 180 consecutive days or longer, and is not listed as being available for sale, lease or rent with a real estate broker licensed under article 25 of the Occupational Code, Public Act No. 299 of 1980 (MCL 339.2501 et seq.), or is not publicly offered for sale by the owner. This subdivision does not apply to either of the following:

a. A building or structure as to which the owner or agent does both of the following:

1. Notifies the city police department that the building or structure will remain unoccupied for a period of 180 consecutive days. The notice shall be given by the owner or agent not more than 30 days after the building or structure became occupied.

2. Maintain the exterior of the building or structure and adjoining grounds in accordance with this article and the Housing Law of the State of Michigan, Public Act No. 167 of 1917 (MCL 125.401 et seq.), or the single state construction code.

b. A secondary dwelling of the owner that is regularly unoccupied for a period of 180 days or longer each year, if the owner notifies the city police department that the dwelling will remain unoccupied for a period of 180 consecutive days or more each year. An owner who has given the notice prescribed by this subsection shall notify the city police department not more than 30 days after the dwelling no longer qualifies for this exception. As used in this subsection, the term "secondary dwelling" means a dwelling such as a vacation home, or summer home, that is occupied by the owner or a member of the owner's family during part of the year.

Enforcing agency means this city, through the city building official and/or such other official or agency as may be designated by the city council to enforce this article.
(Comp. Ords. 1987, § 40.052)

Sec. 6-102. Prohibition of dangerous buildings.

It shall be unlawful for any owner or agent thereof to keep or maintain any building or part thereof which is a dangerous building as defined in this article.
(Comp. Ords. 1987, § 40.053)

Sec. 6-103. Standards for repair, alteration, vacation or demolition.

The following standards shall be followed in substance by the building inspector and the city council in ordering repair, alteration, vacation, or demolition:

(1) If the dangerous building can reasonably be repaired or altered so that it will no longer exist in violation of the terms of this article, it shall be ordered repaired or altered.

(2) If the dangerous building is in such condition as to make it dangerous to the

health, morals, safety, or general welfare of its occupants, it shall be ordered to be vacated.

(3) In any case where a dangerous building is at least 50 percent damaged or decayed, or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building cannot be repaired or altered so that it will no longer exist in violation of the terms of this article, it shall be demolished. In all cases where a dangerous building is a fire hazard existing or erected in violation of the terms of this article or any ordinance or code of the city or statute of the state, it shall be demolished.

(Comp. Ords. 1987, § 40.054)

Sec. 6-104. Duties of building inspector regarding inspection.

The building inspector shall:

(1) Inspect or cause to be inspected any building or other structure which in his opinion probably is existing in violation of the terms of this article, or about which a complaint is filed by any person to the effect that a building or other structure is or may be existing in violation of this article, or which is reported by the city fire or police department or the county health department as probably existing in violation of the terms of this article.

(2) Determine for each inspection required, within the standards of section 6-101, whether or not a violation in fact exists, and make a written record of such determination.

(Comp. Ords. 1987, § 40.055)

Sec. 6-105. Duties of building inspector regarding notice to abate.

Whenever the building inspector determines that a dangerous building exists within the standards of section 6-101, the following action shall be taken by the building inspector:

(1) Notify in writing by certified mail or personal service the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in said building as shown by the land records of the county recorder of deeds of any building found by him to be a dangerous building within the standards set forth in section 6-101, that: (i) the owner must vacate, or repair, or alter, or demolish said building in accordance with the terms of the notice and this article; (ii) the occupant or lessee must vacate said building or may have it repaired in accordance with the notice and remain in possession; (iii) the mortgagee, agent or other persons having an interest in said building as shown by the land records of the county recorder of deeds may at his own risk repair, alter, vacate, or demolish said building or have such work, or act done.

(2) Set forth, in the notice provided for in subsection (1) of this section, a description of the building, or structure deemed unsafe, a statement of the particulars which make the building or structure a dangerous building and an order requiring the same to be put in such condition as to comply with the terms of this article within such length of time, not exceeding 30 days, as is reasonable; provided, that the building inspector may grant one or more extensions of time for compliance with said notice, upon request from the owner, occupant, lessee, mortgagee, agent or other person or persons having an interest in said building, when in the opinion of the building inspector the need for such extension is justified by circumstances beyond the control of said interested person or persons, the total of all such extensions not to exceed 60 days.

(3) Place a notice on all dangerous buildings reading as follows: "This building has been found to be a dangerous building by the building inspector. This notice is to remain on this building until it is repaired, vacated, or demolished in accordance with the notice which has been given the owner, occupant, lessee, mortgagee, or agent of this building, and all

other persons having an interest in said building as shown by the land records of the Recorder of Deeds of the County of Mackinac. It is unlawful to remove this notice until such notice is complied with."

(4) Report to the city council any noncompliance with the notice provided for in subsections (1), (2), and (3) of this section.

(5) Appear at all hearings conducted by the city council, and testify as to the condition of dangerous buildings.

(Comp. Ords. 1987, § 40.056)

Sec. 6-106. Dangerous building hearing procedure.

The city council shall be authorized to conduct all required hearings and make all determinations necessary to comply with this article, following the procedures of section 6-107.
(Comp. Ords. 1987, § 40.057)

Sec. 6-107. Procedure for noncompliance.

Upon receipt of a report from the building inspector as provided herein in section 6-105(4), the city council shall:

(1) Give written notice by certified mail or personal service to the owner, occupant, mortgagee, lessee, agent, and all other persons having an interest in said building as shown by land records of the county recorder of deeds to appear before the council on the date specified in the notice to show cause why the building or structure reported to be a dangerous building should not be repaired, altered, vacated, or demolished in accordance with the statement of particulars set forth in the building inspector's notice provided for herein in section 6-105; said notice of hearing to be mailed at least ten days prior to the date of said hearing.

(2) Hold a hearing and hear such testimony as the building inspector and the owner, occupant, mortgagee, lessee, or any other person having an interest in said building as shown by the land records of the county shall offer relative to the dangerous building, as well as testimony from other citizens affected by said dangerous building.

(3) Make written findings of fact from the testimony offered pursuant to subsection (2) of this section as to whether or not the building in question is a dangerous building within the terms of section 6-101.

(4) Issue an order based upon findings of fact made pursuant to subsection (3) of this section commanding the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building, as shown by the land records of the county recorder of deeds, to repair, alter, vacate or demolish any building found to be a dangerous building within the terms of this article, and provided that any person so notified, except the owners, shall have the privilege of either vacating or repairing said dangerous building; or any person not the owner of said dangerous building but having an interest in said building as shown by the land records of the county recorder of deeds may repair, alter or demolish said dangerous building at his own risk to prevent the acquiring of a lien against the land upon which said dangerous building stands by the city as provided in subsection (5) of this section.

(5) Provide in said order that if the owner, occupant, mortgagee or lessee fails to comply with the order as provided in subsection (4) of this section within 30 days, the city shall cause such dangerous building to be repaired, altered, vacated or demolished as the facts may warrant, under the standards provided in section 6-101, and shall cause the costs of such repair, alteration, vacation or demolition to be charged, by special assessment in accordance with the provisions of the city Charter, against the property on which said dangerous building existed; provided, that in lieu of said special assessment, or as an additional remedy, the city may bring a personal action against the owner or owners of said premises to recover the cost of such repair, alteration or demolition; and pro-

vided further, that in cases where such procedure is desirable and any delay caused will not be dangerous to the health, morals, safety or general welfare of the people of the city, the city council may direct the city attorney to take legal action to force the owner or owners to make all necessary repairs or alterations or demolish the building.

(Comp. Ords. 1987, § 40.058)

Sec. 6-108. Emergency cases.

Notwithstanding the provisions of section 6-105 and section 6-106, in cases where it reasonably appears that there is immediate danger to the life or safety of any person unless a dangerous building as defined herein is immediately repaired, altered, vacated, or demolished, the building inspector shall report such facts to the city council, which shall cause the immediate repair, vacation, or demolition of such dangerous building. The costs of such emergency repair, vacation or demolition of such dangerous building shall be collected in the same manner as provided in section 6-107.

(Comp. Ords. 1987, § 40.059)

Sec. 6-109. Implementation and enforcement of remedies.

(a) *Implementation of order by city.* In the event of the failure or refusal of the owner or party in interest to comply with the decision of the city council, the city council may, in its discretion, contract for the demolition, making safe or maintaining the exterior of the building or structure or grounds adjoining the building or structure.

(b) *Reimbursement of costs.* The costs of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure incurred by the city to bring the property into conformance with this article shall be reimbursed to the city by the owner or party in interest in whose name the property appears.

(c) *Notice of costs.* The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified by the city clerk of the amount of the costs of the demolition, or making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure, by first class mail at the address shown on the city records.

(d) *Lien for unpaid costs.* If the owner or party in interest fails to pay the costs within 30 days after mailing by the clerk of the notice of the amount of the cost, in the case of a single-family dwelling or a two-family dwelling, the city shall have a lien for the costs incurred by the city to bring the property into conformance with this article. The lien shall not take effect until notice of the lien has been filed or recorded as provided by law. A lien provided for in this subsection does not have a priority over previously filed or recorded liens and encumbrances. The lien for the costs shall be collected and treated in the same manner as provided for property tax liens under the General Property Tax Act, Public Act No. 206 of 1893 (MCL 211.1 et seq.).

(e) *Court judgement for unpaid costs.* In addition to other remedies under this article, the city may bring an action against the owner of the building or structure for the full cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure. In the case of a single-family dwelling or a two-family dwelling, the city shall have a lien on the property for the amount of a judgement obtained pursuant to this subsection. The lien provided for in this subsection shall not take effect until notice of the lien is filed and recorded as provided by law. The lien does not have a priority over prior filed or recorded liens and encumbrances.

(f) *Enforcement of judgement.* A judgement in an action brought pursuant to this section may be enforced against assets of the owner rather than the building or structure.

(g) *Lien for judgement amount.* In the case of a single-family dwelling or a two-family dwelling, the city shall have a lien for the amount of a judgement obtained pursuant to this section against the owner's interest in all real property located in this state that is owned in whole or in part by the

owner of the building or structure against which the judgement is obtained. A lien provided for in this subsection does not take effect until notice of the lien is filed or recorded as provided by law, and the lien does not have priority over prior filed or recorded liens and encumbrances.
(Comp. Ords. 1987, § 40.060)

Sec. 6-110. Administrative liability.

No officer, agent, or employee of the city shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this article. Any suit brought against any officer, agent, or employee of the city as a result of any act required or permitted in the discharge of his duties under this article shall be defended by the city attorney until the final determination of the proceedings therein.
(Comp. Ords. 1987, § 40.061)

Sec. 6-111. Violations; penalty for disregarding notices or orders.

(a) The owner of any dangerous building who shall fail to comply with any notice or order to repair, alter, vacate, or demolish said building shall be guilty of a municipal civil infraction.

(b) The occupant or lessee in possession who fails to comply with any notice to vacate or who fails to repair or alter said building in accordance with any notice given as provided for in this article shall be guilty of a municipal civil infraction.

(c) Any person removing the notice provided for in section 6-105(3) shall be guilty of a municipal civil infraction.
(Comp. Ords. 1987, § 40.062)

Sec. 6-112. Enforcement by authorized city official.

Either the building inspector and/or city police are hereby designated as the authorized city official to issue municipal civil infraction citations (directing alleged violators to appear in court) or a municipal civil infraction violation under this article.
(Comp. Ords. 1987, § 40.067)

Sec. 6-113. Appeal of city council decision.

An owner aggrieved by any final decision or order of the city council under this article may appeal the decision or order to the circuit court by filing a petition for an order of superintending control within 20 days from the date of the decision.
(Comp. Ords. 1987, § 40.063)

Chapter 7

BUSINESSES

Article I. In General

Secs. 7-1—7-30. Reserved.

Article II. Marihuana Establishments

Sec. 7-31. Prohibition.

ARTICLE I. IN GENERAL

Secs. 7-1—7-30. Reserved.

ARTICLE II. MARIHUANA ESTABLISHMENTS

Sec. 7-31. Marihuana establishments prohibited.

Pursuant to the Michigan Regulation and Taxation of Marihuana Act, Section 6.1, the city elects to prohibit marihuana establishments within its borders.
(Ord. No. 648, § 1, 12-17-2018)

8
Cemeteries

Chapter 8

CEMETERIES*

Sec. 8-1. Definitions.
Sec. 8-2. Cemetery grounds conduct.
Sec. 8-3. Sale of lots or burial spaces.
Sec. 8-4. Purchase price and transfer fees.
Sec. 8-5. Grave opening and closing charges.
Sec. 8-6. Markers and memorials.
Sec. 8-7. Interment regulations.
Sec. 8-8. Ground maintenance.
Sec. 8-9. Forfeiture of vacant cemetery lots or burial spaces.
Sec. 8-10. Repurchase of lots or burial spaces.
Sec. 8-11. Records.
Sec. 8-12. Vault.
Sec. 8-13. Exceptions.
Sec. 8-14. Penalties.
Sec. 8-15. Attorney fees.
Sec. 8-16. Amendment.

*__State law references__—Authority to acquire and maintain cemeteries, MCL 128.1 et seq.; permit for disposition of body, MCL 333.2850; cemetery regulations act, MCL 456.521 et seq.

Sec. 8-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administration means the person who administers the cemetery records and cemetery policy, which shall be the city.

Burial spaces or plots means the land area 3½ feet wide and nine feet in length. Two cremations are allowed per space.

Cemetery committee means a committee appointed by the mayor and approved by the city council. The cemetery committee shall consist of three members of the city council serving a period of two years concurrent with the mayor's term of office. The cemetery committee will meet as necessary to fulfill duties as outlined in this chapter and report same to the city council.

Cemetery donations means donations accepted by the city to be earmarked for cemetery care and operations.

Cemetery fee schedule resolution means a resolution setting fees, charges and deposits associated with this chapter.

Cemetery office means the office for cemetery records and administration. The cemetery office is located in the city clerk's office at city hall.

Interment means the burial of the remains of a deceased person.

Lot marker means a marker made of concrete or metal used by cemetery personnel to locate corners of a lot.

Marker/monument means a marker/monument is a stone or similar material, either flush or above the ground, indicating the given and/or family name of the deceased.

Permit means a document given to the purchaser as proof of burial plot or lot rights.

Plot may apply to a space of sufficient size within a lot to accommodate a burial site (per the regulations set forth within this chapter).

Superintendent of maintenance/sexton. The person appointed by the cemetery committee shall be responsible for the maintenance of the cemetery grounds, ground preparation before and after interment, supervising of monument setting and foundations, and enforcement of the rules and regulations of the cemetery.
(Comp. Ords. 1987, § 48.052)

Sec. 8-2. Cemetery grounds conduct.

(a) Vehicle entrance and exit to the cemetery shall be made at established passageways only.

(b) Speed limit within the cemetery shall be ten miles per hour. Excessive speeds and unsafe or reckless driving within the cemetery is prohibited.

(c) The city shall not be liable for any personal or property damage caused by any person or vehicle, but rather damage caused by persons or vehicles within the cemetery grounds shall be the responsibility of the person, driver and/or owner of the vehicle and such person may be subject to prosecution.

(d) Motorized pleasure vehicles, such as snowmobiles, ATVs, go-carts, etc., shall not be permitted within the cemetery grounds at any time.

(e) Animals are not permitted in the cemetery unless they are confined within the vehicle. Interment of animals is strictly prohibited.

(f) The consumption or use of intoxicating beverages or mind-altering drugs within the limits of the cemetery grounds is not permitted. Profanity or boisterous language, which disturbs the quiet and peaceful atmosphere of the cemetery, is prohibited.

(g) The use of firearms in the cemetery is unlawful and prohibited except where firearms are used in conjunction with city-authorized cemetery ceremonies.

(h) Picking, mutilating or disturbing flowers, trees, shrubs, or anything of a memorial nature is prohibited.

(i) The city shall not be responsible for the theft or damage to anything placed on cemetery lots or graves.

(j) Advertising in any form, either on grave sites or memorials or in the cemetery, shall be prohibited. However, monument companies may place a small, obscure company insignia on the base of monuments if they so desire.

(k) The city shall assume no responsibility for damages in the case of any marker, memorial, urn, shrub or planting being damaged in any way during the regular course of lot care, maintenance, vandalism or subsequent burials.

(l) Trash and materials, dead flowers, weeds pulled, etc., and sod and dirt removed in order to plant flowers shall be taken away or properly disposed of, but shall not remain on the burial lot.

(m) The city reserves the right to maintain all grave sites including, but not limited to, filling settled areas, reseeding of same and trimming or removal of trees or shrubs that may create a hazard to the grounds, equipment or people.
(Comp. Ords. 1987, § 48.053)

Sec. 8-3. Sale of lots or burial spaces.

(a) Hereafter, cemetery lots or burial spaces shall be sold only to residents or taxpayers of the city for the purpose of the burial of such purchaser or his heirs at law or next of kin, without regard to race and religion of buyer. No sale shall be made through funeral directors, unless approved by the cemetery committee or others than as heretofore set forth. The city clerk, however, is hereby granted the authority to vary the aforesaid restriction on sales where the purchaser discloses sufficient personal reason for burial within the city through previous residence in the city or relationship to person interred therein.

(b) All such sales shall be made on a written form, recommended by the cemetery committee and approved by the city council, which grants a right of burial only and does not convey any other title to the lot or burial space sold. Such form shall be executed by the city clerk.

(c) Burial rights may only be transferred to those persons eligible to be original purchasers of cemetery lots or burial spaces within the city and may be effected only by endorsement of an assignment of such burial permit upon the original burial permit form issued by the city clerk, approved by said clerk, and entered upon the official records of the clerk. Upon such assignment, approval and record, said clerk shall issue a new burial permit to the assignee and shall cancel and terminate upon such records the original permit thus assigned.
(Comp. Ords. 1987, § 48.054)

Sec. 8-4. Purchase price and transfer fees.

A person desiring to purchase burial sites may contact the city clerk's office so that an appointment may be made to select the site with the aid of cemetery personnel. Prospective owners are urged to purchase burial spaces before the immediate need exists, when clear unhurried judgement will ensure a good choice. If possible, avoid the necessity of choosing burial spaces in the wintertime when the ground is covered with snow.

(1) Each burial space shall be determined pursuant to a rate authorized by the city council after recommendation of the cemetery committee and established by a cemetery fee schedule resolution. The cemetery fee schedule resolution may be revised, as needed, without an amendment to this chapter, and shall be approved by the city council.

(2) For any transfer of one or more burial spaces from an original purchaser to a qualified assignee, cost shall be determined pursuant to a rate authorized by the city council after recommendation of the cemetery committee and established by a cemetery fee schedule resolution. The cemetery fee schedule resolution may be revised, as needed, without an amendment to this chapter by the city council.

(3) All transfers of burial rights shall be made through the city clerk's office. The city thereto will recognize no other transfers of ownership of burial rights. The transfer of burial plot rights will be subject to a transfer fee for any transfers as set forth in the cemetery fee schedule resolution.

(4) The foregoing charges shall be paid to the city treasurer and shall be deposited in the cemetery fund for the particular cemetery involved in the sale or transfer.

(5) The cemetery committee by request, and the city council by resolution, may periodically alter the foregoing fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

(6) Every burial space is sold subject to the rules and regulations now in force or that may be hereafter adopted, and to such changes of the present rules as are deemed necessary by the city council.

(7) Lot owners desiring to sell unused burial plots may resell them to the city at the price paid at the time of purchase, if the purchase was on or after the date of the ordinance from which this chapter is derived.

(Comp. Ords. 1987, § 48.055)

Sec. 8-5. Grave opening and closing charges.

(a) Charges for opening and closing of any burial space, prior to and following a burial therein, including interment of ashes, shall be authorized by the city council after recommendation of the cemetery committee and as established by a cemetery fee schedule resolution. The fee schedule resolution may be revised, as needed, without an amendment to this chapter by the city council.

(b) No burial space shall be opened and closed except under the direction and control of the city through its appointed sexton. This provision shall not apply to proceedings for the removal and reinterment of bodies and remains, which matters are under the supervision of the county health department.

(Comp. Ords. 1987, § 48.056)

Sec. 8-6. Markers and memorials.

(a) No marker or memorial shall be placed in the cemetery except if approved by the cemetery sexton, as authorized by this chapter.

(b) All markers or memorials must be of stone or other equally durable composite.

(c) Any large upright monument must be located upon a suitable foundation to maintain the same in an erect position.

(d) Only one monument, marker or memorial shall be permitted per burial space.

(e) The city will not assume responsibility for maintenance or destruction to markers, memorials or monuments due to vandalism or natural causes, unless otherwise directed by the city council.

(Comp. Ords. 1987, § 48.057)

Sec. 8-7. Interment regulations.

(a) Only one person may be buried in a burial space except for a mother and infant or two children buried at the same time.

(b) Not less than 36 hours' notice shall be given in advance of any time of any funeral to allow for the opening of burial spaces.

(c) The appropriate permit for the burial space involved, together with appropriate identification of the person to be buried therein, where necessary, shall be presented to the city clerk prior to interment. Where such permit has been lost or destroyed, the clerk shall be satisfied, from his records, that the person to be buried in the burial space is an authorized and appropriate person before any interment is commenced or completed.

(d) All graves shall be located in an orderly and neat-appearing manner within the confines of the burial space involved.

(Comp. Ords. 1987, § 48.058)

Sec. 8-8. Ground maintenance.

(a) No grading, leveling, or excavating upon burial space shall be allowed without the permission of the sexton.

(b) No shrubs or trees of any type shall be planted. Any of the foregoing items planted will be removed. The city reserves the right to trim any tree or shrub located within the cemetery in the interest of maintaining proper appearance and safety. Removal of existing trees will be done only when a safety hazard is determined.

(c) Mounds, which hinder the free use of the lawnmower or other gardening apparatus, are prohibited. The city shall have the right to mow and trim all lots to maintain proper appearance. Surfaces other than earth or sod are prohibited.

(d) When performing cemetery care, refuse of any kind, including, among others, dried flowers, wreaths, papers, and flower containers, must be removed by those caring for the site. Cemetery maintenance and care will be performed by the city. This includes, but is not limited to, seeding, top dressing, cutting, trimming grass and general upkeep of the cemetery.
(Comp. Ords. 1987, § 48.059)

Sec. 8-9. Forfeiture of vacant cemetery lots or burial spaces.

Cemetery lots or burial spaces sold after the effective date of the ordinance from which this chapter is derived and remaining vacant 40 years from the date of their sale shall automatically revert to the city upon occurrence of the following events:

(1) Notice shall be sent by the city clerk via first class mail to the last known address of the last owner of record informing the owner of the expiration of the 40-year period and that all rights with respect to said lots or spaces will be forfeited if the owner does not affirmatively indicate in writing to the clerk within 60 days from the date of mailing of the written notice the owner's desire to retain said burial rights.

(2) If no written response to said notice indicating a desire to retain the cemetery lots or burial spaces in question is received by the clerk from the last owner of record of said lots or spaces, or owners, heirs or legal representatives, within 60 days from the date of mailing of said notice, the lot shall revert to the city.

(Comp. Ords. 1987, § 48.060)

Sec. 8-10. Repurchase of lots or burial spaces.

The city will repurchase any cemetery lot or burial space from the owner for the original price paid to the city, upon written request of said owner or owners, legal heirs or representatives.
(Comp. Ords. 1987, § 48.061)

Sec. 8-11. Records.

The city clerk shall maintain records concerning all burials, issuance of burial permits and any perpetual care fund apart from any other records of the city and the same shall be open to public inspection at all reasonable business hours.
(Comp. Ords. 1987, § 48.062)

Sec. 8-12. Vault.

All burials shall be within a standard vault installed or constructed in each burial space before interment.
(Comp. Ords. 1987, § 48.063)

Sec. 8-13. Exceptions.

This chapter shall not be construed to govern or regulate in any way St. Ignatius Loyola Cemetery located within the municipal boundaries of the city as of the date of adoption of the ordinance from which this chapter is derived.
(Comp. Ords. 1987, § 48.064)

Sec. 8-14. Penalties.

Any person who violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than $500.00, or by imprisonment in the county jail for not to exceed 90 days, or by both such fine and imprisonment, plus all reasonable costs of investigation and prosecution. Each day that a violation continues to exist shall constitute a separate offense. In addition to any remedies available at law, the city may bring a civil action for any injunction or other process against any person to restrain, prevent or abate any violation of this chapter.
(Comp. Ords. 1987, § 48.065)

Sec. 8-15. Attorney fees.

Should suit be filed pursuant to this chapter and judgement entered on behalf of the plaintiff,

the plaintiff may tax actual attorney's fees involved with the enforcement as well as out-of-pocket expenses.
(Comp. Ords. 1987, § 48.066)

Sec. 8-16. Amendment.

The city in conjunction with the cemetery committee specifically reserves the right to amend this chapter in whole or in part, at any time hereafter, or to repeal the same, and by such amendment to repeal, abandon, increase, decrease or otherwise modify any of the fees, charges or rates provided herein or within the cemetery fee schedule resolution.
(Comp. Ords. 1987, § 48.068)

Chapter 9

RESERVED

10
Community Development

Chapter 10

COMMUNITY DEVELOPMENT*

Article I. In General

Secs. 10-1—10-30. Reserved.

Article II. Downtown Development

Division 1. Generally

Secs. 10-31—10-50. Reserved.

Division 2. Downtown Development Authority

Sec. 10-51. Definitions.
Sec. 10-52. Creation of authority.
Sec. 10-53. Description of downtown district.
Sec. 10-54. Board of trustees.
Sec. 10-55. Powers of the authority.
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Division 3. Development Plan and Tax Increment Financing Plan

Sec. 10-81. Definitions.
Sec. 10-82. Approval and adoption of development plan.
Sec. 10-83. Boundaries of development area.
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Article III. Tax Exemption for Housing Projects

Sec. 10-121. Preamble; authorized projects.
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Sec. 10-124. Establishment of annual service charge.
Sec. 10-125. Contractual effect of article.
Sec. 10-126. Payment of service charge.
Sec. 10-127. Duration.

***State law references**—Housing and slums clearance projects, MCL 125.651 et seq.; housing corporation law, MCL 125.601 et seq.; urban redevelopment corporations, MCL 125.901 et seq.; rehabilitation of blighted areas, MCL 125.71 et seq.; state housing development authority act of 1966, MCL 125.1401 et seq.; downtown development authority, MCL 125.1651 et seq.; economic development corporations, MCL 125.1601 et seq.

ARTICLE I. IN GENERAL

Secs. 10-1—10-30. Reserved.

ARTICLE II. DOWNTOWN DEVELOPMENT*

DIVISION 1. GENERALLY

Secs. 10-31—10-50. Reserved.

DIVISION 2. DOWNTOWN DEVELOPMENT AUTHORITY†

Sec. 10-51. Definitions.

The terms used in this division shall have the same meaning as given to them in Act 197 or as hereinafter provided.

Act 197 means Public Act No. 197 of 1975 (MCL 125.1651 et seq.).

Authority means the St. Ignace Downtown Development Authority created by this division.

Board and *board of trustees* mean the board of trustees of the authority, which is the governing body of the authority.

Downtown district means the downtown district designated by this division as now existing or hereafter amended.
(Comp. Ords. 1987, § 12.302; Ord. No. of 12-16-2013)

Sec. 10-52. Creation of authority.

There is hereby created, pursuant to Act 197, a downtown development authority for the city. The downtown development authority shall possess all of the powers necessary to carry out the purpose of its incorporation as provided by this division and Act 197.
(Comp. Ords. 1987, § 12.303; Ord. No. of 12-16-2013)

Sec. 10-53. Description of downtown district.

The downtown district in which the authority shall exercise its powers as provided by Act 197 shall consist of the following described territory in the city, subject to such changes as may hereafter be made pursuant to this division and Act 197:

An area in the City of St. Ignace, Michigan, within the boundaries described as follows:

"Development area" means the property described as: All that portion of the City of St. Ignace lying within the following described boundary: Commencing at the intersection of the easterly line of South State Street and the northerly line of the South ½ of Private Claim No. 9, thence northwesterly along the easterly line of South State Street to the intersection of the westerly line of South State Street and the northerly line of Fitch Street, thence westerly along the northerly line of Fitch Street to the westerly line of the former Wisconsin Central Railroad right-of-way, thence northwesterly along the westerly line of the right-of-way to the intersection of the westerly line of the former Wisconsin Central Railroad right-of-way and the northerly line of Spring Street, thence continuing northwesterly along the westerly line of the right-of-way to the South line of Private Claim No. 19, thence westerly along the South line of P.C. 19 to the intersection of the south line of P.C. 19 and the east line of the David Murray plat, thence northwesterly along the east line of the David Murray plat to the northeast corner of the David Murray plat, thence westerly along the north line of the David Murray plat to the easterly line of the Interstate 75 right-of-way line, thence northerly along the easterly right-of-way line of Interstate 75 to the intersection of the North line of P.C. 19 and the City Limits line, thence easterly and northerly along the City Limits line to the easterly right-of-way line of the former Wisconsin Central Railroad right-of-way, thence southerly and easterly along the easterly right-of-way line to the northerly line of Reagon Street, thence easterly along the northerly line of Reagon Street to North State Street, thence northerly along the easterly line of North State Street to the northerly line of

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***State law reference—**Downtown development authority, MCL 125.1651 et seq.

†State law reference—Authority to establish, MCL 125.1652.

Johnson Street, thence easterly along the northerly line of Johnson Street to the easterly line of Hazelton Street, thence northerly along the easterly line of Hazelton Street to the North line of P.C. No. 19, thence easterly along the North line of P.C. 19 to Lake Huron, thence southerly along the shoreline of Lake Huron to a point lying at a right angle from the intersection of the easterly line of South State Street and the northerly line of the South ½ of P.C. 9, thence westerly to the point of beginning.
(Comp. Ords. 1987, § 12.304; Ord. No. of 12-16-2013)

Sec. 10-54. Board of trustees.

The authority shall be under the supervision and control of a board of trustees consisting of the mayor and eight members as provided by Act 197. The members shall be appointed by the mayor subject to approval by the council and shall hold terms of office as provided by Act 197. All members shall hold office until the member's successor is appointed.
(Comp. Ords. 1987, § 12.305; Ord. No. of 12-16-2013)

Sec. 10-55. Powers of the authority.

Except as otherwise provided in this division, the authority shall have all powers provided by law subject to the limitations imposed by law and herein.
(Comp. Ords. 1987, § 12.306; Ord. No. of 12-16-2013)

Sec. 10-56. Fiscal year; adoption of budget.

(a) The fiscal year of the authority shall correspond to the fiscal year of the city.

(b) The board shall annually prepare a budget and shall submit it to the council for approval.

(c) The authority shall submit financial reports to the council upon request of the council.
(Comp. Ords. 1987, § 12.307; Ord. No. of 12-16-2013)

Secs. 10-57—10-80. Reserved.

DIVISION 3. DEVELOPMENT PLAN AND TAX INCREMENT FINANCING PLAN*

Sec. 10-81. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Base year assessment roll means the base year assessment roll prepared by the city assessor in accordance with section 10-84.

Captured assessed value means the amount in any one year by which the current assessed value, as finally equalized, of all taxable property in the downtown development district exceeds the initial assessed value.

Development area means the property described as: All that portion of the City of St. Ignace lying within the following described boundary: Commencing at the intersection of the easterly line of South State Street and the northerly line of the South ½ of Private Claim No. 9, thence northwesterly along the easterly line of South State Street to the intersection of the westerly line of South State Street and the northerly line of Fitch Street, thence westerly along the northerly line of Fitch Street to the westerly line of the former Wisconsin Central Railroad right-of-way, thence northwesterly along the westerly line of the right-of-way to the intersection of the westerly line of the former Wisconsin Central Railroad right-of-way and the northerly line of Spring Street, thence continuing northwesterly along the westerly line of the right-of-way to the South line of Private Claim No. 19, thence westerly along the South line of P.C. 19 to the intersection of the south line of P.C. 19 and the east line of the David Murray plat, thence northwesterly along the east line of the David Murray plat to the northeast corner of the David Murray plat, thence westerly along the north line of the David Murray plat to the easterly line of the Interstate 75 right-of-way line, thence northerly along the easterly right-of-way line of Interstate 75 to the intersection of the North line of P.C. 19 and the City Limits line,

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***State law references**—Tax increment financing plan, MCL 125.1664; development plan, MCL 125.1667.

thence easterly and northerly along the City Limits line to the easterly right-of-way line of the former Wisconsin Central Railroad right-of-way, thence southerly and easterly along the easterly right-of-way line to the northerly line of Reagon Street, thence easterly along the northerly line of Reagon Street to North State Street, thence northerly along the easterly line of North State Street to the northerly line of Johnson Street, thence easterly along the northerly line of Johnson Street to the easterly line of Hazelton Street, thence northerly along the easterly line of Hazelton Street to the North line of P.C. No. 19, thence easterly along the North line of P.C. 19 to Lake Huron, thence southerly along the shoreline of Lake Huron to a point lying at a right angle from the intersection of the easterly line of South State Street and the northerly line of the South ½ of P.C. 9, thence westerly to the point of beginning.

Development plan means the St. Ignace Development and Tax Increment Financing Plan for the Downtown Development District, dated March, 1982, amended October 4, 1993, and amended December 30, 2013 and transmitted to the city council by the downtown development authority, as confirmed by this division, copies of which are on file in the office of the city clerk.

Downtown development authority means the city downtown development authority.

Initial assessed value means the 1981 assessed value, as finally equalized, of all the taxable property within the boundaries of the development area.

Project fund means the downtown development authority project fund as established pursuant to section 10-86.

Taxing jurisdiction means each unit of government levying an ad valorem property tax on property in the development area.
(Comp. Ords. 1987, § 12.351; Ord. No. of 12-16-2013)

Sec. 10-82. Approval and adoption of development plan.

The development plan is hereby approved and adopted. A copy of the plan and all amendments thereto shall be maintained on file in the city clerk's office.
(Comp. Ords. 1987, § 12.352; Ord. No. of 12-16-2013)

Sec. 10-83. Boundaries of development area.

The boundaries of the development area as set forth in section 10-81 are hereby approved and adopted.
(Comp. Ords. 1987, § 12.353; Ord. No. of 12-16-2013)

Sec. 10-84. Preparation of base year assessment roll.

(a) Within 30 days of the effective date of the ordinance from which this division is derived, the city assessor shall prepare the initial base year assessment roll. The initial base year assessment roll shall list each taxing jurisdiction in which the development area is located, and the initial assessed value of each property in the development area.

(b) The assessor shall transmit copies of the initial base year assessment roll to the city treasurer, county treasurer, downtown development authority and each taxing jurisdiction, together with a notice that the assessment roll has been prepared in accordance with this division.
(Comp. Ords. 1987, § 12.354; Ord. No. of 12-16-2013)

Sec. 10-85. Preparation of annual base year assessment roll.

Each year within 15 days following the final equalization of property in the development area the assessor shall prepare an updated base year assessment roll. The updated base year assessment roll shall show the information required in section 10-84 and, in addition, the captured assessed value for that year.
(Comp. Ords. 1987, § 12.355; Ord. No. of 12-16-2013)

Sec. 10-86. Project fund.

The treasurer of the downtown development authority shall establish a separate fund as approved by the city manager. All moneys in that fund shall be used in accordance with the development plan.
(Comp. Ords. 1987, § 12.356; Ord. No. of 12-16-2013)

Sec. 10-87. Payment of tax increments.

The city and county treasurer shall pay, as collected, that proportion of the taxes, except for penalties and collection fees, that the captured assessed value bears to the treasurer of the downtown development authority.
(Comp. Ords. 1987, § 12.357; Ord. No. of 12-16-2013)

Sec. 10-88. Use of tax increments.

(a) The tax increment revenues generated by the development area pursuant to the development plan, as it now exists or is hereafter amended, shall be used:

(1) To pay into the debt retirement fund, for all outstanding debts including bonds issued pursuant to this plan, an amount equal to the principal and interest due prior to the next collection of taxes, less any credit for sums on hand in the debt retirement fund.

(2) To establish a reserve account for payment of principal and interest on bonds issued pursuant to this plan, an amount equal to one-fifth of the largest combined annual principal and interest payment due on the bonds issued, until the reserve account is equal to the largest combined annual interest and principal requirement during the life of the plan.

(3) To pay an operating subsidy, including administrative and operating costs for the authority, including planning, promotion and marketing, to the extent provided in the annual downtown development authority budget.

(4) To pay, to the extent provided in the annual downtown development authority budget and approved by the city, the cost of completing the remaining public improvements as set forth in the plan; to the extent those costs are not financed from bond proceeds or other revenues. As a result, the downtown development authority may reserve funds annually to create an encumbered project fund balance to pay for these projects.

(5) To pay the cost of additional improvements to the development that are deemed necessary by the downtown development authority and approved by the city.

(6) To retain funds necessary for the continued maintenance of all downtown development authority developments.

(b) Any tax increment receipts in excess of those needed under the preceding subsections of this section would revert back to the taxing units.
(Comp. Ords. 1987, § 12.358; Ord. No. of 12-16-2013)

Secs. 10-89—10-120. Reserved.

ARTICLE III. TAX EXEMPTION FOR HOUSING PROJECTS*

Sec. 10-121. Preamble; authorized projects.

(a) *Preamble.* It is acknowledged that it is a proper public purpose of the state and its political subdivisions to provide housing for its senior citizens of low and moderate income and to encourage the development of such housing by providing for a service charge in lieu of property taxes in accordance with the state housing development authority act of 1966, Public Act No. 346 of 1966 (MCL 125.1401 et seq.). The city is authorized by this act to establish or change the service charge to be paid in lieu of taxes by any or all classes of housing exempt from taxation under this act at any amount it chooses not to exceed the taxes that would be paid but for this act. It is further acknowledged that such housing for senior persons of low and moderate income is a public necessity, and as the city will be benefitted

*__State law reference—__State housing development authority act of 1966, MCL 125.1401 et seq.

and improved by such housing, the encouragement of the same by providing certain real estate tax exemption for such housing is a valid public purpose; further, that the continuance of the provisions of this article for tax exemption and the service charge in lieu of taxes during the period contemplated in this article are essential to the determination of economic feasibility of housing and developments which are constructed and financed in reliance on such tax exemption.

(b) *Authorized projects.* The city acknowledges that Chippewa, Luce, and Mackinac Community Action Human Resource Agency, Inc., or its affiliate (the "sponsor") has offered, subject to receipt of a mortgage loan from the Michigan State Housing Development Authority, to erect, own and operate a housing development identified as St. Ignace Senior Housing Project in the city to serve senior citizens of low and moderate income, and that the sponsor has offered to pay the city on account of this housing development an annual service charge for public services in lieu of all taxes. This development also includes removal of aged structures and construction of new housing in the target area, which components would be subject to annual service charges in lieu of property taxes as herein provided.
(Comp. Ords. 1987, § 12.012)

Sec. 10-122. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Act means the state housing development authority act, Public Act No. 346 of 1966 (MCL 125.1401 et seq.).

Annual shelter rent means the total collection during an agreed annual period from all occupants of a housing development representing rent or occupancy charges, exclusive of charges for gas, electricity, heat, or other utilities furnished to the occupants.

Authority means the state housing development authority.

Housing development means a development which contains a significant element of housing for senior citizens of low and moderate income and such elements of other housing, commercial, recreational, industrial, communal, and educational facilities as the authority determines improve the quality of the development as it relates to housing for senior persons of low and moderate income.

Mortgage loan means a loan to be made by the authority to the sponsor for the construction and/or permanent financing of the housing development.

Senior citizen means those persons exempted under section 503(1)(c) of the Elliott-Larsen Civil Rights Act (MCL 37.2503 (1)(c)).

Sponsor means a person or entity which has applied to the authority for a mortgage loan to finance a housing development.

Target area means Peninsular Land Company Plat, Lots 1 through 9, Block 4, and Lots 1 through 9, Block 5, located along Lake Street, City of St. Ignace, Michigan.

Utilities means fuel, water, sanitary sewer service and/or electrical service which are paid by the housing development.
(Comp. Ords. 1987, § 12.013)

Sec. 10-123. Class of housing developments.

It is determined that the class of housing developments to which the tax exemption shall apply and for which a service charge shall be paid in lieu of such taxes shall be senior citizen housing developments financed under the 70/30 tax exempt program of the authority, which are financed or assisted pursuant to the act, and which include removal of aged structures and construction of new senior housing in the target area. It is further determined that projects defined in section 10-121 are of this class.
(Comp. Ords. 1987, § 12.014)

Sec. 10-124. Establishment of annual service charge.

The housing development identified as St. Ignace Senior Housing Project, and the property on which it shall be constructed, shall be exempt from all property taxes after the completion of construction. For purposes of this time frame, December 31 of each year is considered the tax date for the coming year. The city, acknowledging that the sponsor and the authority have established the economic feasibility of the housing development in reliance upon the enactment and continuing effect of this article and the qualification of the housing development for exemption from all property taxes and a payment in lieu of taxes as established in this article, and in consideration of the authority, to construct, own and operate the housing development, services in lieu of all property taxes as set forth herein. The annual service charge shall be a percentage of the annual shelter rent as defined in section 10-122 as per the following table:

Year of Occupancy	*Percent of Annual Shelter Rent To Be Paid*
1 through 5	0%
6	2%
7	2%
8	3%
9	4%
10 and after	5%

(Comp. Ords. 1987, § 12.015)

Sec. 10-125. Contractual effect of article.

Notwithstanding the provisions of section 15(a)(5) of the act (MCL 125.1415a(5)) to the contrary, a contract between the city and the sponsor with the authority as third party beneficiary under the contract, previously described, is effectuated by enactment of this article.
(Comp. Ords. 1987, § 12.016)

Sec. 10-126. Payment of service charge.

The service charge in lieu of taxes as determined under this article shall be payable in the same manner as general property taxes are payable to the city except that the annual payment shall be paid on or before April 1 for the immediate preceding year.
(Comp. Ords. 1987, § 12.017)

Sec. 10-127. Duration.

This article shall remain in effect and shall not terminate so long as the mortgage loan remains outstanding and unpaid or the authority has any interest in the property; provided, that construction of the housing development commences on or before December 31, 2007.
(Comp. Ords. 1987, § 12.018; Ord. No. 597, § I, 1-14-2005)

Chapter 11

RESERVED

12
Environment

Chapter 12

ENVIRONMENT*

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ARTICLE I. IN GENERAL

Secs. 12-1—12-30. Reserved.

ARTICLE II. NOISE*

Sec. 12-31. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Ambient noise means the all-encompassing noise associated with a given environment, being a composite of sounds from all sources.

Decibel means a unit or level of sound energy which denotes the ratio between two sound qualities, which is proportional to power as measured by a sound level meter.

Person means any individual, firm, copartnership or corporation. In the case of corporations, the chief executive officer shall be the responsible party under the terms of this article.
(Comp. Ords. 1987, § 21.201)

Sec. 12-32. Prohibitions.

(a) It shall be unlawful for any person or the owner or occupant of any premises within the city, between the hours of 11:00 p.m. and 7:00 a.m., to cause or permit any noise to be emitted from any equipment, including by way of example only, radios, phonographs, magnetic tape players, musical instruments, television sets, sound amplifiers, electric motors, gasoline engines or other mechanical equipment owned by such person, or under the control of such person, or located upon the premises owned or under the control of such person, which noise exceeds a sound level of 72 decibels in combination with and including ambient noise measured on a sound meter having characteristics defined by the American National Standards Institute subsection 1.4-1971 set on the fast setting of the "A" scale.

(b) It shall be unlawful for any person to make or cause to be made any noise or sound, whether measured or not, which creates a disturbance of the public peace, or which is of such a character as to be of actual physical discomfort to persons of ordinary sensibilities, taking into consideration the following factors:

(1) The volume of the sound;

(2) The intensity and frequency of the sound;

(3) Whether the nature of the sound is usual or unusual;

(4) Whether the origin of the sound is natural or unnatural;

(5) The volume and intensity of the ambient sound, if any;

(6) The proximity of the sound to residential sleeping facilities;

(7) The nature and zoning of the area within which the sound emanates or is received;

(8) The density and habitation of the area within which the sound emanates or is received;

(9) The time of day or night the sound occurs;

(10) The duration of the sound;

(11) Whether the sound is recurrent, intermittent, or constant;

(12) Whether the sound is produced by a noncommercial or commercial type of activity; and

(13) Other appurtenant and applicable factors.

(c) It shall be unlawful for a person to use, operate, or permit to be played any radio receiving set, musical instrument, television set, magnetic tape player, phonograph, or other machine or device for the production or reproduction of sound in such a manner as to disturb the quiet, peaceful comfort and repose of any person. The operation of any such set, instrument, phonograph or device within the public right-of-way within the city and/or in such a manner as to be in violation of subsection (a) of this section shall be prima facie evidence of a violation of this section.
(Comp. Ords. 1987, § 21.202)

***State law reference**—Motor vehicle mufflers, MCL 257.707 et seq.

Sec. 12-33. Measurement.

Noise levels shall be measured at a distance of a minimum of 20 feet from the noise source located within any public right-of-way and if the noise source is located on private property or public property other than a public right-of-way, then the measurement shall be made at a distance of not less than 15 feet from the property line of the property on which the noise source is located.
(Comp. Ords. 1987, § 21.203)

Sec. 12-34. Exceptions.

The prohibitions of this article shall not apply to:

(1) Any authorized emergency vehicle or to those activities of a temporary duration permitted by law, and for which a license or permit therefor has been granted by the city, including but not limited to parades and fireworks displays.

(2) Snowmobiles which are defined and governed by part 821 of Public Act No. 451 of 1994 (MCL 324.82101 et seq.), as if said section and act were incorporated herein and made a part hereof.

(Comp. Ords. 1987, § 21.204)

Sec. 12-35. Existing ordinances.

Any ordinances concerning the emission of sound, or the regulation of sound equipment, not specifically in conflict with the terms of this article are hereby saved and retained.
(Comp. Ords. 1987, § 21.205)

Sec. 12-36. Temporary permits.

(a) Applications for a permit for relief from the noise level designated in this article on the basis of undue hardship may be made to the chief of police or his designated representative. Any permit granted by the chief of police shall contain all conditions upon which the permit is granted, and shall specify the time for which such permit is granted. The chief or his designated representative may grant such a permit if he finds:

(1) The activity, operation or noise source will be of a temporary duration and cannot be done in a manner which will comply with the noise emission levels permitted by this article; and

(2) No other reasonable alternative is available to the applicant.

(b) The chief of police or his designated representatives shall prescribe any conditions or requirements he deems necessary to minimize adverse effects upon the community or the surrounding neighborhood.

(c) Any temporary permit issued by the chief of police shall be issued without any fee being charged therefor.
(Comp. Ords. 1987, § 21.206)

Sec. 12-37. Violations.

Any person who shall violate the terms of this article shall be guilty of a municipal civil infraction.
(Comp. Ords. 1987, § 21.207)

Secs. 12-38—12-70. Reserved.

ARTICLE III. BLIGHT

Sec. 12-71. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Blighted structure or building means any dwelling, garage, accessory or outbuilding, or any factory, shop, store, office building, warehouse, or any other structure or part of a structure which:

(1) Because of fire, wind, other natural disaster, or physical deterioration, is no longer habitable as a dwelling or useful for the purpose for which it was originally intended;

(2) Is partially completed and which is not presently being constructed under an existing, valid building permit issued by or under the authority of the city;

(3) Is not structurally sound, weathertight, waterproof or verminproof;

(4) Is not covered by a water resistant paint or other waterproof covering so as to protect said structure from the adverse effects of the elements or from physical deterioration; or

(5) Which causes or tends to cause devaluation of the subject property or other adjacent or nearby properties in the area.

Building material means any lumber, bricks, concrete, cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, cement, nails, screws, or other materials commonly used in the construction or repair of any buildings or structures.

Enforcement officer means the city building inspector and/or any city police officer.

Garish means any structure which, because of gaudy or glaring paint color or because of painting method (for example, but not limited to, haphazard multicolors), is determined by the enforcement officer to be devaluing of subject property or other adjacent or nearby properties in the area.

Junk means any abandoned, discarded, unusable objects or equipment, any object or equipment unused for its originally intended purpose, including, but not limited to, furniture, stoves, refrigerators, freezers, cans, implements, parts of motor vehicles, machinery, cloth, rubber, bottles, any metals, boxes, cartons or crates.

Person means and shall include all natural persons, firms, co-partnerships, corporations, and all associations of natural persons, incorporated or unincorporated, whether acting by themselves, or by a servant, agent or employee. All persons who violate any of the provisions of this article, whether as owner, occupant, lessee, agent, operator, servant, or employee, shall, except as herein otherwise provided, be equally liable as principals.

Trash and rubbish means any and all forms of debris not herein otherwise classified.
(Comp. Ords. 1987, § 21.262)

Sec. 12-72. Blighted structures or buildings prohibited.

It shall be unlawful for any person to keep or maintain any blighted or vacant structure, building, dwelling, garage, outbuilding, factory, shop, store or warehouse in any of the following conditions:

(1) Having peeling paint;

(2) Sagging and deteriorating roof;

(3) Siding off and/or damaged;

(4) Broken and deteriorating windows;

(5) Unfinished exterior;

(6) Collapsing porch or deck;

(7) Scaffolding unless associated with current building permit;

(8) Cracked and broken foundations/chimneys; and/or

(9) Garish exterior;

unless such structure is in the course of construction in accordance with a valid building permit issued by the city and unless such construction is completed within a reasonable time.
(Comp. Ords. 1987, § 21.263)

Sec. 12-73. Blighted exterior and maintenance requirement of property.

Every owner and operator shall improve and maintain all property under its control to comply with the following minimum requirements:

(1) All exterior property areas shall be properly maintained in a clean and sanitary condition, free from debris, brush, severed tree limbs, rubbish or garbage, physical hazards, rodent harborage and infestation.

(2) All stored firewood shall be in neat, orderly stacks.

(3) The storage and accumulation of junk as herein defined is permitted only for the purpose of collection and disposal and only in a closed container or in a closed structure. Storage and accumulation shall be only for the minimum period necessary to provide for collection and disposal of same.

(4) The storage and accumulation of any building material shall only be for a period that

is reasonably necessary for the immediate use of such materials, but in no event longer than 60 days.

(5) Yard or garage sales in which items are for sale to the public shall be no longer than seven calendar days within a 90-day period.

(Comp. Ords. 1987, § 21.264)

Sec. 12-74. Enforcement and penalties.

(a) Any person who violates this article shall be deemed guilty of a municipal civil infraction.

(b) Before commencing prosecution under this article, the building inspector shall give notice to the person charged and violating this article. Such notice shall be in writing and set forth the violation specifics, and shall be served upon said person or at the option of the enforcement officer, by posting a copy of this notice on the land or attaching a copy of the notice to the building or structure. In addition, a copy of the notice shall be sent by first class mail to the owner of the land, building, or structure at the owner's last known address. The notice shall specify that failure to remedy the violation within ten days of the date of personal service or 12 days from the date of mailing shall result in the issuance of a municipal civil infraction citation. The building inspector may extend these time limits, but not more than two ten-day periods where bona fide efforts to remove or eliminate such causes of blight or blighting factors are in progress.

(Comp. Ords. 1987, § 21.265)

Sec. 12-75. Enforcement by authorized city officials.

Either the building inspector and/or city police are hereby designated as the authorized city official to issue municipal civil infraction citations (directing alleged violators to appear in court) or a municipal civil infraction violation under this article.

(Comp. Ords. 1987, § 21.267)

Secs. 12-76—12-100. Reserved.

ARTICLE IV. WEED CONTROL*

Sec. 12-101. Noxious weeds prohibited.

It shall be unlawful for the owner and/or occupant of any lot or parcel of land within the city to allow or maintain, on any portion of such lot or land, any growth of any noxious or poisonous weeds which may create a condition detrimental to the public health. The term "noxious and poisonous weeds" shall include Canada thistles, milkweed, wild carrots, oxeyed daisies, ragweed, goldenrod, burdock, and poison ivy, or such other noxious or poisonous weeds. It shall also include the presence of high grasses which may serve as a hiding place for debris, a refuge for rats or other rodents, and a breeding grounds for mosquitos. Any growth of weeds or grasses that may cause a fire or traffic hazard or a general nuisance or any weeds or grasses exceeding a height of 12 inches above ground level are also declared to be a public nuisance and in violation of this article. The owner or occupant shall cut down all noxious and poisonous weeds as frequently as necessary to comply with the requirements of this article, to prevent them from perpetuating themselves and to prevent them from becoming a detriment to public health.

(Comp. Ords. 1987, § 35.051)

Sec. 12-102. Notice of violation.

It shall be the duty of the city manager or a designee to give notice specifying section 12-101, and requiring the owner and occupant of any lot or parcel of land coming within the terms of section 12-101 to cut and destroy all noxious or poisonous weeds upon the land before a certain date, but not less than five days from the date of the publication of such notice, and giving notice that upon failure or neglect of such owners and occupants to comply with the provisions of section 12-101, the city manager will cause such weeds to be destroyed and the expense thereof charged the owner of such land. After two such notices in a calendar year, the city manager or a designee shall have the option to cause the property to be

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***State law reference**—Control and eradication of weeds, MCL 247.61 et seq.

mowed with no notice and at an increased fee determined by the manager through administrative policy.
(Comp. Ords. 1987, § 35.052; Ord. No. 630, 9-6-2011)

Editor's note—Ord. No. 630, adopted Sept. 6, 2011, retitled § 12-102 from "Newspaper notice" to "Notice of violation".

Sec. 12-103. Destruction of weeds by city; expenses.

Where it has been established that noxious or poisonous weeds' are present on any lot or parcel of land within the city, and the owner or occupant has failed to comply with the provisions of this article, the city engineer shall assign employees to enter upon such land for the purpose of destroying such growths. The city engineer shall keep an accurate account of the expense incurred in destroying growths of noxious and poisonous weeds with respect to each parcel of land entered upon therefor, and make a sworn statement of said account and deliver the same to the city clerk.
(Comp. Ords. 1987, § 35.053)

Sec. 12-104. Assessment of costs; lien.

It shall be the duty of the city clerk to forthwith certify to the city assessor any and all accounts delivered to the clerk under this article; provided, however, that before so certifying he shall submit the same to the city council for its approval of said certification. Upon receiving said certification the city assessor shall add to all said accounts so approved ten per centum of the total of each several account and shall cause all such expenditures, so approved, together with the additional ten per centum to be severally levied on the lands on which said expenditures were made, and the same shall become a lien upon said land and shall be collected in the same manner as other city taxes are collected and when collected shall be paid into the general city fund to reimburse the outlay therefrom for the city's expense in destroying said noxious or poisonous weeds.
(Comp. Ords. 1987, § 35.054)

Sec. 12-105. Penalty.

Any owner, possessor or occupier of land, within the city, or any person or persons, firm or corporation having charge of such lands who shall fail to conform to the provisions of this article shall be guilty of a municipal civil infraction.
(Comp. Ords. 1987, § 35.055)

Sec. 12-106. Enforcement by authorized city officials.

Either the building inspector and/or city police are hereby designated as the authorized city official to issue municipal civil infraction citations (directing alleged violators to appear in court) or a municipal civil infraction violation under this article.
(Comp. Ords. 1987, § 35.058)

Secs. 12-107—12-130. Reserved.

ARTICLE V. NUISANCES*

Sec. 12-131. Nuisance defined and prohibited.

Whatever annoys, injures or endangers the safety, health, comfort or repose of the public; offends public decency; interferes with, obstructs or renders dangerous any street, highway, navigable lake or stream; or in any way renders the public insecure in life or property is hereby declared to be a public nuisance. Public nuisances shall include, but not be limited to, whatever is forbidden by any provision of this article. No person shall commit, create, allow or maintain any public nuisance.
(Comp. Ords. 1987, § 35.202)

Sec. 12-132. Nuisances per se.

The following acts, omissions, conditions, apparatus and structures are hereby declared to be nuisances per se:

(1) The throwing, placing, depositing, keeping, maintaining or leaving in any street, highway, lane, alley, sidewalk or public place, or in any private place or premises, by any person, firm or corporation, of any animal or vegetable substance, dead animal, fish, shell, tin cans, metal, bottles, glass, stones, bricks, brush, paper or other rubbish, dirt, excrement, filth, unclean or nauseous water, liquid or gaseous fluids, hay, straw, soot, garbage, or any other offensive or dangerous article or substance whatever; provided, that nothing herein shall be construed to prohibit the placing of litter in designated refuse receptacles, nor the storage of refuse in

*__State law reference__—Public nuisances and abatement, MCL 600.3801 et seq.

sanitary containers for reasonable periods of time until disposed of, nor the dumping of refuse at any location designated by the city as an official dumping site.

(2) The pollution of any stream, river, lake or other body of water by any garbage, rubbish, litter, foul or nauseous liquid or water, or commercial or industrial wastes.

(3) The maintenance of any pond, pool or water, or vessel holding stagnant water.

(4) The emission of noxious fumes or gas in such quantities as to render occupancy of property uncomfortable to a person of ordinary sensibilities.

(5) The obstructing of or the discharge into of the depositing in any watercourse, drain or sewer of the city, or in any drain or sewer connecting with those of the city, of any oil, grease, inflammable liquid, chemical, substance or material damaging or harmful to city watercourses, drains or sewers, or detrimental to the operation thereof or injurious to the health of the city's inhabitants by reason of such discharge or deposit.

(6) The placing, keeping, maintaining or leaving on any public or private place or premises, either inside or outside any building or structure in a place accessible to children, any unused, abandoned, unattended or discarded icebox, refrigerator or any other airtight container of any kind which has a snap latch or other kind of locking device thereon, without first removing the snap latch or other locking device, or the door, lid or cover from such icebox, refrigerator or other airtight container.

(7) The placing, keeping or leaving of any object or property of any kind, whether valuable or of no value, on a public sidewalk so as to impede the movement of pedestrians or authorized vehicles thereon.

(8) All explosives, flammable liquids and other dangerous substances stored or kept in any manner or in any amount contrary to the statutes of the state.

(9) All dangerous, unguarded excavations or machinery in any public place, or so situated, left or operated on private property as to attract or be readily accessible to the public.

(10) All wires over streets, alleys, or public grounds which are strung less than 15 feet above the surface of the ground.

(11) All barbed wire fences which are located within three feet from any public sidewalk.

(12) The failure of any person to secure any business, commercial, or industrial building or office under his ownership, tenancy or control so as to leave such building or office unlocked and unoccupied and in such condition that an area therein where personal property is located could be entered without unlocking the premises.

(13) The distribution of samples of medicines, drugs or any product, object or substance of any kind which could be harmful if taken internally by children or other persons, unless each such sample is placed directly in the hands of an adult person.

(Comp. Ords. 1987, § 35.203)

Sec. 12-133. Abandoned vehicles.

No person shall park, store, keep, maintain, leave or allow any dismantled, partially dismantled, wrecked, junked, discarded, abandoned or inoperable motor vehicle or any parts thereof on any private premises or property under his ownership, tenancy or control. An abandoned motor vehicle shall include and is declared to be a public nuisance if said vehicle is inoperative for any reason for a period in excess of 60 days; provided, however, any inoperative vehicle which is not in operation for lack of a license shall not be declared a public nuisance unless it has been unlicensed more than six months. Such nuisances shall be abated according to the provisions of section 12-135, and the police department shall

have the same authority to impound and dispose of abandoned and inoperable motor vehicles prohibited herein as provided for vehicles abandoned in the public streets. Provided, that this section shall not be deemed to apply to the storage of motor vehicles in a fully enclosed building, or by a licensed junk dealer, or which have been impounded by the city police department or other police agency. Provided further that, notwithstanding any provision herein to the contrary, the chief of police, upon written application, may exempt from the provisions of this article for any reasonable period of time, any historic or classic vehicle, any vehicle in a process of restoration or repair, or any vehicle which by reason of special circumstances is deemed by him to warrant such exemption.
(Comp. Ords. 1987, § 35.204)

Sec. 12-134. Other nuisances.

It is the legislative intent of the city council, in adopting this article, that all provisions and sections herein be liberally construed to protect the peace, health, safety and welfare of the inhabitants of the city, and the city council hereby reserves the power and authority, as established in the city Charter, to abate any public nuisance or hazard, whether specifically prohibited by this article or not.
(Comp. Ords. 1987, § 35.205)

Sec. 12-135. Abatement of nuisances.

Any act, omission, condition, apparatus or structure prohibited by this article shall be abated by the city manager in accordance with the following procedure:

(1) The city manager shall first investigate the alleged nuisance to determine whether or not a public nuisance, as defined herein, exists, and to further determine the person or persons who are committing, creating, allowing or maintaining such nuisance.

(2) The city manager shall then give written notice to the person or persons responsible for committing, creating, allowing or maintaining such nuisance, specifying in particular the nature of such nuisance, the corrective action to be taken to abate such nuisance, and the time limit for abatement of such nuisance, which shall be a reasonable period of time but not to exceed ten days from the time such notice is served. Such notice shall be given:

   a. By posting such notice upon the premises;

   b. By publication as provided in the city Charter;

   c. By personal service; or

   d. By registered or certified mail addressed to the address set forth in the current assessment roll of the city or the records of the assessor.

(3) If, at the expiration of the time limit in said notice, the person or persons responsible for committing, creating, allowing or maintaining such nuisance shall not have complied with the requirements thereof, the city manager shall carry out the requirements of said notice by whatever reasonable means are necessary to accomplish it, including the use of the city workforce or contracted services, or both. The cost of such abatement, including a reasonable overhead charge, shall be a debt owned to the city by the person or persons responsible for committing, creating, allowing or maintaining such nuisance; and, if such nuisance is attributable to the use, occupancy or ownership of any lands or premises within the city, shall be charged against such premises in accordance with the provisions of the city Charter.

(Comp. Ords. 1987, § 35.206)

Sec. 12-136. Appeal.

Upon written request, the city manager may make written exception for a reasonable period of time under special circumstances which would prohibit or make impractical the enforcement of any section of this article. The granting or rejection of such request shall be at the discretion of the city manager.
(Comp. Ords. 1987, § 35.207)

Sec. 12-137. Disregarding notice or orders.

Any person who shall fail to comply with any notice or order under the provisions in this article shall be deemed guilty of a violation of this article.
(Comp. Ords. 1987, § 35.208)

Sec. 12-138. Emergency cases.

Notwithstanding the provisions in section 12-137, the city manager and the chief of police are each hereby authorized to abate immediately, by any reasonable means available, any public nuisance which constitutes an immediate danger to the life, health or safety of any person, after making a reasonable attempt to contact the person or persons responsible for committing, creating, allowing or maintaining such nuisance in person, by telephone and other available means of instantaneous communication. The cost for such abatement shall be charged and collected as provided for in section 12-135.
(Comp. Ords. 1987, § 35.209)

Sec. 12-139. Abatement does not preclude court action.

Any action taken by the city to abate any public nuisance shall not affect the city's right to institute proceedings against the person or persons committing, creating, allowing or maintaining any public nuisance for violation of this article, nor affect the imposition of the penalty prescribed for such violation. As an additional remedy, upon application by the city to any court of competent jurisdiction, the court may order the nuisance abated and/or the violation or threatened violation restrained or enjoined.
(Comp. Ords. 1987, § 35.210)

Sec. 12-140. Penalty.

Any person who violates this article shall be deemed guilty of a municipal civil infraction.
(Comp. Ords. 1987, § 35.211)

Secs. 12-141—12-170. Reserved.

ARTICLE VI. TREES*

Sec. 12-171. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Park trees means trees, shrubs, bushes and all other woody vegetation in public parks and all other areas owned by the city.

Private trees means all other trees within the city.

Street trees means trees, shrubs, bushes, and all other woody vegetation on land lying on the street right-of-way on either side of all streets, avenues or ways within the city.
(Comp. Ords. 1987, § 35.351)

Sec. 12-172. Management, supervision and operation.

It shall be the responsibility of tree committee to develop a plan for the care, preservation, pruning, planting, replanting, removal or disposition of street trees and park trees. Such plan will be reviewed and approved, from time to time, by the city council. The committee and city manager shall consider, investigate, make findings, report and recommend upon any special matter of question within the scope of this work.
(Comp. Ords. 1987, § 35.352)

Sec. 12-173. Planting and species.

The following list constitutes the official street tree species for the city. No species other than those included in this list may be planted as street trees without prior written approval of the city manager.

Small trees:

Flowering Cherry Tree form varieties*

Flowering Crab Tree form varieties*

Bradford Pear

***State law references**—Municipal forests, MCL 324.52701 et seq.; destruction of trees and shrubs, MCL 750.382.

Medium trees:

English Oak

Red Oak

Green Ash

Marshall's Seedless

Summit Ash

Little Leaf Linden

Thornless Honey Locust*

Large trees:

London Plane

Norway Maple*

Sugar Maple

*All varieties acceptable.

Such trees, when planted, shall have a diameter of at least one inch at a distance of one foot above the ground level.
(Comp. Ords. 1987, § 35.353)

Sec. 12-174. Distance from curb and sidewalk.

(a) The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the tree species size classes listed in section 12-173, and no trees may be planted closer to any curb or curbline or sidewalk than the following: Small trees, two feet; medium trees, three feet; large trees, four feet.

(b) The city may enter into a contractual arrangement with the owners of private properties for the planting and maintenance of trees where there is insufficient space between the curb or curbline and the sidewalk or right-of-way. In such instances, the city may establish a new line of street trees on private properties, with property owner approval. Whether such planting is desirable or not, and the selection of the tree species and specific planting locations, shall be the determination of the city. When such plantings occur, the initial cost of trees and their planting shall be as determined by mutual agreement. The proper care of such trees for a period of three years thereafter shall be the responsibility of the city. Following such three-year period, the tree shall become the responsibility of the property owner.
(Comp. Ords. 1987, § 35.354)

Sec. 12-175. Utilities.

No street trees other than those species listed as small trees in section 12-173 may be placed under or within ten lateral feet of any overhead utility wire, or over or within five lateral feet of any underground water line, sewer line, transmission line or other utility.
(Comp. Ords. 1987, § 35.355)

Sec. 12-176. Corner clearance.

No person shall maintain any hedge or shrub along the sidewalk abutting his premises or within 20 feet of the nearest right-of-way line of any intersecting street, at a height greater than three feet above the surface of the street, nor shall any such person fail to keep such hedge trimmed to the right-of-way line. No person shall maintain any hedge, shrub, or tree anywhere upon his premises which interferes with the clear view of traffic by drivers approaching an intersection.
(Comp. Ords. 1987, § 35.356)

Sec. 12-177. Private trees trimming.

No person shall maintain upon any lot of which he is the owner, either individually or as one of two or more tenants in common, joint tenants, or tenants by the entireties, any tree which is so located as to extend its branches over a public alley or highway, unless the same shall be kept so trimmed that there shall be a clear height of not less than 12 feet above that portion of the surface of the alley or highway used for vehicular traffic, and not less than seven feet above all sidewalks, unobstructed by branches; and no such person shall fail to remove all dead branches or stubs on such tree or trees which are or may become a menace to travelers on a street.
(Comp. Ords. 1987, § 35.357)

Sec. 12-178. Street trees, trimmings, removal.

No person shall remove, destroy, break, cut, deface, or trim any tree growing in any highway or park in the city without first obtaining a permit

from the city manager, which permit shall state the work to be done under it and the time within which it is to be done; and no person shall remove, destroy, or trim any such tree under any permit unless proper precautions, approved by the city manager, are taken to ensure the safety of the public while such tree is being removed, destroyed or trimmed.
(Comp. Ords. 1987, § 35.358)

Sec. 12-179. Injury to trees.

(a) No person shall climb any tree growing in any highway or park in the city, or walk upon the branches thereof, while wearing spurs, unless such person is in the act of removing such tree.

(b) In the erection, alteration, repair, or removal of any building, or structure, the owner or owners thereof shall place, or cause to be placed, such guards around all nearby trees on the public highway as will effectually prevent injury to such trees.

(c) No person shall attach or connect any electric or other wire to any tree in a highway or park in the city, or permit any such wire to come in contact with any such tree.

(d) No person shall attach any sign, placard, or poster to any tree growing in any highway or park.
(Comp. Ords. 1987, § 35.359)

Sec. 12-180. Public tree care.

(a) The city shall have the right to plant, replant, prune, maintain and remove trees, plants, and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

(b) No tree, plant or shrub shall be planted, or replanted, within the lines of all streets, alleys, lanes, squares and public grounds, by any private party, except by written permission of the city.
(Comp. Ords. 1987, § 35.360)

Sec. 12-181. Tree topping.

It shall be unlawful as a normal practice for any person, firm or city department to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this article at the determination of the city.
(Comp. Ords. 1987, § 35.361)

Sec. 12-182. Removal of stumps.

All stumps of street and park trees shall be removed below the surface of the ground to a depth of six inches.
(Comp. Ords. 1987, § 35.362)

Sec. 12-183. Sidewalk damage.

Existing street trees which have caused an upheaval or severe cracking of public sidewalks may be removed at such time that sidewalk replacement is ordered by the city or desired by the property owner. The necessity for such removal shall be based upon the overall vigor of the tree and the extent of conflict with the sidewalk structure, as determined by the city.
(Comp. Ords. 1987, § 35.363)

Sec. 12-184. Penalties.

Violation of this article shall constitute a municipal civil infraction.
(Comp. Ords. 1987, § 35.364)

Chapter 13

RESERVED

14
Fire Prevention and Protection

Chapter 14

FIRE PREVENTION AND PROTECTION*

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ARTICLE I. IN GENERAL

Secs. 14-1—14-30. Reserved.

ARTICLE II. LIFE SAFETY CODE

Sec. 14-31. Adoption.

The city hereby adopts by reference the National Fire Protection Association (NFPA) Life Safety Code 101, and all amendments thereto, and such code shall be in full force and effect within the city.
(Comp. Ords. 1987, § 40.172)

State law reference—Authority to adopt technical code by reference, MCL 117.3(k).

Sec. 14-32. Copies on file.

Complete copies of the National Fire Protection Association Life Safety Code 101 and its amendments shall be available for inspection and review in the office of the city clerk during regular office hours.
(Comp. Ords. 1987, § 40.173)

Sec. 14-33. Compliance required.

No person shall violate any of the provisions of the National Fire Protection Association Life Safety Code 101 and its amendments.
(Comp. Ords. 1987, § 40.174)

Sec. 14-34. Enforcement.

The fire chief for the city shall be responsible for the enforcement of the provisions of this article.
(Comp. Ords. 1987, § 40.175)

Sec. 14-35. Penalties.

Any person violating any provision of the NFPA Life Safety Code 101 is guilty of a municipal civil infraction.
(Comp. Ords. 1987, § 40.176)

Secs. 14-36—14-60. Reserved.

ARTICLE III. BURNING*

Sec. 14-61. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Approved incinerator means any incinerator which meets the requirements provided in this article.

Garbage means the animal and/or vegetable wastes resulting from the processing, handling, preparation, sale or consumption of food; and all animals or parts of or substances from animals whether involved in food processing or not.

Incinerator means any can, wire frame container or other device, including fireplaces and furnaces, which are used to contain garbage or trash for the purpose of disposing of such material by burning.

Open burning means the burning of trash in any manner other than in an approved incinerator, as defined herein.

Trash means all waste material other than garbage as defined above, and other than fuels used for the sole purposes of producing heat or power, and not for the purpose of disposing of such fuels; the term "trash" shall include, but not be limited to, grass and leaves, twigs and branches of shrubs and trees, normal household and commercial wastes such as paper, plastic, glass and metal, materials from the construction, alteration, repair or demolition of buildings and other structures, and wornout, discarded or otherwise unwanted objects of any kind.
(Comp. Ords. 1987, § 35.152)

Sec. 14-62. Private burning regulated.

No person shall kindle or cause to be kindled, burn or cause to be burned, or allow to be burned any material whatsoever on any premises or property owned by him or under his control except as provided in this article.
(Comp. Ords. 1987, § 35.153)

***State law reference**—Open burning of leaves and grass clippings, MCL 324.11522.

Sec. 14-63. Burning in public places restricted.

No person shall kindle or cause to be kindled, burn or cause to be burned, or allow to be burned any material on any public street or alley right-of-way or other public place, except when authorized by the governmental unit having jurisdiction over such place, and when such burning is conducted as provided in this article.
(Comp. Ords. 1987, § 35.154)

Sec. 14-64. Tending fires.

It shall be the duty of any person who kindles or causes to be kindled, burns or causes to be burned, or allows to be burned any material under the provisions of this article to continually supervise the resulting fire, and take adequate precautions to prevent such fire from spreading beyond its intended limits, and to prevent any violation of this article.
(Comp. Ords. 1987, § 35.155)

Sec. 14-65. Duty to obey fire chief.

No person shall knowingly disobey or ignore any order, whether written or oral, issued by the fire chief pursuant to this article. It shall be the duty of every person to immediately carry out, to the best of his ability and resources, any order issued to him by the fire chief pursuant to this article.
(Comp. Ords. 1987, § 35.156)

Sec. 14-66. Fire chief may regulate any fire.

Notwithstanding any provision of this article, the fire chief may prohibit, restrict, prevent, limit, stop or cause to be stopped any or all fires whatsoever which in his opinion, because of atmospheric conditions, dryness, adjacent buildings or materials, or other special conditions, are or could be hazardous to persons or property. Regulation of an individual fire shall be accomplished by written or verbal order to the person responsible for said fire. Temporary citywide restriction of fires shall become effective after reasonable notice to the public by newspaper or public radio broadcast, at least 12 hours prior to such restriction become effective.
(Comp. Ords. 1987, § 35.157)

Sec. 14-67. Fire limits established.

All those areas of the city which are now or hereafter zoned CBD central business district or GBD general business district are hereby designated and established as the fire limits of the city.
(Comp. Ords. 1987, § 35.158)

Sec. 14-68. Burning within fire limits prohibited.

No trash or garbage of any kind shall be burned inside or outside of any building, in any manner whatsoever, whether in an approved incinerator or not, within the fire limits of the city.
(Comp. Ords. 1987, § 35.159)

Sec. 14-69. Burning in buildings.

No person shall burn any trash inside of a dwelling or other building, except in a furnace, fireplace or other incinerator constructed for that purpose within said dwelling or building and which meets the requirements of an approved incinerator as hereinafter provided.
(Comp. Ords. 1987, § 35.160)

Sec. 14-70. Burning outside of buildings.

No person shall burn any trash outside of a building, except in an approved incinerator as hereinafter provided.
(Comp. Ords. 1987, § 35.161)

Sec. 14-71. Burning of garbage prohibited.

No person shall burn any garbage, whether by itself or mixed with other material, either within or outside of a building, under any circumstances whatsoever.
(Comp. Ords. 1987, § 35.162)

Sec. 14-72. Excessive smoke and odor prohibited.

Notwithstanding any provisions of this article, no person shall kindle or cause to be kindled, burn or cause to be burned or allow to be burned on property owned by him or under his control or on any public street or place, whether in an approved incinerator or not, any material which by its chemical properties, high moisture content or dampness, produces an excessive amount of smoke

and/or odor which is or could be offensive to the occupants of nearby premises. Smoke and/or odor shall be deemed to be excessive and offensive to occupants of nearby premises whenever complaints concerning such smoke and/or odor are made in writing by at least three persons of different households.
(Comp. Ords. 1987, § 35.163)

Sec. 14-73. Limited burning of leaves.

Notwithstanding any provisions of this article, it shall be lawful to burn leaves during the months of October, November, April and May of each calendar year without obtaining a permit to do so, if such burning is done on the premises where such leaves have accumulated, and in a safe manner, attended continually by the person burning such leaves, and so as not to produce excessive smoke as defined in section 14-72.
(Comp. Ords. 1987, § 35.164)

Sec. 14-74. Sale of burning devices.

No person shall sell or offer for sale any device for burning which does not meet the requirements of an approved incinerator as hereinafter provided, unless such device is clearly marked with the words "This Device Does Not Meet the Requirements of the Burning Ordinance of the City of St. Ignace, Michigan." Whenever any question exists about whether any burning device meets the requirements of an approved incinerator, as hereinafter provided, the determination of the fire chief as to whether such device meets said requirements shall be final.
(Comp. Ords. 1987, § 35.165)

Sec. 14-75. Approved incinerators.

Burning devices shall be deemed to be approved if they meet certain standards for their respective uses, as follows:

(1) Approved incinerators for use outside of buildings shall meet the following requirements:

a. Such container shall be constructed of fireproof material, such as metal or brick.

b. Such container shall be adequately maintained against rust and other deterioration, so as to be structurally sound and safe while in use.

c. Such container shall provide adequate ventilation to thoroughly burn all burnable material placed in it. Such container shall be equipped with either a grate to allow ashes to accumulate below the ventilation holes, or a series of ventilation holes located around such container and vertically up the side of such container to a height at least two feet above the bottom of such container, and spaced so that each hole is no farther than six inches from all adjacent holes. It shall be the duty of every person using any incinerator to keep it sufficiently free of ashes to allow adequate ventilation.

d. No permanent openings in such container shall be greater than one inch in diameter or one square inch in area, which ever is greater. Where such container is made of screen or wire mesh, said dimensions shall refer to the distance between wires in the mesh.

e. Such container shall be fitted with a spark arrester (with openings not to exceed three-quarters of an inch in diameter or five-eights of a square-inch in area, whichever is greater) as a cover across the top of such container, and across the vent, flue or chimney where one is used, through which the draft of the fire passes, and so arranged as to prevent burning particles or ash from being carried aloft in the draft of the fire.

f. Such container shall be located so that the fire, including flames and scorching heat, is confined to the premises of the owner, and no closer than ten feet to any lot line of said premises, nor closer than 25 feet to any building.

(2) Approved incinerators for use inside of buildings shall meet all of the requirements for approved incinerators for use outside of buildings, as provided in subsection (1) of this section, provided that the distance requirements in subsection (1)f of this section shall not apply to the building housing said incinerator; and, in addition, shall be approved by the fire chief prior to being installed.

(Comp. Ords. 1987, § 35.166)

Sec. 14-76. Special permits.

(a) Notwithstanding any provisions of this article to the contrary, the fire chief may issue a permit for open burning when in his opinion:

(1) It is not reasonably possible to dispose of the material by any means other than open burning; and

(2) Such burning will not cause any safety hazard, or excessive smoke or odor.

(b) Said permit shall be issued for a specific date between the hours of 8:00 a.m. and 8:00 p.m., and shall specify the person who has requested such permit and who will be responsible for the burning activity, the location of the burning activity and the materials to be burned.

(Comp. Ords. 1987, § 35.167)

Sec. 14-77. Civil liability.

It is the responsibility of every person who kindles or causes to be kindled, burns or causes to be burned, or allows to burn on premises owned by him or under his control any fire whatsoever to supervise and control such fire so that it is not harmful or dangerous to any person or property.

(1) Nothing in this article shall be construed as affecting any civil liability imposed by the laws of the state for damages to persons or property as a result of starting any fire, whether such fire was started or continued in accordance with the provisions of this article or not.

(2) Nothing in this article shall be construed as imposing any civil liability for damages on the city or on the fire chief, by reason of the granting or refusing to grant any approval or permission as provided for in this article.

(Comp. Ords. 1987, § 35.168)

Sec. 14-78. Penalty.

Any person violating any of the provisions of this article shall be guilty of a municipal civil infraction.

(Comp. Ords. 1987, § 35.169)

Sec. 14-79. Enforcement by authorized city official.

Either the fire chief and/or city police are hereby designated as the authorized city official to issue municipal civil infraction citations (directing alleged violators to appear in court) or a municipal civil infraction violation under this article.

(Comp. Ords. 1987, § 35.173)

Secs. 14-80—14-110. Reserved.

ARTICLE IV. SMOKE DETECTORS IN RENTAL UNITS

Sec. 14-111. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Dwelling unit means one, two or more rooms with kitchen facilities designed as a unit for occupancy by only one family for cooking, living, and sleeping purposes, together with the common areas which support the unit, and in the case of hotels, motels, bed and breakfast establishments, boardinghouses or other similar structures, each individual room or rooms to be occupied as a separate unit.

Exempt rental unit. Any rental unit that is inspected by the Department of Housing and Urban Development, the Federal Housing Administration, the Farmers Home Administration or the Michigan State Housing Development Authority on a regular basis shall be exempt from the requirements of this article. However, nothing in

this article shall relieve any owner of a rental unit from complying with federal, state or local laws, whether or not such laws contain similar provisions to those contained in this article.

Landlord means any person who owns or controls a rental unit, other than an exempt rental unit, and rents such unit personally or through an agent, to any person or persons.

Rental unit means any one-family dwelling unit, two-family dwelling unit, multiple-family dwelling unit or residential structure containing sleeping units, including but not limited to hotels, motels, bed and breakfast establishments, boarding houses, or sleeping rooms, which are rented by the owner or other person in control of such units to any individual or individuals, whether by the day, week, month, year, or any other term.

Smoke detector means a device designed and manufactured to activate and to provide an alarm upon the occurrence of a fire, which alarm shall be sufficient to warn the occupants of the rental unit of a fire.
(Comp. Ords. 1987, § 40.101)

Sec. 14-112. Installation of smoke detector.

Every landlord shall install a UL-approved smoke detector in accordance with the manufacturer's instructions on the ceiling or within six inches of the ceiling in each of the following locations in a rental unit:

(1) In each bedroom or sleeping area.

(2) In the immediate vicinity of the main heating unit and the water heater. If either or both of these are located in the basement, the smoke detector shall be installed in the stairwell leading to the basement.

(3) In each common hallway between dwelling units in any structure containing more than one dwelling unit.

(4) As otherwise required by any applicable state or local building code in effect in the city

(Comp. Ords. 1987, § 40.102)

Sec. 14-113. Maintenance of smoke detector.

Each landlord shall inspect every smoke detector required to be installed pursuant to this article, at least annually not later than May 30 of each year or upon a change of tenants to confirm that such smoke detector is in proper working order, and where such smoke detector is operated by a battery, the landlord shall replace the battery with a new battery at least once every six months in each smoke detector. The landlord shall keep a record of each inspection on a form provided by the city, and as proof of such inspection, the landlord shall (i) obtain the signature of an adult tenant verifying each inspection and verifying that the smoke detector was in proper working order and the battery, if battery-operated, was replaced (ii) send a copy thereof to the city clerk within ten days after such inspection. In the event that the landlord is unable to obtain the signature of an adult tenant verifying the foregoing, the landlord shall contact the fire chief or his designee to arrange for the fire chief or his designee to inspect such smoke detector and to verify that it is in working order and that the landlord has installed a new battery, in the event that the smoke detector is battery-operated. The landlord shall maintain such records for a period of at least three years.
(Comp. Ords. 1987, § 40.103)

Sec. 14-114. Inspection fee.

In the event the fire chief or designee shall make more than one inspection per apartment per year, at the request of the landlord, the landlord shall pay a fee as currently established or as hereafter adopted by resolution of the city council from time to time per inspection per apartment for each such additional inspection. Failure by the landlord to pay such fee shall constitute a violation of this article.
(Comp. Ords. 1987, § 40.104)

Sec. 14-115. Inspection by city.

The fire chief, or his designee, shall have the right to inspect the records kept pursuant to the preceding section upon reasonable request. In addition, the fire chief or his designee shall have the right, if he has reasonable cause to believe

that there is a violation of this article, to inspect any rental unit to investigate any violation or alleged violation of this article.
(Comp. Ords. 1987, § 40.105)

Sec. 14-116. Violation.

Anyone who shall violate the provisions of this article, or who shall falsify any records required to be kept by this article, or who shall refuse to allow inspection of such records by the city upon reasonable request, shall be guilty of a municipal civil infraction.
(Comp. Ords. 1987, § 40.106)

Sec. 14-117. Enforcement by authorized city official.

Either the fire chief and/or city police are hereby designated as the authorized city official to issue municipal civil infraction citations (directing alleged violators to appear in court) or a municipal civil infraction violation under this article.
(Comp. Ords. 1987, § 40.109)

Secs. 14-118—14-164. Reserved.

ARTICLE V. FIRE SERVICE FEE*

Sec. 14-165. Purpose.

This article is adopted for the purposes of providing financial assistance to the City of St. Ignace for the operation of its fire department and for providing fire/rescue and services related to protecting the public against exposed or dangerous conditions within the department's response area.
(Ord. No. 636, § 1, 2-18-2013)

Sec. 14-166. Definitions.

Fire service means any deployment of fire fighting personnel and/or equipment to extinguish a fire or perform any preventative measure in an effort to protect equipment, life, or property in an area threatened by fire. It also includes the deployment of fire fighting personnel and/or equipment to provide fire suppression, rescue, extrication, and any other services related to fire and rescue as may occasionally occur.

Fire service fee means the charge imposed by the city for receiving fire service.

Motor vehicle means any self-propelled vehicle designed and originally manufactured to operate primarily upon public roads and highways, and not operated exclusively upon railroad tracks. It includes semi trailers. It does not include manufactured homes, or park trailers.

Fire protection contract means a contract between the city and a township or other city for the city to provide fire service.

Mutual aid agreement means an agreement between the city and a township or other city for the city's fire department to provide assistance to the fire department of a township or other city.

City council refers to the City of St. Ignace City Council.

City manager refers to the City of St. Ignace City Manager.

City clerk refers to the City of St. Ignace City Clerk.

Fire chief refers to the Fire Chief of the St. Ignace Fire Department.
(Ord. No. 636, § 2, 2-18-2013)

Sec. 14-167. Parties affected.

(a) Owners of property within the St. Ignace Fire Department response area who receive the benefit of fire service response.

(b) Anyone who receives fire service as a result of a motor vehicle accident or fire within the St. Ignace Fire Department response area.

***Editor's note—**Ord. No. 636, adopted Feb. 18, 2013, did not specifically amend the code. Hence, inclusion as Ch. 14, Art. V, §§ 14-165—14-172, was at the discretion of the editor.

State law reference—To establish charges for fire department services in responding to emergency incidents under Public Act 33 of 1951, as amended MCL 41.801, et seq., to provide methods for the collection of such charges and exemptions there from.

(c) Owners of property in the city, townships or regulated area to which the St. Ignace Fire Department provides fire service response pursuant to a fire protection contract, mutual aid agreement or cooperative agreement.
(Ord. No. 636, § 3, 2-18-2013)

Sec. 14-168. Billing and collection.

(a) Parties requesting and receiving fire services may be billed directly by the City of St. Ignace. Additionally, if the party receiving fire services did not request services but a fire or other situation exists, which, at the discretion of the fire department personnel in charge requires fire service the party will be charged and billed. Parties will be billed for the following types of responses:

(1) Structure fires in occupied or operating buildings, garages, sheds, outer buildings, warehouse, storage, etc.

(2) Vehicle fires, including highway-use registered motor vehicles, ATV's, snowmobiles, heavy equipment, aircraft, trailers, and watercraft.

(3) Rubbish or debris fires including trash, tires, yard waste, vegetation, brush, construction materials, etc. If a person has a valid State of Michigan DNR/City of St. Ignace Burning Permit that results in an escaped or unwanted fire, or is burning out of the prescribed conditions, the fire department shall extinguish the fire and assess appropriate service fees. This includes non-permit fires.

(4) Rescue services to include car accidents, vehicle extrication, confined space rescue, and any other technical rescue operations.

(5) Utilities safety standby to include downed power lines, natural and/or propane (LPG) gas leaks, pipeline or distribution line breaks.

(6) Hazardous materials response, in accordance with City of St. Ignace Ordinance No. 559 "Hazardous Material Incident Reimbursement".†

(b) The city council shall have the authority from time to time to abate charges upon circumstances which indicate that a lesser fee should be billed, or that other facts and circumstances, including hardships, exist which indicate that an adjustment and/or waiver should be made. The council shall have broad discretion as to which factors to consider in determining whether or not a hardship exists and whether an abatement or waiver is appropriate. However, in any case involving the loss or damage of a primary residence as defined in [subsection (a)(1)], the council shall consider the loss of use of a primary residence as a factor favoring abatement and/or waiver. The council shall also consider certain factors which would make waiver and/or abatement unavailable such as the violation of state, federal and/or local laws, regulations and ordinances, the violation of which were a contributing cause to the starting or accelerating of a fire.

(c) Following the conclusion of an incident, the Fire Chief of the St. Ignace Fire Department shall submit a report detailing the type and level of response for that said incident to the city clerk, who shall prepare and submit to the responsible party an invoice for the chargeable expenses in accordance with this ordinance.

(d) The city clerk shall cause a bill to be sent to the appropriate party and/or insurance carrier. If the bill is not paid in full 90 days from the date of the original billing it shall be considered delinquent. The clerk shall mail notice of delinquency and thereafter shall take such reasonable steps as may be necessary for the collection of all such charges.

(e) For delinquent claims, the City of St. Ignace may pursue any and all remedies available to it in the collection of past due sums, including, but not limited to[,] institution of appropriate legal action in a court of competent jurisdiction and, where available, imposition of a lien or charge imposed upon the real or personal property benefited from the services. The final determination for collections shall be the responsibility of the city council.

(f) False alarms will not be billed as a fire call. To do so would only discourage parties from reporting a fire that may ultimately result in increased loss of property and life. However, if the

fire chief determines a trend of non- compliance to recommended actions for correction of said false alarm activations, or a malicious and purposeful activation of an alarm that causes a nuisance to the public and affects the public safety and well being of those affected, the responsible party may be charged for such multiple fire department responses. The fee charged will be at the discretion of the fire chief under direction of the city council.

(g) The charges/fees imposed may be appealed to the city council for city residents. Township residents report to township board by submitting the grounds for the appeal in writing to the city/township clerk's office, provided that the written request for appeal is received by the city /township clerk within 30 days after the initial invoice was sent by the city. The township boards shall report to city council with their recommendation. The city council's finding shall be final.
(Ord. No. 636, § 4, 2-18-2013)

†**Editor's note—**Ordinance No. 559 may be found on file in the office of the city clerk.

Sec. 14-169. Fire service fee schedule.

(a) *Structure fires:*

Level #1 - Small fires contained to a defined area or smaller in size building that cause minimal damage and/or minor loss of content, yet may require an insurance claim to be made. On-scene operations of the fire department lasting less than one hour.

Level #2 - Large fires that cause moderate to heavy fire damage to a structure that requires extended efforts of manpower, fire suppression operations, salvage of property, exposure protection and water usage of over 2,000 gallons. On-scene operations of the fire department lasting more than one hour.

(b) *Vehicle fires:*

Level #1: Fires involving a passenger motor vehicle, motorcycle, ATV, snowmobile, aircraft or watercraft.

Level #2: Fires involving a prolonged response, extended operations of more than one hour commonly for larger vehicles (semi-tractor trailer and associated cargo beyond a passenger car or pickup truck) that may also require additional resources for traffic control and/or water supply for fire suppression efforts.

(c) *Outside fires (rubbish or debris fires including trash, tires, yard waste, vegetation, brush, construction materials):*

Level #1: Small fires that may cause a public nuisance and/or start to spread out of control but remain within the property origin. Small fires found unattended by a responsible party but will need to be extinguished by the fire department. Small fires reported to the fire department where the responsible party is burning without a permit or possibly burning during a restriction and/or burn ban.

Level #2: Larger fires that may spread beyond a property boundary, expose structures to fire, expend more efforts of manpower and equipment for the purposes of fire suppression and protecting the public. Similar type fires reported to the fire department where the responsible party is burning without a permit or possibly burning during a restriction and/or burn ban.

(d) *Rescue services (car accidents, vehicle extrication, confined space rescue, and any other technical rescue operations):*

Level #1: Basic response, no major patient entrapment, assist EMS with packaging, electrical and or machinery shutdown, minimal traffic control. On-scene operations of the fire department lasting less than one hour.

Level #2: Elevated response and operations, victim extrication, absorbent and/or foam applied for fuel spill control, extended use of manpower and equipment for traffic control, incident scene clean up. On-scene operations of the fire department lasting more than one hour.

(e) *Utilities safety standby:* Includes downed power lines, natural and/or propane (LPG) gas leaks, pipeline or distribution line breaks where the fire department responds and establishes a safe perimeter, controls ignition sources, protects persons and property from exposure for an extended time. Response and on-scene operations of

the fire department lasting more than one hour, until the utility company in question can respond and then take control of the situation.

(f) *Hazardous materials response:* Charges shall be assessed in accordance with City of St. Ignace Ordinance No. 559 "Hazardous Material Incident Reimbursement".†

(Ord. No. 636, § 5, 2-18-2013)

†**Editor's note—**Ordinance No. 559 may be found on file in the office of the city clerk.

Sec. 14-170. Mutual aid incidents/cooperative agreements.

When the city fire department provides fire service to another fire department pursuant to a mutual aid agreement and/or cooperative agreement, the billing will be determined by the said mutual aid agreement and/or cooperative agreement that covers the response to that particular area and/or agency.

(Ord. No. 636, § 6, 2-18-2013)

Sec. 14-171. Fee schedule.

All fire service fees are as listed in Appendix A.‡

(Ord. No. 636, § 7, 2-18-2013)

‡**Editor's note—**Appendix A may be found attached to Ordinance No. 636 and is on file in the office of the city clerk.

Sec. 14-172. Applications of collections to budget.

All "fire service fee" monies collected from the application of this said ordinance will become city funds, and then deposited into the fire department's equipment fund and/or areas within that fund at the discretion of the city manager. These funds shall be used to offset the expenses of the city fire department in providing fire services and/or maintaining equipment and/or properties for such purpose.

(Ord. No. 636, § 8, 2-18-2013)

Chapter 15

HUMAN RELATIONS

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Article II. Discrimination

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ARTICLE I. IN GENERAL

Secs. 15-1—15-30. Reserved.

ARTICLE II. DISCRIMINATION

Sec. 15-31. Declaration of policy.

(a) In furthering the policy of the State of Michigan as expressed in its Constitution and other laws; in order that the safety and general welfare, peace and health of all the inhabitants of the city may be ensured, it is hereby declared the policy of the city of St. Ignace, Michigan, to assure equal opportunity to all residents, regardless of actual or perceived age, race, color, religion, creed, national origin or ancestry, sex, sexual orientation, familial status, marital status, veteran status, gender expression, gender identity, or disability to live in decent, sanitary, healthful, standard living quarters.

(b) It is the policy of the city of St. Ignace that no owner, lessee, sub-lessee, assignee, managing agent, or other person, firm or corporation having the right to sell, rent, lease (or otherwise control) any housing accommodation and/or real property within the city, or any agent of these shall refuse to sell, rent, lease, or otherwise deny to or withhold from any person or group of persons such housing accommodations and/or real property because of actual or perceived age, race, color, religion, creed, national origin or ancestry, sex, sexual orientation, familial status, marital status, veteran status, gender expression, gender identity, or disability of such person or persons or discriminate against any person or persons because of actual or perceived age, race, color, religion, creed, national origin or ancestry, sex, sexual orientation, familial status, marital status, veteran status, gender expression, gender identity, or disability in the conditions, terms, privileges of the sale, rental or lease of any housing accommodation and/or real property or in the furnishing of facilities and/or services in connection therewith.

(c) Relocation shall be carried out in a manner that will promote maximum choice within the community's total housing supply; lessen racial, ethnic, and economic concentrations; and facilitate desegregation and racially inclusive patterns of occupancy and use of public and private facilities.

(Ord. No. 644, § 1, 2-20-2017)

Sec. 15-32. Definitions.

Unless a different meaning clearly appears from the context, the following terms shall have the meaning as described in this section and as used in this chapter.

Decent, sanitary, healthful standard living quarters. Decent, sanitary, healthful standard living quarters is housing which is in sound, clean, and weather tight condition in conformance with applicable local, state, and national codes.

Discriminate. The terms discriminate or discrimination mean any difference expressed in any way toward a person or persons in the terms of the sale, exchange, lease, rental or financing for housing accommodation and/or real property in regard to such sale, exchange, rental, lease or finance because of actual or perceived age, race, color, religion, creed, national origin or ancestry, sex, sexual orientation, familial status, marital status, veteran status, gender expression, gender identity, or disability of such person.

Financial institution. The term financial institution means any person, institution or business entity of any kind which loans money to persons and receives as security for said loans a secured interest of any kind in the real property of the borrower.

Housing accommodation. The term housing accommodation includes any building, structure, or portion thereof which is used or occupied, maintained, arranged or designed to be used or occupied as a home, residence or sleeping place of one or more human beings, or any real estate so used, designed or intended for such use.

Owner. An owner means any person/persons who hold legal or equitable title to, or own any beneficial interest in any real property or who hold legal or equitable title to shares of, or hold any beneficial interest in any real estate cooperative which owns any real property and/or housing accommodations.

Real estate broker. The term real estate broker means any person, partnership, association, corporation and/or agent thereof, who for a fee or other valuable consideration offers, sells, purchases, exchanges or rents, or negotiates for the sale, purchase, exchange or rental of a housing accommodation and/or real property of another, or collects rental for the use of housing accommodation and/or real property of another.

Real property. The term real property means any real estate, vacant land, building, structure or housing accommodations within the corporate limits of the city of St. Ignace, Michigan.
(Ord. No. 644, § 2, 2-20-2017)

Sec. 15-33. Prohibited acts.

It shall be unlawful for any owner of real estate, lessee, sub-lessee, real estate broker or salesman, financial institution or employee of the financial institution, advertiser, or agent of any or all of the foregoing, to discriminate against any person or persons because of their actual or perceived age, race, color, religion, creed, national origin or ancestry, sex, sexual orientation, familial status, marital status, veteran status, gender expression, gender identity, or disability with regard to the sale, exchange or rental, or any dealing concerning any housing accommodation and/or real property.

In addition to the foregoing, it shall also be unlawful for any real estate broker or employee thereof, owner or other person, or financial institution dealing with housing or real property in the city of St. Ignace, Michigan:

(1) To discriminate against any person in the availability of or the price, terms, conditions, or privileges of any kind relating to the sale, rental, lease, or occupancy of any housing accommodation or real property in the city or in furnishing of any facilities or services in connection therewith.

(2) To publish or circulate, or cause to be published or circulated, any notice, statement or advertisement, or to announce a policy, or to use any form of application, for the purchase, lease, rental or financing of real property, or to make any record of inquiry in connection with the prospective purchase, rental or lease of such real estate, which expresses directly or indirectly any discrimination as to actual or perceived age, race, color, religion, creed, national origin or ancestry, sex, sexual orientation, familial status, marital status, veteran status, gender expression, gender identity, or disability of any person.

(3) To discriminate in connection with lending money, guaranteeing loans, accepting mortgages or otherwise obtaining or making available funds for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation and/or real property.

(4) To solicit for sale, lease, or listing for the sale or lease, of any housing accommodation and/or real property on the grounds of loss of value because of the present or prospective entry into any neighborhood of any person or persons of any particular actual or perceived age, race, color, religion, creed, national origin or ancestry, sex, sexual orientation, familial status, marital status, veteran status, gender expression, gender identity, or disability.

(5) To distribute or cause to be distributed, written material or statements designed to induce any owner or any housing accommodation and/or real property to sell or lease his or her property because of any present or prospective change in actual or perceived age, race, color, religion, creed, national origin or ancestry, sex, sexual orientation, familial status, marital status, veteran status, gender expression, gender identity, or disability of persons in the neighborhood.

(6) To make any misrepresentations concerning the listing for sale or the anticipated listing for sale or the sale of any housing accommodation and/or real property for the purpose of inducing or attempting to induce the sale or listing for sale of any housing accommodation and/or real property by representing that the pres-

ence or anticipated presence of persons of any particular actual or perceived age, race, color, religion, creed, national origin or ancestry, sex, sexual orientation, familial status, marital status, veteran status, gender expression, gender identity, or disability in the area will or may result in the lowering of property values in the block, neighborhood or area in which the property is located.

(7) For an owner to solicit any real estate broker to sell, rent or otherwise deal with such owner's housing accommodations and/or real property with any limitation on its sale based on actual or perceived age, race, color, religion, creed, national origin or ancestry, sex, sexual orientation, familial status, marital status, veteran status, gender expression, gender identity, or disability.

(8) For an owner to refuse to sell, rent, or otherwise deal with any housing accommodation and/or real property because of actual or perceived age, race, color, religion, creed, national origin or ancestry, sex, sexual orientation, familial status, marital status, veteran status, gender expression, gender identity, or disability of the proposed buyer or tenant.

(Ord. No. 644, § 3, 2-20-2017)

Sec. 15-34. Penalty.

Any person convicted of violating any of the provisions of this chapter shall be punished by a fine of not less than $100.00 nor more than $1,500.00. Each day a violation continues shall constitute a separate violation. This section shall in no way abrogate or impair the right of the city of St. Ignace, Michigan, to specifically enforce, by any legal means, any of the provisions of this chapter.

(Ord. No. 644, § 4, 2-20-2017)

16
Land Divisions and Subdivisions

Chapter 16

LAND DIVISIONS AND SUBDIVISIONS*

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ARTICLE I. IN GENERAL

Secs. 16-1—16-30. Reserved.

ARTICLE II. LAND DIVISIONS*

Sec. 16-31. Purpose.

The purpose of this article is to regulate the splitting of parcels in the city which are not subject to the platting process of the land division act, Public Act No. 288 of 1967 (MCL 560.101 et seq.). The reasons for this article include the following, without limitation:

(1) Monitoring the creation of new parcels.

(2) Preventing illegal splits of parcels.

(3) Informing and educating property owners about the types of parcels which may be created under this article and applicable state law.

(4) Protecting innocent third parties from purchasing substandard parcels.

(5) Preventing the creation of parcels without adequate access.

(6) Implementing an orderly procedure for splitting parcels.

(Comp. Ords. 1987, § 17.141)

Sec. 16-32. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessible means, in reference to a parcel, that the parcel meets one or both of the following requirements:

(1) The parcel has an area where a driveway provides or can provide vehicular access to an existing road or street and meets all applicable location standards of the city, under Public Act No. 200 of 1969 (MCL 247.321 et seq.).

(2) The parcel is served by an existing easement that provides vehicular access to an existing road or street and that meets all applicable location standards of the city, under Public Act No. 200 of 1969 (MCL 247.321. et seq.); or the parcel can be served by a proposed easement that will provide vehicular access to an existing road or street and that will meet all such applicable location standards.

Development site means any parcel on which building development exists or which is intended for building development, other than agricultural or forestry uses as those uses are defined in section 102(k) of the land division act (MCL 560.102(k)).

Division means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by the proprietor's heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale or lease of more than one year or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of sections 108 and 109 of the land division act (MCL 560.108, 560.109). The term "division" does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the land division act and the requirements of all applicable city ordinances.

Exempt split means the partitioning or splitting of a parcel or tract of land by the proprietor or by the proprietor's heirs, executors, administrators, legal representatives, successors, or assigns that does not result in one or more parcels of less than 40 acres or the equivalent. For a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel, any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the land division act and the requirements of all applicable city ordinances.

Forty acres or the equivalent means 40 acres, a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.

***State law reference**—Land division act, MCL 560.101 et seq.

Land division act means Public Act No. 288 of 1967 (MCL 560.101 et seq.).

Parcel means a continuous area or acreage of land which can be described as provided for in the land division act.

Parcel depth means the average horizontal distance from the front lot line and the rear lot line, as those terms are defined in the zoning regulations set out in chapter 38.

Parcel width means the mean horizontal distance between the side lot lines as measured at right angels to those side lot lines, as those terms are defined in the zoning regulations set out in chapter 38. Where side lot lines are not parallel, the parcel width shall be the average horizontal distance between the side lot lines.

Parent parcel and *parent tract* mean a parcel or tract, respectively, lawfully in existence on March 31, 1997.

Tract means two or more parcels that share a common property line and that are under the same ownership.
(Comp. Ords. 1987, § 17.142)

Sec. 16-33. Penalty.

(a) Any person who shall divide a parcel in violation of this article or sell or attempt to sell a division of a parcel in violation of this article shall be responsible for a municipal civil infraction.

(b) The city assessor is hereby designated as the authorized city official to issue municipal civil infraction citations for enforcement of this article.

(c) Pursuant to MCL 211.53(3), the city shall notify the owner of any parcel which violates or is suspected of violating the land division act. The city shall also notify the county prosecuting attorney and the appropriate state agency.
(Comp. Ords. 1987, § 17.143)

Sec. 16-34. Fees.

The city may, from time to time, adopt by resolution a fee schedule for land division applications.
(Comp. Ords. 1987, § 17.144)

Sec. 16-35. Approval.

(a) Divisions of land must be reviewed by and receive prior written approval from the city assessor. The following are not subject to the requirements of this article:

(1) A parcel proposed to be subdivided through a recorded plat pursuant to the land division act and this article, pertaining to subdivision control.

(2) A lot in a recorded plat proposed to be partitioned or divided pursuant to the land division act and this article, pertaining to subdivision control.

(3) An exempt split as defined in this article.

(b) No new parcel shall be created nor shall any new parcel be sold or in any way developed or improved unless there has been prior written approval pursuant to subsection (a) of this section. Unless prior written approval has been granted pursuant to subsection (a) of this section, no city building, zoning or other permit or approval shall be granted with respect to a new parcel, and any such new parcel shall not be recognized as a separate parcel on the tax assessment roll or assigned a tax parcel identification number.

(c) To obtain approval of a division, an application shall be filed with the city assessor. The application shall include all of the components specified in section 16-36.

(d) The city assessor shall approve a proposed division within the time period required by the land division act (i.e., 45 days at the adoption of the ordinance from which this article derives) if the criteria and requirements of the land division act and this article are met. The time period for approval shall not commence until a complete signed application accompanied by all required supporting documents has been filed with the city assessor.

(e) The city assessor shall maintain a record of all approved and accomplished divisions and transfers.
(Comp. Ords. 1987, § 17.145)

Sec. 16-36. Criteria.

(a) No division shall be approved which is contrary to or in violation of the land division act or this article.

(b) Each resulting parcel which is not larger than ten acres shall have a ratio of parcel depth to parcel width which does not exceed four to one. This requirement shall not apply to the remainder of the parent parcel. Further, the requirement may be relaxed and a greater ratio allowed by the city based upon a consideration of the following factors:

(1) The topographical conditions of the parcel;

(2) The physical conditions of the parcel; and

(3) The compatibility of the parcel with surrounding land.

(c) Each resulting parcel shall meet the minimum width and area requirements of the zoning regulations set out in chapter 38, except where resultant abutting parcels under the same ownership are combined to more nearly meet, to meet, or to exceed the requirements of the zoning regulations in chapter 38.

(d) Each resulting parcel shall be accessible.

(e) Each resulting parcel that is a development site shall have adequate easements for public utilities from the parcel to existing public utility facilities.

(f) Each resulting parcel shall have an adequate and accurate legal description and shall be included in a tentative parcel map showing area, parcel lines, public utility easements, accessibility, and other requirements of the land division act. The tentative parcel map shall be a scale drawing showing the approximate dimensions of the parcels.
(Comp. Ords. 1987, § 17.146)

Sec. 16-37. Application requirements.

Each application for a division must contain the following information:

(1) A completed application form on such form as may be approved from time to time by the city assessor.

(2) Proof of all fee ownership interests in the land proposed to be divided.

(3) An application fee in an amount set from time to time by city council resolution to cover the costs of reviewing the application and administering this article and the land division act.

(4) If a transfer of division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.

(5) Proof that all standards of the land division act and this article have been met, including proof that the parcel was lawfully in existence on March 31, 1997, as well as the number, size and date of divisions after March 31, 1997.

(Comp. Ords. 1987, § 17.147)

Sec. 16-38. Appeal of denial.

If the city assessor denies the requested division, the applicant may appeal that denial to the city council. Any such appeal must be filed in writing with the city clerk within 30 days of the denial. The members of the city council shall consider and decide the appeal within 30 days after the filing of the appeal with the city clerk.
(Comp. Ords. 1987, § 17.148)

Sec. 16-39. Limitation on approval.

Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations. The city and its officers and employees shall not be liable for approving a land division if building permits for construction on the parcels are subsequently denied for any other reason.
(Comp. Ords. 1987, § 17.149)

Secs. 16-40—16-70. Reserved.

ARTICLE III. SUBDIVISION REGULATIONS*

DIVISION 1. GENERALLY

Sec. 16-71. Purpose.

The purposes of this article are to provide for the orderly growth and harmonious development

*__State law reference__—Land division act, MCL 560.101 et seq.

of the community; to secure adequate traffic circulation through coordinated street systems with relation to major streets, adjoining subdivisions and public facilities; to achieve individual property lots of maximum utility and livability; to secure adequate provisions for water supply, drainage and sanitary sewerage, and other health requirements; to secure adequate provisions for recreational areas, school sites and other public facilities; and to provide logical and orderly procedures for the achievement of these purposes.
(Comp. Ords. 1987, § 17.012)

Sec. 16-72. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. All terms as defined in the land division act, Public Act No. 288 of 1967 (MCL 560.101 et seq.) shall apply in this article except as limited or otherwise modified below.

Alley means a minor service street used primarily to provide secondary vehicular access to the rear or side of properties otherwise abutting upon a street.

Block means a part of a subdivision bordered on all sides by any combination of streets, railroad rights-of-way, unsubdivided acreage, bodies of water, and natural barriers to continuous development.

Boulevard means a street developed into two two-lane, one-way pavements separated by a median.

City's engineer means any registered engineer designated by the city council as its engineer for any project or activity.

Cul-de-sac means a circular area at the end of a street which provides turnaround space for vehicles.

Dead-end street means any street or part of a street, including a boulevard, which intersects with another street at only one end, whether or not a cul-de-sac is provided.

Easement means a grant by the owner of the use of strip of land by the public, a corporation, or persons, for specific uses and purposes, to be designated as a "public" or "private" easement depending on the nature of the use.

Local street means any street which is not a "major street" as hereinafter defined.

Major street means any street designated as "major" by the state department of transportation pursuant to the provisions of Public Act No. 51 of 1951 (MCL 247.651 et seq.); or any existing or proposed street right-of-way which, when developed, would extend an existing major street as designated by the state department of transportation; or any existing or proposed street right-of-way which, when developed, might reasonably be expected to be approved by the state department of transportation for inclusion in the major street system of the city; or any state trunkline highway or county primary road as designated by the state department of transportation.

Minor local street means a local street of limited continuity used primarily for access to abutting property, and which does not intersect with more than three other streets.

Street means a public right-of-way dedicated to public use for vehicular and pedestrian transportation.
(Comp. Ords. 1987, § 17.020)

Sec. 16-73. Compliance standards.

The approvals required under the provisions of this article shall be obtained prior to the installation of any subdivision or project improvements within the city, in public streets, public alleys, public rights-of-way, and public easements, and/or under the ultimate jurisdiction of the city. All subdivision or project improvements within the city installed in public streets, public alleys, public rights-of-way, or public easements, and/or under the ultimate jurisdiction of the city shall comply with all of the provisions and requirements of this article or any other related ordinance.
(Comp. Ords. 1987, § 17.060)

Sec. 16-74. Interpretation.

The provisions of these regulations shall be held to be the minimum requirements adopted for

the promotion and preservation of public health, safety and general welfare of the city. These regulations are not intended to repeal, abrogate, annul or in any manner interfere with existing regulations of laws of the city, nor conflict with any statutes of the state or laws of the county, except that these regulations shall prevail in cases where these regulations impose a greater restriction than is provided by existing statutes, laws or regulations.
(Comp. Ords. 1987, § 17.070)

Sec. 16-75. Review fees.

(a) *Generally.* The proprietor shall pay a fee for the review of a preliminary plat at the time said plat is filed with the city clerk, as follows:

(1) Subdivisions with average frontage of less than 150 feet per lot: $50.00 plus $1.00 per lot.

(2) Subdivisions with average frontage of more than 150 feet per lot: $50.00 plus $2.00 per lot.

(b) *Engineering review fees.* The proprietor shall pay a reasonable fee for review of improvement plans by the city's engineer, said fee to be determined by the city council prior to said review.
(Comp. Ords. 1987, § 17.080)

Sec. 16-76. Variance for hardship.

The city council may authorize a variance from these regulations when in its opinion, undue hardship may result from strict compliance. In granting any variance, the city council shall prescribe only conditions that it deems necessary to or desirable for the public interest. In making its findings, as required herein below, the city council shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be granted unless the city council finds:

(1) That there are special circumstances or conditions affecting said property such that strict application of the provisions of this article would deprive the applicant of the reasonable use of his land.

(2) That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.

(3) That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which said property is situated.

(Comp. Ords. 1987, § 17.090)

Sec. 16-77. Violation and penalties.

Any person violating any of the provisions of this article shall be guilty of a municipal civil infraction.
(Comp. Ords. 1987, § 17.100)

Secs. 16-78—16-100. Reserved.

DIVISION 2. PLATTING PROCEDURE

Sec. 16-101. Subdivision procedure.

The preparation of a subdivision for platting shall be carried out through three phases, as provided herein: namely, pre-preliminary plat review as provided in section 16-102; preliminary plat procedure as provided in section 16-103; and final plat procedure as provided in section 16-104.
(Comp. Ords. 1987, § 17.031)

Sec. 16-102. Pre-preliminary plat review.

Any proprietor may submit a pre-preliminary plat to the city council for information and review. It shall be the duty of the proprietor to inform himself of the requirements and provisions of this article, the zoning regulations in chapter 38 and all other ordinances and regulations relative to the subdivision and improvement of land, prior to submitting any pre-preliminary plat. Every pre-preliminary plat shall, when submitted to the city council for review, substantially comply with all applicable ordinances and regulations, and shall contain sufficient information to indicate such compliance.
(Comp. Ords. 1987, § 17.032)

Sec. 16-103. Preliminary plat procedure.

Before making or submitting a final plat for approval, the proprietor shall make a preliminary plat of the proposed subdivision and submit copies according to the following procedure:

(1) *Filing.* The proprietor shall submit ten copies of the preliminary plat to the city clerk, who shall determine if said plat is deficient in any information required by this section, and shall notify the proprietor of any such deficiency; or, if no deficiency exists, the city clerk shall schedule said plat for review at the next regular meeting of the city council, the date of which shall be deemed to be the official filing date of said preliminary plat.

(2) *Basic identification.* The preliminary plat shall include:

a. The name of the proposed subdivision;

b. The name and address of the proprietor;

c. The legal description of the parcel of land to be divided;

d. The name, address and seal of the surveyor who prepared it; and

e. The scale, date and northpoint.

(3) *Existing conditions.* The preliminary plat shall show in a scale of not more than 100 feet to one inch, on a topographic map, the following:

a. The boundary lines of the proposed subdivision, and the relationship thereto of the property lines of all adjacent platted and unplatted parcels, including those across abutting roadways, together with the names of the owners of such parcels.

b. The existing section lines, platted streets, alleys and other public easements, private roads, and water mains, sanitary sewers, storm sewers and other public and private utilities within or adjacent to the proposed subdivision.

c. The names or other identification, and the dimensions of all items required above, as appropriate.

d. Topography drawn as contours, and based on USGS data.

(4) *Proposed conditions.* The preliminary plat shall include:

a. Layout of streets, indicating proposed street names, right-of-way widths, and connections with adjoining platted streets and also the widths and locations of alleys and easements.

b. Layouts, numbers and dimensions of lots, including building setback lines.

c. Indication of parcels of land intended to be dedicated or set aside for public use or for the use of property owners in the subdivision.

d. Indication of the ownership and existing and proposed use of any parcels identified as "excepted" on the preliminary plat. If the proprietor has an interest or owns any parcel so excepted, the preliminary plat shall indicate how this property could be developed in accordance with the requirements of the existing zoning district in which it is located and with an acceptable relationship to the layout of the proposed preliminary plat.

e. Indication of the system proposed for sewage disposal by a method approved by the city council.

f. Indication of the system proposed for water supply by a method approved by the city council.

g. Indication of the storm drainage system proposed by a method approved by the city council.

h. In the case where a proprietor wishes to subdivide a given area, but wishes to begin with only a portion of the total area, the preliminary plat shall include the proposed general layout for the entire area. The part which is

proposed to be subdivided first shall be clearly superimposed upon the overall plan in order to illustrate clearly the method of development which the proprietor intends to follow. Each subsequent plat shall follow the same procedure until the entire area controlled by the proprietor is subdivided; provided, that said part shall conform by itself to all provisions of this article.

(5) *Notification to school district.* The proprietor shall submit to the city clerk, with copies of the preliminary plat as provided in subsection (1) of this section, a statement from the superintendent of any school district operating within the city to the effect that he has received a copy of the preliminary plat.

(6) *Public hearing.* The city council, prior to giving its tentative approval to any preliminary plat, shall hold a public hearing on said preliminary plat. Said hearing shall be held not sooner than ten days after a notice of the time and place of said hearing has been published as provided by city Charter, and sent by first class mail to every utility and school district operating within the city.

(7) *Preliminary approval.* The city council, within 90 days from the filing date, shall tentatively approve and note its approval on the copy of the preliminary plat to be returned to the proprietor, or set forth in writing its reasons for rejection and requirements for tentative approval. Such tentative approval under this section shall confer upon the proprietor, for a period of one year from date, approval of lot sizes, lot orientation and street layout. Such tentative approval may be extended if applied for by the proprietor and granted by the city council in writing.

(Comp. Ords. 1987, § 17.033)

Sec. 16-104. Final plat procedure.

The procedure for preparation, review and approval of a final plat shall be as follows:

(1) *Preparation.* A final plat shall meet the following requirements:

a. The final plat shall comply with the provisions of the land division act;

b. The final plat shall conform substantially to the preliminary plat as approved, and it may constitute only that part of the approved preliminary plat which the proprietor proposed to record and develop at that time; provided, that such part shall conform to all provisions of this article;

c. The proprietor shall submit, as evidence of title, an abstract of title certified to date with the written opinion of an attorney-at-law thereon or, at the option of the proprietor, a policy of title insurance for examination in order to ascertain as to whether or not the proper parties have signed the plat;

(2) *Filing.* The proprietor shall submit to the city clerk:

a. Six Mylar copies and four paper prints of the final plat;

b. A list of all authorities required to be notified under provisions of the land division act, and certification that the list shows all such authorities;

c. A copy of the preliminary plat approved by each of the aforementioned authorities;

d. The filing and recording fee as provided by the land division act, and any fee established under provisions of this article;

The city clerk shall schedule said plat for review at the next regular meeting of the city council, the date of which shall be deemed to be the official filing date of said final plat.

(3) *Final approval.* The city council shall consider and review said final plat, and approve it within 20 days from the filing date, if the proprietor has met all the conditions laid down for approval of the preliminary plat. Upon action by the city council the city clerk shall:

a. Record all proceedings in the minutes of the meeting at which such action was taken.

b. Promptly notify the proprietor of approval or rejection in writing and, if rejected, give the reasons.

c. If the final plat is approved, certify on the copies of said plat such approval, and the approval of the health department when such is required, and the dates thereof.

d. Forward all Mylar copies of said approved final plat to the clerk of the county plat board, together with the filing and recording fee.

Final approval of the preliminary plat approval shall confer upon the proprietor, for a period of two years from the date of approval, the conditional approval that the general terms and conditions under which preliminary approval was granted will not be changed. The two-year period may be extended if applied for by the proprietor and granted by the city council in writing. Written notice of the extension shall be sent by the city council to the other approving authorities.

(Comp. Ords. 1987, § 17.034)

Secs. 16-105—16-120. Reserved.

DIVISION 3. DESIGN STANDARDS

Sec. 16-121. Intent.

The design standards set forth in this article are development guides for the assistance of the proprietor, and are not intended nor to be construed to limit the reasonable discretion of the city council in setting forth additional requirements for any proposed plat.

(Comp. Ords. 1987, § 17.041)

Sec. 16-122. Streets.

Streets shall conform to at least all requirements set forth herein, and other requirements as set forth by the city council.

(1) The proposed subdivision shall provide for continuation of existing or planned major and local streets.

(2) The street layout shall be designed to discourage through traffic on minor local streets.

(3) Half-streets shall be avoided whenever possible. Whenever a platted half-street exists adjacent to the proposed subdivision, the other half shall be platted.

(4) Rights-of-way shall meet the following minimum standards:

a. Major streets — right-of-way width: 86 feet.

b. Major boulevards — right-of-way width: 120 feet.

c. Local streets — right-of-way width: 60 feet.

d. Local boulevards — right-of-way width: 100 feet.

e. Alleys — right-of-way width: 24 feet.

f. Culs-de-sac — radius: 75 feet.

g. Dead-end streets — length: 500 feet.

(5) *Street grades.* For adequate drainage, the minimum street grade shall not be less than 0.5 percent. The maximum street grade shall be 5.0 percent, except that the city council may make an exception to this standard on the recommendation of the city's engineer.

(6) *Street geometrics.* Standards for maximum and minimum street grades, vertical and horizontal street curves and sight distances shall be established by pub-

lished rules of the city council and shall in no case be less restrictive than the standards of the county road commission.

(7) *Street intersections.* Streets shall be laid out so as to intersect as nearly as possible to 90 degrees.

(Comp. Ords. 1987, § 17.042)

Sec. 16-123. Blocks.

Blocks shall conform to at least all requirements set forth herein, and other requirements as set forth by the city council.

(1) The maximum length of a block shall be 800 feet on any side, except where a small additional length is warranted to allow orderly subdivision development.

(2) Easements shall be provided as follows:

a. Location of utility line easements shall be provided along the rear or side lot lines as necessary for utility lines. Easements shall give access to every lot, park or public grounds. Such easements shall be a total of not less than 12 feet wide, six feet from each parcel.

b. Recommendations on the proposed layout of telephone and electric company easements should be sought from all of the utility companies serving the area. It shall be the responsibility of the proprietor to submit copies of the preliminary plat to all appropriate public utility agencies.

c. Easements six feet in width three feet from each parcel shall be provided where needed along side lot lines so as to provide for street light dropouts. Prior to the approval of the final plat for a proposed subdivision, a statement shall be obtained from the appropriate public utility indicating that easements have been provided along specific lots. A notation shall be made on the final plat indicating: "The side lot lines between lots (indicating lot numbers) are subject to street light dropout rights granted to the (name of utility company)."

(Comp. Ords. 1987, § 17.043)

Sec. 16-124. Lots.

Lots shall conform to at least all requirements set forth herein, and other requirements as set forth by the city council.

(1) *Size and shape.*

a. The lot size, width, depth and shape in any subdivision proposed for residential uses shall be appropriate for the location and the type of development contemplated.

b. Every lot shall have a minimum frontage of 80 feet and a minimum area of 12,000 square feet.

c. Building setback lines shall conform to at least the minimum requirements of the zoning regulations set out in chapter 38.

d. Every corner lot in a residential subdivision shall have a frontage at least ten feet wider than that for a noncorner lot.

e. Excessive lot depth in relation to width shall be avoided. A depth-to-width ratio of three to one shall normally be considered a maximum.

f. Lots intended for purposes other than residential use shall be specifically designed for such purposes, and shall have adequate provisions for off-street parking, setbacks, and other requirements in accordance with the zoning regulations set out in chapter 38.

(2) *Arrangement.*

a. Every lot shall front or abut on a street.

b. Side lot lines shall be at right angles or radial to the street lines.

c. Lots shall have a front-to-front relationship across all streets where possible.

d. Where lots border upon bodies of water, the front yard may be designed as the waterfront side of such lot provided the lot has sufficient depth to provide adequate setback on the street side to maintain a setback for all structures equal to the front setback on the street side as well as on the waterfront side.

(Comp. Ords. 1987, § 17.044)

Sec. 16-125. Natural features.

The natural features and character of lands must be preserved wherever possible. Due regard must be shown for all natural features such as large trees, natural groves, watercourses and similar community assets that will add attractiveness and value to the property, if preserved. The preservation of drainage and natural stream channels must be considered by the proprietor and the dedication and provision of adequate barriers, where appropriate, shall be required.
(Comp. Ords. 1987, § 17.045)

Secs. 16-126—16-140. Reserved.

DIVISION 4. IMPROVEMENTS

Sec. 16-141. Intent.

(a) The improvements set forth under this division are to be considered as the minimum acceptable standard. All those improvements for which standards are not specifically set forth shall have said standards set by resolution of the city council. All improvements must meet the approval of the city council.

(b) Improvements shall be provided by the proprietor in accordance with the standards and requirements established in this division and/or any other such standards and requirements which may from time to time be established by resolution of the city council.
(Comp. Ords. 1987, § 17.051)

Sec. 16-142. Streets.

Streets shall be developed, according to standards set by the city, with at least the following improvements:

(1) Local streets in residential-zoned areas: Double-seal-coated surface.

(2) Major streets in residential-zoned areas: Asphalt pavement.

(3) All streets in commercial-zoned or industrial-zoned areas: Asphalt pavement.

(4) Concrete curb and gutter shall be required with all new asphalt pavement which intersects with existing asphalt pavement with curb and gutter, for a distance from such intersection to be determined by the city council in each case.

(Comp. Ords. 1987, § 17.052)

Sec. 16-143. Utilities.

(a) *Requirements for underground wiring.* The proprietor shall make arrangements for all lines for telephone, electric, television and other similar services distributed by wire or cable to be placed underground through a subdivided area, except for major street rights-of-way. Such cables or conduits shall be placed within private easements provided to such service companies by the proprietor whenever possible, or within dedicated public ways. Provided, that overhead installations may be permitted when specifically approved by the city council at the time of final plat approval. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission. All drainage and underground utility installations which traverse privately owned property shall be protected by easements granted by the proprietor.

(b) *Sewerage.* A sanitary sewer system including all appurtenances shall be required in all subdivisions for which access to the public sewage disposal system is available.

(c) *Water supply.* A water supply system including appurtenances shall be required in all subdivisions for which access to the public water supply system is available.

(d) *Street lights.* A system of street lights shall be required, according to standards established by the city.

(e) *Fire hydrants.* A system of fire hydrants shall be required, according to standards established by the city.

(f) *Stormwater drainage.* An adequate stormwater drainage system, including appurtenances, shall be required according to standards established by the city. Adequate provisions shall be made for proper drainage of stormwater runoff from rear yards. Each yard shall be self-contained and shall be drained from rear to front, except where topography or other natural features require otherwise.
(Comp. Ords. 1987, § 17.053)

Sec. 16-144. Other improvements.

(a) *Sidewalks.* A five-foot wide concrete sidewalk located one foot from the property line shall be required on each side of every major street which is interior to the subdivision, and on the subdivision side of every major street which abuts the subdivision; provided, that the city council may waive this requirement where such sidewalks would serve no good purpose.

(b) *Street signs.* Street name signs shall be placed at all street intersections, in accordance with specifications established by the city.

(c) *Monuments.* Monuments shall be placed at all block corners, angle points, points of curves in streets, and at other intermediate points as requested by the city council.

(d) *Street trees.* Existing trees to be preserved or new trees to be provided within the street right-of-way shall be preserved or provided according to standards established by the city.
(Comp. Ords. 1987, § 17.054)

Sec. 16-145. Improvement plan.

Prior to approval of the final plat by the city, the proprietor shall provide plans for the construction of all required and additional planned improvements, for the review and approval of the city.
(Comp. Ords. 1987, § 17.055)

Sec. 16-146. Construction deposit.

(a) Prior to the undertaking of any improvements, the proprietor shall deposit with the clerk a sum of cash, a certified check or an irrevocable bank letter of credit running to the city, whichever the proprietor selects, to ensure faithful completion of all improvements within the time specified. The amount of the deposit shall be set by the city council based on the estimated cost of construction.

(b) Each improvement shall be constructed either by the proprietor or the city, as determined by prior agreement, within a length of time agreed upon from the date of approval of the final plat by the city council. The city council shall release funds for the payment of work as it is completed and approved by the city.

(c) Prior to acceptance by the city of improvements, a two-year maintenance bond in an amount set by the city council shall be posted by the proprietor.
(Comp. Ords. 1987, § 17.056)

Sec. 16-147. Inspection by the city.

The proprietor shall give the city the right to inspect all construction work done by him to whatever extent the city deems necessary.
(Comp. Ords. 1987, § 17.057)

Chapter 17

RESERVED

18
Offenses

Chapter 18

OFFENSES*

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ARTICLE I. IN GENERAL

Sec. 18-1. Definition of public place.

The term "public place" as used in this chapter shall mean any street, alley, park, public building, any place of business or assembly open to or frequented by the public, and any other place which is open to the public view, or to which the public has access.
(Comp. Ords. 1987, § 20.052)

Sec. 18-2. Aiding and abetting.

Whenever any act is prohibited by this chapter, such prohibition shall extend to and include the causing, securing, aiding or abetting of another person to do such act.
(Comp. Ords. 1987, § 20.051)

State law reference—Similar provisions, MCL 767.39.

Secs. 18-3—18-30. Reserved.

ARTICLE II. OFFENSES AFFECTING GOVERNMENT FUNCTIONS

Sec. 18-31. Obstruction or hindering police officer.

No person shall obstruct, resist, hinder, or oppose any member of the police force or any peace officer in the discharge of his duties as such.
(Comp. Ords. 1987, § 20.051(21))

Secs. 18-32—18-60. Reserved.

ARTICLE III. OFFENSES AGAINST THE PERSON

Sec. 18-61. Assault and battery.

No person shall commit an assault or an assault and battery on any person.
(Comp. Ords. 1987, § 20.151(1))

Sec. 18-62. Window peeping.

No person shall engage in peeping in the windows of any inhabited place in such manner as would be likely to interfere with the occupant's reasonable expectation of privacy and without the occupant's express or implied consent.
(Comp. Ords. 1987, § 20.151(5))

State law reference—Such person deemed a disorderly person, MCL 750.167(1)(c).

Sec. 18-63. Familial support.

No person shall refuse or neglect to support his or her family if he or she is of sufficient ability.
(Comp. Ords. 1987, § 20.051(26))

State law reference—Such person deemed a disorderly person, MCL 750.167(1)(a).

Secs. 18-64—18-90. Reserved.

ARTICLE IV. OFFENSES AGAINST PROPERTY

Sec. 18-91. Trespassing and prowling.

No person shall prowl about any alley or the private premises of any person in the nighttime, without authority or the permission of the owner of such premises.
(Comp. Ords. 1987, § 20.151(23))

State law reference—Trespassing generally, MCL 750.546 et seq.

Sec. 18-92. Spitting.

No person shall spit on any sidewalk or on the floor or seat of any public carrier, public building or place of public assemblage.
(Comp. Ords. 1987, § 20.151(24))

Sec. 18-93. Destruction or removal of public property; malicious mischief.

No person shall willfully destroy, remove, damage, alter or in any manner deface any property not his own, or any public school building, or any public building, bridge, fire hydrant, alarm box, street light, street sign, traffic control device, railroad sign or signal, parking meter, or shade tree belonging to the city or located in the public places of the city, or mark or post handbills on, or in any manner mar the walls of, any public building, or fence, tree, or pole within the city, or damage, destroy, take, or meddle with any prop-

erty belonging to the city, or remove the same from the building or place where it may be kept, placed, or stored, without proper authority.
(Comp. Ords. 1987, § 20.051(25))

State law reference—Malicious mischief generally, MCL 750.377a et seq.

Secs. 18-94—18-120. Reserved.

ARTICLE V. OFFENSES AGAINST PUBLIC PEACE

Sec. 18-121. Loitering.

(a) *General prohibitions.* It shall be unlawful for any person to loiter in a public place in such a manner as to:

(1) Create or cause to be created a danger of a breach of the peace;

(2) Create or cause to be created any disturbance or annoyance to the comfort and repose of any person;

(3) Obstruct the free passage of pedestrians or vehicles;

(4) Obstruct, molest, or interfere with any person lawfully in any public place. This subsection shall include the making of unsolicited remarks of an offensive, disgusting, or insulting nature or which are calculated to annoy or disturb the person, when such words by their very utterance inflict injury or tend to incite an immediate breach of the peace, to or in whose hearing they are made.

(b) *Request to leave.* Whenever the presence of any person in any public place is causing or is likely to cause any of the conditions enumerated in this section any police officer may order that person to leave that place. Any person who shall refuse to leave after being ordered to do so by a police officer shall be guilty of a violation of this section.

(c) *Definition.* The term "loitering" shall mean remaining idle in essentially one location and shall include the concepts of spending time idly, loafing, or walking about aimlessly, and shall also include the colloquial expression "hanging around."
(Comp. Ords. 1987, §§ 20.051(30), 20.052)

Sec. 18-122. Begging and soliciting alms by accosting or forcing oneself upon the company of another.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Accosting means approaching or speaking to a person in such a manner as would cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon the person or property in his immediate possession.

Ask, beg or solicit means, without limitation, the spoken, written or printed word or such other acts as are conducted in furtherance of the purpose of obtaining alms.

Forcing oneself upon the company of another means continuing to request, beg or solicit alms from a person after that person has made a negative response, blocking the passage of the individual addressed, or otherwise engaging in conduct which could reasonably be construed as intended to compel or force a person to accede to demands.

(b) *Exceptions.* Except when performed in the manner and locations set forth in subsections (c) and (d) of this section, it shall not be unlawful to ask, beg or solicit money or other things of value.

(c) *Location.* It shall be unlawful for any person to solicit money or other things of value:

(1) On private property if the owner, tenant or lawful occupant has asked the person not to solicit on the property or has posted a sign clearly indicating that solicitations are not welcome on the property;

(2) Within 15 feet of the entrance to, or exit from, any public toilet facility;

(3) Within 15 feet of an automatic teller machine, provided that when an automated teller machine is located within an automated teller machine facility, such dis-

tance shall be measured from the entrance to, or exit from, the automated teller machine facility;

(4) Within 15 feet of any pay telephone, provided that when a pay telephone is located within a telephone booth or other facility, such distance shall be measured from the entrance to, or exit from, the telephone booth or facility;

(5) In any public transportation vehicle, bus or subway station, or within 15 feet of any bus stop or taxistand;

(6) From any operator of a motor vehicle that is in traffic on a public street; provided, however, that this subsection shall not apply to services rendered in connection with emergency repairs requested by the owner or passenger of such vehicle;

(7) From any person who is waiting in line for entry to any building, public or private, including any residence, business or athletic facility; or

(8) Within 15 feet of the entrance to, or exit from, a building, public or private, including any residence, business or athletic facility.

(d) *Manner.* It shall be unlawful for any person to solicit money or other things of value by:

(1) Accosting another; or

(2) Forcing oneself upon the company of another.

(Comp. Ords. 1987, § 20.051(6))

Sec. 18-123. Disturbing the peace.

No person shall disturb the public peace and quiet by loud, boisterous, or vulgar conduct.
(Comp. Ords. 1987, § 20.051(15))

Sec. 18-124. Disorderly intoxication.

No person shall be drunk in any public place or under the influence of any narcotic drug in any public place and endanger directly the safety of another person or of property or act in a manner that causes a public disturbance.
(Comp. Ords. 1987, § 20.051(2))

State law reference—Such person deemed a disorderly person, MCL 750.167(1)(e).

Sec. 18-125. Resort for disorderly persons.

No person shall permit or suffer any place occupied or controlled by him to be a resort of noisy, boisterous, or disorderly persons.
(Comp. Ords. 1987, § 20.051(16))

Sec. 18-126. Engine noises.

No person shall permit the discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, or motor vehicle except through a muffler or other device which effectively prevents loud or explosive noises therefrom. Provided, however, that this provision shall not apply to vehicles or equipment operated by the city and other government units in their maintenance or construction work.
(Comp. Ords. 1987, § 20.051(17))

Sec. 18-127. Sounding of vehicle horn or signal device.

No person shall permit the sounding of any horn or signal device on any automobile, motorcycle, bus, or other vehicle while not in motion, except as a danger signal if another vehicle is approaching, apparently out of control, or to give warning of intent to get under motion, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.
(Comp. Ords. 1987, § 20.051(18))

Sec. 18-128. Radios, televisions, musical instruments, etc.

No person shall play any radio, television set, photograph, or any musical instrument in such a manner or with such volume, particularly during the hours between 11:00 p.m. and 7:00 a.m., or at any time or place, so as to annoy or disturb the

quiet, comfort, or repose of persons in any office or in any dwelling, hotel, or other type of residence, or of any persons in the vicinity, or permit the same to be done.
(Comp. Ords. 1987, § 20.051(19))

Sec. 18-129. Shouting, whistling or singing on public streets.

No person shall yell, shout, hoot, whistle, or sing or make any other loud noise on the public street, between the hours of 11:00 p.m. and 7:00 a.m., or make any such noise at any time so as to annoy or disturb the quiet, comfort, or repose of persons in any school, place of worship, or office, or in any dwelling, hotel, or other type of residence, or of any persons in the vicinity, or permit the same to be done.
(Comp. Ords. 1987, § 20.051(20))

Sec. 18-130. Animal noises.

No person shall keep any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort or repose of any person.
(Comp. Ords. 1987, § 20.051(27))

Sec. 18-131. Blowers and power fans.

No person shall permit the discharge into the open air of air from any noise-creating blower or power fan unless the noise from such blower or fan is muffled sufficiently to deaden such noise.
(Comp. Ords. 1987, § 20.051(28))

Sec. 18-132. Hawking of goods and merchandise.

No person shall hawk goods, merchandise, or newspapers in a loud and boisterous manner.
(Comp. Ords. 1987, § 20.051(29))

Secs. 18-133—18-160. Reserved.

ARTICLE VI. OFFENSES AGAINST PUBLIC MORALS

Sec. 18-161. Indecent exposure.

It shall be unlawful for any person to knowingly make any indecent exposure of his person or of the person of another.
(Comp. Ord. 1987, § 20.051(7))

State law reference—Similar provisions, MCL 750.335a.

Sec. 18-162. Public nudity.

(a) *Definition.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Public nudity means knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person, including, but not limited to, payment or promise of payment of an admission fee, of any individual's genitals or anus with less than a fully opaque covering.

(b) *Prohibitions.*

(1) Public nudity within the city boundaries is hereby prohibited.

(2) No person shall aid or abet the knowing or intentional display in a public place, or for payment or promise of payment by any person, including, but not limited to, payment or promise of payment of an admission fee, of any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. A mother's breastfeeding of her baby does not under any circumstances constitute nudity, irrespective of whether or not the nipple is covered during or incidental to the feeding.

(c) *Applicability.* This section applies only to live exhibitions and/or film or videotape displays intended for on-premises viewing.

(d) *Knowledge presumed.* The following persons are presumed to know of the display of public nudity with regard to any premises or business:

(1) Record land owner or land contract owner or lessee under a written lease;

(2) Licensee of any premises licensed by the state liquor control commission;

(3) Licensee under any sales tax license issued by the state department of treasury;

(4) Manager or operator of any premises or business who is on or at the premises at the time of the advertising or display of public nudity.

(Comp. Ords. 1987, § 20.051(7))

State law reference—Authority for this section, MCL 117.5h.

Sec. 18-163. Prostitution.

No person shall engage in any act of prostitution.

(Comp. Ords. 1987, § 20.051(9))

State law reference—Prostitution generally, MCL 750.448 et seq.

Sec. 18-164. Frequenting or operating place of illegal business.

No person shall knowingly attend, frequent, operate or be an occupant or inmate of any place where prostitution, gambling or the illegal sale of alcoholic liquor, or where any other illegal business or occupation, is permitted or conducted.

(Comp. Ords. 1987, § 20.051(10))

State law reference—Such person defined as disorderly person, MCL 750.167(1)(i), (j).

Sec. 18-165. Engaging in prostitution, gambling, illegal sale of alcoholic liquor and illegal business.

No person shall engage in prostitution, gambling, the illegal sale of alcoholic liquor, or any other illegal business or occupation.

(Comp. Ords. 1987, § 20.051(11))

Sec. 18-166. Soliciting and accosting.

No person shall solicit or accost any person for the purpose of inducing the commission of any illegal act.

(Comp. Ords. 1987, § 20.051(12))

State law reference—Soliciting and accosting, MCL 750.448.

Sec. 18-167. Transportation for illegal acts.

No person shall knowingly transport any person to a place where prostitution or gambling is practiced, encouraged, or allowed for the purpose of enabling such person to engage in gambling or in any illegal act.

(Comp. Ords. 1987, § 20.051(13))

Sec. 18-168. Gaming rooms and tables.

No person shall keep or maintain a gaming room, gaming tables, or any policy or pool tickets, used for gaming, or knowingly suffer a gaming room, gaming tables, or any policy or pool tickets to be kept, maintained, played or sold on any premises occupied or controlled by him.

(Comp. Ords. 1987, § 20.051(14))

State law reference—Similar provisions, MCL 750.303.

Secs. 18-169—18-200. Reserved.

ARTICLE VII. OFFENSES AGAINST PUBLIC SAFETY

DIVISION 1. GENERALLY

Sec. 18-201. Obstructing streets or sidewalks.

No person shall play any ball game in any public street or sidewalk or otherwise obstruct traffic on any street or sidewalk by collecting in groups thereon for any purpose.

(Comp. Ords. 1987, § 20.051(8))

Sec. 18-202. Discharge of weapons.

No person shall discharge any firearm, air rifle, air pistol or bow and arrow in the city,

except when in connection with a regularly scheduled educational or training program under adequate supervision.
(Comp. Ords. 1987, § 20.051(3))

State law reference—Discharge of weapons, MCL 750.234 et seq.

Sec. 18-203. Reserved.

Editor's note—Ord. No. 641, §§ 1—6, adopted Sept. 21, 2015, repealed the former § 18-203 and enacted a new Div. 2, §§ 18-211—18-216 as set out below. The former 18-203 pertained to fireworks and derived from Comp. Ords. 1987, § 20.051(4).

Secs. 18-204—18-210. Reserved.

DIVISION 2. FIREWORKS

Sec. 18-211. Title.

The ordinance from which this division is derived shall be known and cited as the City of St. Ignace Fireworks Ordinance.
(Ord. No. 641, § 1, 9-21-2015)

Sec. 18-212. Purpose.

The purpose of this division shall be to provide for and protect the public health, safety and welfare of persons within the City of St. Ignace by establishing regulations pertaining to the ignition, discharge and use of consumer fireworks within the city.
(Ord. No. 641, § 2, 9-21-2015)

Sec. 18-213. Definitions.

As used in this division, the following terms shall be defined as follows:

APA as used herein means the American Pyrotechnics Association.

Consumer fireworks means fireworks devices that are designed to produce visible efforts by combustion, that are required to comply with the construction, chemical composition and labeling regulations promulgated by the United States Consumer Product Safety Commission under 16 CFR parts 1500 and 1507, and that are listed in APA standard 87-1, 3.1.2, 3.1.3 or 3.5. Consumer fireworks do not include low-impact fireworks.

Display fireworks means large fireworks devices that are explosive materials intended for use in fireworks displays and designed to produce visible or audible effects by combustion, deflagration or detonation, as provided in 27 CFR 555.11, 49 CFR 172 and APA standard 87-1, 4.1.

Firework or fireworks means any composition or device, except for a starting pistol, a flame gun or a flare, designated for the purpose of producing a visible or audible effect by combustion, deflagration or detonation. Fireworks consist of consumer fireworks, low-impact fireworks, articles pyrotechnic, display fireworks and special effects.

Low-impact fireworks means ground and handheld sparkling devices as that phrase is defined under APA standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8 and 3.5.

Minor is an individual who is less than eighteen (18) years old.

National holiday means the following legal public holidays:

(1) New Year's Day, January 1.

(2) Birthday of Martin Luther King, Jr., the third Monday in January.

(3) Washington's Birthday, the third Monday in February.

(4) Memorial Day, the last Monday in May.

(5) Independence Day, July 4.

(6) Labor Day, the first Monday in September.

(7) Columbus Day, the second Monday in September.

(8) Veteran's Day, November 1.

(9) Thanksgiving Day, the fourth Thursday in November.

(10) Christmas Day, December 25.

Novelties means that term as defined under APA standard 87-1, 3.2, 3.2.1, 3.2.2, 3.2.3, 3.2.4 and 3.2.5 and all of the following:

(1) Toy plastic or paper caps for toy pistols in sheets, strips, rolls or individual caps containing not more than 0.25 of a grain

of explosive content per cup, in packages labeled to indicate the maximum explosive content per cup.

(2) Toy, pistols, toy cannons, toy canes, toy trick noise makers and toy guns in which toy caps as described in subparagraph (1) are used, that are constructed so that the hand cannot come in contact with the cap when in place for the explosion, and that are not designed to break apart or be separated so as to form a missile by the explosion.

(3) Flitter sparklers in paper tubes not exceeding 1/8 inch in diameter.

Person means an individual, agent, association, charitable organization, company, limited liability company, corporation, labor organization, legal representative, partnership, unincorporated organization or any other legal or commercial entity.
(Ord. No. 641, § 3, 9-21-2015)

Sec. 18-214. Prohibition.

No person shall ignite, discharge or use consumer fireworks within the city, except this prohibition shall not preclude any person from the ignition, discharge or use of consumer fireworks:

(1) On the day preceding, the day of or the day after a national holiday as defined herein between the hours of 1:00 a.m. and 8:00 a.m. consistent with Section 7(2) of Public act 65 of 2013;

(2) During the days of the City's sponsored/approved fireworks displays between the hours of 8:00 a.m. to 11:30 p.m. and is consistent with Section 7(2) of Public act 65 of 2013;

(3) Or with approval from the chief of police for other events/celebrations. (i.e., New Year's eve, weddings, etc.)

(Ord. No. 641, § 4, 9-21-2015)

Sec. 18-215. Miscellaneous requirements/prohibitions.

(a) This division does not apply to and does not regulate the use of novelties in the city.

(b) A minor shall not possess consumer fireworks.

(c) Consumer fireworks shall not be sold to a minor.

(d) No person shall ignite, discharge or use consumer fireworks on public property, school property, church property or the property of another person without that person or organization's express permission to use these fireworks on those premises.

(e) A person shall not discharge consumer fireworks in such a manner so as remnants from consumer fireworks land on public property or the property of another, including, but not limited to, hotel and motel property, apartment property, and condominium property, without that person or organization's express permission.

(f) A person shall not use consumer fireworks or low-impact fireworks while under the influence of alcoholic liquor, controlled substances or a combination of alcoholic liquor and a controlled substance (as defined by MCL 257.1d and MCL 257.86)

(g) Consumer fireworks shall not be used if a burn ban is in effect.

(h) Consumer fireworks shall only be used in accordance with all applicable local, state and federal law.
(Ord. No. 641, § 5, 9-21-2015)

Sec. 18-216. Penalty.

A person who violates a provision of this division shall, upon determination of the violation or admission by the person, be responsible for a civil infraction and shall pay a fine and costs, of not more than five hundred dollars ($500.00) for each violation plus costs; payment of all costs incurred by the city police department under the Michigan Fireworks Safety Act, MCL 28.451 et seq., as amended ("Act"), in securing, seizing, storing and disposing of the fireworks that are in violation of the Act, or this division shall be the responsibility of all persons found guilty, responsible or liable for the violation. In recognition that the police department's actual costs for any seizure will include having

the personnel, equipment and facilities necessary to store fireworks in compliance with the Act, costs to be paid shall be determined in accordance with rates and methods established by resolution of the city council.
(Ord. No. 641, § 6, 9-21-2015)

Secs. 18-217—18-230. Reserved.

ARTICLE VIII. OFFENSES RELATED TO UNDERAGE PERSONS

DIVISION 1. GENERALLY

Secs. 18-231—18-250. Reserved.

DIVISION 2. PARENTAL RESPONSIBILITY

Sec. 18-251. Finding of necessity.

The city council finds that offenses against the laws of the United States, the statutes of the state, and the ordinances of the city by minors under the age of 17 years are increasing at an alarming rate; that in a great many of the cases a lack of proper supervision and control of the minor child by his or her parents or guardian is evident; that the increasing problem of criminal offenses by children will not be solved by sanctions imposed upon the children alone but that it is necessary that sanctions be imposed upon parents whose neglect of their duty to properly supervise and control their children is a proximate cause of the delinquency of those children.
(Comp. Ords. 1987, § 20.152)

Sec. 18-252. Contributing to neglect or delinquency of children.

(a) Any parent, legal guardian or other person having the care or custody of a minor child under the age of 17 years who shall by any act, or by any word, or by failure to act, or by lack of supervision and control over said minor child, encourage, contribute toward, cause or tend to cause said minor child to become neglected or delinquent so as to come or tend to come under the jurisdiction of the juvenile division of the probate court as defined in section 2 of chapter XIIA of Public Act No. 288 of 1939 (MCL 712A.2), whether or not such child shall in fact be adjudicated a ward of the probate court, shall be guilty of a misdemeanor.

(b) Any parent, legal guardian or other person having the care or custody of any minor child under the age of 16 years who shall assist, aid, abet, allow, permit or encourage said minor to violate the provisions of this division either by overt act, by failing to act or by lack of supervision and control over said minor, is guilty of misdemeanor.
(Comp. Ords. 1987, § 20.153)

Secs. 18-253—18-270. Reserved.

DIVISION 3. CURFEW*

Sec. 18-271. Hours; regulations.

No person under the age of 16 years shall loiter, wander, stroll or play in or upon any public street, highway, road, alley, park, public building, place of amusement or entertainment, vacant lot or other unsupervised place after the hour of 10:00 p.m. or before the hour of 6:00 a.m.
(Comp. Ords. 1987, § 20.181)

Sec. 18-272. Aiding and abetting.

Any person of the age of 16 years or over, including but not limited to parents and guardians, assisting, aiding, abetting, allowing, permitting or encouraging any minor under the age of 16 years to violate the provisions of section 18-271 shall be guilty of a misdemeanor.
(Comp. Ords. 1987, § 20.182)

Sec. 18-273. Exceptions.

The following are exceptions to a violation of this division, where the minor is:

(1) Accompanied by the minor's parent or guardian or any other person 21 years or older authorized by a parent to the caretaker for the minor;

*__State law references—__Curfew for minors, MCL 722.751; power of city to regulate by ordinance a curfew for minors, MCL 722.754.

(2) On an errand at the direction of the minor's parent, guardian, or caretaker without any detour or stop;

(3) In a vehicle involved in interstate travel;

(4) Engaged in certain employment activity, or going to or from employment, without any detour or stop;

(5) Involved in an emergency;

(6) On the sidewalk that abuts the minor's or the next-door neighbor's residence, if the neighbor has not complained to the police;

(7) In attendance at an official school, religious, or other recreational activity sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor, or going to or from, without any detour or stop, such an activity supervised by adults;

(8) Exercising First Amendment rights, including free exercise of religion, freedom of speech, and the right of assembly.

(Comp. Ords. 1987, § 20.181)

Secs. 18-274—18-290. Reserved.

DIVISION 4. ALCOHOLIC LIQUOR*

Sec. 18-291. Definition of alcoholic liquor.

Alcoholic liquor shall be construed to include any spirituous, vinous, malt, or fermented liquor, liquids and compounds whether or not medicated, proprietary, patented, and by whatever name called, containing one half of one per cent or more of alcohol by volume which are fit for the use of beverage purposes.
(Comp. Ords. 1987, § 20.205)

State law reference—Similar provisions, MCL 436.11.5.

Sec. 18-292. Furnishing.

Any person who knowingly gives or furnishes any alcoholic liquor to person under the age of 21, except upon authority of and pursuant to a prescription of a duly licensed physician, is guilty of a misdemeanor.
(Comp. Ords. 1987, § 20.201)

State law reference—Similar provisions, MCL 436.1701.

Sec. 18-293. Misrepresenting age to secure liquor.

Any person under the age of 21 years who shall falsely represent himself to be 21 years of age or over for the purpose of purchasing or attempting to purchase any alcoholic liquor is guilty of a misdemeanor.
(Comp. Ords. 1987, § 20.202)

State law reference—Similar provisions, MCL 436.1703.

Sec. 18-294. False information as to person under 21 to secure liquor.

Any person who gives false information regarding the age of another person under 21 years of age for the purpose of procuring the sale of alcoholic liquor to him or who furnishes false documentary evidence to a person under 21 years of age who uses the evidence to purchase intoxicating liquor is guilty of a misdemeanor.
(Comp. Ords. 1987, § 20.203)

State law reference—Similar provisions, MCL 436.1703.

Sec. 18-295. Possession and transportation by minor.

No person under the age of 21 years shall purchase or knowingly possess or transport any alcoholic liquor, or knowingly possess, transport, or have under his control in any motor vehicle any alcoholic liquor unless said person is employed by a licensee under Public Act No. 58 of 1998 (MCL 436.1101 et seq.) and is possessing, transporting, or having such alcoholic liquor in a motor vehicle under his control during regular working hours and in the course of his employment.
(Comp. Ords. 1987, § 20.204)

State law reference—Similar provisions, MCL 257.624b, 436.1703.

***State law reference—**Michigan liquor control code of 1998, MCL 436.1101 et seq.

Chapter 19

RESERVED

20
Parks and Recreation

Chapter 20

PARKS AND RECREATION*

Article I. In General

Secs. 20-1—20-30. Reserved.

Article II. Father Jacques Marquett Memorial Park

Sec. 20-31. Description of land.
Sec. 20-32. Authorization.
Secs. 20-33—20-60. Reserved.

Article III. City-Owned/Leased Public Parks and Boat Launch Access Sites

Sec. 20-61. Definitions.
Sec. 20-62. City parks/access sites; unlawful acts.
Sec. 20-63. Violation and penalty.

*__State law references__—Authority to operate recreation and playgrounds, MCL 123.51 et seq.; playground equipment safety act, MCL 408.681 et seq.

ARTICLE I. IN GENERAL

Secs. 20-1—20-30. Reserved.

ARTICLE II. FATHER JACQUES MARQUETT MEMORIAL PARK

Sec. 20-31. Description of land.

The city is hereby authorized to accept a deed of real estate to the following described land:

> The ancient church site known as the grave of Father Marquette a square of ground the lines of which are due east and west and north and south, being 40 feet east and west and 36 feet north and south; and also a gore of land on the south side of and between said Church Site and Marquette Street being nine feet wide on the west end by 40 feet long and four feet wide on the east end. Said above land being situated on Lot numbered 19 of Private Claim at Point St. Ignace, Michigan

from the owner thereof, to-wit: DETROIT PROVINCE OF THE SOCIETY OF JESUS, a Michigan nonprofit corporation, for the purpose of a memorial park in honor of Father Jacques Marquette, said deed to be subject to a reverter clause to the grantor or its assigns if the land ceases to be used for said memorial park, or if this enabling provision is repealed.
(Comp. Ords. 1987, § 12.251)

Sec. 20-32. Authorization.

The city is authorized to maintain the above described land as a memorial park, and make budget and expenditure therefor, or to provide further maintenance of the same through gifts, donations of money or in-kind work or to authorize the same to be done by a civic nonprofit organization which is capable, in the opinion of the city council, to carry out the obligations imposed upon the city hereunder; and to cooperate with other organizations in the development of the surrounding area with similar objectives of memorializing Father Marquette.
(Comp. Ords. 1987, § 12.252)

Secs. 20-33—20-60. Reserved.

ARTICLE III. CITY-OWNED/LEASED PUBLIC PARKS AND BOAT LAUNCH ACCESS SITES

Sec. 20-61. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Camp means the erection of a tent; the opening or setting up of a tent-type camper; the parking and occupancy of a travel or house trailer; sleeping in any type motor vehicle, sleeping bag, or in any other manner after 10:00 p.m.; or sleeping in an anchored, tied or moored boat or floating craft of any type in waters immediately offshore of city-owned public access site lands after 10:00 p.m.

City-owned/leased public parks and boat launch access sites means any property owned or leased by the city for public park purposes or for the launching and docking of boats or water vehicles.

Playground means any park area designed in part to be used by children that has play or sports equipment installed or that has been designated or landscaped for play or sports activities, or any similar facility located on the City of St. Ignace's grounds, leased or owned.

Recreational area means any public area open to the public for recreational purposes whether or not any fee for admission is charged, including, but not limited to, ball fields, beaches, swimming pools, tennis courts, basketball courts, pavilion, gazebo and ice rinks.

Smoking and *smoke* mean the carrying by a person of a lighted cigar, cigarette, pipe or other lighted smoking device.

Tobacco product means a preparation of tobacco to be inhaled, chewed, sucked or placed in a person's mouth.
(Comp. Ords. 1987, § 20.561; Ord. No. 635, 7-16-2012)

Sec. 20-62. City parks/access sites; unlawful acts.

On city-owned public parks or access sites, it is unlawful:

(1) To enter, use or occupy the site for any purpose except as provided in this article.

(2) To camp on the premises, except where specific camping sites or areas are provided and designated. Where camping is allowed, it is unlawful to camp on an individual site for more than a total of 15 days during any calendar year, or to leave a campsite unoccupied for more than 24 hours.

(3) To park vehicles of any type in areas posted as no parking; or, where designated parking areas exist, to park vehicles of any type in an area other than the designated parking area.

(4) To enter, use, or occupy the premises during the hours of 11:00 p.m. to 4:00 a.m. daily where such closing hours are posted on the premises; or to swim, wade, bathe, or engage in any other activity when the activity is specifically prohibited by notices posted on the premises.

(5) To store or leave a boat, duckblind, ice shanty, raft, or other property on the premises, or anchored on the adjacent bottom lands, for more than 24 hours or to block or hinder access to the launch site for more than 15 minutes.

(6) To dispose of refuse, rubbish, trash, or garbage anywhere on the premises, except in the receptacles provided for that purpose and only if the refuse, rubbish, trash, or garbage resulted from the use of the premises.

(7) To use the premises for business or commercial purpose, or for an organized activity or special event, without proper permission from the city council.

(8) To engage in any violent, abusive, loud, boisterous, vulgar, lewd, wanton, obscene, or otherwise disorderly conduct, or to lounge, sit, or lie upon walks, roads, or paths obstructing the free passage of other persons.

(9) To post, place, or erect signs, to place or distribute advertising material, to erect a fence or barrier, to construct or occupy improvements, or enclose the lands.

(10) To destroy, damage, or remove any city property, living tree or shrub, planted grasses, or other vegetation.

(11) To operate a self-propelled motor or mechanically driven vehicle anywhere on the premises, except on designated roads and parking lots which are open to public use.

(12) To move, remove, destroy, mutilate, or deface posters, notices, signs, or markers of the city or any other agency of government.

(13) Smoking and use of tobacco products limited use. A person shall not smoke or use tobacco products in the city-owned playground, recreational areas and access sites.

(Comp. Ords. 1987, § 20.562; Ord. No. 635, 7-16-2012)

Sec. 20-63. Violation and penalty.

(a) Any person violating any of the provisions of this article shall be guilty of a municipal civil infraction.

(b) A person who violates or fails to comply with the nonsmoking or use of tobacco products sections of this article shall be subject to any one or more of the following:

(1) Being asked to stop smoking or using the tobacco product;

(2) Being asked to leave the premises;

(3) Being responsible for a municipal civil infraction.

(Comp. Ords. 1987, § 20.563)

Chapter 21

RESERVED

22
Peddlers and Solicitors

Chapter 22

PEDDLERS AND SOLICITORS*

Article I. In General

Sec. 22-1. Definitions.
Sec. 22-2. Exemptions.
Sec. 22-3. Loud noises and speaking devices.
Sec. 22-4. Use of streets.
Sec. 22-5. Conduct.
Sec. 22-6. Daylight hours only.
Sec. 22-7. Duty of police to enforce.
Sec. 22-8. Records.
Sec. 22-9. Violation and penalty.
Secs. 22-10—22-30. Reserved.

Article II. License

Sec. 22-31. License required.
Sec. 22-32. Special events and special events organization.
Sec. 22-33. Interstate commerce.
Sec. 22-34. Bond requirement.
Sec. 22-35. Application.
Sec. 22-36. Investigation and issuance.
Sec. 22-37. Fees.
Sec. 22-38. Badges.
Sec. 22-39. Exhibition of license.
Sec. 22-40. Nontransferability.
Sec. 22-41. Suspension and revocation of licenses.
Sec. 22-42. Appeal.
Sec. 22-43. Expiration of license.

***State law references**—Home solicitation sales, MCL 445.111 et seq.; transient merchants, MCL 445.371 et seq.; charitable organizations and solicitations act, MCL 400.271 et seq.; public safety solicitation act, MCL 14.301 et seq.; veteran's license for peddlers, MCL 35.441 et seq.

ARTICLE I. IN GENERAL

Sec. 22-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Helper means any person who engages in the business of peddler by accompanying another peddler as a helper or assistant. If two or more persons are associated in the business of peddler but go about their business separately from place to place within the city, they shall each be deemed an independent peddler for purposes of this chapter.

Peddler, also known as a "transient trader," means any person who solicits, sells or peddles from a temporary sales structure, or who travels by foot, wagon, vehicle, or any other type of conveyance, from place to place, from street to street, or from person to person, carrying, conveying or transporting goods or services, wares, merchandise, meats, fish, fruits, vegetables or foodstuff, offering and exposing the same for sale, or making sales or delivering articles to customers; or who, without going from place to place, sells or offers the same for sale from a wagon, vehicle, railroad car, or other conveyance; or who solicits orders and as a separate transaction makes deliveries to purchasers, or causes such deliveries to be made at a future time.

Vendor, any person who sells from a temporary sales structure during a special event.
(Comp. Ords. 1987, § 20.352; Ord. No. of 3-17-2014)

Sec. 22-2. Exemptions.

(a) It is the intent of this chapter that the following persons shall not be deemed peddlers for purposes of this chapter, and shall not be subject to regulations hereunder:

(1) Any person working as a route salesman, on a fixed route with regular periodic deliveries or visits, and who does not call on persons or places not already established as customers.

(2) Any person engaged exclusively in wholesale sales to retail merchants.

(3) Any person engaged in peddling on behalf of a school or recognized charitable or religious organization; said organization to produce evidence of nonprofit status through a federal nonprofit Internal Revenue Service identification number or any other verifiable proof of nonprofit status, and who is receiving no financial or material compensation for such work.

(b) However, the city clerk shall, with the cooperation of the exempted person, issue a license and badge to such person without charge for a period not to extend beyond December 31 of the year in which they are issued.
(Comp. Ords. 1987, § 20.356; Ord. No. of 3-17-2014)

Sec. 22-3. Loud noises and speaking devices.

No peddler, nor any person in his behalf, shall shout, make any cryout, blow a horn, ring a bell or use any sound device, including any loud-speaking radio or sound amplifying system upon any of the streets, alley, parks or other public places of said city or upon any private premises in the city where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell.
(Comp. Ords. 1987, § 20.363; Ord. No. of 3-17-2014)

Sec. 22-4. Use of streets.

(a) No peddler shall have any exclusive right to any location in the public streets, nor shall he be permitted a stationary location, nor shall he be permitted to operate in any congested area where his operations might impede or inconvenience the public. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced. Special events organizations may obtain

use of public property by approval of the city council and other authorizing agencies during the term of the event.
(Comp. Ords. 1987, § 20.364; Ord. No. of 3-17-2014)

Sec. 22-5. Conduct.

No person engaged in the business of peddling shall conduct himself toward the public or any individual person in such a manner as to be offensive, disorderly or rude. No person engaged in the business of peddling shall enter or remain on any property or premises, contrary to the request of the owner or occupant thereof.
(Comp. Ords. 1987, § 20.365; Ord. No. of 3-17-2014)

Sec. 22-6. Daylight hours only.

Peddlers in the city shall limit their business operations to daylight hours. No person shall engage himself in the business of peddling from one hour before sunset until one hour after sunrise.
(Comp. Ords. 1987, § 20.366; Ord. No. of 3-17-2014)

Sec. 22-7. Duty of police to enforce.

It shall be the duty of any police officer of the city to require any person seen peddling, and who is not known by such officer to be duly licensed, to produce his peddler's license, and to enforce the provisions of this chapter against any person found to be violating the same.
(Comp. Ords. 1987, § 20.367; Ord. No. of 3-17-2014)

Sec. 22-8. Records.

The chief of police shall report to the city clerk all convictions for violation of this chapter and the city clerk shall maintain a record for each license issued and record the reports of violations therein.
(Comp. Ords. 1987, § 20.368; Ord. No. of 3-17-2014)

Sec. 22-9. Violation and penalty.

Any person violating any of the provisions of this chapter shall be guilty of a municipal civil infraction.
(Comp. Ords. 1987, § 20.372; Ord. No. of 3-17-2014)

Secs. 22-10—22-30. Reserved.

ARTICLE II. LICENSE

Sec. 22-31. License required.

(a) *Generally.* It shall be the unlawful for any person to engage in the business of peddler, as an independent peddler or helper as defined in section 22-1, without first obtaining a license as provided herein for the period during which he plans to conduct his business. No such license shall be issued or become effective until seven business days (excluding Sundays and holidays) have elapsed from time of application therefor.

(b) *Areas prohibited.* No peddler shall be allowed to locate or operate in the GBD (general business district) or the CBD (central business district), as defined in the zoning regulations set out in chapter 38, with exception of special events by special events organizations as defined in this chapter.
(Comp. Ords. 1987, § 20.353; Ord. No. of 3-17-2014)

Sec. 22-32. Special events and special events organization.

(a) Special events organizations are those groups or organizations that are determined by resolution of the city council to be organized as such. The minimum criteria that the special events organization shall meet prior to the approving resolution of the city council are:

(1) The city council shall determine that the special events is in the public interest;

(2) The city council shall determine that allowing of vending during the special event is in the public interest;

(3) The special event organization may be a profit or nonprofit organization which the city council recognizes as a legal entity;

(4) The city council shall determine that the special event shall be organized as such for convenience and be necessary for the betterment of the general public;

(5) Any other criteria that the city council may wish to establish.

(b) Special event organizations are required to complete and submit an application to the city at least 30 days before the start of the special event.

(c) The special event organization must provide proof of general liability insurance (amount to be determined by city's insurance agent) naming City of St. Ignace as additional insured.

(d) The special event organization is required to reimburse all city expenses incurred as a result of the event. Reimbursements collected by the city shall be used to defray the cost of the special event.

(e) The special event organization shall provide a list of the event's vendors and no later than five working days prior to the event.

(f) The special event organization must provide a letter from property owners permitting vendors the use of property not owned by city.

(g) The special event organization must provide a site plan for all public and private properties used by each vendor during the special event, including vendor's name and goods to be sold. Said site plan shall be provided to the city clerk office no later than 72 hours prior to the event.

(h) Vendors who will be selling food, beverages, meats, fruits, vegetables and foodstuff are required to meet all local health department regulations.

(i) The city shall be allowed to determine which vendors may participate in the event and shall regulate same, subject to the conditions specified in chapter 22 of the Code.
(Comp. Ords. 1987, § 20.376; Ord. No. of 3-17-2014)

Sec. 22-33. Interstate commerce.

Any person engaged in the business of peddler in interstate commerce may be exempted from the payment of fees for licenses issued hereunder after establishing the character of his business to the satisfaction of the city clerk. Any such person shall submit a completed application and pay the application processing fee as required in section 22-35, shall obtain a license and badge before engaging in business, and shall be subject to all other provisions of this chapter.
(Comp. Ords. 1987, § 20.354; Ord. No. of 3-17-2014)

Sec. 22-34. Bond requirement.

Any person engaged in the business of peddler, as an independent peddler or helper as defined in section 22-1, shall post a surety bond or cash bond with the city clerk at the time of making application for a license. Such bond shall be in the amount as currently established or as hereafter adopted by resolution of the city council from time to time, and conditioned upon the faithful observance by the licensee of all provisions of this chapter. Any person aggrieved by the action of said licensee shall have a right of action on said bond for the recovery of money or damages, or both. Said bond shall be retained by the city for a period of 90 days after the expiration of said license, or until after the settlement of any claim on said bond submitted in writing to the city clerk before the end of said 90-day period. Bond requirement may be waived contingent upon applicant producing three letters of recommendations from reliable property owners in the city, plus a letter from the city attorney, certifying as to the applicant's good character and business responsibility.
(Comp. Ords. 1987, § 20.355; Ord. No. of 3-17-2014)

Sec. 22-35. Application.

(a) Before any person shall be issued a license for peddling as required herein, he shall first file with the city clerk a sworn application in writing, on a form provided by the city clerk, which shall include at least the following information:

(1) Name and date of birth of applicant;

(2) Applicant's legal and local address;

(3) A description of the nature of the applicant's business and goods to be sold, the origin of the goods, and the method of making sales;

(4) Name and address of the applicant's employer; and if a corporation, whether it is registered to do business in the state;

(5) The applicant's driver's license number;

(6) The license number and description of the applicant's vehicle;

(7) The length of time for which the right to do business is desired;

(8) Two photographs of the applicant, taken within 60 days immediately prior to the date of the filing of the application, which pictures shall be two inches by two inches (approximately), showing the head and shoulders of the applicant in a clear and distinguishing manner;

(9) The fingerprints of the applicant and names of at least two reliable property owners of the county who will certify as to the applicant's good character and business responsibility; or, in lieu of the names of references, any other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility;

(10) A statement as to whether or not the applicant has been convicted of any crime, felony, misdemeanor, or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor;

(11) A statement by a reputable physician of the city dated not more than ten days prior to submission of the application, certifying the applicant to be free from infections, contagious or communicable disease. The physician's statement is required from only those vendors and peddlers who will be peddling food, beverages, meats, fruits, vegetables and foodstuffs;

(12) A statement from the property owner of record indicating that permission has been given the peddler to do business upon said property owner's property and the dates and length of time permission has been granted.

(b) At the time of filing the application, a processing fee shall be paid by the applicant to the city clerk to cover the cost of administration and investigation.
(Comp. Ords. 1987, § 20.357; Ord. No. of 3-17-2014)

Sec. 22-36. Investigation and issuance.

(a) Upon receipt of such application, it shall be referred to the chief of police, who shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public good. The standards for good moral character shall be as determined under Public Act No. 381 of 1974 (MCL 338.41 et seq.).

(b) If as a result of such investigation the applicant's character or business responsibility is found to be unsatisfactory, the chief of police shall endorse on such application his disapproval and his reasons for the same, and return the application to the city clerk, who shall notify the applicant that his application is disapproved and that no license will be issued.

(c) If as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the chief of police shall endorse on the application his approval, and return said application to the city clerk, who shall, upon payment of the prescribed license fee, deliver to the applicant his license. Such license shall contain the signature of the city clerk, the name, address and photograph of the licensee, the kind of goods to be sold and the method of making sales thereunder, the date of issuance and the date of expiration, and the license number. The city clerk shall keep a permanent record of all licenses issued.
(Comp. Ords. 1987, § 20.358; Ord. No. of 3-17-2014)

Sec. 22-37. Fees.

(a) The fees for peddler's licenses as required herein shall be as currently established or as hereafter adopted by resolution of the city council from time to time.
(Comp. Ords. 1987, § 20.359; Ord. No. of 3-17-2014)

Sec. 22-38. Badges.

The city clerk shall issue to each licensee, at the time of delivery of his license, a badge. Such badge shall bear the words "LICENSED PEDDLER No.__," the period for which the license is issued, the number of the license and a statement to the effect that the license must be presented upon a citizen's request. Such badge shall be worn by the licensee at all times on the front of his hat or on the chest of his outer garment in such a way as to be conspicuous during such time as said licensee is engaged in peddling.
(Comp. Ords. 1987, § 20.360; Ord. No. of 3-17-2014)

Sec. 22-39. Exhibition of license.

It shall be the duty of every person actively engaged in the business of peddler to carry his license on his person at all times, and to exhibit his license at the request of any citizen, and to allow such citizen a reasonable period of time in which to inspect such license.
(Comp. Ords. 1987, § 20.361; Ord. No. of 3-17-2014)

Sec. 22-40. Nontransferability.

No license or badge issued under the provisions of this chapter shall be used or worn at any time by any person other than the one to whom it was issued.
(Comp. Ords. 1987, § 20.362; Ord. No. of 3-17-2014)

Sec. 22-41. Suspension and revocation of licenses.

Any license granted under the terms of this chapter may be suspended by the chief of police, or revoked by the city council, for any of the following causes:

(1) Fraud, misrepresentation, or false statement contained in the application for license;

(2) Fraud, misrepresentation, or false statement made in the course of carrying on his business as peddler;

(3) Any violation of this chapter;

(4) Conviction of any crime or misdemeanor involving moral turpitude;

(5) Conducting the business of peddling in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

(Comp. Ords. 1987, § 20.369; Ord. No. of 3-17-2014)

Sec. 22-42. Appeal.

Any person aggrieved by the action of the chief of police or the city clerk in the denial of an application for license as provided in section 22-36, or in the decision with reference to the suspension or revocation of a license as provided in section 22-41, shall have the right to appeal to the city council. Such appeal shall be taken by filing with the council, within 14 days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The council shall set a time and place for a hearing on such appeal and ten days' notice of such hearing shall be given to the appellant. The decision and order of the council on such appeal shall be final and conclusive.
(Comp. Ords. 1987, § 20.370; Ord. No. of 3-17-2014)

Sec. 22-43. Expiration of license.

All annual licenses issued under the provisions of this chapter shall expire on December 31 in the year in which issued. Licenses other than annual licenses shall expire on the date specified in the license.
(Comp. Ords. 1987, § 20.371; Ord. No. of 3-17-2014)

Chapter 23

RESERVED

24
Solid Waste

Chapter 24

SOLID WASTE*

Article I. In General

Secs. 24-1—24-30. Reserved.

Article II. Garbage and Refuse Collection and Disposal

Sec. 24-31. Collection by city or contractor.
Sec. 24-32. Domestic, commercial garbage and refuse.
Sec. 24-33. License requirement.
Sec. 24-34. License application; granting or revocation.
Sec. 24-35. Vehicles transporting garbage.
Sec. 24-36. Promulgation of rules, regulations, collection fees.
Sec. 24-37. Approval of rules, regulations, collection fees.
Sec. 24-38. Waste containers.
Sec. 24-39. Penalty.

***State law references**—Garbage disposal act, MCL 123.361 et seq.; solid waste facilities, MCL 324.4301 et seq.; hazardous waste management act, MCL 324.11101 et seq.; hazardous materials transportation act, MCL 29.417 et seq.; solid waste management act, MCL 324.11501 et seq.; waste reduction assistance act, MCL 324.14501 et seq.; Clean Michigan Fund act, MCL 324.19101 et seq.; low-level radioactive waste authority act, MCL 333.26201 et seq.

ARTICLE I. IN GENERAL

Secs. 24-1—24-30. Reserved.

ARTICLE II. GARBAGE AND REFUSE COLLECTION AND DISPOSAL

Sec. 24-31. Collection by city or contractor.

The city may undertake the general collection of garbage and refuse throughout the city, or it may let a contract or contracts to one or more persons, firms or corporations for making such collections in whole or in part. The city may pay therefor such reasonable amount as the city council shall determine. No such contract or contracts shall be let unless negotiated or bid by the city council. No such contract or contracts shall be let for a period exceeding five years. The contract shall be awarded by the city council to the person, firm or corporation which is most advantageous to the city as determined by the city council. All such contractors shall enter into a bond in an amount determined by the city council from time to time conditioned for the faithful performance of their contracts and that they will collect all garbage and refuse in accordance with this article.
(Comp. Ords. 1987, § 35.101)

Sec. 24-32. Domestic, commercial garbage and refuse.

Collection of domestic garbage and refuse shall be made not less than once each week. Collections from hotels, apartment houses, stores, office buildings, restaurants, institutions, and commercial establishments shall be made not less than once each week or oftener in accordance with the need as determined by the city manager. The number of receptacles for these institutions shall be adequate to contain the waste materials. Multiple dwellings in which each unit has its own garbage and refuse receptacles, for the purposes of this section, shall not be deemed an apartment house.
(Comp. Ords. 1987, § 35.102)

Sec. 24-33. License requirement.

Except when the city undertakes the collection and disposal, no person, firm, or corporation shall engage in the business of the collection and disposal of garbage and refuse in this city without first obtaining a license therefor.
(Comp. Ords. 1987, § 35.103)

Sec. 24-34. License application; granting or revocation.

Every person, partnership, or corporation required to secure a license by the terms of this article shall first make written application therefor in the manner and form provided by the city. The application shall contain an agreement on the part of the applicant that he will comply with the terms and conditions of this article and rules promulgated hereunder, and all applicable state and federal laws, rules and regulations, and that such license may be revoked at any time for cause by the city manager. The granting or revocation of such license shall be discretionary with the city manager, providing that any person feeling aggrieved by his decision may appeal to the city council, whose decision shall be final.
(Comp. Ords. 1987, § 35.104)

Sec. 24-35. Vehicles transporting garbage.

All vehicles for the transportation of garbage or refuse shall have metal-lined bodies, shall be watertight, and be so constructed that no leakage can escape from said vehicle while transporting garbage and refuse. The body of such vehicle shall be kept covered at all times except when being loaded or unloaded.
(Comp. Ords. 1987, § 35.105)

Sec. 24-36. Promulgation of rules, regulations, collection fees.

The city manager is hereby empowered to promulgate rules, regulations, and collection fees necessary for the effective administration and enforcement of the provisions of this article. Such rules, regulations, or collection fees shall be in writing.
(Comp. Ords. 1987, § 35.106)

Sec. 24-37. Approval of rules, regulations, collection fees.

A copy of each such rule, regulation, or collection fee shall be filed with the city clerk before the

same is put into effect. The clerk shall present such rule, regulation, or collection fee to the city council for its consideration not later than the next regular meeting of the council after the filing of same. No such rule, regulation, or collection fee shall remain in effect if disapproved by the city council.
(Comp. Ords. 1987, § 35.107)

Sec. 24-38. Waste containers.

(a) *Placement of containers for collection.*

(1) Every tenant, lessee, or occupant of any premises where garbage is created shall provide such premises with sufficient receptacles to contain garbage and rubbish until such time as garbage shall be collected for disposal.

"Receptacle" shall be defined to mean: A mold (molded) garbage receptacle with a tight-fitting lid. Should the use of any particular type of container by a resident result in recurring instances of scattered garbage, debris and resultant unsanitary and unhealthful conditions, the city manager may require the tenant, lessee or occupant to replace the receptacle being used with a more suitable type.

(2) All such containers for garbage or rubbish shall be equipped for easy handling and shall not be filled above the top edge thereof, or so as likely to spill their contents either from bottom, side or top, when being picked up and dumped into the collecting conveyance. Receptacles that are badly broken or otherwise fail to meet the requirements of this article may be deemed to be rubbish by the city or waste collector, and after due notice to the users, be collected as rubbish by the waste collector.

(3) Receptacles for garbage or rubbish shall be kept clean and sanitary by the owner or occupants of the premises on which they are located.

(4) Rubbish and garbage receptacles shall be placed in a location convenient for collection, no earlier than 12 hours before the regularly established collection time, which location shall be one that is acceptable to the contract hauler, and shall be placed in such location in a manner that will not cause a nuisance or create a public eyesore, and such empty receptacles shall be removed and returned to the private property of the owner or occupants of the premises from which they were placed for collection, within 12 hours after collection and no later.

(5) Garbage and rubbish shall be enclosed and sealed in one or more plastic bags prior to placement in the hard-sided container for pickup. Such bags shall be of sufficient size and weight to prevent loss during transfer from garbage container to the waste hauler's truck. No person shall place garbage in receptacles provided for the accumulation of garbage without first draining, provided this shall not apply to restaurants, hotels and other places where food is handled commercially. Garbage containers placed out for pickup shall not exceed 50 pounds in weight and 32 gallons in volume.

(6) No person shall place or cause to be placed, in regular rubbish or garbage receptacles, any explosive or highly inflammable materials. All such materials shall be disposed of under the supervision and direction of the chief of the fire department.

(b) *Violations.*

(1) A person or occupant of any premises who violates any provision or term of this chapter is responsible for a municipal civil infraction and a violation of the City Code.

(2) If no compliance is reasonably agreed to and done, the incident may be directed to court, after the city manager determines the violation is not being corrected.

(3) The police department is hereby designated as the authorized city official to

issue municipal civil infraction citations, or municipal civil infraction violation notices to violators.

(Ord. No. 629, § 1, 8-1-2011)

Editor's note—Section 24-38 has been renumbered as § 24-39. Ord. No. 629, § 1, adopted Aug. 1, 2011, did not specifically amend the Code, hence inclusion as § 24-38, was at the discretion of the editor.

Sec. 24-39. Penalty.

No person shall disobey any such rule or regulation promulgated in accordance with this section. Any violation of this article or such rules and regulations shall be a municipal civil infraction.

(Comp. Ords. 1987, § 35.108)

Note—See editor's note following § 24-38.

Chapter 25

RESERVED

26
Special Assessments

Chapter 26

SPECIAL ASSESSMENTS*

Article I. In General

Sec. 26-1. Definitions.
Secs. 26-2—26-30. Reserved.

Article II. Improvement Procedure

Sec. 26-31. Initiation of projects.
Sec. 26-32. Report of manager.
Sec. 26-33. Notice of hearing on necessity.
Sec. 26-34. Public hearing on improvement; objections and changes.
Sec. 26-35. Resolution of determination.
Sec. 26-36. Delay of special assessment roll preparation.
Sec. 26-37. Preparation of special assessment roll.
Sec. 26-38. Notice of hearing on roll.
Sec. 26-39. Public hearing on roll, objections and changes.
Sec. 26-40. Confirmation of the roll; written objection thereto.
Sec. 26-41. Contractual provisions.
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Article III. Hazard and Nuisance Procedure

Sec. 26-71. Assessment of costs.
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Article IV. Creation of Liens

Sec. 26-101. Lien established.
Sec. 26-102. Character of lien.
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Article V. Installments and Collection of Liens

Sec. 26-131. Due date.
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Sec. 26-134. Publication of notice to pay.
Sec. 26-135. Notice by mail.
Sec. 26-136. Collection fees and penalties.
Sec. 26-137. Contested assessments.
Secs. 26-138—26-170. Reserved.

Article VI. Rebates, Reassessments and Additional Assessments

Sec. 26-171. Certification.

***State law references**—Special assessments for public improvements, MCL 68.31 et seq.; higher interest rates permitted when there are obligations in anticipation of special assessments, MCL 133.9; public improvement or public building, MCL 141.261 et seq.; notices and hearings, MCL 211.741 et seq.; deferment of special assessment for homesteads, MCL 211.761 et seq.

Sec. 26-172. Additional assessments.
Sec. 26-173. Assessment refunds.
Sec. 26-174. Refund procedure on installments.
Sec. 26-175. Restriction against refund.
Sec. 26-176. Illegal or invalid assessments.
Sec. 26-177. Proceedings on reassessment.
Secs. 26-178—26-200. Reserved.

Article VII. Restrictions Imposed

Sec. 26-201. Assessment limited to value of benefits.
Sec. 26-202. Special funds.
Sec. 26-203. Restricted use of funds.

ARTICLE I. IN GENERAL

Sec. 26-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Cost means necessary condemnation costs and necessary expenses incurred for engineering, financial, legal, administrative and other services involved in the making and financing of the improvement and the levying and collecting of the special assessments therefor. Where any such service is rendered by city employees, the city may include the fair and reasonable cost of rendering the service.

Last tax roll of the city means the last assessment roll for city ad valorem taxes which has been reviewed by the city's board of review, as supplemented by any changes in the names or addresses of such owners or parties listed thereon filed with the city assessor subsequent to the date of such review.

Lot or parcel of land means any subdivision lot or portion thereof as officially platted or any unplatted parcel of land as may be designated on any official record.
(Comp. Ords. 1987, § 12.070)

Secs. 26-2—26-30. Reserved.

ARTICLE II. IMPROVEMENT PROCEDURE

Sec. 26-31. Initiation of projects.

The council shall have the power to determine by resolution that the whole or any part of the cost of any public improvement be defrayed by special assessment upon the property especially benefited in proportion to the benefits derived or to be derived; provided, that such determination shall not be made until the preliminary proceedings provided for in sections 26-32, 26-33 and 26-39 shall have been completed. The council, in order to ascertain whether or not a reasonable number of property owners to be assessed desire any particular improvement to be made, may request and receive a petition therefor, or may receive such a petition voluntarily presented; but in either event, such petition shall be advisory only.
(Comp. Ords. 1987, § 12.081)

Sec. 26-32. Report of manager.

Whenever the council determines that a proposed public improvement should be considered for special assessment, or whenever in the opinion of the city manager a proposed public improvement should be considered by the council for special assessment, the city manager shall prepare a report of such improvement for presentation to the council. Such report shall include a description of the improvement, a statement as to the necessity of the improvement, plans and specifications therefor, an estimate of the cost thereof, and a recommendation as to what part of the estimated cost thereof should be paid by special assessment, what part, if any, should be a general obligation of the city, what lands should be included in the special assessment district, the basis on which the assessable cost should be spread on the benefiting properties, the number of installments in which the special assessments may be paid, the method of financing the improvement and all other pertinent information. The report shall be revised and amended as the council deems necessary, after which it shall be officially accepted by the Council before proceeding as provided in this article.
(Comp. Ords. 1987, § 12.082)

Sec. 26-33. Notice of hearing on necessity.

(a) After the council has officially accepted a report from the manager on a proposed public improvement, any part of the cost of which is to be defrayed by special assessment, the council shall by resolution order such report filed with the city clerk and provide for a public hearing on the necessity of the proposed improvement. The city clerk shall give notice of such hearing, including the nature and location of the proposed improvement, the description of the special assessment district, the proposed method of assessing according to benefits, the time and place of said hearing and the fact that the report is on file for public examination; provided, that said hearing shall be

held not less than ten days after notice thereof shall have been given by first class mail to the owner or party in interest of each lot or parcel of land affected thereby at his address or the address shown on the last tax roll of the city and by publication at least once in a newspaper of general circulation in the city, to be designated by the council.

(b) The notice of hearing shall include a statement that appearance and protest at the hearing in the special assessment proceedings is required in order to appeal the amount of the special assessment to the state tax tribunal and shall describe the manner in which an appearance and protest shall be made. The notice shall also include a statement that the owner or any person having an interest in the real property may file a written appeal of the special assessment with the state tax tribunal within 30 days after the confirmation of the special assessment roll, if that special assessment was protested at the hearing held for the purpose of confirming the roll.

(c) An owner or party in interest or his agent may appear in person at the hearing to protest the special assessment, or shall be permitted to file his appearance or protest by letter and his or her personal appearance shall not be required.

(d) The city council shall maintain a record of parties who appear to protest at the hearing. If a hearing is or adjourned for the day before a party is provided the opportunity to be heard, a party whose appearance was recorded is considered to have protested the special assessment in person.
(Comp. Ords. 1987, § 12.083)

Sec. 26-34. Public hearing on improvement; objections and changes.

At the time and place specified in such notice for the public hearing, the council shall meet and hear any person to be affected by the proposed public improvement. The hearing may be adjourned from time to time by the council and the council may make any changes in the proposed work or assessment which shall seem reasonable or proper in view of any objections, or for any other reason which may appear to be for the best interests of the city, provided that if the improvements intended to be made are enlarged upon or additions made to the district to be assessed, the same shall not be done until after another hearing is held pursuant to notice as required for original hearings.
(Comp. Ords. 1987, § 12.084)

Sec. 26-35. Resolution of determination.

After said public hearing, the council may, by resolution, determine to make the improvement and defray the whole or any part of the cost of the improvement by special assessment upon the property especially benefited in proportion to the benefits derived, or to be derived, and designate whether it is to be assessed according to frontage or other basis. By such resolution the council shall approve the plans, specifications and cost estimates for the improvements, fix the amount to be assessed and the amount to be paid by the city at large, if any, determine the number of installments in which assessments may be paid, determine the rate of interest to be charged on installments, not to exceed six percent per anum, designate the district or land and premises upon which special assessments shall be levied and the method by which the assessable cost shall be spread upon the benefiting properties, and direct the assessor to prepare a special assessment roll in accordance with the council's determination.
(Comp. Ords. 1987, § 12.085)

Sec. 26-36. Delay of special assessment roll preparation.

Notwithstanding any provisions of this chapter, the council may, in its discretion, delay the preparation of the special assessment roll until after the completion of the improvement, in which case the actual cost thereof shall be reported by the city manager to the council within 60 days of the completion of said improvement, and the special assessment roll shall then be made for such actual cost rather than for the estimated cost, according to the procedures hereinafter provided.
(Comp. Ords. 1987, § 12.086)

Sec. 26-37. Preparation of special assessment roll.

The assessor shall prepare a special assessment roll including all lots and parcels of land

within the special assessment district designated by the council, and shall assess to each such lot or parcel of land such relative portion of the whole sum to be levied against all lands in the special assessment district as the benefit to such lot or parcel of land bears to the total benefits to all lands in such district. When the assessor shall have completed such assessment roll, he shall attach thereto, or endorse thereon, his certificate to the effect that said roll has been made by him pursuant to a resolution of the council (giving date of adoption of same) and that in making the assessments therein, he has, as near as may be, according to his best judgment, conformed in all respects to the directions contained in such resolution and the city Charter and the provisions of this chapter. Thereupon, he shall cause such assessment roll to be presented to the council.
(Comp. Ords. 1987, § 12.087)

Sec. 26-38. Notice of hearing on roll.

Upon receipt of such special assessment roll, the council shall by resolution order such roll filed with the city clerk for public examination and provide for a public hearing for the purpose of reviewing such roll. The city clerk shall give notice of such hearing, including the purpose, time and place and the fact that the roll is on file for public examination; provided, that said hearing shall be held not less than ten days after notice thereof shall have been given by first class mail to the owner or party in interest of each lot or parcel of land affected thereby at his address or the address shown on the last tax roll of the city, and by publication at least once in a newspaper of general circulation in the city, to be designated by the council.
(Comp. Ords. 1987, § 12.088)

Sec. 26-39. Public hearing on roll, objections and changes.

The council shall meet and review the special assessment roll at the time and place appointed or at any adjourned time therefrom, and shall consider any oral or written objections or comment thereto. The council may correct said roll as to any assessment or description of any lot or parcel of land or other errors appearing therein. Any changes made in such roll shall be noted in the council minutes.
(Comp. Ords. 1987, § 12.089)

Sec. 26-40. Confirmation of the roll; written objection thereto.

After such hearing and review, the council may confirm such special assessment roll with such corrections as may have been made, if any, or may refer it back to the assessor for revision or may annul it and any proceedings in connection therewith; provided, that if, at or prior to final confirmation of any special assessment roll, objection to the proposed improvement is received in writing from owners of property to be assessed who together will bear more than 50 percent of the total assessable portion of the improvement, the improvement shall not be made by proceedings authorized by this chapter without the affirmative vote of at least five members of the council. The clerk shall endorse the dates of confirmation upon each special assessment roll and upon confirmation such roll shall be final and conclusive.
(Comp. Ords. 1987, § 12.090)

Sec. 26-41. Contractual provisions.

In event that all persons or property owners to be affected by any proposal improvement agree that such proposed improvement be made and that a special assessment be levied in connection therewith, the city may, in lieu of the foregoing procedure, enter into a written contract with all of the persons or property owners affected thereby, which contract when properly approved and executed, shall operate as a complete special assessment procedure and the assessment shall be made in accordance with said contract.
(Comp. Ords. 1987, § 12.091)

Secs. 26-42—26-70. Reserved.

ARTICLE III. HAZARD AND NUISANCE PROCEDURE

Sec. 26-71. Assessment of costs.

Whenever the city has incurred any costs as the result of abating a public hazard or nuisance

by procedures established in state statute, Charter or city ordinance, the nature of such costs shall be reported by the city manager to the council. The council shall, by resolution, after examination of the manager's report, determine what amount or part of each such expense shall be charged and the person, if known, against whom, and the real property or premises upon which the same shall be levied as a special assessment and shall require notice of all the amount so reported and determined to be given by the clerk by first class mail to the owner of each lot or parcel of land at his address or the address shown on the last tax roll of the city, and by publication at least once in a newspaper of general circulation in the city, to be designated by the council. Such notice shall state the basis of the assessment and the cost thereof, and shall give a reasonable time, which shall not be less than 30 days, in which payment shall be made. In all cases where payment is not made within the time limit, the same shall be reported by the clerk to the assessor who shall spread such amounts against the several persons or descriptions of real property chargeable therewith on the next roll for the collection of city taxes.
(Comp. Ords. 1987, § 12.101)

Sec. 26-72. Certificate of assessor.

When the assessor shall have completed such assessment roll, he shall attach thereto and endorse thereon his certificate to the effect that said roll has been made by him pursuant to a resolution of the council, giving the date of adoption of same, and that in making the assessments therein, he has, as near as may be according to his best judgment, conformed in all respects to the directions contained in such resolution and the city Charter and he shall cause same to be presented to the council.
(Comp. Ords. 1987, § 12.102)

Sec. 26-73. Corrections and confirmation of roll.

The council may correct said roll as to any assessment or description of any lot or parcel of land or other errors appearing therein. Any changes made in said roll shall be noted in the council minutes. The council shall thereupon confirm such special assessment roll with such corrections as may have been made and the clerk shall endorse the date of confirmation thereon. Upon confirmation such roll shall be final and conclusive.
(Comp. Ords. 1987, § 12.103)

Secs. 26-74—26-100. Reserved.

ARTICLE IV. CREATION OF LIENS

Sec. 26-101. Lien established.

Special assessments and all interest and charges thereon, from the date of confirmation of the roll, shall be and remain a lien upon the property assessed of the same character and effect as the lien created by general law for state and county taxes or by the city Charter for city taxes, until paid.
(Comp. Ords. 1987, § 12.111)

Sec. 26-102. Character of lien.

All liens above referred to shall be of the same character and effect as the lien created by the city Charter for taxes and shall include accrued interest and penalties.
(Comp. Ords. 1987, § 12.112)

Sec. 26-103. Destruction or impairment of lien.

No judgment or decree, nor any action of the council vacating a special assessment, shall destroy or impair the lien of the city upon the premises assessed for such amount of the assessment as may be equitably charged against the same, or as by regular mode of proceeding, might have been lawfully assessed thereon.
(Comp. Ords. 1987, § 12.113)

Sec. 26-104. Invalidation of assessment; reassessment.

Any failure to give notice as required in this chapter shall not invalidate an entire assessment roll but only the assessments on property affected by the lack of notice. A special assessment shall not be declared invalid as to any property if the owner or the party in interest thereof has actually

received notice, has waived notice, or has paid any part of the assessment. If any assessment is declared void by court order or judgment, a reassessment against the property may be made.
(Comp. Ords. 1987, § 12.114)

Sec. 26-105. Personal liability of owner.

In addition to the property tax lien created hereunder, any special assessment levied by the city shall constitute a debt owed to the city from the owner of the lot or parcel of land assessed and may be collected in the same manner as any contracted debt, or in the same manner as provided by law for the collection of personal property taxes.
(Comp. Ords. 1987, § 12.115)

Secs. 26-106—26-130. Reserved.

ARTICLE V. INSTALLMENTS AND COLLECTION OF LIENS

Sec. 26-131. Due date.

All special assessments levied under this chapter shall become due upon confirmation of the special assessment roll and, if in annual installments, the council shall determine the first installment to be due upon confirmation of the roll, and deferred installments to be due annually thereafter, or in the discretion of the council they may be spread upon and made a part of each annual city tax roll thereafter until all are paid.
(Comp. Ords. 1987, § 12.121)

Sec. 26-132. First installment spread.

The first installment of any special assessment shall be spread upon a special city tax roll in a column headed "special assessment," or upon the next annual tax roll at the direction of the council, and if spread on a special tax roll may be paid any time within three months from the date of confirmation without penalties, and if unpaid on or before said three months' period, it shall be added to and made a part of the following July 1 tax roll together with interest as provided thereon.
(Comp. Ords. 1987, § 12.122)

Sec. 26-133. Annual installment spread.

Annual installments shall be spread thereafter either on a special assessment roll or on the annual city tax roll, as may have been directed by the council, in the same manner and subject to the same provisions as provided for first installments.
(Comp. Ords. 1987, § 12.123)

Sec. 26-134. Publication of notice to pay.

The assessment roll shall be transmitted by the clerk to the treasurer for collection immediately after confirmation and, in the event it is not a part of the annual tax roll, the treasurer shall give notice by publication at least once in a newspaper of general circulation that said special assessment roll (describing it) has been filed in the treasurer's office and specifying when and where payments may be made thereon.
(Comp. Ords. 1987, § 12.124)

Sec. 26-135. Notice by mail.

The treasurer may mail statements of the several assessments to the respective owners as indicated by the records of the assessor, of the several lots or parcels of land assessed, stating the amount of the assessment and the manner in which it may be paid. Provided, however, that failure to mail any such statement shall not invalidate the assessment or entitle the owner to an extension of time within which to pay the assessment.
(Comp. Ords. 1987, § 12.125)

Sec. 26-136. Collection fees and penalties.

After the confirmation of any special assessment roll, the same collection fees shall be collected on delinquent installments of such special assessments, beginning on the first day of the fourth month following the due date, as are provided by the city Charter for the collection of delinquent city taxes.
(Comp. Ords. 1987, § 12.126)

Sec. 26-137. Contested assessments.

Except and unless notice is given to the council in writing of an intention to contest or enjoin the

Chapter 27

RESERVED

28
Streets, Sidewalks, and Other Public Places

Chapter 28

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES*

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***State law references**—City control of highways, Mich. Const. 1963, art. VII, § 29; city authority to acquire, own, establish and maintain boulevards, Mich. Const. 1963, art. VII, § 23; obstructions and encroachments on public highways, MCL 247.171 et seq.; closing of highway for repairs, MCL 247.291 et seq.; driveways, banners, events and parades, MCL 247.321 et seq.; liability of local government for injury from the result of not keeping highway in reasonable repair, MCL 691.1402.

ARTICLE I. IN GENERAL

Sec. 28-1. Design standards for public streets.

(a) *General requirements.*

(1) *Complete streets.* The City of St. Ignace will plan for, design, and construct all transportation improvement projects, both new and retrofit activities, to provide appropriate accommodation for bicyclists, pedestrian, transit users, and motorists of all ages and abilities in accordance with City of St. Ignace pedestrian and bike plans.

In furtherance of that policy:

a. The city of St. Ignace pedestrian and bike plans shall be referenced and their implementation considered prior to construction or re-construction within city rights-of-way.

b. All street plans will include, at a minimum, accommodations for accessibility, sidewalks, curb ramps and cuts, trails and pathways, signage, bike lanes, and shall incorporate principles of complete streets and maximize walkable and bikeable streets wherever feasible within the City of St. Ignace.

c. The accommodations shall also be designed and built using guidance from the most recent editions of the American Association of State Highway Transportation officials (AASHTO) Guide for Development of Bicycle Facilities, the Michigan Manual on Uniform Traffic Control Device (MMUTCD) (MDOT), and the Americans with Disabilities Act Accessibility Guidelines (ADAAG). Methods for Providing flexibility within safe design parameters, such as context sensitive solutions and design, will be considered.

d. It will be the goal of the city to fund the implementation of complete street projects which shall include expending State Act 51 funds received by the city annually in accordance with Public Act 135 of 2010, as amended.

(2) *Exceptions.* Facilities for bicyclists, pedestrians, transit users, and motorists of all ages and abilities are not required to be provide instances where a documented exception is recommended by the city manager and granted by the city council based on findings of one or more of the following conditions:

a. Where their establishment would be contrary to public health and safety;

b. When the cost would be excessively disproportionate to the need for probable use;

c. When the cost would result in an unacceptable diminishing of other city services;

d. Where there is no identified long-term need;

e. Where the length of the project does not permit a meaningful addition to the non-motorized network; or

f. Where reconstruction of the right-of-way is due to an emergency.

(3) The arrangement, character, extent, width, grade and location of all streets shall conform to the master plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

(4) Where such is not shown in the master plan, the arrangement of streets on a subdivision shall either:

a. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or

b. Conform to a plan for the neighborhood approved by the commission to meet a particular situation where topographical

or other conditions make conformation to existing streets impracticable.

(5) Minor streets shall be laid out that their use by through traffic will be discouraged.

(6) Where a subdivision abuts or contains an existing or proposed arterial street, the commission may require marginal-access streets, reverse- frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with near service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

(7) Where a subdivision borders on or contains a railroad right-of -way or limited-access highway right-of-way, the commission may require a street approximately parallel to and on each side of such right-of way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

(8) Half-streets shall be prohibited, except where essential to the reasonable development of the subdivision I conformity with the other requirements of this chapter and where the commission finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever a half-street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

(9) Where the plat submitted covers only a part of the subdivider's plat, a sketch of the prospective future system of the unsubmitted part shall be furnished; and the street system of the part submitted shall be considered in the light of adjustments in connection with the street system of the part not submitted.

(10) Where the parcel as subdivided into larger tracts than for building lots, such parcels shall be divided so as to allow for the opening of major streets and the ultimate extension of adjacent minor streets.

(Ord. No. 627, § 74-71, 7-5-2011)

Editor's note—Ord. No. 627 § 74-71, adopted July 5, 2011, did not specifically amend the Code, hence inclusion as § 28-1, was at the discretion of the editor.

Secs. 28-2—28-30. Reserved.

ARTICLE II. STREET NAMES AND NUMBERING OF BUILDINGS

Sec. 28-31. Street numbers.

(a) The principal building on each parcel of land fronting on a city street shall bear a street number in accordance with the street numbering map on file in the office of the city manager, which map is hereby adopted and made a part hereof. The building inspector of the city shall designate in accordance with said map the appropriate street number for each new building hereafter constructed and such number shall be issued along with the building permit therefor. Each vacant, buildable parcel of land shall be taken into consideration in the street numbering within the city.

(b) Owners of principal buildings shall place and maintain the correct street number upon the front of each principal building as required. This number shall face the street and be adjacent to the main entrance in such a position as to be plainly visible from the street, and to be not less than three inches in height.

(Comp. Ords. 1987, § 30.001)

Sec. 28-32. Street names.

(a) *Generally.* All streets within the city shall be known and designated by the names applied thereto on the official map of the city, known as the street numbering map, which shall be on file in the city manager's office. The naming of any new street or renaming of any street shall be done by resolution of the city council; said resolution shall also amend said map.

(b) *Vacated streets and alleys.* Portions of streets and alleys vacated by the city council shall be eliminated from the official map of the city.

(c) *Additional streets.* As additional streets are established either by platting or otherwise and existing streets altered or renamed, it shall be the duty of the building inspector to add the same to the official map or to revise the same and to assign to the various blocks and parts of said streets appropriate names and numbers in accordance with said established map.
(Comp. Ords. 1987, § 30.002)

Sec. 28-33. Penalty.

Whoever shall fail to comply with the provisions of this article, or whoever shall affix to or display upon any house or building any such numbers other than those assigned to it, shall upon conviction thereof be guilty of a municipal civil infraction.
(Comp. Ords. 1987, § 30.003)

Sec. 28-34. Enforcement by authorized city official.

Either the building inspector and/or city police are hereby designated as the authorized city official to issue municipal civil infraction citations (directing alleged violators to appear in court) or a municipal civil infraction violation under this article.
(Comp. Ords. 1987, § 30.006)

Secs. 28-35—28-60. Reserved.

ARTICLE III. STREET EXCAVATIONS

Sec. 28-61. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City manager, fire chief and *police chief* mean the city manager, fire chief and police chief, respectively, of the city, or their respective duly authorized representatives.

Person means any legal entity, including an individual person, partnership, corporation or association, except any corporation defined herein as a "utility."

Street or alley means the entire width between boundary lines of every public right-of-way, whether open to vehicular traffic or not.

Utility means any corporation which operates and maintains any main, pipe, line or other equipment in or under any street, alley, sidewalk or other public place in the city.
(Comp. Ords. 1987, § 30.052)

Sec. 28-62. Excavation and other work regulated.

No person, other than a duly authorized city official or city employee, shall make, cause or permit to be made any excavation or opening in or under the pavement or other surface of any street, alley, sidewalk or other public place within the city, or construct, alter or repair any street surface, drainage ditch, culvert, driveway extension, curb, gutter or other structure within such street, alley or other public place, except as hereinafter provided; and provided that nothing herein shall be intended or construed to authorize any work of any kind in any state highway right-of-way by any procedure other than that established by the state highway department.
(Comp. Ords. 1987, § 30.053)

Sec. 28-63. Notification by utilities required.

No utility shall make, cause or permit to be made any excavation or opening in or under the pavement or other surface of any street, alley, sidewalk or other public place within the city, without first notifying the city manager in writing of its intent to do so. Said notification shall be made on forms supplied by the city, and shall include the name of the utility, the location of the intended excavation as near as can be described, the type of surface to be opened, the reason for and the nature and extent of said work, the expected duration of said work until the pavement or other surface will be restored, and such other information as the city manager may require. Said notification shall also include a statement signed by a duly authorized representative

of said utility to the effect that said utility shall make every effort to complete said work as soon as possible, with as little inconvenience to the public as possible, and shall comply with all the provisions of this article, as hereinafter provided. (Comp. Ords. 1987, § 30.054)

Sec. 28-64. Emergency work by utilities.

Notwithstanding the provisions of section 28-63, any utility may excavate and perform work in or under the streets, alleys, sidewalks and other public places of the city, when such excavation and work are necessary to correct an emergency condition in the existing mains, pipes, lines, or other equipment of said utility, without prior notification to the city; provided that said utility shall be responsible under such circumstances for complying with all other provisions of this article; and provided further that said utility shall provide notification to the city, as required in section 28-63, not later than noon of the first business day following the day of the emergency work.
(Comp. Ords. 1987, § 30.055)

Sec. 28-65. Permit for excavation and other work by other than utilities.

No person, other than a duly authorized city official or city employee, or a utility as heretofore defined, shall make, cause or permit to be made any excavation or opening in or under the pavement or other surface of any street, alley, sidewalk or other public place within the city or construct, alter or repair any street surface, drainage ditch, culvert, driveway extension, curb, gutter or other structure within such street, alley or other public place, without first obtaining a permit therefor from the city manager. An application for said permit shall contain all information required for utility notifications in section 28-63. The permit application, when signed by the city manager, may serve as the permit for said work. Said person shall keep said permit on the work location for which said permit was issued until said work is completed, and shall present said permit for inspection to any city official or city employee upon his request.
(Comp. Ords. 1987, § 30.056)

Sec. 28-66. Bond or deposit.

The city manager may require a bond or deposit sufficient to cover the estimated cost of repairing the surface of a proposed excavation or opening of any street, alley, sidewalk or other public place prior to issuing a permit therefor, when in his opinion the dependability of the

applicant is not sufficiently established to reasonably assure compliance with all of the provisions of this article. In any case, the city manager shall require said bond or deposit prior to issuing said permit when the cost of repairing said surface is estimated to exceed $500.00, or when the applicant has failed to comply with any provision of this article in connection with any permit issued hereunder within the previous three years. Any utility which fails to comply with any provision of this article shall thereafter be required for a period of at least 90 days to obtain a permit as herein provided prior to starting any excavation or opening of any street, alley, sidewalk or other public place, and shall be subject to a bond or deposit as herein provided. The furnishing of a bond or deposit shall not be construed to exempt any utility or person from prosecution for any violation of this article which may have caused such bond or deposit to be required.
(Comp. Ords. 1987, § 30.057)

Sec. 28-67. Duty to notify affected utilities.

It shall be the duty of every person and utility, prior to starting any excavation or opening of any street, alley, sidewalk or other public place, to give a notice of at least 24 hours to every utility which may have any main, pipe, line or other equipment located within 25 feet of the proposed excavation or opening; provided, that in the case of emergency work by a utility as provided in section 28-64, notice to said utilities not later than noon of the first business day following the day of said emergency work shall be sufficient under this section. For purposes of this section, notification as provided in sections 28-63 and 28-64, or application for a permit as provided in section 28-65, shall be sufficient notice to the city in terms of its sewers or other utilities affected by said excavation or opening.
(Comp. Ords. 1987, § 30.058)

Sec. 28-68. Barriers and lights.

Any person or utility which makes, causes or permits to be made any excavation or opening, or any construction, alteration or repair of any structure, within any street, alley, sidewalk or other public place, or within ten feet of the line or edge of any street, alley, sidewalk or other public place, shall between sunset and sunrise on every night that the same remains open, or obstructions or other dangers exist therefrom, keep such excavation, opening, obstruction or other danger fenced or barricaded and properly lighted so as to warn all motorists, pedestrians and other persons of such excavation, opening, obstruction or other danger. No unauthorized person shall remove or interfere with any fence, barricade, light or other warning signal placed pursuant hereto.
(Comp. Ords. 1987, § 30.059)

Sec. 28-69. Excavation requirements.

The following requirements shall be met in excavating or opening any street, alley, sidewalk or other public place:

(1) The width of any excavation or opening shall be no greater than is necessary to do the work. Sheeting and bracing shall be used as necessary to provide for the safety of workers and passersby.

(2) Access to fire hydrants shall be provided at all times, and no excavated materials or other supplies shall be placed within 15 feet of any fire hydrant nor in such a way as to completely surround any fire hydrant.

(3) Lawns, shrubs and trees shall be protected from damage.

(4) No drainage ditch, gutter, culvert, catch basin or other drain shall be blocked by any excavation overnight. No material shall be piled on a catch basin or culvert unless the openings are covered to prevent infiltration of the material.

(5) No person or utility shall obstruct more than one-half of the traveled portion of any street or alley at any one time, except by written permission of both the fire chief and police chief, and only when such obstruction will not cause unreasonable inconvenience to rerouted traffic, nor unreasonable delay for any public safety vehicle. Whenever, in the opinion of the chief of police of the city, a flagman or flagmen are required to safety direct traffic around such obstruction, because of

the volume of traffic or limited visibility, the same shall be provided at the expense of the person or utility responsible for such obstruction. Excavated material shall be removed from the site, whether it is usable as backfill or not, when such removal is necessary to comply with this section.
(Comp. Ords. 1987, § 30.060)

Sec. 28-70. Backfill requirements.

All openings in any street, alley, sidewalk or other public place shall be refilled with sand, gravel or broken stones. Refilling shall be done in thin layers not exceeding six inches in height and compacted to 95 percent of maximum unit weight in accordance with state department of state highways specifications, controlled method, until the opening is filled to its original level. Not more than one-third of the total opening shall be refilled with broken stone, which must be in pieces not exceeding six inches in their largest dimensions, and mingled with clean earth and sand, and compacted in layers as above described. Any excavation which has a greater width at the bottom than at the top, whether from intentional digging or from slips or slides of the walls, shall be trimmed to solid earth to make the walls vertical or outward-sloping before backfilling is commenced.
(Comp. Ords. 1987, § 30.061)

Sec. 28-71. Initial maintenance of surface.

It shall be the duty of any person or utility, after refilling any excavation in any street, alley, sidewalk or other public place, to maintain the surface of such refilled excavation at a grade equal to the adjacent surfaces and in a condition suitable for travel by vehicles and pedestrians, until the backfilled material has completely settled.
(Comp. Ords. 1987, § 30.062)

Sec. 28-72. Surface restoration requirements.

(a) Any person or utility having excavated and refilled a portion of any street, alley, sidewalk or other public place, shall restore such refilled excavation, as soon as it is practical, to its condition prior to such excavation. In the case of improved streets, the crown of the restored surface must conform to the adjacent street surface. In the case of asphalt or concrete pavement, the area to be restored shall be squared to provide straight edges, by saw-cutting. In the case of sidewalks and curb and gutter, any partially damaged slab or section shall be completely replaced. All asphalt or concrete surfaces which are undermined shall be removed to six inches outside of the undermined area.

(b) The city may, at its option, agree to restore any refilled excavation using its own forces, in which case the person or utility responsible for such excavation shall pay an amount to the city based on the city's current average costs for the area of surface to be restored and the type of surface to be placed. Such payment shall be deemed to meet the requirements of this section, and shall relieve said person or utility of any further obligation to restore said surface.

(c) All amounts due the city as a result of action taken under this article shall become a lien upon the property of the person responsible for payment and shall be collected in the same manner as other city taxes are collected and when collected shall be paid into the general city fund to reimburse the outlay therefrom for the city's expenses.
(Comp. Ords. 1987, § 30.063)

Sec. 28-73. Driveway extensions.

No person shall extend any driveway into any street, alley or other public place without first obtaining a permit as provided herein. No person shall extend any driveway across any open drainage ditch to a street or alley unless a suitable culvert is installed, as specified by the city manager. Unless curb and gutter are provided, no concrete driveway shall be extended beyond the property line into any street or alley. A driveway from the property line to the roadway may be of asphalt, seal-coat or gravel, or concrete if curb and gutter are provided.
(Comp. Ords. 1987, § 30.064)

Sec. 28-74. Sidewalk reconstruction and repair.

(a) No person shall reconstruct, repair or remove any sidewalk without first obtaining a written permit from the city manager for such work in accordance with line, grade, slope and specifications established by the city.

(1) State of disrepair prohibited; notice to abate; abatement.

a. No person, meaning any legal entity having fee title to property, shall permit any public sidewalk which adjoins or is located upon such person's property to be or become in a state of disrepair or to become unsafe.

b. Whenever the city manager shall determine that a sidewalk is unsafe, notice shall be given in writing by certified mail or personal service to the owner requiring that said unsafe condition shall be abated. Said notice will provide an outline on how such repairs or replacement shall be completed. Any person aggrieved by the findings of the city manager shall be entitled to a due process hearing before the city council. The council shall hold a hearing on the matter and notify the aggrievent of such by first class mail not less than ten days prior to the hearing. The aggrievent shall provide to the council his reasons for not agreeing with the city manager's determination.

c. If the determination is that repair or replacement is necessary, the city will provide the necessary labor and equipment for the sidewalk repair or replacement work, and the owner shall be responsible for paying 100 percent of the cost of the materials utilized in this repair or replacement. Any material costs exceeding $200.00 will be due and payable to the city amortized over a three-year period with an annual interest rate of six percent or immediately at the conclusion of the sidewalk repair or replacement, at the option of the property owner. Any material costs under $200.00 will be due and payable immediately.

d. The city will schedule the repair or replacement work as time allows in the city work schedule, but not more than 30 days after notice, subject to weather conditions.

(2) Protection around opening labor and materials is required.

(b) No person shall open or use any opening in a sidewalk unless the same is provided with a suitable protection and guard approved by the city.
(Comp. Ords. 1987, § 30.064a)

Sec. 28-75. Inspection by city.

All work in or under any street, alley, sidewalk or other public place shall be subject to such supervision and inspection by the city as the city manager, or his duly authorized representative, shall deem necessary.
(Comp. Ords. 1987, § 30.065)

Sec. 28-76. Protection of city from liability.

Any person operating on a permit issued under this article, and any utility operating on notification to the city as provided herein, shall fully indemnify and save harmless the city from any and all claims and damages for which the city might be made or become liable to pay by reason of the construction, maintenance, repair or operation of any mains, pipes, lines or other equipment or structure on or under the streets, alleys, sidewalks and other public places by said person or utility, or his or its employees or agents.
(Comp. Ords. 1987, § 30.066)

Sec. 28-77. Penalty.

Any person violating any of the provisions of this article shall be guilty of a municipal civil infraction.
(Comp. Ords. 1987, § 30.067)

Chapter 29

RESERVED

30
Telecommunications

Chapter 30

TELECOMMUNICATIONS*

Article I. In General

Secs. 30-1—30-30. Reserved.

Article II. Basic Cable Television Rate Regulation

Sec. 30-31. Definitions.
Sec. 30-32. Purpose; interpretation.
Sec. 30-33. Rate regulations promulgated by FCC.
Sec. 30-34. Filing; additional information; burden of proof.
Sec. 30-35. Proprietary information.
Sec. 30-36. Public notice; initial review of rates.
Sec. 30-37. Tolling order.
Sec. 30-38. Public notice; hearing on basic cable service rates following tolling of 30-day deadline.
Sec. 30-39. Staff or consultant report; written response.
Sec. 30-40. Rate decisions and orders.
Sec. 30-41. Refunds; notice.
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Sec. 30-43. Rules and regulations.
Sec. 30-44. Failure to give notice.
Sec. 30-45. Additional hearings.
Sec. 30-46. Additional powers.
Sec. 30-47. Failure to comply; remedies.
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Secs. 30-49—30-80. Reserved.

Article III. Use of Public Rights-of-Way by Telecommunication Providers

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Sec. 30-82. Conflict.
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Sec. 30-84. Permit required.
Sec. 30-85. Issuance of permit.
Sec. 30-86. Construction/engineering permit.
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Sec. 30-88. Route maps.
Sec. 30-89. Repair of damage.
Sec. 30-90. Establishment and payment of maintenance fee.
Sec. 30-91. Modification of existing fees.
Sec. 30-92. Savings clause.
Sec. 30-93. Use of funds.
Sec. 30-94. Annual report.
Sec. 30-95. Cable television operators.
Sec. 30-96. Existing rights.
Sec. 30-97. Compliance.
Sec. 30-98. Reservation of police powers.
Sec. 30-99. Municipal civil infraction.
Sec. 30-100. Enforcement by authorized city officials.

***State law references**—Michigan telecommunications act, MCL 484.2101 et seq.; metropolitan extension telecommunications right-of-way oversight act, MCL 484.3101 et seq.; Michigan broadband development authority act, MCL 484.3201 et seq.

ARTICLE I. IN GENERAL

Secs. 30-1—30-30. Reserved.

ARTICLE II. BASIC CABLE TELEVISION RATE REGULATION

Sec. 30-31. Definitions.

(a) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Act means the Communications Act of 1934, as amended (and specifically as amended by the Cable Television Consumer Protection and Competition Act of 1992, Pub. L. 102-385), and as may be amended from time to time.

Associated equipment means all equipment and services subject to regulation pursuant to 47 CFR 76.923.

Basic cable service means "basic service" as defined in the FCC rules, and any other cable television service which is subject to rate regulation by the city pursuant to the act and the FCC rules.

FCC means the Federal Communications Commission.

FCC rules means all rules of the FCC promulgated from time to time pursuant to the act.

Increase in rates means an increase in rates or a decrease in programming or customer services.

(b) All other words and phrases used in this article shall have the same meaning as defined in the act and FCC rules.
(Comp. Ords. 1987, § 21.151)

Sec. 30-32. Purpose; interpretation.

The purpose of this article is to: (i) adopt regulations consistent with the act and the FCC rules with respect to basic cable service rate regulation, and (ii) prescribe procedures to provide a reasonable opportunity for consideration of the views of interested parties in connection with basic cable service rate regulation by the city. This article shall be implemented and interpreted consistent with the act and FCC rules.
(Comp. Ords. 1987, § 21.152)

Sec. 30-33. Rate regulations promulgated by FCC.

In connection with the regulation of rates for basic cable service and associated equipment, the city shall follow all FCC rules.
(Comp. Ords. 1987, § 21.153)

Sec. 30-34. Filing; additional information; burden of proof.

(a) A cable operator shall submit its schedule of rates for the basic service tier and associated equipment or a proposed increase in such rates in accordance with the act and the FCC rules. The cable operator shall include as part of its submission such information as is necessary to show that its schedule of rates or its proposed increase in rates complies with the act and the FCC rules. The cable operator shall file ten copies of the schedule or proposed increase with the city clerk. For purposes of this article, the filing of the cable operator shall be deemed to have been made when at least ten copies have been received by the city clerk. The city council may, by resolution or otherwise, adopt rules and regulations prescribing the information, data and calculations which must be included as part of the cable operator's filing of the schedule of rates or a proposed increase.

(b) In addition to information and data required by rules and regulations of the city pursuant to subsection (a) of this section, a cable operator shall provide all information requested by the city manager in connection with the city's review and regulation of existing rates for the basic service tier and associated equipment or a proposed increase in these rates. The city manager may establish deadlines for submission of the requested information and the cable operator shall comply with such deadlines.

(c) A cable operator has the burden of proving that its schedule of rates for the basic service tier and associated equipment or a proposed increase

in such rates complies with the act and the FCC rules including, without limitation, 47 USC 543 and 47 CFR 76.922 and 76.923.
(Comp. Ords. 1987, § 21.154)

Sec. 30-35. Proprietary information.

(a) If this article, any rules or regulations adopted by the city pursuant to section 30-34(a), or any request for information pursuant to section 30-34(b) requires the production of proprietary information, the cable operator shall produce the information. However, at the time the allegedly proprietary information is submitted, a cable operator may request that specific, identified portions of its response be treated as confidential and withheld from public disclosure. The request must state the reason why the information should be treated as proprietary and the facts that support those reasons. The request for confidentiality will be granted if the city determines that the preponderance of the evidence shows that nondisclosure is consistent with the provisions of the Freedom of Information Act, 5 USC 552. The city shall place in a public file for inspection any decision that results in information being withheld. If the cable operator requests confidentiality and the request is denied, (i) where the cable operator is proposing a rate increase, it may withdraw the proposal, in which case the allegedly proprietary information will be returned to it; or (ii) the cable operator may seek review within five working days of the denial in any appropriate forum. Release of the information will be stayed pending review.

(b) Any interested party may file a request to inspect material withheld as proprietary with the city. The city shall weigh the policy considerations favoring nondisclosure against the reasons cited for permitting inspection in light of the facts of the particular case. It will then promptly notify the requesting entity and the cable operator that submitted the information as to the disposition of the request. It may grant, deny or condition a request. The requesting party or the cable operator may seek review of the decision by filing an appeal with any appropriate forum. Disclosure will be stayed pending resolution of any appeal.

(c) The procedures set forth in this section shall be construed as analogous to and consistent with the rules of the FCC regarding requests for confidentiality including, without limitation, 47 CFR 0.459.
(Comp. Ords. 1987, § 21.155)

Sec. 30-36. Public notice; initial review of rates.

Upon the filing of ten copies of the schedule of rates or the proposed increase in rates pursuant to section 30-34, the city clerk shall publish a public notice in a newspaper of general circulation in the city which shall state that: (i) the filing has been received by the city clerk and (except those parts which may be withheld as proprietary) is available for public inspection and copying, and (ii) interested parties are encouraged to submit written comments on the filing to the city clerk not later than seven days after the public notice is published. The city clerk shall give notice to the cable operator of the date, time, and place of the meeting at which the city council shall first consider the schedule of rates or the proposed increase. This notice shall be mailed by first class mail at least three days before the meeting. In addition, if a written staff or consultant's report on the schedule of rates or the proposed increase is prepared for consideration of the city council, then the city clerk shall mail a copy of the report by first class mail to the cable operator at least three days before the meeting at which the city council shall first consider the schedule of rates or the proposed increase.
(Comp. Ords. 1987, § 21.156)

Sec. 30-37. Tolling order.

After a cable operator has filed its existing schedule of rates or a proposed increase in these rates, the existing schedule of rates will remain in effect or the proposed increase in rates will become effective after 30 days from the date of filing under section 30-34(a) unless the city council (or other properly authorized body or official) tolls the 30-day deadline pursuant to 47 CFR 76.933 by issuing a brief written order, by resolution or otherwise, within 30 days of the date of filing. The city council may toll the 30-day deadline for an

additional 90 days in cases not involving cost-of-service showings and for an additional 150 days in cases involving cost-of-service showings.
(Comp. Ords. 1987, § 21.157)

Sec. 30-38. Public notice; hearing on basic cable service rates following tolling of 30-day deadline.

If a written order has been issued pursuant to section 30-37 and 47 CFR 76.933 to toll the effective date of existing rates for the basic service tier and associated equipment or a proposed increase in these rates, the cable operator shall submit to the city any additional information required or requested pursuant to section 30-34. In addition, the city council shall hold a public hearing to consider the comments of interested parties within the additional 90-day or 150-day period, as the case may be. The city clerk shall publish a public notice of the public hearing in a newspaper of general circulation within the city which shall state: (i) the date, time, and place at which the hearing shall be held, (ii) interested parties may appear in person, by agent, or by letter at such hearing to submit comments on or objections to the existing rates or the proposed increase in rates, and (iii) copies of the schedule of rates or the proposed increase in rates and related information (except those parts which may be withheld as proprietary) are available for inspection or copying from the office of the clerk. The public notice shall be published not less than 15 days before the hearing. In addition, the city clerk shall mail by first class mail a copy of the public notice to the cable operator not less than 15 days before the hearing.
(Comp. Ords. 1987, § 21.158)

Sec. 30-39. Staff or consultant report; written response.

Following the public hearing, the city manager shall cause a report to be prepared for the city council which shall (based on the filing of the cable operator, the comments or objections of interested parties, information requested from the cable operator and its response, staff or consultant's review, and other appropriate information) include a recommendation for the decision of the city council pursuant to section 30-40. The city clerk shall mail a copy of the report to the cable operator by first class mail not less than 20 days before the city council acts under section 30-40. The cable operator may file a written response to the report with the city clerk. If at least ten copies of the response are filed by the cable operator with the city clerk within ten days after the report is mailed to the cable operator, the city clerk shall forward it to the city council.
(Comp. Ords. 1987, § 21.159)

Sec. 30-40. Rate decisions and orders.

The city council shall issue a written order, by resolution or otherwise, which in whole or in part approves the existing rates for basic cable service and associated equipment or a proposed increase in such rates, denies the existing rates or proposed increase, orders a rate reduction, prescribes a reasonable rate, allows the existing rates or proposed increase to become effective subject to refund, or orders other appropriate relief, in accordance with the FCC rules. If the city council issues an order allowing the existing rates or proposed increase to become effective subject to refund, it shall also direct the cable operator to maintain an accounting pursuant to 47 CFR 76.933. The order specified in this section shall be issued within 90 days of the tolling order under section 30-37 in all cases not involving a cost-of-service showing. The order shall be issued within 150 days after the tolling order under section 30-37 in all cases involving a cost-of-service showing.
(Comp. Ords. 1987, § 21.160)

Sec. 30-41. Refunds; notice.

The city council may order a refund to subscribers as provided in 47 CFR 76.942. Before the city council orders any refund to subscribers, the city clerk shall give at least seven days' written notice to the cable operator by first class mail of the date, time, and place at which the city council shall consider issuing a refund order and shall provide an opportunity for the cable operator to comment. The cable operator may appear in person, by agent, or by letter at such time for the purpose of submitting comments to the city council.
(Comp. Ords. 1987, § 21.161)

Sec. 30-42. Written decisions; public notice.

Any order of the city council pursuant to section 30-40 or section 30-41 shall be in writing, shall be effective upon adoption by the city council, and shall be deemed released to the public upon adoption. The clerk shall publish a public notice of any such written order in a newspaper of general circulation within the city which shall: (i) summarize the written decision, and (ii) state that copies of the text of the written decision are available for inspection or copying from the office of the clerk. In addition, the city clerk shall mail a copy of the text of the written decision to the cable operator by first class mail.
(Comp. Ords. 1987, § 21.162)

Sec. 30-43. Rules and regulations.

In addition to rules promulgated pursuant to section 30-43, the city council may, by resolution or otherwise, adopt rules and regulations for basic cable service rate regulation proceedings (including, without limitation, the conduct of hearings), consistent with the act and FCC rules.
(Comp. Ords. 1987, § 21.163)

Sec. 30-44. Failure to give notice.

The failure of the city clerk to give the notices or to mail copies of reports as required by this article shall not invalidate the decisions or proceedings of the city council.
(Comp. Ords. 1987, § 21.164)

Sec. 30-45. Additional hearings.

In addition to the requirements of this article, the city council may hold additional public hearings upon such reasonable notice as the city council, in its sole discretion, shall prescribe.
(Comp. Ords. 1987, § 21.165)

Sec. 30-46. Additional powers.

The city shall possess all powers conferred by the act, the FCC rules, the cable operator's franchise, and all other applicable law. The powers exercised pursuant to the act, the FCC rules, and this article shall be in addition to powers conferred by law or otherwise. The city may take any action not prohibited by the act and the FCC rules to protect the public interest in connection with basic cable service rate regulation.
(Comp. Ords. 1987, § 21.166)

Sec. 30-47. Failure to comply; remedies.

The city may pursue any and all legal and equitable remedies against the cable operator (including, without limitation, all remedies provided under a cable operator's franchise with the city) for failure to comply with the act, the FCC rules, any orders or determinations of the city pursuant to this article, any requirements of this article, or any rules or regulations promulgated hereunder. Subject to applicable law, failure to comply with the act, the FCC rules, any orders or determinations of the city pursuant to this article, any requirements of this article, or any rules and regulations promulgated hereunder, shall also be sufficient grounds for revocation or denial of renewal of a cable operator's franchise.
(Comp. Ords. 1987, § 21.167)

Sec. 30-48. Conflicting provisions.

In the event of any conflict between this article and the provisions of any prior ordinance or any franchise, permit, consent agreement or other agreement with a cable operator, then the provisions of this article shall control.
(Comp. Ords. 1987, § 21.169)

Secs. 30-49—30-80. Reserved.

ARTICLE III. USE OF PUBLIC RIGHTS-OF-WAY BY TELECOMMUNICATION PROVIDERS

Sec. 30-81. Purpose.

The purposes of this article are to regulate access to and ongoing use of public rights-of-way by telecommunications providers for their telecommunications facilities while protecting the public health, safety, and welfare and exercising reasonable control of the public rights-of-way in compliance with the metropolitan extension telecommunications rights-of-way oversight act (Public Act No. 48 of 2002 (MCL 484.3101 et seq.)) ("act") and other applicable law, and to ensure

that the city qualifies for distributions under the act by modifying the fees charged to providers and complying with the act.
(Comp. Ords. 1987, § 12.691)

Sec. 30-82. Conflict.

Nothing in this article shall be construed in such a manner as to conflict with the act or other applicable law.
(Comp. Ords. 1987, § 12.692)

Sec. 30-83. Definitions.

(a) *Generally.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Act means the metropolitan extension telecommunications rights-of-way oversight act (Public Act No. 48 of 2002 (MCL 484.3101 et seq.).

City council means the city council of the City of St. Ignace or its designee. This section does not authorize delegation of any decision or function that is required by law to be made by the city council.

Permit means a nonexclusive permit issued pursuant to the act and this article to a telecommunications provider to use the public rights-of-way in the city for its telecommunications facilities.

(b) *Other terms.* All other terms used in this article shall have the same meaning as defined or as provided in the act, including without limitation the following:

Authority means the Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority created pursuant to section 3 of the act (MCL 484.3103).

MPSC means the Michigan Public Service Commission in the Department of Consumer and Industry Services, and shall have the same meaning as the term "commission" in the act.

Public right-of-way means the area on, below, or above a public roadway, highway, street, alley, easement or waterway. Public right-of-way does not include a federal, state, or private right-of-way.

Telecommunication facilities and *facilities* mean the equipment or personal property, such as copper and fiber cables, lines, wires, switches, conduits, pipes, and sheaths, which are used to or can generate, receive, transmit, carry, amplify, or provide telecommunication services or signals. Telecommunication facilities or facilities do not include antennas, supporting structures for antennas, equipment shelters or houses, and any ancillary equipment and miscellaneous hardware used to provide federally licensed commercial mobile service as defined in section 332d of part I of title III of the Communications Act of 1934, chapter 652, 48 Stat. 1064, 47 USC 332 and further defined as commercial mobile radio service in 47 CFR 20.3, and service provided by any wireless, two-way communication device.

Telecommunications provider, provider and *telecommunications services* mean those terms as defined in section 102 of the Michigan telecommunications act, Public Act No. 179 of 1991 (MCL 484.2102). The term "telecommunications provider" does not include a person or an affiliate of that person when providing a federally licensed commercial mobile radio service as defined in section 332d of part I of the Communications Act of 1934, chapter 652, 48 Stat. 1064, 47 USC 332 and further defined as commercial mobile radio service in 47 CFR 20.3, or service provided by any wireless, two-way communication device. For the purpose of the act and this article only, a provider also includes all of the following:

(1) A cable television operator that provides a telecommunications service.

(2) Except as otherwise provided by the act, a person who owns telecommunication facilities located within a public right-of-way.

(3) A person providing broadband internet transport access service.

(Comp. Ords. 1987, § 12.693)

Sec. 30-84. Permit required.

(a) *Permit required.* Except as otherwise provided in the act, a telecommunications provider using or seeking to use public rights-of-way in the

city for its telecommunications facilities shall apply for and obtain a permit pursuant to this article.

(b) *Application.* Telecommunications providers shall apply for a permit on an application form approved by the MPSC in accordance with section 6(1) of the act (MCL 484.3106(1)). A telecommunications provider shall file one copy of the application with the city clerk, one copy with the city manager, and one copy with the city attorney. Upon receipt the city clerk shall make three copies of the application and distribute a copy to public works/utilities, planning commission, and the police department. Applications shall be complete and include all information required by the act, including without limitation a route map showing the location of the provider's existing and proposed facilities in accordance with section 6(5) of the act (MCL 484.3106(5)).

(c) *Confidential information.* If a telecommunications provider claims that any portion of the route maps submitted by it as part of its application contain trade secret, proprietary, or confidential information which is exempt from the freedom of information act, Public Act No. 442 of 1976 (MCL 15.231 et seq.), pursuant to section 6(5) of the act (MCL 484.3106(5)), the telecommunications provider shall prominently so indicate on the face of each map.

(d) *Application fee.* Except as otherwise provided by the act, the application shall be accompanied by a one-time nonrefundable application fee in the amount as currently established or as hereafter adopted by resolution of the city council from time to time.

(e) *Additional information.* The city manager may request an applicant to submit such additional information which the city manager deems reasonably necessary or relevant. The applicant shall comply with all such requests in compliance with reasonable deadlines for such additional information established by the city manager. If the city and the applicant cannot agree on the requirement of additional information requested by the city, the city or the applicant shall notify the MPSC as provided in section 6(2) of the act (MCL 484.3106(2)).

(f) *Previously issued permits.* Pursuant to section 5(1) of the act (MCL 484.3105(1)), authorizations or permits previously issued by the city under section 251 of the Michigan telecommunications act, Public Act No. 179 of 1991 (MCL 484.2251) and authorizations or permits issued by the city to telecommunications providers prior to the 1995 enactment of section 251 of the Michigan telecommunications act but after 1985 shall satisfy the permit requirements of this article.

(g) *Existing providers.* Pursuant to section 5(3) of the act (MCL 484.3105(3)), within 180 days from November 1, 2002, the effective date of the act, a telecommunications provider with facilities located in a public right-of-way in the city as of such date, that has not previously obtained authorization or a permit under section 251 of the Michigan telecommunications act Public Act No. 179 of 1991 (MCL 484.2251), shall submit to the city an application for a permit in accordance with the requirement of this article. Pursuant to section 5(3) of the act (MCL 484.3105(3)), a telecommunications provider submitting an application under this subsection is not required to pay the application fee required under subsection (d) of this section. A provider under this subsection shall be given up to an additional 180 days to submit the permit application if allowed by the authority, as provided in section 5(4) of the act (MCL 484.3104(4)).
(Comp. Ords. 1987, § 12.694)

Sec. 30-85. Issuance of permit.

(a) *Approval or denial.* The authority to approve or deny an application for a permit is hereby delegated to the city manager. Pursuant to section 15(3) of the act (MCL 484.3115(3)), the city manager shall approve or deny an application for a permit within 45 days from the date a telecommunications provider files an application for a permit under section 30-84(b) for access to public right-of-way within the city. Pursuant to section 6(6) of the act (MCL 484.3106(6)), the city manager shall notify the MPSC when the city manager has granted or denied a permit, including information regarding the date on which the application was filed and the date on which per-

mit was granted or denied. The city manager shall not unreasonable deny an application for a permit.

(b) *Form of permit.* If an application for permit is approved, the city manager shall issue the permit in the form approved by the MPSC, with or without additional or different permit terms, in accordance with sections 6(1), 6(2) and 15 of the act (MCL 484.3106(1), (2), 484.3115).

(c) *Conditions.* Pursuant to section 15(4) of the act (MCL 484.3115(4)), the city manager may impose conditions on the issuance of a permit, which conditions shall be limited to the telecommunications provider's access and usage of the public right-of-way.

(d) *Bond requirement.* Pursuant to section 15(3) of the act (MCL 484.3115(3)), and without limitation on subsection (c) of this section, the city manager may require that a bond be posted by the telecommunications provider as a condition of the permit. If a bond is required, it shall not exceed the reasonable cost to ensure that the public right-of-way is returned to its original condition during and after the telecommunications provider's access and use.
(Comp. Ords. 1987, § 12.695)

Sec. 30-86. Construction/engineering permit.

A telecommunications provider shall not commence construction upon, over, across, or under the public rights-of-way in the city without first obtaining a construction or engineering permit as required under article III of chapter 28, regarding street excavations, for construction within the public rights-of-way. No fee shall be charged for such a construction or engineering permit.
(Comp. Ords. 1987, § 12.696)

Sec. 30-87. Conduit or utility poles.

Pursuant to section 4(3) of the act (MCL 484.3104(3)), obtaining a permit or paying the fees required under the act or under this article does not give a telecommunications provider a right to use conduit or utility poles.
(Comp. Ords. 1987, § 12.697)

Sec. 30-88. Route maps.

Pursuant to section 6(7) of the act (MCL 484.3106(7)), a telecommunications provider shall, within 90 days after the substantial completion of construction of new telecommunications facilities in the city, submit route maps showing the location of the telecommunications facilities to both the MPSC and to the city. The route maps should be in paper format unless and until the MPSC determines otherwise, in accordance with section 6(8) of the act (MCL 484.3106(8)).
(Comp. Ords. 1987, § 12.698)

Sec. 30-89. Repair of damage.

Pursuant to section 15(5) of the act (MCL 484.3115(5)), a telecommunications provider undertaking an excavation or construction or installing telecommunications facilities within a public right-of-way or temporarily obstructing a public right-of-way in the city, as authorized by a permit, shall promptly repair all damage done to the street surface and all installations under, over, below, or within the public right-of-way and shall promptly restore the public right-of-way to its preexisting condition.
(Comp. Ords. 1987, § 12.699)

Sec. 30-90. Establishment and payment of maintenance fee.

In addition to the nonrefundable application fee paid to the city set forth in section 30-84(d), a telecommunications provider with telecommunications facilities in the city's public rights-of-way shall pay an annual maintenance fee to the authority pursuant to section 8 of the act (MCL 484.3108).
(Comp. Ords. 1987, § 12.700)

Sec. 30-91. Modification of existing fees.

In compliance with the requirements of section 13(1) of the act (MCL 484.3113(1)), the city hereby modifies, to the extent necessary, any fees charged to telecommunications providers after November 1, 2002, the effective date of the act, relating to access and usage of the public rights-of-way, to an amount not exceeding the amounts of fees and charges required under the act, which shall be paid to the authority. In compliance with the

requirements of section 13(4) of the act (MCL 484.3113(4)), the city also hereby approves modification of the fees of providers with telecommunication facilities in public rights-of-way within the city's boundaries, so that those providers pay only those fees required under section 8 of the act (MCL 484.3108). The city shall provide each telecommunications provider affected by the fee with a copy of this article, in compliance with the requirement of section 13(4) of the act (MCL 484.3113(4)). To the extent any fees are charged telecommunications providers in excess of the amounts permitted under the act, or which are otherwise inconsistent with the act, such imposition is hereby declared to be contrary to the city's policy and intent, and upon application by a provider or discovery by the city, shall be promptly refunded as having been charged in error.
(Comp. Ords. 1987, § 12.701)

Sec. 30-92. Savings clause.

Pursuant to section 13(5) of the act (MCL 484.3113(5)), if section 8 of the act (MCL 484.3108) is found to be invalid or unconstitutional, the modification of fees under section 30-91 shall be void from the date the modification was made.
(Comp. Ords. 1987, § 12.702)

Sec. 30-93. Use of funds.

Pursuant to section 10(4) of the act (MCL 484.3110(4)), all amounts received by the city from the authority shall be used by the city solely for rights-of-way related purposes. In conformance with that requirement, all funds received by the city from the authority shall be deposited into the major street fund and/or the local street fund maintained by the city under Public Act No. 51 of 1951 (MCL 247.651 et seq.).
(Comp. Ords. 1987, § 12.703)

Sec. 30-94. Annual report.

Pursuant to section 10(5) of the act (MCL 484.3110(5)), the city manager shall file an annual report with the authority on the use and disposition of funds annually distributed by the authority.
(Comp. Ords. 1987, § 12.704)

Sec. 30-95. Cable television operators.

Pursuant to section 13(6) of the act (MCL 484.3113(6)), the city shall not hold a cable television operator in default or seek any remedy for its failure to satisfy an obligation, if any, to pay after November 1, 2002, the effective day of this act, a franchise fee or similar fee on that portion of gross revenues from charges the cable operator received for cable modem services provided through broadband internet transport access services.
(Comp. Ords. 1987, § 12.705)

Sec. 30-96. Existing rights.

Pursuant to section 4(2) of the act (MCL 484.3104(2)), except as expressly provided herein with respect to fees, this article shall not affect any existing rights that a telecommunications provider or the city may have under a permit issued by the city or under a contract between the city and a telecommunications provider related to the use of the public rights-of-way.
(Comp. Ords. 1987, § 12.706)

Sec. 30-97. Compliance.

The city hereby declares that its policy and intent in adopting this article is to fully comply with the requirements of the act, and the provisions hereof should be construed in such a manner as to achieve that purpose. The city shall comply in all respects with the requirements of the act, including but not limited to the following:

(1) Exempting certain route maps from the freedom of information act, Public Act No. 442 of 1976 (MCL 15.231 et seq.), as provided in section 30-84(c);

(2) Allowing certain previously issued permits to satisfy the permit requirements hereof, in accordance with section 30-84(f);

(3) Allowing existing providers additional time in which to submit an application for a permit, and excusing such providers from the application fee, in accordance with section 30-84(g);

(4) Not unreasonable denying an application for a permit, in accordance with section 30-85(a);

(5) Issuing a permit in the form approved by the MPSC, with or without additional or different permit terms, as provided in section 30-85(b);

(6) Limiting the conditions imposed on the issuance of a permit to the telecommunications provider's access and usage of the public right-of-way, in accordance with section 30-85(c);

(7) Not requiring a bond of a telecommunications provider which exceeds the reasonable cost to ensure that the public right-of-way is returned to its original condition during and after the telecommunication provider's access and use, in accordance with section 30-85(d);

(8) Not charging any telecommunications providers any additional fees for construction or engineering permits, in accordance with section 30-86;

(9) Providing each telecommunications provider affected by the city's right-of-way fees with a copy of this article, in accordance with section 30-91;

(10) Submitting an annual report to the authority, in accordance with section 30-94; and

(11) Not holding a cable television operator in default for a failure to pay certain franchise fees, in accordance with section 30-95.

(Comp. Ords. 1987, § 12.707)

Sec. 30-98. Reservation of police powers.

Pursuant to section 15(2) of the act (MCL 484.3115(2)), this article shall not limit the city's right to review and approve a telecommunication provider's access to and ongoing use of a public right-of-way or limit the city's authority to ensure and protect the health, safety, and welfare of the public.
(Comp. Ords. 1987, § 12.708)

Sec. 30-99. Municipal civil infraction.

A person who violates any provision of this article or the terms or conditions of a permit is responsible for a municipal civil infraction, and a violation of the city Code. Nothing in this section shall be construed to limit the remedies available to the city in the event of a violation by a person of this article or a permit.
(Comp. Ords. 1987, § 12.711)

Sec. 30-100. Enforcement by authorized city officials.

The city manager or his designee is hereby designated as the authorized city official to issue municipal civil infraction citations (directing alleged violators to appear in court) or municipal civil infraction violation notices (directing alleged violators to appear at the municipal chapter violations bureau) for violations under this article as provided by the city Code.
(Comp. Ords. 1987, § 12.710)

Chapter 31

RESERVED

32
Traffic and Vehicles

Chapter 32

TRAFFIC AND VEHICLES*

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***State law references**—Michigan vehicle code, MCL 257.1 et seq.; regulation by local authorities, MCL 257.605, 257.606, 257.610.

ARTICLE I. IN GENERAL

Sec. 32-1. Adoption of Michigan vehicle code.

(a) The Michigan vehicle code (MCL 257.1 et seq.) is adopted by reference.

(b) References in the Michigan vehicle code to "local authorities" shall mean the City of St.Ignace.

(c) The penalties provided by the Michigan vehicle code are adopted by reference, provided, however, that the city may not enforce any provision of Michigan vehicle code for which the maximum period of imprisonment is greater than 93 days.
(Comp. Ords. 1987, § 21.270)

State law reference—Authority to adopt the Michigan vehicle code by reference, MCL 117.3(k).

Sec. 32-2. Adoption of Uniform Traffic Code.

(a) The Uniform Traffic Code for Cities, Townships, and Villages as promulgated by the director of the Michigan Department of State Police pursuant to the Administrative Procedures Act of 1969 (MCL 24.201 et seq.) and made effective October 30, 2002, and all future amendments and revisions to the Uniform Traffic Code when they are promulgated and effective in this state are incorporated by reference.

(b) References in the Uniform Traffic Code for Michigan Cities, Townships and Villages to "governmental unit" shall mean the City of St. Ignace.

(c) The penalties provided by the Uniform Traffic Code for Cities, Townships, and Villages are adopted by reference.
(Comp. Ords. 1987, §§ 21.601—21.603)

State law reference—Authority to adopt the Uniform Traffic Code by reference, MCL 257.951.

Sec. 32-3. Streets designated for snowmobiles; exceptions.

Pursuant to section 82119 of Public Act No. 451 of 1994 (MCL 324.82119) the city hereby designates all public streets within the city for use of snowmobiles, except the following streets:

(1) North State Street from city limits to South State Street.

(2) South State Street to West U.S. 2 and/or Business Loop I-75.

(3) West U.S. 2 and/or Business Loop I-75 to city limits.

(Comp. Ords. 1987, § 20.606)

Sec. 32-4. All-terrain vehicle (ATV) trail designation.

Pursuant to section 81131 of Public Act No. 451 of 1994 (MCL 324.81131), the city hereby allows the usage of ATVs as defined in MCL 324.81101 on the former Wisconsin Central Railroad right-of-way between South State Street on the southeast and the city limits on the northwest and on the shoulders of the city streets, or the edge of the street if no shoulder is available, for direct access to said right-of-way. The maximum speed limit allowed for ATVs shall be 20 miles per hour. The timeframe for such usage is from April 15 through November 30, from dawn to dusk without an operational headlight or headlamp and an operational taillight.
(Comp. Ords. 1987, § 20.607; Ord. No. 606, § I, 1-6-2006)

Sec. 32-5. All-terrain vehicle (ATV) snow removal.

Pursuant to section 81131 of Public Act No. 451 of 1994 (MCL 324.81131), the city hereby allows the usage of ATVs as defined in MCL 324.81101 for snow removal if used in a no-charge capacity. All ATV operators must wear a helmet and have a valid operator's license to clean driveways and sidewalks. Any ATV owners who wish to remove snow must first obtain a free permit for such usage from the city clerk's office with approval by the city police department. All ATVs used for snow removal must be equipped with a snow plow and an orange safety flag. The timeframe for such usage is from dawn to dusk from November 1 through April 14.
(Ord. No. 599, § I, 2-7-2005)

Sec. 32-6. All-terrain vehicle (ATV) illumination requirements.

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

City means the City of St. Ignace.

Driver license means an operator's or chauffeur's license or permit issued to an individual by the secretary of state under Chapter III of the Michigan Vehicle Code, 1949 PA 300, MCL 257.301 to 257.329, for that individual to operate a vehicle, whether or not conditions are attached to the license or permit.

Operate means to ride in or on, and be in actual physical control of the operation of an ORV.

Operator means a person who operates or is in actual physical control of the operation of an ORV.

ORV means a motor driven off road recreation vehicle capable of cross-country travel without benefit of a road or trail, on or immediately over land, snow, ice, marsh, swampland, or other natural terrain. ORV or vehicle includes, but is not limited to, a multi-track or multi-wheel drive vehicle, an ATV, a 3-wheel, or 4-wheel vehicle, and an amphibious machine. For purposes of this ordinance, no unlicensed motorcycles are permitted.

ATV mains a 3-, 4-, or 6-wheeled vehicle designed for off-road use that has low-pressure tires, has a seat designed to be straddled by the rider, and is powered by a 50cc to 1,000cc gasoline engine or an engine of comparable size using other fuels.

Street/Highway means the entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Council means the city council for the City of St. Ignace.

Safety certificate means a certificate issued pursuant to 1994 PA 451 as amended, MCL 324.81129, or a comparable ORV safety certificate issued under the authority of another state or a province of Canada.

Visual supervision means the direct observation of the operator with the unaided or normally corrected eye, where the observer is able to come to the immediate aid of the operator.

(b) An ORV may be operated on the far right of) maintained portion of a road within the city to ccess former Wisconsin Central Railroad right-of-way between South State Street on the southeast and the city limits on the northwest from dawn until dusk without an operational headlamp or taillight. The timeframe for such usage is from April 15 through November 30 unless the city police chief determines that a reasonable temporary change is necessary for the public safety and/or welfare.

(c) An ORV may not be operated on the road surface, roadway, shoulder of right-of-way of any state or federal highway in the county.

(d) Except as set forth herein or otherwise provided by law, an ORV meeting all of the following conditions may be operated on a road or street in the city, pursuant to restrictions of subsection (b):

(1) At a speed or no more than 25 miles per hour or a lower posted ORV speed limit, or in a careless manner.

(2) By a person not less than 12 years of age.

(3) With the flow of traffic.

(4) In a manner which does not interfere with traffic on the road or street.

(5) Traveling single file except when overtaking and passing another ORV.

(6) While displaying a lighted headlight and lighted taillight at all hours.

(7) While the operator and each passenger is wearing a crash helmet and protective eyewear approved by the United States Department of Transportation unless the vehicle is equipped with a roof that meets or exceeds standards for a crash helmet and the operator and each passenger is wearing a properly adjusted and fastened seat belt.

(8) With a throttle so designed that when the pressure used to advance the throttle is removed, the engine speed will immediately and automatically return to idle.

(9) While the ORV is equipped with a spark arrester type United States Forest Service approved muffler in good working order and in constant operation.

(10) Pursuant to noise emission standards defined by law.

(e) A child less than 16 years of age shall not operate an ORV on a road in the city unless the child is under the direct supervision of an adult and the child has in his or her immediate possession a Michigan issued ORV safety certificate or a comparable ORV safety certificate issued under the authority of another state of province of Canada.

(f) Unless a person possesses a valid drivers license, a person shall not operate an ORV on a road or street in the city if the ORV is registered as a motor vehicle and is either more than 60 inches wide or has three wheels.

(g) Any person who violates this ordinance is guilty of a municipal civil infraction and may be ordered to pay a civil fine of not more than $500.00, plus costs as ordered by the court.

(h) A court may order a person who causes damage to the environment, a road or other property as a result of the operation of an ORV to pay full restitution for that damage above and beyond the penalties paid for civil fines.
(Ord. No. 624, §§ I—VIII, 8-16-2010)

Secs. 32-7—32-30. Reserved.

ARTICLE II. PARKING, STOPPING AND STANDING*

DIVISION 1. GENERALLY

Secs. 32-31—32-50. Reserved.

DIVISION 2. PARKING VIOLATIONS BUREAU†

Sec. 32-51. Establishment; supervision and control.

Pursuant to section 8395 of the Revised Judicature Act (MCL 600.8395), a parking violations bureau, for the purpose of handling alleged parking violations within the city, is hereby established. The parking violations bureau shall be under the supervision and control of the chief of police.
(Comp. Ords. 1987, § 20.951)

Sec. 32-52. Location; employees; rules and regulations.

The chief of police shall, subject to the approval of the city council, establish a convenient location for the parking violations bureau, appoint qualified city employees to administer the bureau and adopt rules and regulations for the operation thereof.
(Comp. Ords. 1987, § 20.952)

Sec. 32-53. Disposition of unscheduled, scheduled violations.

No violation not scheduled in section 32-56 shall be disposed of by the parking violations bureau. The fact that a particular violation is scheduled shall not entitle the alleged violator to disposition of the violation at the bureau and in any case the person in charge of such bureau may refuse to dispose of such violation, in which case any person having knowledge of the facts may make a sworn complaint before any court having jurisdiction of the offense as provided by law.
(Comp. Ords. 1987, § 20.953)

Sec. 32-54. Disposition of violations at bureau, court.

No violation may be settled at the parking violations bureau except at the specific request of the alleged violator. No penalty for any violation shall be accepted from any person who denies having committed the offense and in no case shall the person who is in charge of the bureau determine, or attempt to determine, the truth or falsity of any fact or matter relating to such alleged violation. No person shall be required to dispose of a parking violation at the parking violation bureau and all persons shall be entitled to have any such violation processed before a court having jurisdiction thereof if they so desire. The unwillingness of any person to dispose of any violation at the parking violations bureau shall

*State law references—Authority to regulate standing or parking of vehicles, MCL 257.606(1)(a); stopping, standing or parking of vehicles, MCL 257.672 et seq.

†State law reference—Parking violations bureau, MCL 600.8395.

not prejudice him or in any way diminish the rights, privileges and protection accorded to him by law.
(Comp. Ords. 1987, § 20.954)

Sec. 32-55. Traffic ticket or notice of violation.

The issuance of a traffic ticket or notice of violation by a police officer of the city shall be deemed an allegation of a parking violation. Such traffic ticket or notice of violation shall indicate the length of time in which the person to whom the same was issued must respond before the parking violations bureau. Such traffic ticket or notice shall also indicate the address of the bureau, the hours during which the bureau is open, the amount of the penalty scheduled for the offense for which the ticket was issued and advise that a warrant for the arrest of the person to whom the ticket was issued will be sought if such a person fails to respond within the time limited.
(Comp. Ords. 1987, § 20.955)

Sec. 32-56. Schedule of parking violations and fines.

Fines for violations which may be disposed of by the parking violations bureau are hereby established as follows:

	Offense	*If Paid Within 72 Hours*	*After 72 Hours But Within 10 Days*
MCL 257.674(1)	Prohibited parking:		
	(a) On sidewalk.	$ 5.00	$ 10.00
	(b) In front of a public or private driveway.	5.00	10.00
	(c) Within an intersection.	10.00	20.00
	(d) Within 15 feet of a fire hydrant.	5.00	10.00
	(e) On a crosswalk.	5.00	10.00
	(f) Within 20 feet of a crosswalk, or if there is not a crosswalk, then within 15 feet of the intersection of property lines at an intersection of highways.	5.00	10.00
	(g) Within 30 feet of the approach to a flashing beacon, stop sign, or traffic-control signal located at the side of a highway.	5.00	10.00
	(h) Between a safety zone and the adjacent curb or within 30 feet of a point on the curb immediately opposite the end of a safety zone, unless a different length is indicated by an official sign or marking.	5.00	10.00
	(i) Within 50 feet of the nearest rail of a railroad crossing.	5.00	10.00
	(j) Within 20 feet of the driveway entrance to a fire station and on the side of a street opposite the entrance to a fire station within 75 feet of the entrance if properly marked by an official sign.	5.00	10.00
	(k) Alongside or opposite a street excavation or obstruction, if the stopping, standing, or parking would obstruct traffic.	5.00	10.00
	(l) On the roadway side of a vehicle stopped or parked at the edge or curb of a street.	5.00	10.00
	(m) Upon a bridge or other elevated highway structure or within a highway tunnel.	10.00	20.00

Offense	*If Paid Within 72 Hours*	*After 72 Hours But Within 10 Days*
(n) At a place where an official sign prohibits stopping or parking.	5.00	10.00
(o) Reserved.		
(p) In front of a theater.	5.00	10.00
(q) In a place or in a manner that blocks immediate egress from an emergency exit conspicuously marked as an emergency exit of a building.	5.00	10.00
(r) In a place or in a manner that blocks or hampers the immediate use of an immediate egress from a fire escape conspicuously marked as a fire escape providing an emergency means of egress from a building.	5.00	10.00
(s) In a parking space clearly identified by an official sign as being reserved for use by disabled persons that is on public property or private property available for public use, unless the individual is a disabled person as described in section MCL 257.19a or unless the individual is parking the vehicle for the benefit of a disabled person.	50.00	100.00
(t) In a clearly identified access aisle or access lane immediately adjacent to a space designated for parking by persons with disabilities.	50.00	100.00
(u) On a street or other area open to the parking of vehicles that results in the vehicle interfering with the use of a curb-cut or ramp by persons with disabilities.	50.00	100.00
(v) Reserved.		
(w) In violation of an official sign restricting the period of time for or manner of parking.	5.00	10.00

	Offense	*If Paid Within 72 Hours*	*After 72 Hours But Within 10 Days*
	(x) In a space controlled or regulated by a meter on a public highway or in a publicly owned parking area or structure, if the allowable time for parking indicated on the meter has expired, unless the vehicle properly displays one or more of the items listed in MCL 257.675(8).	5.00	10.00
	(y) Reserved.		
	(z) In a place or in a manner that blocks the use of an alley.	5.00	10.00
	(aa) In a place or in a manner that blocks access to a space clearly designated as a fire lane.	5.00	10.00
MCL 257.674(2)	Illegal moving of parked vehicle.	5.00	10.00
MCL 257.694	Inadequate lighting	5.00	10.00
UTC R 28.1458	Failure to set brakes	5.00	10.00
UTC R 28.1617	Bicycle parking violation	5.00	10.00
UTC R 28.1801, R 28.1802	Parking too far from curb	5.00	10.00
UTC R 28.1803	Angle parking violations	5.00	10.00
UTC R 28.1806	Improper starting from parked position	5.00	10.00
UTC R 28.1807	Improper starting from angle position	5.00	10.00
UTC R 28.1809	Headlight violation	5.00	10.00
UTC R 28.1813	Parking in alley	5.00	10.00
UTC R 28.1814	Parking for prohibited purposes	5.00	10.00
	(a) Displaying vehicle for sale.	5.00	10.00
	(b) Working or repairing vehicle.	5.00	10.00
	(c) Displaying advertising.	5.00	10.00
	(d) Selling merchandise.	5.00	10.00
	(e) Storing over 48 hours.	5.00	10.00
UTC R 28.1815	Parking on one-way roadways	5.00	10.00
UTC R 28.1818	Loading zone violations	5.00	10.00
UTC R 28.1818	Loading permit violations	5.00	10.00
UTC R 28.1819	Bus and taxicab parking violations other than stand	5.00	10.00
UTC R 28.1820	Bus and taxicab stand violations	5.00	10.00
UTC R 28.1821	Meter violations	5.00	10.00
UTC R 28.1822	Meters, not parked within space	5.00	10.00
City Code § 32-111	Snow removal parking violations	5.00	10.00

Violations not paid within ten days shall be processed as a complaint and warrant with the district court; provided, that the violation bureau may add an additional $5.00 to any meter violation fine not paid within ten days, and make a further attempt to collect it.
(Comp. Ords. 1987, § 20.956; Ord. No. 602, § 3, 6-20-2005)

Secs. 32-57—32-80. Reserved.

DIVISION 3. PARKING METERS

Sec. 32-81. Exception.

The provisions of this division as to limitation of time for parking and the placing of coins in parking meters shall not apply on Sundays.
(Comp. Ords. 1987, § 20.901)

Sec. 32-82. Two-hour parking streets and three-hour parking lot.

(a) It shall be unlawful to park, or leave standing, any vehicle, whether attended or unattended, for a period of longer than two hours per parking space, unless posted otherwise, between the hours of 7:00 a.m. and 7:00 p.m. on Monday through Saturday, on the westerly and southerly side of State Street between Marquette Street and High Street, or for a period longer than three hours per parking space, unless posted otherwise, on the city-owned parking lot behind the business district between Truckey Street and Central Hill.

(b) Monthly parking permits may be issued for parking on the city-owned parking lot behind the business district between Truckey Street and Marquette Street, allowing vehicular parking for longer than three hours.

(c) Monthly parking permits will be issued in the following manner: Any person may pay to the city clerk a monthly fee to be determined by the city council for the privilege of parking one motor vehicle at any parking space in which parking permits are honored for the months of June, July and August and September. The permit shall be valid for one month from the first day of each designated month, which payment shall be in lieu of the meter deposits otherwise required by the city; provided that such person display, in a prominent location of such person's motor vehicle, the permit issued by the city clerk upon payment of the required fee. Permits issued pursuant to this section shall not be transferable. Permit fees are valid for each entire month and will not be prorated for any partial time periods. Any person may purchases as many monthly permits as desired, upon payment of the monthly fee for each monthly permit.
(Comp. Ords. 1987, § 20.902; Ord. No. 602, § 1, 6-20-2005)

Sec. 32-83. Authority of city engineer.

The city engineer shall be authorized to provide for installation, regulation, maintenance, control, operation and use of parking meters on any street or part of street where parking is limited as to time by this division and where, in his opinion, the use of such parking meters would tend to reduce overparking in violation of this division.
(Comp. Ords. 1987, § 20.903)

Sec. 32-84. Installation; maintenance.

The parking meters shall be installed upon the curb next to individual parking spaces and shall be at all times maintained so that such meters shall display a signal showing legal parking upon deposit therein of a proper coin of the United States in conformity with the requirements of this division, said signal to remain in evidence until expiration of such parking period, at which time it will indicate by automatic operation of a visible signal that the lawful parking period has expired.
(Comp. Ords. 1987, § 20.904)

Sec. 32-85. Lines designating parking spaces.

The city engineer shall cause lines or marks to be painted on the streets or curbs about or along side of the parking meters to designate the parking space for which such meter is to be used. Every vehicle parking along side of or next to any parking meter shall park within the lines so marked or established. It shall be unlawful to park any vehicle in such way that the same shall

not be within the area so designated by such lines or markings, unless such vehicle be too large to be confined in one such space.
(Comp. Ords. 1987, § 20.905)

Sec. 32-86. Use.

(a) Whenever any vehicle shall be parked next to a parking meter on any day, Mondays through Saturdays, except on Sunday, between the hours of 7:00 a.m. and 7:00 p.m., the owner or operator of said vehicle shall park within the area designated by the curb and street marking lines as indicated for parallel parking, and upon entering said parking space shall immediately deposit in said parking meter the appropriate amount of coins of the United States, depending upon the length of time such vehicle shall be parked, and shall put the meter into operation; provided, however, that such owner or operator may use the expired time remaining on the meter from its previous use without depositing a coin therein, and provided further, that no vehicle shall be parked for longer than the period prescribed for the zone by this division. The appropriate amount of coins will permit the vehicle to be parked for the period of one hour.

(b) No person shall deposit or cause to be deposited in a parking meter a coin or coins for the purpose of increasing or extending the parking time of any vehicle beyond the legal parking time which has been established herein.

(c) When a vehicle is too large to be confined to a single space, all the meters affected for the spaces must be operated.

(d) If a vehicle shall remain parked in any parking space for longer than the time prescribed by this division or for such length of time that the parking meter shall display a signal indicating illegal parking, then in that event such vehicle shall be considered as parked overtime.
(Comp. Ords. 1987, § 20.906; Ord. No. 602, § 2, 6-20-2005)

Sec. 32-87. Unlawful parking.

It shall be unlawful during the hours from 7:00 a.m. to 7:00 p.m., Mondays through Saturdays, to permit a vehicle to remain parked in a designated parking space while the parking meter for said space indicates that said vehicle is illegally parked, whether said indication is the result of the failure to deposit a coin and operate a lever or other actuating device of the meter, or the result of the automatic operation of the meter following the expiration of the authorized parking time subsequent to depositing of a coin therein at the time said vehicle was parked. The fact that a vehicle is parked in a metered parking space during the hours of limited parking without the meter time signal showing permitted parking shall be prima facie evidence that the vehicle has been parked at such space longer than lawfully permitted parking period. It shall be unlawful for any person to cause or permit any vehicle registered in his name to be unlawfully parked as set out in this section.
(Comp. Ords. 1987, § 20.907)

Sec. 32-88. Slugs.

It shall be unlawful to deposit or cause to be deposited in any parking meter any slug, device or other substitutes for a five cent coin of the United States, or a one cent coin of the United States.
(Comp. Ords. 1987, § 20.908)

Sec. 32-89. Tampering with meters.

It shall be unlawful for any person to deface, injure, tamper with, open, break or destroy any parking meter or otherwise to willfully impair its usefulness.
(Comp. Ords. 1987, § 20.909)

Sec. 32-90. Parking for loading and unloading.

The placing of said coins in such meters shall not be required of the owner or operator of any vehicle while actually engaged in the loading or unloading of persons therefrom, provided, the parking for such purpose is restricted to such length of time as is absolutely necessary therefor, nor in the case of commercial trucks loading or unloading merchandise; provided, however, that such loading and unloading of merchandise is restricted to such length of time as is absolutely

necessary therefor and to places of business where it is not possible to so load, unload, or deliver merchandise at rear entrance.
(Comp. Ords. 1987, § 20.910)

Sec. 32-91. Report of police officer; payment within 24 hours.

It shall be the duty of police officers of the city to report:

(1) The number of each parking meter which indicates the parking space adjacent to such parking meter in which any vehicle is or has been parked in violation of any of the provisions of this division.

(2) The state license number and city identification tag number, if any, of such vehicle.

(3) The time in which such vehicle is parked in violation of any of the provisions of this division.

(4) Any other facts, a knowledge of which is necessary to a thorough understanding of the circumstances attending such violations. Each police officer shall also attach to such vehicle a notice to the owner or operator thereof that such vehicle has been parked in violation of the provisions of this division and instructing such owner or operator to report to the police department of the city in regard to such violations.

(5) The fines levied for violations of the provisions of this division are as established in section 32-56.

(Comp. Ords. 1987, § 20.911)

Sec. 32-92. Violations of sections other than 32-88 and 32-89.

Any person who shall violate any of the provisions of this division other than sections 32-88 and 32-89 and who shall fail to report within 24 hours and pay the penalty prescribed by section 32-91 shall upon conviction thereof be subject to a fine of not less than $25.00 nor more than $50.00.
(Comp. Ords. 1987, § 20.912)

Sec. 32-93. Violations of sections 32-88 and 32-89.

Any person who shall violate or assist in the violation of section 32-88 or section 32-89 shall be guilty of a misdemeanor.
(Comp. Ords. 1987, § 20.913)

Sec. 32-94. Police regulation and inspection fee.

The coins required to be deposited in said parking meters are hereby levied as a police regulation and inspection fee to cover the cost of providing parking spaces, parking meters and installation and maintenance thereof; the cost of regulation, inspection, operation, control and use of the parking meter spaces and zones created herein; for the regulation and control of traffic moving in and out of, and parking in, said parking spaces and zones so created and for the cost of any resultant traffic administration expense.
(Comp. Ords. 1987, § 20.914)

Secs. 32-95—32-110. Reserved.

DIVISION 4. PARKING DURING SNOW REMOVAL

Sec. 32-111. Parking restriction.

(a) *Streets and alleys.* No persons, firm or corporation shall park any automobile, truck or other vehicle on the public streets or alleys between the hours of 2:00 a.m. and 8:30 a.m. between December 1 and April 15, both inclusive, of any year hereafter. During these times and where space permits, parking will be permitted adjacent to the city street beyond the right-of-way line. No portion of any vehicle so parked shall fall within two feet of the right-of-way line of the street.

(b) *Sidewalks.* On those sidewalks which are maintained and plowed by the city department of public works, no vehicle will be permitted to park on and block any portion of said sidewalk. Any person, firm or corporation parking any vehicle or other object on the street right-of-way contrary to

this division, does so at their own risk and the city will not be responsible for any damage to any vehicle or object so parked.
(Comp. Ords. 1987, § 20.801(a))

Sec. 32-112. Signs.

Appropriate signs will be erected at the west entrance of the city limits along West U.S. 2, the north entrance to the city limits on North State Street and the west entrance to the city limits on Portage Street. This will provide reasonable notice to the public, and shall set forth the herein contained restrictions and effective dates.
(Comp. Ords. 1987, § 20.801(b))

Sec. 32-113. Removal of illegally parked vehicle.

Members of the police department, and the department of public works foreman or his foreman, or an employee under the department of public works foreman's direction may remove a motor vehicle found to be illegally parked under the provisions of this section, provided, however, that such officer or person so removing shall follow the provisions of part 2 the Uniform Traffic Code in connection with such removal.
(Comp. Ords. 1987, § 20.801(c))

Sec. 32-114. Violations.

Violation of this division shall subject the violator to the penalty provided for a civil infraction.
(Comp. Ords. 1987, § 20.801(d))

Chapter 33

RESERVED

34
Utilities

Chapter 34

UTILITIES*

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***State law references**—Ownership and operation of water supply or sewage disposal facility by city, Mich. Const. 1963, art. 7, § 24; local authority to provide and regulate sewer and water service, MCL 324.4301 et seq.; water and sewer authorities, MCL 124.281 et seq.

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Sec. 34-332. Discharge of harmful water or waste.
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Sec. 34-334. Control manhole; measurements, tests and analysis.
Sec. 34-335. Industrial waste.
Sec. 34-336. Surcharges.
Sec. 34-337. Special assessments or contracts.
Sec. 34-338. Information and materials required for discharge of hazardous wastes.
Sec. 34-339. Monitoring structures.
Sec. 34-340. Schedule of charges.
Sec. 34-341. Conditions for acceptance of certain waters or wastes.
Sec. 34-342. Grease, oil and sand interceptors.
Sec. 34-343. Pretreatment or flow equalization.
Sec. 34-344. Sampling and analysis methods.
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Sec. 34-346. Discharge of stormwater, groundwater and unpolluted water.
Sec. 34-347. Prohibited discharges.
Sec. 34-348. Discharge of self-contained holding tank effluent.
Secs. 34-349—34-370. Reserved.

Subdivision VII. Conditions of Service

Sec. 34-371. Cancellation of applications; discontinuation of service.
Sec. 34-372. Responsibility for delivery of notice.
Sec. 34-373. Responsibility for interruption of service.
Sec. 34-374. Premises subject to inspection.
Secs. 34-375—34-420. Reserved.

Article IV. Wind Energy Facility

Sec. 34-421. Wind energy

ARTICLE I. IN GENERAL

Secs. 34-1—34-30. Reserved.

ARTICLE II. WATER

DIVISION 1. GENERALLY

Secs. 34-31—34-50. Reserved.

DIVISION 2. RATES AND CHARGES

Sec. 34-51. Operation on public utility rate basis.

It is hereby determined to be desirable and necessary, for the public health, safety and welfare of the city, that the Mackinac County Water System Number 1 (City of St. Ignace) be operated by the city as lessee of the county and the county department of public works under Public Act No. 185 of 1957 (MCL 123.731 et seq.), on a public utility rate basis in accordance with the provisions of Public Act No. 94 of 1933 (MCL 141.101 et seq.).
(Comp. Ords. 1987, § 25.051)

Sec. 34-52. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Revenues and *net revenues* shall have the meanings as defined in section 3 of Public Act No. 94 of 1933 (MCL 141.101).

System means the complete Mackinac County Water System Number 1 (City of St. Ignace), including all water mains, pumps, laterals, and all other facilities used or useful in the supplying of water, including all appurtenances thereto and including all extensions and improvements thereto, which may hereafter be acquired.
(Comp. Ords. 1987, § 25.052)

Sec. 34-53. Supervision and control of system.

The operation and maintenance of the system shall be under the supervision and control of the city, subject to the terms of the contract dated July 18, 1978, between the county and the city. Pursuant to the terms of such contract the city has retained the exclusive right to establish, maintain and collect rates and charges for water supply and in such capacity the city council may employ such person or persons in such capacity or capacities as it deems advisable and may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient establishment, maintenance and collection of such rates and charges.
(Comp. Ords. 1987, § 25.053)

Sec. 34-54. Rates and charges.

(a) *Generally.* Rates and charges to be charged for service furnished by the system shall be as currently established or as hereafter adopted by resolution of the city council from time to time.

(b) *Availability.* Rates are available to residential, commercial or industrial users in the city, Moran Township and St. Ignace Township.

TABLE OF EQUIVALENT UNIT FACTORS

Building Use	*Equivalent Unit Factors*
All Residential	1.0 per dwelling unit.
Group A	
Factory-industrial (exclusive of industrial wastes); warehouse; airport repair or storage; bowling alley; church.	0.1 per 1,000 square feet plus office areas, food service-dining and/or bar facilities at their respective factors.
Group B	

Building Use	*Equivalent Unit Factors*
School; public swimming pool, including shower and dressing areas and fenced-in area of outside pools; theater; furniture store; auto dealer, including auto repair and service garage; mobile home park or multiple dwelling community building (including tenant convenience laundry facilities).	0.2 per 1,000 square feet.
Group C	
Country club; bank; barber shop; camera shop; laundry or cleaners (pick-up station); clothing, shoe, drapery, drug, jewelry, variety or department store; other stores not listed elsewhere in table; office building; convent; convalescent, rest or senior citizen home; hotel; motel.	0.5 per 1,000 square feet plus food service-dining and/or bar facilities at their respective factors.
Group D	
Grocery store; party store; meat market; produce market; beauty shop; fraternal organization; rental hall; veterinary.	1.0 per 1,000 square feet.
Group E	
Laundry or cleaners (except pick-up station).	1.5 per 1,000 square feet.
Group F	
Food service-dining facilities (without alcoholic liquors); hospital.	2.5 per 1,000 square feet (minimum of 2.0 units).

(c) *Billing.* Billings for the commodity rate, readiness to serve charge and/or flat rate shall be due and payable 20 days from the date of billing. For any bill not paid within the 20 days of the date of the bill, a penalty of five percent of the amount of the bill shall be added to the bill.

(d) *Enforcement.* The charges for services which are under the provisions of section 21 of Public Act No. 94 of 1933 (MCL 141.121), made a lien on all premises served thereby, unless notice is given that a tenant is responsible, are hereby recognized to constitute such lien, and whenever any such charge against any piece of property shall be delinquent for six months, the city official or officials in charge of the collection thereof shall certify annually, on March 1 of each year, to the tax-assessing officer of the city the facts of such delinquency, whereupon such charge shall be by him entered upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced, in the same manner as general city taxes against such premises are collected and the lien thereof enforced; provided, however, where notice is given that a tenant is responsible for such charges and service as provided by section 21, no further service shall be rendered such premises until a cash deposit in the amount as currently established or as hereafter adopted by resolution of the city council from time to time shall have been made as security for payment of such charges and services.

(e) *Delinquent customers.* Water/sewer customers delinquent or owing a water/sewer bill at one premises shall not be allowed to establish the water/sewer utility at another premise until all delinquent charges are paid.

(f) *Verification of tenants.* Tenants requesting the water/sewer utility must be verified in writing as the tenants of the premises by the landlord. Water/sewer services shall not be allowed in the name of anyone other than the tenant.

(g) *Disconnection of delinquent accounts; collection.* In addition to the foregoing, the city shall have the right to shut off water service to any premises for which charges for water (sewer, article III of this chapter) service are more than 30 days delinquent and such service shall not be

re-established until all delinquent charges and penalties and a turn-on charge as currently established or as hereafter adopted by resolution of the city council from time to time has been paid. Delinquency collection procedures shall be in the following manner: Accounts delinquent by 30 days will be sent a disconnect notice by first class mail. If unpaid after ten days from the date of disconnect notice, the city may disconnect. Further such charges and penalties may be placed on the delinquent tax roll for collection, or may be recovered by the city through court action where appropriate.

(h) *Multiple meters served by one shut-off location.* Should it be determined by the water/sewer department that multiple water meters are serviced by only one shut-off location for a two or more family dwelling unit, the option of tenant being directly billed by the city for the water/sewer service shall be inapplicable, and responsibility shall lie with the landlord.
(Comp. Ords. 1987, § 25.054)

Sec. 34-55. No free service.

No free service shall be furnished by said system to any person, firm or corporation, public or private, or to any public agency or instrumentality.
(Comp. Ords. 1987, § 25.055)

Sec. 34-56. Rate sufficiency.

The rates hereby fixed are estimated to be sufficient to provide for the payment of the expenses of administration and operation, such expenses for maintenance of the system as are necessary to preserve the same in good repair and working order, to provide for the payment of the contractual obligations of the city to the county pursuant to the aforesaid contract between said city and the county as the same become due, and to provide for such other expenditures and funds for said system as this division may require. Such rates shall be fixed and revised from time to time as may be necessary to produce these amounts.
(Comp. Ords. 1987, § 25.056)

Sec. 34-57. Operating year.

The system shall be operated on the basis of an operating year commencing on July 1 and ending on the June 30 next following.
(Comp. Ords. 1987, § 25.057)

Sec. 34-58. Funds.

The revenues of the system shall be set aside, as collected, and deposited in a separate depository account in The First National Bank of St. Ignace, St. Ignace, Michigan, a bank duly qualified to do business in the state, in an account to be designated "water system receiving fund" (hereinafter, for brevity, referred to as the "receiving fund"), and said revenues so deposited shall be transferred from the receiving fund periodically in the manner and at the times hereafter specified.

(1) *Operation and maintenance fund.* Out of the revenues in the receiving fund there shall be first set aside quarterly into a depositary account, designated "operation and maintenance fund," a sum sufficient to provide for the payment of the next quarter's current expenses of administration and operation of the system and such current expenses for the maintenance thereof as may be necessary to preserve the same in good repair and working order.

(2) *Contract payment fund.* There shall next be established and maintained a depositary account, to be designated "contract payment fund," which shall be used solely for the payment of the city's obligations to the county, pursuant to the aforesaid contract. There shall be deposited in said fund quarterly, after requirements of the operation and maintenance fund have been met, such sums as shall be necessary to pay said contractual obligations when due. Should the revenues of the system prove insufficient for this purpose, such revenues may be supplemented by any other funds of the city legally available for such purpose.

(3) *Replacement fund.* There shall next be established and maintained a depositary

account, designated "replacement fund," which shall be used solely for the purpose of making major repairs and replacements to the system if needed. There shall be set aside into said fund, after provision has been made for the operation and maintenance fund and the contract payment fund, such revenues as the city council shall deem necessary for this purpose.

(4) *Improvement fund.* There shall next be established and maintained an improvement fund for the purpose of making improvements, extensions and enlargements to the system. There shall be deposited into said fund, after providing for the foregoing fund, such revenues as the city council shall determine.

(5) *Surplus moneys.* Moneys remaining in the receiving fund at the end of any operating year, after full satisfaction of the requirements of the foregoing funds, may, at the option of the city council, be transferred to the improvement fund or used in connection with any other project of the city reasonably related to purposes of the system.

(6) *Bank accounts.* All moneys belonging to any of the foregoing funds or accounts may be kept in one bank account, in which event the moneys shall be allocated on the books and records of the city within this single bank account, in the manner above set forth.

(Comp. Ords. 1987, § 25.058)

Sec. 34-59. Transfer of moneys.

In the event the moneys in the receiving fund are insufficient to provide for the current requirements of the operation and maintenance fund, any moneys and/or securities in other funds of the system, except sums in the contract payment fund derived from tax levies, shall be transferred to the operation and maintenance fund, to the extent of any deficit therein.
(Comp. Ords. 1987, § 25.059)

Sec. 34-60. Investments.

Moneys in any fund or account established by the provisions of this division may be invested in obligations of the United States of America in the manner and subject to the limitations provided in Public Act No. 94 of 1933 (MCL 141.101 et seq.). In the event such investments are made, the securities representing the same shall be kept on deposit with the bank or trust company having on deposit the fund or funds from which such purchase was made. Income received from such investments shall be credited to the fund from which said investments were made.
(Comp. Ords. 1987, § 25.060)

Secs. 34-61—34-80. Reserved.

DIVISION 3. CROSS CONNECTIONS

Sec. 34-81. Rules adopted.

The city hereby adopts by reference the water supply cross connection rules of the state department environmental quality being R 325.11401 to R 325.11407 of the Michigan Administrative Code.
(Comp. Ords. 1987, § 25.101)

Sec. 34-82. Inspections.

It shall be the duty of the city water department to cause inspections to be made of all properties served by the public water supply where cross connection with the public water supply is deemed possible.
(Comp. Ords. 1987, § 25.102)

Sec. 34-83. Right of access, information.

The authorized representative of the city water department shall have the right to enter at any reasonable time any property served by a connection to the public water supply system of the city for the purpose of inspecting the piping systems for cross connections. The refusal of access when requested shall be deemed evidence of the presence of cross connections.
(Comp. Ords. 1987, § 25.103)

Sec. 34-84. Discontinuing service.

The city water department is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this division exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply system. Water service to such property shall not be restored until the cross connection has been eliminated in compliance with the provisions of this division.
(Comp. Ords. 1987, § 25.104)

Sec. 34-85. State plumbing code.

This division does not supercede the state plumbing code, but is supplementary to such code.
(Comp. Ords. 1987, § 25.105)

Sec. 34-86. Penalty.

Any person found guilty of violating any of the provisions of this division or any written order of the city water department, shall be deemed guilty of a misdemeanor.
(Comp. Ords. 1987, § 25.106)

Secs. 34-87—34-120. Reserved.

ARTICLE III. SEWERS

DIVISION 1. GENERALLY

Secs. 34-121—34-140. Reserved.

DIVISION 2. RATES AND CHARGES

Sec. 34-141. Operation of system on public utility rate basis.

It is hereby determined to be desirable and necessary for the public health, safety and welfare of the city that the municipal sewage disposal system be operated by the city on a public utility rate basis in accordance with the provisions of Public Act No. 94 of 1933 (MCL 141.101 et seq.).
(Comp. Ords. 1987, § 25.211)

Sec. 34-142. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

BOD (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in milligrams per liter.

Building drain means the part of the lowest horizontal piping of a drainage system which receives the sewage discharge from plumbing fixtures inside the walls of a building and conveys it to the building sewer. The building drain extends to a point five feet outside the inner face of the building wall.

Building sewer means the extension from the building drain to the public sewer or other place of disposal and includes the wye and riser installation.

Classes of users means the division of sanitary sewer customers into classes by similar process or discharge flow characteristics, as follows:

(1) *Resident user* means an individual home or dwelling unit, including mobile homes, apartments, condominiums or multifamily dwellings, that discharge only segregated domestic wastes or wastes from sanitary conveniences.

(2) *Commercial user* means any retail or wholesale business engaged in selling merchandise or a service and that discharges only segregated domestic wastes or wastes from sanitary conveniences.

(3) *Institutional user* means any educational, religious or social organization such as a school, church, nursing home, hospital or other similar entity that discharges only segregated domestic wastes or wastes from sanitary conveniences.

(4) *Industrial user* means any manufacturing establishment which produces a product from raw or purchased material.

Debt service charge means those charges levied to meet principal and interest costs for monies borrowed to construct the sewage system.

Infiltration means any waters entering the system from the ground, through such as, but not limited to, defective pipes, pipe joints, connections or manhole walls. Infiltration does not include and is distinguished from inflow.

Infiltration/inflow means the total quantity of water from both infiltration and inflow.

Inflow means any waters entering the system through such sources as, but not limited to, building downspouts, footing or yard drains, cooling water discharges, seepage lines from springs and swampy areas and storm drain cross connections.

Inspector means any person or persons authorized by the city to inspect and approve the installation of building sewers, private sewers and their connection to the public sewer system.

Normal strength sewage means a sanitary wastewater flow containing an average daily BOD of not more than 180 mg/l, an average daily suspended solids concentration of not more than 200 mg/l, and average daily phosphorus concentration of not more than ten mg/l.

Operation and maintenance means those costs required for personnel, materials and supplies to operate and maintain the system in good working order.

Person means a person as defined in section 1106 of the Michigan Public Health Code being Public Act No. 368 of 1978 (MCL 333.1106) or a governmental entity.

Public sanitary sewer means a sanitary sewer or sewers used or intended for use by the public for the collection and transportation of sanitary sewage for treatment or disposal and is owned and operated by a governmental agency.

Replacement costs means costs that are levied and set aside for the purpose of making major repairs and replacement to the system.

Sanitary sewage system or *sewage works* means all facilities for collecting, pumping, treating and disposing of sewage.

Sewer service charge means the fees billed to all customers attached to the system for support of the cost of the system. This charge included user charges, debt service charges and replacement charges.

Sewer user charge means the costs that are levied to cover the cost of operation and maintenance of the system and replacement cost.

Superintendent means the superintendent of the sewage works for the city or his authorized assistant, deputy, agent or representative.

Surcharge means the additional charge which a user discharging sewage having strength in excess of the limits set by the city for transmission and treatment within the sanitary sewage system will be required to pay to meet the cost of treating such excessively strong sewage.

Suspended solids means solids that either float on the surface of or are in suspension in water, sewage, or other liquids, and which are removable by standard laboratory filtering techniques.
(Comp. Ords. 1987, § 25.212)

Sec. 34-143. Management and operation of system.

The operation and management of the sanitary sewage works shall be under the supervision and control of the city. The city may employ such person or persons in such capacity or capacities as it deems advisable to carry on the efficient management and operation of the sanitary sewage works; and may make such rules, agreements, orders and regulations as it deems advisable and necessary to assure the efficient management and operation of the sanitary sewage works. The city shall set the rates and charges for the use of the sanitary sewage works.
(Comp. Ords. 1987, § 25.213)

Sec. 34-144. User charges.

User charges as established herein are based on the principle of imposing the cost of sewage treatment directly upon the sources of the sewage so that each user pays its proportionate share.

This is to be accomplished by keeping accurate records and reports of sanitary sewage works loadings, treatment results and costs.
(Comp. Ords. 1987, § 25.214)

Sec. 34-145. User classes.

Users shall be grouped into classes based on the type of sewage discharged to the public sewer. The cost of operating and maintaining sanitary sewage works will be established for each user class periodically and will be borne proportionately by the users in that class.
(Comp. Ords. 1987, § 25.215)

Sec. 34-146. Users outside city.

The transportation and treatment costs for sewage originating outside of the city will be borne by the users in that area. Individual agreements will be established to provide sufficient income to cover the actual costs of the service and to recover the capital investment made by the city on that portion of the treatment works reserved for such users.
(Comp. Ords. 1987, § 25.216)

Sec. 34-147. Purpose of article.

The city sewer use and connection regulations in division 4 of this article establish requirements for building sewer and connections, design and construction standards and use of the sanitary sewage system.
(Comp. Ords. 1987, § 25.217)

Sec. 34-148. Necessity, use, sufficiency of charges.

It is hereby declared necessary for the protection of the health, welfare and convenience of the citizens of the city to levy and collect sewer user charges upon each establishment served by the sanitary sewage works controlled by the city. The proceeds of such user charges are to be used for the benefit of the sewage system for operation and maintenance and replacement of sewage works facilities. The rates hereby established in this article are estimated to be sufficient to provide for the payment of the system's expenses. The city shall provide for an annual review of the system's operations and revenues to ensure continued proportionality of rates and economic self-sufficiency of the system. The council by resolution from time to time as may be necessary shall modify rates to meet the needs of the system.
(Comp. Ords. 1987, § 25.221)

Sec. 34-149. Establishment defined.

An establishment for the purpose of levying sewer service charges shall be defined as follows:

(1) Each dwelling unit is a separate establishment, regardless of whether it is in a connected structure, such as a duplex, flat or apartment.

(2) Each mobile home is an establishment. Mobile homes, travel trailers or motor homes which are for transient use are not separate establishments and will be treated as provided for in subsection (3) of this section.

(3) A group of cabins or motel rooms operated as a transient facility is a single establishment. Should the use of a single cabin or group of cabins change to permanent dwelling units, then each such dwelling unit will become a separate establishment.

(4) Combination of transient cabins and a dwelling unit which is used by the manager or owner constitutes two establishments. For the purposes of this article, any unit rented on a daily or weekly basis is a "transient facility."

(5) Each individual business, industry or public facility is a separate establishment, even though it might be housed along with one or more other businesses or industries in a single structure with a common landlord.

(6) Combinations of any of the above are each a separate establishment.

(Comp. Ords. 1987, § 25.222)

Sec. 34-150. Determination of sanitary sewage flow.

To determine the sanitary sewage flow from any establishment, the city's superintendent shall use one of the following methods:

(1) The amount of water supplied to the establishment by the city or a private water supply, as shown upon the water meter.

(2) Flows from establishments that are temporarily unmetered or have faulty meters shall be estimated by the superintendent based on past water consumption or based on size of water service and estimated contribution to the sewage system.

(3) Flows from establishments where the water supplied to the premises is not entirely discharged into the sewer system shall only be adjusted based on meters installed at the expense of the owner to measure that water which does not enter the sewage system.

(4) Flows determined by measurements and tests of samples taken at a monitoring station.

(5) The estimated flow of infiltration and inflow from an establishment with an illegal or leaking sewer during the period such flows continue, based on weir readings or television inspection of the sewer lead.

(6) An estimated flow, as determined by the superintendent through any combination of the foregoing or by any other equitable method.

(Comp. Ords. 1987, § 25.223)

Sec. 34-151. Sewer rates and charges.

Sewer rates and charges to be charged for services furnished by the sewage system shall be as currently established or as hereafter adopted by resolution of the city council from time to time.
(Comp. Ords. 1987, § 25.224)

Sec. 34-152. Service outside the corporate limits.

Commodity and readiness to serve charges to Moran Township are subject to the "Agreement to Purchase Water Supply and Sewage Disposal Service" between the city and Moran Township ratified on March 6, 1986.
(Comp. Ords. 1987, § 25.225)

Sec. 34-153. Special services.

(a) Rates for miscellaneous or special services for which a charge has not been established shall be determined from time to time by the city council.

(b) No free service shall be furnished by said system to any person, firm or corporation, public or private, or to any public agency or instrumentality.
(Comp. Ords. 1987, § 25.226)

Sec. 34-154. Building sewer connection charges.

(a) The cost for the connection of the building sewer to the public sanitary sewer and the cost of the building sewer from the public sanitary to the property line shall be borne entirely by the property owner.

(b) Permit and inspection fees for these connections shall be as currently established or as hereafter adopted by resolution of the city council from time to time.

(c) New building sewers and connections to the public sewer, constructed by the city or contracted agents of the city, will be used by the property owner when available. The actual costs of constructing these building sewers and connections shall be borne by the property owner and shall be due and payable when the application for the building sewer is submitted. Construction requirements for building sewer and connections are provided in division 4 of this article.
(Comp. Ords. 1987, § 25.227)

Sec. 34-155. Billing.

Billings for the commodity rate, readiness to serve charge and/or flat rate shall be due and payable 20 days from the date of billing. For any bill not paid within the 20 days of the date of the bill, a penalty of five percent of the amount of the bill shall be added to the bill.
(Comp. Ords. 1987, § 25.228)

Sec. 34-156. Enforcement.

(a) The charges for sewer services which are under the provisions of section 21 of Public Act No. 94 of 1933 (MCL 141.121), made a lien on all premises served thereby, unless written notice is given that a tenant is responsible, prior to renting and leasing, are hereby recognized to constitute such lien, and whenever any such charge against any piece of property shall be delinquent for six

months, the city official or officials in charge of the collection thereof shall certify annually, on October 1 of each year, to the tax-assessing officer of the city, the fact of such delinquency, whereupon such charge shall be by him entered upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced in the same manner as general city taxes against such premises are collected and the lien thereof enforced; provided, however, where notice is given that a tenant is responsible for such charges and service as provided by section 21, no further service shall be rendered such premises until a cash deposit in the amount as currently established or as hereafter adopted by resolution of the city council from time to time shall have been made as security for payment of such charges and services.

(b) Water/sewer customers delinquent or owing a water/sewer bill at one premises shall not be allowed to establish the water/sewer utility at another premise until all delinquent charges are paid.

(c) Tenants requesting the water/sewer utility must be verified in writing as the tenants of the premise by the landlord. Water/sewer services shall not be allowed in the name of anyone other than the tenant.

(d) In addition to the foregoing, the city shall have the right to shut off water service to any premises for which charges for water service are more than 30 days delinquent and such service shall not be re-established until all delinquent charges and penalties and a turn-on charge as currently established or as hereafter adopted by resolution of the city council from time to time has been paid. Delinquency collection procedures shall be in the following manner: Accounts delinquent by 30 days will be sent a disconnect notice by first class mail. If unpaid after ten days from the date of disconnect notice, the city may disconnect. Further, such charges and penalties may be placed on the delinquent tax roll for collection, or may be recovered by the city through court action where appropriate.

(e) Should it be determined by the water/sewer department that multiple water meters are serviced by only one shut-off location for a two or more family dwelling unit, the option of tenant being directly billed by the city for the water/sewer service shall be inapplicable, and responsibility shall lie with the landlord.
(Comp. Ords. 1987, § 25.229)

Sec. 34-157. Review of rates.

The city council will provide for a review of rates in accordance with 40 CFR 35.929-2B. The city council will notify all customers annually with the January 1 billing of that portion of the sewer service charge that is for operation, maintenance and replacement.
(Comp. Ords. 1987, § 25.230)

Sec. 34-158. Table of equivalent unit factors.

The table of equivalent unit factors shall be as follows:

TABLE OF EQUIVALENT UNIT FACTORS

Building Use	*Equivalent Unit Factors*
All Residential.	1.0 per dwelling unit.
Group A	
Factory-industrial (exclusive of industrial wastes); warehouse; airport repair or storage; bowling alley; church.	0.1 per 1,000 square feet plus office areas, food service-dining and/or bar facilities at their respective factors.
Group B	

Building Use	*Equivalent Unit Factors*
School; public swimming pool, including shower and dressing areas and fenced-in area of outside pools; theater; furniture store; auto dealer, including auto repair and service garage; mobile home park or multiple dwelling community building (including tenant convenience laundry facilities).	0.2 per 1,000 square feet.
Group C	
Country club; bank; barber shop; camera shop; laundry or cleaners (pick-up station); clothing, shoe, drapery, drug, jewelry, variety or department store; other stores not listed elsewhere in table; office building; convent; convalescent, rest or senior citizen home; hotel; motel.	0.5 per 1,000 square feet plus food service-dining and/or bar facilities at their respective factors.
Group D	
Grocery store; party store; meat market; produce market; beauty shop; fraternal organization; rental hall; veterinary.	1.0 per 1,000 square feet.
Group E	
Laundry or cleaners (except pick-up station).	1.5 per 1,000 square feet.
Group F	
Food service-dining facilities (without alcoholic liquors); hospital.	2.5 per 1,000 square feet (minimum of 2.0 units).

(Comp. Ords. 1987, § 25.231)

Sec. 34-159. Right of access, information.

The superintendent and other duly authorized employees of the city after showing proper credentials and identification shall be permitted to enter upon all properties in the city for the purposes of inspection, observation, measurement, sampling and testing of sewage flows in accordance with the provisions of this article. The superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
(Comp. Ords. 1987, § 25.241)

Sec. 34-160. Liability.

While performing the necessary service on private properties, the duly authorized employees shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the owner against loss or damage to its property by its employees and against liability claims and demands for personal injury or property damage asserted against the owner and growing out of the gaging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe working conditions.
(Comp. Ords. 1987, § 25.242)

Secs. 34-161—34-180. Reserved.

DIVISION 3. CAPITAL IMPROVEMENT SURCHARGE

Sec. 34-181. Definitions.

Whenever used in this division, except when otherwise indicated by the context, all definitions will conform with section 34-142.
(Comp. Ords. 1987, § 25.301)

Sec. 34-182. Basis for sewage system surcharges.

Except as otherwise indicated in the context of this article, the basis for the surcharge established in this division is in conformance with sections 34-148 through 34-156.
(Comp. Ords. 1987, § 25.302)

Sec. 34-183. Surcharge and rate.

(a) *Readiness to service surcharge.* A readiness to serve surcharge shall be assessed against each sanitary sewage service which is subject to the readiness to serve charge, according to the rate as currently established or as hereafter adopted by resolution of the city council from time to time.

(b) *Commodity surcharge.* All users outside the corporate limits of the city shall pay a commodity surcharge as currently established or as hereafter adopted by resolution of the city council from time to time.

(c) *Flat rate surcharge.* For sanitary sewage customers which do not have city water service there shall be a surcharge as currently established or as hereafter adopted by resolution of the city council from time to time.

(d) *Billing and enforcement.* The billing and enforcement of the surcharge levied in this division shall be in conformance with sections 34-155 and 34-156.
(Comp. Ords. 1987, § 25.303)

Secs. 34-184—34-200. Reserved.

DIVISION 4. SEWER USE REGULATIONS

Subdivision I. In General

Sec. 34-201. Finding of necessity.

A public sanitary sewage system is essential to the health, safety and welfare of the people of the city. Failure or potential failure of septic tank disposal systems or improper use or failure of the sanitary sewage system poses a menace to health, presents a potential for the transmission of disease, and for economic blight, and constitutes a threat to the quality of surface and subsurface waters of the city. The connection of structures in which sewage originates to an available public sanitary sewer system at the earliest reasonable date; the proper design, construction and use of public and private sewers and drains and private sewage disposal facilities; and protective limitations on the discharge of certain waters and wastes into the public sewer system are all matters for the protection of the public health, safety and welfare and are necessary in the public interest, which is hereby declared.
(Comp. Ords. 1987, § 25.512)

Sec. 34-202. Operation and maintenance.

The operation and maintenance of the sanitary sewage system shall be under the supervision and control of the city. The city retains the exclusive right to make such rules or regulations and employ such person or persons as it deems advisable and necessary to assure the efficient establishment, operation and maintenance of the system to comply with the requirements of the state and federal regulatory agencies.
(Comp. Ords. 1987, § 25.513)

Sec. 34-203. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Availability public sanitary sewer system means a public sanitary sewer system located in a right-of-way, easement, highway, or public way which crosses, joins, abuts upon property and passes not more than 200 feet at the nearest point from structures in which sanitary sewage originates.

BOD (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 Celsius, expressed in milligrams per liter.

Building drain means that part of the lowest horizontal piping of a drainage system which receives the sewage discharge from plumbing fixtures inside the walls of a building and conveys

it to the building sewer. The building drain extends to a point five feet outside the inner face of the building wall.

Building sewer means the extension from the building drain to the public sewer or other place of disposal, and includes the wye and riser installation.

Classes of users means the division of sanitary sewer customers into classes by similar process or discharge flow characteristics, as follows:

(1) *Residential user* means an individual home or dwelling unit, including mobile homes, apartments, condominiums or multifamily dwellings, that discharge only segregated domestic wastes or wastes from sanitary conveniences.

(2) *Commercial user* means any retail or wholesale business engaged in selling merchandise or a service and that discharges only segregated domestic wastes or wastes from sanitary conveniences.

(3) *Public user* means any educational, governmental, religious or social organization such as a school, church, nursing home, hospital or other similar entity that discharges only segregated domestic wastes or wastes from sanitary conveniences.

(4) *Industrial user* means any manufacturing establishment which produces a product from raw or purchased material. For the purpose of industrial cost recovery system only, an industrial user (pursuant to 40 CFR 35.905-8) is any nongovernmental user of the publicly owned treatment works that discharges an industrial waste and is identified in the Standard Industrial Classification Manual, 1972, under divisions A, B, D, E, or I.

Combined sewer means a sewer receiving roof drainage, surface runoff and sewage.

Compatible pollutant means biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus any additional pollutants identified in the city NPDES permit, if the treatment works was designed to treat such pollutants, and in fact can remove such pollutants to a substantial degree. The term substantial degree generally means removals in the order of 80 percent or greater.

Footing drain means a buried pipe surrounding a building for the purpose of draining groundwater away from the building footing.

Garbage means solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

Incompatible pollutant means any pollutant that is not a compatible pollutant, as defined in this section.

Infiltration means any waters entering the system from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls. Infiltration does not include and is distinguished from inflow.

Infiltration / inflow means the total quantity of water from both infiltration and inflow.

Inflow means any waters entering the system through such sources as, but not limited to, building downspouts, footing or yard drains, cooling water discharges, seepage lines from springs and swampy areas and storm drain cross connections.

Inspector means any person or persons authorized by the city to inspect and approve the installation of building sewers, private sewers and their connection to the public sewer system.

Local health department means the Luce, Mackinac, Alger and Schoolcraft District Health Department.

Major contributing industry means an industrial user, as defined, that discharges (i) a flow of 25,000 gallons or more per average work day, (ii) a flow exceeding five percent of the total treatment plant flow, (iii) toxic pollutants in toxic amounts as defined in the NPDES permit, or (iv) a flow with a significant impact on the treatment plant when considered alone or in combination with other industrial users.

Natural outlet means any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

Normal strength sewage means a sanitary wastewater flow containing an average daily BOD of not more than 180 mg/l or an average daily suspended solids concentration of not more than 200 mg/l.

NPDES permit means the permit issued pursuant to the national pollution discharge elimination system for the discharge of wastewaters into the waters of the state.

Person means a person as defined in section 1106 of the Michigan Public Health Code, being Public Act No. 368 of 1978 (MCL 333.1106), or a governmental entity.

pH means the logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.

Pretreatment means a process for treating an industrial sewage to the extent that it can be discharged to the public sanitary sewer without endangering the municipal sewage treatment system or the watercourse to which the treatment plant discharges its effluent.

Private sewage disposal systems means any septic tanks, lagoons, cesspools, or other facilities intended or used for the disposal of sanitary sewage other than via the public sanitary sewer.

Properly shredded garbage means the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

Public sanitary sewer means a sanitary sewer or sewers used or intended for use by the public for the collection and transportation of sanitary sewage for treatment or disposal and is owned and operated by a governmental agency.

Roof drain means a system for collection of precipitation which falls on a building roof and includes roof gutters and downspouts.

Sanitary sewer means a sewer which carries sewage and to which stormwater, surface water and groundwaters are meant to be excluded.

Sanitary sewage system and *sewage works* mean all facilities for collecting, pumping, treating and disposing of sewage.

Sewage means a combination of the liquid and water-carried wastes from residences, commercial buildings, public users, and industrial establishments (including polluted cooling water), together with such ground, surface and stormwaters as may be present. The three most common types of sewage are:

(1) *Sanitary sewage* means the combination of liquid and water-carried wastes discharged from toilet and other sanitary plumbing facilities.

(2) *Industrial sewage* means a combination of liquid and water-carried wastes discharged from any industrial or commercial establishment, and resulting from a trade or process carried on in that establishment (this shall include the wastes from pretreatment facilities and polluted cooling water).

(3) *Combined sewage* means wastes including sanitary sewage, industrial sewage, stormwater, infiltration and inflow carried to the wastewater treatment facilities by a combined sewer.

Sewage treatment plant means any arrangement of equipment and/or structures used for treating sewage.

Slug means any discharge of water, sewage or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration flow rate during normal operation.

Storm drain (sometimes termed "storm sewer") means a sewer which carries storm and surface waters and drainage, but excludes sewage and most industrial wastes. Unpolluted industrial cooling water is an example of industrial waste acceptable in a storm drain.

Structure in which sanitary sewage originates and *structure* mean a building in which toilet, kitchen, laundry, bathing, or other facilities which

generate watercarried sanitary sewage are used or are available for use for residential, commercial, industrial, institutional or other purposes.

Superintendent means the superintendent of the sewage works for the city or his authorized assistant, deputy, agent or representative.

Surcharge means the additional charge which a user discharging sewage having strength in excess of the limits set by the city for transmission and treatment within the sanitary sewage system will be required to pay to meet the cost of treating such excessively strong sewage.

Suspended solids means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids; and which are removable by standard laboratory filtering techniques.

Wastewater means water which contains, or previous to treatment has contained, pollutants such as sewage and/or industrial wastes.

Water quality standard means the maximum amount of various foreign substances in water that safely may be discharged into a natural outlet.

Watercourse means a channel in which a flow of water occurs, either continuously or intermittently.
(Comp. Ords. 1987, § 25.514)

Sec. 34-204. Powers and authority of inspectors.

(a) *Right of access, information.* The duly authorized employees of the city after showing proper credentials and identification shall be permitted to enter upon all properties in the city for the purposes of inspection, observation, measurement, sampling and testing of sewage flows in accordance with the provisions of this article. The employees of the city shall have no authority to inquire into any proprietary processes, including metallurgical, chemical, oil, refining, ceramic, paper, or other process, beyond that point having a direct bearing on the kind and source of discharge to the sanitary sewers or waterways of facilities for waste treatment.

(b) *Liability.* While performing the necessary work on private properties referred to in subsection (a) of this section, the duly authorized employees shall observe all safety rules applicable to the premises established by the owner thereof and the owner shall be held harmless for injury or death to such employees, except as such may be caused by the negligence or failure of the owner to maintain safe working conditions.
(Comp. Ords. 1987, §§ 25.581, 25.582)

Sec. 34-205. Damage to system.

Any person who shall willfully, maliciously or wantonly break, damage, destroy, uncover, deface, remove or tamper with any structure, appurtenance, pipe valve, pumping station, monitoring station or other equipment or installation that is a part of the public sanitary sewage system of the city shall be guilty of a misdemeanor.
(Comp. Ords. 1987, § 25.593)

State law reference—Malicious mischief generally, MCL 350.377a et seq.

Sec. 34-206. False statements; rendering monitoring device inaccurate.

Any person who shall intentionally make a false statement, representation, or certification in an application for a permit or in any report or statement of information required under this article, or who with intent to deceive shall render inaccurate a monitoring device required to be maintained under this article, shall be guilty of a misdemeanor.
(Comp. Ords. 1987, § 25.594)

Sec. 34-207. Violation; penalties.

(a) *Notice of violation.* Any person found to be violating any provision of this article, except the provisions of sections 34-205 and 34-206, shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(b) *Continuation of violation beyond time limit.* Any person who shall continue any violation beyond the time limit provided for in subsection (a) of this section shall be guilty of a misdemeanor.
(Comp. Ords. 1987, §§ 25.591, 25.592)

Sec. 34-208. Civil remedies.

(a) *Liability for cost of treatment of unlawfully discharged waters.* Any person who, in violation of any of the provisions of sections 34-331 through 34-346, shall discharge into the public sanitary sewer in the city any storm or other uncontaminated or unpolluted waters as specified in said provisions shall be liable for the cost of sewage treatment of the volume of such waters estimated to have been unlawfully discharged into the sanitary sewer. The annual charge for treatment of stormwaters, groundwater, roof runoff and subsurface drainage shall be based on the drainage area and rainfall records and the actual cost of sewage treatment.

(b) *Recovery of losses, costs of damage.* The city shall have the right to recover the full value of any losses, costs or damage resulting from any violation of this article in a civil action in a court of competent jurisdiction.

(c) *Injunction to restrain violation.* In addition to all other penalties and remedies for the violation of any provision of this article, the city may commence an action in the circuit court for the county for mandatory injunction to restrain the violation.
(Comp. Ords. 1987, § 25.600)

Secs. 34-209—34-230. Reserved.

Subdivision II. Required Use of Public Sewers

Sec. 34-231. Depositing objectionable wastes upon public or private property.

It shall be unlawful for any person to place, deposit or permit to be deposited in an unsanitary manner upon public or private property within the city, or any area under its jurisdiction, any human or animal excrement, garbage or other objectionable waste.
(Comp. Ords. 1987, § 25.521)

Sec. 34-232. Polluted discharges.

It shall be unlawful to discharge to any natural outlet any sanitary sewage, industrial wastes or other polluted water, except where suitable treatment has been provided in accordance with subsequent provision of this article.
(Comp. Ords. 1987, § 25.522)

Sec. 34-233. Privy, septic tank or cesspool.

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.
(Comp. Ords. 1987, § 25.523)

Sec. 34-234. Connection to sewer; time limit.

Each person having control of a structure in which sanitary sewage originates, and each owner and each occupant of such a structure, shall cause such structure to be connected to an available public sanitary sewer. Such connection shall be completed promptly but in no case later than 12 months from the date of occurrence of the last of the following events:

(1) Publication of a notice by the city clerk of the availability of the public sanitary sewage system in a newspaper of general circulation in the city or official notice to connect to an available public sanitary sewage system.

(2) Modification of a structure so as to become a structure in which sanitary sewage originates.

(3) This division becomes effective January 1, 1988.

(Comp. Ords. 1987, § 25.524)

Sec. 34-235. Failure to connect; notice.

Where the structure in which sanitary sewage originates has not been connected to an available public sanitary sewer within the 12-month period provided in section 34-234, the city clerk shall

require the connection to be made forthwith after notice by first class mail or certified mail to the owners, occupants and persons having control of the property on which the structure is located. The notice shall give the approximate location of the public sanitary sewer which is available for connection of the structure involved and shall advise such persons of the requirements and the enforcement provisions of this division.
(Comp. Ords. 1987, § 25.525)

Sec. 34-236. Mandatory injunction or order to connect.

Where any structure in which sanitary sewage originates is not connected to an available public sanitary sewage system within 90 days after the date of mailing or posting of the written notice, the city may bring an action for a mandatory injunction or order in the district or circuit court in the county to compel the owner to connect to the available sanitary sewage system forthwith. The city in one or more of such actions may join any number of owners of structures situated within the city to compel each owner to connect to the available sanitary sewage system forthwith.
(Comp. Ords. 1987, § 25.526)

Secs. 34-237—34-260. Reserved.

Subdivision III. Private Sewage Disposal

Sec. 34-261. Where public sewer not available.

Where a public sanitary sewer is not available under the provisions hereof, the building sewer shall be connected to a private sewage disposal system complying with all requirements of the state board of health and the local health department.
(Comp. Ords. 1987, § 25.531)

Sec. 34-262. Operation and maintenance.

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.
(Comp. Ords. 1987, § 25.532)

Sec. 34-263. When public sewer becomes available.

At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided herein, a direct connection shall be made to the public sanitary sewer system in compliance with this division, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned, pumped, and filled with suitable material.
(Comp. Ords. 1987, § 25.533)

Sec. 34-264. Additional requirements.

No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the state board of health and the local health department.
(Comp. Ords. 1987, § 25.534)

Secs. 34-265—34-280. Reserved.

Subdivision IV. Building Sewers and Connections

Sec. 34-281. Permit requirement; bond.

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the city. Before a permit may be issued for excavating for plumbing in any public street, way, or alley, the person applying for such permit shall have executed unto the city and deposited with the treasurer, a corporate surety in the sum as currently established or as hereafter adopted by resolution of the city council from time to time conditioned and that he will perform faithfully all work with due care and skill, and in accordance with the laws, rules, and regulations established under the authority of any ordinances of the city pertaining to plumbing or sewer connections. This bond shall state that the persons will indemnify and save harmless the city and the owner of the premises against all damages, costs, expenses, outlays, and claims of every nature and kind arising out of unskillfulness or negligence on his part in connection with plumbing or excavating for plumbing as prescribed in this division. Such

bond shall remain in force and must be executed for a period of one year except that on such expiration it shall remain in force as to all penalty claims, and demands that may have accrued thereunder prior to such expiration.
(Comp. Ords. 1987, § 25.541)

Sec. 34-282. Permit classes, application, fee, period, renewal, denial.

(a) There shall be two classes of building sewer permits:

(1) For residential, commercial and public user service; and

(2) For service to establishments producing industrial wastes.

(b) In either case, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the city. The fee for the connection permit and inspection shall be as provided for in a separate ordinance or resolution, which fees shall be paid to the city at the time the application for a permit is filed. A permit shall be valid for a period of one year from the date of issuance. Upon application approved by the city, a permit may be renewed for an additional one-year period. Installation shall be completed during the period the permit is valid. A permit for connecting to the public sewer system may be denied by the city in the event there is insufficient capacity for transporting or treating the proposed sewage flow in any downstream facilities.
(Comp. Ords. 1987, § 25.542)

Sec. 34-283. Costs and expense; indemnification.

All costs and expense incidental to the installation (including replacement), connection, maintenance, or repair of a building sewer shall be borne by the property owner. The property owner or contractor installing or maintaining a building sewer shall indemnify the city from any loss or damage that may directly or indirectly result from the installation, connection, maintenance or repair of the building sewer.
(Comp. Ords. 1987, § 25.543)

Sec. 34-284. Available capacity.

No connection to the system will be permitted unless there is capacity available in all downstream sewers, lift stations, force mains, and the sewage treatment plant, including capacity for treatment of BOD and suspended solids.
(Comp. Ords. 1987, § 25.544)

Sec. 34-285. Installation and connection.

All connections to the system will be made by a licensed contractor or plumber; provided, however, that a property owner may make his own installation and connection in accordance with the requirements of this division and state law so long as he has secured a connection permit. This does not allow a property owner to hire an unlicensed contractor to do his work.
(Comp. Ords. 1987, § 25.545)

Sec. 34-286. Contractors, plumbers to file license.

All licensed contractors and plumbers making connections to the systems shall file with the city a copy of their plumber's or contractor's license from the state and a copy of their liability insurance prior to performing any connections to the system.
(Comp. Ords. 1987, § 25.546)

Sec. 34-287. Separate sewer for every building; exception.

A separate and independent building sewer shall be provided for every building, except that where one building stands at the rear of another on an interior lot and no public sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, easement or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
(Comp. Ords. 1987, § 25.547)

Sec. 34-288. Old building sewers.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the city, to meet all requirements of this division.
(Comp. Ords. 1987, § 25.548)

Sec. 34-289. Requirements.

Building sewers and connections thereof to the public sanitary sewer shall meet the following requirements:

(1) Commercial, public and industrial building sewer shall be of sufficient diameter to carry the estimated volume of flow and unless specifically approved by the city shall not be less than six inches in diameter.

(2) Residential building sewer shall be of sufficient diameter to carry the estimated volume of flow and in no event less than four inches in diameter.

(3) Except as provided in subsection (4) of this section, building sewers and connections thereof to the public sewer shall be constructed of the following materials:

   a. PVC schedule 40 with chemical weld joint or elastomeric gasket joints.

   b. ABS extra strength pipe with chemical weld joint (Extra Strength S.D.R. 23.5).

   c. Cast or ductile iron with rubber O-ring joint.

(4) Building sewers and connections thereof to the public sewer lying within 75 feet of a private water well or 200 feet of a municipal water well shall be constructed of special materials as specified by the state department of public health.

(5) A building sewer shall be laid at a uniform grade. The slope of a building sewer shall be not less than one-quarter inch per foot (two percent) for four inch pipe and not less than one-half inch per foot (one percent) for six-inch pipe.

(6) Connections to the public sewer shall be made only where wyes or risers are provided in the line. If a wye or riser is not available, the building sewer connection shall be subject to approval by the city and installed with approved fittings by a licensed plumber.

(7) A building sewer line shall be straight, with any change in alignment subject to approval by the inspector. Only long radius elbows shall be used for changing alignment of building sewers.

(8) Cleanouts on long building sewers shall be installed at approximately 100-foot intervals and at locations where alignment is changed, if required by the inspector.

(9) Where different pipe materials are to be joined together only manufactured adapters made for that purpose shall be used.

(10) Where rock or hard clay excavation is required, a six-inch sand or gravel cushion shall be placed around the pipe.

(11) Connection of a building sewer into the public sewer shall conform to the requirements shown in figure 1 below or as set forth in the applicable specifications of the American Society of Test Materials and the Manual of Practice No. 9 of the Water Environment Federation. All connections shall be made gastight and watertight. Any deviation from the procedures and materials set forth herein may be made only with the approval in writing of the city before installation.

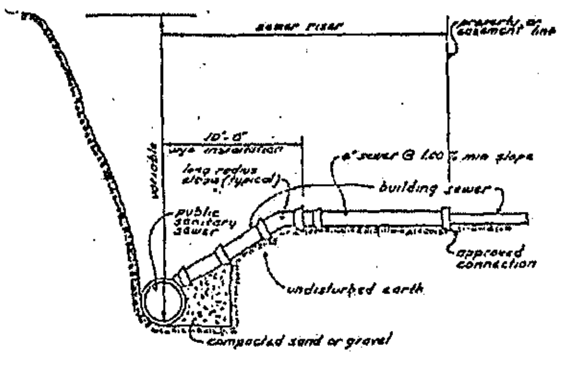

Figure 1

(Comp. Ords. 1987, § 25.549)

Sec. 34-290. Elevation; lifting sewage.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to

the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
(Comp. Ords. 1987, § 25.550)

Sec. 34-291. Connections of surface runoff or groundwater.

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
(Comp. Ords. 1987, § 25.551)

Sec. 34-292. Inspection and connection.

The applicant for a building sewer permit shall notify the city at least 24 hours prior to the time that the building sewer is ready for inspection and connection to the public sewer. The entire building sewer shall be left uncovered until inspected and the connection shall be made under the supervision of the superintendent or his representative.
(Comp. Ords. 1987, § 25.552)

Sec. 34-293. Excavations.

All excavations for building sewers shall be adequately guarded with barricades and lights for the protection of the public. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored as near as practicable to the original condition and as approved by the superintendent.
(Comp. Ords. 1987, § 25.553)

Sec. 34-294. Abandoned or discontinued building sewers.

Abandoned or discontinued building sewers shall be bulkheaded, capped or sealed in a manner to prevent leakage of liquids or gases therefrom. The work shall be subject to inspection by the city. All costs shall be the owner's. In the event that an owner refuses or fails for any reason adequately to bulkhead, cap or seal an abandoned or discontinued building sewer, the city after notice to the owner by ordinary or certified mail may cause the work to be completed. All costs incurred by the city shall be a lien upon the property and shall be assessed against the real property on the next succeeding city tax roll.
(Comp. Ords. 1987, § 25.554)

Secs. 34-295—34-310. Reserved.

Subdivision V. Design and Construction Requirements for Sewage Collection Systems

Sec. 34-311. General.

(a) All plans and specifications for additions to or the extension or relocation of the city sanitary sewer system shall be prepared in accordance with the adopted sanitary sewer works standards of the city and be approved by the city.

(b) No additions to or extensions or relocations of the city sanitary sewer system shall be placed in service and no building drain connections shall be made thereto until satisfactory test results have been received by the city and the addition, extension, or modification has been approved by the city.

(c) Any sanitary sewer, meeting requirements applicable to public sewers, which services two or more separate buildings or dwellings shall be deemed a public sewer, unless the buildings are part of a singly owned industrial or commercial complex or a public complex where future division of ownership is not anticipated.

(d) Combined sewer systems shall not be permitted.
(Comp. Ords. 1987, § 25.561)

Sec. 34-312. Connection of privately constructed sanitary sewer systems to the system.

Before any sanitary sewer system constructed by private, as distinguished from public, funding, hereinafter referred to as the "private sanitary sewer," shall be permitted to connect to the system, the owner of said system, hereinafter referred to as the developer, shall do and provide the city with the following:

(1) Provide the city with the developer's plans and specifications for construction that conform to the adopted city standards and

an estimate of the cost of construction and deposit with the city the estimated cost of review of construction plans covering the cost of hiring a registered professional engineer to review plans and specifications, which monies shall be placed by the city in an escrow account in the name of said developer.

(2) Obtain approval of the city of the plans and specifications.

(3) Secure all necessary permits for construction.

(4) Upon commencement of construction of the private sanitary sewer, deposit with the city in the escrow account referred to in subsection (1) of this section the estimated cost of inspection by the city.

(5) Upon satisfactory completion of the private sanitary sewer to the system and prior to connection to the city system, provide the city with any easement required, an affidavit of completion by the contractor, a bill of sale, as-built drawings certified by a professional engineer, and a one-year warranty bond equal to the cost of the sewage work project. Any monies remaining in the developer's escrow account shall be returned to the developer. Any additional expenses incurred by the city in assuring the city that the private sanitary sewer is properly constructed and operating shall be deducted therefrom or charged directly to the developer, at the option of the city. An accounting of expenditures shall be made to the developer by the city.

(6) Thereafter, the city will accept the privately constructed sewer and it shall become a public sewer.

(Comp. Ords. 1987, § 25.562)

Secs. 34-313—34-330. Reserved.

Subdivision VI. Discharge Restrictions

Sec. 34-331. New connections.

The city shall prohibit any new connections from inflow sources to the system and shall refuse to accept inflow sources from existing connections which are not consistent with the system's design capacity, including discharge of stormwater, surface water, groundwater, roof runoff, foundation drainage, cooling water or unpolluted industrial process waters to any sanitary sewer; and shall further prohibit new connections unless there is capacity in all downstream sewers, lift stations, force mains and treatment plant facilities including capacity for BOD and suspended solids.
(Comp. Ords. 1987, § 23.571(6.1.1))

Sec. 34-332. Discharge of harmful water or waste.

No person shall discharge or cause to be discharged to any public sewers any harmful water or wastes, whether liquid, solid or gas, capable of causing obstruction to the flow in sewers, damage or hazard to structures, equipment, and personnel of the sewage works, or other interference with the proper operation of the sewage works.
(Comp. Ords. 1987, § 23.571(6.1.2))

Sec. 34-333. Limitation on discharges having objectionable characteristics; pretreatment facilities.

The admission into the public sewers of any waters or wastes having harmful or objectionable characteristics shall be subject to review and approval of the city, who may prescribe limits on the strength and character of these waters or wastes. Where necessary, in the opinion of the city, the owner shall provide, at his expense, such preliminary treatment as may be necessary to treat these wastes prior to discharge to the public sewer. Plans, specifications and other pertinent information relating to proposed preliminary treatment facilities shall be submitted for approval of the city and of the appropriate state agency and no construction of such facilities shall be commenced until said approval is obtained in writing. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
(Comp. Ords. 1987, § 23.571(6.1.3))

Sec. 34-334. Control manhole; measurements, tests and analysis.

When required by the city, the owner of any property served by a building sewer carrying industrial wastes shall install and maintain at his expense a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. All measurements, tests, and analysis of the characteristics of waters and wastes shall be determined in accordance with "Guidelines Establishing Test Procedures for Analysis of Pollutants," 40 CFR 136, and shall be determined at the control manhole or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.
(Comp. Ords. 1987, § 23.571(6.1.4))

Sec. 34-335. Industrial waste.

A portion or all industrial waste from an industry may be excluded from the sanitary sewer system.
(Comp. Ords. 1987, § 23.571(6.1.5))

Sec. 34-336. Surcharges.

A surcharge may be imposed on the rate charged to industry for the treatment of industrial waste. The surcharge shall be based on the volume, strength and character of the industrial waste treated as compared to the volume, strength and character of the normal domestic sewage experienced in the city.
(Comp. Ords. 1987, § 23.571(6.1.6))

Sec. 34-337. Special assessments or contracts.

Special assessments or contracts may be executed with industries which shall be coordinated with this division for the derivation of the rate to be used for the receiving of industrial waste, where such industrial wastes are of unusual strength or volume and the treatment facility is capable of handling such industrial waste.
(Comp. Ords. 1987, § 23.571(6.1.7))

Sec. 34-338. Information and materials required for discharge of hazardous wastes.

Where the nature of an industry or commercial enterprise applying for or receiving sanitary sewer service is such that the sewage or process wastes generated by it may pose a hazard to health or environment or to the functioning of the system's treatment plant, the city may require submission to it of the following information and materials:

(1) A written statement setting forth the nature of the enterprise, the source and amount of water used, the amount of water to be discharged, with its present or expected bacterial, physical, chemical, radioactive, or other pertinent characteristics of the wastes.

(2) A plan map of the building, works, or complex, with each outfall to the surface waters, sanitary sewer, storm sewer, natural outlet or groundwaters noted and described, and any natural outlet identified.

(3) Reports of sample tests of the characteristics of the wastes made on a time schedule, at locations and according to methods approved by the city.

(4) The names of any persons, together with a statement of their qualifications, who have specific supervision and control over waste treatment facilities, process facilities, and other facilities affecting wastes.

(5) Reports on raw materials entering the process or support systems, intermediate materials, final products, and waste byproducts as those factors may affect waste control.

(6) Maintain records and file reports on the final disposal of specific liquids, solids, sludges, oils, radioactive materials, solvents, or other wastes.

(7) Written notification to the city of any plans to alter an industrial or commercial process generating industrial or commercial wastes, such alteration to be subject to the approval of the city.

(Comp. Ords. 1987, § 23.571(6.1.8))

Sec. 34-339. Monitoring structures.

Upon a finding by the city based on all available information that industrial or commercial wastes that are being discharged, or that are planned to be discharged, by an industry or commercial enterprise may pose a potential danger to the public health, the environment or the proper functioning of the treatment plant receiving the flow, the owner thereof, upon written notice by the city, shall construct a permanent monitoring structure at the point of discharge of the wastes to the sanitary sewer, storm sewer or natural outlet.

(1) The design of the structure shall be approved by the city before installation.

(2) The structure shall be constructed by the industry or commercial enterprise at its expense.

(3) The monitoring station shall be maintained in good operating condition by the industry or commercial enterprise at its expense. Any break in the operation of the station will require a written report stating the reason for the stoppage and a schedule of repair.

(4) Adequate access shall be maintained to the monitoring structure at all times to enable the city to collect samples and flow records.

(Comp. Ords. 1987, § 23.571(6.1.9))

Sec. 34-340. Schedule of charges.

Charges for using the public sewage works shall be paid by owners of property to which public sanitary sewer service is available at the times and in accordance with schedules of such charges provided by the city in a separate ordinance or resolution.
(Comp. Ords. 1987, § 23.571(6.1.10))

Sec. 34-341. Conditions for acceptance of certain waters or wastes.

(a) The admission into the public sewers of any waters or wastes:

(1) Containing a five-day BOD greater than 180 mg/l or containing more than 200 mg/l of suspended solids; or

(2) Containing any quantity of substances having the characteristics described in section 34-332; or

(3) Having any average daily flow greater than two percent of the average daily flow of the city;

shall be subject to review and approval of the city.

(b) The city after review shall either: (i) reject the wastes; (ii) require pretreatment to an acceptable condition for discharge to the public sewer; (iii) require control over the quantities and rates of discharge; (iv) require special payment (a surcharge) to cover the added cost of handling and treating the wastes as provided in section 34-336.
(Comp. Ords. 1987, § 23.571(6.1.11))

Sec. 34-342. Grease, oil and sand interceptors.

Grease, oil and sand interceptors (traps) shall be provided at the expense of the property owner when liquid wastes contain grease in excessive amounts, or other harmful ingredients, except that such interceptors shall not be required for single-family and multifamily dwelling units. All interceptors shall be of a type and capacity approved by the city and shall be located as to be readily and easily accessible for cleaning and inspection. Grease, oil and sand interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. Grease, oil and sand interceptors shall be of substantial construction, watertight and equipped with easily removable covers which when bolted into place shall be gastight and watertight. Where installed, all grease, oil and sand interceptors (traps) shall be maintained by the owner, at his expense, in continuously efficient operation at all times.
(Comp. Ords. 1987, § 23.571(6.1.12))

Sec. 34-343. Pretreatment or flow equalization.

If the city permits pretreatment or equalization of flows, preliminary or pretreatment shall be provided, at no expense to the city, as may be necessary to reduce the BOD to 180 mg/l and suspended solids to 200 mg/l or to reduce objectionable characteristics of said effluent to within

the maximum limits provided for in section 34-347, or to control the quantity and rates of discharges of such water or wastes. On direction of the city, an entity may be required to remove, exclude, or require pretreatment of any industrial waste, in whole or in part, for any reasons deemed to be in the city's interest. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained in satisfactory and effective operation at no expense to the city. Plans, specifications and any other pertinent information relating to proposed preliminary or pretreatment facilities shall be submitted for approval to the city and no construction of such facility shall be commenced until said approvals are obtained in writing. The city may elect to treat industrial waste discharges in excess of normal domestic concentrations on a basis prescribed by written agreement and for an established surcharge to cover the added cost. All such preliminary treatment or pretreatment shall be in accordance with federal and state laws and regulations and such pretreatment criteria as are promulgated by the city. All expenses of city services necessary to review such preliminary treatment facilities plans and specifications shall be borne by the owner. All activities shall conform to 40 CFR 403, pretreatment standards.
(Comp. Ords. 1987, § 23.571(6.1.13))

Sec. 34-344. Sampling and analysis methods.

(a) All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this division shall be determined in accordance with EPA regulations, 40 CFR 136, and the most recent edition of "Standard Methods for the Examination of Water and Sewage," published by the American Public Health Association, and shall be determined at the control manhole provided for, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

(b) Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to public health, safety and welfare. The particular analysis involved will determine whether a 24-hour composite of all outfalls of a premises is sufficient or whether grab sample or samples should be taken.
(Comp. Ords. 1987, § 23.571(6.1.14))

Sec. 34-345. Special agreements.

No provision contained in this division shall be construed as preventing any special agreement or arrangement between the city and any industrial or commercial firm whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to special payment (surcharge) therefor by the industrial or commercial firm if the sewage treatment facility is capable of removing the waste to meet water quality requirements.
(Comp. Ords. 1987, § 23.571(6.1.15))

Sec. 34-346. Discharge of stormwater, groundwater and unpolluted water.

(a) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process water into any sanitary sewer.

(b) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the state agency having jurisdiction thereof. Industrial cooling water or unpolluted process waters may be discharged upon approval of the state agency having jurisdiction to a storm sewer or natural outlet.
(Comp. Ords. 1987, § 25.572)

Sec. 34-347. Prohibited discharges.

The following are prohibited discharges:

(1) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit.

(2) Any water or waste which may contain more than 100 milligrams per liter, by weight, of fat, oil or grease.

(3) Any gasoline, benzene, naphtha, fuel oil or other inflammable or explosive, liquid, solid or gas.

(4) Any garbage that has not been properly shredded.

(5) Any ashes, cinders, sand, mud, straw, metal shavings, glass, rags, feathers, tar, plastics, woods, paunch mature or any other solid or viscous substance capable of causing obstruction to flow in sewers or other interference with the proper operation of the sewage works.

(6) Industrial wastes of such concentration of metallic or other compounds which exceed guidelines of the appropriate state and federal agencies and as set forth in the sewage treatment plant NPDES permit.

(7) Radioactive wastes or isotopes of such half-life or concentration which may exceed limits established by applicable state and federal regulations.

(8) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such a degree that the sewage treatment plant effluent cannot meet the requirements of the NPDES permit or the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(9) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, or to constitute a hazard to humans or animals, or to create any hazard in the receiving waters of the treatment plant, heavy metals, and/or materials designated by EPA as being toxic or poisonous consistent with section 307A of the Clean Water Act.

(10) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.

(11) Any noxious or malodorous gas or substance capable of creating a public nuisance.

(12) Any industrial waste that may cause a deviation from the NPDES permit requirements, pretreatment standards, and all other state and federal regulations.

(13) Any waters or wastes having a pH lower than 6.0 or higher than 9.0 or having any other corrosive properties capable of causing damage or hazard to structures, equipment and personnel of the wastewater system.

(Comp. Ords. 1987, § 25.573)

Sec. 34-348. Discharge of self-contained holding tank effluent.

The discharge of self-contained holding tank effluent into the public sanitary system shall be regulated as follows:

(1) Any person utilizing the public system for the discharge of effluent from a self-contained holding tank shall comply with all rules and regulations as specified in this division.

(2) Any person wishing to discharge effluent from a self-contained holding tank shall notify the city wastewater department a minimum of 48 hours prior to the time of discharge. A permit by the city wastewater department shall be required prior to the discharge of the self-contained holding tank.

(3) Permit fees for the discharge of effluent by a person of a holding tank into the public sanitary system shall be as currently established or as hereafter adopted by resolution of the city council from time to time.

(Comp. Ords. 1987, § 25.574)

Secs. 34-349—34-370. Reserved.

Subdivision VII. Conditions of Service

Sec. 34-371. Cancellation of applications; discontinuation of service.

Applications may be cancelled and/or sewer service discontinued by the city for any violation of any rule, regulation, or condition of service, and especially for any of the following reasons:

(1) Misrepresentation in the application as to the property or fixtures to be serviced by the sanitary sewer system.

(2) Nonpayment of bills.

(3) Improper or imperfect service pipes and fixtures or failure to keep same in suitable state of repair.

(Comp. Ords. 1987, § 25.611)

Sec. 34-372. Responsibility for delivery of notice.

All notices relating to the conduct of the business of the city will be mailed to the customer at the address listed on the application unless a change of address has been filed in writing at the city clerk's office of the city, and the city shall not otherwise be responsible for delivery of any notice nor will the customer be excused from any performance required in said notice.
(Comp. Ords. 1987, § 25.612)

Sec. 34-373. Responsibility for interruption of service.

The city shall, in no event, be held responsible for claims made against it by reason of the breaking of any sewer pipes, or by reason of any other interruption of the service caused by the breaking of machinery or stoppage for necessary repairs, and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption.
(Comp. Ords. 1987, § 25.613)

Sec. 34-374. Premises subject to inspection.

The premises receiving sanitary sewer service shall at all reasonable hours be subject to inspection by duly authorized personnel of the city.
(Comp. Ords. 1987, § 25.614)

Secs. 34-375—34-420. Reserved.

ARTICLE IV. WIND ENERGY FACILITY*

Sec. 34-421. Wind energy.

(a) *Large and small wind energy facilities.* The following regulations shall apply to all large and small wind energy facilities and accessories as defined in subsection (c) of this article hereinafter constructed or developed within the city.

(b) *Purpose.* The purpose of the wind energy facility ordinance is to enable construction and operation of wind energy systems in the city while providing a regulatory scheme and reasonable restrictions, which will preserve public health, safety and welfare. Authority for this article granted under the Michigan Zoning Enabling Act, Act 110 of 2006.

(c) *Definitions.*

(1) *Commission:* The City of St. Ignace Zoning and/or Planning Commission.

(2) *Decommissioning:* The process of use termination and removal of all or part of a large and small wind energy facility by the owner or assigns of the large and small wind energy facility.

(3) *Inhabited structures:* A permanent building existing prior to the use application used for human or animal habitation.

(4) *Landowner:* The person who owns the property on which a wind energy system is located.

(5) *MET (Anemometer) tower:* A meteorological tower used for the measurement of wind speed.

(6) *Total height:* When referring to a wind turbine, the distance, measured from ground level to the blade extended at its highest point.

(7) *Nonparticipating property:* Real property that has no wind energy system.

*__Editor's note__—Ord. No. 618, adopted Jun. 15, 2009, did not specifically amend the Code. Hence, inclusion as Ch. 34, Art. IV was at the discretion of the editor.

(8) *Owner:* The person/entity who owns a wind system.

(9) *Shadow flicker:* Moving shadows caused by the rotation of the turbine blades passing in front of the sun.

(10) *Town:* City of St. Ignace, Mackinac County, Michigan.

(11) *Use termination:* The point in time at which a large and small wind energy facility owner provides notice to the City of St. Ignace that the large and small wind energy facility or individual wind turbines are no longer used to produce electricity unless due to repairs. Such notice of use termination shall occur no less than 30 days prior to actual use termination.

(12) *Wind energy facility, large:* An electricity generating facility consisting of one or more wind turbines under common ownership or operating control, and includes substations, cables/wires and other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customers.

(13) *Wind energy facility, small:* An electricity generating facility consisting of one or more wind turbines under single ownership (residential or commercial) or operating control, and includes cables/wires and other buildings accessory to such facility, whose main purpose is for on-site electrical generation.

(14) *Wind energy system, large:* A wind energy system of one wind tower and turbine that has a nameplate capacity of more than 100 kilowatts and a total height of more than 170 feet and is used to generate energy for commercial sale.

(15) *Wind turbine:* A wind energy conversion system, which converts wind energy into electricity through the use of a wind turbine generator, and includes the turbine, blade, tower, base and pad transformer.

(d) *Regulatory framework.*

(1) *Zoning.*

a. Large and small wind energy facilities shall be considered a permitted use in all zoned areas.

b. MET towers shall be considered a permitted use in all zoned areas.

(2) Application for a permit for a large or small wind energy facility shall be submitted to the building inspector with the following information:

a. The name, address, legal corporate status and telephone number of the applicant responsible for the accuracy of the application and site plan.

b. The name, address, legal corporate status and telephone number of the owner of the proposed large and small wind energy facility.

c. A signed statement indicating that the applicant has legal authority to construct, operate, and develop the wind energy system(s) under state, federal and local laws and regulations, including Federal Aviation Administration (FAA), the Michigan Tall Structures Act (Act 259 of 1959), the Airport Zoning Act (Act 23 of 1950), and state and local building codes. The FAA will issue a signed statement when the precise location has been determined. Building permits will not be issued prior to receiving all signed statement, but a use permit may be granted.

d. A description of the number and kind of wind energy system(s) to be installed.

e. A description of the large and small wind energy system(s) height and design, including a cross section, elevation, and diagram of how the wind energy system will be anchored to the ground.

f. A site plan, drawn to a scale of not less than one-inch to 100 feet, show-

ing the parcel boundaries and a legal description, two-foot contours for the subject site and 100 feet beyond the subject site, support facilities, access, proposed landscaping or fencing.

g. Photo exhibits visualizing the proposed wind energy system.

h. A statement from the applicant that all wind energy system(s) will be installed in compliance with manufacturer's specifications, and a copy of those manufacturer's specifications.

i. A copy of the lease, or recorded document, with the landowner if applicant does not own the land for the proposed large or small wind energy facility(s). A statement from the landowner of the leased site that he/she will abide by all applicable terms and conditions of the use permit, if approved.

j. A copy of shadow flicker analysis.

k. A copy of avian impact, if requested by city.

l. A copy of noise study, if requested by city.

m. A groundwater impact study relating to excavation and/or blasting during construction phase, if requested by city.

n. A statement indicating what hazardous materials will be used and stored on the site, and how those materials will be stored.

o. A statement indicating how the large or small wind energy facility will be lit, if applicable. Lighting as required by the FAA and is required by the Michigan Tall Structures Act.

(3) Application for a permit for a MET tower(s) shall be submitted to the building inspector with the following information:

a. The name, address, legal corporate status and telephone number of the applicant responsible for the accuracy of the application and site plan.

b. The name, address, legal corporate status and telephone number of the owner of the proposed MET tower(s).

c. A signed statement indicating that the applicant has legal authority to construct and operate a MET tower(s) under state, federal and local laws and regulations, including Federal Aviation Administration (FAA), the Michigan Tall Structures Act (Act 259 of 1959), the Airport Zoning Act (Act 23 of 1950), and state and local building codes. The FAA will issue a signed statement when the precise location has been determined.

d. A description of the number and kind of MET tower(s) to be installed.

e. A description of the MET tower's height and design, including a cross section, elevation, and diagram of how the MET tower(s) will be anchored to the ground.

f. A site plan, drawn to a scale of not less than one-inch to 100 feet, showing the parcel boundaries and a legal description, two-foot contours for the subject site and 100 feet beyond the subject site, support facilities, and access.

g. A statement from the applicant that all MET tower(s) will be installed in compliance with manufacturer's specifications, and a copy of those manufacturer's specifications.

h. A copy of the lease, or recorded document, with the landowner, if the applicant does not own the land, for the MET tower(s). A statement from the landowner of the leased site that he/she will abide by all applicable terms and conditions of the use permit, if approved.

i. A copy of any applicable waiver agreements.

j. A statement indicating how the large and small wind energy facility will be lit, if applicable. Lighting as required by the FAA and as required by the Michigan Tall Structures Act.

(4) A site grading, erosion control and storm water drainage plan will be submitted to the building inspector prior to issuing a last use permit for a wind energy facility. At the city's discretion, these plans may be reviewed by the city's engineering firm. The cost of this review will be the responsibility of the owner of the large and small wind energy facility.

(5) The applicant shall acquire all other permits, including permits for work done in right-of-ways prior to construction.

(6) Wind energy systems and/or MET tower(s) may not include offices, vehicle storage, or other outdoor storage. One accessory storage building may be permitted per wind turbine. The size and location of any proposed accessory building shall be shown on the site plan. No other structure or building is permitted unless used for the express purpose of the generation of electricity.

(7) An applicant may submit one use permit application for an entire large or small wind energy facility project located in the city, provided that a detailed map identifying parcel locations for all proposed large and small wind turbines is provided to the city at the time a use application is submitted.

(8) A certificate of insurance with a minimum of $1,000,000.00 liability coverage per incidence, per occurrence shall be required for large wind energy systems. Each renewal period will require a copy of certificate of insurance be provided to the city. An expired insurance certificate or an unacceptable liability coverage amount is grounds for revocation of the use permit.

(9) Within 30 days after receipt of a permit application, the city will determine whether the application is complete and advise the applicant accordingly.

(10) Within 60 days of a completeness determination, the city will schedule a public hearing. The applicant shall participate in the hearing and be afforded an opportunity to present the project to the public and municipal officials, and answer questions about the project. The public shall be afforded an opportunity to ask questions and provide comment on the proposed project.

(11) The city will process a complete application within 120 days.

(12) Throughout the permit process, the Applicant shall promptly notify the city of any changes to the information contained in the permit application.

(13) Changes to the pending application that do not materially alter the initial site plan may be adopted without renewed public hearing.

(14) A large and small wind energy facility authorized by use permit shall be started within 24 months of use permit issuance and completed within 36 months of use permit issuance, or in accordance with a timeline approved by the planning commission. Upon request of an applicant, and for good cause, the planning commission may grant an extension of time.

(15) The applicant shall submit a copy of all "as built plans" including structural engineering and electrical plans for all towers following construction to the city to use for removal of large and small wind energy facility, of large and small wind energy facility owner or its assigns fail to meet the requirements of this article.

(16) The city reserves the right to review any use permits granted under this article every five years to ensure that all conditions of the permit are being followed.

(17) If a large and small wind energy facility ownership changes, the new owner/operator must meet with the planning commission to review the conditions of the current use permit.

(e) *Applicability.*

(1) The requirements of this article shall apply to all large and small wind energy facilities proposed after the effective date of this article. Wind energy facilities for which a required permit has been properly issued prior to the effective date of this aritcle shall not be required to meet the requirements of this article; provided, however, that any such pre-existing wind energy facility which does not provide energy for a continuous period of 12 months shall meet the requirements of this article prior to recommencing production of energy. However, no modification or alteration to an existing wind energy facility shall be allowed without full compliance with this article.

(f) *General requirements for wind energy facilities.*

(1) *Principal or accessory use.*

a. Wind energy systems may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of a large and small wind energy facility or a part of such facility on such lot. Large and small wind energy facilities constructed and installed in accordance with the provisions of this article shall not be deemed to constitute the expansion of a nonconforming use or structure.

b. A building permit, issued by the city building inspector shall be required for each individual wind turbine prior to construction of said wind turbine. A fee schedule will be set by city council for all requirements.

(2) *Design and installation.*

a. Wind turbines shall be painted a nonreflective, nonobtrusive color, such as grey, white, or off-white.

b. To the extent possible, applicants should use measures to reduce the visual impact of the wind energy facility (wind turbines with similar appearance; reasonable uniformity in overall size, geometry and rotational speeds).

c. At large and small wind energy facility sites, the design of the building and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the large and small wind energy facility to the natural setting and existing environment.

d. Wind energy facilities shall not be artificially lighted, except to the extent required by the FAA. Lighting as required by the FAA and as required by the Michigan Tall Structures Act.

e. No form of advertising shall be allowed on the pole, turbine blades, or other buildings or facilities associated with the use, except for reasonable identification of the manufacturer or operator of the large and small wind energy facility.

f. All wind energy facilities shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a failsafe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.

g. To the extent applicable, the large and small wind energy facility shall comply with all applicable building codes and standards.

h. Electrical controls, control wiring, and power lines shall be wireless or to the maximum extent practicable, be placed underground.

i. All electrical components of the large and small wind energy facility shall conform to relevant and applicable

local, state, and national codes, and relevant and applicable international standards.

j. The owner of a large and small wind energy facility shall defend, indemnify, and hold harmless the city and their officials from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses, and liabilities whatsoever including attorney['s] fees arising out of the acts or omissions of the operator concerning the operation of the large and small wind energy facility without limitation, whether said liability is premised on contract or tort.

k. The owner of the large and small wind energy facility (applicant) shall reimburse the city and/or county for any and all repairs and reconstruction to the public roads, culverts, and natural drainage ways resulting directly from the construction of the large and small wind energy facility. A qualified independent third party, agreed to by the city and/or county and applicant, and paid for by the applicant, shall be hired to inspect the roadways to be used during construction. This third party shall be hired to evaluate, document, videotape, and rate road conditions prior to the construction of the large and small wind energy facility and again upon notification of completion of the large and small wind energy facility project. Any road damage done by the applicant or subcontractors shall be repaired or reconstructed at the applicant's expense. The city may require a bond or cash escrow, held in trust in favor of the city to recover the costs associated with the repair of roadways damaged by the construction of any turbines.

l. Where large and small wind energy facility construction cuts through a private or public drain tile field, the drain tile must be repaired and reconnected to properly drain the site to the satisfaction of the landowner.

m. Any recorded access easement across private lands to a large and small wind energy facility shall in addition to naming the large and small wind energy facility owner as having access to the easement also name the city as having access to the easement for purposes of inspection or decommission with 24 hours advance notice to the property owners and large and small wind energy facility owner.

n. Any wind energy turbine or facility that does not produce energy for a continuous period of 12 months, excluding time spent on repairs or improvements, shall be considered abandoned and shall be removed in accord with the removal provisions of this article.

o. The large and small wind energy facility owner and operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project. This information will be supplied to the city clerk.

(g) *Setbacks.*

(1) The following regulations shall apply to both wind energy facilities and MET tower(s).

a. *Inhabited structures.* Each large and small wind turbine and/or MET tower shall be set back from the nearest inhabited structure a distance of no less than the greater of 1.25 times its total height.

b. The zoning board of appeals may grant a waiver to this requirement for a participating and/or nonpartic-

ipating landowner to decrease the setback, provided the following provisions have been accomplished:

1. Nonparticipating landowner signs a waiver agreement setting forth the applicable setback provisions and the proposed changes.

2. The waiver agreement shall notify the nonparticipating landowner of the setback required by this article, describe how the proposed wind energy facility and/or MET tower(s) are not in compliance, and state that consent is granted for the wind energy facility and/or MET Tower(s) to not be setback as required by this article.

3. If the applicant wishes the waiver to apply to succeeding owners of the property, a permanent setback easement must be recorded with the Mackinac County Register of Deeds, which describes the benefited and burdened properties and which advises all subsequent owners of the burdened property that the waiver of setback shall run with the land and may forever burden the subject property.

c. *Property lines.* Each wind turbine and/or MET tower(s) shall be set back from the nearest property line 1.1 times its total height.

d. *Public roads.*

1. Each wind turbine and/or MET tower(s) shall be set back from the nearest public road right-of-way a distance no less than 1.1 its total height.

a. The city zoning board of appeals may grant a waiver to this provision where strict enforcement would not serve the public interest.

(h) *Noise and vibration.*

1. Audible noise due to large and small wind energy facility operations shall not exceed 55 dBA for ten percent of the time over a continuous 24-hour period, when measured at any inhibited structure existing on the date of approval of a large and small wind energy facility building permit.

a. If audible noise exceeds 55 dBA for ten percent of the time over a continuous 24-hour period, the offending wind turbine must be inoperable until repairs are completed, or a waiver agreement is obtained from affected property owners.

b. The city planning commission reserves the right to review the repair plan and evaluate its effectiveness.

2. In the event the ambient noise level (exclusive of the development in question) exceeds the applicable standard given above, the applicable standard shall be adjusted so as to equal the ambient noise level. The ambient noise level shall be expressed in terms of the highest whole number sound pressure level in dBA, which is succeeded for more than five minutes per hour. Ambient noise levels shall be measured at the exterior or potentially affected inhibited structures. Ambient noise level measurement techniques shall employ all practical means of reducing the affect of wind-generated noise at the microphone. Ambient noise level measurements may be performed when wind velocities at the proposed project site are sufficient to allow wind turbine operation, provided that the wind velocity does not exceed 30 mph at the ambient noise level measurement location.

3. Any noise level emanating from a wind energy facility falling between two whole decibels shall be the lower of the two.

4. The applicant or wind turbine facility owner shall pay for any noise monitoring

or measurements, when reasonable need is determined by the city planning commission.

5. In the event the noise levels resulting from the wind energy facility exceed the criteria listed above, a waiver to said levels may be granted by the city provided the following has been accomplished.

   a. Written consent from the affected property owners has been obtained stating that they are aware of the large and small wind energy facility and noise limitations imposed by this article, and that consent is granted to allow noise levels to exceed the maximum limits otherwise allowed; and,

   b. If the applicant wishes the waiver to apply to succeeding owners of the property, a permanent noise impact easement has been recorded in the Register of Deeds Office for Mackinac County, which describes the benefited and burdened properties and which advised all subsequent owners of the burdened property that noise levels in excess of those permitted by this article may exist on or at the burdened property.

(i) *Minimum ground clearance.*

(1) The blade tip of any large and small wind turbine shall, at its lowest point, have ground clearance of no less than 50 feet.

(j) *Signal interference.*

(1) The applicant shall mitigate any interference with electromagnetic communications, such as, but not limited to radio, telephone, or television signals, including any public agency radio systems, caused by any large wind energy facility and/or MET tower(s).

(k) *Shadow flicker.*

(1) The applicant shall conduct an analysis on potential shadow flicker at occupied structures.

   a. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year.

   b. The analysis shall identify problem areas where shadow flicker may affect the occupants of the structures and describe measures that shall be taken to eliminate or mitigate the problems.

(2) The applicant shall conduct an analysis on potential shadow flicker at public rights-of-way.

   a. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year.

   b. The analysis shall identify problem areas where shadow flicker may affect the roads and other public rights-of-way and describe measures that shall be taken to eliminate or mitigate the problems.

(3) The large and small wind energy facility owner/operator shall make reasonable efforts to minimize or mitigate shadow flicker to any inhabited structure on nonparticipating landowner's property.

(l) *Avian risk.*

(1) The large and small wind energy facility owner/operator shall make reasonable efforts to minimize avian mortality from the operation of a large and small wind energy facility.

(2) The city may require an avian risk study, within 90 days of receipt of application, prior to issuance of a use permit for a large and small wind energy facility. The owner/operator of the large and small wind energy facility may submit an avian risk study from another community in the state as long as the avian populations are similar and the study was not completed more than five years prior to the use permit request.

(3) Wind energy facilities should be located in a manner that minimized significant negative impacts on rare animal species in the vicinity, particularly bird and bat species.

(m) *Groundwater and environmental impact.*

(1) The large and small wind energy facility owner/operator shall make reasonable efforts to minimize adverse impacts on water quality and soil erosion during construction phase of the wind energy facility.

(2) The city may require a groundwater impact study relating to excavation and/or blasting during the construction phase. (Groundwater impact study will be paid at the owner/operator's expense.).

(3) If deemed necessary by groundwater impact study, reasonable measures must be taken to mitigate or limit construction effects on groundwater.

(n) *Waste management.*

(1) All solid waste, whether generated from supplies, equipment, parts, packaging, or operating or maintenance of the facility, including old parts and equipment, shall be removed from the site in a timely manner consistent with industry standards.

(2) All hazardous waste generated by the operation and maintenance of the facility, including, but not limited to lubricating materials, shall be handled in a manner consistent with all local, state, and federal rules and regulations.

(o) *Safety.*

(1) All electrical wires and lines connecting each turbine to the next turbine shall be installed underground, to the maximum extent practicable. The wires and lines running from the last turbine in a string to any substation connecting to the electric utility shall also be run underground, unless the city determines that overhead lines would be best serve the intent of the ordinance.

(2) Wind turbine towers shall not be climbable up to 15 feet above ground level.

(3) All access doors to wind turbine towers and electrical equipment shall be locked when unattended.

(4) Appropriate warning signage shall be placed on wind turbine towers, electrical equipment, and large and small wind energy facility entrances.

(5) The large and small wind energy facility site and all structures shall have, at minimum, at bi-annual inspection report of structural stability, at the cost of the large and small wind energy.

a. Inspection shall be conducted by city building inspector or other qualified professional.

(6) All substations shall be fenced to prevent public access. Chain link fencing shall include vinyl or aluminum slats or other landscaping to create an opaque visual barrier.

(7) The owner/operator of the large and small wind energy facility shall post and maintain at each facility a 24-hour a day manned telephone number in case of an emergency.

(8) The owner/operator of the large and small wind energy facility shall provide qualified personnel to conduct training sessions to emergency responders whenever requested by the city planning commission.

(9) The owner/operator of the large and small wind energy facility shall provide a company representative to accompany the local fire department inspector during site visits. The owner/operator of the large and small wind energy facility shall comply with all applicable laws regarding those inspections.

(10) The owner/operator of the large and small wind energy facility shall be responsible for the total cost of any incident(s) that occur on or at their facilities and/or properties.

(p) *Decommissioning.*

(1) All wind generators and appurtenances shall be removed from the site within 12 months or 365 days of use termination notice to the city planning commission by the owner of the facility or its assigns.

a. Upon request of the owner or assigns of the large and small wind energy facility, and for good cause, the city planning commission may grant a reasonable extension of time.

(2) The site shall be stabilized, graded, and cleared of any debris by the owner of the facility or its assigns. If site is not to be used for agricultural practices following removal, site shall be seeded to prevent soil erosion, unless the property owner requests in writing that the land surface areas not be restored.

(3) Any foundation shall be removed to a minimum depth of three feet below grade, or to the level of the bedrock if less than three feet below grade, by the owner of the facility or its assigns.

a. Following removal, the location of any remaining wind turbine foundation shall be identified on a map as such and recorded with the deed to the property with the Mackinac County Register of Deeds.

(4) Any access roads shall be removed, cleared, and graded by the owner of the large and small wind energy facility or its assigns, unless the property owner requests in writing a desire to maintain the access road. The city will not be assumed to take ownership of any access road unless through official action of the city commission who will make recommendation to city council.

(5) Removal shall conform to the contract between property owner and the owner/operator of the large and small wind energy facility, in addition to the requirements set forth in this article.

(6) The owner shall post and maintain decommissioning funds in an amount equal to net decommissioning costs; provided, that at no point shall decommissioning funds be less than 25 percent of decommissioning costs. The decommissioning funds shall be posted and maintained with a bonding company or federal or state chartered lending institution chosen by the owner and participating landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct business within the state and is approved by the city.

(7) Decommissioning funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the city.

(8) The escrow agent shall release the decommissioning funds when the facility owner has demonstrated and the city concurs that decommissioning has been satisfactorily completed, or upon written approval by the city, in order to implement the decommissioning plan.

(q) *Penalties.*

(1) Any wind generation facility, turbine or appurtenant facility hereinafter significantly erected, moved or structurally altered in violation of the provisions of this article by any person, firm association, corporation (including building contractors) or his or their agent shall be deemed an unlawful structure.

(2) Any wind generation facility that does not meet the requirements of this article, including, but not limited to, those dealing with noise or visual appearance, or does not meet the conditions attached to an approved use permit shall provide grounds for revocation of the use permit, thereby deeming the facility an unlawful structure.

(3) The building inspector shall report all such violations to the St. Ignace City Manager who may then refer the matter to the city attorney to bring action to

enjoin the erection, moving or structural alteration of such facility or to cause such facility to be evacuated or removed.

(4) Any person, firm, corporation, agent, employee, or contractor of such, who violates, destroys, omits, neglects, or refuses to comply with, or who resists enforcement of any provision of this article; shall, upon conviction thereof, forfeit no less than $500.00 per offense together with the costs of prosecution, and in default of payment of such forfeiture and/or imprisonment up to 93 days in the county jail until payment of said forfeiture and costs of prosecution are made.

(5) This section shall not preclude the city from maintaining any appropriate action to prevent or remove a violation of this section.

(r) *Review.*

(1) Nothing in the ordinance shall be construed as limiting an aggrieved person's right to a Certiorari review in circuit court as permitted by Michigan Law.

(s) *Severability.*

(1) The sections, paragraphs, sentences, clauses, articles and phrases of this article are severable; if any provision is found to be unconstitutional, invalid or unenforceable, such find shall not affect the remaining portions of this article.

(Ord. No. 618, 6-15-2009)

Chapter 35

RESERVED

36
Vehicles for Hire

Chapter 36

VEHICLES FOR HIRE

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ARTICLE II. TAXICABS, LIMOUSINES AND SHUTTLE BUSES

DIVISION 1. GENERALLY

Sec. 36-31. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Driver means any person who drives a taxicab or motor vehicle for carrying passengers for hire.

Horse-drawn carriage means a horse-drawn vehicle operating for hire.

Limousine means a chauffeured motor vehicle not equipped with a taximeter, which transports individuals for hire at an hourly and/or daily rate.

Owner means any person to whom a license for the operation of a taxicab horse-drawn carriage, limousine, shuttle bus, or taxicabs has been issued. The only person to whom a license can be issued is the person registered as the owner of the vehicle by the secretary of state's office.

Shuttle bus means any motor vehicle which transports individuals between pre-established fixed points for established fixed fees, not including taxicabs, limousines, publicly owned or church or school buses, buses utilized for living or camping purposes or motor vehicles utilized exclusively for funeral purposes.

Stand means a space reserved upon the public streets under this article for the sole use of taxicabs.

Taxicab means and includes any motor vehicle operated solely or mainly within the public streets and quasipublic places of the city, accepting passengers for transportation for hire, on call or demand, between such points as may be directed by the passenger or passengers. The term "taxicab" does not refer to the following: mass transportation vehicles operating over fixed routes, vehicles owned and operated by governmental agencies, school buses, chartered buses, vehicles used solely for funerals, weddings, christenings and similar events.
(Comp. Ords. 1987, § 46.001)

Sec. 36-32. Rates.

The city council may, upon 48 hours' written notice to all licensed taxicab, horse-drawn carriage, limousine or shuttle bus operators, by resolution, establish the rate of fare to be charged by taxicabs, horse-drawn carriages, limousines or shuttle buses engaged in the transportation of passengers, and no greater, no less rate of fare shall at any time be charged by the operators thereof than that fixed by the city council. Printed scheduled of such rates shall be furnished to all persons licensed to engage in the business of operating a taxicab, horse-drawn carriage, limousine or shuttle bus and shall be conspicuously posted in each taxicab, horse-drawn carriage, limousine or shuttle bus.
(Comp. Ords. 1987, § 46.011)

Sec. 36-33. Compliance with laws and ordinances.

Each taxicab, horse-drawn carriage, limousine or shuttle bus licensed hereunder shall be operated in accordance with the laws of this state and the ordinances of this city, and with due regard for the safety, comfort, and convenience of passengers and for the safety of the general public. No taxicab, horse-drawn carriage, limousine or shuttle bus shall be operated at a rate of speed greater than that established by state law or by ordinance of this city.
(Comp. Ords. 1987, § 46.016)

Sec. 36-34. Rules and regulations.

It shall be unlawful for any person owning or operating a taxicab for hire, horse-drawn carriage, limousine or shuttle bus to:.

(1) Drive any such vehicle while under the influence of liquor or to drink any alcoholic liquor whatsoever while transporting passengers.

(2) Allow any such vehicle to be used for illegal purposes or to procure or aid in procuring any persons for illegal purposes.

(3) Swear, or act in a boisterous manner while actually carrying passengers in such vehicle.

(4) Charge more than the rates fixed in this article or which may hereafter be fixed by an amendment hereto or resolution of the city council.

(5) Fail, neglect or refuse to turn in to the police department within 24 hours, all lost articles found in such vehicle, taking a receipt therefor.

(6) Fail to notify the police department immediately after any accident, giving the time and location of the accident, the name of any person injured, the character of injuries so far as known and in case of property damage, the estimated amount of such damage.

(7) Refuse or neglect when applied to and tender of fare made, when not already engaged, to convey any person or persons to any place or places in the city in such vehicle; and on the person or persons being placed in such conveyance the same shall be driven by the most direct and safe route to the place where such person or persons wish to go. Provided, it shall not be considered to require any driver to take as a passenger any person under the influence of liquor or to justify his assisting in the carrying of liquor in violation of any law or ordinance or the using of such vehicle for any immoral or illegal purposes.

(8) Fail to notify the chief of police of the discharge or withdrawal of a public driver from his place of employment within 12 hours after such discharge or withdrawal occurs.

(9) Fail to mark conspicuously on both sides of each taxicab, horse-drawn carriage, limousine or shuttle bus or motor vehicle for hire, the name of the company or person owning such vehicle.

(Comp. Ords. 1987, § 46.017)

Sec. 36-35. Emergency taxicab and driver's license.

The city council is hereby empowered to grant to any person or persons an emergency taxicab license, and an emergency driver's license on application showing that a larger quantity of taxicabs and drivers are needed to handle a certain demand beyond capacity of present licensed equipment and drivers. It is contemplated that special conventions in or about the city, certain unusual demands that are occasionally needed will require emergency licenses. Provided, that no such emergency license shall be issued unless such application shows a valid reason for issuance of emergency permits, the equipment to be used and the driver to be used. Provided further, that such emergency permits shall expire 48 hours after issuing the same. Provided further, that no such permit shall be used to compete with ordinary taxicab businesses, but only for the special reason.

(Comp. Ords. 1987, § 46.018)

Sec. 36-36. Taxicab stand.

The chief of police shall have power to establish such taxicab stands as in his judgment are necessary for the proper service of the public. The city council by resolution shall have power to change the location of, or to abolish any taxicab stand established under the terms thereof.

(Comp. Ords. 1987, § 46.019)

Sec. 36-37. Penalties.

Any person, firm, corporation, owner or driver, who violates or fails to comply with any provisions of this article shall be guilty of a municipal civil infraction.

(Comp. Ords. 1987, § 46.021)

Secs. 36-38—36-60. Reserved.

DIVISION 2. BUSINESS LICENSE

Sec. 36-61. License for taxicabs, horse-drawn carriages, limousines and shuttle buses.

(a) No person, either his principal, agent, or employer, shall run or operate for hire a taxicab, horse-drawn carriage, limousines or shuttle bus upon the streets, alleys, or public ways of the city without first obtaining a license therefor.

(b) No taxicab, horse-drawn carriage, limousine or shuttle bus license shall hereafter be issued unless the city council shall by resolution declare that the public convenience and necessity require the proposed taxicab, horse-drawn carriage, limousine or shuttle bus service for which the license is made.

(c) In determining where public convenience and necessity require the licensing of such taxicabs, horse-drawn carriages, limousines or shuttle buses or motor vehicles for hire for which application may be made, the city council may take into consideration whether the demands of the public convenience and necessity require such proposed or such additional taxicab, horse-drawn carriage, limousine or shuttle bus service or motor vehicles for hire service within the city; the financial responsibility of the applicant; the number, kind, type of equipment; the schedule of rates proposed to be charged; the color scheme to be used by the applicant; the increased traffic congestion and demand for increased parking spaces on the streets of the city which may result, and whether the safe use of the streets by the public, both vehicular and pedestrian, will be preserved by the granting of such additional license, and such other relevant facts as the city council may deem advisable or necessary.

(d) Within 15 days after the filing of such an application, the city council shall determine by motion or resolution whether there shall be conducted a public hearing relative to the granting or denial of the application. In the event that it shall be determined that there shall be a public hearing concerning the matter, the city council shall cause to be published in a newspaper circulated with the city, which said notice shall be paid for in full by the applicant, and which said notice shall set forth the fact that the certain application has been filed for a taxicab, horse-drawn carriage, limousine or shuttle bus license or license for motor vehicle for hire service, the name of the applicant, kind of equipment to be used and all other information from the application which the city council may deem necessary, and notifying all holders of existing taxicab, horse-drawn carriage, limousine or shuttle bus licenses or licenses for motor vehicles for hire that a public meeting will be held at a public place in the city, to be designated by the city council at a time not less than five days or not more than 15 days after the date of the determination to have a public hearing. The notice shall be published once. All holders of existing taxicab, horse-drawn carriage, limousine or shuttle bus licenses or licenses for motor vehicles for hire shall be entitled to file any complaint and protest that said holders may see fit. At the time of the holding of the investigation and hearing with reference to whether the public convenience and necessity require the operation of such additional vehicles covered in the application, the city council shall consider all of the complaints and protests, and in conducting its hearings, shall have the right to call such witnesses as it may see fit. In all such hearings, the burden of proof shall be upon the applicant to establish by clear, cogent and convincing evidence which shall satisfy the city council beyond a reasonable doubt, that public convenience and necessity require such operation of the vehicles for which the application has been made.

(e) If the city council finds upon its investigation or hearing that the public convenience and necessity justify the operation of a vehicle for which license is desired, it shall notify the applicant of its finding. If the city council then finds that the applicant is the owner and the bona fide operator of the vehicle for which license is desired, and that such vehicle complies with all the ordinances of the city, and all the rules and regulations enacted, or hereafter enacted, by the city, license shall thereupon be issued to the applicant upon the payment of the proper license fee.

(f) If the city council finds from such investigation of hearings that the public convenience and necessity do not justify the operation of the vehicle for which license is desired, it shall forthwith notify the applicant of such finding.
(Comp. Ords. 1987, § 46.003)

Sec. 36-62. Application for licenses.

(a) Any person desiring a taxicab, horse-drawn carriage, limousine or shuttle bus license shall file with the city clerk a sworn, application therefor, on forms to be furnished by the city which application shall contain the following:

(1) The name, age, residence, address, and present occupation of the person applying for such license. If the applicant is a partnership, the names, addresses, and occupations of all partners shall be given, and if the applicant is a corporation, the names, addresses and occupations of all officers and directors thereof shall be given.

(2) The make, body-style, year, serial and engine number, state license plate number and seating capacity of the taxicab, limousine for hire and shuttle bus for which such license is being applied for.

(3) Whether there are any unpaid or unbonded judgment of record against the applicant and, if so, the title of all actions and the amount of all judgments unpaid or unbonded, and the court in which the same were rendered.

(4) The experience of the applicant, both in the city and elsewhere, in the operation of taxicabs, horse-drawn carriages, limousines, shuttle buses or other common carrier.

(5) Whether or not the applicant for such license, or if a partnership or corporation, any of the partners, officers or directors thereof has, at any time within five years prior to the date of such application, been convicted or plead guilty to any felony, crime or misdemeanor, and if so, the date, nature of the offense, and the court in which such charge was made, conviction was obtained or plea of guilty was entered.

(6) The place or places within the city, or elsewhere, where the person applying for such license proposes to establish the office, and from which he proposes to operate such taxicab, horse-drawn carriage, limousine or shuttle bus.

(7) The number of taxicabs, horse-drawn carriages, limousines or shuttle buses for which the applicant holds licenses at the date of the application.

(8) Whether there are any liens, mortgages, or other encumbrances, including conditional sales contracts, on such taxicabs, horse-drawn carriages, limousines or shuttle buses and, if so, the amount and character thereof and the name of the holder thereof.

(9) Such other information as the city council may, in its discretion require.

(b) Such application shall be immediately brought to the attention of the city council at their next regular meeting by the city clerk.
(Comp. Ords. 1987, § 46.002)

Sec. 36-63. Insurance policy required.

(a) No license shall be issued until the person applying therefor shall obtain and file with the city clerk a policy of liability insurance issued by a responsible insurance company authorized to do business in the state, providing insurance coverage for the taxicab, horse-drawn carriage, limousine or shuttle bus for which a license is applied for.

(b) Such policy for insurance shall insure the applicant against liability for personal injury or injuries to a passenger or passengers in such taxicab, horse-drawn carriage, limousine or shuttle bus, or to a member or members of the general public resulting from an accident or accidents in which taxicab, horse-drawn carriage, limousine or shuttle bus may be involved through the recklessness or negligence of its driver, operator or owner, as well as against any damage to property.

(c) Such policy shall provide minimum insurance protection for each taxicab, horse-drawn carriage, limousine or shuttle bus in the amount as currently established or as hereafter adopted by resolution of the city council from time to time.

(d) Such policy of insurance shall provide for continuing liability thereunder to the full amount thereof, notwithstanding any recovery thereon, and that the insolvency or bankruptcy of the insured shall not release the company.

(e) Such policy shall further provide that it shall not be cancelled, surrendered or revoked by either party except after ten days' written notice to the city, furnished by the insurance company issuing such policy.

(f) The cancellation, surrender, or other termination of any insurance policy issued and filed with the city in compliance with this section shall automatically terminate the licenses of all taxicabs, horse-drawn carriages, limousines or shuttle buses covered by such insurance policy unless another policy complying with this section shall be in effect and deposited with the city at the time of such cancellation or termination.

(g) It shall be unlawful for any person to operate, or cause to permit to be operated any taxicab, horse-drawn carriage, limousine or shuttle bus on the streets of the city without having fully complied with the terms of this section.
(Comp. Ords. 1987, § 46.004)

Sec. 36-64. Expiration of licenses.

All licenses issued hereunder shall expire, unless sooner revoked on April 30 of each year.
(Comp. Ords. 1987, § 46.005)

Sec. 36-65. License fee and issuance of licenses.

(a) The license fee for each taxicab, horse-drawn carriage, limousine or shuttle bus license issued is as currently established or as hereafter adopted by resolution of the city council from time to time.

(b) The city clerk shall, when a taxicab, horse-drawn carriage, limousine or shuttle bus license is approved and the requirements of this article fulfilled, issue to the licensee a city license showing the name of the licensee, expiration date of city license, and sufficient dates to identify the licensee with the licensed taxicab, horse-drawn carriage, limousine or shuttle bus. Such license shall be conspicuously displayed in the licensed taxicab, horse-drawn carriage, limousine or shuttle bus so that it is plainly visible to all passengers. Opening a taxicab, horse-drawn carriage, limousine or shuttle bus without this license displayed as aforesaid shall be a violation of this article.
(Comp. Ords. 1987, § 46.006)

Sec. 36-66. Licenses nontransferable.

Licenses issued hereunder shall be nontransferable. Any transfer or attempted transfer thereof to any other person shall automatically revoke the license.
(Comp. Ords. 1987, § 46.007)

Sec. 36-67. Transfer of license to another vehicle.

The owner of any taxicab for which a license has been granted may have the license transferred to another vehicle by filing with the city clerk a request therefor, giving the make, year, body style, serial and engine number, state license plate number, seating capacity and weight of the vehicle to which he proposes to have such license transferred. Provided that no transfer of a license shall be made until the chief of police has notified the city clerk that the new vehicle is a proper vehicle for taxicab purposes. Provided further that no transfer of a license shall be actually made unless the original taxicab upon which such license was issued shall be retired from taxicab service.
(Comp. Ords. 1987, § 46.008)

Sec. 36-68. Change of ownership.

Change of ownership or of title to any taxicab or taxicabs, horse-drawn carriage or horse-drawn carriages, limousine or limousines, shuttle bus or shuttle buses shall automatically revoke any license or licenses previously granted for the operation of such taxicab or taxicabs, horse-drawn carriage or horse-drawn carriages, limousine or

limousines, shuttle bus or shuttle buses, and the purchaser thereof shall not operate such taxicab or taxicabs, horse-drawn carriage or horse-drawn carriages, limousine or limousines, shuttle bus or shuttle buses, until he has applied for and been granted a license under the terms of this article and has complied with all terms of this article.
(Comp. Ords. 1987, § 46.009)

Sec. 36-69. Suspension and revocation.

(a) Any taxicab, horse-drawn carriage, limousine or shuttle bus licenses or licenses for motor vehicles for hire granted under the terms of this article may be suspended by the chief of police, or revoked by the city council if the vehicle shall, with the knowledge and consent of the owner of said vehicle, be engaged in immoral or illegal business in violation of any city ordinance, state or federal law, or in violation of the terms of this article.

(b) Any person being aggrieved by reason of the conduct or action of any taxicab, horse-drawn carriage, limousine or shuttle bus operator, owner or driver may present his complaint to any police officer. Such complaint shall be promptly investigated by the police department and the license of any person complained of may be suspended by the chief of police or revoked after such investigation.

(c) Any suspension or revocation is subject to review by the city council and is subject to a hearing pursuant to section 36-93.
(Comp. Ords. 1987, § 46.010)

Sec. 36-70. Police inspection.

(a) As a condition precedent to the continuance of any license issued hereunder each vehicle shall submit to safety inspection as herein provided. The chief of police shall inspect or cause to be inspected all taxicabs, horse-drawn carriages, limousines or shuttle buses or motor vehicles for hire from time to time, but at least once each six months, or on the complaint of any citizen or as often as may be necessary. Reports in writing of all inspections shall be promptly made to the city clerk and copies thereof, in cases where repairs or adjustments are found necessary, shall be delivered to the owner or owners or the legal representative of the owner or owners of the vehicle found in need of repair or adjustments and the owner or owners or their legal representative or representatives shall forthwith remove the affected vehicle from use as a taxicab, horse-drawn carriage, limousine or shuttle bus and shall not place them in use against until the police department is satisfied that such vehicle is or such vehicles are in good mechanical condition. In case of any violation of this section, the taxicab, horse-drawn carriage, limousine or shuttle bus license or licenses of the affected vehicle shall be revoked.

(b) Any suspension or revocation is subject to review by the city council and is subject to a hearing pursuant to section 36-93.
(Comp. Ords. 1987, § 46.012)

Secs. 36-71—36-90. Reserved.

DIVISION 3. PUBLIC DRIVER'S LICENSE

Sec. 36-91. Public driver's license required; license applications, revocation and expiration.

(a) No owner of a taxicab, limousine, shuttle bus, horse-drawn carriage, or his employee, shall operate or drive such vehicle within the city without having first obtained from the city a license as a public driver.

(b) Application for a city public driver's license shall be made by filling out an application form supplied by the city clerk and attaching thereto one full set of the applicant's fingerprints. The application shall be subscribed and sworn to before a notary public and filed with the clerk. The clerk shall submit all applications for public driver's licenses to the chief of police for review and recommendation to council for approval or disapproval. A recommendation of disapproval by the chief shall be for cause only. The following may constitute cause for a recommendation of disapproval by the chief of police:

(1) The applicant is not 18 years of age or older.

(2) The applicant does not possess a valid state chauffeur's license at the time of application.

(3) The applicant possesses a driving record including one or more of the following:

a. A conviction for operating a motor vehicle under the influence of alcoholic liquor or a controlled substance within two years of the date of application;

b. Six or more points for moving traffic violation at the date of application;

c. A conviction for reckless driving within two years of the date of application; or

d. The applicant's driver's license has been suspended or revoked within two years of the date of application.

(4) The applicant has failed to complete the application in full.

(5) The applicant's license under this division has been revoked for a violation of any of the provisions of this division within five years of the date of application.

(6) The applicant has been convicted of a felony or one or more sex-related misdemeanors within five years of the date of application.

(7) The applicant has filed an application with the city clerk that contains false information.

(8) The applicant fails to pay the appropriate nonrefundable fee to the clerk at the time of application.

If the chief of police recommends disapproval of an application for the public driver's license, the reasons for the recommendation of disapproval shall be put in writing and shall be attached to the application. The application, with attached reasons for recommendation for disapproval, if applicable, shall be forwarded to council for review and final approval or disapproval.

(c) A city public driver's license granted pursuant to this section shall contain a current photograph of the licensee, the licensee's signature and any other information deemed necessary by the chief.

(d) If at any time during the term of such public driver's license, one or more of the conditions enumerated in subsection (b) of this section occurs, the council may revoke, by recommendation of the chief of police, such public driver's license. However, the license shall not be revoked until after a hearing is conducted pursuant to section 36-93.
(Comp. Ords. 1987, § 46.013)

Sec. 36-92. Duration and renewal of public driver's license.

(a) Each public drivers' license issued under this article shall expire two years after issuance.

(b) Any person holding a public driver's license shall make an application for the renewal of his license for the next two years upon forms to be furnished by the city clerk entitled "Applications for Renewal of License" which shall be filled out with the full name and address of the applicant together with a statement of the date upon which his original license was granted and the number thereof, which will be immediately referred to the chief of police; and upon the return of said application with an endorsement thereon by the applicant during the preceding year, the city clerk shall issue a public driver's license for the next year on the payment of the license fee.
(Comp. Ords. 1987, § 46.014)

Sec. 36-93. Hearings on denial or revocation of public driver's license.

(a) Any person who believes he has been wrongfully denied the issuance for renewal or revocation of a public driver's license shall be entitled to a due process hearing before the city council. The council shall hold a hearing on the matter and serve the license holder or applicant, by first class mail, mailed not less than ten days prior to the hearing, with notice of the hearing, which notice shall contain the following:

(1) A notice of the proposed action;

(2) Reasons for the proposed action;

(3) The date, time and place of hearing; and

(4) A statement that the licensee or applicant may present evidence and testimony and may confront witnesses.

(b) A transcript of the hearing shall be available for review by all parties. The council's decision shall be final, and a written statement of its findings and conclusions shall be submitted to the license holder or applicant.
(Comp. Ords. 1987, § 46.015)

Secs. 36-94—36-120. Reserved.

ARTICLE III. SIGHTSEEING VEHICLES

DIVISION 1. GENERALLY

Sec. 36-121. Definition.

(a) A sightseeing vehicle shall be any vehicle available for hire which is used primarily for the carrying of passengers in the city to places of historical, geographical, geological and natural beauty significance.

(b) This article is not intended to regulate taxicab business as defined in article II of this chapter.
(Comp. Ords. 1987, § 20.402)

Sec. 36-122. Fees and fares.

The city council shall have the right to fix all fees and fares charged for the sightseeing tours, and all said fees and fares shall be publicly posted.
(Comp. Ords. 1987, § 20.407)

Sec. 36-123. Licensing the drivers.

All drivers for sightseeing vehicles must file application for a public vehicle drivers license as provided for the licensing of drivers for taxis in article II of this chapter.
(Comp. Ords. 1987, § 20.409)

Sec. 36-124. Compliance with laws and ordinances.

Each sightseeing vehicle licensed under this article shall be operated in accordance with the laws of this state and the ordinances of this city, and with due regard for the safety, comfort, and convenience of passengers and for the safety of the general public. No sightseeing vehicle shall be operated at a rate of speed greater than that established by state law or by the ordinances of the city.
(Comp. Ords. 1987, § 20.411)

Sec. 36-125. Penalties.

Any person, firm, or corporation, owner or driver who violates or fails to comply with any provisions of this article shall be guilty of a municipal civil infraction.
(Comp. Ords. 1987, § 20.413)

Secs. 36-126—36-140. Reserved.

DIVISION 2. BUSINESS LICENSE

Sec. 36-141. License required.

It shall be unlawful for any person to operate any sightseeing vehicle on any street in the city without first having obtained a license therefore as provided in this division.
(Comp. Ords. 1987, § 20.401)

Sec. 36-142. Application.

(a) Any person desiring a sightseeing vehicle license shall file with the city clerk an application containing the following information:

(1) The name, age, residence, address, and present occupation of the person applying for such license. If the applicant is a partnership, the names, addresses, and occupations of all partners shall be given, and if the applicant is a corporation, the names, addresses and occupations of all officers and directors thereof shall be given.

(2) The type of equipment to be used, the power and seating capacity.

(3) The place or places within the city, or elsewhere, where the person applying for such license proposes to establish his office, and from which he proposes to operate such sightseeing vehicle.

(4) Personal background history of the applicant or officers of the partnership or corporation including whether anyone has

been convicted of a felony or misdemeanor and the particulars in connection therewith.

(5) Such other information as the city council may in its discretion require.

(b) Such application shall be immediately brought to the attention of the city council at their next regular meeting by the city clerk.

(c) Each application shall be accompanied with an application fee in the amount as currently established or as hereafter adopted by resolution of the city council from time to time which shall be deposited in the general fund of the city, and is not refundable.
(Comp. Ords. 1987, § 20.403)

Sec. 36-143. Insurance policy requirement.

(a) No licenses shall be issued until the person applying for such license shall file with the city clerk a policy of liability insurance issued by a responsible insurance company authorized to do business in the state providing insurance coverage for the sightseeing vehicle applied for.

(b) Such policy of insurance shall insure the applicant against liability for personal injury or injuries to a passenger or passengers in such sightseeing vehicle or to any member or members of the general public resulting from an accident or accidents in which sightseeing vehicle may be involved through the reckless or negligent operation thereof as well as against any damage to property.

(c) Such policy shall provide a minimum insurance protection for each vehicle in the amount as currently established or as hereafter adopted by resolution of the city council from time to time.

(d) Such policy of insurance shall provide for continuing liability thereunder to the full amount thereof, notwithstanding any recovery thereon, and that the insolvency or bankruptcy of the insured shall not release the company.

(e) Such policy shall further provide that it shall not be cancelled, surrendered or revoked by either party except after ten days' written notice to the city, furnished by the insurance company issuing such policy.

(f) The cancellation, surrender, or other termination of any insurance policy issued and filed with the city in compliance with this section shall automatically terminate the licenses of all vehicles covered by such insurance policy unless another policy complying with this section shall be in effect and deposited with the city at the time of such cancellation or termination.

(g) It shall be unlawful for any person to operate, or cause to permit to be operated any sightseeing vehicle on the streets of the city without having fully complied with the terms of this section.
(Comp. Ords. 1987, § 20.404)

Sec. 36-144. Expiration of license.

All licenses issued under this division shall expire, unless sooner revoked, on April 30 of each year.
(Comp. Ords. 1987, § 20.405)

Sec. 36-145. Change of ownership.

Change of ownership or of title to any sightseeing vehicle or vehicles shall automatically revoke any license or licenses previously granted for the operation of such sightseeing vehicle or vehicles, and the purchaser thereof shall not operate such sightseeing vehicle or vehicles until he has applied for and been granted a license under the terms of this article.
(Comp. Ords. 1987, § 20.406)

Sec. 36-146. Vehicle inspection.

(a) No license shall be issued under this article unless the vehicle to be used is first inspected by the chief of police who shall, if he finds the vehicle in good condition certify to the city council that he has so found this condition to exist.

(b) The police department shall have the right to inspect vehicles licensed hereunder at all reasonable times to determine if they are in a safe and usable condition.
(Comp. Ords. 1987, § 20.408)

Sec. 36-147. Issuance of licenses.

The city council shall issue a license to any applicant who makes application for a license

hereunder provided the rules and requirements are complied with. The license fee shall be as currently established or as hereafter adopted by resolution of the city council from time to time and payable upon issuance of license. The council for good cause, may suspend such license for violation of any rule or regulation provided for in this article.
(Comp. Ords. 1987, § 20.410)

Secs. 36-148—36-170. Reserved.

ARTICLE IV. HORSE-DRAWN SIGHTSEEING VEHICLES

DIVISION 1. GENERALLY

Sec. 36-171. Purpose.

The city council finds and declares that it is in the public interest and public welfare that horse-drawn sightseeing vehicles be regulated under the police powers of the city in order to promote the safety and welfare of the citizens and residents and visitors to the city. The city council further finds that these aforementioned conditions may be adversely affected with the unregulated use of horse-drawn vehicles permitted on a regular basis on the public streets of the city.
(Comp. Ords. 1987, § 20.421)

Sec. 36-172. Definitions.

The term "horse-drawn sightseeing vehicle" shall for the purpose of this article be defined as follows: Any vehicle drawn by one or more horses which has a passenger carrying capacity, to carry for hire persons throughout the city.
(Comp. Ords. 1987, § 20.422)

Sec. 36-173. Hours of operation.

Horse-drawn sightseeing vehicles shall be allowed to operate on the streets of the city during any 24-hour period.
(Comp. Ords. 1987, § 20.426)

Sec. 36-174. Fares.

The city council may, upon 48 hours' written notice to all licensed horse-drawn sightseeing vehicles, by resolution, establish the rate of fare to be charged by the horse-drawn vehicle engaged in the transportation of passengers, and no greater, no less rate of fare shall at any time be charged by the operators thereof than that fixed by the city council. Printed schedules of such rates shall be furnished to all persons licensed to engage in the business of operating horse-drawn sightseeing vehicles and shall be conspicuously posted in each vehicle.
(Comp. Ords. 1987, § 20.427)

Sec. 36-175. Manure control.

(a) All horse-drawn sightseeing vehicles shall not be allowed to operate unless the horses are equipped with an adequate device to prevent manure from falling upon the streets of the city and no licensee or driver of such a vehicle shall cause the same to be operated, or operate the same upon the streets of the city unless the animals are so equipped.

(b) Any manure that should escape onto the streets of the city shall be promptly removed by the operator.

(c) Any manure retained within the city shall be deposited in a sealed container so as to prevent ventilation for flies and the escaping of odor, except in a district zoned for agriculture, and disposed of in a manner approved by the state department of environmental quality.

(d) The operator of all horse-drawn sightseeing vehicles shall be obligated to reimburse the actual cost incurred by the city for the removal and clean up of any manure and urine and otherwise disposed of by the operator.
(Comp. Ords. 1987, § 20.428)

Sec. 36-176. Maintenance of equipment.

(a) All horse-drawn sightseeing vehicles shall be equipped with such safety devices as are required by the state. Particular emphasis shall be given to the adequacy of front and rear lights on each vehicle which is used for nighttime operation. Prior to any operation, the vehicles shall be subject to the approval of the police chief for safety, comfort and convenience of passengers and for the safety of the general public.

(b) All horse-drawn sightseeing vehicles and tack shall be maintained in a clean, neat and safe condition at all times.
(Comp. Ords. 1987, § 20.429)

Sec. 36-177. Loading and unloading area.

The city agrees to designate the horse-drawn sightseeing vehicle licensee an area upon which to load or unload during any 24-hour period. Said site selection, however, is contingent upon approval by the property owner who owns the property immediately adjacent to the area and normal parking fees shall be charged if within designated fee parking sites.
(Comp. Ords. 1987, § 20.432)

Sec. 36-178. Horse shoes.

(a) During the period from November 1 through March 31 of each year, horses used to pull sightseeing vehicles may be shoed with metallic shoes.

(b) During the period from April 1 through October 31, said horses shall be shoed with nonmetallic shoes.
(Comp. Ords. 1987, § 20.434)

Sec. 36-179. Penalty clause.

Any person, firm, corporation, owner, or driver, who violates or fails to comply with any of the provisions of this article shall be guilty of a municipal civil infraction.
(Comp. Ords. 1987, § 20.435)

Secs. 36-180—36-200. Reserved.

DIVISION 2. BUSINESS LICENSE

Sec. 36-201. License required.

No person shall operate or drive a horse-drawn sightseeing vehicle upon any street, alley, highway or road within the city until a license has been first procured from the city clerk, subject to prior approval thereof by the city council. This license will automatically expire at the end of the calendar year in which it is issued. Requests for renewal shall be subject to the approval of the city council and payment of the required license fee.
(Comp. Ords. 1987, § 20.423)

Sec. 36-202. Insurance requirements.

The owner of every horse-drawn sightseeing vehicle licensed under this article, shall procure and file with the city clerk a liability insurance policy, together with a receipt showing the payment of the premium thereof issued by a good and responsible insurance company to the approved by the city clerk, such company being authorized to do business in the state and having possession of a certificate issued by the insurance commissioner of the state. The amount of such liability insurance for each horse-drawn sightseeing vehicle shall be as currently established or as hereafter adopted by resolution of the city council from time to time. Such insurance shall include amounts of coverage for bodily injury or death for one, or more persons, injury to or destruction of property of others, and medical coverage for each passenger. Such policy of insurance may be in the form of a separate policy for each horse-drawn sightseeing vehicle, or may be in the form of a fleet policy covering all horse-drawn sightseeing vehicles operated by such owners; provided, however, that such a policy shall provide for the same amount of liability for each horse-drawn sightseeing vehicle operated. A stipulation shall be made providing that no such policy as required above any be canceled until the expiration of 30 days after notice of intent to cancel has been given in writing to the city clerk by registered mail or personal delivery of such notice and a provision to that effect to be made a part of such policy.
(Comp. Ords. 1987, § 20.424)

Sec. 36-203. Termination of insurance.

In the event of cancellation of the policy of insurance required above, it shall be unlawful and illegal for the owner of any horse drawn sightseeing vehicle to allow said vehicle to be operated or driven upon the streets, roads, alleys or highways of the city.
(Comp. Ords. 1987, § 20.425)

Sec. 36-204. Number of licensees permitted.

(a) In determining whether to issue a license for such horse-drawn vehicles for hire for which application may be made, the city council may take into consideration whether the public conve-

nience and necessity require such service, or additional horse-drawn vehicles for hire service within the city; the financial responsibility of the applicant; the number, kind, type of equipment; the schedule of rates proposed to be charged; the color scheme to be used by the applicant; the increased traffic congestion and demand for increased parking spaces on the streets of the city which may result, and whether the safe use of the streets by the public, both vehicular and pedestrian, will be preserved by the granting of such additional license, and such other relevant facts as the city council may deem advisable or necessary in the public interest.

(b) Within 15 days after the filing of such an application, the city council shall determine by motion or resolution whether there shall be conducted a public hearing relative to the granting or denial of the application. In the event that it shall be determined that there shall be a public hearing concerning the matter, the city council shall cause to be published in a newspaper circulated with the city, which said notice shall be paid for in full by the applicant, and which said notice shall set forth the fact that the certain application has been filed for a horse-drawn sightseeing vehicle for hire service, the name of the applicant, kind of equipment to be used and all other information from the application which the city council may deem necessary, and notifying all holders of existing horse-drawn sightseeing vehicle licenses for hire that a public meeting will be held at a public place in the city, to be designated by the city council at a time not less than five days or not more than 15 days after the date of the determination to have a public hearing. The notice shall be published once. All holders of existing horse-drawn sightseeing vehicle licenses for hire shall be entitled to file any complaint and protest that said holders may see fit. At the time of the holding of the investigation and hearing with reference to whether the public convenience and necessity require the operation of such additional vehicles covered in the application, the city council shall consider all of the complaints and protests, and in conducting its hearings, shall have the right to call such witnesses as it may see fit. In all such hearing, the burden of proof shall be upon the applicant to establish by clear, cogent and convincing evidence which shall satisfy the city council beyond a reasonable doubt, that public convenience and necessity require such operation of the vehicles for which the application has been made.

(c) If the city council finds upon its investigation or hearing that the public convenience and necessity justify the operation of a vehicle for which a license is desired, it shall notify applicant of its finding. If the city council then finds that the applicant is the owner and the bona fide operator of the vehicle for which a license is desired, and that such vehicle complies with all the ordinances of the city, and all the rules and regulations enacted, or hereafter enacted, by the city, a license shall thereupon be issued to the applicant upon the payment of the proper license fee.

(d) If the city council finds from such investigation of hearings that the public convenience and necessity do not justify the operation of the vehicle for which a license is desired, it shall forthwith notify the applicant of such finding. (Comp. Ords. 1987, § 20.433)

Secs. 36-205—36-220. Reserved.

DIVISION 3. TEAMSTER'S LICENSE

Sec. 36-221. Teamster's (carriage vehicle driver's) license.

All teamsters operating horse-drawn sightseeing vehicles shall be at least 18 years of age and shall be a licensed driver and have experience and training in driving a horse-drawn carriage and shall be licensed as a public driver with the city. Obtainment of a public drivers license is as follows:

(1) Application for a city public driver's license shall be made by filling out an application form supplied by the city clerk and attaching thereto one full set of the applicant's fingerprints. The application shall be subscribed and sworn to before a notary public and filed with the clerk. The clerk shall submit all applications for public driver's licenses to the chief of police for review and recommendation to council for approval or disapproval. A recommendation of disapproval by the chief of police

shall be for cause only. The following may constitute cause for a recommendation of disapproval by the chief of police:

a. The applicant is not 18 years of age or older.

b. The applicant does not possess a valid state driver's license at the time of application.

c. The applicant does not have the necessary experience and training to drive a horse-drawn carriage.

d. The applicant possesses a driving record including one or more of the following:

   1. A conviction for operating a motor vehicle under the influence of alcoholic liquor or a controlled substance within two years of the date of application;

   2. Six or more points for moving traffic violations at the date of application;

   3. A conviction for reckless driving within two years of the date of application; or

   4. The applicant's driver's license has been suspended or revoked within two years of the date of application.

e. The applicant has failed to complete the application in full.

f. The applicant's license under this article has been revoked for a violation of any of the provisions of this article within five years of the date of application.

g. The applicant has been convicted of a felony on one or more sex-related misdemeanors within five years of the date of application.

h. The applicant has filed an application with the city clerk that contains false information.

i. The applicant fails to pay the appropriate nonrefundable fee to the clerk at the time of application.

If the chief of police recommends disapproval of an application for the public driver's license, the reasons for the recommendation of disapproval shall be put in writing and shall be attached to the application. The application, with attached reasons for recommendation for disapproval, if applicable, shall be forwarded to the council for review and final approval or disapproval.

(2) A city public driver's license granted pursuant to this section shall contain a current photograph of the licensee, the licensee's signature and any other information deemed necessary by the chief of police.

(3) If at any time during the term of such public driver's license, one or more of conditions enumerated in subsection (2) of this section hereof occurs, the council may revoke, by recommendation of the chief of police, such public driver's license. However, the license shall not be revoked until after a hearing before the city council is conducted.

(4) The city may charge a fee for driver's license application, and the issuance of said license, the amount to be determined by resolution of city council from time to time.

(Comp. Ords. 1987, § 20.430)

Sec. 36-222. Carriage license fee.

The city council shall require payment of a license fee for the sightseeing carriage for each licensed carriage for the calendar year, or portion thereof, upon approval of the license. The amount of the fee shall be as currently established or as hereafter adopted by resolution of the city council from time to time.
(Comp. Ords. 1987, § 20.431)

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RESERVED

38
Zoning

Chapter 38

ZONING*

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ARTICLE I. IN GENERAL

Sec. 38-1. Purpose.

In the interpretation and application of the provisions of this chapter, its terms shall be held to the minimum requirements adopted for the promotion of the public health, safety, morals, and general welfare. Incidental thereto, and to accomplish such purpose, are provisions intended to provide for adequate light, air, and convenience of access to secure safety from fire and other dangers and to avoid undue concentration of population in the interests of public health and safety by regulating and limiting the height and bulk of buildings wherever erected and limiting, determining the size of yards and other open spaces and also regulating and restricting the location of uses, trades, industries, and buildings in relation to traffic and parking needs.
(Ord. No. 600, § 15.012, 2-21-2005)

Sec. 38-2. Scope.

It is not intended by this chapter to repeal, abrogate, annul or, in any way, impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this chapter, or any private restrictions placed upon property by covenant, deed, or other private agreement. Where this chapter imposes a greater restriction upon use of buildings or premises or upon the height of buildings or lot coverage, or requires greater lot areas or larger yards or other open spaces than are imposed or required by such existing laws or ordinances, or by rules, regulations, or permits, or by such private restrictions the provisions of this chapter shall control. The provisions of this chapter shall be liberally construed to promote the purpose set forth in this chapter.
(Ord. No. 600, § 15.013, 2-21-2005)

Sec. 38-3. Preamble.

The fundamental purpose of this chapter is to promote the public health, safety, morals, and general welfare in and of the city; to encourage the use of lands and natural resources in the city in accordance with their character and adaptability; to limit and discourage the improper use of lands, buildings, and other structures; to provide for the orderly development of the city; to reduce hazards to life and property; to establish the location and size of and the specific uses for which dwellings, buildings, and other structures may hereafter be erected, altered or moved into the city; to regulate the minimum open spaces, sanitary, safety, and protective measures that shall be required for such dwellings, buildings, and structures; to provide safety in traffic and in vehicular parking; to facilitate development of a transportation system, education, recreation, and sewage disposal, safe and adequate water supply, and other public requirements; to conserve life, property, and natural resources, and expenditure of funds for public improvements and services to conform with the most advantageous use of land resources and properties.

The city recognizes the need to reinstate the registration and inspection program for rental dwellings within the city, set forth in chapter 6 buildings and building regulations, article III, property maintenance code, for the health and safety of its residents and to provide an efficient system for compelling landlords to correct violations and to maintain in proper condition rental property within the city. The city recognizes that the most efficient system is to require the registration, certification, and inspection of all rental housing properties as defined in this article, so that effective and regularly scheduled inspections can be performed by the designated city official. All rental properties are required to have a responsible local agent registered with the city. The responsible local agent must have authority to address any issues or concerns regarding the property or tenants.
(Ord. No. 600, § 15.021, 2-21-2005; Ord. No. 564, 12-5-2016)

Sec. 38-4. Amendments.

The city council may, from time to time, amend, supplement, or change by ordinance, the boundaries of districts, or regulations herein established, in accordance with the state law.
(Ord. No. 600, § 15.601, 2-21-2005)

State law reference—Zoning ordinance procedures, MCL 125.584.

Sec. 38-5. Definitions.

General provisions. For the purpose of this chapter, certain terms used are herewith defined. When not inconsistent with the context words used in the present tense include the future, words in the singular include the plural number, and words in the plural include the singular number. The word "shall" is always mandatory and not merely directory. The word "city" when used throughout this chapter shall be construed to mean the City of St. Ignace, in the County of Mackinac and the State of Michigan.

Accessory building means a subordinate or supplemental building or portion of a main building on the same lot or land as the main building or buildings, the use of which is incidental or secondary to that of the main building.

Accessory use means a use naturally and normally incidental to subordinate and devoted ordinarily to the main use of the land or building.

Alley means a public thoroughfare or right-of-way not more than 20 feet wide affording only secondary means of access to abutting property.

Alteration means any change in the supporting members of any building or structure including but not to the exclusion of other supporting members, bearing walls, columns, posts, beams, and girders, and any architectural change to the interior thereof, fitted for different uses or purposes than originally intended.

Apartment means a set of rooms fitted with housekeeping facilities, including a kitchen, bathroom, sleeping room(s) and living space leased as a dwelling unit as part of a larger building containing other apartments and/or businesses.

Assembly hall means a building or a part of a building devoted to live dramatic, musical or dance performances, motion pictures, and public meetings, and operated for commercial and for-profit purposes.

Bathroom means a room containing a toilet, a sink, and a bathtub or shower.

Building means any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

Camp or *camping* means the use of a camping unit or similar shelter for overnight accommodations (11:00 p.m. to 7:00 a.m., or a significant portion thereof) or for other temporary living.

Camping unit means portable outdoor overnight sleeping accommodations, lodgings, or other accommodations, with or without cooking facilities, including a tent, tent trailer, motorhome, travel trailer, pop-up or truck-mounted trailer, recreational vehicle, camper van, or other shelter used for temporary living.

Church means a building or part of a building wherein persons regularly assemble for religious worship, and that is tax exempt under the laws of this state, and in which religious services are held and with which a clergyman is associated.

District means a part of the parts of the incorporated area of the city, subject to the terms of these zoning regulations are deemed districts or zones and the word "district" and the word "zone" are synonymous.

Dwelling unit means a building, or separate and distinct part thereof, designed for permanent occupancy as a house or residence, with complete cooking and bathroom facilities for the exclusive use of the occupants.

Essential services means the erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, steam or water transmission or distribution system; collection, communication, supply or disposal system; including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, electric substations, telephone exchange buildings, gas regulator stations, and other similar equipment; and accessories in connection therewith; reasonably necessary for the furnishing of utility services by such public utilities or municipal departments or commissions for the public safety or general welfare.

Family means one or more persons related by blood, marriage or adoption occupying a dwelling unit as a single housekeeping unit; or a collective number of individuals living together in a dwelling unit whose relationship is of a permanent and distinct domestic character.

Family dwellings:

Multiple family dwelling (apartment): A building used entirely for more than two dwelling units with each dwelling unit occupied by not more than one family.

Single family dwelling (house): A building used entirely for only one dwelling unit by one family.

Two family dwelling (duplex): A building used entirely for two dwelling units with each dwelling unit occupied by not more than one family.

Governmental facility/offices means a building, area or premises owned and/or used by a department, commission, agency or instrumentality of the United States, the State of Michigan, Mackinac County, City of St. Ignace or an authority, district or instrumentality thereof.

Gross residential square feet means the sum of all areas on all floors of a building included within the outside faces of its exterior walls, including all vertical penetration areas, for circulation and shaft areas that connect one floor to another. In a mixed-use building such as a commercial building with residential areas, the areas of commercial use must be subtracted from the overall gross area in order to identify the residential gross area.

Height shall be measured in number of feet, according to the following rules:

(1) Height in feet shall be measured by the vertical distance from the established grade at the front of the building to the highest point of the roof.

(2) The established grade at the front of the building shall mean the elevation of the ground adjacent to the front wall of the building if the ground is level, or the average elevation of the ground along the front line of the building is not level.

(3) For interpretation purposes the definition of a story is that part of a building included between the surface of the floor and the surface of the floor next above, or if there is no floor above, then the ceiling next above, provided that a story thus defined shall be considered a basement and not counted as a story when less than one-half of the area of the front wall of said story is above established grade at the front of the building.

(4) For interpretation, purpose the definition of a half-story is an upper-most story lying under a sloping roof, and:

a. The useable floor area of which with a floor-to-ceiling height of four feet or more does not exceed two-thirds of the floor of the story directly below it; and

b. The floor-to-ceiling height above at least 400 square feet of which is at least seven feet, six inches.

A story which exceeds the requirements of subsection (4)a. of this definition and meets the requirements of subsection (4)b. of this definition shall be considered a full story.

A story which does not meet the requirements of subsection (4)b. of this definition shall not be counted as a story.

Hotel or motel means an establishment that provides transient lodging (a term of fewer than 30 days) and usually meals and various personal services for the public.

Junkyard means a place where waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, including house wrecking yards, used lumber yards, and places or yards for use of salvaged house wrecking and structural steel materials and equipment, but excluding such uses when conducted entirely within a completely enclosed building and excluding pawnshops and establishment for sale, purchase, or storage of used cars in operable condition, and the processing of used, discarded or salvaged materials as part of a manufacturing operation.

Lot means a parcel of land which is or may be occupied by one main building or use and its accessories, including the open spaces required by this chapter.

Lot, corner, means a lot of which at least two adjacent sites abut for their full lengths upon a street, provided that the interior angle at the intersection of such two sides is less than 135 degrees.

Lot lines, front, means, in the case of a lot abutting only on one street, the line separating such lot from the street. In all cases in which the street widths have not been specifically recorded, the front lot line shall be considered to be 33 feet from the center of the street. In the case of a through lot the owner shall, for the purpose of this chapter have the privilege of electing either street lot. A through lot would also be considered a lake front lot bordered by a street.

Lot line, rear, means that lot line which is opposite and most distant from the front lot line. The rear lot line in any irregular, triangular or gore lot shall, for the purpose of this chapter, be a line entirely within the lot, ten feet long and parallel to and most distant from the front lot line.

Lot line, side, means any lot line not a front lot line or a rear lot line. A side lot line separating a lot from the street shall be called a side street lot line. A side line separating a lot from another lot or lots shall be called an interior side lot line.

Mobile home means a mobile home definition must comply with Public Act No. 96 of 1987 (MCL 125.2301 et seq.).

Mobile home park means any lot size tract or parcel of land equipped, established and operated as a mobile home park as defined and described by Public Act No. 96 of 1987 (MCL 125.2301 et seq.).

Modular home means a prefabricated structure either in one piece or interconnecting sections, which is designed for transporting on a trailer bed or railway one time from the manufacturer to a dealer to a permanent site. A modular home requires additional assembly or construction after it arrives on the site; it is permanently connected to a foundation; and it is not designed or intended to be relocated once it is placed on a foundation.

Motels means groups of furnished rooms or separate structures providing sleeping and parking accommodations for transient tourist trade, commonly known as motels or motor courts, and is distinguished from furnished rooms in an existing residential room in an existing residential building.

Municipal building: See Governmental facility/offices.

Nonconforming structure means a structure lawfully existing at the time of adoption of the ordinance from which this chapter is derived, or any amendment thereto and which does not conform to the regulations of the district in which it is located.

Nonconforming uses means the use of a building, structure, lot or other parcel of land conflicting with the provisions of this chapter.

Non-family dwelling means a single dwelling unit building (house), or two dwelling unit building (duplex), or three or more dwelling unit building (apartment), containing two or more persons who do not constitute a family as defined above. This includes but is not limited to, apartments, boarding houses, shared houses, shelters, halfway houses and duplexes occupied by persons who do not constitute a family.

Occupancy means the purpose for which a dwelling unit or portion thereof is utilized or occupied.

Occupant means any individual living or sleeping in a dwelling unit or having possession of a space within a dwelling unit. "Occupant" does not include guests visiting a dwelling unit between the hours of 6:00 a.m. and 11:00 p.m.

Operator means any person or entity working on behalf of the owner who has charge, care, or control of a dwelling unit, which is offered as a short-term rental.

Owner means the person or entity that holds legal or equitable title to the dwelling unit (or portion thereof).

Parcel means a continuous area or acreage of land under common ownership. "Parcel" includes a single condominium unit.

Parking area means an open area, other than a street or other public way, used for the parking of motor vehicles and available for public use whether for a fee or as an accommodation for clients, customers or residents.

Person means an individual, trustee, personal representative, conservator, receiver, agent, firm, corporation, association, partnership, limited liability company, or other legal entity.

Principal use means the primary and predominant use of the premises, including customary accessory uses.

Rental dwelling unit means any dwelling unit, including, but not limited to, rental houses, apartments, boarding houses or sleeping rooms, rented by the owner or another person in control of such dwellings to any individual or individuals for a term longer than 30 days.

Responsible local agent means a natural person designated by the property owner as the agent responsible for operating such rental property in compliance with the ordinances adopted by the city.

Setback means the minimum distance between the front lot line and the nearest foundation wall of any building or structure located thereon whether roofed over or otherwise.

Short-term rental means any dwelling or condominium or portion(s) thereof, that are available for use or are used for accommodations or lodging of a guest paying a fee or other compensation for a period of less than 30 consecutive days.

Single ownership means a lot of record on or before January 1964, in separate and distinct ownership from adjacent lot or lots where such adjacent lot or lots were not at the date owned by the same owner or by the same owner in joint tenancy in common with any other person or persons; or where such adjacent lot or lots were not owned by the same owner or any person or persons with whom he may have engaged in a partnership or joint venture; or where such adjacent lots were not owned by any corporation in which the owner owned 51 percent or more of the stock issued and outstanding.

Sleeping room means a room separate from common living areas used by one or more persons for sleeping. Each sleeping room must be in compliance with the current Michigan Code requirements for floor area and volume of space provided per occupant.

Street means any public thoroughfare not an alley or land.

Structure means anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

Theater: See Assembly hall.

Transient occupancy means occupancy for a time period of fewer than 30 days.

Travel trailer means a non-self-propelled vehicle which is or can be licensed for travel on state highways in normal traffic without special permit; and is designed for human occupancy on a temporary basis. It is designed to be readily mobile and conveniently relocated on a frequent basis.

Use means the purpose for which land or a building or other structure thereon is designed, arranged, or intended to be occupied or used for, or which is occupied and maintained.

Used includes arranged, designed or intended to be used.

Variance means a modification of the literal provisions of this chapter which is authorized by the board of zoning appeals when strict enforcement of this chapter would cause practical difficulties or unnecessary hardship for the property owner.

Words not defined. Words not herein defined shall be defined as in the single state construction code.

Yard means a space open to the sky and unoccupied or unobstructed, except by encroachments, specifically permitted under the provisions and terms of this chapter, on the same lot

with a building or structure. Yard measurements shall be the minimum horizontal distance.

Yard, front, means a yard extending across the full width of the lot between the rear lot line and the nearest line of the main building thereon.

Yard, rear, means a yard extending across the full width of the lot line between the rear lot line and the nearest line of the main building thereon.

Yard, side, means a yard extending from the front yard to the rear yard between the side lot line and nearest side of the main building thereon.

Zoning administrator means the official designated by the city council to administer and enforce this chapter. The zoning administrator may be the building official, building inspector or other person charged with the responsibility of administering and enforcing this chapter by the city council.
(Ord. No. 600, § 15.630, 2-21-2005; Ord. No. 564, 12-5-2016; Ord. No. 38-364, § 1, 9-8-2021; Ord. of 11-22-2021)

Secs. 38-6—38-30. Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

DIVISION 1. GENERALLY

Sec. 38-31. Building permits required.

It shall be unlawful for any person to commence excavation for or construction of any building, structure, or parking area, or to make any structural changes or alterations in any existing building or structure or to make any repairs of any kind whatsoever or moving of structures, except for ordinary repairs and maintenance, without first obtaining a building permit from the building inspector. No permit shall be issued for the construction, alteration, repair, renovation, remodeling, or improvement of any building or structure until an application has been submitted in accordance with the provisions of this chapter, showing that the construction proposed is in compliance with the provisions of this chapter, and with the single state construction code or other building regulations now in effect or hereafter adopted. No plumbing, electrical, or drainage permits shall be issued until the building inspector has determined that the plans and designated use indicates that the structure and premises, if constructed as planned and proposed, will conform with the provisions of this chapter. No permit of any kind shall be issued until the fee for such permit, as established by resolution of the city council, has been paid. Every building permit shall expire at the end of one year, unless the construction project for which it was issued has commenced; provided, that any expired permit shall be renewed without additional fees, if applied for by the original applicant within one year from the date of such expiration, except that such renewed permit shall be subject to all ordinance provisions in affect at the time of such renewal. Every project which is started under a building permit shall be completed within a reasonable length of time, not to exceed 12 months; provided, that upon written application for reason of hardship or other reasons beyond the control of the permittee, the building inspector may grant additional extensions of time for completion, not to exceed a total of 12 additional months.
(Ord. No. 600, § 15.531, 2-21-2005)

Sec. 38-32. Administrative officials.

Except as otherwise provided in this chapter, the building inspector or official designated by the city administration shall administrate and enforce this chapter, including the receiving of applications, the inspection of premises and the issuing of zoning/building permits.
(Ord. No. 600, § 15.532, 2-21-2005; Ord. of 06-20-2016)

Sec. 38-33. Permits.

Every application for a building permit shall be made as required by the single state construction code and shall designate the existing or intended use of the structure or premises or part thereof which it is proposed to alter, erect, or extend, and the number of dwelling units, if any, to occupy it. The application shall be accompanied by two ink, blueprint, or photostat copies of drawings, drawn on scale, showing the actual

lines, angles, and dimensions of the lot to be built upon or used and the exact size and location on the lot of all existing and proposed structures and uses, together with specifications. The application shall contain other information with respect to the lot and adjoining property as may be required by the building inspector. One copy of both plans and specifications shall be filled in and retained by the office of the building inspector, and the other shall be delivered to the applicant when the building inspector has approved the application and issued the permit. In cases of minor alterations, the building inspector may waive portions of the foregoing requirements obviously not necessary for determination of compliance with this chapter.
(Ord. No. 600, § 15.533, 2-21-2005)

Sec. 38-34. Occupancy.

It shall be unlawful to use or permit the use of any structure or premises hereafter altered, extended, or erected until the building inspector shall have made an inspection of the premises and shall have approved the same for occupancy.
(Ord. No. 600, § 15.534, 2-21-2005)

Sec. 38-35. Violations and penalty.

Any building erected, altered or razed or converted, or any use carried on in violation of any provisions of this chapter is hereby declared to be a nuisance per se. Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with any provisions of this chapter shall be guilty of a municipal civil infraction. Nothing in this section shall be construed to limit the remedies available to the city in the event of a violation by a person of this article or permit.
(Ord. No. 600, § 15.535, 2-21-2005; Ord. No. 621, § 1, 5-3-2010)

Secs. 38-36—38-50. Reserved.

DIVISION 2. BOARD OF ZONING APPEALS*

Sec. 38-51. Creation and membership.

A board of zoning appeals is hereby established having the powers authorized in Public Act No. 207 of 1921 (MCL 125.581 et seq.). The board of zoning appeals shall consist of seven members appointed by the mayor with consent of the city council and one said member shall be a member of the city council. The member from the city council shall serve a one-year term each year. The other six members, to be citizens at large, shall serve three-year terms; however, for the first year's appointments, two members shall be appointed for one-year terms, two members shall be appointed for two-year terms, and two members shall be appointed for three-year terms; and thereafter all such appointments shall be for a three-year term. Appointments to the board of zoning appeals hereafter shall be made as soon as possible after this chapter becomes effective, and the terms hereunder shall expire for the first year at the end of the regular year for all other city appointments.
(Ord. No. 600, § 15.561, 2-21-2005)

Sec. 38-52. Officers.

The board of zoning appeals shall elect from its membership a chair, a vice-chair, and such other officers as it may deem necessary.
(Ord. No. 600, § 15.562, 2-21-2005)

Sec. 38-53. Rules of procedure.

The board of zoning appeals may adopt rules and regulations. Meetings of the board of zoning appeals may be held once each month, and at such additional times as the board may determine. There shall be a fixed place of meeting for the board of zoning appeals and all hearings shall be open to the public. A majority of the members of the board of zoning appeals shall constitute a quorum. The concurring vote of a majority of the members of the board of zoning appeals shall be necessary to reverse any order, requirement, decision, or determination of the officer or body from whom the appeal is taken, or to decide in favor of the applicant on any matter upon which it is required to pass by this chapter. The board of zoning appeals shall keep minutes of the proceedings, showing the action of the board and the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examination, and other official actions, all of which shall be filed

*__State law reference—__Board of appeals, MCL 125.585 et seq.

promptly in the office of the board of zoning appeals and shall be a matter of public record. Board of zoning appeals members may abstain from voting only if conflict of interest is determined. The board of zoning appeals may call on any other city departments for assistance in the performance of its duties and it shall be the duty of such other departments to render such assistance to the board of zoning appeals as may reasonably be required. The regular attendance of board of zoning appeals members being necessary for the effective operation of the board of zoning appeals, any member of said board who is absent from either three consecutive meetings or one-fourth of all meetings in any 12-month period, unless the board shall excuse such absences and record such in the minutes of the board, shall be deemed to have resigned. The secretary of the board of zoning appeals shall notify the mayor of any such resulting vacancy, and the mayor shall fill such vacancy as soon as possible after such notification.

(Ord. No. 600, § 15.563, 2-21-2005; Ord. of 11-22-2021)

Sec. 38-54. Jurisdiction.

The board of zoning appeals shall hear and decide questions that arise in the administration of this chapter, including the interpretation of the zoning maps. It shall hear and decide appeals from and review any order, requirement, decision, or determination made by the zoning administrator in the administration or enforcement of this chapter. Within this capacity, the board of zoning appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from.

(1) *Interpretation*. The board of zoning appeals shall hear and decide upon the following requests:

a. Interpretation of the provisions of this chapter and zoning maps: Interpret the provisions of this chapter when it is alleged that certain provisions are not clear or that they could have more than one meaning. In deciding upon such request, the board of zoning appeals shall ensure that its interpretation is consistent with the intent and purpose of this chapter, the article and division in which the language is contained, and all relevant provisions of this chapter.

b. Determine the precise location of the boundary line between zoning districts where there is dissatisfaction with the decision made by the zoning administrator.

(2) *Administrative review*. To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, decision, or determination made by the zoning administrator in the administration or enforcement of this chapter.

(Ord. No. 600, § 15.564, 2-21-2005; Ord. of 11-22-2021)

Sec. 38-55. Variances.

Subject to the provisions of section 38-596, the board of zoning appeals, after public hearing, shall have the power to decide applications, filed as hereafter provided, for variances:

(1) Where, by reason of the exceptional narrowness, shallowness, or shape of a specific piece of property on the effective date of the ordinance from which, this chapter is derived, or by reason of exceptional topographic conditions, or other extraordinary situation or condition of land, building or structure, or of the use or development of property immediately adjoining the property in question, the literal enforcement of the requirements of this chapter would involve practical difficulties or would cause undue hardship; provided that the board of zoning appeals shall not grant a variance on a lot of less area than the requirements of the zoning district even though such lot existed at the time of passage of the ordinance from which this chapter is derived if the owner owned adjacent land which could without undue hardship be included as part of the lot.

(2) Where there are practical difficulties if strict compliance with the terms of this chapter is required relating to the construction, structural changes, or alterations of buildings or structures related to dimensional requirements of this chapter or to any other nonuse related standard in this chapter, the board of zoning appeals may grant a nonuse variance, so that the spirit of this chapter is observed, public safety secured, and substantial justice done. In determining nonuse variances, the board of zoning appeals shall consider whether the practical difficulties are created by the applicant, whether there are reasonable alternatives to the variance, and whether the spirit and intent of this chapter will be essentially preserved.

(3) Where this is an unnecessary hardship in the way of carrying out the strict letter of this chapter for use variances, the board of zoning appeals may grant a variance from uses of land prescribed under this chapter as provided in section 38-56, so that the spirit of this chapter is observed, public safety secured, and substantial justice done.

(4) The concurring vote of five member of the board of zoning appeals is required to approve a use variance.

(Ord. No. 600, § 15.565, 2-21-2005; Ord. of 11-22-2021)

Sec. 38-56. General conditions for variance.

No variance in the provisions or requirements of this chapter shall he authorized by the board of zoning appeals unless the board finds from competent, material and substantial evidence that all the following facts and conditions exist:

(1) That the variance:

a. Will be in harmony with the general purpose and intent of this chapter.

b. Will not cause adverse impacts on surrounding property, property values, or the use and enjoyment of property in the neighborhood or district.

c. Will do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser variance than applied for would give substantial relief to the applicant and be more consistent with justice to other property owners.

(2) That the need for the variance is due to unique circumstances or physical conditions, such as narrowness, shallowness, shape, or topography of the property involved such that strict compliance with area, setbacks, frontage, height, bulk, density or other dimensional requirement would unreasonably prevent the property owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.

(3) That unnecessary hardships or practical difficulties exist which prevent carrying out the strict letter of this chapter. These unnecessary hardships or practical difficulties shall not be deemed economic, but shall be evaluated in terms of the characteristics of a particular parcel of land.

(4) That the need for the variance is not the result of actions of the property owner (self-created) or previous property owners.

(5) That the variance will relate only to property under control of the applicant.

(6) That the variance shall not permit the establishment within a district of any use which is not permitted by right within that zoning district, or any use for which a special land use permit or temporary use permit is required except where failing to do so would result in a constitutional taking for which compensation would otherwise have to be paid because the application of existing regulations do not permit a reasonable use of land under existing common law or statutory standards.

(Ord. No. 600, § 15.566, 2-21-2005; Ord. of 11-22-2021)

Sec. 38-57. Special exceptions.

The board of zoning appeals, after public hearing, shall have the power to grant the special exceptions heretofore authorized and in addition, may authorize the following:

(1) The vertical extensions of a building existing at the time of enactment of this chapter to such height as to original drawings of said building indicated, provided such building was actually designed and constructed to carry the additional stories necessary for said height limit.

(2) Permit the erection or structural alteration, in a district where such use is permitted, of a grain elevator, gas holder or other industrial structure to a height above the limit for such district.

(3) Permit the enclosure of an existing open front porch where said enclosure is in character with the adjoining neighborhood.

(Ord. No. 600, § 15.567, 2-21-2005)

Sec. 38-58. Conditions of approval.

In authorizing a variance or exception, the board of zoning appeals may, in addition to the specific conditions of approval called for in this chapter, attach hereto such other conditions regarding the location, character, landscaping, or treatment reasonably necessary to the furtherance of the intent and spirit of this chapter, and the protection of the public interest.
(Ord. No. 600, § 15.568, 2-21-2005)

Sec. 38-59. Procedures.

The following procedure shall be required:

(1) An appeal to the board of zoning appeals shall be taken by a person aggrieved by an order, requirement, decision, or determination of the zoning administrator within 14 days after issuance, in writing, of the order, requirement, decision or determination being appealed.

(2) Requests for chapter interpretation, variances and special exceptions may be made by any aggrieved persons or by any officer, department, board or administrative official of the city.

(3) The board of zoning appeals shall not consider any requests or appeals without the payment to the city treasurer of a fee as determined from time to time by resolution of the city council. Requests for interpretation, variances, or special exceptions shall be taken by filing them in writing with the board of zoning appeals. An appeal shall be taken by filing with the zoning administrator, a written notice of appeal, specifying the grounds for the appeal. The zoning administrator shall transmit to the board of zoning appeals the same together with all plans, specifications and other papers constituting the record upon which the action appealed from was taken.

(4) When a written request for interpretation, variance or special exceptions is received, or an appeal has been filed in proper form and with the required data, the secretary of the board of zoning appeals shall immediately place the request or appeal upon the calendar for a public hearing and provide notice of the public hearing as follows:

a. The notice shall be published once, at least 15 days prior to the date of the public hearing, in a newspaper of general circulation in the city.

b. Except as provided in subsection d below, notice of public hearing shall be mailed or personally delivered to the following persons, at least 15 days prior to the date of the public hearing:

1. The applicant;

2. The owner or owners of the subject property;

3. All persons to whom real property is assessed within 300 feet of the property that is the subject of the appeal or request,

even if the 300 feet extends outside of the city's boundaries; and

4. The occupants of all structures within 300 feet of the property that is the subject of the appeal or request, even if the 300 feet extends outside of the city's boundaries. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.

c. The notice of the public hearing shall include the following information:

1. A description of the appeal or request.

2. An identification of the property that is the subject of the appeal or request, if applicable. Except as provided in subsection d below, the notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property and another means of identification of the property shall be used.

3. State when and where the appeal or request will be considered.

4. Identify when and where written comments will be received concerning the appeal or request.

d. When an appeal or request for interpretation of the provisions of this chapter does not involve a specific parcel, the mailing or delivery requirements of subsection b.2.—b.4., above are not required, and the listing of individual property addresses under subsection c.2. above is not required.

(5) Upon the day for hearing any application or appeal, the board of zoning appeals may adjourn the hearing in order to permit the obtaining of additional information, or to cause such further notice as it deems proper to be served upon such other property owners as it decides may be interested in said application or appeal. In the case of an adjourned hearing, persons already heard from need not be notified of the time of resumption of hearing unless the board of zoning appeals so decides. The decision of the board of zoning appeals expires within one year of the date of decision unless the project is under construction and complies with the building permit.

(Ord. No. 600, § 15.569, 2-21-2005; Ord. of 11-22-2021)

Sec. 38-60. Decisions.

The board of zoning appeals shall decide all applications and appeals within 30 days after the final hearing thereon. A copy of the board of zoning appeals' decision shall be transmitted to the applicant or appellant and to the zoning administrator. Such decision shall be binding upon the zoning administrator and observed by him and he shall incorporate the terms and conditions of the same in the permit to the applicant or appellant whenever a permit is authorized by the board of zoning appeals. A decision of the board of zoning appeals shall not become final until the expiration of five days from the date such decision is made unless the board of zoning appeals shall find the immediate effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record. A party aggrieved by the decision may appeal to the Circuit Court of Mackinac County as provided in MCL 125.3606.
(Ord. No. 600, § 15.570, 2-21-2005; Ord. of 11-22-2021)

Sec. 38-61. Stay of proceedings.

An appeal shall stay all proceedings in furtherance of the action appealed from unless the zoning administrator certifies to the board of zoning appeals after notice of appeal shall have

been filed with him, that by reason of fact stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may, on due cause shown, be granted by the board of zoning appeals or by the circuit court on application, after notice to the zoning administrator.
(Ord. No. 600, § 15.571, 2-21-2005; Ord. of 11-22-2021)

Sec. 38-62. [Variance application expiration].

If a building permit is not obtained within one year from the date of the appeal, the variance application for permit shall expire. If the building permit is allowed to expire from no progress, the variance application for permit shall expire. To review the variance, appellant must repeat the variance process.
(Ord. of 8-20-07)

Secs. 38-63—38-90. Reserved.

ARTICLE III. DISTRICT REGULATIONS

DIVISION 1. GENERALLY

Sec. 38-91. Zoning districts.

For the purposes of this chapter, the city shall be divided into ten classes of zoning districts which shall be known as:

(1) R-1 Single-Family Residential.

(2) R-2 Two-Family Residential.

(3) R-3 Mixed Residential.

(4) R-4 Mobile Home Park.

(5) CBD Central Business District.

(6) GBD General Business District.

(7) TBD Tourist Business District.

(8) LID Light Industrial District.

(9) WLID Waterfront Light Industrial District.

(10) PRD Public Recreation District.
(Ord. No. 600, § 15.031, 2-21-2005)

Sec. 38-92. Zoning map.

The boundaries of these districts are hereby established as shown on a map entitled "St. Ignace Zoning Map" which accompanies and is hereby made a part of this chapter. Except where referenced on said map on a street line, or other designated line by a dimension, the district boundary lines follow lot lines or the center lines of streets or alleys. (Where it is not designated by dimension the district boundary shall be deemed to be 150 feet back from the nearest parallel street line.)
(Ord. No. 600, § 15.032, 2-21-2005)

Sec. 38-93. Lot divided by a zoning district.

Where a lot is divided by the zoning map, it may be used in the manner least restricted.
(Ord. No. 600, § 15.033, 2-21-2005)

Sec. 38-94. Zoning affects every structure and use.

Except as hereinafter specified, no building, structure, or premises shall be used or occupied and no building or part thereof or other structure shall be erected, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with the regulations herein specified for the district in which it is located.
(Ord. No. 600, § 15.041, 2-21-2005)

Sec. 38-95. Restoring unsafe buildings.

Nothing in this chapter shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the building inspector.
(Ord. No. 600, § 15.042, 2-21-2005)

Sec. 38-96. Mixed occupancy.

Before issuing a building permit for any structure for any premises intended for a combination of dwelling and commercial or dwelling and industrial usage or which would result in an increased area devoted to business or industrial usage within a building partly occupied as a dwelling, the building inspector shall refer the plans to the fire chief and the regional health office and request their respective reports as to any hazards that exist or may be expected to exist, and their recommendations as to desirable additional provisions or changes in the interest of safety shall be complied with before issuance of a permit, where mixed occupancy includes residential units, the side and rear yard and area requirements of residential zones shall be met to be in compliance with the single state construction code.
(Ord. No. 600, § 15.043, 2-21-2005)

Sec. 38-97. Required area or space.

No lots in common ownership and no yard, court, parking area, or other spaces shall be so divided, altered, or reduced to make said area or dimension less than the minimum required under this chapter. If already less than the minimum required under this chapter, said area or dimension shall not be further divided or reduced. Where the plot plan presented in the application for a permit includes more than one recorded lot, the building inspector, or his deputy, shall execute an affidavit in which the facts with reference to the use of said lots shall be stated and shall cause the same to be recorded in the office of the county register of deeds, the cost of recording to be borne by the applicant.
(Ord. No. 600, § 15.044, 2-21-2005)

Sec. 38-98. Traffic visibility across corner lots.

In any residence zone district on any corner lot, no fence, structure, except utility poles or planting over 36 inches in height except trees, shall be erected or maintained within 20 feet of the corner property line so as to interfere with traffic visibility across the corner.
(Ord. No. 600, § 15.045, 2-21-2005)

Sec. 38-99. Existing lots.

The use of any existing lot is allowed without approval of the board of zoning appeals, provided the lot is in single ownership with no common ownership contiguous property and meets setbacks, lot coverage, etc., but not lot size.
(Ord. No. 600, § 15.046, 2-21-2005)

Sec. 38-100. Height and area zoning exceptions.

The height and area requirements of all zones shall be subject to the following exceptions: parapet walls not exceeding four feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, gas tanks, grain elevators, penthouses, stacks, stage towers or scenery lofts, flour mills, food processing plants, television antennae, tanks, water towers, radio towers, ornamental towers, monuments, cupolas, domes and spires, necessary mechanical appurtenances, or additions to existing buildings which now exceed the height limitations of the zone district up to the height of the existing building.
(Ord. No. 600, § 15.047, 2-21-2005)

Sec. 38-101. Essential services.

Essential services as defined in section 38-5 shall be permitted in all classes of zoning districts.
(Ord. No. 600, § 15.048, 2-21-2005)

Sec. 38-102. Establishing grades and drainage.

(a) Any building requiring yard space shall be located at such elevation that a minimum sloping grade of not less than one-tenth of one percent shall be maintained to cause the flow of surface water to run away from the walls of the building to the front and rear property lines, or to the front or rear line only where the property is located on a natural slope.

(b) On large lots and parcels, of one-half acre or more in area, buildings must be located on the property so as to avoid interference with the natural flow of surface water or special means must be provided to care for such drainage.

(c) The grades at the front and rear of any property shall be established so that water runoff from such property will be accepted by whatever drainage structures, natural drainage course, or body of water exists adjacent to such property.

(d) When a new building is constructed adjacent to an existing building, the existing established grade of each such existing adjacent building shall be considered in determining the grade of the new building, and a reasonable average grade in relation to all adjacent established grades shall be used.
(Ord. No. 600, § 15.049, 2-21-2005)

Sec. 38-103. Relation of building to front lot line.

(a) The front line or face of all structures hereafter erected in all zones, shall be parallel to the front lot line, or shall be at an angle to the front lot line approved by the building inspector, for one of the following purposes:

(1) To relate to or take advantage of an unusual natural feature or topography on the parcel of land;

(2) To take advantage of a natural view, provided due consideration is given to preserving the natural view, of existing adjacent building;

(3) To relate to or take advantage of a parcel of land which has nonparallel lot lines;

(4) To conform to a pattern already established by existing adjacent building;

(5) To establish a pattern involving two or more buildings within one parcel of land.

(b) In any case, where the front or face of a structure is not parallel to the front lot line the setback distance on any side of said structure shall be measured from the appropriate lot line to the nearest edge of said structure.
(Ord. No. 600, § 15.050, 2-21-2005)

Sec. 38-104. Building structures.

All structures within the city must comply with all city building ordinances and the single state construction code.
(Ord. No. 600, § 15.051, 2-21-2005)

Sec. 38-105. Open space preservation requirements.

Any residential development may be developed, at the option of the land owner, utilizing the requirement of the State of Michigan Open Space Preservation Act, Public Act No. 179 of 2001 (MCL 125.5847).
(Ord. No. 600, § 15.052, 2-21-2005)

Secs. 38-106—38-120. Reserved.

DIVISION 2. R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

Sec. 38-121. Description of district; permitted uses.

In any R-1 district no building or part thereof shall be erected, altered, or used on any lot or other parcel of land in whole or in part used for other than any one or more of the following specific uses:

(1) One-family dwellings. All dwellings shall have not less than four habitable rooms and one complete bathroom. Each bathroom shall contain a toilet which is connected with a public sewer, or suitable septic tank provided public sewer is not available.

(2) Churches provided the buildings are located at least 30 feet from any property line.

(3) Municipal, state, and federal administrative and service buildings and other essential service buildings where located at least 30 feet from any property line.

(4) Children's playgrounds, provided that any buildings shall be located at least 30 feet from any property line.

(5) Funeral homes, public parks, libraries, museums, schools, and art galleries may be authorized by the board of appeals in the R-1 residential district if such use will not be detrimental to adjoining properties and provided that adequate off-street parking is provided. No building erected for such use shall be closer than 50 feet to any property line.

(6) Accessory buildings in this district shall include one private garage building, detached, for vehicles owned by the occupants, plus one additional one-story building not to exceed 480 square feet in area, and so constructed as not to interfere with the light or ventilation of any other structure. Attached garages shall be treated as part of the main dwelling unit except as pertaining to minimum floor space area and volume.

(7) Accessory uses shall be permitted when located on the same lot as the residential use, provided that the dwelling conforms to all requirements of the district, that no more than one person not a resident of the dwelling is employed therein, that no more than one-half of the floor area of one story of the dwelling is devoted to such accessory use, that stock in the trade not produced on the property is not kept or sold, that no mechanical or electrical equipment which would create a nuisance to

the adjacent neighborhood is used, and that adequate parking in accordance with the terms of this chapter is provided. Accessory uses shall include:

a. Customary home occupations such as an artist, author, beauticians, handicraft work and agricultural and horticultural pursuits, including the sale of such products made or grown on the premises and not purchased for resale.
b. The offices of a physician, dentist, attorney, architect, or other similar professional person.
c. Keeping domestic animals on a lot used for residential purposes when limited to household pets, maintained only for the residence and not for sale and when confined in facilities not located between the street and main buildings and which are clean, healthful, and inoffensive to the residents of adjoining property, provided that the board of appeals may upon application hear and determine complaints and may limit them in keeping with the sanitary precautions necessary to prevent offensive odors, pollution of water supply, and the spread of infection and disease.
d. Private garages for the housing of motor vehicles owned by the occupants of a dwelling, provided that no more than one commercial vehicle exceeding 1½ tons shall be kept on such lot without the permit of the board of appeals.

(8) State licensed residential facilities in compliance with section 36 of Public Act No. 207 of 1921 (MCL 125.5836).

(Ord. No. 600, § 15.081, 2-21-2005)

Sec. 38-122. Floor space area and volume.

Floor space area and volume in the R-1 residential district, measured on the outside perimeter, exclusive of breezeway, porch, garage, and basement, shall be as follows:

(1) Each one-family dwelling shall be at least 24 feet wide.

(2) A one-family dwelling shall contain a minimum total floor area of 1,000 square feet and minimum volume of 8,000 cubic feet.

(Ord. No. 600, § 15.082, 2-21-2005; Ord. of 8-20-07)

Sec. 38-123. Height.

No building in the R-1 district shall exceed 35 feet in height. No garage or accessory building either attached of detached shall be more than 50 percent higher than the dwelling located on the lot and no case more than 35 feet.

(Ord. No. 600, § 15.083, 2-21-2005)

Sec. 38-124. Rear yard.

In the R-1 district there shall be a rear yard having a minimum depth of 25 feet.

(Ord. No. 600, § 15.084, 2-21-2005)

Sec. 38-125. Side yard.

(a) Every single dwelling in the R-1 district shall have two side yards, the width of which shall be a minimum of eight feet on one side and ten feet on the other side, measured from the closest side of the eave overhang of the building involved, provided however, no eight-foot side yard shall abut another eight-foot side yard. Where the side lines are not at right angles to the street, the building inspector may modify such yard requirements so that the side yard will average at least eight feet in width on the other side, but in no instance shall the wider yard be so modified that it will become too narrow for the passage of a motor vehicle into said premises over that side. Corner lots in the R-1 district shall have a minimum side yard of 20 feet on the street side.

(b) Side yard requirements for nonresidential buildings which are allowed in the R-1 residential zone shall be as provided in section 38-121.

(Ord. No. 600, § 15.085, 2-21-2005)

Sec. 38-126. Setback.

(a) There shall be a setback line of not less than 30 feet from the front lot line; provided, that where 50 percent or more of all property, according to front feet abutting one side of a street between two intersecting streets, or between one

intersecting street and the end of the street in question, is built up with buildings having an average setback line which is more or less than 30 feet, that no building hereafter erected or structurally altered shall project beyond the average setback line so established; provided further, that in the case of corner lots, the setback lines shall be as established by the building inspector in such a manner as to best blend with the setback and yard requirements of the surrounding properties.

(b) Accessory building, including unattached garages, shall be placed not less than three feet from the side lot line and rear lot line measured from the closest side of eave overhang, when placed at least ten feet from the farthest rear line of the building. Unattached garages may be placed in conformance with the same setback requirements as the main dwelling provided the same side yard requirements as the main dwelling are met and provided they are located a minimum of ten feet from any other building. However, garages located less than ten feet from any building shall be constructed in accordance with the single state construction code for attached garages.
(Ord. No. 600, § 15.086, 2-21-2005)

Sec. 38-127. Lot dimensions.

All lots in the R-1 district shall have a minimum frontage of 80 feet, and if the lot occupied by said residence has both sewer and water, the minimum lot area for residence in this district shall be 10,400 square feet; if such has either sewer or water, but not both, the minimum lot size shall be 11,200 square feet; and if neither sewer nor water are provided, the minimum lot size shall be 12,000 square feet.
(Ord. No. 600, § 15.087, 2-21-2005)

Sec. 38-128. Lot coverage.

No lot in the R-1 district shall be occupied by buildings to an extent greater than 25 percent of the total lot area.
(Ord. No. 600, § 15.088, 2-21-2005)

Sec. 38-129. Rear dwellings prohibited.

No buildings to the rear of the principal buildings on the same lot in the R-1 district shall be used for residential purposes.
(Ord. No. 600, § 15.089, 2-21-2005)

Secs. 38-130—38-150. Reserved.

DIVISION 3. R-2 TWO-FAMILY RESIDENTIAL DISTRICT

Sec. 38-151. Description of district; permitted uses.

In any R-2 residential district, no building or part thereof shall be erected, altered, or used on any lot or other parcel of land in whole or in part used for other than any one or more of the following specific uses:

(1) Any use permitted in the R-1 single-family residential district as specified in section 38-121.

(2) Two-family dwellings. All two-family dwellings shall contain not less than four habitable rooms for the second unit. There shall be at least one complete bathroom in each unit which is connected to a public sewer, or suitable septic tank provided public sewer is not available.

(3) Non-family apartments as described in article IV of this chapter, sections [38-359—38-363]. No non-family apartment may be placed within 300 feet of an existing rental dwelling or on a contiguous lot in this district.

(4) Non-family single or two-dwelling unit buildings (non-family houses or duplexes, boarding houses) as described in article IV of this chapter, sections [38-359—38-363]. No non-family single dwelling unit (boarding house) or non-family duplex will be allowed within 900 feet on the same street, or on a lot contiguous with an existing boarding house or other non-

family dwelling unit, including but not limited to employee housing, group houses, halfway houses and shelters.

(Ord. No. 600, § 15.121, 2-21-2005; Ord. No. 564, 12-5-2016)

Sec. 38-152. Floor space area and volume.

Floor space area and volume in the R-2 residential district, measured on the outside perimeter exclusive of breezeway, porch, garage, and basement, shall be as follows:

(1) Each one-family dwelling unit shall be at least 24 feet wide.

(2) A one-family dwelling shall contain a minimum total floor area of 800 square feet and a minimum volume of 6,400 cubic feet.

(3) Each two-family dwelling unit shall be at least 24 feet wide.

(4) A two-family dwelling unit shall contain for one dwelling unit, a minimum floor area of 800 square feet for each dwelling unit consisting of 6,400 cubic feet each; and for the other dwelling unit, a minimum floor area of 400 square feet and a minimum volume of 3,200 cubic feet, plus an additional floor area of 100 square feet and an additional volume of 800 cubic feet for each habitable room in excess of two.

(Ord. No. 600, § 15.122, 2-21-2005; Ord. of 8-20-2007)

Sec. 38-153. Height.

No building in the R-2 residential district shall exceed 35 feet in height. No garage or accessory building either attached or detached in the R-2 residential district shall be more than 50 percent higher than the dwelling located on the lot and in no case more than 35 feet.

(Ord. No. 600, § 15.123, 2-21-2005)

Sec. 38-154. Rear yard.

In the R-2 residential district, there shall be a rear yard having a minimum depth of 25 feet.

(Ord. No. 600, § 15.124, 2-21-2005)

Sec. 38-155. Side yard.

(a) In the R-2 residential district, every one-family and two-family dwelling shall have two side yards, the width of which shall be a minimum of five feet on one side and ten feet on the other side measured from the closest side of the eave overhang of the building involved. Provided, however, no five-foot side yard shall abut another five-foot side yard. Where the side lines in the R-2 residential district are not at right angles to the street, the building inspector may modify such yard measurement so that the side yard will average at least five feet in width on one side and not less than eight feet in width on the other side, but in no instance shall the wider yard be so modified that it will become too narrow for the passage of a motor vehicle into and upon said premises over that side. Corner lots in the R-2 residential district shall have a minimum side yard requirement of 20 feet on the street side.

(b) Side yard requirements for nonresidential buildings which are allowed in the R-2 residential zone shall be as provided in section 38-121.

(Ord. No. 600, § 15.125, 2-21-2005)

Sec. 38-156. Setback.

(a) In the R-2 residential district, there shall be a setback line of not less than 25 feet from the front lot line; provided, that where 50 percent or more of all property, according to front feet abutting one side of a street between two intersecting streets or between one intersecting street and the end of the street in question, is built up with buildings having an average setback line which is more or less than 25 feet, that no building hereafter erected or structurally altered shall project beyond the average setback line so established; provided further that in the case of corner lots the setback lines shall be as established by the building inspector in such a manner as to best blend with the setback and yard requirements of the surrounding properties.

(b) Accessory buildings, including unattached garages, in the R-2 residential district shall be placed not less than three feet from the side lot line and rear lot line, measured from the closest side of eave overhang, of the building involved when placed at least ten feet from the farthest

rear line of the building. Unattached garages in the R-2 residential district may be placed in conformance with same setback requirements as the main dwelling provided the same side yard requirements as the main dwelling are met and provided they are located a minimum of ten feet from any other building. However, garages in the R-2 residential district located less than ten feet from any building shall be constructed in accordance with the single state construction code for attached garages.
(Ord. No. 600, § 15.126, 2-21-2005)

Sec. 38-157. Lot dimensions.

All lots in the R-2 residential district shall have the minimum frontage of 55 feet, and if the lot occupied by said residence has both sewer and water, the minimum lot area for residence in this district shall be 7,100 square feet; if such has either sewer or water, but not both, the minimum lot size of 8,600 square feet; and if neither water nor sewer are provided, the minimum lot size shall be 8,600 square feet.
(Ord. No. 600, § 15.127, 2-21-2005)

Sec. 38-158. Lot coverage.

No lot in the R-2 residential district used for a one-family or two-family dwelling shall be occupied by buildings to an extent greater than 35 percent of the total lot area.
(Ord. No. 600, § 15.128, 2-21-2005)

Sec. 38-159. Rear dwellings prohibited.

No buildings to the rear of the principal buildings on the same lot shall be used for residential purposes in the R-2 residential district.
(Ord. No. 600, § 15.129, 2-21-2005)

Secs. 38-160—38-180. Reserved.

DIVISION 4. R-3 MIXED RESIDENTIAL DISTRICT

Sec. 38-181. Description of district; permitted uses.

In any R-3 residential district, no building or part thereof shall be erected, altered, or used on any lot or other parcel of land in whole or part, used for other than any one or more of the following specific uses:

(1) Any use permitted in the R-2 residential district, as specified in section 38-151.

(2) Multifamily dwelling. All multifamily dwellings shall contain for each dwelling unit, a minimum floor area of 500 square feet and a minimum volume of 3,200 cubic feet, plus an additional floor area of 100 square feet and an additional volume of 800 cubic feet for each habitable room in excess of two. Common areas shall be prorated and credited toward the square footage of the dwelling unit.

(3) Non-family apartments as described in article IV of this chapter, sections [38-359—38-363]. No non-family apartment may be placed within 300 feet of an existing R3 zoned rental dwelling or on a contiguous lot without a zoning variance.

(4) Non-family one and two unit dwellings (non-family houses or duplexes, boarding houses) as described in article IV of this chapter, sections [38-359—38-363]. Unless a zoning variance is granted, no non-family single unit dwelling (boarding house) or non-family duplex will be allowed within 900 feet on the same street, or on a lot contiguous with an existing boarding house or other non-family dwelling unit, including but not limited to employee housing, group houses, halfway houses and shelters.

(Ord. No. 600, § 15.161, 2-21-2005; Ord. No. 564, 12-5-2016)

Sec. 38-182. Floor space area and volume.

Floor space area and volume in the R-3 residential district, measured on the outside perimeter, exclusive of breezeway, porch, garage, and basement, shall be as follows:

(1) Each dwelling unit shall be the same width as specified in section 38-152(1) and (3).

(2) A one-story dwelling shall contain floor space and volume as specified in section 38-152(2).

(3) A two-family dwelling shall contain floor space and volume as specified in section 38-152(4).

(4) A multifamily dwelling shall contain, for each dwelling unit, a minimum floor area of 500 square feet.

(Ord. No. 600, § 15.162, 2-21-2005)

Sec. 38-183. Height.

No building in the R-3 residential district shall exceed 35 feet in height. No garage or accessory building in the R-3 residential district, either attached or detached, shall be more than 50 percent higher than the dwelling located on the lot and in no case more than 35 feet.
(Ord. No. 600, § 15.163, 2-21-2005)

Sec. 38-184. Rear yard.

In the R-3 residential district there shall be a rear yard having a minimum depth of 25 feet.
(Ord. No. 600, § 15.164, 2-21-2005)

Sec. 38-185. Side yard.

(a) In the R-3 residential district every one-family and two-family dwelling shall have two side yards as specified in section 38-155(1).

(b) Every multifamily dwelling in the R-3 residential district shall have two side yards, each of which shall have a minimum width of 25 feet; provided, that if a parking area is established in one of the side yards, the distance from the edge of the parking area to the closest side lot line shall not be less than 15 feet; provided, that the board of zoning appeals may grant a variance in these side yard requirements when in its opinion such variance would not be detrimental to adjoining properties.

(c) Side yard requirements for nonresidential buildings which are allowed in the R-3 zone shall be as provided in section 38-121.
(Ord. No. 600, § 15.165, 2-21-2005)

Sec. 38-186. Setback.

(a) There shall be a setback line in the R-3 residential district of not less than 25 feet from the front lot line; provided, that where 50 percent or more of all property, according to front feet abutting one side of a street between two intersecting streets or between one intersecting street and the end of the street in question, is built up with buildings having an average setback line which is more or less than 25 feet, that no building hereafter erected or structurally altered shall project beyond the average setback line so established; provided further, in the case of corner lots, the setback lines shall be as established by the building inspector in such a manner as to best blend with the setback and yard requirements of the surrounding properties.

(b) Accessory buildings, including unattached garages, in the R-3 residential district, shall be placed in conformance with section 38-126(2) when used in conjunction with a single or two-family dwelling; multiple-family garages must meet the same rear yard, side yard, and setback requirements as the multiple-family dwelling unit.

(c) Multiple-family developments with two or more structures in the R-3 residential district shall be built so that no structure is closer than 30 feet to any other structure in the development.
(Ord. No. 600, § 15.166, 2-21-2005)

Sec. 38-187. Lot dimensions.

All lots in the R-3 residential district shall have a minimum frontage of 55 feet, and if the lot occupied by said residence has both sewer and water, the minimum lot area for residence in this district shall be 7,100 square feet; and if such has either sewer or water, but not both, the minimum lot size shall be 9,250 square feet; and if neither sewer or water are provided, the minimum lot size shall be 9,900 square feet; provided that no multiple-family dwelling shall be placed on any lot with frontage less than 100 feet nor area less than 15,000 square feet.
(Ord. No. 600, § 15.167, 2-21-2005)

Sec. 38-188. Lot coverage.

No lot in the R-3 residential district used for one-family, two-family or multifamily dwelling shall be occupied by buildings to an extent greater than 35 percent of the total lot area.
(Ord. No. 600, § 15.168, 2-21-2005)

Sec. 38-189. Reserved.

Editor's note—An ordinance adopted Aug. 20, 2007, repealed § 38-189, in its entirety. Prior to amendment, § 38-189 pertained to rear dwellings prohibited and derived from Ord. No. 600, § 15.169, adopted Feb. 21, 2005.

Secs. 38-190—38-210. Reserved.

DIVISION 5. R-4 MOBILE HOME PARK DISTRICT

Sec. 38-211. Description of district.

The R-4 district is composed of areas suitable for residential development. The R-4 district is limited to the prefabricated types of single-family mobile dwellings units and other uses characteristics of a residential area. The regulations of the R-4 district are designed to permit a density of population and an intensity of land use in those areas which are served by a central water and sewer system and which abut or are adjacent to such other uses, buildings, structures, or amenities which support, complement, or serve such a density or intensity.
(Ord. No. 600, § 15.201, 2-21-2005)

Sec. 38-212. Permitted uses.

Uses by right in the R-4 district shall be as follows:

Mobile home park.
(Ord. No. 600, § 15.202, 2-21-2005)

Sec. 38-213. Mobile home park regulations.

All mobile home parks developed in the R-4 mobile home park district shall conform to the following regulations:

(1) All park shall comply with Public Act No. 96 of 1987 (MCL 125.2301 et seq.) which is the mobile home commission lot and the single state construction code.

(2) Each mobile home park shall be served by a central water supply system and central sanitary sewage system.

(3) All mobile home residential districts are required to be subject to special land use regulations as outlined in article V of this chapter.

(Ord. No. 600, § 15.203, 2-21-2005)

Secs. 38-214—38-230. Reserved.

DIVISION 6. CBD CENTRAL BUSINESS DISTRICT

Sec. 38-231. Description of district.

The central business district (CBD) is designed to provide for a variety of establishments, including retail, personal, professional and other services commonly associated with commercial, office, and business centers to serve the overall shopping needs of the population including both convenience and comparison goods and services and to provide facilities that are compatible with and of service to for-profit business and commercial uses. The central business district regulations are designed to promote convenient shopping and stable retail development by encouraging a continuous retail frontage and by prohibiting outdoor automotive-related activities as well as any uses that negatively impact existing and future for-profit business and commercial uses in the district and have a detrimental effect on tax revenue generation and maximization unless permitted in accordance with the provisions of this chapter. It is further the purpose of this district to promote development of retail and commercial businesses and activities, preserve the business and commercial character of the area, protect and increase property values in the district, and maximize tax revenues.
(Ord. No. 600, § 15.231, 2-21-2005; Ord. of 11-22-2021)

Sec. 38-232. Permitted uses

In the central business district (CBD), no building, structure or part thereof shall be erected, altered, or moved upon a structure or parcel of

land in said district, and no parcel of land shall be used, for any purpose other than one or more of the following:

(1) Any generally recognized retail business which supplies commodities on the premises within a completely enclosed building, such as, but not limited to: food, drugs, liquor, furniture, clothing, dry goods, notions, and hardware.

(2) Any personal service establishment which performs service on the premises within a completely enclosed building, such as, but not limited to, repair shops (watches, radio, television, shoes, etc.), tailor shops, beauty parlors, barber shops, interior decorators, photographers, and dry cleaners.

(3) Restaurants and taverns, where the patrons are served while seated within a building or attached deck area occupied by such establishment, and wherein said establishment does not extend as an integral part of, or accessory thereto any service of a drive-in or open front store.

(4) Theaters or assembly halls when completely enclosed.

(5) Offices and office buildings of an executive, administrative, or professional nature.

(6) Banks, with drive-in facilities permitted.

(7) Reserved.

(8) Offices and showrooms of plumbers, electricians, decorators, or similar trades, in connection with which not more than 25 percent of the floor area of the building or part of the building occupied by said establishment is being used for making, assembling, remodeling, repairing, altering, finishing or refinishing its products, or merchandise, and provided that: ground-floor premises facing upon and visible from any abutting street shall be used only for entrances, offices, or display.

(9) Newspaper offices and printing plants.

(10) Storage facilities when incidental to and physically connected with any principal use permitted provided that such facility be within the confines of the building or part thereof occupied by said establishment.

(11) Other uses which are similar to the above and subject to the following restrictions:

a. All business establishments shall be retail or service establishments dealing directly with consumers. Goods produced on the premises shall be sold at retail from premises where produced.

b. All business, servicing, or processing except for off-street parking or loading, shall be conducted within completely enclosed buildings.

c. Outdoor storage of commodities shall be expressly prohibited, except on the owners property.

(12) Accessory structures customarily incidental to the above permitted uses.

(13) Any hotel or motel provided off-street parking requirements of article VIII of this chapter are met.

(14) Marinas and retail business in conjunction therewith.

(15) Boat docks, boat passenger terminals and parking facilities in conjunction therewith, but not including wholesale and warehousing activities.

(16) Dwelling units are allowed except on the ground floor store front and off-street parking must be provided in accordance with article VIII of this chapter. The number of units allowed shall be in accordance with section 38-182 and shall comply with the single state construction code.

(17) Non-family apartments as described in article IV of this chapter, sections [38-359—38-363].

(Ord. No. 600, § 15.232, 2-21-2005; Ord. No. 564, 12-5-2016; Ord. of 11-22-2021)

Sec. 38-233. General conditions.

(a) *Parking.* No off-street parking is required in the central business district (CBD), except as specified.

(b) *Height.* No building in the central business district shall exceed a maximum of 40 feet. Structures on the lake side of the street shall be a maximum of 20 feet.

(c) *Setback, side, and rear yards.* There shall be no front, side, or rear yard requirements in this area except that where a building is not constructed to the lot line, there shall be a side yard of not less than ten feet, and where a commercial site abuts a residential district there shall be a side yard of not less than 15 feet and a rear yard of not less than 25 feet.

(d) *Construction.* Construction shall comply with single state construction code.
(Ord. No. 600, § 15.233, 2-21-2005)

Sec. 38-234. Special land uses.

In the central business district (CBD), a building, structure or part thereof may be erected, altered, or moved upon a structure or parcel of land in said district, and a parcel of land may be used, for the following purposes when approved by the city council after review by the city planning commission in accordance with the requirements of article V of this chapter:

(1) Municipal buildings and governmental offices.

(2) Any use that is tax exempt under any state and/or federal law.

(Ord. of 11-22-2021)

Secs. 38-235—38-250. Reserved.

DIVISION 7. GBD GENERAL BUSINESS DISTRICT

Sec. 38-251. Description of district.

The general business district (GBD) is designed to provide for more diversified for-profit business and commercial activities than the central business district (CBD) that are compatible with and of service to such business and commercial uses in the general business district. The general business district regulations are designed to promote convenient shopping for motorists as well as pedestrians. The general business district regulations shall promote development of for-profit businesses and activities, preserve the business and commercial character of the area, protect and increase property values, and maximize tax revenues. In furtherance of this purpose, no use that negatively impacts existing and future for-profit business and commercial uses in the district and has a detrimental effect on tax revenue generation and maximization shall be permitted in the general business district unless allowed in accordance with the provisions of this chapter.
(Ord. No. 600, § 15.261, 2-21-2005; Ord. of 11-22-2021)

Sec. 38-252. Permitted uses.

In the general business district (GBD), no building, structure, or part thereof shall be erected, altered, or moved upon any parcel of land in said district, and no parcel of land shall be used for any other purpose than for one or more of the following:

(1) Any use permitted in the central business district (CBD) subject to the general provisions of this chapter.

(2) Stores for carrying on the trade of electricians, plumbers, decorators, photographers, and similar trades.

(3) Motor vehicle sales and service establishments, provided that no services except the retail sale of gasoline shall be allowed outside of a completely enclosed building and no outside storage of any vehicles, parts, or materials shall be allowed except for new or used vehicles receiving service.

(4) Retail sale and operation service establishments which include a drive-in restaurants, open fruit markets and outdoor recreation facilities.

(5) Parking facilities.

(6) Storage of materials or goods to be sold at retail provided such storage is within a building or on owners property.

(7) Other uses which are similar to the above uses.

(8) Accessory structures customarily incidental to the above permitted uses.

(9) Any hotel and motel.

(10) Dwelling units are allowed except on the ground floor store front and off-street parking must be provided in accordance with article VIII of this chapter. The number of units allowed shall be in accordance with section 38-182 and shall comply with the single state construction code.

(11) Non-family rental dwellings. Non-family apartments as described in article IV of this chapter, sections [38-359—38-363].

(Ord. No. 600, § 15.262, 2-21-2005; Ord. No. 564, 12-5-2016)

Sec. 38-253. General conditions.

(a) *Parking.* Off-street parking is required as provided in article VIII of this chapter.

(b) *Height.* No building in the general business district shall exceed a maximum of 40 feet. Structures on the lake side of the street in the general business district shall be a maximum of 20 feet.

(c) *Setback, side and rear yards.* There shall be no front, side or rear yard requirements in the general business district, except as is necessary to provide the required parking area; provided that where a building is not constructed to the lot line, there shall be a side yard of not less than ten feet and where a commercial site abuts a residential district, there shall be a side yard of not less than 15 feet and a rear yard of not less than 25 feet.

(d) *Exterior construction.* Exterior construction in the general business district shall comply with the single state construction code.

(Ord. No. 600, § 15.263, 2-21-2005)

Sec. 38-254. Special land uses.

In the general business district (GBD), a building, structure or part thereof may be erected, altered, or moved upon a structure or parcel of land in said district, and a parcel of land may be used, for the following purposes when approved by the city council after review by the city planning commission in accordance with the requirements of article V of this chapter:

(1) All special land uses permitted in the central business district (CBD).

(Ord. of 11-22-2021)

Secs. 38-255—38-270. Reserved.

DIVISION 8. TBD TOURIST BUSINESS DISTRICT

Sec. 38-271. Description of district.

The tourist business district (TBD) is designed to provide for the retail and service needs of tourists and the traveling public. The tourist business district regulations are designed to promote stable development of for-profit tourist businesses and activities, with adequate parking and open space being required of each business. No use that negatively impacts existing and future for-profit business and commercial uses in the district and has a detrimental effect on tax revenue generation and maximization shall be permitted in the tourist business district unless allowed in accordance with the provisions of this chapter.

(Ord. No. 600, § 15.291, 2-21-2005; Ord. of 11-22-2021)

Sec. 38-272. Permitted uses.

In the tourist business district (TBD), no building, structure or part thereof shall be erected, altered or moved upon any parcel of land in said district, and no parcel of land shall be used for any purpose other than one or more of the following:

(1) Any hotel or motel.

(2) Any restaurants or drive-in restaurant.

(3) Any gasoline station limited to retail sales, and conducting only minor mechanical services incidental to the general servicing of vehicles. No paint or body shop, not more than three service stalls, which shall be completely enclosed, shall

be allowed. Permits for fuel signs on light posts shall be included in the site plan permitting process.

(4) Any theater or assembly hall located completely within an enclosed building.

(5) Any indoor or outdoor recreation facility in which the customers are participants rather than spectators.

(6) Any retail store.

(7) Reserved.

(8) Other uses which are similar to the above uses.

(9) Accessory structures which are customarily incidental to the above permitted uses.

(10) Single family dwellings to comply with R-1 conditions.

(11) Marinas and retail businesses in conjunction therewith.

(12) Boat docks, boat passenger terminals, and parking facilities in conjunction therewith, but not including wholesale and warehousing activities.

(13) Multifamily residential to comply with the conditions in this division in all regards except for floor space area and volume which must comply with R-3 conditions, section 38-182.

(14) Two-family residential to comply with R-2 conditions in accordance with article III, division 3, of this chapter.

(15) Non-family rental dwellings. Non-family apartments as described in article IV of this chapter, sections [38-359—38-363]. Non-family one and two unit dwellings (non-family houses or duplexes, boarding houses) as described in article IV of this chapter, sections [38-359—38-363].

(Ord. No. 600, § 15.292, 2-21-2005; Ord. No. 564, 12-5-2016; Ord. of 08-21-2017(1); Ord. of 11-22-2021)

Sec. 38-273. General conditions.

The general conditions in the tourist business district shall be the same as section 38-253, except height is limited to 40 feet on either street or lake side.
(Ord. No. 600, § 15.293, 2-21-2005)

Sec. 38-274. Special land uses.

In the tourist business district (TBD), a building, structure or part thereof may be erected, altered, or moved upon a structure or parcel of land in said district, and a parcel of land may be used, for the following purposes when approved by the city council after review by the city planning commission in accordance with the requirements of article V of this chapter:

(1) All special land uses permitted in the central business district (CBD) and general business district (GBD).

(Ord. of 11-22-2021)

Secs. 38-275—38-290. Reserved.

DIVISION 9. LID LIGHT INDUSTRIAL DISTRICT

Sec. 38-291. Description of district.

The light industrial district (LID) is designed to accommodate the warehousing, light manufacturing, and light industrial requirements of the community. The light industrial district regulations are designed to promote a stable industrial development which will be compatible with adjacent business and residential districts, by establishing adequate setback and screening provisions, and by limiting the types of manufacturing and industrial uses to those which do not produce excessive noise or air pollution.
(Ord. No. 600, § 15.321, 2-21-2005)

Sec. 38-292. Permitted uses.

In the light industrial district (LID), no building, structure, or part thereof, shall be erected, altered, or moved upon any parcel of land in said

district and no parcel of land shall be used for any purpose other than one or more of the following:

(1) Warehousing and wholesale establishments, and trucking facilities.

(2) Lumber and building materials storage yards, and contractors plant and storage facilities.

(3) Bulk oil and fuel supply depots, established under approval of the state fire marshal and the state department of environmental quality.

(4) Manufacturing of goods and merchandise, such as millwork, planning mills, furniture manufacturing, machine shops, dairies, bakeries, electronics manufacturers, and craft or trade shops.

(5) Junkyards and salvage yards when completely enclosed by a six-foot solid fence or wall.

(6) Other uses which are similar to the above uses.

(7) Accessory structures which are customarily incidental to the above uses.

(8) Wholesale or retail sales operations incidental to the above permitted uses.

(Ord. No. 600, § 15.322, 2-21-2005)

Sec. 38-293. General conditions.

The following are required of all uses in light industrial district:

(1) *Screening.* All permitted uses, except parking and loading of vehicles incidental to said uses, shall be conducted wholly within a completely enclosed building, or within a yard completely enclosed by a six-foot high solid fence or wall when such uses are normally conducted outdoors; provided that no outdoor uses other than parking and loading, incidental to a use in an enclosed building, shall be conducted within 200 feet of an adjacent commercial zone or within 400 feet of an adjacent residential zone.

(2) *Pollution.* No use shall be allowed which, although permitted as to type of use, will produce pollution in the form of smoke, gases, particular matter, odors, or noise in such a manner as to be detrimental to the adjacent industrial uses or nonindustrial districts.

(3) *Height.* No structure shall exceed a height of 45 feet.

(4) *Setback.* There shall be a setback line of not less than 25 feet from the front lot line; provided that where 50 percent or more of all property according to front feet abutting one side of a street between two intersecting streets, or between one intersecting street and the end of the street in question, is built up with buildings having an average setback line which is more or less than 25 feet, then no building hereafter erected or structurally altered shall project beyond the average setback line so established; provided further, that in the case of corner lots, the setback lines shall be as established by the building inspector in such a manner as to best blend with the setback and yard requirements of the surrounding properties.

(5) *Side yard and rear yard.* There shall be two side yards and one rear yard of at least 25 feet each, provided that when any side yard or rear yard is adjacent to a residential district, such side and rear yard shall be at least 50 feet.

(Ord. No. 600, § 15.323, 2-21-2005)

Secs. 38-294—38-310. Reserved.

DIVISION 10. WLID WATERFRONT LIGHT INDUSTRIAL DISTRICT

Sec. 38-311. Description of district.

The waterfront light industrial district (WLID) is designed to accommodate mainly water related light industrial development. The waterfront light industrial district regulations are designed to promote and capitalize the potential of water transportation and bulk oil storage facility without

creating any nuisance in the form of noise or air as well as taking from the aesthetic value of the environment.
(Ord. No. 600, § 15.351, 2-21-2005)

Sec. 38-312. Permitted uses.

In the waterfront light industrial district (WLID), no building, structure or part thereof shall be erected, altered, or moved upon any parcel of land in said district, and no parcel of land shall be used for any purpose than one or more of the following:

Any use permitted in the light industrial district (LID), section 38-292, except junkyards and salvage yards and subject to general provisions of this division.
(Ord. No. 600, § 15.352, 2-21-2005)

Sec. 38-313. General conditions.

The general conditions in the waterfront light industrial district shall be the same as the light industrial district (LID), section 38-293, with the following changes:

(1) *Height*. No structure shall exceed the height of 35 feet.

(2) *Hazardous wastes.* No materials may be stored within the district which appear on the current critical materials register or the hazardous wastes register as compiled by the state department of environmental quality.

(Ord. No. 600, § 15.353, 2-21-2005)

Secs. 38-314—38-330. Reserved.

DIVISION 11. PRD PUBLIC RECREATION DISTRICT

Sec. 38-331. Description of district.

The public recreation district (PRD) is designed to provide for the recreational needs of residents and tourists. The public recreation district regulations are designed to protect and promote the stable and adequate development of areas with recreation development potential and also to provide adequate protection of neighboring land uses.
(Ord. No. 600, § 15.381, 2-21-2005)

Sec. 38-332. Permitted uses.

In the public recreation district (PRD), no building or structure shall be erected, altered, or moved upon any parcel of land in said district and no parcel of land in said district shall be used for any purpose other than public recreation.
(Ord. No. 600, § 15.382, 2-21-2005)

Sec. 38-333. General conditions.

The following conditions are required of all uses in the public recreation district:

(1) *Screening.* All active recreation activities and facilities which involve balls and other such equipment must have proper screening from the neighboring district.

(2) *Setback, side and rear yard.* There shall be a setback, side yard, and back yard line of no less than 25 feet each; provided that when any side or rear yard is adjacent to a residential district, such side and back yard shall be at least 50 feet.

(Ord. No. 600, § 15.383, 2-21-2005)

Secs. 38-334—38-350. Reserved.

ARTICLE IV. SUPPLEMENTARY REGULATIONS

Sec. 38-351. Conversion of older dwellings.

Conversion of older and spacious single-family dwellings into more than one-family units is permitted provided they meet the minimum floor space area standard of the zoning district in which they are located, except said conversion is not allowed in the R-1 district.
(Ord. No. 600, § 15.481, 2-21-2005)

Sec. 38-352. Lot accessibility.

No dwelling unit shall be built on a lot unless the lot abuts upon a public street or upon a

permanent unobstructed access easement of record to a public street. Such easement of record shall have a minimum width of 20 feet, excepting where an access easement of record of less width existed prior to the adoption of this chapter.
(Ord. No. 600, § 15.482, 2-21-2005; Ord. of 8-20-2007)

Sec. 38-353. Accessory building or use prohibited without a principal building or use.

No accessory building or use shall be used or engaged in prior to the establishment of the principal building or use upon the premises except as a construction facility for said principal building. Such construction facility use shall terminate upon completion of the principal building or buildings upon the premises.
(Ord. No. 600, § 15.483, 2-21-2005)

Sec. 38-354. Water and sewage requirements.

Every structure hereafter erected for dwelling purposes shall be provided with potable water and adequate sewage facilities.
(Ord. No. 600, § 15.484, 2-21-2005)

Sec. 38-355. Lavatory requirements.

No outside toilets shall hereafter be erected except such as may be temporarily needed during construction on the premises.
(Ord. No. 600, § 15.485, 2-21-2005)

Sec. 38-356. Accessory uses.

Any building erected as a garage or in which the main portion is a garage in the public recreation district shall in no case be occupied for dwelling purposes unless it is auxiliary to a residence already being occupied upon the premises or unless it complies with all the provisions of this chapter relating to buildings for residential purposes.
(Ord. No. 600, § 15.486, 2-21-2005)

Sec. 38-357. Keeping of animals.

The keeping of more than three dogs and/or cats, the keeping of pigeons having free access outside their cages, or the keeping of poultry, pigs, hogs, horses, or livestock is prohibited within or upon any properties used primarily for residential purposes. Such keeping of animals prior listed within or upon any area located within 132 feet of such aforesaid properties is also prohibited. However, any litter of dogs or cats which causes the aforesaid limit of three to be exceeded shall not constitute a violation of this provision for a period of four months after birth. It is further provided that no more than two such litters shall be allowed to so remain on the aforedescribed premises within any consecutive 12-month period. The regulation for horses and mules are subject to the horse regulations in article III of chapter 4.
(Ord. No. 600, § 15.487, 2-21-2005)

Sec. 38-358. Reserved.

Editor's note—Ord. No. 38-364 of 2021, adopted September 8, 2021, repealed § 38-358. Former § 38-358 pertained to Bed and breakfast operations and regulations (residential districts) and derived from Ord. No. 600, § 15.488, adopted February 21, 2005. Similar provisions can now be found in § 38-364.

Sec. 38-359. Non-family dwellings, one or two units (houses or duplexes), boarding houses, shared houses, group houses.

Any non-family single unit dwelling (house) or non-family two dwelling unit building (duplex) requires one full bath per four persons, kitchen facilities that include a minimum of one stove or range, one sink and one refrigerator per eight persons, with a minimum seven-foot-six-inch-ceiling height and must provide no less than 240 gross square feet within the building per occupant in R2, central business and general business districts and on R3 zoned property, and no less than 200 gross square feet per occupant in the tourist business district.

No non-family single unit (boarding house) or non-family duplex will be allowed within 900 feet on the same street, or on a lot contiguous with an existing boarding house or other non-family dwelling unit, including but not limited to

employee housing, group houses, halfway houses and shelters in the R2 zoning district or on R3 zoned property without a zoning variance.
(Ord. No. 564, 12-5-2016)

Sec. 38-360. Non-family dwellings, three or more units (apartments).

Non-family dwellings of three or more units (apartments) must provide one bathroom per four persons, and kitchen facilities that include a minimum of one stove or range, one sink and one refrigerator per eight persons, with a minimum seven-foot-six-inch-ceiling height, and no less than 240 gross square feet per occupant in the R2, central and general business districts and on R3 zoned property, and no less than 200 gross square feet per occupant in the tourist business district. No apartment may be placed within 300 feet of an existing rental dwelling or on a contiguous lot in the R2 zoning district or on R3 zoned property without a zoning variance.
(Ord. No. 564, 12-5-2016)

Sec. 38-361. Appearance and upkeep.

Upkeep of building and grounds is the responsibility of the owner of any non-family dwelling including but not limited to, employee housing, group houses, halfway houses, and shelters. Each non-family dwelling must be kept in good condition by the building owner, set forth in chapter 12, article III, which includes but is not limited to these requirements:

(1) Rotting, soiled, or otherwise degraded siding, window and other exterior trim must be cleaned or replaced promptly, as warranted by the material used (e.g., wood or vinyl);

(2) Exterior of the building must be repainted if greater than 30 percent of the exterior paint is peeling or damaged;

(3) Roof, porches and stairs must be in good repair;

(4) Interior window treatments (blinds, shades, curtains, drapes and other window treatments) that can be seen from the exterior of the building must be uniform and must be provided by the building owner, and flags, rugs, paper, cardboard or other material not intended for use as window treatments may not be placed over windows if visible from the exterior of the building;

(5) No towels, laundry, coats, rugs or other moveable items may be hung on window sills, railings, or on other surfaces visible from the exterior of the building;

(6) Lawns must be kept in good condition and kept neat as set forth in chapter 12, environment, article III;

(7) Trash may only be placed within designated receptacles and may only be placed on the street as scheduled by the waste removal company.

(Ord. No. 564, 12-5-2016)

Sec. 38-362. Non-family rental dwellings existing prior to adoption of this section.

Following adoption of the ordinance from which this section derives, previously permitted non-family apartments that are within 300 feet on the same street or on contiguous lots, which were granted a certificate of occupancy showing that building codes and standards were met at the time of their opening may continue as rental dwellings, provided they are upgraded to meet the size and amenity standards required by this article.

Previously permitted non-family one and two unit buildings that are within 900 feet on the same street or on contiguous lots, which were granted a certificate of occupancy showing that building codes and standards were met at the time of their opening may continue as rental dwellings provided they are upgraded to meet the size and amenity standards required by this article.
(Ord. No. 564, 12-5-2016)

Sec. 38-363. Registration, certification, and inspection for rental units.

All rental dwellings in the city must be registered and certified by the owner to be in

compliance with all city ordinances, all Michigan Code regulations, including chapter 6 buildings and building regulations and chapter 38 zoning. Registration and certification of a rental unit shall occur yearly. The property owner shall re-register and certify each rental dwelling with the city 30 calendar days prior to the expiration of the registration of the rental dwelling.

Registration fees will be set and updated as needed by city council.

Inspection will assure compliance with city ordinances relating to building codes and zoning ordinances. All non-transient rental dwellings shall be inspected by the designated city official at least once every three years. Prior to conducting inspections of currently occupied rental dwellings the city may issue a temporary certificate of compliance. The inspection shall not, however, eliminate the owner's responsibility to register and certify such rental dwellings every year. Nothing in this section shall preclude the inspection of any rental dwelling more frequently than once every three years.
(Ord. No. 564, 12-5-2016)

Sec. 38-364. Short-term rental (residential) operations and regulations.

(a) *Categories of operation.*

(1) *Category 1, owner-occupied.* Bed and breakfast is an owner-occupied single-family dwelling unit, which is the principal residence of the owner, and said owner shall live on the premises when the short-term rental of a sleeping room or rooms is active; and

Owner-occupied, two or more dwelling units where the owner resides on a property which is their principal residence, but where the owner does not live in the dwelling unit rented by the guest, but lives in a dwelling unit under the same roof such as a duplex, triplex, or apartment building, or on the same parcel, such as an accessory dwelling unit, when the short-term rental is active.

(2) *Category 2, not owner-occupied.* The short-term rental is on property that is not the property owner's principal residence, or where the property owner resides on a different property or parcel than the one occupied by the guest when the short-term rental is active.

(b) *Permit required.* No person shall permit, allow, or offer a dwelling unit to be used as a short-term rental, nor enter into a short-term rental agreement concerning a dwelling unit within the city without first obtaining a short-term rental permit (hereinafter referred to as "permit") from the city pursuant to the requirements of this section. Where a property contains more than one dwelling unit being used as a short-term rental, each dwelling unit must have a separate permit. No owner may obtain and hold more than three permits during the same permit period.

The total number of permits issued for short-term rentals in residential R1, R2, R3, and R4 districts is limited to 50. Once 50 permits have been issued, a chronological waiting list will be established. To be included on the waiting list, owners are required to list the address of the property for which they are requesting a permit and pay the permit application fee.

No Permit may be issued for a property that will not be made available for rent or rented within 30 days of issuance of a permit, and property must be available for rent for at least four months of a permit year (June 1—May 31). A permit shall be revoked by the city assessor if the assessor determines that the permit was not obtained in good faith, and the unit was not made available for rent or rented during a period of at least four months of the permit year.

A property owner applying for a permit may request a variance from the zoning board of appeals to delay the starting date of the permit period and to prolong the time between permit issuance and availability of rental to perform repair/improvement, sanitation/pest extermination, or mitigation of damage from natural or man-made disaster. Such a variance may be renewed one time, for one additional period of 12 months if repair work is ongoing.

A revocation of a permit under this section shall not prohibit a property owner from reapplying for a short-term rental permit at any time as long as all requirements are met.

(c) *Application and fee requirements.* An operator seeking a permit under this section shall submit a completed application to the city manager or his or her designee and pay the required fee, which shall be determined from time to time by resolution of the city council. The fee schedule adopted by the city council may include an enhanced fee for dwelling units found to have been operating as unpermitted short-term rentals in violation of this section. The application shall include proof of ownership of, or the legal right to rent a dwelling unit, contact information for the owner and the operator (if different from the owner), and all information reasonably necessary for the city manager or their designee to determine whether the applicable standards for approval have been met. The city council may approve the form and content of the application by resolution.

(d) *Standards for approval.* The city manager or their designee shall approve, or approve with conditions, an application for a short-term rental permit only upon a finding that the dwelling unit complies with all of the following applicable standards:

(1) *Guest register.* Every operator shall keep a list of the names of the registered guests and the total number of guests staying at the short-term rental in addition to the registered guests.

(2) *Bedrooms and sleeping rooms.* The size and occupancy of rooms used for sleeping purposes shall comply with all current State of Michigan applicable code requirements, including the International Property Maintenance Code (Saint Ignace Code of Ordinances, Chapter 6 Buildings and Building Regulations, Article III; Property Maintenance Code, Section 6-61).

(3) *Parking.* The property owner shall designate to guests the location(s) of legal parking spaces for all short-term rentals.

(4) The appearance and upkeep of the dwelling shall not conflict with the residential character of the neighborhood and be consistent with chapter 12, Environment and section 38-361, Appearance and Upkeep.

(5) *Fire safety and emergency access.*

a. *Smoke alarms.* Smoke detectors/alarms shall be installed in each rental unit. All smoke detectors/alarms shall be UL (Underwriters Laboratories, Inc.) approved, and shall be installed in accordance with the provisions of the Michigan Residential Code and the household fire warning equipment provisions of the National Fire Protection Association (NFPA) standards Section 72.A. Smoke detectors/alarms shall be installed in the following locations:

1. In each bedroom or sleeping room.

2. Outside of each separate sleeping area in the immediate vicinity of the bedrooms.

3. On each additional story of the rental unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In rental units with split levels and without an intervening door between the adjacent levels, a smoke detector/alarm installed on the upper level shall suffice for the adjacent lower level, provided that the lower level is less than one full story below the upper level.

b. *Bedroom and sleeping room emergency window access.*

1. Every bedroom and sleeping room shall have an egress door or window meeting the current fire code for ingress and egress in an emergency or is acceptable to the fire chief.

2. No bedroom or sleeping room shall be located in a basement unless the basement meets current code requirements for ceiling height and contains a doorway open to the outside or contains a window meeting ingress and egress emergency standards.

c. *Fire extinguishers.* An operable fire extinguisher shall be located and visible at an exit door on every floor level, including the basement and in the kitchen area.

(6) *Designated representative.* The owner or operator of a short-term rental shall identify a designated representative as a contact person at least 18 years of age, responsible to act on behalf of the owner or operator when the owner or operator is not immediately available to respond to calls of nuisance or emergency. The designated representative is granted authority by the owner or operator to enforce rental agreements and to stand in the place of the owner or operator in order to make decisions when reasonably requested to do so by emergency services, utility companies, city assessor, city manager, or employees of DPW when acting in the ordinary course of business. The owner or operator shall provide the name, address, and a current 24-hour working phone number of the designated representative to the city manager. Said designated representative must be available during the rental period within a 30-minute drive of the dwelling unit or authorize an alternate person 18 years of age or older who can respond within 30 minutes.

(7) *Zoning compliance.* No person shall be granted a short-term rental permit unless the dwelling unit is in compliance with applicable City of Saint Ignace Zoning Ordinances. Nothing in this section shall be construed as excusing compliance with the requirements of City of Saint Ignace Zoning Ordinances.

(8) *State law compliance.* No person shall be granted a short-term rental permit unless the dwelling unit is in compliance with applicable requirements of the State Building Code, State Residential Code, State Mechanical Code, State Plumbing Code, National Electrical Code, and the Michigan Fire Prevention Code.

(9) *Certification by applicant.* As part of the application, the applicant shall certify that the foregoing standards have been met. The city may deny or revoke a permit if the statements or representations made on the application are determined by the city manager to be false or materially misleading. The applicant may appeal the city manager's decision to the city council in the manner provided by 38-364(g)(3).

(10) Per section 38-121, section 38-151, and section 38-181, no Category 2 short-term rental unit will be allowed in residential zoned R1, R2, R3, and R4 districts without a variance.

(11) Variance requests related to short-term rental units shall be directed to the zoning board of appeals.

(12) Once granted, a variance allowing a Category 2 short-term rental transfers with the property. A new property owner must apply for a permit as described in this section 38-364(e)(3).

(e) *Permit.*

(1) *Duration.* A short-term rental permit shall be valid for the year the permit was obtained, starting 12:00:00 a.m. on June 1 and ending 11:59:59 p.m. on May 31 of the following year, herein referred to as the "permit year."

(2) *Transferability.* A permit may not be transferred from one dwelling unit to another dwelling unit.

(3) *Ownership transfer of permit.* A Permit may not be transferred or assigned to any third party except heirs and assigns, and the permit shall be void upon transfer of ownership of the property where the

short-term rental use is located. Upon change of ownership, the new owner must apply for a new permit in order for short-term rental use activity to be authorized.

(4) The city will make available to the public the information shown on the short-term rental permit.

(5) *Display.* The permit shall be displayed within the dwelling unit and contain the following information:

a. *Contact person information.* The name of the owner or designated representative and a telephone number at which they may be reached on a 24-hour basis.

b. *Maximum number of occupants.* The permit shall display the maximum number of occupants permitted at a dwelling unit. No person shall allow or permit a dwelling unit to exceed the maximum number of occupants stated on the permit.

c. No paying guest shall camp or allow any person to camp on the property upon which a short-term rental is located. This prohibition includes the occupation of tents, bivy sacks, campers, trailer coaches, camper trailers, vehicles, recreational vehicles, travel trailers, camping units, or any other temporary shelter located on the land upon which a short-term rental is located pursuant to a permit issued under 38-364(d).

d. Notification that an occupant may be cited or fined by the city, in addition to any other remedies available at law, for violating any provisions of this and other applicable ordinances.

(6) *Guest information.* When the property owner is not present on the property during short-term rental use, the following information is to be provided to guests:

a. Emergency egress information for the dwelling unit.

b. Applicable off-street and on-street parking standards, requirements, and regulations.

c. Applicable campfire regulations and restrictions.

d. Requirements for trash collection and schedule for curbside pick-up.

e. List of ordinances applicable to short-term rentals.

(f) *Nuisance.* A violation of this section is hereby declared to be a public nuisance per se and is hereby further declared to be offensive to the public health, safety, and welfare. All violations of this section shall be abated by a court of competent jurisdiction.

(g) *Violations; revocation of permit.*

(1) *Violations as municipal civil infractions.* Any person who violates any provision of this section shall be responsible for a municipal civil infraction. Each day that a violation occurs constitutes a separate offense. Penalty, see section 1-7, Fees; section 1-8, General Penalty; Continuing Violations; section 1-9, Municipal Civil Infractions.

(2) *Revocation of permit.* The city may revoke the short-term rental permit for any dwelling unit which is the site or subject of at least three separate incidents or violations of this section (occurring on three separate days) within the permit year resulting in a plea of responsibility (with or without explanation), a plea of guilty, a plea of no contest, or a court's determination of responsibility or guilt by the owner. If an owner demonstrates they properly posted rules and information, and a renter is ticketed one time for a violation, this will not apply to the property owner with respect to revocation of permit. Repeated (two or more) tickets to the renter for the same offense

at the same property will be applied as a single violation to the property owner. Revocation is for violations referenced above.

(3) Upon a determination by the city manager, the permit of a dwelling unit is subject to revocation pursuant to subsection (2). The city manager shall issue a notice to the owner and operator or designated representative that the city intends to revoke the permit by certified mail to the addresses listed on the permit. The owner and operator or designated representative may, within 30 days from the date the notice was sent, request a hearing before the zoning board of appeals to show cause as to why the short-term rental permit should not be revoked. If a hearing is requested, the city manager or his or her designee shall notify the owner and operator or designated representative of the time and place of the hearing. At the hearing, the owner and operator or designated representative may present evidence that the violations of this section were due to or caused by extraordinary circumstances. The zoning board of appeals may, in its discretion, reverse the determination of the city manager to revoke the permit by a majority vote.

(4) *Duration of revocation.* No permit shall be issued to an owner for a period of 12 months following the revocation of a short-term rental permit.

(h) *Enforcement officials.* The city manager or their designee, ordinance enforcement officer, building inspector, fire marshall, and any city police officer are hereby designated as the authorized officials to issue and serve municipal civil infractions directing alleged violators of this section to appear in court.

(i) *Civil action.* In addition to enforcing this section through the use of a municipal civil infraction proceeding, the city may initiate proceedings in the 92nd District Court for the County of Mackinac to abate or eliminate the nuisance per se or any other violation of this section. Any person determined by the circuit court to have violated this section shall be responsible for all costs, including actual reasonable attorney fees incurred by the city in the enforcement of this section. Such costs of enforcement shall constitute a lien against the parcel upon which the dwelling unit is located, and the city treasurer shall certify the costs of enforcement to the tax assessor or other responsible official, who shall place the same on the next tax roll. The costs of enforcement so assessed shall be collected in the same manner as general city taxes.

(j) *Severability.* If any section, clause, or provision of this section is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the section, which shall be given effect without the invalid portion or application.

(k) *Effective date.* This section shall become effective 90 days after notice of adoption is published in a newspaper of general circulation within the city.
(Ord. No. 38-364, § 2, 9-8-2021)

Secs. 38-365—38-390. Reserved.

ARTICLE V. SPECIAL LAND USES*

Sec. 38-391. General description.

The city may provide special land use permits in any zoning district only after review by the city planning commission and approval by the city council. Consideration for the issuance of a permit shall be contingent upon full compliance with all provisions of this chapter and with Public Act No. 110 of 2006 (MCL 125.3101 et seq.), Michigan zoning enabling act.
(Ord. No. 600, § 15.731, 2-21-2005; Ord. of 11-22-2021)

Sec. 38-392. Special land use application.

The following items should be included in a special land use application:

(1) Applicant's name and address;

***State law reference**—Special land uses, MCL 125.584a.

(2) Statement identifying the landowner, if not the applicant, and the applicant's relationship to the landowner (i.e., land contract, purchaser, optionee, or delegated agent);

(3) Property boundary map and legal description;

(4) Existing uses and structures on the land;

(5) Description of the existing zoning on the parcel and properties immediately adjacent;

(6) An analysis of the planning implications of the proposed development, including (but not limited to) estimated future population and the impact of population on community facilities such as schools and parks; an economic market study justifying the need for any proposed commercial, office, or industrial facilities; a traffic analysis which relates the trip generation from the proposed development to existing street volume capacities;

(7) A site plan, at least in preliminary form, depicting the general land use arrangement or scheme of the proposed development;

(8) Applicable documents from relevant state, federal and county and/or private sources and agencies;

(9) A fee shall be charged to the applicant, paid to city treasurer. The fee shall be determined from time to time by resolution of city council.

(Ord. No. 600, § 15.732, 2-21-2005)

Sec. 38-393. General standards for special land use.

Each application for a special land use shall meet all of the following standards:

(1) The use shall be compatible with the topography, soil drainage characteristics, vegetation, site and location, historic buildings, scenic views or other unique features of the land affected by the use.

(2) The use shall be designed, constructed, operated and maintained so as to be harmonious and compatible in appearance with the intended character of vicinity.

(3) The use shall be consistent with the intent and purpose of the zoning district in which it is proposed.

(4) The use shall be compatible with the adjacent land uses and the natural environment.

(5) The use shall be served adequately by existing or proposed public infrastructure and services, including, but not limited to, streets and highways, police and fire protection, refuse disposal; water, wastewater, and storm sewer facilities; electrical service and schools.

(6) The use shall not involve any activities, processes, materials, equipment or conditions of operation that would be detrimental to any person or property or to the general welfare.

(7) The use shall not be detrimental or disruptive to existing or planned uses in the vicinity.

(8) The use shall not create excessive additional requirements for infrastructure, facilities, and services provided at public expense.

(Ord. No. 600, § 15.733, 2-21-2005; Ord. of 11-22-2021)

Sec. 38-394. Performance requirement.

In consideration and review for a decision regarding a special land use, the planning commission and city council shall consider the following standards. Based upon these standards and any other applicable site plan provisions and state, federal, and local codes, the planning commission may recommend denial or approval, and the city council may deny or approve a final special land use. Whenever terms such as compatibility, adequacy or other similar terms are used they shall be interpreted as determined by the

planning commission and city council based upon staff reports, petitioner information and experience of the council and commission.

(1) *Land use type, mix, locations.* The proposed locations and mix of land uses within the special land use shall be compatible with surrounding land uses and zoning so as to have minimal adverse impacts on surrounding uses or potential uses, while also enhancing those nearby land uses. The land uses shall be appropriate for physical characteristics of the site; such as soil conditions, topography, etc. Existing or planned public facilities such as streets, sanitary sewers, storm sewers, and similar facilities shall be adequate for the proposed land use mix.

(2) *Setbacks, greenbelts and buffers.* Exterior setbacks shall be provided for any type of use mix or physical development. Where proposed uses differ in type and density from neighboring uses outside the special land uses, adequate greenbelts and landscaping buffers shall be provided. Greenbelts fronting on major streets shall be encouraged for commercial developments to reduce or mitigate visual impacts of such development.

(3) *Internal land use arrangement.* Land uses within the special land use shall be arranged for compatibility with one another, and for adequate buffering between uses where such uses vary in type and density.

(4) *Site utilities, easements, facilities.* Common properties and easements shall be provided such that streets, utilities and open spaces are accessible to occupants of the special land use site. Agreements and written provisions shall be provided to the city demonstrating that these facilities will be improved, operated and maintained in a manner consistent with other special land use approval standards, such that owners or occupants of the special land use property may continue to enjoy site facilities and amenities upon completion of the project and into the future.

(5) *Traffic circulation.* Vehicular, pedestrian, and nonmotorized circulation allowing safe, convenient and well-defined circulation within the site and to the site shall be provided. Particular consideration will be given to plans using service drives or shared ingress and egress approaches that reduce the total number of access ways on the site.

(6) *Off-street parking.* Off-street parking shall be provided sufficient to meet minimum requirements by land use type as required in article VIII of this chapter. Upon recommendation of the planning commission, the city council may require additional or reduced parking where a particular use or use mix is expected to generate greater or lesser parking needs.

(7) *Public streets and facilities.* Any streets that are to be dedicated to the city upon completion of the project shall meet the minimum requirements of the city subdivision regulations. Utilities and streets proposed for dedication as city facilities shall meet construction requirements and specifications as established by the city.

(8) *Drainage plans.* A drainage plan shall be provided showing adequate underground drainage facilities and/or above ground retention facilities for a 100-year storm event performance standard.

(9) *Consolidated open space.* Consolidated open space shall be provided and commonly accessible for any special land use. In determination of the amount of such open space to be provided the planning commission shall consider the natural features of the site, the estimated number of residents in the special land use, the estimated number of employees in the special land use, and other factors relevant to the need for open space.

(10) *Special features.* Natural, historical, scenic and architectural features of the property in the district shall be preserved, protected, created or enhanced whenever possible.

(11) *Building height, bulk, and character.* The planning commission shall review and approve proposed height, bulk, and visual character of any and all structures and buildings for the special land use project. Height, bulk and character of structures may be reviewed with regard to scenic views, and in consideration of the relationship of proposed structures to existing or proposed structures on site, or within 300 feet off-site of the special land use property. Wherever a structure is proposed that will be greater than two stories or 30 feet, graphic illustrations of the visual impacts of such a structure from off-site locations shall be provided at accurate scale and dimensions by the developer.

(12) *Dwelling unit density.* The planning commission shall review and approve final dwelling unit density for residential developments in the special land use. The density standards shall be based upon consideration of: existing or proposed density of surrounding properties; availability of planned open space on the special land use property; capacity of city utilities; streets and other such facilities; relationship to other planned nonresidential land uses on the site or in the vicinity of the special land use property; overall density standards for residential development in the city.

(13) *Signs.* All signs shall meet the provisions of article X of this chapter.

(14) *Other.* Any and all other requirements as may be requested by the planning commission or city council.

(15) *Tax exempt uses*. For a use that is tax exempt under any state and/or federal law, no objection shall be filed or made with any local, state, or federal agency, by the owner of record of the special land use site, against any existing or future land use that is lawful and permitted in the zoning district in which the tax exempt use is proposed to be located.

(Ord. No. 600, § 15.734, 2-21-2005; Ord. of 11-22-2021)

Sec. 38-395. Public hearing.

(a) Upon receipt of an application for a special land use which requires a decision on discretionary grounds, a notice that a request for special land use approval has been received shall be published in a newspaper of general circulation in the city and shall be sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet, except that the notice shall be given not less than five days and not more than 15 days before the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit of spatial area owned or leased by different individuals, partnerships, businesses or organization, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The notice shall:

(1) Describe the nature of the special land use request.

(2) Indicate the property which is the subject of special land use request.

(3) State where and when the special land use request will be considered.

(4) Indicate when and where written comments will be received concerning the request.

(5) Indicate that a public hearing on the special land use request will be held, stating the time and place for such hearing.

(b) At the initiative of the city council or upon the request of the applicant for special land use authorization, or a property owner or the occupant of a structure located within 300 feet of the boundary of the property being considered for a special land use, a public hearing with notification as required for a notice of request for special land use approval as provided in subsection (a) of this section shall be held before a decision on the special land use request which is based on discretionary grounds. If the applicant or the city council requests a public hearing, only notification of the public hearing need be made. A decision on a special land use request which is based on discretionary grounds shall not be made unless notification of the request for special land use approval, or notification of a public hearing on a special land use request is given as required by this section.

(c) The city council may deny, approve, or approve with conditions, requests for special land use approval. The decision on a special land use shall be incorporated in a statement of conclusions relative to the special land use under consideration. The decision shall specify the basis for the decision, and any conditions imposed. (Ord. No. 600, § 15.735, 2-21-2005)

Sec. 38-396. Wind turbine generators (WTGS), commercial installations.

(a) *Intent.* The intent of this section is to establish special use permit standards for reviewing proposals for wind turbine generators to produce electrical energy. Wind turbine generators require treatment as a special use because:

(1) Wind turbine generators are large structures, projecting up to 400 feet in height, dominating the skyline in local situations,

and multiple units may be constructed in a concentrated area (e.g., wind energy farm).

(2) Wind turbine generators are a relatively new technology and are intended to provide electrical energy from wind forces as opposed to fossil fuel combustion (oil, gas, coal).

(3) Wind turbine generators require special sites with favorable wind and land surface conditions not necessarily limited to a zoning district.

(4) Wind turbine generators influence the landscape and, therefore, require special consideration to fit into areas where other uses are present or allowed.

(b) *Site standards.* In considering authorization of wind turbine generators, the planning commission shall apply the standards of this article and the following specific standards:

(1) *Legal ownership.* The application/owner shall provide documentation to the planning commission that clearly establishes legal ownership of the wind turbine generators, the wind turbine generator proposed site and, if applicable, license or lease agreements authorizing the applicant to operate the wind turbine generator. The applicant/owner, its agents, successors and assignees shall report to the planning commission any change in the legal ownership or lessee of the wind turbine generators within 30 days of the effective date of the change.

(2) *Minimum site area.* The minimum eligible site area shall be 20 acres, but a minimum of five acres of site area is required for each wind turbine generator proposed within an eligible property.

(3) *Setbacks.* Setbacks from the lot line must equal at least one-half the heights of the tower, including the height of the blade in its vertical position.

(4) *Maximum noise level.* The level of noise generated by any wind turbine generator shall not exceed 72 decibels as measured on the dB(A) scale, measured at the lot line from the nearest wind turbine generator, including downwind. The applicant/owners shall provide certification, before and after construction, that such standard is met.

(5) *Lighting of towers.* Lighting the wind turbine generator shall require the applicant to make application to the Federal Aviation Administration to apply for lighting standards that are in compliance with the legal minimums for FAA requirements.

(6) *Clearance.* The lowest point of the arc created by rotating blades shall be at least 20 feet above ground level at the tower location.

(7) *Freestanding structures.* Permitted wind turbine generators shall be freestanding structures, without guy wires, cables or anchoring mechanisms extending beyond the structure's mounting foundation.

(8) *Security.* Towers shall be secured or protected to prohibit access by unauthorized persons. A security fence may be required if determined to be in the best interest of the community. A sign of not more than ten square feet containing an address and a telephone number for emergency calls and informational inquiries shall be posted.

(9) *Accessory building.* No accessory buildings or structures will be permitted except those structures directly necessary and part of the wind turbine generators.

(10) *Visible surface.* Said wind turbine generators shall have a surface that is or be painted so as to be, nonreflective and an unobtrusive color approved by the planning commission to blend with the surroundings. No advertising or promotional messages will be painted or affixed to the wind turbine generators or accessory buildings.

(11) *Maintenance.* The applicant/owner shall maintain wind turbine generators and accessory structures in such a manner that they remain safe and structurally sound. Applicant/owner shall provide certification of the structural integrity every

ten years by a registered professional engineer licensed and insured in the state.

(12) *Abandonment / cessation of operation.* Provision shall be made for removing wind turbine generators when no longer utilized for power generating purposes, unless approval for another use is granted by the city. The planning commission shall require an applicant/owner to provide an irrevocable bank letter of credit with the city, or provide an insurance bond satisfactory to the planning commission, to assure the removal of wind turbine generators as prescribed owners. Removal of the wind turbine generator and related structures may be ordered by the city if the wind turbine generators cease operation for their original use or are abandoned for any reason. Removal shall occur no later than six months after notification by the city.

(13) *City's professional costs.* The applicant/owner may be required to deposit funds to cover costs associated with the city's use of engineering, legal, planning or other consultants during review of applicants under the provisions of this section.

(c) *Application requirements.* Each wind turbine generator special use permit application shall include:

(1) A site plan of the property showing locations of overhead electrical transmission wires or distribution lines, whether utilized or not; the location of the wind turbine generators with specific dimensions, including the entire area through which the rotor may pass; and the location of all occupied dwelling units within 300 feet of the wind turbine generator site.

(2) A project description showing at a minimum the following:

a. Construction plans and specifications for proposed wind turbine generators and their anchoring systems, certified as structurally safe by a registered professional engineer licensed and insured in the state.

b. Height above grade of the wind turbine generators.

c. Diameter of the rotor.

d. Tower type.

e. A visual impact analysis, prepared by the applicant/owner using mock up, photo montage or other graphic depiction, to show the anticipated visual appearance of the wind turbine generators from important vantage points in the surrounding area. If multiple units are proposed or planned for the same view plan in the future, the cumulative impact of all proposed and planned units shall be addressed as provided in this subsection.

(d) *Mitigation of impact to surrounding properties.* Based on the visual impact analysis provided along with consideration of other information in the application, the planning commission may set parcel, lot area or footprint parameters and/or limit the wind turbine generator height. The planning commission shall consider the possible adverse impact of the wind turbine generator on properties surrounding the eligible lot and require additional setbacks, buffering, burial of utilities, access roads, etc., if necessary, to mitigate these adverse impacts to the extent possible and promote public health, safety and general welfare.
(Ord. No. 600, § 15.736, 2-21-2005)

Secs. 38-397—38-420. Reserved.

ARTICLE VI. CONDOMINIUMS*

Sec. 38-421. Purpose.

This article shall be utilized to regulate and control the development of condominium units and condominium subdivisions within the city.
(Ord. No. 600, § 15.811, 2-21-2005)

***State law reference**—Condominium act, MCL 559.101 et seq.

Sec. 38-422. Condominium subdivision approval.

Pursuant to authority conferred by section 141 of the condominium act, Public Act No. 59 of 1978 (MCL 559.101 et seq.), all condominium subdivision plans must be approved by the planning commission. In determining whether to approve a condominium subdivision plan, the planning commission shall consult with the zoning administrator, city attorney, city engineer and utilities superintendent regarding the adequacy of the master deed, deed restrictions, utility systems and streets, subdivision layout and design, and compliance with all requirements of the condominium act. The master deed of any site condominium shall not be recorded with the register of deeds unless it has the prior approval of the city. A copy of the master deed shall be placed on file in the zoning administrator's office. In the event that this requirement is not complied with and a master deed is recorded without the proper approvals, the city, through its attorney, shall record an affidavit of noncompliance and the building inspector shall issue a stop work order for the project.
(Ord. No. 600, § 15.812, 2-21-2005)

Sec. 38-423. Definitions.

The following terms are defined both in the context of the condominium act and in a manner intended to make comparison possible between the terms of this chapter and the subdivision control regulations in article III of chapter 16, with the condominium act.

Condominium Act means Public Act No. 59 of 1978 (MCL 559.101 et seq.).

Condominium subdivision plan means the site, survey and utility plans; floor plans; and sections as appropriate, showing the existing and proposed structures and improvements including the location thereof on the land. The condominium subdivision plan shall show the size, location, area, vertical boundaries and volume for each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The condominium subdivision plan shall include the nature, location, and approximate size of common elements.

Condominium unit means that portion of the condominium project designed and intended for separate ownership and use, as described in the master deed.

Front yard setback shall be equal to the distance between the front yard area line and the condominium dwelling.

Lot means the same as "homesite" and "condominium unit".

Master deed means the condominium document recording the condominium project as approved by the planning commission to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.

Rear yard setback shall be equal to the distance between the rear yard area line and the condominium dwelling.

Side yard setback shall be equal to the distance between the side yard area line and the condominium dwelling.
(Ord. No. 600, § 15.813, 2-21-2005)

Sec. 38-424. Condominium subdivision plan (required content).

All condominium subdivision plans shall include the information required by section 66 of the condominium act (MCL 559.166) and the following:

(1) A survey plan of the condominium subdivision.

(2) A floodplain plan, when appropriate

(3) A site plan showing the location, size, shape, area and width of all condominium units.

(4) A utility plan showing all sanitary sewer, water, and storm sewer lines and easements granted to the city for installation, repair and maintenance of utilities.

(5) A street construction, paving, and maintenance plan for all private streets within the proposed condominium subdivision.

(6) The condominium project developer or proprietor shall furnish the zoning administrator with the following: One copy of the recorded master deed, one copy of all restrictive covenants.

(7) A storm drainage and stormwater management plan, including all lines, swales, drains, basins and other facilities.

(Ord. No. 600, § 15.814, 2-21-2005)

Sec. 38-425. Easements for utilities.

The condominium subdivision plan shall include all necessary permits and easements granted and accepted by the city for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing, and/or removing pipelines, mains, conduits, and other installations of a similar character for the purpose of providing public utilities, including conveyance of sewage, water and stormwater runoff across, through and under the property subject to said easement, and excavating and refilling ditches and trenches necessary for the location of said structures. Sanitary sewage lift stations, booster pumps or any other installations required to provide service to the condominium subdivision, outside of public lines and structures shall be the property of the condominium association. This includes all electrical connections, service requirements, or other utility service brought into the property. All maintenance and costs incurred with these utility sites shall be the responsibility of the condominium association. City ownership of these utility sites will only be taken if these utilities are also used to add customers outside of the condominium subdivision. The city manager and public works director will set forth guidelines if this situation occurs.

(Ord. No. 600, § 15.815, 2-21-2005)

Sec. 38-426. Private streets/public streets.

(a) If a condominium subdivision is proposed to have private streets, they shall be developed to the minimum design, construction, inspection, approval, and maintenance requirements of the subdivision design standards in article III of chapter 16, in all aspects, except width. Minimum width of the right-of-way shall be 24 feet and the design must be approved by the city engineer. In addition, all private streets in a condominium subdivision shall have a paved driving surface such as asphalt or concrete. This shall not apply to driveways leading to residences from the private street. There shall also be a road maintenance plan submitted to the planning commission for any private street or drive.

(b) All streets or roads which will be turned over to the city shall, at a minimum, conform to the standards and specifications promulgated by the city under article III of chapter 16, regarding subdivision design standards. In addition, all streets destined to become public streets or roads in a condominium subdivision shall have a paved driving surface of asphalt or concrete. All names of streets or roads shall be approved by the city.

(Ord. No. 600, § 15.816, 2-21-2005)

Sec. 38-427. Encroachment prohibited.

Encroachment of one condominium unit upon another, as described in section 40 of the condominium act (MCL 559.140), shall be prohibited by the condominium bylaws and recorded as part of the master deed.

(Ord. No. 600, § 15.817, 2-21-2005)

Sec. 38-428. Relocation of boundaries.

The relocation of boundaries, as described in section 48 of the condominium act (MCL 559.148), shall conform to all setback requirements of this chapter and shall be approved by the zoning administrator and the planning commission, and these requirements shall be made part of the bylaws and recorded as part of the master deed.

(Ord. No. 600, § 15.818, 2-21-2005)

Sec. 38-429. Subdivision of condominium units.

Single-family detached condominiums shall conform to the R-1 (low density) zoning district, article III, division 2, of this chapter. Building condominiums (multifamily buildings) shall conform to the requirements of the R-3 (multifamily) district, article III, division 4, of this chapter, including minimum square footage, parking requirements and building setbacks. Setbacks can be modified by the planning commission.

(Ord. No. 600, § 15.819, 2-21-2005)

Sec. 38-430. Mobile home condominium projects.

Mobile home condominium projects shall conform to all requirements of this chapter and shall be located only in a mobile home park and conform to all requirements of the mobile home commission act, Public Act No. 96 of 1987 (MCL 125.2301 et seq.).
(Ord. No. 600, § 15.820, 2-21-2005)

Sec. 38-431. Appeal procedure.

Appeal requests for this article shall be governed by the rules of the board of zoning appeals according to article II, division 2, of this chapter.
(Ord. No. 600, § 15.821, 2-21-2005)

Secs. 38-432—38-460. Reserved.

ARTICLE VII. ADULT BOOKSTORES, ADULT THEATERS, LIVE ENTERTAINMENT, AND CABARETS

Sec. 38-461. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adult bookstore means an establishment wherein more than 20 percent of its stock in trade is comprised of books, magazines, and other periodicals having, as their dominant theme, matter depicting, describing, or relating to specified anatomical areas or specified sexual activities, as defined in this article, or an establishment with a segment or section devoted to the sale or display of such material.

Adult theater means an enclosed building used for live performances or presenting material by means of motion pictures, video tapes or receivers, photographic slides, or other similar means of projection or display, which performances or material is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified anatomical areas or specified sexual activities, as defined in this article, for observation by patrons therein.

Cabaret means any place wherein food or any type of alcoholic or other beverage is sold or given away on the premises, the operator of which place may or may not hold a yearly license to sell such beverages by the glass.

Live entertainment means the presentation of acts which are presented live for the enjoyment of the audience.

Person means an individual person, copartnership, firm, corporation, society, club, association, or other business or private entity.

Specified anatomical areas means:

(1) Less than completely and opaquely covered human genitals or human public regions, buttock, or female breast below a point immediately above the top of the areola.

(2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities means:

(1) Human genitals in a state of sexual stimulation or arousal.

(2) Acts of human masturbation, sexual intercourse, or sodomy.

(3) Fondling or other erotic touching of human genitals or a human pubic region, buttock, or female breast.

(Ord. No. 600, § 15.801, 2-21-2005)

Sec. 38-462. Prohibition.

(a) No person, in the city, shall own, operate or maintain, or permit to be owned, operated or maintained, an adult bookstore or adult theater, as defined in this article.

(b) No person shall present or allow to be presented, or participate in, any live acts of entertainment which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specific sexual activities or specified anatomical areas as herein defined.

(c) No person owning, operating, managing or employed by or within a cabaret shall dance, perform or serve food, beverages or alcoholic liquors while displaying or allowing to be visible specified anatomical areas, as defined in this article, or allow any other person to do so.

(d) No person owning, operating, managing or employed by or within a cabaret shall, by means of dancing, acting or otherwise moving about, perform specified sexual activity, as defined in this article, or allow any other person to do so.

(e) No person owning a cabaret, or his agent or employee, shall knowingly permit any exhibition or advertising, in connection with any establishment prohibited under this section, to be displayed in any manner which is visible from any public street or highway, which exhibition or advertising depicts, describes or relates to specified sexual activities or specified anatomical areas, as defined in this article.
(Ord. No. 600, § 15.802, 2-21-2005)

Sec. 38-463. Zoning compliance.

No person shall operate an adult bookstore or cabaret, or place of live entertainment until he shall have complied with the requirements of the provisions of this article and other applicable ordinances of the city.
(Ord. No. 600, § 15.803, 2-21-2005)

Secs. 38-464—38-490. Reserved.

ARTICLE VIII. PARKING AND LOADING AREAS

Sec. 38-491. Location.

All off-street parking required by this chapter for residential purposes shall be provided on the same lot with the principal building, and parking space required for commercial and industrial uses shall be on the same lot or within 300 feet of it.
(Ord. No. 600, § 15.451, 2-21-2005)

Sec. 38-492. Requirements.

Whenever parking is required by this chapter it shall be provided according to the following schedule:

(1) *Residential.*

a. Housing for the elderly: One for each four units; should units revert to general occupancy, then 1½ spaces per unit.

b. Residential, one- and two-family: Two for each dwelling unit.

c. Residential, multiple family: One for each dwelling unit plus one-half space per bedroom.

d. Mobile home parks: Two for each mobile home.

e. Non-family apartments and houses, boarding or employee housing: One space for each dwelling plus one space per bedroom (sleeping room) must be provided by the rental dwelling owner, either on the lot of the rental dwelling or at another location assigned to the occupants.

(2) *Institutional.*

a. Hospitals and sanitariums: One for each bed.

b. Homes for the aged and convalescent homes: One for each three beds.

c. Churches or temples: One for each three seats or six feet of pews in the main unit of worship.

d. Elementary and junior high schools: One for each one teacher, employee, or administrator.

e. Fraternity or sorority: One for each five permitted active members.

f. High schools: One for each one teacher, employee, or administrator, and one for each ten students.

g. Private clubs or lodges: One for each three persons allowed within the maximum occupancy load as established by the fire marshal.

h. Stadium and sports arena or similar outdoor place of assemble: One for each three seats or six feet of benches.

i. Theaters and auditoriums, multi-purpose rooms: One for each three persons allowed within the maximum occupancy load as established by the fire marshal.

(3) *Commercial.*

a. Auto wash: One for each one employee, in addition, reservoir parking equal in number to five times the maximum capacity of the auto wash for automobiles awaiting entrance to the auto wash will be provided. Maximum capacity of the auto wash for the purpose of determining the required reservoir parking shall mean the greatest number possible of automobiles undergoing some phase of washing at the same time which shall be determined by dividing the length of feet of each wash line by 20.

b. Beauty parlor or barber shops: Three spaces for each chair.

c. Bowling alleys: Five for each bowling lane.

d. Dance halls, roller rinks, exhibition halls, and assemble halls without fixed seats: One for each three persons allowed within the maximum occupancy load as established by the fire marshal.

e. Establishments for sale and consumption, on the premises, of beverages, food, or refreshment: One for each three persons allowed within the maximum occupancy load as established by the fire marshal.

f. Furniture and appliance, household-equipment repair shops, showroom of a plumber, decorator, electrician, or similar-trade, shoe repair and other similar uses: One for each 800 square feet of useable floor area. (For that floor area used in processing, one additional space shall be provided for each two persons employed therein.)

g. Gasoline service stations: Two for each lubrication stall, rack or pit, and one for each gasoline pump.

h. Laundromats and coin-operated dry cleaners: One for each two machines.

i. Miniature golf course: One space per hole plus three spaces for employees.

j. Mortuary establishments: One for each 50 square feet of assembly room useable floor space, parlors, and slumber rooms.

k. Motel or hotel: One for each rental unit, plus two additional spaces for management and/or service personnel.

l. Motor vehicle sales and service establishments: One for each 200 square feet of useable floor area of sales room and one for each auto-service stall in the service room.

m. Pool hall or club: One for each three persons allowed within the maximum occupancy load as established by the fire marshal.

n. Retail stores except as otherwise specified herein: One for each 150 square feet of useable floor area.

(4) *Offices.*

a. Banks: Six for each lobby teller cage or window.

b. Business offices or professional offices except as indicated in the subsection (4)c. of this section: One for each 300 square feet of useable floor area.

c. Professional offices of doctors, dentists or similar professions: One for each 100 square feet of useable floor area in waiting room, and one for each examining room, dental chair.

(5) *Industrial.*

a. Wholesale and warehouse establishments: One for every one employee in the largest working shift, or one for every 1,700 square feet of useable floor space or whichever is greater.

b. Industrial or research establishments: One space on site for every two employees in the largest working shift. Space on site shall also be provided for all construction workers during periods of plant construction.

(Ord. No. 600, § 15.452, 2-21-2005; Ord. No. 564, 12-5-2016)

Sec. 38-493. Standards.

(a) Each parking space shall contain not less than 160 square feet exclusive of aisles, entrances and exits.

(b) Except for residential uses, all off-street parking shall be surfaced with a hard surface as approved by the city.
(Ord. No. 600, § 15.453, 2-21-2005)

Sec. 38-494. Special exceptions.

The board of zoning appeals may without proof of unnecessary hardship, but after a public hearing, grant any applicant a variance in the requirements of this article if the board finds from the evidence presented that the variance requested will not be of a substantial detriment to adjacent property and will not materially impair the intent or purposes of this chapter or the public interest.
(Ord. No. 600, § 15.454, 2-21-2005)

Secs. 38-495—38-520. Reserved.

ARTICLE IX. FENCES

Sec. 38-521. Purpose.

The purpose of this article is to regulate the installation, location, height and maintenance of fences and walls in the city.
(Ord. No. 600, § 15.741, 2-21-2005)

Sec. 38-522. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Construction site barrier means a temporary fence erected to protect a construction site from vandalism and unauthorized entry, including soil erosion barriers as required by the health department or the state department of environmental quality. Construction site barriers do not require a permit unless the barrier will be in place for more than one year.

Fence means a structure erected to act as a boundary marker, or erected for the purpose of restricting access to or from a lot or parcel of land, whether enclosing all or part of said lot or parcel. A fence requires a building permit.

Fence owner means a person or entity who owns the property upon which a fence is erected.

Front building line means the line established by the main front wall of the primary building, extending to each side lot line.

Front lot line means, in the case of an interior lot, the line separating said lot from the street. In the case of a corner lot or double frontage lot, the line separating said lot from that street which is designated as the front street in the plat, or as the address of the property in question.

Landscaping (vegetation) means decorative plant material (trees, shrubs, flowers, etc.) when used to enhance the yards or surfaces of a property or parcel. Landscaping does not require a permit.

Temporary. Any fence intended to be used for a limited amount of time or duration of an event.
(Ord. No. 600, § 15.742, 2-21-2005; Ord. of 06-20-2016)

Sec. 38-523. General requirements for all zoning districts.

(a) Fences located within a side or rear yard shall not exceed six feet in height, same measured from the surface of the ground. Side yard shall be from the front building line to the back property line.

(b) Fences and similar barriers shall not be located in the front yard except as follows: Fences up to four feet in height may be located in the front yard. This is from the front building line to the front lot line and also across the front lot line.

(c) On any corner lot, no fence, structure, except utility poles or plantings over 36 inches in height, except trees, shall be erected or maintained within 20 feet of the corner property line so as not to interfere with traffic visibility across the corner.

(d) No wall or fence shall have barbed wire, razor wire, an electric current, concertina wire, nor any other similar material. Similar material shall be determined by the building inspector.

(e) Fences, walls and similar protective barriers shall not in any way obstruct or encroach upon any public street, sidewalk, or alley right-of-way.

(f) Fences may be constructed of steel, iron, wood, masonry or other durable material. Temporary, seasonal snow fences are allowed from November 1 through April 30 with no permit required. Within the CBD and GBD temporary fences are allowed only by written city approval.

(g) Fences shall be maintained plumb and true with adequate support and in a safe and sightly manner. The owner of the fence shall remove or repair a fence that is dangerous, dilapidated or otherwise in violation of this article or other city ordinance.

(h) Fences, walls, and similar protective barriers up to 25 feet in total length which are designed to serve as privacy screens and are located in the side or read yard at least eight feet from any property line may be up to eight feet in height.

(i) If a fence runs perpendicular to a lake, the fence cannot run past the ordinary high water mark.

(j) All fences shall have the finished side facing in the following manner:

(1) On the street side, finished side facing out, towards street.

(2) On side or rear yards, shall be at owners option.

(k) Exceptions to this article. This article shall not apply to or regulate the construction of fences on public property for security purposes.

(l) Existing fences may continue to be maintained without material change but may not be replaced or altered without a permit in accordance with this article.
(Ord. No. 600, § 15.743, 2-21-2005; Ord. of 06-20-2016)

Sec. 38-524. Application process.

Any person desiring to construct, or cause to be constructed, any fence or wall for which a permit is required as defined in this article, shall first apply to the city building inspector for a permit. Permit fees shall be established by the city council by resolution. Application for a permit shall include any and all information requested by the building inspector to determine whether or not the construction of such fence or wall will violate any portion of this chapter or any state statute.
(Ord. No. 600, § 15.744, 2-21-2005)

Secs. 38-525—38-550. Reserved.

ARTICLE X. SIGNS*

Sec. 38-551. Title and purpose.

This article shall be known as the City of St. Ignace Sign Ordinance the purpose of which to regulate signs so as to provide a framework within which the identification and information signs can serve to enhance the overall physical appearance of the city. It is the intent of this article to prohibit any signs not allowed.
(Ord. No. 611, 4-16-2007)

***Editor's note—**Ord. No. 611, adopted Apr. 16, 2007, repealed Art. X, §§ 38-551—38-559, in its entirety and enacted new provisions to read as herein set out. Prior to amendment, Art. X pertained to similar subject matter and derived from Ord. No. 600, §§ 15.772—15.780, adopted Feb. 21, 2005.

State law reference—Highway advertising act, MCL 252.301 et seq.

Sec. 38-552. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. All terms, such as lot line, front yard, and similar words shall be defined in this chapter.

Abandoned signs. A sign which no longer applies to the property where it is placed one year or more after the purpose of the sign has ended, and that the intent to abandon the sign is present. If a non-conforming sign is abandoned, the non-conforming use shall cease after one year.

Air activated graphics or signs. Air activated signs means those signs which are inflated or inflatable, as well as those which are activated by wind or forced air or gas.

Balloon sign (a.k.a. *inflatable device*) A sign that is an air inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or a structure, and equipped with a portable blower motor that provides a constant flow of air into the device. Balloon signs are restrained, attached or held in place by a cord, rope, cable or similar method

Banners. A temporary sign composed of cloth, canvas, plastic, fabric or similar lightweight, nonrigid material that can be mounted to a structure with cord, rope, cable, or a similar method or that may be supported by stakes in the ground.

Billboard. A type of freestanding sign.

Blade sign (a.k.a. *feather sign, teardrop sign,* and *flag sign*). A temporary sign that is constructed of cloth, canvas, plastic, fabric, or similar lightweight, non-rigid material and that is supported by a single vertical pole mounted into the ground or on a portable structure.

Electronic message sign. An electrical sign utilizing lights going and off periodically for conveyance of information.

Exterior sign. A sign which is outside the walls of a building.

Flag. A piece of cloth or similar material, typically oblong or square, attachable by one edge to a pole or rope and used as a symbol or emblem, or as a decoration.

Flashing sign. Any lighted or electrical sign which emits light in sudden intermittent bursts.

Freestanding (or ground) sign. A sign supported by permanent uprights or braces in the ground.

Ground floor wall area. Shall be computed by multiplying the width of the wall times a ground floor height of 15 feet.

Height. The permitted height of signs shall be measured from the existing or finished grade directly beneath the sign.

Illuminated sign. Means any sign which is directly lighted by an electrical source, internal or external.

Internal sign. A sign located on any interior surface of a building, including doors and windows, that is visible from the exterior.

Mural. A mural is any piece of artwork painted or applied directly on a wall, ceiling or other large permanent surface. A distinguishing characteristic of mural painting is that the architectural elements of the given space are harmoniously incorporated into the picture.

Non-conforming sign. Any sign legally erected or displayed prior to the effective date of this article or subsequent amendments thereto which does not conform with the standards of this article.

Off-premises sign. A sign that advertises or otherwise directs attention to a product sold, service provided, or an activity that occurs on a different parcel than where the sign is located.

Overhanging sign. A sign which is affixed to any building or structure any part of which extends beyond the building wall and the sign surface is perpendicular to the building or structure wall, or a sign attached to a post at one end, where the sign face is perpendicular to the post.

Permanent sign. A sign of durable material anchored or secured to a building, accessory structure, or the ground.

Portable sign. A sign not permanently affixed, anchored, or secured to the ground or a structure on the lot it occupies, including trailered signs, tripod, and sandwich board or tent signs.

Projecting sign. A sign attached to and projecting more than 18 inches from the face of a wall or building, but does not project above the parapet or eave line of the building.

Roof mounted sign. A sign which is located upon or over the roof of a structure or in the case of a building with a mansard roof, a sign which is above the deck line of the mansard roof.

Sign. A sign means any structure or wall or other object used for the display of any message. A sign is a structure, including its base, foundation and erection supports upon which is displayed any words, letters, figures, emblems, symbols, designs, or trademarks by which any such message or image is afforded public visibility from out of doors, on behalf of and for the benefit of any product place, activity, individual firm, institution, profession, association, business or organization.

Sign area. The sign area shall be defined as the maximum height multiplied by the maximum width of the sign components including any frame or other material or color or open spaces forming an integral part of the display or used to differentiate such sign from the background against which it is placed, excluding the necessary supports or uprights on which such sign is placed. Both sides of a sign structure may be used for sign purposes, provided the notices have a 180-degree back to back relationship. In the case of a broken sign (a sign with open spaces between letters) the total surface area shall be measured by multiplying the height of the individual letters or combination of letters by the distance between the outer edges of two furthermost letters.

Temporary sign. Any sign intended to be erected or displayed for a limited amount of time and not intended to be permanent. This includes signs constructed of cardboard, plastic or other material mounted on wire stakes, portable tent signs, signs constructed of durable material mounted on posts in the ground and signs made of paper, cardboard plastic or other pliable material affixed to posts, windows, trees, walls or other structures.

Wall sign. A display sign which is painted on or attached directly to a building wall and the sign surface is parallel to the building wall and has a structural framework.
(Ord. No. 611, 4-16-2007; Ord. of 06-20-2016; Ord. of 08-21-2017(1))

Sec. 38-553. General provisions.

The following provisions shall apply to all signs in the city.

Pre-existing nonconforming signs. Any sign that conformed with a sign ordinance in effect at the time said sign was displayed may be maintained, subject to the provisions herein contained.

Sign design, construction and materials. The intent is to achieve signing of neat and readable copy, careful construction and durability so as to reduce maintenance costs and to prevent dilapidation. Sign design shall be prepared by sign professionals or others who in the opinion of the designated city official are capable of producing professional results. Sign construction shall be by a person or persons whose principal business is building construction or related trade including those whose principal business is the manufacture and installation of signs, or others capable of producing professional results. Sign materials (including those for framing and support) shall be representative of the type and scale of materials used on the building or buildings which the sign identifies. Signs shall be constructed out of durable materials such as slate, marker board, stainless steel, aluminum, aluminum composite, laminate plastic, or medium density overlay plywood painted with enamel paint. Materials selected for permanent signs shall be durable and capable of withstanding weathering over the life of the sign with reasonable maintenance.

(1) *Signs over a right-of-way.* Any sign which overhangs a dedicated public right-of-

way shall require the approval of the unit having jurisdiction over that right-of-way and shall comply with all local provisions as well.

(2) *Sign maintenance.* All signs shall be maintained in a clearly legible condition and shall be kept in good repair. Wall mounted signs, overhanging signs and projecting nameplates shall be thoroughly secured to the building by metal anchors, bolts, supports, rods, or braces. Any permanent sign which is determined structurally or electrically unsafe by the building inspector shall be removed or repaired within ten days of notification of hazard at owner's expense subject to procedures as provided in section 38-558. A temporary sign found by the building inspector to be in an unsafe condition must be removed by the owner with three days after notice to do so. Signs which are an emergency hazard shall be removed immediately upon notification.

(3) *Abandoned signs.* Any sign or sign structure now or hereafter existing which no longer advertises a bona fide business conducted or product sold, or an abandoned sign, shall be removed at the expense of the property owner within 120 days after the cessation of business after cessation of the business at that location as provided in the permit provisions of section 38-558.

(4) *Signs constituting a traffic hazard.* No sign shall be located so as to obstruct or impair driver vision at driveways and/or intersections. A sign shall not obstruct the view or effectiveness of any official traffic sign, traffic signal or traffic marking. Signs which by reason of their location, shape, size, or color can be confused with an official traffic sign, signal, or marking shall not be permitted where a traffic hazard is created by such signs. All such determination shall be made by the chief of police.

(5) *Obstruction to doors, windows, sidewalks, and fire escapes.* No sign shall be erected, re-located or maintained so as to prevent free ingress and egress from any door, window, sidewalk or fire escape.

(6) *Signs constituting a public nuisance.* Where a sign is determined to be a public nuisance, as defined in environment chapter 12 of the Code, such signs shall be abated in accordance with procedures provided in section 12-135, of the city Code.

(7) *Numerical sign on a principal building.* According to article II of chapter 28, section 28-31.

(Ord. No. 611, 4-16-2007; Ord. of 08-21-2017(1))

Sec. 38-554. Allowed signs.

The following signs are permitted in all districts except where restrictions are indicated in accordance with provisions of this section and shall not require permits for erection.

(1) Signs of a branch of local, state, or federal government, including traffic or similar regulatory devices, or signs required to be maintained or posted by law or governmental order, rule or regulation.

(2) Flags must be mounted or flown on flag poles that are securely attached to the premises or permanently anchored into the ground. Flags shall not obstruct doors, windows, sidewalks or fire escapes. (See section 38-553(5).)

(3) Permanently installed emblems, plaques, cornerstones, markers, tablets, and the like constructed of durable material such as bronze, stone, slate or other long-lasting or engraved material.

(4) Free-standing signs placed at the perimeter of a lot, at driveway entrances and exits, limited to one per driveway entrance and one per driveway exit, must not obstruct clear vision of roadway or sidewalks by those entering or exiting the property, not to exceed two feet × six feet.

(5) Permanent signs on accessory structures. The total sign area per each accessory structure may not exceed 20 percent of the mounting wall of the structure.

(6) Boundary signs, signs not visible from public areas, interior signs, required signs. Signs:

a. Placed along the boundary lines of a residential property which do not exceed four square feet per sign and are no more frequent than two signs per 100 feet of frontage;

b. Not visible to motorists or pedestrians on any road, alley, water body, public lands, or adjacent parcels;

c. Located inside a building (including within display window areas);

d. Required signs which may or shall be located within the parcel, under authority of this article site plan approval;

e. Required signs, under authority of any statute or ordinance, which are located along any county, city, village road; state and federal highway, and private road;

f. Which are legal postings as required by law.

(7) Murals.

(Ord. No. 611, 4-16-2007; Ord. of 08-21-2017(1))

Sec. 38-555. Temporary signs.

Non-illuminating exterior temporary signs may be erected in accordance with the regulations of this section and shall not require permits for erection.

(1) Temporary signs. Temporary signs with a maximum area of six square feet per side are permitted. These signs must be constructed and mounted as noted in section 38-553, general provisions, may be placed no more than 90 days prior to the event, and shall be removed within ten days following the day of that event and may not be placed on city property in the DDA Zone without permission of a city administrator.

(2) Signs which are paper flyers or posters mounted with staples, tacks, tape or other non-permanent fasteners placed on private property with permission of the property owner or on a pole, window, or other surface belonging to the property owner may be placed 30 days prior to an event and removed within ten days of the end of the event. These temporary signs may not be placed on city property without written permission of a city administrator.

(3) Portable signs are permitted where a commercial use is present or at special event locations. These signs are to be removed each day at the close of business or at the end of the special event and are not to obstruct public rights-of-way. In the DDA Zone, each commercial building with one or more operating businesses shall be limited to one such sign and the total sign area shall not exceed six square feet per side with no more than 12 square feet aggregate. Portable signs may not be placed on city property without permission of a city administrator.

(4) Banners.

a. Banners on commercial property. These banners shall not exceed 32 square feet and must be in good repair. Such banners must be attached safely to the premises. There shall be no more than two banners per side of any commercial building or deck and no more than six banners per business property.

b. Banners over a city or state right-of-way. Banners over a city or state right-of-way, such as those announcing functions occurring within the city limits that are sponsored by non-profit organizations, service groups, or city -sanctioned special events may be placed for no more than ten days. The maximum width

of banners are to be set by the public works department and erection of these banners is subject to approval by the city manager.

(5) Blade sign, feather sign, teardrop sign not to exceed 24 square feet, not to exceed 12 feet in height, must be placed on or behind property line, must not obstruct clear vision of roadway or sidewalk, maximum four per property.

(Ord. No. 611, 4-16-2007; Ord. of 06-20-2016; Ord. of 08-21-2017(1))

Sec. 38-556. Signs requiring a permit.

The following signs may be erected, altered or re-located in accordance with regulations of this section and subject to permit requirements of section 38-558.

Permanent free standing signs. Permanent free standing signs must be set back at least eight feet from any public street unless otherwise stated, and may be double-faced with an aggregate maximum square footage consistent with the zoning district standards.

(1) *R-1 and R-2 districts.* One sign allowed for each dwelling unit comprising a maximum of nine square feet each and a maximum height of 15 feet. Setback shall be at the property line.

(2) *R-3 and R-4 districts.* One sign allowed for each multiple-family complex or mobile home park comprising a maximum of 20 square feet and maximum height of 15 feet. Setback shall be at the property line.

(3) *Public recreation, waterfront industrial, and industrial districts.* One freestanding and one wall sign allowed per business or use comprising a maximum of 100 square feet and maximum height determined by structure size in each zoned district. Setback shall be at the property line.

(4) *Tourist business district.* First sign comprising a maximum of 160 square feet for the first 300 feet of highway frontage. A second sign comprising a maximum of 128 square feet shall be allowed per business provided a minimum spacing of 300 feet is adhered to from the first sign. Maximum sign height shall be according to structure height in that district. Setback shall be at the property line.

(5) *Central business and general business districts.* Signs in these districts shall be governed by the following:

a. Projecting signs over sidewalk. Maximum of five feet projecting, maximum size 20 square feet and maximum height of ten feet. Minimum ten feet of clearance above walkway.

b. Cornices. Maximum of eight feet projecting over sidewalk.

c. Overhang signs. Maximum of five feet projecting over sidewalk, maximum of 20 square feet in area, and minimum of ten feet of clearance above walkway.

d. Canopies. Same restrictions as overhangs with the exception of seasonal canopies which may have minimum of eight feet of clearance above walkway. Seasonal canopies must be removed between the months of December through March.

e. The number of signs on the front of each business shall be limited to one projecting or overhanging sign and wall mounted sign or signs with aggregate square footage not to exceed 25 percent of the ground floor wall area on which they are mounted. Wall mounted signs shall be mounted no higher than the height of the facade of the building upon which they are mounted. In addition, one portable temporary sign per business property can be permitted as stated in section 38-555(3).

f. Free-standing signs. Any free standing sign shall not obstruct visibility of roadway entry and exit, or

pedestrian walkway. Free standing signs shall be mounted on or behind the property line, shall be securely anchored into the ground and shall not exceed 60 square feet per side on the west side of State Street (side opposite the water), shall not exceed 100 square feet on the east side of State Street (water side) and shall conform to sign spacing in the tourist business district, section 38-556(4). Maximum sign height shall be no higher than structure height in that zoned district.

g. Signs on the rear of buildings. No new signs shall be placed on the railroad grade until the recreation pathway plan is adopted. If no recreation pathway plan is adopted by 2019, signs on property on the railroad grade will be allowed as for other property in the DDA Zone.

(6) Wall mounted signs on the rear of property other than on the RRG as described in (g) above, in all districts. Total area not to exceed 25 percent of the ground floor wall area of the mounting wall. Such signs shall be mounted no higher than the height of the facade of the building upon which they are mounted.

(7) Off-premises or billboard signs. Off-premises or billboard signs are subject to planning commission approval and applicable fees established by city council to cover cost and must meet all the requirements as specified in sections 38-558 and 38-559. Off-premises signs on or visible from BL I-75 must hold a State of Michigan permit as described by the Michigan Department of Transportation, and meet all State of Michigan standards prior to application to the city for an off-premises sign permit. No new off-premises signs shall be allowed in the DDA district following adoption of this article. New off-premises signs in other districts shall be limited to one per parcel. One off-premises sign may be allowed for multiple businesses developed by a single organization (such as a business association, chamber of commerce, or other similar association) or a governmental agency. All off-premises signs shall be anchored securely into the ground.

Application procedure for off-premises signs is listed in section 38-558(b)(2). Appeals of rulings is described in section 38-559.

(8) Signs on a property under development. Signs with a total area not to exceed 50 square feet and a maximum height of ten feet may be permitted on a site currently being developed. Signs may be erected after the building permit for the construction project has been issued.

Signs shall be removed within 30 days following final inspection and issuance of certificate of occupation by the building department, city manager, or his designee.

(9) Exterior electronic message signs. Permit will be included with zoning permit for a business that has a drive-through passageway for motorized vehicles or that has outdoor fuel pumps or other equipment requiring a permit from the city. Number of permitted signs, dimensions and height to be included in the site plan. Signs must be in compliance with section 38-553, general provisions.

(10) Internal electronic message signs aggregate square footage not to exceed 25 percent of the ground floor wall or window space which they occupy.

(Ord. No. 611, 4-16-2007; Ord. of 08-21-2017(1))

Sec. 38-557. Non-conforming signs.

It is the intent of this article to recognize that the eventual elimination, as expeditiously as it is reasonable, of existing signs and their supporting structures that are not in conformity with the provisions of this article, is as much a subject of health, safety, and welfare as is the prohibition of new signs that would violate the provisions of this chapter. It is also the intent of this article that any elimination of non-conforming signs shall be effected so as to avoid any reason-

able invasion of established private property rights. To expedite this intent, no non-conforming sign:

(1) Shall be changed to another non-conforming sign.

(2) Shall have any changes made to the material used to construct the sign without a request for a new permit.

(3) Shall be structurally altered so as to prolong the life of the sign or so as to change the shape, size, type or design of the sign, except for safety reasons.

(4) Shall be established after the activity, business or usage to which it relates has been discontinued.

(5) Shall be re-established after damage or destruction, if the estimated expense or reconstruction exceeds 50 percent of the appraised total replacement cost, as it determined by an authorized agent of the city.

(Ord. No. 611, 4-16-2007; Ord. of 08-21-2017(1))

Sec. 38-558. Administration and enforcement.

(a) *Administration and enforcement.* The city manager or his designee, which is the building inspector, unless otherwise changed by the city manager, shall have the duty and authority to administer and enforce the provisions of this section.

(b) *Permits and procedures.* No signs identified in section 38-556 shall be erected, altered, or relocated unless a permit for the sign is obtained from the city building inspector in accordance with the following regulations:

(1) *Off-premises signs.* Following passage of these amendments, off-premises signs on or visible from a state or federal highway, including BL 75, require a State of Michigan permit or written exemption prior to application for the off-premises sign permit from the city of St. Ignace. Off-premises signs identified in section 38-552 shall require review and approval by the planning commission before a new city permit may be issued. Such review may accompany the site plan review where new development is proposed. Once an off-premises sign is placed, a review by the building inspector or official designated by the city administration shall occur within 30 days to confirm that the sign conforms to the permit. A non-compliant sign shall be removed or brought into compliance within 30 days of notification. Off-premises sign permits issued by the city may not be sold or conveyed to other businesses, entities or parties. Any sign that is out of compliance with this article must be brought into compliance before a new city permit may be issued.

(2) *Application for sign permit.* An application for a sign permit shall contain the following information as indicated on the application form.

a. Name, address and telephone number of the applicant and the property owner.

b. Location of building, structure or lot to which the sign is to be attached or erected.

c. Position of the sign in relation to near by buildings, structures, other on-site and property lines.

d. Two drawings of the proposed sign(s) to be erected on the site shall be submitted upon application for review by the building inspector and in those cases where planning commission review is required, ten days prior to scheduled site plan review.

1. Height of the sign above the ground and support structure(s).

2. Area and dimensions of sign surface.

3. Lettering of sign drawn as it will appear on the erected sign need not be in the style of the finished sign, but must be

printed in the size and of a weight approximating that of the final constructed sign.

e. If deemed necessary by the building inspector, a copy of stress sheets and calculations showing the structure as designed for dead load and wind pressure in accordance with regulations adopted by the building department.

f. Name and address of the person, firm, corporation or association erecting the structure.

g. A certificate of insurance may be required for installation of freestanding or overhanging signs.

h. Such other information as the building or planning commission may require to show full compliance with this and all other applicable laws of the City of St. Ignace and the State of Michigan.

i. At the discretion of said building inspector, when in his opinion the public safety requires it, the application containing the aforesaid material shall, in addition, bear the certificate or seal of a registered architect or engineer as a condition to the issuance of a permit.

(3) All other signs permitted in this ordinance and which are not identified in section 38-558 shall not require permits but shall be regulated as provided in this article.

(4) *Servicing.* No permit shall be required for ordinary servicing, repainting of existing sign or cleaning of a sign if sign ownership does not change. No permit is required for a change of words or pictures on a sign that is designed for periodic change, e.g., a chalk board sign or bulletin board. A new permit is required if a new permanent face is attached to the sign or if ownership of the sign changes.

(c) *Permit fee.* As established by the city council. All permits issued for the erection of a sign shall become invalid unless the work authorized by it shall have been commenced within six months after its issuance.

(d) *Interpretation and conflict.* The standards and provisions of this ordinance shall be interpreted as being the minimum requirements necessary to uphold the purposes of this ordinance. Whenever this ordinance imposes a higher standard than required by other regulations, ordinances or rules, or by easements, covenants, or agreements, the provisions of this ordinance shall govern. When the provisions of any other statutes impose higher standards, the provision of such statutes shall govern.

(e) *Planning commission's approval.* In cases where the city planning commission is empowered to approve certain signs under the provisions of this ordinance, the applicant shall furnish such surveys, plans, or other information as may be reasonable required by said commission for the proper consideration of the matter.

(1) The planning commission shall investigate the circumstances of each case and shall notify such property owners, or occupants within 300 feet of the property, of the time and place of any hearing which may be held relative thereto as required under its rules of procedure.

(2) The planning commission may impose such conditions or limitations in granting approval as may in its judgment be necessary to fulfill the spirit and purpose of this article.

(f) *Standards for sign review.* In reviewing signs as provided in section 38-557 the planning commission shall consider the following standards as a basis for establishing setback, location, placement of signs:

(1) Visibility of vehicular and pedestrian traffic off site and on the site.

(2) Impact upon visibility of traffic signals, regulatory signs and other traffic safety or control devices.

(3) Visibility and legibility of signs for drivers and or pedestrians.

(4) Negative impact of signs upon adjacent properties and their signage.

(5) Negative visual impact of lighting and appearance of signs upon nearby residential areas.

(6) Particular site characteristics such as yard areas, landscaping, topography, and the like.

(7) Any off-premises sign shall conform in size to other allowed signs for the zoning district in which the sign is placed. Following passage of these amendments, only one off-premises sign permit may be issued per property and no new off-premises permits shall be issued in the DDA Zone. (See section 38-556(7).)

(g) *Changes and amendments.* The city council may from time to time, on recommendation from the planning commission or on petition or upon council initiative, amend, supplement, or change the regulations herein.
(Ord. No. 611, 4-16-2007; Ord. of 08-21-2017(1))

Sec. 38-559. Appeals.

(a) The zoning board of appeals shall have the power to authorize, upon appeal, specific variances from the various requirements specified in this sign ordinance and to extend the term to continue non-conforming signs otherwise provided for herein.

(b) Applications for zoning board of appeals authorization as provided for herein shall be submitted to the city manager or his designee on a form supplied for such purposes and shall be processed in the following manner:

(1) The zoning board of appeals shall hold a public hearing or hearings on the subject application. The notice of a public hearing shall be posted not less than ten days in advance, in writing, by first class mail to such property owners or occupants located within 300 feet of the property which is the subject of the application. After public hearing procedures, the zoning board of appeals may grant approval of the application. Said approval shall be in writing with any conditions or reasons for rejection, if it be so, which authorization shall be sent promptly to the city manager or his designee and to the applicant.

(c) All of the following conditions in the judgment of the zoning board of appeals shall exist before any authorization as provided for in this chapter shall be granted. Any such authorization granted shall:

(1) Not be contrary to the public interest or the general intent and purpose of this chapter.

(2) Not cause substantial adverse effect to properties in the immediate vicinity or in the sign district where the authorized deviation is located.

(d) *Special findings.* If all of the foregoing conditions can be satisfied, an authorization for a sign variance may be granted when the zoning board of appeals determines that any one of the following special findings can be clearly demonstrated:

(1) There are exceptional or extraordinary circumstances or conditions which apply to the property in question.

(2) That such deviation is necessary for the preservation of a substantial property right possessed by other properties within the same sign district.

(Ord. No. 611, 4-16-2007)

Secs. 38-560—38-590. Reserved.

ARTICLE XI. NONCONFORMING USES AND BUILDINGS*

Sec. 38-591. Nonconforming uses.

The lawful use of any land or building or other structure together with the land on which it stands, existing at the time of adoption of the ordinance from which this article is derived, may

***State law reference—**Nonconforming uses and structures, MCL 125.583a.

be continued although such does not conform with the provisions hereof; but if such nonconforming use is discontinued for two years, notwithstanding the provisions of section 38-594, the future use of said premises shall thereafter be in conformity with the provisions of this article.
(Ord. No. 600, § 15.411, 2-21-2005)

Sec. 38-592. Expansion.

The nonconforming use of any premise, including land on which it stands, lawfully existing prior to the adoption of the ordinance from which this article is derived, may be extended throughout the building provided such building is not structurally altered or changed and provided such repairs that are made therein are required by law or ordinance, or that may be necessary for reasons of safety; or to secure the advantageous use of the building during its natural life, or to extend its erection to the full weight as originally intended and provided that no such repair, alteration, or reinforcement shall permit the use of such building or structure beyond its natural life.
(Ord. No. 600, § 15.412, 2-21-2005)

Sec. 38-593. Reversal of nonconforming uses.

Whenever the nonconforming use of any building, structure, or land has been changed to a conforming use, the use shall not thereafter be reverted to any nonconforming use.
(Ord. No. 600, § 15.413, 2-21-2005)

Sec. 38-594. Resumption of nonconforming uses after damage.

Nothing in this article shall prevent the reconstruction, repair or restoration and the resumption of use of any nonconforming building or structure damaged by fire, wind, flood, or the acts of God or the public enemy following the effective date of the ordinance from which this article is derived, wherein the expense of such restoration, reconstruction, or repair does not exceed 75 percent of the fair valuation of such building or structure at the time such damage occurred; provided that application for such reconstruction, repair, or restoration is made within six months after such damage occurred; and provided that such reconstruction, repair, or restoration is completed within one year following the granting of a permit therefore, and the resumption of the use of said building or structure takes place within 30 days after completion; provided, however, that the board of zoning appeals may extend such period of time for the restoration, repair, and reconstruction of such building or structure when a national emergency or further acts of God shall prevent restoration of such building or structure within the time above prescribed.
(Ord. No. 600, § 15.414, 2-21-2005)

Sec. 38-595. Application and construction schedule.

Nothing in this article shall require any change in the erection or intended use of a building or structure, the construction of which shall have been diligently prosecuted for 30 days preceding the date of passage of the ordinance from which this article is derived, and for which plans are filed with the building inspector within 30 days following the date of passage of the ordinance from which this article is derived and the construction of which shall be completed within 12 months following the date of the passage of the ordinance from which this article is derived.
(Ord. No. 600, § 15.415, 2-21-2005)

Sec. 38-596. Unlawful use not authorized.

Nothing in this article shall be interpreted as authorization for or approval of the continuance of the use of a structure, land, or premises in violation of this article.
(Ord. No. 600, § 15.416, 2-21-2005)

Sec. 38-597. Nonconformance due to reclassification.

The foregoing provisions of this article shall also apply to buildings, structures, land and uses which hereafter become nonconforming due to the reclassification of districts under this article or any subsequent change in the regulations of this article.
(Ord. No. 600, § 15.417, 2-21-2005)

Secs. 38-598—38-700. Reserved.

ARTICLE XII. PLANNED UNIT DEVELOPMENT (PUD) STANDARDS

Sec. 38-701. Site design standards.

In addition to the regulations set forth in Article V, Special Land Uses, the following are specific regulations and design standards for uses listed in said article, and shall be the minimum governing requirements for the protection of the public health, safety, and general welfare of the community.
(Ord. No. 609, 12-4-2006)

Sec. 38-702. Planned unit developments.

(a) *Purpose.* The purpose of the planned unit development (PUD) is to allow design and use flexibility on a given site while at the same time protecting present and future residents and public facilities from the adverse effects of unplanned or unregulated development. This approach allows the applicant to utilize innovative designs and methods to control the effects of development rather than having rigid numerical zoning standards dictate design parameters. The burden of proving a planned unit development is within the parameters and intent of this article is completely upon the applicant. The City of St. Ignace Planning Commission is to be the judge of whether or not the design contains sufficient safeguards as to make the effects of the development compatible with the intent of this article. It is the expressed intent of this section to allow such items as setbacks, yards, parking spaces, type of dwelling unit and use to be regulated on an overall impact or gross development basis rather than individually for each lot, use, or structure.

(b) *Uses permitted.* Compatible residential, commercial, and public uses may be combined in PUD districts provided that the proposed location of the commercial or industrial uses will not adversely affect adjacent property, and/or the public health, safety, and general welfare. Building site area and other setback requirements of the residential district shall apply except as modified in subsections (d) and (e).

(c) *Types of PUDs.* There are two types of planned unit developments: Commercial and residential. Each type permits mixed commercial and residential uses but a commercial PUD consists of primarily commercial uses and a residential PUD consists primarily of residential uses. Both commercial and residential are permitted in any district as long as the public interest for the PUD outweighs the guidelines and provisions of the existing and in effect zoning ordinance provisions.

(d) *Application process.* An application for a PUD shall be submitted to the building official. This application shall include the following:

(1) Applicant's name and address.

(2) Statement identifying the landowner, if not the applicant, and the applicant's relationship to the landowner.

(3) Property boundary map and legal description.

(4) Existing uses and structures on this land.

(5) Description of the existing zoning on the parcel and properties immediately adjacent.

(6) An analysis of the planning implication of the proposed development, including estimated future population and the impact of population on community facilities such as schools and parks; an economic market study justifying the need for any proposed commercial, office, or industrial facilities; and a traffic analysis.

(7) A site plan, at least in preliminary form, depicting the general land use arrangement or scheme of the proposed development.

(e) *Request procedure.* Upon receiving a request for a PUD, the planning commission shall meet with the city officials and review the application. After the initial review, the planning commission shall hold a public hearing. A public hearing notice will be published in a newspaper of general circulation in the city and shall be sent by mail or personal delivery to all persons whose property

is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet. Notice shall be given not less than 15 days before the date of public hearing.

(f) *Planning commission recommendation.* Recommendations of the planning commission will be sent to the city council for their final approval, disapproval or approval with supplementary conditions. The city council will employ the same best interests test for approval. A decision will be made within 60 days of the planning commission meeting.

(g) *Termination.* If not acted upon within one year, approval of the PUD request will be terminated.
(Ord. No. 609, 12-4-2006)

Sec. 38-703. [Article V remains as otherwise adopted.]

In all other respects, said Article V, Special Land Use, as amended, shall remain as heretofore adopted.
(Ord. No. 609, 12-4-2006)

Sec. 38-704. Communication tower.

(a) *Purpose.* This section shall be known as the City of St. Ignace Communication Tower Ordinance the purpose of which to regulate and control the erection of communication towers within the City of St. Ignace.

(b) *Definitions.*

Communication tower. A radio, telephone, cellular telephone or television relay structure of skeleton framework, or monopole attached directly to the ground or to another structure, used for the transmission or reception of radio, telephone, cellular telephone, television, microwave or any other form of telecommunication signals.

(c) *Performance standards.*

(1) The tower must be setback from all property lines a distance equal to its height, unless engineering plans and specifications have been verified by the city engineer that the structural integrity of the tower will withstand high winds and impacts, and the likelihood of a tower failure is minimal. The applicant shall incur all cost associated with city engineering review.

(2) All towers must meet any and all governmental regulations, i.e. FAA, FCC, etc.

(3) All towers, including equipment buildings, shall be enclosed with a six-foot high fence.

(4) No towers are permitted in the R-1, R-2, GBD, central or TBD districts.

(5) There shall not be displayed advertising or identification of any kind attached to the tower, fence or buildings intended to be visible from the ground or other structures, except as required for emergency purposes.

(6) Existing on-site vegetation shall be preserved to the maximum extent possible.

(7) Height is not to exceed 150 feet, measured from the ground. The zoning board of appeals shall review requests for towers that exceed 150 feet.

(8) A building permit is required for any tower. Planning commission review is required prior to a permit being issued. A public hearing is not required for the planning commission review, however, an appropriate fee shall be charged, amount to be set by city Council.

(9) A condition of every approval of a communication tower facility shall be adequate provision for removal of all or part of the facility by users and owners when the facility has not been used for 120 days or more. Failure to remove an unused communication tower after the 120 day period shall result in a daily penalty of $500.00. The owner or user of any tower shall notify the city of St. Ignace within ten working days after abandonment.

(10) Temporary, mobile, towers such as television newscasters shall be exempt from the provisions of this article.

(11) The applicant shall provide verification that the antennae mount and structure have been reviewed and approved by a professional engineer and that the installation is in compliance with all applicable codes.

(12) Accessory structures are limited to uses associated with the operation of the tower and may not be located any closer to front or side property lines than thirty (30) feet. Nothing shall prevent an applicant from applying to the board of appeals for a setback variance.

(13) Accessory structures shall not exceed two hundred (200) square feet of gross building area.

(14) Towers with antennae shall be designed to withstand a uniform wind loading as prescribed by the building code.

(15) Co-location required. The applicant must include a statement in the application that includes a provision stating space on a proposed tower will be made available to future users when technically possible.

(16) Radio, television or similar towers less than 25 feet are excluded from the provisions of this Ordinance.

(d) *Appeal procedure.* Appeal requests for this section of the zoning ordinance shall be governed by the rules of the zoning board of appeals.

(e) *Penalty.* This section to be included in Ordinance No. 582, "Civil Infraction". Either the building inspector and/or the city police are hereby designated as the authorized city official to issue municipal civil infraction citations or a municipal civil infraction violation under this article permits for erection.
(Ord. No. 612, §§ I—V, 9-17-2007)

Appendix
Franchises

APPENDIX A

FRANCHISES*

Article I. Edison Sault Electric Company Franchise

Sec. 1. Grant of electric franchise and consent to laying of lines, etc.
Sec. 2. Use of streets and other public places.
Sec. 3. Force majeure.
Sec. 4. Indemnity.
Sec. 5. Rates; bills; meters.
Sec. 6. Effective date; term of franchise; acceptance by the company.
Sec. 7. Effect and interpretation of franchise.
Sec. 8. Franchise not exclusive.
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Article II. Semco Energy Gas Company Franchise

Sec. 1. Grant of franchise.
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Sec. 11. Michigan Public Service Commission, jurisdiction.
Sec. 12. Assignment of franchise.
Sec. 13. Repealer.
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Article III. Charter Communications Cable Franchise

Sec. 1. Grant.
Sec. 2. Authority to implement franchise.
Sec. 3. Effective date.

***Editor's note**—Printed herein are the franchises granted by the city that are currently in effect. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform and the same system of capitalization, citation to state statutes, and expression of numbers in text as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets.

ARTICLE I. EDISON SAULT ELECTRIC COMPANY FRANCHISE

ORDINANCE NO. 586
Adopted: May 3, 2004

An ordinance, pursuant to Chapter XIV of the City Charter, granting to Edison Sault Electric Company, it successors and assigns, the right, power and authority to construct, maintain and commercially use electric lines consisting of towers, masts, poles, cross arms, guys, braces, wires, transformers and other electrical appliances on, along and across the highways, streets, alleys, bridges and other public places and to do a local electric business in the City of St. Ignace, Mackinac County, Michigan, for a period of 30 years.

THE CITY OF ST. IGNACE ORDAINS:

Sec. 1. Grant of electric franchise and consent to laying of lines, etc.

Subject to all the terms and conditions mentioned in this franchise, consent, permission, nonexclusive right and authority is hereby given to Edison Sault Electric Company, a corporation organized under the laws of the State of Michigan (the "company"), and to its successors and assigns to construct, maintain, operate and use electric lines, poles, cables, conduits, appliances, buildings and other necessary works in and under the highways, streets, alleys and other public places in the City of St. Ignace, Mackinac County, Michigan (the "city"), and a nonexclusive franchise is hereby granted to the company for the purposes of producing, manufacturing, storing, transmitting and distributing electricity in, into and through city and all other matters incidental thereto.

Sec. 2. Use of streets and other public places.

A. The company, its successors and assigns, shall not unnecessarily obstruct the passage of any of the highways, streets, alleys or other public places within said city and shall within a reasonable time after making an opening or excavation, repair the same and leave it in as good condition as before the opening or excavation was made. The company, it successors and assigns, shall use due care in exercising the privileges herein contained and shall be liable to said city and to every owner of property abutting the company's electrical lines or other facilities, for all damages and costs arising from the negligence of the company or its officers, agents and servants.

B. For any major expansion or reduction or changes to be made in the city distribution facilities of company, company will notify in writing the city of the same, and city will either permit or reject in writing within 20 days the said changes. Company shall comply with reasonable city requirements pertaining to locating, changing or expanding distribution facilities on or under city streets or other public property, including, but not limited to, the previous Wisconsin Central Railroad ROW now owned by the city and licensed for use by Edison Sault Electric Co., dated May 2, 1933, for city by assignment of said license to city from Wisconsin Central Railroad, dated August 28, 1997.

Sec. 3. Force majeure.

The company shall not be under any liability for any breach of the company's obligations hereunder if such breach is caused in any part by acts of God, labor, suppliers to deliver, shortages of materials or labor, governmental laws, rulings or regulations, of any other causes or contingencies not reasonably within the control of the company.

Sec. 4. Indemnity.

As part of the consideration for the granting of this franchise, the company (indemnitor) shall, at its sole cost and expense, fully indemnify and hold the city (indemnitee) harmless from all lawsuits, actions, liability and judgments for damages arising out of the granting or operation of this franchise, including, but not limited to, liability for damages to any former holder of a public utility franchise whose franchise may have been revoked and superseded by this franchise. All poles, masts, towers and other supports shall be set and all wires shall be suspended in a careful and proper manner so as not to injure persons or property. The company shall have the right to trim trees if necessary in the conducting of such business, subject, however, to the supervision of the city. The company shall at all times keep and save the city free and harmless from all loss, costs and

damage to which it may be subject by reason of the negligent construction and maintenance of the poles, including tree trimming, and maintenance of which are hereby authorized. In further consideration for the granting of this franchise, the company shall pay actual attorney's fees, costs and expenses which may be incurred by the city in defense of or in response to any claim, demand, lawsuit, action or administrative proceeding arising out of the granting of this franchise or the revocation of prior franchises, whether or not judgment is entered against the city.

Sec. 5. Rates; bills; meters.

Company shall be entitled to charge city and its inhabitants for electric energy for light, heat and power, the rates now on file with the Michigan Public Service Commission and at present effective within said city. Said rates shall be subject to review at any time by the Michigan Public Service or its successors, upon proper application by either company or city, acting by the city council being made thereto, and the regularly filed rates as approved by said commission or its successors, as applicable to said City of St. Ignace, shall at all times be the lawful rates.

Sec. 6. Effective date; term of franchise; acceptance by the company.

This franchise shall take effect after being introduced by council action, notice by publication in the local newspaper that the ordinance is on file in the clerk's office for public inspection for at least four weeks and thereafter, adopting and publishing of the ordinance continue in effect for a period of 30 years thereafter, subject to revocation at the will of the city at any time during said 30-year period; provided however, that when this franchise shall become effective, the city clerk shall deliver to the company a certified copy of the franchise accompanied by written evidence of publication and recording thereof as required by law, and the company shall, 60 days after receipt of the above documents, file with the city clerk its written acceptance of the conditions and provisions hereof.

Sec. 7. Effect and interpretation of franchise.

In the case of conflict between this franchise and any such franchises, ordinances, or resolutions, this franchise shall control. The catchline headings which precede each section of this franchise are for the convenience in reference only and shall not be taken into consideration in the construction or interpretation of any of the provisions of this franchise.

Sec. 8. Franchise not exclusive.

The rights, power and authority granted by this franchise are not exclusive, and nothing contained herein shall prevent the city from granting other nonexclusive electric franchises.

Sec. 9. Franchise revocable.

This franchise shall be revocable by either the city or the company upon 60 days' written notice to the other party.

Sec. 10. Successors and assigns.

The words "Edison Sault Electric Company" and "company" wherever used herein are intended and shall be held and construed to mean and include both Edison Sault Electric Company and its successor and assigns, whether so expressed or not.

Sec. 11. Effective date.

This ordinance shall become effective ten days after its enactment and after its publication.

ARTICLE II. SEMCO ENERGY GAS COMPANY FRANCHISE

ORDINANCE NO. 594
Adopted: May 3, 2004

An ordinance, granting to SEMCO ENERGY GAS COMPANY, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges, waterways, and other public places, and to do a

local gas business in the City of St. Ignace, Mackinac County, Michigan, for a period of 30 years.

THE CITY OF ST. IGNACE ORDAINS:

Sec. 1. Grant of franchise.

The City of St. Ignace, Mackinac County, Michigan, hereby grants to SEMCO ENERGY GAS COMPANY, a Michigan corporation, its successors and assigns, hereinafter called the "grantee," the right, power and authority to construct, operate and maintain in the public streets, highways, alleys and other public places in the City of St. Ignace, Mackinac County, Michigan, all needful and proper gas pipes, mains, conductors, service pipes and distribution of gas for all purposes to the City of St. Ignace, and the inhabitants thereof, and for conducting gas elsewhere to supply neighboring cities, villages and other territories supplied with gas by said grantee, for a period of 30 years.

Sec. 2. Consideration.

In consideration of the rights, power and authority hereby granted, said grantee shall faithfully perform all things required by the terms thereof.

Sec. 3. Conditions.

No highway, street, alley, bridge or other public place used by said grantee shall be obstructed longer than necessary during the work of construction or repair, and shall be restored to the same order and condition as when the work was commenced. When any street, alley, avenue or other public place shall be opened or broken for the purpose of making excavations or trenches in construction, operating, extending or maintaining said plant and business, such street, alley, avenue or public place shall be restored by said grantee to the same or as nearly as possible the same condition as before such breaking or operating. The restoration shall be done with all possible dispatch and promptness. The grantee shall reimburse the said City of St. Ignace for its reasonable cost or expense for repairing any and all depressions or defects which may exist or develop in that portion or portions of the streets, avenues, alleys or public places over and tunnel or excavation made by the grantee, which said depressions or defects exist or develop within three years after the making of said tunnel or excavation; provided, that the said City of St. Ignace shall first have notified the grantee of such depressions or defects and the grantee shall have failed to repair the same for a period of ten days after such notice. All of grantee's pipes and mains shall be placed in the highways and other public places so as not to unnecessarily interfere with the use thereof for highway purposes.

Sec. 4. Applicable rules and regulations.

All of said mains, pipes, conductors and other appurtenances and devices shall be laid, maintained, repaired or renewed by the grantee in accordance with the standard rules of the Michigan Public Service Commission for the maintenance, construction and operation of gas plants, transmission and distribution systems and the grantee herein shall, upon request and without charge therefor, subject to the rules and regulations of the grantee, as approved by the said Michigan Public Service Commission, connect all service pipes of consumers and prospective consumers with the mains and pipes of the company in all avenues, streets, alleys where any of such mains or pipes are laid or to which they are or may be extended.

Sec. 5. Protection of excavations.

Said grantee shall in every case, and at all times, protect all excavations, trenches and dangerous places made in constructing, maintaining, extending and operating said plant and business in such manner as to prevent accidents, and all such excavations, trenches and dangerous places shall be allowed to remain open only such length of time as may be absolutely necessary; and said grantee shall also erect all necessary barriers, guards and signals; and shall maintain such signal lights as may be necessary to protect persons from danger on account of any such excavations, trenches and dangerous places. Notwithstanding any provisions of this ordinance, the grantee shall comply with all ordinances and

regulations of the City of St. Ignace governing the opening, excavation, use and repair of streets, alleys and other public places in the city.

Sec. 6. Construction, extensions of system.

The mains, pipes, conductors and other appurtenances and devices necessary for carrying on of the business of the grantee herein named shall be so laid, maintained, repaired or renewed so that they will not injure or interfere with any sewer, catch basin, drain, culvert, water pipe, conduit and other underground structure now in any public street, avenue, alley or other public place in said City of St. Ignace, County of Mackinac, State of Michigan. The grantee shall make such extensions to its system within such city as shall be reasonably required from time to time, and as authorized by the Michigan Public Service Commission.

Sec. 7. Hold harmless.

The grantee herein shall save and keep the said City of St. Ignace, County of Mackinac, State of Michigan, harmless from any and all claims for damages to persons or property by reason of the construction, maintenance and operation of said plant and distribution system, and the use by said grantee of the streets, avenues, alleys and public places in said City of St. Ignace, County of Mackinac, State of Michigan. Said grantee shall at all times keep and save the city free and harmless from all loss, costs and expense to which it may be subject by reason of the negligent construction and maintenance of the structures and equipment hereby authorized. In case any action is commenced against the city on account of the permission herein given, said grantee shall upon notice defend the city and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.

Sec. 8. Franchise not exclusive.

The rights, power and authority herein granted are not exclusive. Either manufactured or natural gas may be furnished hereunder.

Sec. 9. Rates.

Said grantee shall be entitled to charge the inhabitants of said city for gas furnished therein, the rates as approved by the Michigan Public Service Commission, to which commission or its successors authority and jurisdiction to fix and regulate gas rates and rules regulating such service in said city are hereby granted for the term of this franchise. Such rates and rules shall be subject to review and change at any time upon petition therefor being made by either said city, acting by its city council, or by said grantee.

Sec. 10. Revocation.

The franchise granted by this ordinance is subject to revocation upon 60 days' written notice by the party desiring such revocation.

Sec. 11. Michigan Public Service Commission, jurisdiction.

Said grantee shall, as to all other conditions and elements of service not herein fixed, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to gas service in said city.

Sec. 12. Assignment of franchise.

Grantee shall not assign this franchise to any other person, firm or corporation without the prior written approval of the city council. The city shall not unreasonably withhold its consent to an assignment if the assignee is financially able to carry out the grantee's obligations under this franchise. The assignment of this franchise to a subsidiary, division, or affiliated corporation of grantee or its parent corporation shall not be considered an assignment requiring the consent of the city council.

Sec. 13. Repealer.

This ordinance, when accepted and published as herein provided, shall repeal and supersede the provisions of a utility ordinance enacted by the city council on June 4, 1973, and amend-

ments, if any, to such ordinance whereby a franchise was granted to the Michigan Power Company.

Sec. 14. Effective date.

This ordinance shall take effect ten days after the date of publication thereof; provided, however, it shall cease and be of no effect after 30 days from its adoption unless within said period the grantee shall accept the same in writing filed with the city clerk. Upon acceptance and publication hereof, the ordinance shall constitute a contract between said city and said grantee.

ARTICLE III. CHARTER COMMUNICATIONS CABLE FRANCHISE

ORDINANCE NO. 596

Adopted: January 17, 2005

An ordinance to authorize the granting of a nonexclusive cable television franchise to CC VIII Operating, LLC, doing business as Charter Communications

THE CITY OF ST. IGNACE ORDAINS:

Sec. 1. Grant.

The city council of the City of St. Ignace hereby authorizes the granting of a nonexclusive cable television franchise to CC VIII Operating, LLC, doing business as Charter Communications, pursuant to the terms set forth in the City of St. Ignace, Michigan Nonexclusive 2004 Cable Television Franchise with CC VIII Operating, LLC d/b/a Charter Communications, attached hereto.

Editor's note—The document referred to in this section is not printed herein but is on file in the city clerk's office.

Sec. 2. Authority to implement franchise.

The city manager, city clerk, city attorney, special counsel and other city officials are hereby authorized and directed to take all actions necessary to effect and implement the City of St. Ignace, Michigan Nonexclusive 2004 Cable Television Franchise with CC VIII Operating, LLC.

Sec. 3. Effective date.

This ordinance shall be effective 30 days following publication.

Code Comparative Table

1987 Compiled Ordinances

CODE COMPARATIVE TABLE

1987 COMPILED ORDINANCES

This table gives the location within this Code of those sections of the 1987 Compiled Ordinances, as updated through July 6, 2004, which are included herein. Sections of the 1987 Compiled Ordinances, as supplemented, not listed herein have been omitted as repealed, superseded, obsolete or not of a general and permanent nature. For the location of ordinances adopted subsequent thereto, see the table immediately following this table.

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Code Comparative Table

Ordinances

CODE COMPARATIVE TABLE

ORDINANCES

This table gives the location within this Code of those ordinances adopted since the 1987 Compiled Ordinances, as updated through July 6, 2004, which are included herein. Ordinances adopted prior to such date were incorporated into the 1987 Compiled Ordinances, as supplemented. Ordinances adopted since July 6, 2004, and not listed herein, have been omitted as repealed, superseded or not of a general and permanent nature.

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