CHARTER
OF THE
CITY OF
NEGAUNEE, MICHIGAN

EDITOR'S NOTE: The Charter of the City of Negaunee, Michigan, was adopted by the voters on April 3, 1950. Dates appearing in parentheses following a section heading in the Table of Contents, or following a section in the text, indicate that the section was amended, enacted or repealed on the date given.

TABLE OF CONTENTS

PREAMBLE

ARTICLE I	POWERS OF GOVERNMENT
Section 1.1	Council-Manager Form of Government.
Section 1.2	Boundaries.
Section 1.3	Powers of City.
Section 1.4	Exercise of Powers.
ARTICLE II	ELECTIONS
Section 2.1	Wards and Precincts.
Section 2.2	Qualifications of Electors.
Section 2.3	Non-Partisan Elections.
Section 2.4	Procedure.
Section 2.5	Election Commission.
Section 2.6	Date of Regular Elections. (Dec. 4, 1961)
Section 2.7	Special Elections.
Section 2.8	Notices.
Section 2.9	Voting Hours.
Section 2.10	Nomination Petitions.
Section 2.11	Qualifications of Candidates. (Nov. 6, 1990)
Section 2.12	Affidavits of Eligibility.

(Cont.)

ARTICLE II ELECTIONS (Cont.)
Section 2.13 Time Limit for Filing of Nomination Petitions. (Dec. 4, 1961)
Section 2.14 Certification of Names of Candidates by City Clerk.
Section 2.15 Board of Canvassers.
Section 2.16 Registration of Voters.
Section 2.17 Tie Votes.

ARTICLE III REMOVALS AND VACANCIES
Section 3.1 Vacancies in General.
Section 3.2 Appointments by Council.
Section 3.3 Appointment of Temporary Justice of the Peace.
Section 3.4 Removals in General; Recalls.

ARTICLE IV COUNCIL
Section 4.1 Number, Selection and Term.
Section 4.2 Powers.
Section 4.3 Mayor as Presiding Officer; Mayor Pro Tem. (Nov. 5, 1991)
Section 4.4 Compensation.
Section 4.5 Term Limits. (Nov. 5, 1991)

ARTICLE V LEGISLATION
Section 5.1 Organization of City Council. (Nov. 5, 1985; Nov. 5, 1991)
Section 5.2 Regular Meetings of City Council. (Nov. 6, 1985)
Section 5.3 Special Meetings of City Council.
Section 5.4 Quorums; Conflicts of Interest.
Section 5.5 Limitations on Power of the City Council.
Section 5.6 Rules of Procedure; Journal; Minutes. (Nov. 2, 1982)
Section 5.7 Publishing of Notices and Proceedings.
Section 5.8 Action by Ordinance or Resolution; Definition of Resolution.
Section 5.9 Ordinance Enactment.
Section 5.10 Record of Ordinances.
Section 5.11 Compilation of Ordinances. (Nov. 3, 1970)
Section 5.12 Adoption of Technical Codes.
Section 5.13 Penalties.
Section 5.14 Prior Legislation and Contracts.
Section 5.15 Establishment of Special Zones or Districts by Ordinance.
Section 5.16 Occupancy of Trailer Homes.
Section 5.17 Initiative and Referendum.

ARTICLE VI ADMINISTRATIVE SERVICE
Section 6.1 Administrative Officers in General.
Section 6.2 City Manager; Appointment; Residency Requirement.
Section 6.3 Removal of City Manager.
Section 6.4 Duties of City Manager.
Section 6.5 Appointment of Administrative Officers by City Manager.
Section 6.6 Interference by Council in Appointments or Removals.
Section 6.7 City Attorney.
Section 6.8 City Clerk.
Section 6.9 City Treasurer.
Section 6.10 City Assessor.
Section 6.11 City Engineer.
Section 6.12 Health Officer. (Nov. 6, 1990)

ARTICLE VII CITY OFFICERS AND EMPLOYEES IN GENERAL
Section 7.1 Bonds (Surety) Required.
Section 7.2 Oath of Office.
Section 7.3 Private Use of Public Property.
Section 7.4 Restrictions Concerning Acceptance of Gifts, Etc.
Section 7.5 Official Interest in Contracts.
Section 7.6 City Property to be Delivered to Successor.
Section 7.7 Civil Service and Pensions.
Section 7.8 Removal of City Employees.
Section 7.9 Employee Welfare Benefits. (Dec. 1, 1952)

ARTICLE VIII BUDGET
Section 8.1 Fiscal Year.
Section 8.2 Preparation and Submission of Budget by City Manager. (Nov. 2, 1982)
Section 8.3 Budget Message.
Section 8.4 Contents.
Section 8.5 Proposed Expenditures; Comparison With Other Years.
Section 8.6 Anticipated Surplus From Public Utility Services.
Section 8.7 Public Hearings.
Section 8.8 Adoption. (Nov. 2, 1982)
Section 8.9 Establishment of Amount to be Raised by Property Taxes; Filing of Certified Copy With County.
Section 8.10 Establishment of Appropriations; Transfers.
Section 8.11 Effective Date of Budget; Certification; Copies.
Section 8.12 Budget Control.

ARTICLE IX TAXATION
Section 9.1 Assessment of Property Subject to Taxation.
Section 9.2 Procedure.
Section 9.3 Board of Review. (Nov. 4, 1980)
Section 9.4 Notice of Meetings of Board of Review.
Section 9.5 Meetings of Board of Review.
Section 9.6 Limitations on Amount to be Levied.
Section 9.7 Certification of Tax Levy to City Assessor.
Section 9.8 Due Date; Interest on Late Payments. (July 27, 1967)
Section 9.9 Collection of Penalties by City Treasurer.
Section 9.10 No Limitations of Tax Debt.
Section 9.11 Representation of City at State Tax Meeting.
Section 9.12 Collection of Taxes and Assessments Levied Prior to Adoption of Charter.

ARTICLE X SPECIAL ASSESSMENTS
Section 10.1 Council Resolution.
Section 10.2 Procedure.

ARTICLE XI FINANCE
Section 11.1 Accounting.
Section 11.2 Disbursements.
Section 11.3 Depositories.
Section 11.4 Annual Audit. (Nov. 3, 1970)
Section 11.5 Purchasing Procedure. (Dec. 4, 1961; Nov. 2, 1982; Nov. 3, 1992)
Section 11.6 Inventory Program.

ARTICLE XII BORROWING
Section 12.1 In General.
Section 12.2 Amounts. (Nov. 3, 1970)
Section 12.3 Contents and Use of Bonds; Records.
Section 12.4 Special Assessment Bonds.
Section 12.5 Mortgage Bonds.
Section 12.6 Issuance of Bonds or Other Evidence of Indebtedness Required; Certification.
Section 12.7 Sinking Fund.
Section 12.8 Issuance and Delivery of Bonds.

ARTICLE XIII MUNICIPALLY OWNED UTILITIES
Section 13.1 Operation for Benefit of City.
Section 13.2 Administration.
Section 13.3 Rules and Regulations.
Section 13.4 Accounts and Reports.
Section 13.5 Separation of Utility Funds.
Section 13.6 Emergency Reserve Funds. (Nov. 5, 1985)
Section 13.7 Use of Utility Revenues. (Nov. 3, 1987)
Section 13.8 Analytical Report.

ARTICLE XIV PUBLIC PROPERTY
Section 14.1 Acquisitions.
Section 14.2 Acquisition by Condemnation.
Section 14.3 Maintenance.
Section 14.4 Vacations.
Section 14.5 Donations.

ARTICLE XV PUBLIC UTILITY FRANCHISES
Section 15.1 Continuation of Existing Franchises; Granting by Ordinance; Duration; Transfers.
Section 15.2 Temporary Permits.
Section 15.3 Regulation by City.
Section 15.4 Regulation of Rates.
Section 15.5 Joint Use of Property With City.

ARTICLE XVI SUPERVISORS (REPEALED)
(EDITOR'S NOTE: This Article was repealed by implication by State statute, which superseded local authority.)
Section 16.1 Election.
Section 16.2 Attendance at Council Meetings.

ARTICLE XVII MUNICIPAL COURT (REPEALED)
(EDITOR'S NOTE: This Article was repealed by implication by State statute, which superseded local authority.)
Section 17.1 Election.
Section 17.2 Qualifications.
Section 17.3 Powers.
Section 17.4 Proceedings.
Section 17.5 Docket.
Section 17.6 Jurisdiction.
Section 17.7 Salary.
Section 17.8 Office.

ARTICLE XVIII MISCELLANEOUS
Section 18.1 Public Records.
Section 18.2 Chapter and Section Headings.
Section 18.3 Amendments; Conflicts.
Section 18.4 Severability.
Section 18.5 Person Defined; Gender References.
Section 18.6 Planning Commission.
Section 18.7 Recreation Department.
Section 18.8 Copies of Charter.

ARTICLE XIX CITY LIABILITY
Section 19.1 Damage Claims.

ARTICLE XX SCHEDULE
Section 20.1 Submission of Charter.
Section 20.2 First Election.
Section 20.3 Terms of Office.
Section 20.4 Organization of First Council.
Section 20.5 Hold-Over Offices.
Section 20.6 Vested Rights Continued.

CHARTER
OF THE
CITY OF
NEGAUNEE, MICHIGAN

ADOPTED APRIL 3, 1950

PREAMBLE

We, the People of the City of Negaunee, in the County of Marquette and State of Michigan, in accordance with the authority granted unto us by the Constitution of the State of the laws thereof, in order that the benefits of efficient self-government may be guaranteed to our citizens and to provide for the necessary and proper administration of Municipal affairs, do hereby adopt and establish this Charter.

ARTICLE I

POWERS OF GOVERNMENT

Section 1.1 Council-Manager Form of Government.

The government provided by this Charter shall be known as the Council-Manager form of municipal government. Subject only to the limitations imposed by the State Constitution, the general laws of the State, and this Charter, all powers of the City shall be vested in an elected Council, hereinafter referred to as the "Council."

Section 1.2 Boundaries.

All the following described territory situated in the Townships of Negaunee and Ishpeming, in the County of Marquette, State of Michigan, to-wit: All of Sections four (4), five (5), six (6), seven (7), eight (8) and nine (9) and the north half (N 1/2) of Sections sixteen (16), seventeen (17) and eighteen (18) in township forty-seven (47) north, range twenty-six (26) west; all of sections thirty-one (31), thirty-two (32) and thirty-three (33) in township forty-eight (48) north, range twenty-six (26) west; all of sections one (1) and twelve (12) and the north half (N 1/2) of Section thirteen (13) in township forty-seven (47) north, range twenty-seven (27) west; and all of sections thirty-five (35) and thirty-six (36) in township forty-eight (48) north, range twenty-seven (27) west; shall be and is hereby declared to be the territorial boundaries and limits of the City of Negaunee, a municipal corporation.

Section 1.3 Powers of City.

The City of Negaunee shall possess all powers, both public and private, necessary and incident to its corporate and Municipal character, vested in it by this Charter and by Act 279 of the Public Acts of 1909, as amended, of the State of Michigan, and shall possess such other and additional powers as are vested in it by the Constitution of the State of Michigan, the general and special laws of the State of Michigan, the judicial interpretations of the Courts and the common law of the land. The City of Negaunee, in its Municipal and corporate character, shall have the power to sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity and in all actions whatsoever, except as limited in this Charter.

The City of Negaunee shall possess such further powers as are necessary and incident in the management and control of Municipal property and in the administration of the Municipal government, whether such powers are expressly enumerated or not, and shall have the power to perform any act to advance the interests of the City and the good government and prosperity of the City and its inhabitants, and, through its regularly constituted authority, to pass all laws and ordinances relating to its Municipal concerns, subject to the limitations of the Constitution and general laws of the State of Michigan, provided, however, that it is the purpose of this Charter to repeal all provisions of prior Charters of the City of Negaunee which are not expressly retained herein.

Section 1.4 Exercise of Powers.

When no procedure is set forth in this Charter for the exercise of any power granted to or possessed by the City, resort may be had to the procedure set forth in any statute of the State of Michigan. If alternative procedures are to be found in different statutes, then the Council shall select that procedure which it deems to be most expeditious and to the best advantage of the City and its inhabitants. Where no procedure for the exercise of any power of the City is set forth, either in this Charter or in any statute of the State of Michigan, the Council shall prescribe a reasonable procedure for the exercise thereof by ordinance.

ARTICLE II

ELECTIONS

Section 2.1 Wards and Precincts.

The City of Negaunee shall consist of one ward, which shall be divided into such number of election precincts as may be established by ordinance in accordance with State law. All election precincts established at the time of the adoption of this Charter shall be retained until such time as the Council shall by ordinance otherwise provide.

Section 2.2 Qualifications of Electors.

Qualifications of electors for any City election, except as otherwise provided in this Charter, shall be the same as are prescribed by the Constitution and general laws of the State.

Section 2.3 Non-Partisan Elections.

All Municipal elections shall be on a non-partisan basis.

Section 2.4 Procedure.

Unless otherwise provided herein, the general election laws of the State shall govern all procedure relating to City elections and to the registration of electors.

Section 2.5 Election Commission.

The Election Commission shall consist of those officials designated by State law and shall have such authority and power as are vested in it thereunder.

Section 2.6 Date of Regular Elections.

A general City election shall be held annually on the first Tuesday after the first Monday in November.
(Amended December 4, 1961)

Section 2.7 Special Elections.

Special elections shall be held upon adoption of a resolution by the Council or when required by this Charter or the general laws of the State. Resolutions for special elections shall clearly set forth the purpose of the election and no special election called by the Council shall be held within thirty (30) days of the date of the adoption of the resolution. All provisions contained herein for holding regular elections shall apply to special elections. However, no special election shall be held within ninety (90) days prior to any regular City election or any general or primary State election.

Section 2.8 Notices.

The City Clerk shall give such public notices of the times and places at which elections are to be held, of the offices to be filled and of the proposals submitted to the electorate, as are required of him or her in State elections. The City Clerk shall, at least sixty (60) days prior to any election, give notice, by posting in every election precinct and by publication at least once in a newspaper published or having general circulation in the City of Negaunee, of the offices to be filled, of the final date for filing nominating petitions and of the minimum and maximum number of signatures required and permitted on any nominating petition.

Section 2.9 Voting Hours.

On the day of any election the polls shall be open from 7:00 a.m. to 6:00 p.m., except that when any City election is held on the same day as a State election, the State law shall govern in that respect. All elections shall be governed by local time.

Section 2.10 Nomination Petitions.

Persons desiring to qualify as candidates for any elective office under this Charter shall file with the City Clerk nomination petitions signed by not less than sixty (60) nor more than one hundred twenty (120) registered and qualified voters of the City of Negaunee. The City Clerk shall prepare and make available in his or her office official blank petitions in substantially the same form as that required by State law for State and County officers, except that references to political parties shall be omitted. To each petition there shall be attached an affidavit by the circulator thereof stating that each signature thereon is the genuine signature of the person whose name it purports to be and that it was made in the presence of the affiant. No elector shall sign more petitions than there are offices to be filled, and should an elector do so, his or her signature shall be void except as to the petitions first filed for that office. Whenever it shall be necessary at any City election to elect an officer to fill a vacancy for an unexpired term such fact shall be stated in the petitions filed for the purpose of nominating candidates to fill each vacancy.

Section 2.11 Qualifications of Candidates.

No person shall be qualified to hold, nor be eligible for election to, any elective City office unless he or she shall be a registered and qualified elector. Any votes cast for any person not possessing the qualifications provided herein shall be void.
(Amended November 6, 1990)

Section 2.12 Affidavits of Eligibility.

No nomination petition shall be received for filing by the City Clerk unless the candidate named therein also files with the City Clerk prior thereto his or her affidavit stating that he or she possesses all of the qualifications specified by this Charter.

Section 2.13 Time Limit for Filing of Nomination Petitions.

Nomination petitions shall be filed at such times and before such dates as shall be in compliance with the provisions of the election laws of the State of Michigan for filing such petitions.
(Amended December 4, 1961)

Section 2.14 Certification of Names of Candidates by City Clerk.

The City Clerk shall forthwith, after the last day named herein for receiving and filing nomination petitions, certify to the Election Commission the name and post office addresses of all candidates whose petitions meet the requirements of this Charter, together with the name of the office for which they are candidates.

Section 2.15 Board of Canvassers.

The Council shall be the Board of City Canvassers, and the City Clerk shall be the Clerk of the Board of City Canvassers. Duties enjoined upon the Boards of County Canvassers by the laws of the State are hereby enjoined upon the Board of City Canvassers as near as they may be applicable.

Section 2.16 Registration of Voters.

The registration and re-registration of voters shall be made by the City Clerk in accordance with the provisions therefor in the general laws of the State.

Section 2.17 Tie Votes.

If at any Municipal election there shall be no choice between candidates by reason of two (2) or more having received an equal number of votes, then the Council shall proceed to determine the election of such candidates by lot in the same manner, as near as may be, as shall be provided by the general laws of the State.

ARTICLE III

REMOVALS AND VACANCIES

Section 3.1 Vacancies in General.

Every elective office shall become vacant on the happening of any of the following events before the expiration of the term of such office: the death of the incumbent, his or her resignation, his or her removal from office, his or her recall by the electorate, his or her ceasing to be an inhabitant of the City, his or her absence continuously from the City for more than sixty (60) days without the permission of the Council, his or her conviction of any offense in violation of his or her oath of office or his or her refusal or neglect to take his or her oath of office or to give or render any official bond.

Section 3.2 Appointments by Council.

In case any vacancy shall occur in any of the offices in this Charter declared to be elective, the Council shall fill such vacancy by the appointment of a qualified person, and any person appointed to fill a vacancy shall hold office, by virtue of such appointment, until his or her successor is elected at the next general City election and has duly qualified, provided that if the Council shall deem it expedient it may call a special election to fill any vacancy occurring in any elective office, according to the provisions of this Charter. The Council shall not fill any vacancy by appointment, except in the office of the Justice of the Peace, within ninety (90) days prior to any general City election.

Section 3.3 Appointment of Temporary Justice of the Peace.

In the event that the Justice of the Peace is unable because of illness or other cause to perform his or her duties for a period of more than fifteen (15) days, the Council may appoint a person to act as Justice of the Peace during the temporary disability of the regular Justice of the Peace.

Section 3.4 Removals in General; Recalls.

Any officer elected under this Charter may be removed in accordance with the general laws of the State of Michigan or by his or her recall in accordance with the provisions of this Charter.

ARTICLE IV

COUNCIL

Section 4.1 Number, Selection and Term.

The Council shall consist of seven (7) members elected from the City at large in the manner provided in Article II, for a term of three (3) years, except as provided in Section 20.2 hereof, or until their successors have been elected and qualified as provided in this Charter.

Section 4.2 Powers.

The Council shall constitute the legislative and governing body of the City, possessing all the powers herein provided for, with power and authority to pass such ordinances and adopt such resolutions as it shall deem necessary and proper in order to exercise any or all of the powers possessed by the City, and for the public peace, health and safety of persons and property.

Section 4.3 Mayor as Presiding Officer; Mayor Pro-Tem.

The Mayor of the City of Negaunee shall be elected from the City at large. He or she shall preside at meetings of the Council and shall be the head of the City government for all ceremonial purposes and for purposes of military law, but shall have no regular administrative duties. The Mayor Pro-Tem shall be elected from the City at large. The Mayor Pro-Tem shall act as Mayor during the absence or disability of the Mayor and if a vacancy occurs shall become Mayor for the completion of the unexpired term. The Mayor and Mayor Pro-Tem may speak and vote in meetings the same as any other member of the Council, but shall not have the power of veto. At each general City election commencing with the November, 1992, election, only those Councilmembers whose terms do not expire immediately following this election, and no other persons, may be candidates for the office of Mayor. The candidate receiving the most votes shall become Mayor for a term not to exceed two years. The candidate receiving the next highest number of votes for Mayor shall be the Mayor Pro-Tem for a term not to exceed two years. (Amended November 5, 1991)

Section 4.4 Compensation.

Each member of the Council shall be compensated quarterly at the rate of six dollars ($6.00) per meeting attended of which minutes are kept and duly entered in the Journal, but not to exceed one hundred fifty dollars ($150.00) per year. The Mayor shall be compensated quarterly at the rate of fifty dollars ($50.00) per year over and above his or her compensation as a Councilmember.

Section 4.5 Term Limits.

Councilmembers are hereby limited to serve two (2) consecutive terms upon the Council.
(Adopted November 5, 1991)

ARTICLE V

LEGISLATION

Section 5.1 Organization of City Council.

The members of the Council shall take office on the first day of December following their election and the Council shall annually hold its organizational meeting at 7:30 p.m. at the first regular meeting following the first day of December, as provided in Section 5.2.
(Amended November 5, 1985; November 5, 1991)

Section 5.2 Regular Meetings of City Council.

Regular meetings of the City Council shall be held at least once per month at the usual place of holding meetings of the City Council, at such times as the City Council shall by resolution prescribe.
(Amended November 5, 1985)

Section 5.3 Special Meetings of City Council.

Special meetings shall be called by the City Clerk on written request of the Mayor, the City Manager or any three (3) Councilmembers. At least six (6) hours written notice shall be given to each Councilmember. Such notice shall contain a statement of the purpose of such meeting, such notice shall be delivered to each Councilmember personally. If this is not possible, then it shall be delivered to some responsible person at his or her residence. If this is not possible, then it must be left at his or her residence in some conspicuous place. Any special meeting shall be a legal meeting for all purposes without such notice, provided that all Councilmembers are present thereat or have waived notice thereof in writing, as to the purpose of said meeting not included in the notice thereof.

Section 5.4 Quorums; Conflicts of Interest.

A majority of the Council shall be a quorum for the transaction of business. The Council may, by a majority vote of those present, compel the attendance of its members and other officers of the City at its meetings and enforce orderly conduct therein. No Councilmember shall vote on any question in which he or she has any financial interest other than the common public interest, but on all other questions every Councilmember present shall be entitled to vote. On all votes which are not unanimous, the yea or nay vote of each member shall be recorded by roll call, but where the vote is unanimous, it shall be necessary to so state. However, all members of the Council who are absent shall be so listed in the minutes of the meeting.

Section 5.5 Limitations on Power of the City Council.

No office shall be created or abolished, expenditures authorized, taxes or assessments imposed, contract approved, franchise granted, street, alley or public grounds vacated, real estate or interest therein acquired, sold or disposed of, nor any private property taken for public use, unless a majority of the Council-elect shall vote in favor of the same, except as herein provided by the use of initiative and referendum. No action of the Council shall be rescinded or reconsidered at a special meeting, unless there be present as many members as were present when such action was taken.

Section 5.6 Rules of Procedure; Journal; Minutes.

The Council shall determine its own rules and order of business and shall keep a journal of its proceedings in the English language, which journal shall be signed by the City Clerk. It is required that the minutes of the preceding regular meeting and any special meetings held in the interim shall be reviewed, corrected, if necessary, and approved at the next succeeding regular meeting. All regular and special meetings of the Council shall be open to the public. There shall be no standing committees of the Council. (Amended November 2, 1982)

Section 5.7 Publishing of Notices and Proceedings.

A summary of the proceedings of every meeting of the Council shall be prepared by the City Clerk and published in a newspaper to be designated by the Council. Any special publication of ordinances or notices requiring City-wide attention shall be published in such manner as the Council shall arrange.

Section 5.8 Adoption by Ordinance or Resolution; Definition of Resolution.

The Council shall act only by ordinance or resolution. The word "resolution," as used in this Charter, shall be an official action in the form of a motion, and such action shall be limited to matters required or permitted to be done by resolution by this Charter or by State law and to matters pertaining to the internal affairs or concerns of the City government. All other acts of the Council, and all acts carrying a penalty for the violation thereof, shall be by ordinance.

Section 5.9 Ordinance Enactment.

Legislation shall be by ordinance. Each ordinance shall be identified by a number and a short title. The style of all ordinances shall be "The City of Negaunee ordains." The effective date of an ordinance shall be prescribed therein. At least two (2) weeks shall elapse between the introduction and enactment of an ordinance or an amendment to an ordinance. Enactment shall require the affirmative vote of a majority of the Council-elect and the effective date shall not be earlier than ten (10) days after enactment, except that ordinances immediately necessary for the preservation of the public peace, health or safety may be enacted on the date of introduction and given immediate effect by the affirmative vote of not less than five (5) Councilmembers. No ordinance shall be amended or repealed in part by reference to its title only, but the section or sections amended or repealed shall be enacted in full or specifically designated, except that an ordinance may be repealed in its entirety with reference to its number and title only. No ordinance shall be repealed in part or in whole or shall be amended except by the affirmative vote of a majority of the Council elect.

Section 5.10 Record of Ordinances.

All ordinances, the dates of introduction and enactment thereof and the vote thereon shall be recorded by the City Clerk in a book to be called "the Ordinance Book", and it shall be the duty of the Mayor and the City Clerk to authenticate such record by their official signatures. Except as otherwise provided by this Charter, all ordinances when enacted shall be forthwith published by the City Clerk at least twice in a newspaper having general circulation in the City of Negaunee and he or she shall enter his or her certificate as to the manner and date of publication under each ordinance in the Ordinance Book.

Section 5.11 Compilation of Ordinances.

The Council shall order a general compilation of ordinances within two (2) years from the date this Charter is adopted by the electors and every two (2) years thereafter. In addition to the copies needed for official use there shall be printed such additional copies as shall be deemed necessary in the discretion of the Council for public distribution. Such compilation, when completed, shall be approved by appropriate resolution of the Council. It shall be the duty of the Council, prior to any general compilation, to revise, amend or repeal any ordinance or part of any ordinance that may have become obsolete, impractical, inadequate or unenforceable for any reason whatsoever.

(Amended November 3, 1970)

Section 5.12 Adoption of Technical Codes.

The Council may adopt by ordinance any provision of State law or any detailed technical regulations as a City ordinance or code by citation of such provision of State law or by reference to any recognized standard code, official or unofficial, provided that any such provision of State law or recognized official or unofficial standard code shall be clearly identified in the ordinance to be adopted. When any such provision of State law or code is so adopted, publication of the ordinance shall be made as provided by this Charter. The Council may publish such provisions of State law or code in booklet form, available to the public at cost. Any amendment to or revision of such adopted code or detailed technical ordinance may be published in the same manner.

Section 5.13 Penalties.

In the enactment of any ordinance the Council may provide for the punishment of any person or persons violating the same, provided, however, that the violation of any ordinance shall be deemed a misdemeanor and shall be punishable by imprisonment in the County Jail for not more than ninety (90) days or by a fine of not more than one hundred dollars ($100.00), or by both such fine and imprisonment, in the discretion of the court.

Section 5.14 Prior Legislation and Contracts.

All by-laws, ordinances, contracts, franchises, resolutions, rules and regulations of the City, not inconsistent with this Charter, in force at the time this Charter becomes effective, shall continue in full force until repealed or amended by action of the proper authorities.

Section 5.15 Establishment of Special Zones or Districts by Ordinance.

The Council may, by ordinance, provide for the establishment of districts or zones within which the use of land and structures, the height, area, size and location of buildings and required open spaces for light and ventilation of such buildings, and the density of population, may be regulated by ordinance, provided that such regulations in one (1) or more districts may differ from those in other districts.

Section 5.16 Occupancy of Trailer Homes.

The use or occupancy of trailers as homes or living quarters within the corporate limits of the City is hereby expressly prohibited unless the Council in its discretion shall adopt an ordinance permitting and regulating the use or occupancy of trailers as temporary or permanent homes or living quarters.

Section 5.17 Initiative and Referendum.

All powers herein vested in the City of Negaunee under this Charter may be exercised by the use of the initiative and referendum, and any official elected under this Charter may be recalled by the use of the initiative as hereinafter provided, except that only elective officials may be recalled.

(a) All initiatory and referendary proceedings shall originate by a petition and an initiatory or a referendary petition shall be signed by registered qualified electors of the City in number equal to twenty-five percent (25%) of the highest vote cast for any Councilmember at the last regular City election prior to the filing of the petition. No such petition need be on one sheet of paper, but may be the aggregate of two or more sheets of paper. Each signer of a petition shall sign his or her name in ink or pencil and shall place thereon, after his or her name, the date and his or her place of residence by street and number, or by other customary designation. To each sheet of such petition there shall be attached a sworn affidavit by the circulator thereof, stating the number of signers thereto and that each signature thereon is the genuine signature of the person whose name it purports to be, and that it was made in the presence of the affiant. Any such petition shall be filed with the City Clerk who shall, within ten (10) days, determine the sufficiency thereof and so certify. If found to contain an insufficient number of qualified electors of the City, or to be improper as to form or compliance with the provisions of this section, then ten (10) days shall be allowed for the filing of supplemental petition papers. When found sufficient and proper, the City Clerk shall present the petition to the Council, at its next regular meeting.

(b) Upon receiving a certified initiatory or referendary petition from the City Clerk, the Council shall, within thirty (30) days, either:

(1) If it be an initiatory petition, adopt the ordinance or resolution;
(2) If it be a referendary petition, repeal the ordinance or resolution; or
(3) In either case, determine to submit the proposal to the electors.

However, upon the certification of an initiatory petition providing for the recall of any elective official, it shall be the duty of the Council to submit such proposal to the electors, as herein provided. The result of the submission to the electors of any proposal herein provided for shall be determined by a majority vote of the electors voting thereon, except in cases otherwise required by law or this Charter.

(c) Should the Council decide to submit the proposal to the electors, it shall be submitted at the next election held in the City for any other purpose or, in the discretion of the Council, at a special election.

(d) Any ordinance or resolution adopted by the electorate through initiatory proceedings may not be amended or repealed by the Council for a period of two (2) years thereafter, and any ordinance or resolution repealed by the electorate through referendary proceedings may not be readopted in substance by the Council for a period of two (2) years thereafter. Any elective official recalled by the procedure herein provided for shall be ineligible to be a candidate for any Municipal office for at least a year after the date of the election resulting in his or her recall.

(e) The use of the initiative and referendum as herein provided shall not alter, affect or impair contractual rights of persons or parties dealing with the City, vested at the time of the filing of any initiatory or referendary petition. However, any ordinance or resolution, including those purporting to vest any contractual rights in any persons or parties dealing with the City, shall be automatically suspended by the filing with the City Clerk, within twenty (20) days after the enactment of such ordinance or resolution, of a referendary petition relating to such ordinance or resolution as herein provided, and such ordinance or resolution shall continue suspended until repealed by the Council or final determination by the electors, as the case may be.

ARTICLE VI

ADMINISTRATIVE SERVICE

Section 6.1 Administrative Officers in General.

The administrative officers of the City shall be the City Manager, City Clerk, City Treasurer, City Assessor, City Attorney, City Engineer, Chief of Police, Chief of the Fire Department, Librarian and Health Officer.

Section 6.2 City Manager; Appointment; Residency Requirement.

The Council shall appoint a City Manager for an indefinite term. He or she shall be appointed by the affirmative vote of at least a majority of the Council-elect. Such City Manager shall be the Chief Administrative Officer of the City and shall hold office at the pleasure of the Council. He or she shall be selected on the basis of fitness and ability without regard to his or her political or religious preferences and shall have had training and experience in municipal administration and actual experience as a City Manager. He or she need not be a resident of the City or the State at the time of his or her appointment, but he or she must be a citizen of the United States and shall reside in the City of Negaunee during his or her term of office. During the absence or disability of the City Manager, or in the event of a vacancy in that office, the Council shall designate some properly qualified person to execute the functions of that office during the period of such absence or disability or until the vacancy has been filled. The first City Manager under this Charter shall be appointed by the Council on or before December 1, 1950. Upon the resignation or removal of the City Manager the vacancy in such office shall be filled by the Council within six (6) months of the effective date of such resignation or removal. No member of the Council shall be eligible for appointment as City Manager or Acting City Manager until two (2) years subsequent to the termination of his or her service on the Council.

Section 6.3 Removal of City Manager.

The City Manager may be removed by a majority vote of the Council-elect, except that no Manager who has been in the service of the City for one (1) year or more prior to a regular City election shall be removed within four (4) months subsequent to such election, except for gross misconduct amounting to a criminal offense punishable by statute. At least thirty (30) days before removal of the Manager the Council shall adopt a resolution stating its intention to remove him or her. Upon passage of the resolution stating the Council's intention to remove the Manager, the Council may suspend him or her from duty but his or her pay shall continue until his or her removal. The action of the Council in removing the Manager shall be final.

Section 6.4 Duties of City Manager.

The Manager shall supervise the administrative affairs of the City and shall carry out the policies formulated by the Council. He or she shall be charged with the preservation of the public peace and the health and safety of persons and property and shall see to the enforcement of the ordinances of the City, this Charter and the laws of the State. He or she shall attend all Council meetings and keep the Council informed of the condition and needs of the City and shall make such reports and recommendations as he or she may deem advisable and perform such other duties as may be prescribed by this Charter or required of him or her by ordinance or resolution of the Council not inconsistent with this Charter. He or she shall have the right to take part in the discussion of all matters coming before the Council.

Section 6.5 Appointment of Administrative Officers by City Manager.

The City Manager shall appoint, and may remove with the approval of the Council, a City Clerk and a City Treasurer. The City Manager shall appoint and remove for cause a City Assessor, Police Chief, Fire Chief, Health Officer and Librarian, and he or she may appoint and remove for cause a City Engineer and such other officers and heads of departments as are herein provided for or as may be created by the Council. The powers and duties of these officers and heads of departments shall be those prescribed by State law, by this Charter and by ordinances and such additional duties as may be required by the City Manager.

The compensation of officers and employees, except that of the City Manager and City Attorney, shall be fixed by the City Manager, with the approval of the Council, in accordance with the budget appropriations. The compensation of the City Manager and City Attorney shall be fixed by the Council.

Section 6.6 Interference by Council in Appointments or Removals.

Neither the Council nor any of its members shall direct or request of the City Manager or any of his or her subordinates the appointment of any person to, or the removal of any person from, office or employment. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the Manager and neither the Council, nor any member thereof, shall give orders to any subordinate of the Manager, either publicly or privately.

Any violation of the provisions of this section by a Councilmember shall be a misdemeanor, conviction of which shall result in immediate forfeiture of his or her office.

Section 6.7 City Attorney.

The Council shall appoint a City Attorney who shall hold office at the pleasure of the Council. He or she shall act as the advisor to and as attorney and counsel for the Municipality and all its officers in matters relating to their official duties. He or she shall prepare or approve in writing all contracts, bonds and other instruments in which the Municipality is concerned. He or she may appoint an assistant who, during his or her absence or disability, shall perform all the duties of the office but without compensation from the City.

He or she shall represent the City in all courts in any litigation in which the City may be interested and shall perform such other duties as the Council may authorize.

The City Attorney shall receive such salary or compensation as may be fixed by the Council.

Section 6.8 City Clerk.

The City Clerk shall perform all such duties as are or may be imposed upon him or her by the general laws of the State or by the provisions of this Charter and such other duties as the Council may prescribe. The City Clerk will act as Secretary of the Council, shall attend all meetings thereof and shall record the proceedings in the journal.

He or she shall be custodian of the City Seal and shall affix it to all documents and instruments requiring the seal. He or she shall also be custodian of all papers, documents and records pertaining to the City of Negaunee, the custody of which is not otherwise provided for. He or she shall give to the proper department or officials notice of the expiration or termination of any franchises, contracts or agreements. He or she shall administer all oaths required by this Charter or by the Council. He or she shall attest all ordinances and resolutions adopted by the Council and instruments of the City.

Section 6.9 City Treasurer.

(a) Before entering upon the duties of his or her office, the City Treasurer shall, in addition to all other bonds required by law, give corporate surety bonds in such sum or sums, with such surety or sureties, and to be conditioned and approved, as the Council shall provide. The cost of such bonds shall be paid by the City.

(b) The City Treasurer shall have the custody of all monies of the City, the City Clerk's bond, and all evidences of value belonging to the City, or held in trust by the City. He or she shall receive all monies belonging to and receivable by the City, including license fees, taxes, assessments and all other charges belonging to and payable to the City, and shall in all cases give a receipt therefor. He or she shall keep and deposit all monies or funds in such manner and only in such places as the Council may determine. He or she shall report the same in detail to the City Clerk. He or she shall have such powers and duties in regard to the collection and custody of State, County, school district and City taxes and monies as may be conferred upon him or her by this Charter or by State law.

(c) The City Treasurer shall, on the seventh (7th) day of each month, furnish a detailed statement of the City's finances in all of its departments as of the last day of the previous month, or at any time when so required by the Council or the City Manager.

(d) He or she shall perform such other duties as may be prescribed by this Charter or by the City Manager.

Section 6.10 City Assessor.

(a) The City Assessor shall possess all the powers vested in assessing officers by the general laws of the State and shall be charged with all the duties imposed upon the same.

(b) He or she shall annually assess the value of all taxable property in the City and make an assessment roll in the same manner as required by law of supervisors of townships.

(c) He or she shall spread upon said roll any and all taxes duly certified by the Board of Supervisors of the County or by other proper authority.

(d) He or she shall make all special assessments authorized by the Charter of the City, and for the purpose of such special assessments that portion of the annual assessment roll applicable thereto shall be taken as the value of the property to be assessed.

(e) He or she shall perform such other duties as may be prescribed for him or her in this Charter or by the City Manager.

(f) He or she shall act as Clerk of the Board of Review, and, at the pleasure of the Board, in an advisory capacity.

(g) The City Manager may, in his or her discretion, appoint any appointive City official as City Assessor, and such official, when so appointed, shall discharge the duties of City Assessor as herein provided in addition to his or her other duties.

Section 6.11 City Engineer.

The City Engineer shall be the official surveyor of the City and shall perform such duties as are imposed upon him or her by the provisions of this Charter and the ordinances of the City, and such other duties as may be required of him or her by the City Manager. He or she shall act in an advisory capacity to the Board of Review at the pleasure of the Board. The Council may, in its discretion, assign the duties of the City Engineer to the City Manager.

Section 6.12 Health Officer.

(EDITOR'S NOTE: This section was repealed November 6, 1990.)

ARTICLE VII

CITY OFFICERS AND EMPLOYEES IN GENERAL

Section 7.1 Bonds (Surety) Required.

Except as otherwise provided in this Charter, the Council may require any officer or employee to give a bond, to be approved by the Council, conditioned upon the faithful and proper performance of the duties of his or her office or employment, in such sum as the Council may determine. All such officers or employees receiving, disbursing or responsible for City funds or responsible for City property shall be bonded. The resignation or removal of any administrative officer or employee shall not, nor shall the appointment of another to the office or employment, exonerate such officer or employee or his or her sureties from any liability incurred. All official bonds shall be corporate surety bonds and the premiums thereon shall be paid by the City, except as otherwise provided in this Charter. All bonds of administrative officers or employees shall be filed with the City Clerk, except that of the City Clerk, which shall be filed with the City Treasurer.

Section 7.2 Oath of Office.

Every officer, elected or appointed, to any City office, before entering upon the duties of his or her office, shall take the oath of office prescribed by the Constitution of the State and shall file the same with the City Clerk. In case of failure to comply with the provisions of this section within twenty (20) days from the date of his or her election or appointment, such officer shall be deemed to have declined the office and such office shall be declared vacant. It shall be the duty of the City Clerk to notify every officer elected or appointed to any City office of the requirements of this section. Such notice must be given within at least seven (7) days after such election or appointment, and must be served by a police officer, who shall take a receipt for the same, to be filed with the City Clerk.

Section 7.3 Private Use of Public Property.

No City officer or employee shall appropriate, convert, loan, borrow or devote any City property, funds or labor to his or her own personal use or to the use of any other person or persons in violation of his or her public trust and oath of office.

Section 7.4 Restrictions Concerning Acceptance of Gifts, Etc.

No City official, either elective or appointive, shall accept, receive or take a greater salary or compensation, or fees or prerequisites, than are prescribed and limited in this Charter or which are prescribed and limited under the lawful exercise of any power or authority delegated under this Charter in any manner whatever, either directly or indirectly, from the said City.

No City official, either elective or appointive, shall accept, receive, take or solicit any gratuities, gifts, emoluments or money from any person or persons with the intent and purpose of influencing such City official to omit or to perform some act in violation of his or her oath of office and his or her duties as such City official. Any City official, either elective or appointive, violating these provisions or violating any other provisions of this Charter shall be deemed guilty of a misdemeanor and shall be punished, upon conviction, by imprisonment in the County Jail for not more than ninety (90) days or by a fine of not more than one hundred dollars ($100.00), or by both such fine and imprisonment, in the discretion of the court, and shall be removed from office.

Section 7.5 Official Interest in Contracts.

No elective or appointive officer shall take any official action on any contract or other matter in which he or she has any financial interest other than the common public interest, or be a bondsman or surety on any contract or bond given to the City.

Section 7.6 City Property to be Delivered to Successor.

Whenever any officer shall resign or be removed from office, or the term for which he or she shall have been elected or appointed shall expire, he or she shall deliver to his or her successor in office, or to the City Clerk, all the books, papers, money and effects in his or her custody as such officer, which in any way appertain to his or her office. Every person willfully violating this provision shall be deemed guilty of a misdemeanor and may be proceeded against in the same manner as are public officers generally for like offenses under the general laws of this State, now or hereafter in force and applicable thereto. Every officer, whether elected or appointed, shall be deemed to be an officer within the meaning of the provisions of said general laws of the State.

Section 7.7 Civil Service and Pensions.

The Council shall provide by ordinance, on or before July 1, 1946, for a merit system of personnel management for all City employees. Such ordinance shall provide for such merit system and its administration as will guarantee to all citizens of the City a fair and equal opportunity for public service; as will establish conditions of service which will attract officers and employees of character and ability; and as will increase the efficiency of governmental departments and agencies by the improvement of methods of personnel management. The Council, in the enactment of such ordinance, shall give due consideration to tenure, seniority, service in the Armed Forces of this country and qualifications of officers and employees.

The Council may establish by ordinance a pension and retirement system for any or all groups of employees in the service of the City, provided that the cost, either to the employees or the City, or both, of any such pension and retirement system shall be determined by actuarially sound mortality and service tables.

Section 7.8 Removal of City Employees.

Any officer or employee of the City whose appointment is under the sole jurisdiction of the City Manager, including all subordinate employees, may be removed by the City Manager, subject to any statutory limitations and any civil service system adopted in accordance with the provisions of this Charter.

The adoption of this Charter shall not of itself deprive any employee of the City of the position held at the time of the adoption.

Section 7.9 Employee Welfare Benefits.

The Council shall have the power to make available to the administrative officers and employees of the City and its departments, any recognized plan of group life, hospital, health or accident insurance, either independently of or as a supplement to any retirement plan provided for the employees and officers, with the City contributing, in whole or in part, to the payment of the premium of said plan. The Council shall also have the power to provide for a retirement system for its employees independent of any other employee's welfare benefit. (Amended December 1, 1952)

ARTICLE VIII

BUDGET

Section 8.1 Fiscal Year.

The fiscal year of the City government shall begin on the first day of January and shall end on the last day of December of each calendar year. Such fiscal year shall also constitute the budget and accounting year.

Section 8.2 Preparation and Submission of Budget by City Manager.

The City Manager at the regular Council meeting of September of each year, shall submit to the Council a budget and an explanatory budget message. The budget shall be detailed by organization units and by the character and object of expenditures, together with an estimate of all capital projects pending or which the City Manager believes should be undertaken:

(a) Within the budget year; and

(b) Within the five next succeeding years.

(Amended November 2, 1982)

Section 8.3 Budget Message.

The budget message submitted by the City Manager to the Council shall be explanatory of the budget, shall contain an outline of the proposed financial policies of the City for the budget year and shall describe in connection therewith the important features of the budget plan. It shall set forth the reasons for salient changes from the previous year in cost and revenue items and shall explain any major changes in financial policy.

Attached to the budget message shall be such supporting schedules, exhibits and other explanatory material, with respect to both current operations and capital improvements, as the City Manager shall believe useful to the Council.

Section 8.4 Contents.

The budget shall provide a complete financial plan for the budget year and it shall contain in tabular form:

(a) A general summary.

(b) Detailed estimates of all anticipated revenue which shall include all unallocated surpluses and sales of bonds, if any.

(c) All proposed expenditures.

The total of such anticipated revenues shall be not less than the total of such proposed expenditures.

Section 8.5 Proposed Expenditures; Comparison With Other Years.

The budget shall show the several items of anticipated revenue and proposed expenditures, the amount of such items in the budget of the last completed fiscal year, the amount of such items actually received and expended during at least each of the previous four years, the amount of such items in the budget of the current year and the amount actually received and expended to the time of preparing the budget, plus revenue and the expenditures for the remainder of the current fiscal year, established as accurately as may be.

Section 8.6 Anticipated Surplus From Public Utility Services.

The anticipated revenue and proposed expenditures of each utility or other public service enterprise owned or operated by the City shall be stated in a separate section of the budget (each bearing the name of the utility), and as to each such utility, an anticipated surplus, if available under the provisions of this Charter for general purposes, shall be stated as a specific item of revenue in the budget.

Section 8.7 Public Hearings.

At the meeting of the Council at which the budget and budget message are submitted, the Council shall determine the place and time of a public hearing on the budget, and shall cause to be published, at least once, in a newspaper published or having general circulation in the City, a notice of such place and time, not less than seven days before the date of such hearing. It shall be mandatory upon the Council to provide for and to hold such public hearing.

Section 8.8 Adoption.

The Council may add, increase, decrease or eliminate any item or items in the budget, as submitted by the City Manager. Subject to the provisions of Section 8.4, the final budget shall be adopted by resolution passed by the affirmative votes of at least a majority of all members of the Council present at the regular Council meeting in November.
(Amended November 2, 1982)

Section 8.9 Establishment of Amount to be Raised by Property Taxes; Filing of Certified Copy With County.

From the effective date of the budget, the amount stated therein to be raised by property tax shall constitute a determination of the amount of the levy for the purposes of the City. Two copies of the budget as finally adopted and certified as hereinafter provided shall be filed with the City Assessor, who shall file one copy with the Board of Supervisors of Marquette County.

Section 8.10 Establishment of Appropriations; Transfers.

From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes therein named. After the budget has been adopted, no money shall be drawn from the Treasury of the City during the fiscal year to which such budget applies, nor shall any obligation for the expenditure of money be incurred during such year except pursuant to the budget appropriation, provided that the Council may transfer any unencumbered appropriation balance or any portion thereof from one department, fund or agency to another. The balance in any appropriation which has not been encumbered or transferred at the end of the fiscal year shall revert to the General Fund.

Section 8.11 Effective Date of Budget; Certification; Copies.

Upon final adoption, the budget shall be in effect for the budget year. A copy of the budget, as finally adopted, shall be certified by the Mayor and the City Clerk and filed in the office of the City Treasurer. The budget so certified shall be printed, mimeographed or otherwise reproduced and sufficient copies thereof shall be made available for the use of all offices, departments and agencies and for the use of the general public.

Section 8.12 Budget Control.

At the beginning of each quarterly period during the fiscal year, and more often if required by the Council, the City Manager shall submit to the Council data showing the relation between the estimated and actual revenue and expenditures to date, and if it shall appear that the revenue is less than anticipated, the Council may reduce appropriations for any item or items, except amounts required for debt and interest charges, to such a degree as may be necessary to keep expenditures within the actual revenue. If the revenue exceeds the amounts estimated in the budget, the Council may make supplemental appropriations. The City Manager may provide for monthly or quarterly allotments of appropriations to departments, funds or agencies under such rules as may be prescribed.

ARTICLE IX

TAXATION

Section 9.1 Assessment of Property Subject to Taxation.

An assessment of all property in the City which is subject to taxation shall be made annually by the Assessor and shall be completed by him or her on or before May 31st. The subjects of taxation for Municipal purposes shall be the same as for State, county and school purposes under the general law, and the City shall have all the rights, liens, powers and remedies accorded by State law to all political subdivisions of the State in connection with the collection of taxes.

Section 9.2 Procedure.

All assessment and tax procedures herein not specifically provided for shall be in accordance with the general assessment and tax laws of the State. All taxable property shall be assessed to the owner thereof as of the first day of April of the year in which the assessment is made, except as otherwise provided by State law.

Section 9.3 Board of Review.

The Board of Review shall consist of seven (7) citizens, who are property owners assessed for taxes, elected from the City at large in the manner provided in Article II for a term of three (3) years, except as provided below for the first election of said Board, or until their successors have been elected and qualified as provided in this Charter. A member of the Council shall not serve on the Board of Review unless specifically elected to the Board of Review as hereinabove provided. Compensation for members of the Board of Review shall be fixed by the Council, provided that compensation shall only be paid for the actual time in attendance. The first election of a Board of Review under this Charter shall be held November 3, 1981, at which time there shall be elected seven (7) members of the Board of Review. The seven (7) candidates for the Board of Review receiving the highest votes shall be deemed elected and shall take office as soon as they shall qualify and shall hold office for the following terms: The three (3) members receiving the highest number of votes shall hold office until the first day of January, 1985; the two (2) members receiving the fourth and fifth highest number of votes shall hold office until the first day January, 1984; the two (2) members receiving the sixth and seventh highest number of votes shall hold office until the first day of January, 1983: thereafter, such number of members shall be elected for three (3)-year terms at the annual City election as shall be necessary upon the expiration of the terms herein provided for. In the event that less than seven (7) candidates receive votes in the first election for the Board of Review, the unfilled seats for membership on the Board of Review shall be deemed vacant and filled in the same manner as provided for in this Charter for the filling of vacant elected offices.
(Amended November 4, 1980)

Section 9.4 Notice of Meetings of Board of Review.

The City Clerk shall give notice to the public of the time and place of meetings of the Board of Review, by publication at least twice in a newspaper having general circulation in the City, at least six (6) days immediately preceding such meeting, and also by posting three (3) copies of such notice in each voting precinct in the City.

Section 9.5 Meetings of Board of Review.

The meetings of the Board of Review shall be held at the times and in accordance with the procedure provided by State law for townships, except that the time for each statutory meeting may be extended, if necessary, to not more than a total of six (6) days, and except that it shall be mandatory for the Board of Review, during its second statutory meeting, to hold at least one public evening session. At the first meeting of the Board of Review it shall choose one of its members as Chairperson, and the City Assessor shall be its Clerk. No City business, other than that which can properly be considered by the Board of Review, shall be transacted between the opening and the closing of any daily session of the Board of Review.

Section 9.6 Limitations on Amount to be Levied.

The aggregate amount which the Council may raise by a general tax upon the taxable real and personal property in the City, for the purpose of defraying the general City expenses and liabilities of the corporation, inclusive of debt service, shall not exceed, in any one year, two and one-quarter per centum of the assessed value of all real and personal property in the City, as fixed by the assessment roll of the year in which the tax is levied. There is hereby expressly retained the maximum Municipal tax limitation provided by the Charter in force at the time of the adoption of this Charter.

Section 9.7 Certification of Tax Levy to City Assessor.

Within three (3) days after the adoption by the Council of the budget for the next fiscal year, the City Clerk shall certify to the City Assessor the amount of the tax levy fixed by the Council, which the Assessor shall proceed to ratably assess to each person and piece of property on the assessment roll, together with all special assessments as well as any other amounts which the Council may require or determine to be assessed or reassessed against any property or person under authority of State law or this Charter.

Section 9.8 Due Date; Interest on Late Payments.

Taxes for local school purposes shall be due and payable on the first day of July of each year. Payments for such taxes may be made up to and including August 1st without penalties. There shall be a penalty imposed thereafter in the amount of one percent (1%) per month commencing the 2nd of August, until such time as the taxes are turned over to the County for collection. All other property taxes shall be due and payable on the first day of December of each year.
(Amended July 27, 1967)

Section 9.9 Collection of Penalties by City Treasurer.

The City Treasurer shall collect, for the benefit of the City, such collection charges, fees and penalties upon all taxes paid as are provided for in the general property tax laws for the State of Michigan.

Section 9.10 No Limitations of Tax Debt.

No tax levied upon personal property shall cease to be a debt to the City from the person owing such tax because of the tolling of any statute of limitations.

Section 9.11 Representation of City at State Tax Meeting.

It shall be the duty of the Council to be represented at any public meeting held in Marquette County of the Michigan State Tax Commission or any similar body having to do with taxes or with valuations of any property within the corporate limits.

Section 9.12 Collection of Taxes and Assessments Levied Prior to Adoption of Charter.

All taxes and assessments levied or assessed, all charges thereon and all fines and penalties imposed, which remain uncollected at the time this Charter becomes effective, shall be collected as if such change had not been made. If a different remedy is provided by this Charter, or any ordinance adopted pursuant thereto, which can be made applicable to any rights existing when this Charter becomes effective, such remedy shall be deemed to be additional to the remedies previously existing.

ARTICLE X

SPECIAL ASSESSMENTS

Section 10.1 Council Resolution.

The Council shall have power to determine by resolution that the whole or any part of the expense of any public improvement shall be defrayed by special assessments upon the property especially benefitted. Such resolution shall state the estimated cost of the improvement, what proportion of the cost thereof, if any, shall be paid by special assessment, and what part, if any, shall be a general obligation of the City, and the number of installments in which assessments may be paid, and shall designate the districts or land and premises upon which special assessments shall be levied.

Section 10.2 Procedure.

All special assessments and all procedures relating thereto shall be in conformity with Sections 2030 to 2059, inclusive, of the Compiled Laws of 1929 for the State of Michigan, as amended, except that all acts required therein to be performed by a board of special assessors shall be performed by the City Assessor.

ARTICLE XI

FINANCE

Section 11.1 Accounting.

The Council shall provide by resolution for a system of accounting, the same to be in conformity with applicable State laws and regulations. The same shall include the following provisions:

(a) The accounting system referred to above shall, when installed, be under the jurisdiction of the City Manager.

(b) The City Clerk shall be the Chief Accounting, Disbursing and Auditing Officer.

(c) The accounting system, as herein provided, shall include, when installed:

(1) A record of all collections made by the City Treasurer of every name and nature, and of all taxes of every kind and description.

(2) A record of all payments received in settlement of utilities charges and services.

(3) A record of all disbursements with an analysis of accounts to which they are chargeable.

(d) All bills against the City and all accounts due from the City shall be examined and audited by the City Clerk before being presented for payment. He or she shall neither issue nor sign any disbursement order unless there is a sufficient credit balance in the fund upon which it is drawn.

(e) The City Clerk shall examine and audit all accounts kept by other officers and departments of the City at regular intervals and the accounts of the City Treasurer and the Municipal Court, at least monthly.

(f) All accounting records of the City shall be balanced at the end of each calendar month and a report thereof made to the City Manager by the City Clerk.

(g) The City Clerk shall be required to perform such other duties in relation to the said accounting system as may be required of him or her by this Charter or the City Manager.

Section 11.2 Disbursements.

No funds of the City shall be disbursed except by written order. The Council shall provide by resolution the proper procedure for approving, entering and making all disbursements.

Section 11.3 Depositories.

The Council shall designate the depository or depositories for City funds and shall provide for daily deposits of all City money. The Council shall provide for such security for City funds as may be authorized and permitted under the general laws of the State of Michigan, with the proviso that personal surety bonds shall at no time be accepted. The City Treasurer shall not be permitted to make any disbursements whatever in cash, but may maintain in his or her office a cash fund for change-making purposes in such amount as shall be prescribed by the City Manager from time to time.

Section 11.4 Annual Audit.

At least sixty (60) days before the end of each fiscal year, the Council shall designate qualified public accountants, who shall, within one hundred twenty (120) days after the end of the fiscal year, make an independent audit of all accounts and financial transactions of the City during the fiscal year. The accountants' report shall be submitted to the Council. Such accountants shall have no personal interest, direct or indirect, in the fiscal affairs of the City government or of any of its officers. They shall not maintain any accounts or records of the City business, but within specifications approved by the Council shall act as auditors with full power and authority to examine all of the records of the City and interview any and all of its officers relative thereto. (Amended November 3, 1970)

Section 11.5 Purchasing Procedure.

Subject to the authority of the Council, the City Manager shall have supervision and control over all purchases of supplies, materials and equipment for City purposes, and the purchasing of the same shall be in all cases by requisition. Neither the Council nor any City official shall have the right to purchase any supplies, materials or equipment, or enter into any contract, involving the expenditure of five thousand dollars ($5,000) or more, without first submitting the same to competitive bidding, except in cases of dire emergency in which competitive bidding is precluded and except in cases in which, because of unusual circumstances, competitive bidding is not possible or feasible. It shall be the duty of the Council to award every such purchase and contract to the lowest bidder, except in cases where the welfare and interest of the City require that the lowest bid or bids or all bids shall be rejected. If in any specific case a bid which is not the lowest submitted is accepted, the reason for rejecting lower bids shall be stated in the public minutes and journal of the Council.

Any Councilmember or official who violates the provisions of this section shall be guilty of a misdemeanor and any person or persons who transact any business with the City in violation of the provisions of this section shall do so at their risk, and every purchase or contract made in violation of the provisions of this section shall be void. Any person or persons who wilfully and knowingly transact business with the City in violation of the provisions of this section shall not be entitled to recover from the City for the value of any materials, supplies and equipment delivered or services rendered in violation of the provisions of this section.

It shall be the duty of the City Manager to set up such purchasing and contracting procedure as is provided by this Charter and as is consistent with sound business practices. The Council may, in its discretion, require that every bidder submit a bond to indemnify the City in the event that any bidder whose bid has been accepted refuses or neglects to carry out the provisions or terms of his or her bid.
(Amended December 4, 1961; November 2, 1982; November 3, 1992)

Section 11.6 Inventory Program.

Under the direction and supervision of the City Manager there shall be made annually, as soon after the first of January as possible, a full and complete inventory of all City supplies, materials and equipment. Every such annual inventory shall be kept up to date until superseded by the next annual inventory so as to show at all times the amount and number of supplies, materials and equipment on hand. The equipment inventory shall be kept separate from that of supplies and materials, and such equipment inventory shall include a department transfer record of all equipment.

ARTICLE XII

BORROWING

Section 12.1 In General.

Subject to the applicable provisions of State law, the Constitution of the State of Michigan and the provisions of this Charter, the Council may authorize the borrowing of money for any purpose within the scope of the powers vested in the City and the issuance of bonds of the City or other evidences of indebtedness therefor, and may pledge the full faith, credit and resources of the City for the payment of the obligation created thereby, provided, however, that the total indebtedness of the City shall not exceed five percent (5%) of the assessed valuation of all real and personal property.

Section 12.2 Amounts.

The Council shall not borrow money or issue bonds in excess of one-half of one percent (1/2%) of the State equalized valuation, but not to exceed sixty thousand dollars ($60,000), unless authorized by the electors of the City at an election wherein the question is lawfully submitted. Before any borrowing is authorized by the Council, it shall, by an affirmative vote of at least five members, declare by resolution the necessity for such borrowing, the amount proposed to be borrowed and the purpose thereof.
(Amended November 3, 1970)

Section 12.3 Contents and Use of Bonds; Records.

Each bond or other evidence of indebtedness shall contain on its face a statement specifying the purpose for which the same is issued and it shall be unlawful for any officer of the City to use the proceeds thereof for any other purpose. Any officer violating this provision shall be deemed guilty of misdemeanor. All bonds and other evidences of indebtedness issued by the City shall be signed by the Mayor and countersigned by the City Clerk, under the Seal of the City. Interest coupons may be executed with the facsimile signatures of the Mayor and the City Clerk. A complete and detailed record of all bonds and other evidences of indebtedness issued by the City shall be kept by the City Clerk. Upon payment of any bond or other evidence of indebtedness, the same shall be marked "Canceled."

Section 12.4 Special Assessment Bonds.

The Council shall, subject to the applicable provisions of the general laws of the State, have authority to borrow money in anticipation of the payment of special assessments made for the purpose of defraying the cost of any public improvement, or in anticipation of the payment of any combination of such special assessments, and to issue bonds or other legal obligations therefor. Such special assessment bonds may be an obligation of the special assessment district or districts or may be both an obligation of the special assessment district or districts and a general obligation of the City. All collections on each special assessment roll or combination of rolls shall be set apart in a separate fund and in a separate bank account for the payment of the principal and interest of the bonds issued in anticipation of the payment of such special assessments, and shall be used for no other purposes.

Section 12.5 Mortgage Bonds.

The Council may borrow money to acquire or operate any public utility when authorized to do so by the Michigan Constitution or by State law and when authorized by the electors of the City at an election wherein the question is lawfully submitted. Before the question is submitted to the electors by the Council, Council shall, by an affirmative vote of at least five (5) members, declare, by resolution, the necessity for such borrowing, the amount proposed to be borrowed and the purpose thereof. It may issue mortgage bonds therefor beyond the general limit of bonded indebtedness prescribed by this Charter, provided that the indebtedness created by such mortgage bonds shall not impose any liability upon the City, but shall be secured only by the property and revenues of such public utility, including a franchise stating the conditions under which, in case of foreclosure, the purchaser may operate the same. Such franchise shall in no case extend for a longer period than twenty (20) years from the date of the sale of such utility and franchise on foreclosure.

Section 12.6 Issuance of Bonds or Other Evidence of Indebtedness Required; Certification.

Whenever any money is borrowed by the City, bonds or other evidence of indebtedness shall be issued therefor and shall be signed by the Mayor and the City Clerk.

Section 12.7 Sinking Fund.

The Council shall make provision for a sinking fund with which to pay at maturity all bonds issued by the City.

Section 12.8 Issuance and Delivery of Bonds.

All bonds authorized by the electors of the City must be issued and delivered to the purchasers thereof within three (3) years after the date of the election at which said bonds were authorized, and if any bond is not sold and delivered within three (3) years after the date of issue, it shall be canceled and so marked.

ARTICLE XIII

MUNICIPALLY OWNED UTILITIES

Section 13.1 Operation for Benefit of City.

The several Municipally owned utilities, together with any utilities hereafter acquired, shall be operated for the benefit of the City of Negaunee and its inhabitants, subject to the right of the City to extend its service beyond the corporate limits of the City.

Section 13.2 Administration.

The City Manager shall be the chief administrative officer of each City-owned or operated utility or utility department and shall have power to appoint and remove a superintendent for each or any of them and all officers and employees thereof. The appointments made by the City Manager shall be on the basis of the fitness, training and experience of such appointees for the work they are to perform, and shall be subject to any civil service regulations.

Section 13.3 Rules and Regulations.

Insofar as they are consistent with the provisions of this Charter, the present regulations of the various utilities and utility departments shall continue in full force and effect under this Charter until changed by proper ordinance or resolution of the Council. In addition to the powers, privileges and rights possessed by the several utilities and utility departments of the City under the State Constitution, the general laws of the State, this Charter and City ordinances, such utilities and utility departments of the City shall have the power to render all such services to their customers as are rendered by public utilities of a similar type.

Section 13.4 Accounts and Reports.

Accounts shall be kept for each public utility owned or operated by the City, distinct from other City accounts, and in such manner as to show the true and complete financial result of such City ownership, or ownership and operation, including all assets, liabilities, revenues and expenses. These accounts shall show the actual cost to the City for each public utility owned, the cost of all extensions, additions and improvements, all expenses of maintenance, the amounts set aside for sinking fund purposes and all operating expenses of every description. They shall show, as nearly as possible, the value of any service furnished to or rendered by any such public utility by or to any other City departments.

It shall be the duty of the superintendent of each utility or utility department to make an annual report to the City Manager on or before the first day of February of each year for the previous fiscal year with reference to the utility or utility department under his or her supervision.

The City Manager shall annually cause to be made and published for public distribution, a report showing the financial results of such ownership or ownership and operation, which report shall give the information specified in this section, and such further information as the City Manager shall deem expedient or the Council shall require.

Section 13.5 Separation of Utility Funds.

The funds of each of the utilities or utility departments shall be kept separate from the General Fund of the City of Negaunee.

Section 13.6 Emergency Reserve Funds.

An emergency reserve fund shall be created for each utility or utility department to meet any emergencies which may occur in connection with such utility or utility department. The net profits of each such utility or utility department (computed yearly), after meeting principal, interest and any other requirements upon outstanding bonds of the particular utility or utility department, shall be placed in its emergency fund.

(Amended November 5, 1985)

Section 13.7 Use of Utility Revenues.

Each year, the City Council shall each year review the emergency reserve fund to determine its adequacy relative to anticipated future needs of the utility or utility department. If, in the judgment of the City Council, the emergency reserve fund exceeds all needs of the utility or utility department that can be reasonably anticipated and all requirements have been satisfied on any outstanding bonds, the Council may transfer such excess funds to the General Fund of the City of Negaunee.

(Amended November 3, 1987)

Section 13.8 Analytical Report.

It shall be the duty of the City Manager, when required by the Council, and at least once in every five (5) years, to prepare or have prepared, with respect to any City-owned utility, an analysis of the plant investment, depreciation, obsolescence, reasonable return and operational costs, so that there can be determined therefrom the efficiency of the plant management and the reasonableness of the rates charged. Such analysis, when so prepared, shall be a public report and shall be incorporated and made a part of the minutes or journal of the Council.

ARTICLE XIV

PUBLIC PROPERTY

Section 14.1 Acquisitions.

The City of Negaunee may acquire, by purchase, gift, condemnation, lease, construction or otherwise, either within or without its corporate limits and either within or without the corporate limits of the County in which it is located, the following improvements, including the necessary lands therefor, viz: City halls, police stations, fire stations, boulevards, streets, alleys, public parks, recreation grounds, Municipal camp grounds, public grounds, libraries, airports, cemeteries, bathing beaches, City prisons and workhouses, hospitals, quarantine grounds, electric light and power plants and systems, gas plants and systems, water works plants and systems, sewage disposal plants and systems, office buildings for City officers and employees, public works and public buildings for any use or purpose within the scope of its powers, whether herein specifically mentioned or not, and shall provide for the cost and expenses thereof.

Section 14.2 Acquisition by Condemnation.

Should condemnation proceedings be resorted to for the acquisition of private property, including public utilities, such condemnation proceedings may be brought under the provisions of Act 124 of the Public Acts of 1883 of the State of Michigan, being Sections 3784 to 3810, inclusive, of the Compiled Laws of 1929 of the State of Michigan, as amended, except that if condemnation proceedings are resorted to for the acquisition of private property, including public utilities outside the corporate limits of the City of Negaunee, such condemnation proceedings may be brought under the provisions of Act 149 of the Public Acts of 1911 of the State of Michigan, being Sections 3763 to 3783, inclusive, of the Compiled Laws of 1929 of the State of Michigan, as amended. The City of Negaunee may, in the condemnation of any private property, resort to such other appropriate provisions therefor as exist or shall be made by law.

Section 14.3 Maintenance.

The City of Negaunee may, with respect to any of its property, have the power to maintain, develop, operate, lease and dispose of the same, subject to any restrictions placed thereupon by law.

Section 14.4 Vacations.

When the Council shall deem it advisable to vacate, discontinue or abolish any street, alley or public ground, or any part thereof, it shall by resolution so declare, and in the same resolution appoint a time, not less than four weeks thereafter, when it shall meet and hear objections thereto. Notice of such meeting, with a copy of such resolution, shall be published not less than once a week for four weeks prior to the time appointed for such meeting in one of the newspapers published or having general circulation in the City of Negaunee. Objections to such proposed action of the Council may be filed with the City Clerk in writing, and if any such objections shall be filed, the street, alley or public ground, or any part thereof, shall not be vacated or discontinued except by a concurring affirmative vote of five members of the Council.

Section 14.5 Donations.

The City shall be authorized to accept any gift of property, or cash, by trust or otherwise, for the furtherance of any Municipal purpose or object, and the City may, by ordinance, provide for the establishment and administration of any trust fund in the furtherance of any Municipal purpose or object.

ARTICLE XV

PUBLIC UTILITY FRANCHISES

Section 15.1 Continuation of Existing Franchises; Granting by Ordinance; Duration; Transfers.

All franchises heretofore granted by the City of Negaunee and now in operation shall continue until the expiration of such franchises. All irrevocable public utility franchises and all renewals, extensions and amendments thereof shall be granted only by ordinance. No such ordinance shall be adopted within thirty (30) days after application for the franchise has been filed with the Council, nor until a full public hearing has been held thereon. No exclusive franchise shall ever be granted and no franchise shall be granted for a longer term than thirty (30) years. No franchise shall be transferable, directly or indirectly, except with the approval of the Council expressed by ordinance.

Section 15.2 Temporary Permits.

Temporary permits for public utilities, revocable at any time at the will of the Council, may be granted by the Council by resolution on such terms and conditions as it shall determine, provided that such permits shall in no event be construed to be franchises or amendments to franchises.

Section 15.3 Regulation by City.

All public utility franchises, whether it is provided in the ordinance or not, shall be subject to the right of the City:

(a) To repeal the same for misuse or nonuse, or for failure to comply therewith;

(b) To require proper and adequate extension of plant and service and the maintenance thereof at the highest practicable standard of efficiency;

(c) To establish reasonable standards of service and quality of products, and to prevent unjust discrimination in service or rates;

(d) To make independent audit and examination of accounts at any time, and to require reports annually;

(e) To require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period thereof;

(f) To impose such other regulations as may be determined by the Council to be conducive to the safety, welfare and accommodation of the public.

Section 15.4 Regulation of Rates.

All public utility franchises shall make provision for fixing rates, fares and charges, and for readjustments thereof at periodic intervals of not more than five (5) years, either by arbitration upon terms to be specifically set forth in the franchise, or by any State agency, at the election of the Council. The value of the property of the utility used as a basis for fixing such rates, fares and charges shall in no event include a value predicated upon the franchise, good will or prospective profits.

Section 15.5 Joint Use of Property With City.

Every public utility may be required by the City to permit joint use of its property and appurtenances located in the streets, alleys and public places of the City by the City of Negaunee or by other public utilities, insofar as such joint use may be reasonably practicable, upon payment of reasonable rental therefor, provided that in the absence of agreement upon application of any public utility, the Council shall provide for arbitration of the terms and conditions of such joint use and the compensation to be paid therefor, which award shall be final.

ARTICLE XVI

SUPERVISORS (REPEALED)

(EDITOR'S NOTE: This Article was repealed by implication by State statute, which superseded local authority.)

Section 16.1 Election.

The City shall be entitled to five (5) supervisors who shall be members of the Marquette County Board of Supervisors. Such supervisors shall be elected from the City at large in the manner provided in Article II for terms of three (3) years, except as provided in Sec. 20.2 hereof, or until their successors have been elected and have qualified.

Section 16.2 Attendance at Council Meetings.

Upon such notice as is provided for in this Charter for special meetings of the Council, the Council may request the presence of the City Supervisors at any meeting of the Council and it shall be the duty of the Supervisors to attend said meetings and they shall be paid for attendance thereat as is provided in this Charter for attendance of Councilmembers. It is further provided that these joint meetings shall be held at least quarterly.

ARTICLE XVII

MUNICIPAL COURT (REPEALED)

(EDITOR'S NOTE: This Article was repealed by implication by State statute, which superseded local authority.)

Section 17.1 Election.

At the annual City Election held in the year one thousand nine hundred and forty-six, and at the annual City Election held in each fourth year thereafter, there shall be elected by the qualified electors of the City, in the same manner as other elective officers and upon the same election ballot, one Justice of the Peace, who may be referred to in all processes, pleadings and proceedings as Judge of the Municipal Court; and the Justice Court over which said Justice shall preside may be referred to in all processes, pleadings and proceedings as The Municipal Court of the City of Negaunee.

Said Justice shall enter upon the duties of his or her office on the first day of January next succeeding his or her election, and his or her term of office shall be four years and until his or her successor is elected and qualified. It is provided, however, that the incumbent Justice of the Peace shall continue to hold office until there shall be elected and qualified a Justice of the Peace in accordance with the provisions of this Charter.

Section 17.2 Qualifications.

The qualifications for said Justice of the Peace shall be the same as are prescribed for justices of the peace in townships, under the general laws of the State, except that no person can be elected to the office of Justice of the Peace who has not been a resident of the City of Negaunee for at least five (5) years immediately preceding the date of his or her election.

Section 17.3 Powers.

The said Justice of the Peace shall have and exercise the same jurisdiction and powers in all civil and criminal matters, causes, suits and proceedings, and shall perform the same duties in all respects, so far as occasion may require, as are or may be conferred upon or required of justices of the peace in townships under the general laws of the State. He or she shall also have authority to hear, try and determine all suits and prosecutions for the recovery and enforcing of fines, penalties and forfeitures imposed by the Charter and ordinances of the City, and to punish offenders for the violation of such Charter and ordinances, as in such Charter or ordinances prescribed and directed.

Section 17.4 Proceedings.

The proceedings in all suits and actions before said Justice, and in the exercise of the powers and duties conferred upon and required of him or her, shall be according to and be governed by the general laws applicable to Justices' Courts and to the proceedings before such Courts, and in all suits and prosecutions arising under the Charter and ordinances of the City the right of appeal or certiorari from said Courts to the Circuit Court of the County, or to any court having jurisdiction, shall be allowed to the parties, or any or either of them, and the same recognizance or bond shall be given as is or may be required by law in case of appeal or certiorari from Justices' Courts in analogous cases.

Section 17.5 Docket.

Such Justice of the Peace shall enter in the docket kept by him or her the title of all suits and prosecutions commenced or prosecuted before him or her, including all violations of the Charter and ordinances of the City, and all proceedings and judgments rendered in such causes and the items of all costs taxed or allowed therein and also the amounts and dates of payment of all fines, penalties and forfeitures, moneys and costs received by him or her on account of such suits or proceedings. Such docket shall be submitted by the Justice at all reasonable times for the examination of any persons desiring to examine the same and shall be produced by the Justice for the Council whenever required. All fines, penalties, forfeitures and moneys collected or received by such Justice for or on account of violations of any provisions of the Charter or ordinances of the City, shall be paid over by such Justice to the City Treasurer on or before the first day of the next month after the collection or receipt thereof, and the Justice shall take the receipt of the City Treasurer therefor and file the same with the City Clerk.

Section 17.6 Jurisdiction.

The said Justice shall have jurisdiction in civil causes in all townships throughout the County up to the amount of the jurisdiction of said Justice, as herein provided.

Section 17.7 Salary.

The said Justice shall be paid such annual salary for the term for which he or she is elected as may be determined by the Council, by resolution adopted not later than thirty (30) days prior to any election at which a Justice of the Peace is to be elected, and in the event that no such resolution is adopted, then such Justice shall receive such salary for the term for which he or she is elected as was paid during the preceding term. Such salary, as herein provided for, shall be in full compensation for all services performed by said Justice in the discharge of his or her duties, and he or she shall make no charge to any person for any services required of him or her by this Charter or by any statute of the State of Michigan.

Section 17.8 Office.

The Council shall provide and furnish a suitable office and maintain heat, light and telephone service for said Justice, shall furnish all docket and legal blanks and stationery and shall allow all expenses necessary to properly conduct said office.

ARTICLE XVIII

MISCELLANEOUS

Section 18.1 Public Records.

All records of the City shall be public.

Section 18.2 Chapter and Section Headings.

Chapter and section headings are for convenience only and shall not be considered to be part of this Charter.

Section 18.3 Amendments; Conflicts.

This Charter may be amended at any time in the manner provided by the general laws of the State. Should two (2) or more amendments, adopted at the same election, have conflicting provisions, the one receiving the highest vote shall prevail as to those provisions.

Section 18.4 Severability.

The sections of this Charter and the parts thereof are severable, and in the event that any provisions are declared unconstitutional or contrary to State law, it is hereby declared to be the intent of the Charter Commission and the electors voting thereon that such unconstitutionality or illegality shall not affect the validity of any other provision of this Charter.

Section 18.5 Person Defined; Gender References.

Where the terms "person" and "persons" are used in this Charter, the same shall be deemed to include any individual, individuals, firm, partnership, association or corporation. Where the masculine gender is used in this charter, it shall be deemed to include the feminine gender also.

Section 18.6 Planning Commission.

The Council may by ordinance establish and maintain a City Planning Commission having the powers and duties prescribed by State law.

Section 18.7 Recreation Department.

The Council may by ordinance establish and maintain a Department of Recreation.

Section 18.8 Copies of Charter.

It shall be the duty of the City Manager to maintain in the office of the City Clerk at all times an adequate number of copies of this Charter. It shall be the duty of the Mayor or presiding officer to present to each newly elected Councilmember a copy of this Charter at the first meeting attended by such newly elected Councilmember.

ARTICLE XIX

CITY LIABILITY

Section 19.1 Damage Claims.

The City shall not be liable for any injury to a person or persons or for damage to property by reason of neglect to keep any public highways or streets, and all bridges, sidewalks, crosswalks and culverts on the same, in reasonable repair and in condition reasonably safe and fit for travel, unless there shall be a full compliance by any person or persons making such a claim for injury or damage with the provisions of Sections 4223 to 4230 of the Compiled Laws of 1929 for the State of Michigan, as amended, and the presentment and enforcement of any such claim shall be in accordance with the procedure and limitations set forth in said statutory provisions.

ARTICLE XX

SCHEDULE

Section 20.1 Submission of Charter.

This Charter shall be submitted to a vote of the electors of the City of Negaunee at an election to be held on the 3rd day of April, A.D., 1950.

Section 20.2 First Election.

The first election under this Charter shall be held on Monday, June 5, 1950, at which time there shall be elected seven (7) Councilmembers and five (5) Supervisors as herein provided for.

Section 20.3 Terms of Office.

The seven (7) candidates for the Council receiving the highest vote shall be deemed elected and shall take office as soon as they shall qualify and shall hold office for the following terms: the three (3) Councilmembers receiving the highest number of votes shall hold office until the first day of January, 1953; the two (2) Councilmembers receiving the fourth and fifth highest number of votes shall hold office until the first day of January, 1952; and the two (2) Councilmembers receiving the sixth and seventh highest number of votes shall hold office until the first day of January, 1951; thereafter such number of Councilmembers shall be elected for three (3)-year terms at the annual City election as shall be necessary upon the expiration of the terms herein provided.

The five (5) candidates for Supervisor receiving the highest number of votes shall be deemed elected and take office as soon as they shall qualify and shall hold office for the following terms: the Supervisor receiving the highest number of votes shall hold office until the first day of January, 1953; the two (2) Supervisors receiving the second and third highest number of votes shall hold office until the first day of January, 1952; and the two (2) Supervisors receiving the fourth and fifth highest number of votes shall hold office until the first day of January, 1951; thereafter such number of Supervisors shall be elected for three (3)-year terms at the annual City election as shall be necessary upon the expiration of the terms herein provided.

Section 20.4 Organization of First Council.

The first meeting of the Council under this Charter shall be the organization meeting and shall be held on or before June 15, 1950.

Section 20.5 Hold-Over Offices.

All officers holding office under the previous Charter, except the members of the Common Council and School Inspectors holding office under and by virtue of such previous Charter, shall continue in office until their successors shall be chosen and shall qualify, or until the office is abolished in accordance with the provisions of this Charter. Where questions arise concerning the responsibility and authority of officers, pending the appointment of a City Manager, the Council shall temporarily fix such responsibility and grant such authority as is necessary to maintain the services of the City.

Section 20.6 Vested Rights Continued.

After the adoption of this Charter, the City shall continue to be vested with all property, monies, contracts, rights, credits, effects, records, files, books and papers belonging to it under and by virtue of the previous Charter and with any additional property and rights as herein prescribed. No right or liability, in favor of or against the

City, existing at the time this Charter becomes effective, and no suit or prosecution of any character, shall in any manner be affected by any change, but the same shall stand or proceed as if no change had been made. All debts and liabilities of the City shall continue to be its debts and liabilities, and all fines and penalties imposed at the time of such change shall be collected, and all licenses issued by the City shall be and remain the same as if such change had not been made.

Ordinance/Charter Amendments

Ordinances

1999:	None
2000:	#420 Commercial and Heavy Truck weight limits
2001:	#1268.01(a)(5) - Parks and Playgrounds
	Charter Amendment - #2.10 – Petition Signatures
	#606.07 – Animal Excrement
	#1268.01(a)(6)(E) – Accessory Building #1270.01(a)(6)(E)
2002:	#672.01(f)(9) – Jake Break
	#2002 – Sanitary Sewer Bonds #2002-A
	#2002-2 – Telecommunications Ordinance
2003:	#1042.13 – Summer Water Meter
2004:	#1064.11 – Beach Rules #1260.02(14) – Dwelling Unit
	Charter Amendment - #6.2 City Manager Residency Requirements
2005:	#415 – ATV Ordinance
2006:	#682.06 Open Burning #1042.05 – Thawing and freeze ups #1266.02 – Zoning Map Amendment – Back of Book
2007:	#250.02/#2007-1 – Fire Department Membership
2008:	#1220.03 – Planning Commission Membership #276 – Library/Cable Board
	Charter Amendment - #9.3 Board of Review Members

2009:	#410.01, #410.02, #410.03 and #410.04 – Uniform Traffic Code
	#1260,#1262,#1264,#1266,#1268,#1270,#1272,#1274,#1276, #1278,#1280,#1282,#1284, and #1286 – Zoning Ordinance and Map – Back of Book
2009	#1046 - FERC
2010	#1066 – Parks - Amends Ordinance #1064
2011	#1286.06 – Off Street Parking Requirements #682.01A – Objects in Right-of-way #686.05(b) – Snow and Ice Removal #692.03 (l) – Vehicle and Trailer Parking and Storage
2012	#1286.07 – Fence Ordinance #1260, #1271, #1272, #1273 and #1285 – Medical Marihuana #2012 – Bond Ordinance #2012 – A - Bond Ordinance Supplement
2013	#280 – Personnel Board – REPEALED by City Council at November 2013 Council Meeting #1044 – Water Supply Cross Connections

CODIFIED ORDINANCES OF NEGAUNEE

PART TWO - ADMINISTRATION CODE

TITLE TWO - General Provisions
Chap. 202. Codified Ordinances.
Chap. 204. Official Standards.
Chap. 206. Voting Precincts and Polling Places.

TITLE FOUR - Legislation
Chap. 220. Council.
Chap. 222. Mayor.
Chap. 224. Ordinances and Resolutions.

TITLE SIX - Administration
Chap. 230. City Manager.
Chap. 232. City Attorney.
Chap. 234. City Clerk.
Chap. 236. City Treasurer.
Chap. 238. City Assessor.
Chap. 240. City Engineer.
Chap. 242. Librarian.
Chap. 244. City Accountant/Deputy Clerk.
Chap. 246. Personnel Director.
Chap. 248. Police Department.
Chap. 250. Fire Department.
Chap. 252. Department of Public Works.
Chap. 260. Employees Generally.

TITLE EIGHT - Boards, Commissions, Authorities and Bureaus
Chap. 270. Planning Commission.
Chap. 272. Board of Zoning Appeals.
Chap. 274. Board of Review.
Chap. 276. Library Board.
Chap. 278. Cable Television Editorial Board.
Chap. 280. Personnel Board.

(Cont.)

TITLE EIGHT - Boards, Commissions, Authorities and Bureaus (Cont.)
Chap. 282. Commission on Aging.
Chap. 284. Housing Commission.
Chap. 286. Local Officers Compensation Commission.
Chap. 288. Recreation Commission.
Chap. 290. Negaunee Downtown Development Authority.
Chap. 292. Municipal Ordinance Violations Bureau.

TITLE TEN - Judiciary
Chap. 298. District Court.

CODIFIED ORDINANCES OF NEGAUNEE

PART TWO - ADMINISTRATION CODE

TITLE TWO - General Provisions

Chap. 202. Codified Ordinances.
Chap. 204. Official Standards.
Chap. 206. Voting Precincts and Polling Places.

CHAPTER 202
Codified Ordinances

202.01 Designation; citation; headings.
202.02 Amendments and supplements; numbering; alterations.
202.03 Definitions and interpretation.
202.04 Notices.
202.05 Severability.
202.06 Sections and ordinances repealed; revivor.
202.07 Exemptions from repeal.
202.08 Application of Codified Ordinances.
202.09 Updating and revision of Codified Ordinances.
202.99 General Code penalty; complicity.

CROSS REFERENCES

Ordinances and resolutions generally - see CHTR. Art. V; ADM. Ch. 224
Codification of ordinances - see CHTR. §5.11
Publication of codes of municipal ordinances - see M.C.L.A. §117.5b

202.01 DESIGNATION; CITATION; HEADINGS.

(a) This volume consists of all ordinances of a general and permanent nature of the Municipality, revised, codified, arranged, numbered and consolidated into component codes, titles, chapters and sections, and as such shall be known and designated as the Codified Ordinances of Negaunee, Michigan, 1995, for which designation "Codified Ordinances" may be substituted. Code, title, chapter and section headings do not constitute any part of the law as contained in the Codified Ordinances.

(b) All references to codes, titles, chapters and sections are to such components of the Codified Ordinances unless otherwise specified. Any component code may be referred to and cited by its name, such as the "Traffic Code." Sections may be referred to and cited by the designation "section" followed by the number, such as "Section 202.01."

202.02 AMENDMENTS AND SUPPLEMENTS; NUMBERING; ALTERATIONS.

(a) The Codified Ordinances of Negaunee may be amended or supplemented at any time and, when any amendment or supplement is adopted in such form as to indicate the intention of Council to make the same a part thereof, such amendment or supplement shall be incorporated in, and deemed a part of, the Codified Ordinances, so that a reference to the Codified Ordinances shall be understood and construed as including the Codified Ordinances of Negaunee and any and all such amendments and supplements.

(b) All amendments and supplements enacted as a part of the Codified Ordinances shall be integrated therewith by following the form of arrangement and plan set forth in the original Codified Ordinances as follows: each Code shall be subdivided into titles and/or chapters, and each chapter shall be subdivided into sections, which shall be numbered in accordance with the decimal numbering system. The numbering of all sections, except penalty sections, shall be consecutive within each chapter commencing with the first section of Chapter 202, which shall be numbered 202.01, the first "2" signifying Code 2, and the two figures "02" before the decimal signifying the chapter within the Code, and the two figures "01" after the decimal signifying the first section in Chapter 202 of the Code. Penalty sections shall be designated "99" and shall be the last section of a chapter.

(c) No person shall change or amend, by additions or deletions, any part of these Codified Ordinances, or insert or delete pages, or portions thereof, or alter or tamper with these Codified Ordinances in any manner whatsoever which will cause the law of the City to be misrepresented thereby.

202.03 DEFINITIONS AND INTERPRETATION.

Terms used in these Codified Ordinances, unless specifically defined herein, shall have the meanings prescribed by State law. In the construction of these Codified Ordinances, or any provision thereof, the following rules and definitions shall control, except those which are inconsistent with the manifest intent of Council as disclosed in a particular provision, section or chapter:

(1) Adopting Ordinance. "Adopting Ordinance" means the ordinance of the Municipality adopting the Codified Ordinances of Negaunee, pursuant to law.

(2) Authority. Whenever in these Codified Ordinances authority is given to an officer or an act is required to be performed, such authority may be exercised and such act may be performed, at the instance of such officer, by a deputy or subordinate, unless contrary to law or to the clear intent of any such particular provision.

(3) Calendar-Computation of Time. The terms "month" and "year" mean the calendar month or year. The time expressed in days within which an act is to be done or a period is to expire shall be computed by excluding the first and including the last day, unless the last day is a Sunday or a legal holiday, in which case it shall be excluded. If time is expressed in hours, the whole of Sunday or a legal holiday shall be excluded.

(4) Conjunctions. "And" includes "or" and "or" includes "and," if the sense so requires.

(5) Corporate Limits. Wherever in these Codified Ordinances an act is prohibited, declared unlawful or required to be performed, directly or by implication, such references shall imply "within the corporate limits of the City."

(6) Council. "Council" means the legislative authority of the City.

(7) County. "County" means Marquette County, Michigan.

(8) Gender. Words importing the masculine shall extend and be applied to the feminine and neuter genders.

(9) General Rule. Except as otherwise provided in this section, words and phrases shall be construed according to the common usage of the language, provided, however, that technical words and phrases and such others as may have acquired a special meaning in the law shall be construed according to such technical or special meaning.

(10) Joint Authority. Words giving authority to a board, commission, authority or three or more officers or employees or other persons shall be construed as giving authority to a majority thereof, unless otherwise specifically provided.

(11) Keeper and Proprietor. "Keeper" and "proprietor" mean persons, firms, associations, corporations, clubs and copartnerships, whether acting by themselves or as a servant, agent or employee.

(12) Land and Real Estate. "Land" and "real estate" include rights and easements of an incorporeal nature.

(13) Law. "Law" means all applicable laws of the United States of America, the State of Michigan and the City of Negaunee.

(14) Michigan Compiled Laws Annotated (M.C.L.A.). Where a section of these Codified Ordinances is followed by a reference to a section of the Michigan Compiled Laws Annotated (M.C.L.A.), such reference indicates that the section is analogous or similar to such M.C.L.A. section.

(15) Minor. "Minor" means any person who is under the age of eighteen years.

(16) Municipality or City. "Municipality" or "City" means the City of Negaunee, Michigan. Further, the words "the City" or "this City" shall be construed as if the words "of Negaunee" followed them and shall extend to and include its several officers, agents and employees.

(17) Notice. "Notice" means notice as described in Section 202.04.

(18) Number. Words in the plural include the singular and words in the singular include the plural number.

(19) Oath. "Oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

(20) Ordinance. "Ordinance" means and includes any ordinance of the Municipality, including any provision of these Codified Ordinances.

(21) Owner. "Owner," when applied to property, includes a part owner, joint owner or tenant in common of the whole or any part of such property.

(22) Person. "Person" includes any individual, copartnership, corporation, association, club, joint venture, estate, trust and any other group or combination acting as a unit, and the individuals constituting such group or unit.

(23) Premises. "Premises," when used as applicable to property, extends to and includes land and buildings.

(24) Property. "Property" includes real and personal property and any mixed and lesser estates or interests therein. "Personal property" includes every kind of property except real property; "real property" includes lands, tenements and hereditaments.

(25) Public Acts. "Public Acts" means Acts of the State legislature of the State of Michigan.

(26) Public Place. "Public place" means any place to or upon which the public resorts or travels, whether such place is owned or controlled by the City or any agency of the State or is a place to or upon which the public resorts or travels by custom or by invitation, express or implied.

(27) Publish. "Publish" means to print in a newspaper of general circulation in the Municipality the entire document or a brief summary thereof with a listing of places where copies have been filed and times when they are available for inspection.

(28) Reasonable Time. In all cases where provision is made for an act to be done or notice to be given within a reasonable time, it shall be deemed to mean such time only as may be necessary for the prompt performance of such act or the giving of such notice.

(29) Reference to Offices or Officers. Reference in any of the provisions of these Codified Ordinances to any office or officer of the City, State or County shall include any person authorized by law to perform the duties of such office or officer.

(30) Residence. "Residence" means an abode in which a person permanently resides.

(31) Shall and May. "Shall" is mandatory; "may" is permissive.

(32) Sidewalk. "Sidewalk" means that portion of a street between the curb lines or lateral lines and the right-of-way lines, which is intended for the use of pedestrians.

(33) State. "State" means the State of Michigan.

(34) Street, Highway and Alley. "Street," "highway" and "alley" mean the entire width subject to an easement for public right of way, or owned in fee by the City, County or State, of every way or place, of whatever nature, whenever any part thereof is open to the use of the public as a matter of right for purposes of public travel. The word "alley" means any such way or place providing a secondary means of ingress and egress from a property.

(35) Tenant and Occupant. "Tenant" and "occupant," as applied to buildings or land, shall extend and be applied to any person holding a written or oral lease of, or who occupies the whole or any part of, a building or land, alone or with others.

(36) Tenses. The use of any verb in the present tense includes the future.

(37) Time. Whenever any time established in the Codified Ordinances for the taking of any action expires on a Sunday or a legal holiday, such time shall not expire on such day but shall expire on the next week day.

(38) Responsibility. Whenever any act is prohibited by a provision of these Codified Ordinances or by any rule or regulation adopted thereunder, such prohibition shall extend to and include the causing, securing, aiding or abetting of another person to do such act.

202.04 NOTICES.

(a) Notice regarding sidewalk repairs, sewer or water connections, dangerous structures, abating nuisances or any other act, the expense of which, if performed by the City, may be assessed against the premises under the provisions of these Codified Ordinances, shall be served:

(1) By delivering the notice to an owner personally or by leaving the same at his or her residence, office or place of business with some person of suitable age and discretion;
(2) By mailing such notice by certified or registered mail to such owner at his or her last known address; or
(3) If an owner is unknown, by posting such notice in some conspicuous place on the premises for five days before the act or action concerning which the notice is given.

(b) Notice to any part owner, joint tenant or tenant in common shall be deemed to be notice to all such part owners, joint tenants or tenants in common.

(c) No person shall interfere with, obstruct, mutilate, conceal or tear down any official notice or placard posted by any City officer unless permission is given by such officer to remove such notice or placard.

202.05 SEVERABILITY.

It is the legislative intent of Council in adopting these Codified Ordinances that all provisions and sections of these Codified Ordinances be liberally construed to protect and preserve the peace, health, safety and welfare of the inhabitants of the City. Should any provision or section of these Codified Ordinances be held unconstitutional or invalid, such holding shall not be construed as affecting the validity of any of the remaining provisions or sections, it being the intent that these Codified Ordinances shall stand, notwithstanding the invalidity of any provision or section thereof.

The provisions of this section shall apply to the amendment of any section of these Codified Ordinances, whether or not the wording of this section is set forth in the amendatory ordinance.

202.06 SECTIONS AND ORDINANCES REPEALED; REVIVOR.

(a) All ordinances, resolutions, rules and regulations of the Municipality, and parts of the same, in conflict with any of the provisions of these Codified Ordinances, are hereby repealed.

(b) The repeal of a repealing provision does not revive the provision originally repealed nor impair the effect of any saving clause therein.

202.07 EXEMPTIONS FROM REPEAL.

The repeal provided for in Section 202.06 shall not affect:

(a) Any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing, before the adoption of these Codified Ordinances;

(b) Any ordinance or resolution promising or guaranteeing the payment of money by or to the Municipality, or authorizing the issuance of any bonds of the Municipality, or any evidence of the Municipality's indebtedness, or any contract or obligation assumed by the Municipality;

(c) The administrative ordinances and resolutions of Council not in conflict or inconsistent with any provision of these Codified Ordinances;

(d) Any right, license or franchise conferred by any ordinance or resolution of Council on any person;

(e) Any ordinance or resolution establishing, naming, relocating or vacating any street or other public way;

(f) Any ordinance or resolution or part thereof providing for the establishment of positions, for salaries or compensation;

(g) Any prosecution, suit or other proceeding pending, or any judgment rendered, on or prior to the adoption of these Codified Ordinances;

(h) Any ordinance or resolution levying or imposing taxes or assessments;

(i) Any ordinance or resolution establishing or changing the boundaries of the Municipality; or

(j) Any ordinance or resolution adopted by Council after the adoption of these Codified Ordinances.

202.08 APPLICATION OF CODIFIED ORDINANCES.

These Codified Ordinances shall apply to acts performed within the jurisdiction of the City. Acts performed outside the City shall be governed by these Codified Ordinances up to the limits prescribed by law, where the law confers power on the City to regulate such acts outside the City.

202.09 UPDATING AND REVISION OF CODIFIED ORDINANCES.

(a) By contract or by City personnel, supplements to these Codified Ordinances shall be prepared and printed whenever authorized or directed by Council. A supplement to these Codified Ordinances shall include all substantive permanent and general parts of ordinances passed by Council or adopted by initiative and referendum during the period covered by the supplement and all changes made thereby to these Codified Ordinances, and shall also include all amendments to the Charter during the period. The pages of a supplement shall be so numbered that they will fit properly into these Codified Ordinances and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be prepared so that, when they have been inserted, these Codified Ordinances will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to these Codified Ordinances, portions of these Codified Ordinances which have been repealed shall be so indicated by the codifier (meaning the person, agency or organization authorized to prepare the supplement) by use of an editor's note detailing how such portion was repealed.

(c) When preparing a supplement to these Codified Ordinances, the codifier may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into these Codified Ordinances. For example, the codifier may:

(1) Organize the ordinance material into appropriate chapters, sections, subsections and other subdivisions;

(2) Provide appropriate catchlines, headings and titles for chapters, sections, subsections and other subdivisions of these Codified Ordinances printed in the supplement, and make changes thereto;

(3) Assign appropriate numbers to chapters, sections and other subdivisions to be inserted in these Codified Ordinances, and, where necessary to accommodate new material, change existing chapter, section or other subdivision numbers;

(4) Change the words "this ordinance" or words of the same meaning to "this chapter", "this section" or "this subsection," etc., as the case may be, or to "sections ___ to ___" (inserting section numbers to indicate the sections of these Codified Ordinances which embody the substantive sections of the ordinance incorporated into these Codified Ordinances); and

(5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into these Codified Ordinances, but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in these Codified Ordinances, except as otherwise provided by the City.

202.99 GENERAL CODE PENALTY; COMPLICITY.

(a) General Penalty. Whoever violates any of the provisions of these Codified Ordinances, or of any technical or other code adopted by reference in these Codified Ordinances, or of any rule, regulation or order promulgated or made under authority of any provision of these Codified Ordinances, or under authority of any technical or other code adopted by reference in these Codified Ordinances, or under authority of State law, for which no penalty is otherwise specifically provided, is responsible for a civil infraction and shall pay a civil fine of not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00) for each offense. Whoever violates any of such provisions that is expressly declared to be a misdemeanor shall be fined not more than five hundred dollars ($500.00) or imprisoned not more than ninety days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues, unless otherwise provided.

(b) Surcharges; Equitable Remedies. The imposition of any penalty provided for in this section shall be in addition to any surcharge levied for a violation of a provision of these Codified Ordinances, or a provision of a technical or other code adopted by reference in these Codified Ordinances, or a rule, regulation or order promulgated or made under authority of either or under authority of State law, and shall be in addition to any equitable remedy provided by a provision of these Codified Ordinances, or a provision of a technical or other code adopted by reference in these Codified Ordinances, or a rule, regulation or order promulgated or made under authority of either, or under authority of State law, including the enforced removal of prohibited conditions.

(c) Complicity. Every person concerned in the commission of an offense under these Codified Ordinances, whether he or she directly commits the act constituting the offense or procures, counsels, aids or abets in its commission, may be prosecuted, indicted, tried or found responsible, and on conviction shall be punished, as if he or she had directly committed such offense.

CHAPTER 204
Official Standards

EDITOR'S NOTE: There are no sections in Chapter 204. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

State Seal - see Mich. Const. Art. 3, §3; M.C.L.A. §§2.41 et seq.
Seal of municipal sewage disposal and water supply authority - see M.C.L.A. §124.284
Weights and measures - see M.C.L.A. §§290.601 et seq.; 750.561 et seq.

CHAPTER 206
Voting Precincts and Polling Places

206.01	Establishment of precincts.	206.04	Voting places.
206.02	Description of Precinct 1 (the South Precinct).	206.05	Voting precinct map.
206.03	Description of Precinct 2 (the North Precinct).		

CROSS REFERENCES

City boundaries - see CHTR. §1.2
Voting precincts - see CHTR. §2.1
Equal representation - see M.C.L.A. §117.3
Apportionment of wards; copy of apportionment plan - see M.C.L.A. §117.27a

---

206.01 ESTABLISHMENT OF PRECINCTS.

The City is hereby divided into two voting precincts, to be designated as Precinct 1 (the South Precinct) and Precinct 2 (the North Precinct).

206.02 DESCRIPTION OF PRECINCT 1 (THE SOUTH PRECINCT).

Precinct 1 (the South Precinct) shall consist of the following described area:

SOUTH PRECINCT
Precinct 1

Beginning at the intersection of Teal Lake Avenue extended and the south shore of Teal Lake, then westerly along said south shore to the west City limit line, which is also the west line of Section 35, Township 48 North, Range 27 West; then south along said west section line to the southwest corner of said Section 35, Township 48 North, Range 27 West; then east along the south line of said Section 35 to the northwest corner of Section 1, Township 47 North, Range 27 West; then south along the west section lines of Sections 1, 12 and 13 of Township 47 North, Range 27 West, to the south City limit line; then east along the south City limit line to the east City limit

line; then north along the east City limit line to the southeast corner of Section 33, Township 48 North, Range 26 West; then west along said section line to the southwest corner of said Section 33, Township 48 North, Range 26 West; then southwesterly through fenced caving grounds to the centerline of Mitchell Avenue, extended; then northwesterly along the centerline of Mitchell Avenue to the centerline of East Arch Street; then westerly along the centerline of East Arch Street to the centerline of Teal Lake Avenue; then northerly along the centerline of Teal Lake Avenue to the point of beginning, all as shown on the map on file with the Clerk of the City of Negaunee.

206.03 DESCRIPTION OF PRECINCT 2 (THE NORTH PRECINCT).
Precinct 2 (the North Precinct) shall consist of the following described area:

NORTH PRECINCT
Precinct 2

Beginning at the intersection of Teal Lake Avenue extended and the south shore of Teal Lake, then westerly along the south shore of Teal Lake to the west City limit; then north along such line to the north City limit line, then east along such line to the east City limit line; then south along the east line to the southeast corner of Section 33, Township 48 North, Range 26 West; then west along the section line to the southwest section corner; then southwesterly through the fenced caving grounds to the centerline of Mitchell Avenue extended; then northwesterly along the centerline of Mitchell Avenue to the centerline of East Arch Street; then westerly along the centerline of East Arch Street to the centerline of Teal Lake Avenue; then northerly along the centerline of Teal Lake Avenue to the point of beginning, all as shown on the map on file with the Clerk of the City of Negaunee.

206.04 VOTING PLACES.
The voting place for Precinct 1 (the South Precinct) shall be located at the Negaunee Ice Arena. The voting place for Precinct 2 (the North Precinct) shall be the Lakeview School Memorial Gym Lobby.

206.05 VOTING PRECINCT MAP.
The City Clerk shall maintain, and shall have available for inspection during regular business hours at the office of the City Clerk, a map showing the boundaries of the voting precincts within the City.

TITLE FOUR - Legislation

Chap. 220. Council.
Chap. 222. Mayor.
Chap. 224. Ordinances and Resolutions.

CHAPTER 220
Council

EDITOR'S NOTE: There are no sections in Chapter 220. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Council generally - see CHTR. Art. IV
Organization of Council - see CHTR. §5.1
Powers of Council - see CHTR. §5.5
Authority re special assessments - see CHTR. §10.1
Legislative body in home rule cities - see M.C.L.A. §117.3
Authority re compensation - see ADM. 286.02

CHAPTER 222
Mayor

EDITOR'S NOTE: There are no sections in Chapter 222. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Mayor Pro-Tem - see CHTR. §4.3
Presiding officer of Council - see CHTR. §4.3
Mayor in home rule cities - see M.C.L.A. §117.3

CHAPTER 224
Ordinances and Resolutions

EDITOR'S NOTE: There are no sections in Chapter 224. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Ordinances and resolutions generally - see CHTR. Art. V
Ordinances in home rule cities - see M.C.L.A. §§117.3, 117.5b
Enforcement - see M.C.L.A. §117.4i
Enactment - see M.C.L.A. §117.4j
Actions to recover fines and penalties - see M.C.L.A. §117.29
Codified Ordinances - see ADM. Ch. 202

TITLE SIX - Administration

Chap. 230. City Manager.
Chap. 232. City Attorney.
Chap. 234. City Clerk.
Chap. 236. City Treasurer.
Chap. 238. City Assessor.
Chap. 240. City Engineer.
Chap. 242. Librarian.
Chap. 244. City Accountant/Deputy Clerk.
Chap. 246. Personnel Director.
Chap. 248. Police Department.
Chap. 250. Fire Department.
Chap. 252. Department of Public Works.
Chap. 260. Employees Generally.

CHAPTER 230
City Manager

EDITOR'S NOTE: There are no sections in Chapter 230. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

City Manager generally - see CHTR. §§6.2 et seq.
Preparation and submission of budget - see CHTR. §8.2
Control of Municipal Ordinance Violations Bureau - see ADM. 292.05(a)
Duties re Parking Violations Bureau - see TRAF. 440.02
Authority re abatement of nuisances - see GEN. OFF. 674.06
Authority re garbage and rubbish collection and disposal - see S.U. & P.S. 1060.03

CHAPTER 232
City Attorney

EDITOR'S NOTE: There are no sections in Chapter 232. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Appointment of City Attorney; duties - see CHTR. §6.7
Legal advisor - see M.C.L.A. §87.20
Membership on Board of Election Commissioners - see M.C.L.A. §168.25
Duties re animals running at large - see M.C.L.A. §§433.53, 433.62
Service of process - see M.C.L.A. §600.1925

CHAPTER 234
City Clerk

EDITOR'S NOTE: There are no sections in Chapter 234. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Certification of candidates' names - see CHTR. §2.14
City Clerk generally - see CHTR. §6.8
Filing charters or amendments thereto - see M.C.L.A. §117.24
Filing of initiative petitions - see M.C.L.A. §117.25
Apportionment of wards; copy of apportionment plan - see M.C.L.A. §117.27a

CHAPTER 236
City Treasurer

EDITOR'S NOTE: There are no sections in Chapter 236. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

City Treasurer generally - see CHTR. §6.9
Collection of tax penalties - see CHTR. §9.9
Justices of the Peace to turn moneys collected over to City Treasurer - see M.C.L.A. §117.31
Deposit of public funds - see M.C.L.A. §§129.11 et seq.
Collection of municipal income taxes - see M.C.L.A. §141.671

CHAPTER 238
City Assessor

EDITOR'S NOTE: There are no sections in Chapter 238. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

City Assessor generally - see CHTR. §6.10
Certification of tax levy to - see CHTR. §9.7
Tax Assessors in home rule cities - see M.C.L.A. §117.3
Deposit of public funds - see M.C.L.A. §§129.11 et seq.
Municipal bonds - see M.C.L.A. §§132.2, 133.6, 135.7
Municipal Finance Act - see M.C.L.A. §§133.5, 133.6
Public money - see M.C.L.A. §§750.489 et seq.

CHAPTER 240
City Engineer

EDITOR'S NOTE: There are no sections in Chapter 240. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

City Engineer generally - see CHTR. §6.11
Improvements in home rule cities - see M.C.L.A. §117.4d
Sidewalk construction and repair - see S.U. & P.S. Ch. 1020

CHAPTER 242
Librarian

EDITOR'S NOTE: There are no sections in Chapter 242. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Libraries generally - see Mich. Const. Art. 8, §9; M.C.L.A. §§397.11 et seq., 450.691 et seq.
City library reports - see M.C.L.A. §397.207
Contracts for joint municipal libraries - see M.C.L.A. §§397.213 et seq.
Library Board - see ADM. Ch. 276

CHAPTER 244
City Accountant/Deputy Clerk

EDITOR'S NOTE: There are no sections in Chapter 244. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Finance generally - see Mich. Const. Art. 9, §§1 et seq.
System for City accounting - see CHTR. §11.1
Annual audits - see CHTR. §11.4
Deposit of public funds - see M.C.L.A. §§129.11 et seq.
Municipal bonds - see M.C.L.A. §§132.2, 133.6, 135.7
Municipal Finance Act - see M.C.L.A. §§133.5, 133.6
Public money - see M.C.L.A. §§750.489 et seq.

CHAPTER 246
Personnel Director

EDITOR'S NOTE: There are no sections in Chapter 246. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Recall - see CHTR. §3.4; M.C.L.A. §117.4i
Civil service - see CHTR. §7.7; M.C.L.A. §117.4i
Municipal Employees' Retirement System - see M.C.L.A. §§38.601 et seq.
Compensation and salaries in home rule cities - see M.C.L.A. §§117.3, 117.5, 117.17, 117.19, 117.20, 117.28, 117.32, 117.33
Shortening or extending term of office - see M.C.L.A. §117.5
Officers and employees generally - see ADM. Ch. 260
Powers and duties of Personnel Director - see ADM. 260.05, 260.06

CHAPTER 248
Police Department

248.01 Adoption of minimum employment standards for law enforcement officers.

CROSS REFERENCES

Enforcement of laws - see M.C.L.A. §117.4i
Arrests - see M.C.L.A. §117.34
Jurisdiction outside city limits - see M.C.L.A. §117.34
Order to depart or disperse - see GEN. OFF. 672.04

248.01 ADOPTION OF MINIMUM EMPLOYMENT STANDARDS FOR LAW ENFORCEMENT OFFICERS.

The minimum employment standards for law enforcement officers, as established and adopted by the Michigan Law Enforcement Officers Training Council in accordance with Act 203 of the Public Acts of 1965, as amended, are hereby adopted by reference as the minimum employment standards for law enforcement officers of the City.

CHAPTER 250
Fire Department

250.01	Establishment; adoption of Constitution and Bylaws; funding; compensation.	250.05	Power and authority of Chief and Incident Commander; obstructing and assisting fire-fighters.
250.02	Organization and membership.	250.06	Charges for services rendered by the Department.
250.03	Powers and duties of the Chief; enforcement of the Incident Command System.	250.99	Penalty.
250.04	Code Enforcement Officials.		

CROSS REFERENCES

Firemen's Retirement System - see M.C.L.A. §§38.551 et seq.
Borrowing money for fire protection - see M.C.L.A. §117.4a
Fire stations - see M.C.L.A. §117.4e
Open burning - see GEN. OFF. 682.06
BOCA National Fire Prevention Code - see F.P. Ch. 1610

250.01 ESTABLISHMENT; ADOPTION OF CONSTITUTION AND BYLAWS; FUNDING; COMPENSATION.

(a) A volunteer Fire Department is hereby organized in and for the City under the title of the Fire Department of the City (hereinafter sometimes referred to as the "Fire Department") and the duty of fire-fighting and the prevention of fires in the City is hereby delegated to that Department. Its organization and internal regulation shall be governed by the provisions of this chapter and of these Codified Ordinances and by a constitution and bylaws as may be adopted by the Fire Department and approved by Council, except as otherwise provided by law and ordinance.

(b) The Fire Department is hereby authorized and directed to adopt and, from time to time amend, a constitution and bylaws for its control, management and government, and for the regulation of its business and proceedings, which, after adoption by a two-thirds vote of the members of the Fire Department, shall not become effective and operative until presented to and approved by Council. Amendments to said constitution and bylaws shall be adopted in the same manner.

(c) Council shall appropriate funds to provide for operation and for such apparatus and equipment for the use of the Fire Department as it may deem expedient and necessary to maintain efficiency and to properly protect life and property from fire and other hazards.

(d) The officers and members of the Fire Department shall receive such compensation from the City as may from time to time be fixed by resolution of Council.

250.02 ORGANIZATION AND MEMBERSHIP.

(a) The Fire Department shall consist of not less than twenty-five members, all of whom shall:

(1) Be between eighteen and sixty-five years of age;
(2) Be in, and maintain, a state of physical conditioning which will enable them to perform all of the duties, functions and activities expected of a fire-fighter;
(3) Meet the applicable requirements for volunteer fire-fighters as established by the Michigan Firefighters Training Council and the policies of the Fire Department; and
(4) Be residents of the City.

(b) The Fire Department shall have the following officers, in descending order of rank:

(1) One Chief;
(2) One Assistant Chief;
(3) One Hose Captain;
(4) One Assistant Hose Captain;
(5) One Ladder Captain;
(6) One Assistant Ladder Captain;
(7) One or more Lieutenants;
(8) One Safety Officer;
(9) One Training Officer;
(10) One Secretary; and
(11) One Treasurer.

These officers may be compensated as Council may, from time to time, direct by resolution. The Fire Department shall also have a Board of Trustees, consisting of three members of the Fire Department to be elected by the members of the Fire Department, each of whom shall serve a three-year term.

(c) A vacancy in the office of Chief shall be filled by appointment of the City Manager. Upon creation of a vacancy in the office of Chief, the next highest ranking officer of the Fire Department shall perform the duties of the Chief until such vacancy has been filled.

(d) Upon appointment, the Chief shall immediately assume office and shall hold office until reappointed or removed for cause, or until service is terminated by retirement, resignation, change of residence to outside the City limits, death or the inability of the Chief to perform his or her duties.

(e) The City Manager may employ or fill additional Fire Department positions with full-time or part-time personnel, if budgeted, for the purpose of Department administration, maintenance or code enforcement. The duties and compensation of such personnel shall be established by resolution of Council, as recommended by the City Manager.

(f) A vacancy in the membership of the Fire Department shall be filled by appointment of the City Manager, pursuant to the following procedures:

(1) The Department shall maintain a file of applications for membership;
(2) Upon creation of a vacancy in the membership of the Department, applications shall be submitted to, and voted upon by, the members of the Department in accordance with the bylaws of the Department; and
(3) The applicant receiving the highest number of votes shall be recommended to the City Manager for membership in the Fire Department.

(g) All entry level fire-fighters shall be subject to the policies of the City and the Fire Department and shall be subject to the time limitations for certification established by the Michigan Firefighters Training Council.

(h) Active membership in the Fire Department shall terminate upon reaching the age of sixty-five or when the City Manager determines that a member is no longer able to perform the full range of duties, functions and activities reasonably expected of a fire-fighter. Any member of the Department under the age of sixty-five who cannot perform all of the duties, functions and activities of an active fire-fighter, as described by the job descriptions of the Fire Department, may elect to serve in such nonfire-fighting capacities as may be directed by the Chief.

(i) All resignations from the Fire Department shall first be submitted to the Chief, who shall thereupon submit them to the City Manager for appropriate action. All resigning members of the Department, having fulfilled the requirements for honorary membership in the Fire Department as set forth in the bylaws of the Department, shall be placed on the honorary membership role.

(j) The Chief shall report to the City Manager the name of each member or officer of the Department who has been expelled, demoted or otherwise disciplined and shall also report the circumstances of such expulsion, demotion or other disciplinary action. Any member or officer of the Fire Department who has been expelled, demoted or disciplined for any offense, neglect of duty or insubordination shall have the right to appear before the City Manager to present reasons why such expulsion, demotion or other disciplinary action should not be confirmed by the City Manager.

(k) The Department shall be organized into one or, at the option of the Chief, into two or more companies.

(1) One such company shall consist of not more than ten noncompensated auxiliary firefighters, which shall support the Fire Department during periods of manpower shortages, and which shall serve as a pool of future candidates for active membership in the Fire Department.
(2) Each such company of the Department shall be in charge of a Captain or, in his or her absence, a Lieutenant who shall be responsible to the Chief.
(3) At any time deemed necessary, the Chief may make temporary transfers of personnel between companies.

(l) The duties of all firefighters shall be described in the policies of the Department, which shall be subject to approval of the City Manager.

(m) The election of the Secretary, Treasurer, Trustees and such social officers as the bylaws of the Fire Department may require shall be held at the annual meeting of the Fire Department in such manner as is provided for in the bylaws of the Department. In case of any vacancy in such offices, the Chief shall appoint an active member of the Department in good standing to fill such vacancy until the next annual meeting.

250.03 POWERS AND DUTIES OF THE CHIEF; ENFORCEMENT OF THE INCIDENT COMMAND SYSTEM.

(a) The Chief shall have general supervision of the Department, subject to this chapter and the policies of the Department, and shall be responsible for the operation and general efficiency of the Department.

(b) It shall be the duty of the Chief to preside at all meetings of the Fire Department, to call special meetings, to preserve order, to decide all points of order that may arise, and to enforce observance of this chapter and the constitution and bylaws of the Fire Department.

(c) It shall be the duty of the Chief to maintain the chain of command and enforce the Incident Command System adopted by the Marquette County Firefighters Association at all incidents to which the Fire Department is dispatched, as follows:

(1) The ranking officer of the first truck to arrive at the scene of an incident shall assume command of the incident, and shall relinquish such command to the next higher officer subsequently arriving at the scene.
(2) The officer in charge of any incident shall be known as the Incident Commander (IC).
(3) The Incident Commander shall assume complete command of, and entire responsibility for, all incident operations, shall plan the control of the same, shall direct the action of the companies when they arrive on the scene, shall assure that every company performs its duty, shall grant leaves of absence at the incident if deemed appropriate, and shall assure that fire-fighting apparatus is located at reasonably safe positions.
(4) The Incident Commander shall maintain on the scene a record of all operations and task assignments and shall be responsible for an accurate account of all necessary information required by all Michigan Fire Incident Reports of the Fire Marshall Division of the Michigan State Police.

(d) The Chief shall have the authority to demote, expel or otherwise discipline any officer or member of the Fire Department for neglect, insubordination, failure, refusal or inability to perform Departmental duties, failure to attend meetings or training sessions, loss of certification or other conduct detrimental to the Department, with such demotion, expulsion or other disciplinary action to be subject to appeal to the City Manager.

(e) No later than August 1 of each year, the Chief shall file with the City Manager a detailed estimate of the appropriations needed for the conduct of the Department during the ensuing year.

(f) It shall be the duty of the Chief to submit a written report to the City Manager not later than February 1 of each year, and at such other times as the Chief deems appropriate, relating to the condition of the various pieces of apparatus and equipment, the number of incidents occurring since the previous report, the date of such incidents and the loss occasioned thereby, the numbers of members of each company of the Fire Department, the total number of active members of the Fire Department, and any resignations or expulsions from the Department since the preceding report. The Chief shall also report upon the drill and training programs of the Department, together with other pertinent information, including recommendations for such improvements as deemed proper and necessary for the operation of the Fire Department.

(g) The Chief shall be responsible for the enforcement of all fire prevention ordinances of the City, and State laws and regulations pertaining to fire prevention, and shall keep citizens informed of fire prevention practices and the activities of the Fire Department.

(h) The Chief shall keep a record of every incident to which any company was called and shall enter in such report the locality of the incident, the date, the time and all pertinent information required by the Michigan Fire Incident Reporting System.

(i) The Chief shall keep an inventory of all apparatus and equipment and an inventory of all hoses showing dates and results of tests on each length, which shall be individually identified.

(j) The Chief shall perform such other duties as are incumbent on the commanding officer of the Fire Department.

(k) The Chief shall have control of all apparatus and equipment used by the Department and shall be responsible for its proper maintenance. The Chief may authorize members of the Fire Department to carry out any type of maintenance for apparatus, equipment or structures that may be deemed necessary for the effective operation of the Fire Department or to maintain fire-fighter or community safety consistent with the approved budget of the Fire Department. Emergency repair to apparatus or equipment which does not exceed five thousand dollars ($5,000) may be authorized by the Fire Chief without first securing the prior approval of the City Manager, provided that such amounts are available within the approved budget of the Fire Department.

(l) The Chief shall be responsible for assuring that no fire-fighting equipment or apparatus shall be used for any purpose except for incident control and abatement, or in training therefor, except pursuant to an agreement approved by the City Manager upon recommendation of the Fire Chief. With approval of the Chief, such equipment and apparatus may be used for purposes other than incident control within the City limits, provided that a report of all such uses shall be made annually to Council.

250.04 CODE ENFORCEMENT OFFICIALS.

(a) The City Manager may, upon recommendation of the Fire Chief and approval of Council, appoint or designate a Code Enforcement Official, and as many Deputy Code Enforcement Officials as may be deemed necessary, for the purpose of enforcing applicable fire prevention codes and for the purpose of inspecting structures and conditions within the City as may be required by this chapter for fire safety and prevention.

(b) Code Enforcement Officials may inspect structures, premises and thoroughfares within the City for the purpose of identifying and causing to be corrected any condition liable to cause or contribute to fire or a release of hazardous materials, or any violations of applicable codes or regulations. Such Code Enforcement Officials shall also investigate and, when appropriate, issue permits in accordance with the regulations of the State Fire Marshall and all applicable fire prevention codes, for the storage and handling of explosives and inflammable liquids within the City. Such Code Enforcement Officials and the Fire Chief shall also perform such other duties as may be required by the State Fire Marshall.

(c) The Code Enforcement Officials shall file a complete report of all structures, premises and thoroughfares inspected as may be required by this chapter or by other law or by the State Fire Marshall and shall submit copies of such reports to the Fire Chief, the City Manager, the property owner and any other official agency requesting such reports. Such inspection reports shall be kept on file at the Negaunee Fire Station and/or the City Hall.

250.05 POWER AND AUTHORITY OF CHIEF AND INCIDENT COMMANDER; OBSTRUCTING AND ASSISTING FIRE-FIGHTERS.

(a) The Fire Chief or the Incident Commander at any incident, under the authority of the Department, is vested with full and complete police power and authority at the scene of such incident. Such power and authority shall include, but not necessarily be limited to, the following:

(1) Any officer of the Department may cause the arrest of any person failing to give the right of way to Fire Department vehicles in responding to an incident.

(2) The Fire Chief may prescribe certain limits at the scene of an incident within which no persons except fire-fighters and police officers, and those admitted by order of any officer of the Department, shall be permitted to enter.

(3) The Fire Chief shall have the power to cause the removal of any property from fire, to prevent the spreading of fire or to protect adjoining property, and during the progress of any fire, the Chief shall have the power to order the removal or destruction of any property necessary to cause the removal of all wires or other facilities, and the turning off of all electricity or other services where the same impede the work of the Department during a fire or hazard abatement.

(4) Any fire-fighter, while acting under the direction of the Fire Chief or other officer in command, may enter upon the premises adjacent to or in the vicinity of any burning structure or hazardous situation, and other property then on fire, for the purpose of extinguishing such fire.

(b) Any person who shall hinder, resist or obstruct any fire-fighter in the discharge of his or her duty as hereinabove provided shall be deemed guilty of resisting a fire-fighter in the discharge of his or her duty.

(c) Every person who shall be present at an incident such as a fire shall be subject to the orders of the Fire Chief or other officer in command and may be required to render assistance in fighting such fire or in removing or guarding property. The Fire Chief or other officer in command shall have the authority to cause the arrest of any person refusing to obey such orders.

250.06 CHARGES FOR SERVICES RENDERED BY THE DEPARTMENT.

(a) The Fire Department shall have the authority to bill insurance carriers for loss of or damage to equipment used in fighting any fire or abating any hazardous condition. Such service charges shall be billed to the company providing coverage to the owner upon whose property the incident occurred and shall not include charges for normal wear and usage of equipment or for the cost of consumables such as water or other extinguishing agents, or labor. Only equipment damaged or lost as a direct result of extinguishing a fire or other hazard abatement, at the specific site charged, shall be subject to such service charge. No service charge for any single piece of equipment or apparatus shall exceed the original purchase price of such equipment or apparatus, and such charges shall be prorated for usage whenever practical. Each such service charge shall be itemized and shall be payable to the City Treasurer.

(b) The Department shall impose a service charge for services rendered by it in connection with motor vehicle accidents. The amount of such service charge shall be the current apparatus hourly rate, described in the annual report of the Fire Chief submitted to the City Manager by February 1 of each year, and the current hourly rate for each fire-fighter responding to each such incident.

(1) In motor vehicle accidents resulting in the issuance of citations by the investigating police agencies, the person or persons found responsible or guilty of any infraction causing or contributing to said motor vehicle accident shall be billed for the entire amount of such service charge.

(2) In motor vehicle accidents where one or more parties are issued citations by the investigating police agency, and where more than one party is found responsible or guilty of any infraction causing or contributing to the occurrence of said motor vehicle accident, all such parties found responsible or guilty shall be jointly and severally liable for the entire amount of such service charges imposed by the Department.

(3) If no citations are issued by the investigating police agency, the service charge imposed by the Fire Department shall be shared equally by all owners of all vehicles involved in said motor vehicle accident.

(c) In the event that equipment of the Department is lost or damaged in the course of providing mutual-aid assistance to the Fire Department of another jurisdiction pursuant to an existing mutual-aid agreement, the Department shall impose a charge for such lost or damaged equipment to the jurisdiction to which mutual-aid assistance was rendered, provided that the imposition of such charge does not violate the terms or conditions of the mutual-aid agreement.

(d) The Department shall impose a service charge upon the owner of any property located outside the Negaunee City limits to which the Department responds to a call for fire-fighting or hazard abatement services, if such call for services was made by the owner or occupant of such property. The Department shall also impose a service charge upon any other governmental entity to which the Department provides assistance in fire-fighting or hazard abatement if such request for assistance was made by the governmental entity, and if such other governmental entity was not a party to a mutual-aid assistance agreement with the City of Negaunee. The charges imposed upon such property owners or governmental entities shall be calculated in the same manner as the service charge described in subsection (b) hereof.

(e) Any site within the Negaunee City limits having any type of automatic warning device which will result in the automatic dispatching of the Department to such a site must maintain such system in good working order at all times. In the event of a false alarm for any reason as a result of the activation of the property owner's automated system, the following shall apply:

(1) Each site is allowed one false alarm per calendar year from January 1 through December 31, without charge.
(2) If a second false alarm occurs within such calendar year, the property owner shall be billed by the Department the hourly cost for each apparatus responding to such false alarm as established in the annual report of the Department submitted to the City Manager on or before February 1 of each year, and also the hourly cost of each fire-fighter responding to such false alarm.
(3) Third and subsequent false alarms at the same site shall be billed service charges computed in the same manner as described in paragraph (b)(2) hereof.
(4) All such false alarm charges shall be paid to the City Treasurer.

(f) All service charges and fees imposed by the Department under authority of this chapter shall be due and payable to the City Treasurer within thirty days after the mailing of written invoices therefor. If not paid within thirty days, the City may take all measures available to it by law to collect such charges.

250.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

CHAPTER 252
Department of Public Works

EDITOR'S NOTE: The Department of Public Works of the City comprises the Division of Water, the Division of Wastewater, the Division of Electricity and the Division of Cable Television.

There are no sections in Chapter 252. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Special assessments - see CHTR. Art. X
Municipally owned utilities - see CHTR. Art. XIII
Improvements in home rule cities - see M.C.L.A. §117.4d
Approval of public works projects by Planning Commission - see M.C.L.A. §§125.39, 125.40
Cable Television Editorial Board - see ADM. Ch. 278
Water - see S.U. & P.S. Chs. 1042, 1044
Electricity - see S.U. & P.S. Ch. 1046

CHAPTER 260
Employees Generally

EDITOR'S NOTE: Because of the frequency of change, provisions relating to compensation and benefits are not codified. Copies of the latest relevant legislation may be obtained, at cost, from the City Clerk.

The City enters into agreements from time to time with representatives of various classes of Municipal employees. Such agreements provide for compensation, benefits and other incidents of employment. In the event of a conflict between any of the provisions of such agreements and a provision of these Codified Ordinances or of any other ordinance or resolution of Council, the provision of the agreement shall control. Copies of the latest relevant legislation and of such agreements may be obtained, at cost, from the City Clerk.

260.01 Definitions.
260.02 General employment policy.
260.03 Classified and exempt service.
260.04 Employees' status; probationary periods.
260.05 Administrative powers and duties of Personnel Director.
260.06 Disciplinary action; dismissal; demotion.
260.07 Preference for veterans.

CROSS REFERENCES

Elections - see CHTR. Art. II
Removals and vacancies - see CHTR. Art. III
Officers and employees generally - see CHTR. Art. VII
Civil service - see CHTR. §7.7; M.C.L.A. §117.4i
Municipal Employees' Retirement System - see M.C.L.A. §§38.601 et seq.
Compensation and salaries in home rule cities - see M.C.L.A. §§117.3, 117.5, 117.17, 117.19, 117.20, 117.28, 117.32, 117.33
Local Officers Compensation Commission - see ADM. Ch. 286

260.01 DEFINITIONS.

As used in this chapter:

(a) "Appointment" includes all means of selection, promotion, appointment or employment as to any person holding any office, place or position of employment in the classified service of the City.

(b) "Board" means the Personnel Board of the City, as established in Chapter 280.
(c) "Member" means a member of the Personnel Board.
(d) "Personnel Director" means the City Manager.

260.02 GENERAL EMPLOYMENT POLICY.

It is hereby declared to be the personnel policy of the City that employment in the City government shall be based on merit and fitness, free of personal and political considerations. Just and equitable incentives of employment shall be established and maintained to promote efficiency and economy in the operation of the City government. Appointments and other actions requiring application of the merit principle shall be based on systematic evaluations. Tenure of employees covered by this chapter shall be subject to good behavior, honest and satisfactory performance of work, necessity for the performance of work and the availability of funds.

260.03 CLASSIFIED AND EXEMPT SERVICE.

All offices and positions of the City are divided into the classified and exempt service, as follows:

(a) The exempt service shall include the following:
  (1) All elected officials and members of boards and commissions, including the Election Commission and members of the various precinct election boards;
  (2) The City Manager and the City Attorney;
  (3) Volunteer personnel, including volunteer fire-fighters;
  (4) Consultants and outside counsel rendering temporary professional service;
  (5) Such positions involving seasonal or part-time employment, or which consist of unskilled work, as may be specifically placed in the exempt service by the City Manager.
(b) The classified service shall include all other positions in the City service that are not specifically placed in the exempt service by this chapter.

260.04 EMPLOYEES' STATUS; PROBATIONARY PERIODS.

After May 23, 1982, all persons holding positions in the classified service shall have permanent status if they have held their present positions for at least six months immediately preceding such date. If they have held their positions for less than six months, then they shall serve a probationary period of six months from the time of their appointment before acquiring permanent status, except for police officers, who shall serve a probationary period of one year.

260.05 ADMINISTRATIVE POWERS AND DUTIES OF PERSONNEL DIRECTOR.

(a) Personnel in the classified service, volunteer fire-fighters and seasonal or part-time employees shall be administered by the Personnel Director, who shall:

(1) Attend all meetings of the Personnel Board.

(2) Administer all the provisions of this chapter.

(3) Draft such rules as may be necessary to carry out the provisions of this chapter. Such rules shall be submitted to Council for adoption by resolution, whereupon they shall be given full force and effect. Amendments to the rules shall be made in accordance with the same procedure.

(4) Prepare and recommend revisions and amendments to the personnel rules.

(5) Maintain adequate records of the proceedings of the Personnel Board and of his or her own official actions, as well as the employment record of every employee.

(b) Council, upon recommendation of the Personnel Director, may contract with any qualified person or agency for the performance of such technical services as may be desired in the establishment and operation of the personnel program.

(c) All of the administrative and executive powers and duties pertaining to personnel management shall be vested in the Personnel Director, and such powers and duties are to be administered by him or her under the rules which have been adopted in accordance with this section. The Personnel Director shall have charge of applications for employment, the examination of all applicants for positions, and the certification of payrolls as to the duties and the rate of pay of all employees. He or she shall be the custodian of all personnel records and shall be the official upon or with whom all notices or requests for hearing, complaints and official documents relating to the personnel service shall be served or filed.

260.06 DISCIPLINARY ACTION; DISMISSAL; DEMOTION.

(a) When, in the judgment of the Personnel Director, an employee's work, performance or conduct justifies disciplinary action short of dismissal, the employee may be suspended without pay, provided that the employee's rights under the Veterans' Preference Act are respected, if said employee is entitled to the benefits thereof.

(b) Permanent employees may be dismissed or demoted whenever, in the judgement of the Personnel Director, the employee's work or misconduct so warrants, provided that said dismissal is in compliance with the Veterans' Preference Act, if said employee is entitled to the benefits thereof.

(c) During the course of any investigation, the Personnel Director may request any employee to attend a proceeding and testify thereat. Any employee refusing to do so may be subject to disciplinary action, as the Personnel Director shall determine, in accordance with this chapter.

260.07 PREFERENCE FOR VETERANS.

In all cases of appointments, promotions or removals, preference or priority shall be given to any veteran of the military or naval service of the United States in compliance with State or Federal law.

TITLE EIGHT - Boards, Commissions, Authorities and Bureaus

Chap. 270. Planning Commission.
Chap. 272. Board of Zoning Appeals.
Chap. 274. Board of Review.
Chap. 276. Library Board.
Chap. 278. Cable Television Editorial Board.
Chap. 280. Personnel Board.
Chap. 282. Commission on Aging.
Chap. 284. Housing Commission.
Chap. 286. Local Officers Compensation Commission.
Chap. 288. Recreation Commission.
Chap. 290. Negaunee Downtown Development Authority.
Chap. 292. Municipal Ordinance Violations Bureau.

CHAPTER 270
Planning Commission

EDITOR'S NOTE: Provisions relating to the Planning Commission are codified in Chapter 1220 of Part Twelve - the Planning and Zoning Code.

CHAPTER 272
Board of Zoning Appeals

EDITOR'S NOTE: Provisions relating to the Board of Zoning Appeals are codified in Chapter 1264 of Part Twelve - the Planning and Zoning Code.

CHAPTER 274
Board of Review

EDITOR'S NOTE: There are no sections in Chapter 274. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Taxation generally - see CHTR. Art. IX
Assessment of property subject to taxation - see CHTR. §9.1
Board of Review - see CHTR. §§9.3 et seq.
Special assessments - see CHTR. Art. X

CHAPTER 276
Library Board

276.01	Establishment; composition; appointments.	276.03	Ex officio members.
276.02	Terms.	276.04	Officers; meetings.
		276.05	Duties.

CROSS REFERENCES

Libraries generally - see Mich. Const. Art. 8, §9; M.C.L.A. §§397.11 et seq., 450.691 et seq.
City library reports - see M.C.L.A. §397.207
Contracts for joint municipal libraries - see M.C.L.A. §§397.213 et seq.
Librarian - see ADM. Ch. 242

276.01 ESTABLISHMENT; COMPOSITION; APPOINTMENTS.

There is hereby established in and for the City a Library Board, which shall consist of five members to be appointed by the Mayor with the approval of Council.

276.02 TERMS.

The terms of the Library Board members shall be five years, unless an individual is appointed to serve the balance of someone else's term.

276.03 EX OFFICIO MEMBERS.

The Library Board may select ex officio representatives, which representatives may attend Board meetings, speak to the Board on all issues and work on committees, but shall have no voting power. The number of ex officio members shall not exceed three. No member of Council shall serve on the Board in any capacity.

276.04 OFFICERS; MEETINGS.

The Library Board shall select a President and a Secretary and shall meet at such times as the Board may determine.

276.05 DUTIES.

The Library Board shall have complete responsibility for management of the Library and for expenditures of all Library funds, consistent with the Charter, and shall have such other powers, duties and responsibilities as set forth in M.C.L.A. 397.205, as amended.

CHAPTER 278
Cable Television Editorial Board

278.01	Establishment; composition; appointments.	278.03	Membership.
278.02	Terms.	278.04	Officers; meetings.
		278.05	Responsibility.

CROSS REFERENCES

Notice of public meetings - see M.C.L.A. §15.264
Construction and maintenance of facilities - see M.C.L.A. §§247.183 et seq.
Television and radio generally - see M.C.L.A. §§484.301 et seq., 750.507 et seq.
Cables improperly located; insurance - see M.C.L.A. §500.3123

278.01 ESTABLISHMENT; COMPOSITION; APPOINTMENTS.

There is hereby established in and for the City a Cable Television Editorial Board, which shall consist of five members to be appointed by the Mayor with the approval of Council.

278.02 TERMS.

The terms of the Directors of the Cable Television Editorial Board shall initially be as follows:

(a) One Director shall be appointed for a term of five years.
(b) One Director shall be appointed for a term of four years.
(c) One Director shall be appointed for a term of three years.
(d) One Director shall be appointed for a term of two years.
(e) One Director shall be appointed for a term of one year.

Upon the expiration of each term, a successor shall be appointed to a five-year term.

278.03 MEMBERSHIP.

Members of the Cable Television Editorial Board shall be from the City at large, and no member of Council shall serve on the Board in any capacity.

278.04 OFFICERS; MEETINGS.

The Cable Television Editorial Board shall select a President and a Secretary and shall meet at such times as the Board may determine.

278.05 RESPONSIBILITY.

The Cable Television Editorial Board shall have complete responsibility for the management of the editorial content of all City cable television service programming pursuant to the Cable Communications Policy Act of 1984, as amended.

CHAPTER 280
Personnel Board

280.01 Establishment; composition; qualifications; terms; vacancies; compensation; Chairperson.
280.02 Duties.

CROSS REFERENCES

Recall - see CHTR. §3.4; M.C.L.A. §117.4i
Civil service - see CHTR. §7.7; M.C.L.A. §117.4i
Municipal Employees' Retirement System - see M.C.L.A. §§38.601 et seq.
Compensation and salaries in home rule cities - see M.C.L.A. §§117.3, 117.5, 117.17, 117.19, 117.20, 117.28, 117.32, 117.33
Shortening or extending term of office - see M.C.L.A. §117.5
Personnel Director - see ADM. Ch. 246, 260.05, 260.06

280.01 ESTABLISHMENT; COMPOSITION; QUALIFICATIONS; TERMS; VACANCIES; COMPENSATION; CHAIRPERSON.

There is hereby established in and for the City a Personnel Board, which shall consist of three members appointed by Council. The members shall be persons in sympathy with the application of merit principles to public employment. No member shall be employed by, or be an official of, the City, or be a member of any local or State committee of a political party, or hold or be a candidate for any elective office. Members shall serve for a term of three years, provided that in the appointment of the first Board, Council shall appoint one member for a term of one year, one for a term of two years and one for a term of three years. Vacancies occurring during the term shall be filled for the balance of the term. Members shall serve in an advisory capacity, without compensation, but funds shall be provided for reasonable and necessary expenses. The Board shall elect its own Chairperson.

280.02 DUTIES.

In addition to the duties set forth elsewhere in these Codified Ordinances, the Personnel Board shall:

(a) Advise the Personnel Director and Council on matters relating to personnel policy.

(b) Make any inquiry which it may consider desirable concerning personnel administration in the City service, and make recommendations to the Personnel Director or Council with respect thereto.

CHAPTER 282
Commission on Aging

282.01	Older person and senior citizen defined.	282.04	Employees.
282.02	Establishment; composition; appointments; terms; compensation; expenses.	282.05	Delivery of funds to City Treasurer.
282.03	Powers and duties.	282.06	Financial and accounting records.
		282.07	Budget.

CROSS REFERENCES

Discrimination generally - see Mich. Const. Art. 1, §2; M.C.L.A. §§37.1 et seq., 423.301 et seq., 750.146 et seq.

Inspection of motor vehicles used by senior citizen centers - see M.C.L.A. §257.715a

Commission on services to the aging - see M.C.L.A. §§400.583, 400.584

Bingo conducted by senior citizens organizations - see M.C.L.A. §§432.101 et seq.

282.01 OLDER PERSON AND SENIOR CITIZEN DEFINED.

As used in this chapter, the terms "older person" and "senior citizen" mean persons sixty years of age or older and their spouses.

282.02 ESTABLISHMENT; COMPOSITION; APPOINTMENTS; TERMS; COMPENSATION; EXPENSES.

There is hereby established in and for the City a Commission on Aging, which shall consist of nine members appointed by Council. The members initially appointed shall be divided into three groups of three members each, with terms for the members of each group expiring the first, second and third year, respectively, following their initial appointments to the Commission. Successive terms shall be for three years each in all cases, and all appointments to fill vacancies shall be for the unexpired term being filled. No compensation shall be furnished to the members of the Commission, except that, subject to the approval of Council, they may be reimbursed for their out-of-pocket expenses actually incurred in the performance of their duties as members of the Commission. All such expenses shall be submitted to the City Clerk.

282.03 POWERS AND DUTIES.

The Commission on Aging shall have the following powers and duties:

(a) To plan, coordinate, evaluate and provide activities, services and programs for older persons, including the operation and maintenance of one or more buildings or locations designed to carry out such activities, services and programs.

(b) To encourage and assist in the development of activities, projects, services and programs directed towards the older persons of the community.

(c) To initiate, coordinate and administer applications for funds designated to carry out the powers and duties of the Commission, and to utilize any such funds in the execution of its powers and duties, all of which activities shall be subject to advance approval by Council. However, this provision shall not be construed to give the Commission the power to borrow money without the advance consent of Council.

(d) To collect, analyze and disseminate data concerning services which affect older persons and cooperate with political subdivisions and private programs for the purpose of reviewing and evaluating such services.

(e) To present to Council, for its approval, proposed contracts which arise from and concern the performance of the powers and duties of the Commission, and, subject to the authority of the City Manager, to administer such contracts after they have been approved by Council.

(f) To elect from its membership a Chairperson, Secretary and Treasurer and such assistant or vice-officers as it deems appropriate.

(g) To adopt such reasonable bylaws, rules and regulations, which are not in conflict with the City Charter or this chapter, as may be necessary for its own government and for the full and complete execution of its power and duties.

(h) To report on a monthly basis to Council, or otherwise as Council may direct, with regard to the status of its programs and services.

(i) To do any other act or thing arising from or concerning the performance of its powers and duties, which Council deems necessary, so long as such activities are not in conflict with any applicable laws or the City Charter.

282.04 EMPLOYEES.

The employment and termination of all personnel of the Commission on Aging shall be governed by the City Charter, any rules or ordinances promulgated by Council and appropriate State statutes. The Commission may make personnel recommendations to the City Manager. The employment policies and practices established by the City Manager shall be strictly adhered to.

282.05 DELIVERY OF FUNDS TO CITY TREASURER.

The Commission on Aging shall deliver all monies and evidences of value to the custody of the City Treasurer, pursuant to the terms of Article VI, Section 6.9(b), of the City Charter.

282.06 FINANCIAL AND ACCOUNTING RECORDS.

The Commission on Aging shall maintain financial and accounting records in accordance with the requirements of the City Charter and as otherwise provided by law or applicable rules and regulations. Such records shall be made available to the City Clerk on a monthly basis and shall be subject to audit, pursuant to State and local law.

282.07 BUDGET.

The Commission on Aging shall submit a proposed budget to the City Manager on or before the first day of July each year.

CHAPTER 284
Housing Commission

EDITOR'S NOTE: Copies of the Bylaws of the Negaunee Housing Commission may be obtained, at cost, from the City Clerk.

284.01	Establishment; composition; residency requirement; appointment; terms.
284.02	Powers and duties.
284.03	Designation of members as Commissioners; officers; adoption of bylaws, rules and regulations; compensation.
284.04	Employees; supervision; compensation.
284.05	Conflicts of interest.
284.06	Reports.

CROSS REFERENCES

Municipal housing commissions - see M.C.L.A. §§125.653 et seq.

Adoption, promulgation and publication of rules - see M.C.L.A. §125.694b

Acquisition and maintenance of housing projects - see M.C.L.A. §§125.731 et seq.

284.01 ESTABLISHMENT; COMPOSITION; RESIDENCY REQUIREMENT; APPOINTMENT; TERMS.

There is hereby established in and for the City a Housing Commission, which shall consist of five members who must be residents of the City. They shall be appointed by the Manager and serve for the terms provided by State statute.

284.02 POWERS AND DUTIES.

The Housing Commission shall constitute a Municipal authority and shall perform the duties and have the powers granted to it by State statute.

284.03 DESIGNATION OF MEMBERS AS COMMISSIONERS; OFFICERS; ADOPTION OF BYLAWS, RULES AND REGULATIONS; COMPENSATION.

The five members of the Housing Commission shall be designated as Commissioners and shall select a Chairperson and Vice-Chairperson and adopt bylaws, rules and regulations as provided by State statute. Such Commissioners shall receive no salary and may be removed for cause as provided by State statute.

284.04 EMPLOYEES; SUPERVISION; COMPENSATION.

The Housing Commission is hereby authorized to hire such employees as it deems necessary to carry out its functions. Said employees shall be under the direct supervision of the Housing Director. All compensation for such employees shall be subject to the approval of the City Manager.

284.05 CONFLICTS OF INTEREST.

No Commissioner or employee of the Housing Commission shall acquire any interest in any plan, project or contract of the Commission. In the event that any such Commissioner or employee acquires any interest in any plan, project or contract, or anything proposed by such Commission, he or she shall make a complete written report, which shall be entered upon the minutes of such Commission.

284.06 REPORTS.

The Housing Commission shall present an annual report to Council and any other reports as may be required.

CHAPTER 286
Local Officers Compensation Commission

286.01	Establishment; composition; terms; vacancies; conflicts of interest.	286.03	Meetings; quorum; Chairperson; compensation; expenses.
286.02	Determination of salaries; rejection by Council; expense allowances.	286.04	Implementation of chapter; revision of compensation procedure.

CROSS REFERENCES

Compensation of Council - see CHTR. §4.4

Compensation and salaries in home rule cities - see M.C.L.A. §§117.3, 117.5, 117.17, 117.19, 117.20, 117.28, 117.32, 117.33

Employees generally - see ADM. Ch. 260

286.01 ESTABLISHMENT; COMPOSITION; TERMS; VACANCIES; CONFLICTS OF INTEREST.

There is hereby established in and for the City a Local Officers Compensation Commission, which shall consist of five members, who are registered electors of the City, appointed by the Mayor, subject to confirmation by a majority of the members elected and serving on Council. The terms of office shall be five years, except that of members first appointed, one each shall be appointed for terms of one, two, three, four and five years. All first members shall be appointed within thirty days after the effective date of this section. Thereafter, members shall be appointed before October 1 of the year of appointment. Vacancies shall be filled for the remainder of the unexpired term in the same manner in which original appointments are made. No member or employee of the legislative, judicial or executive branch of any level of government, or member of the immediate family of such member or employee, shall be eligible to be a member of the Commission.

286.02 DETERMINATION OF SALARIES; REJECTION BY COUNCIL; EXPENSE ALLOWANCES.

The Local Officers Compensation Commission shall determine the salaries of all locally elected officials, which determination shall be final unless Council, by resolution adopted by two-thirds of the members elected to and serving thereon, rejects such salaries. The determinations of the Commission shall be effective thirty days following their filing with the City Clerk, unless rejected by Council. In case of rejection, the existing salary shall prevail. Any expense allowance or reimbursement paid to elected officials in addition to salary shall be for expenses incurred during the course of City business and accounted for to the City.

286.03 MEETINGS; QUORUM; CHAIRPERSON; COMPENSATION; EXPENSES.

The Local Officers Compensation Commission shall meet for not more than fifteen session days in every odd-numbered year and shall make its determination within forty-five calendar days of its first meeting. A majority of the members of the Commission constitute a quorum for conducting the business of the Commission. The Commission shall take no action or make determinations without a concurrence of a majority of the members appointed and serving on the Commission. The Commission shall elect a Chairperson from among its members. As used in this section, "session days" means any calendar day on which the Commission meets and a quorum is present. The members of the Commission shall receive no compensation, but shall be entitled to their actual and necessary expenses incurred in the performance of their duties.

286.04 IMPLEMENTATION OF CHAPTER; REVISION OF COMPENSATION PROCEDURE.

Council shall implement the provisions of this chapter by resolution. After one year following the effective date of this chapter, the procedure for establishing the compensation of elected officials may be changed by Charter amendment or revision.

CHAPTER 288
Recreation and Parks Commission

EDITOR'S NOTE: This chapter, previously entitled "Recreation Commission," was repealed in its entirety and re-enacted under its present title by an unnumbered ordinance passed October 8, 1998.

288.01	Establishment; composition; terms; vacancies.	288.05	Duties of Recreation Director.
288.02	Officers; adoption of bylaws, rules and regulations.	288.06	Budget; solicitation and acceptance of donations; audit.
288.03	Authority of Commission.	288.07	Reports.
288.04	Appointment of Recreation Director and other employees.		

CROSS REFERENCES

Parks generally - see Mich. Const. Art. 7, §23
Recreation Department - see CHTR. §18.7
Recreation facilities in home rule cities - see M.C.L.A. §117.4e
Sale of park property - see M.C.L.A. §117.5
Misapplication of park funds - see M.C.L.A. §123.67
Recreation areas in subdivisions - see P. & Z. 1246.07(a)

288.01 ESTABLISHMENT; COMPOSITION; TERMS; VACANCIES.

(a) There is hereby established in and for the City a Recreation and Parks Commission, which shall consist of seven members, including five voting members who are residents of the City of Negaunee, and two non-voting members, one a resident of Negaunee Township and one a resident of Richmond Township. The five voting City of Negaunee resident members shall be appointed by the Mayor, with approval of the Council. The Richmond and Negaunee Township non-voting members shall be appointed by the Townships by a method as determined by each Township.

(b) All members shall serve for a period of two years or until their successors qualify, except that when the Commission is first organized, the terms of initial members shall be staggered as follows:

(1) One voting Negaunee resident for an initial term of three years;
(2) One voting Negaunee resident for an initial term of three years;
(3) One voting Negaunee resident for an initial term of two years;
(4) One voting Negaunee resident for an initial term of two years;
(5) One voting Negaunee resident for an initial term of one year;
(6) The Negaunee Township non-voting member for a term of two years; and
(7) The Richmond Township non-voting member for a term of one year.

(c) Vacancies on the Commission occurring other than by expiration of term shall be filled in the same manner as the original appointment.
(Ord. Unno. Passed 10-8-98.)

288.02 OFFICERS; ADOPTION OF BYLAWS, RULES AND REGULATIONS.

Immediately after their appointment, members of the Recreation and Parks Commission shall meet and organize by electing one of their members as Chairperson and by electing such other officers as may be necessary. The Commission shall have the power to adopt bylaws, rules and regulations for the proper conduct of business meetings. (Ord. Unno. Passed 10-8-98.)

288.03 AUTHORITY OF COMMISSION.

The Recreation and Parks Commission shall be an advisory commission to the City Council and the City Manager. (Ord. Unno. Passed 10-8-98.)

288.04 APPOINTMENT OF RECREATION DIRECTOR AND OTHER EMPLOYEES.

The City Manager shall have the power to appoint or designate a Recreation Director, who is trained and properly qualified for the work, and such other personnel as are approved in the City budget. (Ord. Unno. Passed 10-8-98.)

288.05 DUTIES OF RECREATION DIRECTOR.

The Recreation Director shall conduct activities on or in and supervise public playgrounds, parks, athletic fields, recreation centers and other recreational facilities on any of the properties owned or controlled by the City or the Negaunee City Schools, subject to approval by the Negaunee School District, or on other properties with the consent of the owners and authorities thereof. (Ord. Unno. Passed 10-8-98.)

288.06 BUDGET; SOLICITATION AND ACCEPTANCE OF DONATIONS; AUDIT.

(a) Annually, the Recreation and Parks Commission, working in conjunction with the Recreation Director, shall submit a complete revenue and expenditure budget to the City for approval. The Commission may also solicit or receive any gifts or bequests of money or other personal property or donations, and such money, property or donations shall be applied for either temporary or permanent use for playgrounds, facilities or other recreational purposes.

(b) Annually, there shall be a complete financial audit of the operation of the Commission, which audit shall be a part of the City's general fund audit.
(Ord. Unno. Passed 10-8-98.)

288.07 REPORTS.

The Recreation and Parks Commission shall make a summary annual report to the governing body, and other reports from time to time as requested by the City.
(Ord. Unno. Passed 10-8-98.)

CHAPTER 290
Negaunee Downtown Development Authority

290.01	Establishment; boundaries of downtown development district.	290.03	Powers and duties.
290.02	Composition; appointments; terms; vacancies; compensation; Chairperson; expenses.	290.04	Adoption of rules; meetings; records; quorum; officers; employees; compensation; expenses.
		290.05	Removal of members by Council.

CROSS REFERENCES

Municipal bonds - see CHTR. §§12.3 et seq.; M.C.L.A. §§117.4a, 117.4b, 117.4e, 117.4g, 117.5, 117.14a, 117.35a
Improvements in home rule cities - see M.C.L.A. §§117.4d et seq.
Business area redevelopment projects - see M.C.L.A. §§125.981 et seq.
Downtown development authorities - see M.C.L.A. §§125.1651 et seq.

290.01 ESTABLISHMENT; BOUNDARIES OF DOWNTOWN DEVELOPMENT DISTRICT.

There is hereby established in and for the City a Negaunee Downtown Development Authority, pursuant to Act 197 of the Public Acts of 1975, as amended. The boundaries of the downtown development district shall be as follows: A parcel of land situated in the City of Negaunee, County of Marquette, State of Michigan, more particularly described as follows, to-wit:

> Commencing at the intersection of the centerline of Tobin Street and Jackson Street, thence south on Tobin Street to the northwest corner of Lot 88 of the Iron Plat Addition, thence southeasterly along the north lot line of Lot 88 to the centerline of Gold Street; thence south along the centerline of Gold Street to Copper Street; thence east along the centerline of Copper Street to Silver Street; thence north along the

centerline of Silver Street to Rail Street; thence east along the centerline of Rail Street to the centerline of Division Street; thence south along the centerline of Division Street 300 feet; thence east 750 feet; thence northwesterly to the intersection of the centerline of Teal Lake Avenue and Case Streets; thence west along the centerline of Case Street to the centerline of Jackson Street; thence west on Jackson Street to the point of beginning.

290.02 COMPOSITION; APPOINTMENTS; TERMS; VACANCIES; COMPENSATION; CHAIRPERSON; EXPENSES.

The Negaunee Downtown Development Authority shall be composed of nine members, consisting of the City Manager and eight members appointed by the Mayor, subject to the approval of Council. At least five members shall be persons having an interest in property located in the downtown development district, and at least one member shall be a resident of the downtown development district. Of the members first appointed, two shall be appointed for one year, two shall be appointed for two years, two shall be appointed for three years and two shall be appointed for four years. A member shall hold office until the member's successor is appointed. Thereafter, a member shall serve for a term of four years. An appointment to fill a vacancy shall be made by the Mayor and approved by Council for the unexpired term only. Members of the Authority shall serve without compensation, but shall be reimbursed for actual and necessary expenses. The Chairperson of the Authority shall be elected by the members.

290.03 POWERS AND DUTIES.

The Negaunee Downtown Development Authority shall have all the powers and duties set forth in Act 197 of Public Acts of 1975, as amended.

290.04 ADOPTION OF RULES; MEETINGS; RECORDS; QUORUM; OFFICERS; EMPLOYEES; COMPENSATION; EXPENSES.

The Negaunee Downtown Development Authority shall adopt its own rules governing its procedure and the holding of regular meetings. Special meetings may be held when called in the manner provided in the rules of the Authority. Meetings of the Authority shall be open to the public, and a record shall be kept of all proceedings. Five members shall constitute a quorum for the transaction of business. A Chairperson and Vice-Chairperson shall be elected by the Authority. The Authority may appoint a Director, who may also serve as Secretary, and such other employees or officers as shall be necessary. The Authority shall prescribe the duties of all its officers and employees and fix their compensation. All expense items of the Authority shall be publicized monthly, and financial records shall be open to the public.

290.05 REMOVAL OF MEMBERS BY COUNCIL.

After providing notice and an opportunity to be heard, a member of the Negaunee Downtown Development Authority may be removed for cause by Council.

CHAPTER 292
Municipal Ordinance Violations Bureau

292.01	Definitions.	292.04	Municipal civil infraction citations; contents.
292.02	Municipal civil infractions action; commencement.	292.05	Establishment, control and powers of Bureau.
292.03	Municipal civil infraction citations; issuance and service.	292.06	Schedule of civil fines established.

CROSS REFERENCES

Authority of Council re penalties - see CHTR. §5.13
General Code penalty - see ADM. 202.99
Parking Violations Bureau - see TRAF. Ch. 440
Traffic citations - see TRAF. 440.05

292.01 DEFINITIONS.

As used in this chapter:

(a) Act. "Act" means Act 236 of the Public Acts of 1961, as amended.

(b) Authorized City Official. "Authorized City Official" means a police officer or other personnel of the City authorized by this Code or any ordinance or resolution of Council to issue Municipal civil infraction citations or Municipal civil infraction violation notices.

(c) Bureau. "Bureau" means the City of Negaunee Municipal Ordinance Violations Bureau as established by this chapter.

(d) Municipal Civil Infraction. "Municipal civil infraction" means an act or omission that is prohibited by these Codified Ordinances or any ordinance of the City, but which is not a crime under these Codified Ordinances or other ordinance, and for which civil sanctions, including, without limitation, fines, damages, expenses and costs, may be ordered, as authorized by Chapter 87 of Act 236 of the Public Acts of 1961, as amended. A Municipal civil infraction is not a lesser included offense of a violation of these Codified Ordinances that is a criminal offense.

(e) Municipal Civil Infraction Action. "Municipal civil infraction action" means a civil action in which the defendant is alleged to be responsible for a Municipal civil infraction.

(f) Municipal Civil Infraction Citation. "Municipal civil infraction citation" means a written complaint or notice prepared by an authorized City official, directing a person to appear in court regarding the occurrence or existence of a Municipal civil infraction violation by the person cited.

(g) Municipal Civil Infraction Notice. "Municipal civil infraction notice" means a written notice prepared by an authorized City official, directing a person to appear at the City of Negaunee Municipal Ordinance Violations Bureau and to pay the fine and costs, if any, prescribed for the violation by the schedule of civil fines adopted by the City, as authorized under Sections 8396 and 8707(6) of the Act.

292.02 MUNICIPAL CIVIL INFRACTIONS ACTION; COMMENCEMENT.

A Municipal civil infraction action may be commenced upon the issuance by an authorized City official of:

(a) A Municipal civil infraction citation directing the alleged violator to appear in Court; or

(b) A Municipal civil infraction notice directing the alleged violator to appear at the City of Negaunee Municipal Ordinance Violations Bureau.

292.03 MUNICIPAL CIVIL INFRACTION CITATIONS; ISSUANCE AND SERVICE.

Municipal civil infraction citations shall be issued and served by authorized City officials as follows:

(a) The time for appearance specified in a citation shall be within a reasonable time after the citation is issued.

(b) The place for appearance specified in a citation shall be the 96th District Court.

(c) Each citation shall be numbered consecutively and shall be in a form approved by the State Court Administrator. The original citation shall be filed with the District Court. Copies of the citation shall be retained by the City and issued to the alleged violator as provided by Section 8705 of the Act.

(d) A Municipal civil infraction citation signed by an authorized City official shall be treated as made under oath if the violation alleged in the citation occurred in the presence of the official signing the citation, and if the citation contains the following statement immediately above the date and signature of the official:

" I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge and belief."

(e) An authorized City official who witnesses a person committing a Municipal civil infraction shall prepare and subscribe, as soon as possible and as completely as possible, an original and required copies of a Municipal civil infraction citation or a Municipal civil infraction notice.

(f) An authorized City official may issue a Municipal civil infraction citation or a Municipal civil infraction notice to a person if:

(1) Based upon investigation the official has reasonable cause to believe that the person is responsible for a Municipal civil infraction; or

(2) Based upon investigation of a complaint by someone who allegedly witnessed the person commit a Municipal civil infraction, the official has reasonable cause to believe that the person is responsible for an infraction and the Prosecuting Attorney or the City Attorney approves in writing the issuance of the citation.

(g) Municipal civil infraction citations and Municipal civil infraction notices shall be served by an authorized City official as follows:

(1) Except as provided in paragraph (g)(2) hereof and in Section 292.05(g), an authorized City official shall personally serve a copy of a citation or notice upon the alleged violator.

(2) If the Municipal civil infraction action involves the use or occupancy of land, a building or other structure, a copy of the citation or notice does not need to be personally served upon the alleged violator, but may be served upon an owner or occupant of the land, building or other structure by posting the copy on the land or attaching a copy to the building or structure. In addition, a copy of the citation or notice shall be sent by first class mail to the owner of the land, building or structure at such owner's last known address.

292.04 MUNICIPAL CIVIL INFRACTION CITATIONS; CONTENTS.

(a) A Municipal civil infraction citation shall contain the name and address of the alleged violator, the Municipal civil infraction alleged, the place where the alleged violator shall appear in court, the telephone number of the court, and the time at or by which the appearance shall be made.

(b) Further, such citation shall inform the alleged violator that he or she may do one of the following:

(1) Admit responsibility for the Municipal civil infraction by mail, in person, or by representation, at or by the time specified for appearance.

(2) Admit responsibility for the Municipal civil infraction "with explanation," by mail by the time specified for appearance, or in person or by representation.

(3) Deny responsibility for the Municipal civil infraction by doing either of the following:

A. Appearing in person for an informal hearing before a judge or District Court magistrate, without the opportunity of being represented by an attorney, unless a formal hearing before a judge is requested by the City.

B. Appearing in court for a formal hearing before a judge, with the opportunity of being represented by an attorney.

(c) The citation shall also inform the alleged violator of the following:

(1) That if the alleged violator desires to admit responsibility "with explanation" in person or by representation, the alleged violator must apply to the court in person, by mail, by telephone, or by representation, within the time specified for appearance and obtain a scheduled date and time for an appearance.

(2) That if the alleged violator desires to deny responsibility, the alleged violator must apply to the court in person, by mail, by telephone, or by representation, within the time specified for appearance and obtain a scheduled date and time to appear for a hearing, unless a hearing date is specified on the citation.

(3) That a hearing shall be an informal hearing unless a formal hearing is requested by the alleged violator or the City.

(4) That at an informal hearing the alleged violator must appear in person before a judge or District Court magistrate, without the opportunity of being represented by an attorney.

(5) That at a formal hearing the alleged violator must appear in person before the judge with the opportunity of being represented by an attorney.

(d) The citation shall contain a notice in bold-face type that the failure of the alleged violator to appear within the time specified in the citation or at the time scheduled for a hearing or appearance is a misdemeanor and will result in entry of a default judgment against the violator on the Municipal civil infraction.

292.05 ESTABLISHMENT, CONTROL AND POWERS OF BUREAU.

(a) Establishment; Supervision and Control by Manager. Pursuant to Section 8396 of Act 12 of the Public Acts of 1994, as amended, there is hereby established a Municipal Ordinance Violations Bureau in the City for the purpose of accepting admissions of responsibility for Municipal civil infractions and collecting and retaining civil fines and costs provided for in the schedule provided for in this chapter and in Section 202.99. The Bureau shall be under the supervision and control of the City Manager.

(b) Location; Supervision; Organization; Administration. The Bureau shall be located at the Negaunee City Hall. The City Manager shall, subject to the approval of Council, appoint qualified City employees to administer the Bureau and adopt rules and regulations for the operation thereof.

(c) Disposition of Violations; Other Remedies. The Bureau may dispose of Municipal civil infraction violations for which a Municipal civil infraction notice has been issued and for which specific fines and costs are prescribed in the schedule provided for in this chapter and/or in Section 202.99. Nothing in this chapter shall prevent or restrict the City from filing a Municipal civil infraction citation with the District Court or otherwise limit the remedies available to the City for violations of these Codified Ordinances. No person shall be required to dispose of a Municipal civil infraction at the Bureau, and the unwillingness of any person to dispose of any violation at the Bureau shall not prejudice the person or in any way diminish the person's rights, privileges and protection accorded by law. Further, the fines set forth in the schedule provided for in this chapter and in Section 202.99 shall apply only to admissions of responsibility made at the Bureau and shall in no way bind or restrict the discretion of any court in formulating a remedy for the commission of a Municipal civil infraction.

(d) Bureau Limited to Accepting Admissions of Responsibility. The scope of the Bureau's authority shall be limited to accepting admissions of responsibility for Municipal civil infractions and collecting and retaining civil fines and costs as a result of those admissions. The Bureau shall not accept payment of a fine from any person who denies having committed the offense or who admits responsibility only with explanation, and in no event shall the Bureau determine, or attempt to determine, the truth or falsity of any fact or matter relating to an alleged violation.

(e) Municipal Civil Infraction Notices. Municipal civil infraction notices shall be issued and served by authorized City officials under the same circumstances and upon the same persons as provided for citations in Section 292.03(f) and (g). In addition to any other information required by these Codified Ordinances or any other ordinance, the notice of violation shall indicate the time by which the alleged violator must appear at the Bureau, the methods by which an appearance may be made, the address and telephone number of the Bureau, the hours during which the Bureau is open, the amount of the fine scheduled for the alleged violation, and the consequences for failure to appear and pay the required fine within the required time.

(f) Appearance; Payment of Fines and Costs. An alleged violator receiving a Municipal civil infraction notice shall appear at the Bureau and pay the specified fine and costs at or by the time specified for acceptance in the Municipal civil infraction notice. An appearance may be made by mail, in person, or by representation.

(g) Procedure Where Admission of Responsibility Not Made or Fine Not Paid. If an authorized City official issues and serves a Municipal civil infraction notice, and if an admission of responsibility is not made and the civil fine and costs, if any, prescribed by ordinance for the violation are not paid at the Municipal Ordinance Violations Bureau, a Municipal civil infraction citation may be filed with the District Court and a copy of such citation may be served by first class mail upon the alleged violator at the alleged violator's last known address. The citation filed with the Court and served upon the alleged violator shall comply with the provisions of Section 292.04.

292.06 SCHEDULE OF CIVIL FINES ESTABLISHED.

(a) The civil fines payable to the Bureau for admissions of responsibility by persons served with Municipal civil infraction notices shall be:

(1) Fifty dollars ($50.00) for the first offense within any twelve-month period;

(2) One hundred dollars ($100.00) for a second or any subsequent Municipal civil infraction of the same requirement or provision of these Codified Ordinances committed by any person within any twelve-month period for which such person admits responsibility.

(b) This schedule, as amended from time to time, shall be posted at the Bureau.

CHAPTER 298
District Court

EDITOR'S NOTE: Violations of Municipal law are prosecuted in the 96th District Court of the State of Michigan. Equitable remedies are pursued in Courts of competent jurisdiction.

There are no sections in Chapter 298. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Courts generally - see Mich. Const. Art. 6, §§1 et seq.;
M.C.L.A. §§600.101 et seq.
Circuit Courts generally - see Mich. Const. Art. 6, §1;
M.C.L.A. §§600.501 et seq.
District Courts generally - see M.C.L.A. §§600.8101 et seq.
General Code penalty - see ADM. 202.99
Municipal Ordinance Violations Bureau - see ADM. Ch. 292
Parking Violations Bureau - see TRAF. Ch. 440

CODIFIED ORDINANCES OF NEGAUNEE

PART FOUR - TRAFFIC CODE

CHAPTER 410
Uniform Traffic Code

410.01	Adoption by reference.	410.04	Application to Negaunee school properties.
410.02	Definitions.		
410.03	File copies.	410.05	Amendments.

CROSS REFERENCES

Traffic rules and regulations in home rule cities - see M.C.L.A. §117.4h

Traffic rules and regulations generally - see M.C.L.A. §§257.601 et seq., 257.634 et seq.

Uniform Traffic Code - see M.C.L.A. §§257.951 et seq.

Peace disturbances by motor vehicles - see GEN. OFF. 672.01(f)(1), (2), (8)

410.01 ADOPTION BY REFERENCE.

The Uniform Traffic Code for Cities, Townships and Villages, sometimes hereinafter referred to in this Traffic Code as the Uniform Traffic Code, promulgated by the Director of State Police and published in the 1981 edition of the Michigan Administrative Code, and amendments as published in the Michigan Administrative Code, in accordance with Act 62 of Public Acts of 1956, as amended (M.C.L.A. 257.951 to 257.954), are hereby adopted by reference as if fully set forth herein, except as may be hereinafter amended or deleted.

410.02 DEFINITIONS.

(a) References in the Uniform Traffic Code, as adopted in Section 410.01, to "governmental unit" shall mean the City.

(b) References in the Uniform Traffic Code, as adopted in Section 410.01, to "traffic engineer" shall mean the Chief of Police of the City.

(c) The definitions set forth in Section 1.1 of the Uniform Traffic Code shall be applicable throughout this Traffic Code, in addition to their application throughout the Uniform Traffic Code.

410.03 FILE COPIES.

A complete copy of the Uniform Traffic Code, as adopted in Section 410.01, is available at the office of the City Clerk for inspection by the public at all times.

410.04 APPLICATION TO NEGAUNEE SCHOOL PROPERTIES.

The Uniform Traffic Code, as adopted in Section 410.01, is hereby made expressly applicable to all property of the Negaunee High School, the Negaunee Middle School and the Lakeview Elementary School, all located within the City.

410.05 AMENDMENTS.

The following sections and subsections of the Uniform Traffic Code, as adopted in Section 410.01, are hereby amended or deleted as set forth below, and additional sections and subsections are added as indicated:

Sec. 2.44. Speed restrictions. (Amended) The traffic engineer is hereby authorized to establish, increase or decrease speed regulations provided for in this code and to erect signs which give notice thereof, as follows:

(a) Establish prima-facie lawful speed limits on streets outside of business or residential districts, which shall not be less than 15 miles per hour.
(b) Increase the prima-facie speed limits on through streets within business or residential districts.
(c) Establish the prima-facie speed limit in public parks, alleys and cemeteries.
(d) Establish the prima-facie speed limit on public school properties at all locations designed for vehicular use.

Sec. 10.39. Operation on roadway prohibited; exceptions.

(1) A person shall not operate a snowmobile on any roadway within the corporate limits of the City, except as follows:
    (a) The Chief of Police is hereby authorized to permit the operation of a snowmobile on a roadway when, because of snow or other extreme roadway conditions, conventional motor vehicles cannot be used for necessary transportation.
    (b) A snowmobile may be operated on a roadway when necessary to cross the roadway or to cross a bridge or culvert. The snowmobile shall be brought to a complete stop before entering onto the roadway, and the operator shall yield the right of way to a vehicle approaching on the roadway.
    (c) A snowmobile may be operated on a roadway only for a distance of not more than 500 feet while traveling to an area approved for snowmobile use or between 2 approved areas.

(d) A snowmobile may be operated at speeds not to exceed 10 miles per hour by a person 16 years of age or older, or by a person who is between the ages of 12 and 16 while under the direct supervision of an adult who is in excess of 18 years of age, between the hours of 8:00 a.m. and 11:59 p.m., on the extreme right-hand shoulder of the road if one is available or upon the extreme right-hand edge of the road if no shoulder is available, except on the following roads and in the following places, upon which the use of snowmobiles is strictly prohibited.

(2) A person shall not operate a snowmobile in any of the following locations:

(a) In a forest nursery or a planting area or, if vegetation might be damaged, on public lands which are posted or which are reasonably identifiable as an area of forest reproduction or as a natural dedicated area.

(b) On the frozen surface of public waters within 100 feet of a person, including a skater, who is not in or on a snowmobile, or within 100 feet of a fishing shanty or shelter, except at the minimum speed required to maintain forward movement of the snowmobile, or in an area that has been cleared of snow for skating purposes, unless the area is necessary for access to the public water.

(c) In an area in which public hunting is permitted during the season open to the taking of deer with firearms from 7 a.m. to 11 a.m. and from 2 p.m. to 5 p.m., except during an emergency; for law enforcement purposes; to go to and from a permanent residence or a hunting camp otherwise inaccessible by a conventional wheeled vehicle; for the conduct of necessary work functions involving land and timber survey, communication and transmission line patrol, and timber harvest operations; or on the person's own property, property under the person's control, or property on which the person is an invited guest.

(d) On or across a cemetery or burial ground.

(e) Within 100 feet of a slide, ski or skating area. A snowmobile may enter such an area for the purpose of servicing the area or for medical emergencies.

(f) On a railroad or railroad right-of-way, except when the railroad, a public utility, or a law enforcement employee is performing an official duty.

(g) On Iron Street from Pioneer Avenue to Tobin Street.

(3) A person shall not transport a bow or firearm on a snowmobile unless the bow is unstrung or the firearm is securely encased or equipped with, and made inoperative by, a manufactured, key-locked, trigger-housing mechanism.

FIRST READING: August 11, 2005
SECOND READING: September 8, 2005
PUBLICATIONS: September 30, 2005 & October 3, 2005
EFFECTIVE: October 10, 2005

ORDINANCE No. 2005-1

All Terrain Vehicle Use on City Streets

The City of Negaunee ORDAINS:

That Part Four of the Codified Ordinances of the City of Negaunee, Michigan shall be and the same hereby is amended to the following ordinance and adopt to read as follows:

REPEALER

The existing provisions of Part Four shall remain in full force and effect, except that any ordinance, resolution, order or parts thereof in conflict with the provisions of this amendment are, to the extent of such conflict, hereby repealed. This repeal shall be effective as of the effective date of the following amendment.

AMENDMENT

Chapter 415

(a) Purpose.

The intent of this ordinance is to authorize the establishment of access routes along highways and streets within the City of Negaunee for use by all-terrain vehicles (ATVs); establish the terms and conditions upon which such access routes may be used; and for the purpose of providing penalties for the violations thereof, pursuant to the Michigan Natural Resource and Environmental Protection Act, MCL 324.101 et. seq.

(b) Definitions.

When used in this ordinance, the following words or terms shall have the following meanings:

(1) "Highway" means the entire width between the boundary lines of a way publicly maintained when any part of the way is open to the use of the public for the purpose of vehicular travel. "Highway" includes city streets and alleys.

(2) "Operate" means to ride in or on, and to be in actual control of, the operation of an ATV.

(3) "Operator" means a person who operates or is in actual physical control of the operation of an ATV.

(4) "ATV" or "All Terrain Vehicle" means a 3- or 4-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 50 cc to 500 cc gasoline engine or an engine of comparable size using other fuels or such other definition as may be provided by State Law.

(5) "Roadway" means that portion of a highway improved, designated, or ordinarily used for vehicular travel, not including the shoulder. If a highway includes two or more separate roadways, the term roadway refers to a roadway separately, but not to all roadways collectively.

(6) "Shoulder" means that portion of the highway contiguous to the roadway, generally extending the contour of the roadway, not specifically designed for vehicular travel, but maintained for the temporary accommodation of disabled or stopped vehicles which are otherwise permitted on the roadway.

(c). <u>Designation of Highways for ATV Use.</u>

(1) Unless specifically designated otherwise as provided herein, all highways, city streets and alleys within the City are hereby designated to be access routes upon which ATVs may be operated for the purpose of providing access to and from areas where ATV operation is permitted. Such access routes do not include or involve state or federal highways.

(2) The City Council is hereby authorized, by Resolution, to designate those highways, streets or alleys under its jurisdiction, or parts or sections thereof, upon which the operation of ATVs shall be prohibited.

(3) The City shall maintain a map of all highways and streets under its jurisdiction, upon which shall be indicated all such highways and streets and parts or sections thereof upon which the operation of ATVs is prohibited. Copies of such map shall be maintained and made available to the public upon payment of the cost of reproduction thereof.

(d) <u>Regulations on ATV Operation</u>.

(1) No ATV shall be operated on any highway, street, alley, or any part or section thereof, under the jurisdiction of the City where the operation of ATVs on such highway or street, or part or section thereof, has been specifically prohibited by Resolution of the City Council.

(2) An ATV operated on a highway, street or alley pursuant to this ordinance shall at all times be operated:

A) For the purpose of gaining access to or from areas where ATV operation is permitted, using the most direct route;

B) On the outermost five (5) feet of the shoulder, or, in situations where no delineated shoulder exists, then on the outermost right side of the roadway, but not on grassy areas or areas not normally used for vehicular travel;

C) In single file, with the flow of traffic;

D) In compliance with all of the provisions of statutes, rules, regulations, and ordinances applicable to such ATV operation;

E) At a speed not to exceed five (5) miles per hour; and

F) Only between the hours of eight o'clock a.m. and eight o'clock p.m.

(3) An ATV may be operated on the roadway of a highway, street or alley under the jurisdiction of the City, whether or not such operation has been prohibited, only:

A) In a life threatening emergency; or

B) By crossing such roadway at right angles, for the purpose of getting from one area to another if the operation can be done in safety. The Operator shall bring the ATV to a complete stop prior to crossing the roadway, and shall yield the right of way to oncoming traffic, per MCL 324.81122.

(4) An ATV may not be operated:

A) On the part of a highway normally occupied by ditches, front slopes, back slopes, or utilities, such areas being more specifically defined as those parts of the highway between the outside shoulder point and the right of way boundary line;

B) Within City owned parks, or any natural areas, or cemetery properties within the City;

C) Upon, along, or within federal or state highways;

D) On those shoulders specifically designated as non-motorized facilities; or

E) In violation of any of the provisions of MCL 324.81101 et. seq. and the various subsections thereof, as amended, as well as all other statutes, rules, regulations, and ordinances applicable to such ATV operations.

(e) <u>Revocation of ATV Designation</u>.

The City Council may, from time to time, by Resolution, prohibit ATV use upon any highway, street, or alley under its jurisdiction or any part or section thereof, with or without cause, when such action is deemed appropriate by the City Council. Such prohibition shall become effective immediately.

(f) Violations and Penalties.

Any person who violates any provision of this Chapter is responsible for a civil infraction, and shall pay a civil fine of not more than one hundred dollars ($100.00), plus costs of prosecution, for each offense.

The above Ordinance shall be published as required by law, and shall be effective on the 18th day of September, 2005.

Upon roll call,

Council members voting aye: Council Members Perucco, Stanaway, Thomas Gravedoni, Dompierre, Johnson and Mayor Peterson

Council members voting nay: None

WHEREUPON, this Ordinance is declared passed and adopted on this 8 day of September, 2005.

CITY OF NEGAUNEE

_____

By: Its Mayor

Attest:

_____

By: Its Clerk

CHAPTER 420
Commercial and Heavy Vehicles

420.01 Weight limits. 420.99 Penalty.

CROSS REFERENCES

Traffic rules and regulations in home rule cities - see M.C.L.A. §117.4h
Traffic rules and regulations generally - see M.C.L.A. §§257.601 et seq., 257.634 et seq.
Uniform Traffic Code - see M.C.L.A. §§257.951 et seq.; TRAF. Ch. 410
Parking generally - see TRAF. Ch. 430
Parking Violations Bureau - see TRAF. Ch. 440
Storage of vehicles - see GEN. OFF. Ch. 692

420.01 WEIGHT LIMITS.

(a) Intent. The intent and purpose of this section is to protect the surfacing and paving of the public streets, to protect residential property located near such streets, to protect the public safety, especially the safety of children, and to protect City residents from excessive noise and dust.

(b) Definitions. As used in this section:

(1) "Through truck traffic" means truck traffic which originates outside the City and which travels over City streets to a destination outside the City.

(2) "Truck" means every truck, truck tractor, trailer, semitrailer, or any combination thereof, having a gross weight of ten tons or more, including the truck and its load, as determined by the State of Michigan Registration Certificate.

(c) Travel on Designated Route. Through truck traffic is prohibited upon the streets of the City, except that trucks weighing more than ten tons gross weight are permitted to travel the designated truck route. Such truck route is hereby designated as follows:

Teal Lake Avenue, between U.S. Route 41 and Main Street; Main Street, between Teal Lake Avenue and Jackson Street; Jackson Street, between Main Street and Silver Street; Silver Street, between Jackson Street and County Road; County Road, between Silver Street and the Ishpeming City limits.

(d) Interpretation. This section shall not be interpreted to prohibit:

(1) The operation of emergency vehicles on any City street;

(2) The operation of trucks owned or operated by the City while engaged in repair, maintenance or construction of streets, street improvements or public utilities within the City;

(3) The operation of trucks on any officially established detour in any case where such trucks could lawfully be operated upon the street for which such detour is established;

(4) The operation of trucks while engaged in one or more local pick-ups or deliveries along any City street, provided that such trucks shall use only those streets as may be reasonably necessary to reach the pick-up or delivery location, and that following the final pick-up or delivery, such trucks will return by the shortest route to the nearest street upon which they are normally permitted to operate.

(5) The operation of trucks on U.S. Route 41 or Route M-28 in the City.

(e) Signs. The City shall cause signs to be posted at all entrances to the City, giving notice of the restrictions on truck traffic. The City shall also post signs on the appropriate streets designating them as truck routes.

420.99 PENALTY.

Whoever violates any of the provisions of this chapter is responsible for a civil infraction and shall pay a civil fine of not more than one hundred dollars ($100.00), plus costs of prosecution, for each offense.

AMENDMENT TO CODIFIED ORDINANCES OF NEGAUNEE, MICHIGAN

FIRST READING: July 13, 2000
ADOPTED: August 10, 2000
PUBLISHED: September 15 & September 18, 2000
EFFECTIVE: August 20, 2000

AMENDMENTS TO CODIFIED ORDINANCE OF THE CITY OF NEGAUNEE, CHAPTER 420

The City of Negaunee, ORDAINS:

That Chapter 420 of the Codified Ordinances of Negaunee, Michigan, shall be, and the same hereby are, amended to read as follows:

REPEALER

Section 420.01(c) of the Codified Ordinances of Negaunee, Michigan, and any other ordinance, resolution, order or parts thereof in conflict with the provisions of this amendment are, to the extent of such conflict, hereby repealed. This repeal shall be effective as of the effective date of the following amendment.

AMENDMENT

1. Section 420.01(c) of the Codified Ordinances of Negaunee, Michigan, shall be, and is hereby amended to read as follows:

(c) Travel on Designated Route. Through truck traffic is prohibited upon the streets of the City, except that trucks weighing more than ten tons gross weight are permitted to travel on the designated truck route. Such truck route is hereby designated as follows:

Teal Lake Avenue, between U.S. Route 41 and Main street; Main Street, between Teal Lake Avenue and Jackson Street; Jackson Street, between Main Street and Silver Street; Silver Street, between Jackson Street and County Road; County Road between Silver Street and the Ishpeming City limits; and Division Street, between Lincoln Street and Rail Street; Pioneer Street, between Main Street and Iron Street; Rail Street between Division Street and County Road 480; and County Road 480 to the Negaunee City limits.

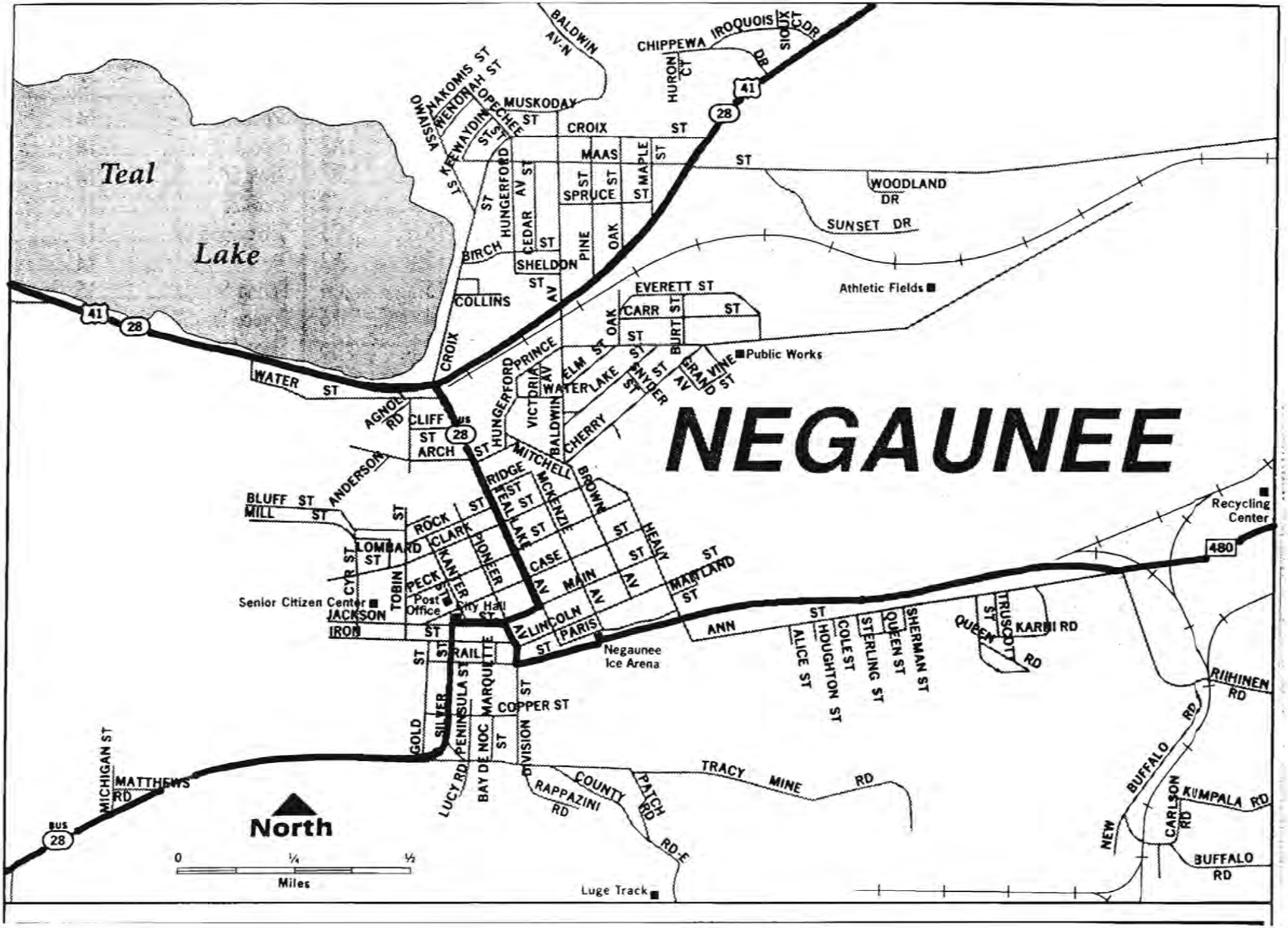
These Amendments shall be published as required by law, and shall be effective on the 20th **day of** August**, 2000.**

Upon roll call,

Council members voting aye: Terres, Terzaghi, Juidici, Binoniemi, Gravedoni, Pierce and Mayor Rappazini.

Council members voting nay: None.

G:\WP6\FILES\2284\ORDINANC\420.AMD


NEGAUNEE
Teal Lake
North
0 ¼ ½
Miles
Senior Citizen Center
Post Office
City Hall
Negaunee Ice Arena
Athletic Fields
Public Works
Recycling Center
Luge Track
WATER ST
CROIX ST
MUSKODAY ST
CHIPPEWA
IROQUOIS
SIOUX CT
HURON CT
BALDWIN AV-N
NAKOMIS ST
MENOMAH ST
OWAISSA ST
KEEWAYDIN ST
OPECHEE ST
MAAS ST
MAPLE ST
SPRUCE ST
HUNGERFORD AV
CEDAR ST
PINE ST
OAK ST
BIRCH ST
SHELDON ST
COLLINS
WOODLAND DR
SUNSET DR
EVERETT ST
CARR ST
BURT ST
PRINCE ST
VICTORIA AV
ELM ST
WATER ST
LAKE ST
SNYDER ST
GRAND AV
VINE ST
BALDWIN AV
CHERRY ST
AGNOLI RD
CLIFF ST
ARCH ST
ANDERSON
MITCHELL ST
RIDGE ST
MCKENZIE ST
BROWN ST
BLUFF ST
MILL ST
ROCK ST
CLARK ST
PEAL LAKE ST
LOMBARD ST
CYR ST
TOBIN ST
PECK ST
KANTER ST
PIONEER ST
CASE ST
MAIN AV
HEALY ST
MARLAND ST
JACKSON ST
IRON ST
LINCOLN AV
PARIS ST
ANN ST
RAIL ST
SILVER ST
GOLD ST
PENINSULA ST
MARQUETTE ST
BAY DE NOC ST
COPPER ST
DIVISION ST
ALICE ST
HOUGHTON ST
COLE ST
STERLING ST
QUEEN ST
SHERMAN ST
TRUSCOTT ST
KARBI RD
QUEEN RD
RIIHINEN RD
BUFFALO RD
NEW BUFFALO RD
CARLSON RD
KUMPALA RD
BUFFALO RD
TRACY MINE RD
COUNTY RD
PATCH RD
RD-E
RAPPAZINI RD
LUCY RD
MICHIGAN ST
MATTHEWS RD
41
28
BUS 28
480

CHAPTER 430
Parking Generally

430.01 Business district defined.
430.02 Time limits in the business district.
430.03 Application of chapter to commercial vehicles and trailers.
430.04 Posting of time limits.
430.99 Penalty.

CROSS REFERENCES

Traffic rules and regulations in home rule cities - see M.C.L.A. §117.4h
Traffic rules and regulations generally - see M.C.L.A. §§257.601 et seq., 257.634 et seq.
Parking generally - see M.C.L.A. §§257.672 et seq.
Uniform Traffic Code - see M.C.L.A. §§257.951 et seq.; TRAF. Ch. 410
Parking Violations Bureau - see TRAF. Ch. 440
Vehicle and trailer parking and storage - see GEN. OFF. Ch. 692

430.01 BUSINESS DISTRICT DEFINED.

As used in this chapter, "business district" means:

Pioneer Avenue, from Main Street south to Lincoln Street;
Iron Street, from Pioneer Avenue west to Tobin Street;
Marquette Street, from Iron Street south to Rail Street;
Silver Street, from Iron Street south to the Rail Street viaduct;
Gold Street, from Iron Street south to Old Depot;
Division Street, from Iron Street south to Rail Street;
Negaunee Center Mall parking lot;
First row in the Silver Street Parking Lot;
Jackson Street, from Pioneer Avenue to Kanter Street.

430.02 TIME LIMITS IN THE BUSINESS DISTRICT.

No person shall park any vehicle, trailer or other object in any nonmetered parking space located on any street, alley or parking lot in the business district of the City, where parking is otherwise permitted by law, for a period in excess of two consecutive hours between the hours of 9:00 a.m. and 5:00 p.m., provided, however, that if use of the nonmetered parking space is otherwise restricted to a shorter period of time, the shorter period of time shall control.

430.03 APPLICATION OF CHAPTER TO COMMERCIAL VEHICLES AND TRAILERS.

The provisions of this chapter shall not apply to commercial vehicles or trailers parked while the same are being used to make deliveries or while the same are being used in an activity necessary for construction, general repair or other types of commercial activity occurring within the business district of the City.

430.04 POSTING OF TIME LIMITS.

Notwithstanding anything contained in this chapter to the contrary, the provisions of this chapter shall not be enforced with regard to any streets or alleys located within the business district of the City if there is not first posted an appropriate sign or signs giving notice of a two-hour or other parking time limit.

430.99 PENALTY.

(a) Whoever violates any of the provisions of this chapter, or aids, abets or assists another to do so, shall, as a penalty for and in full satisfaction of such violation, pay the sum of five dollars ($5.00) to the Parking Violations Bureau, provided that the payment is received within seventy-two hours of 5:00 p.m. of the date upon which notice is attached to the offending vehicle, trailer or object, giving notice to the owner or operator thereof that such vehicle, trailer or object has been parked in violation of a provision of this chapter and instructing such owner or operator to report to the Bureau in regard to such notice.

(b) If the owner or operator fails to pay the applicable penalty, as set forth in subsection (a) hereof, within the seventy-two hour period, such owner or operator may, within an additional twenty-seven days, pay to the Bureau, as a penalty for and in full satisfaction of such violation, the sum of ten dollars ($10.00).

(c) If the owner or operator fails to pay the applicable penalty, as set forth in subsection (a) or (b) hereof, he or she shall be cited for the violation and shall, upon conviction, be subject to a civil fine of not more than one hundred dollars ($100.00), plus costs of prosecution, for each offense.

CHAPTER 440
Parking Violations Bureau

440.01	Establishment; purpose; supervision and control.	440.05	Traffic tickets.
440.02	Duties of City Manager.	440.06	Fines and costs.
440.03	Disposition of violations.		
440.04	Specific request of violators required for disposition of violations.		

CROSS REFERENCES

Traffic rules and regulations in home rule cities - see M.C.L.A. §117.4h

Traffic rules and regulations generally - see M.C.L.A. §§257.601 et seq., 257.634 et seq.

Parking generally - see M.C.L.A. §§257.672 et seq.; TRAF. Ch. 430

Uniform Traffic Code - see M.C.L.A. §§257.951 et seq.; TRAF. Ch. 410

Municipal Ordinance Violations Bureau - see ADM. Ch. 292

440.01 ESTABLISHMENT; PURPOSE; SUPERVISION AND CONTROL.

Pursuant to Section 8395 of the Revised Judicature Act, State of Michigan, being Act 154 of the Public Acts of 1968, as amended, 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 City Manager.

440.02 DUTIES OF CITY MANAGER.

The City Manager shall, subject to the approval of 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.

440.03 DISPOSITION OF VIOLATIONS.

Parking violations shall not be required to be disposed of at the Parking Violations Bureau. The person in charge of such Bureau may refuse to dispose of a 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.

440.04 SPECIFIC REQUEST OF VIOLATORS REQUIRED FOR DISPOSITION OF VIOLATIONS.

No violation shall be disposed of 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 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 Bureau shall not prejudice him or her or in any way diminish the rights, privileges and protection accorded to him or her by law.

440.05 TRAFFIC TICKETS.

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 period of time within which the person to whom the same was issued must respond before the Parking Violations Bureau. It 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 the fact 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 prescribed.

440.06 FINES AND COSTS.

The Parking Violations Bureau may accept a civil infraction admission in parking violation cases and collect and retain civil fines and costs as follows:

(a) Except as otherwise provided in this section, the Bureau shall accept, as a penalty for and in full satisfaction of the violation, the sum of five dollars ($5.00), provided that the payment is received within seventy-two hours of 5:00 p.m. of the date upon which notice is attached to the offending vehicle, trailer or object, giving notice to the owner or operator thereof that such vehicle, trailer or object has been parked in violation of the laws of the City and instructing such owner or operator to report to the Bureau in regard to such notice.

(b) If the owner or operator fails to pay the applicable penalty, as set forth in subsection (a) hereof, within the seventy-two hour period, such owner or operator may, within an additional twenty-seven days, pay to the Bureau, as a penalty for and in full satisfaction of such violation, the sum of the ten dollars ($10.00).

(c) If the owner or operator fails to pay the applicable penalty, as set forth in subsection (a) or (b) hereof, he or she shall be cited for the violation and shall, upon conviction, be subject to a civil fine of not more than one hundred dollars ($100.00), plus costs of prosecution, for each offense.

(d) Subsections (a) and (b) shall have no application to violations of Section 8.10(1)(s) of the Uniform Traffic Code, relating to unlawful parking in places reserved for handicapped persons. For such violations, the fine shall be twenty-five dollars ($25.00) if paid within seventy-two hours, as aforesaid, or fifty dollars ($50.00) if paid within an additional twenty-seven days, failing which the offender shall be cited as set forth in subsection (c) hereof and shall be subject to the penalty set forth therein.

(e) Subsections (a) and (b) hereof shall have no application to violations of Section 686.05 of the General Offenses Code, relating to overnight parking during the winter. For such violations, the fine shall be ten dollars ($10.00) if paid within seventy-two hours, as aforesaid, or twenty dollars ($20.00) if paid within an additional twenty-seven days, failing which the offender shall be cited as set forth in subsection (c) hereof and shall be subject to the penalty set forth therein.

CODIFIED ORDINANCES OF NEGAUNEE

PART SIX - GENERAL OFFENSES CODE

Chap. 604. Alcoholic Beverages.

Chap. 606. Animals.

Chap. 668. Offenses Relating to Property.

Chap. 672. Peace Disturbances.

Chap. 674. Public Nuisances.

Chap. 682. Safety, Sanitation and Health.

Chap. 686. Snow and Ice Removal.

Chap. 692. Vehicle and Trailer Parking and Storage.

Chap. 694. Weapons and Explosives.

CODIFIED ORDINANCES OF NEGAUNEE

PART SIX - GENERAL OFFENSES CODE

CHAPTER 604
Alcoholic Beverages

604.01 Consumption or possession in unlicensed places prohibited.

604.99 Penalty.

CROSS REFERENCES

Intoxicating liquors generally - see M.C.L.A. §§436.1 et seq.
Sales on Sundays and municipal election days - see M.C.L.A. §436.19e
Cabarets - see B.R. & T. Ch. 804

604.01 CONSUMPTION OR POSSESSION IN UNLICENSED PLACES PROHIBITED.

No person shall consume alcoholic beverages or possess open containers of alcoholic beverages on or in any public place, provided that this section shall not be construed to prohibit the consumption of alcoholic beverages or the possession of open containers of alcoholic beverages within those public places licensed by the Michigan Liquor Control Commission to allow the consumption of alcoholic beverages on premises.

604.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

CHAPTER 606
Animals

606.01	Definitions.	606.05	Appointment of Animal Control Officers.
606.02	Barking dogs prohibited.	606.06	Fees and charges.
606.03	Dog licenses required.	606.07	Animal Excrement.
606.04	Dogs and cats at large; impoundment.	606.99	Penalty.

CROSS REFERENCES

Animal pounds - see M.C.L.A. §§123.301 et seq., 750.70
Animal diseases generally - see M.C.L.A. §§287.2 et seq.
Animals generally - see M.C.L.A. §§287.2 et seq., 750.49 et seq.; 752.21 et seq.
Peace disturbances by animals - see GEN. OFF. 672.01(f)(5)

606.01 DEFINITIONS.

As used in this chapter:

(a) "Out of doors" means any place other than within the confines of a home, a residence or a building regularly and at the time of the offense occupied by people.

(b) "Owner" means every person having a right of property in a dog or cat, and every person who keeps or harbors a dog or cat or has it in his or her care, and every person who permits a dog or cat to remain on or about any premises occupied by such person.

606.02 BARKING DOGS PROHIBITED.

No owner of any dog within the City shall permit, cause or suffer such dog to remain out of doors when such dog is repeatedly, continuously or frequently barking, after such owner has received notice from any law enforcement officer that the barking of such dog is causing a disturbance, provided, however, that the owner may permit such dog to remain out of doors if the owner shall prevent such barking.

606.03 DOG LICENSES REQUIRED.

No person shall own, keep, possess, harbor or have the care or charge of any dog, male or female, or unsexed, of the age of six months or over, within the City, unless the dog shall wear a collar to which is attached the current license tag provided for by the laws of the State.

606.04 DOGS AND CATS AT LARGE; IMPOUNDMENT.

(a) No person owning, possessing or having charge of any dog or cat, whether licensed or unlicensed under the laws of the State, shall permit said dog or cat to stray from the premises of said owner or person having charge of said dog or cat or permit or allow said dog or cat to run at large at any time in the City, provided, however, that no dog or cat shall be deemed to be running at large if it is under the reasonable control of its owner or the person in charge of said animal.

(b) Any dog or cat running at large in the City is hereby declared to be a nuisance and subject to being impounded by the Animal Control Officer, his or her deputies or any member of the Police Department.

606.05 APPOINTMENT OF ANIMAL CONTROL OFFICERS.

The City Manager may appoint an Animal Control Officer for the City and sufficient Deputy Animal Control Officers who, along with the Police Department, will be needed to enforce this chapter, and such Animal Control Officer and Deputy Animal Control Officers shall be paid in a manner determined by the City Manager. The City shall also provide suitable shelter for the keeping of any dogs or cats impounded or make suitable arrangements for the care and feeding of said impounded animals.

606.06 FEES AND CHARGES.

Any dog or cat impounded under the terms of this chapter shall be held for a period of seven days if the animal has some form of positive identification and for a period of four days if the animal has no positive identification. The owner or person in charge of said dog or cat may recover possession of said animal from the Animal Control Officer or the person in charge of said animal while impounded by paying an impounding fee and a storage charge (for feeding and care of the animal) as established from time to time by resolution of Council. Dogs and cats not repossessed by their owner or the person in charge within the period allowed may be disposed of in a humane manner. Any money collected for the impounding, care and keeping of said animal shall be paid by the person collecting the same to the City Treasurer.

606.07 ANIMAL EXCREMENT

No person shall allow any animal under his/her ownership or control to leave its excrement upon any private or public property, unless that excrement is immediately and thoroughly removed from the property. Provided, however, a person may fail to remove the excrement from private property that that person owns or in which he/she has a lawful possessory interest.

606.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

CHAPTER 668
Offenses Relating to Property

668.01 Defacing, injuring or destroying property.
668.99 Penalty.

CROSS REFERENCES

Real estate generally - see M.C.L.A. §§554.1 et seq.
Malicious destruction of property by minors - see M.C.L.A. §600.2913
Theft generally - see M.C.L.A. §§750.356 et seq.
Malicious destruction of property - see M.C.L.A. §§750.377a, 750.377b
Damaging sewerage works - see S.U. & P.S. 1040.06
Tampering with water meters - see S.U. & P.S. 1042.11
Tampering with electric meters - see S.U. & P.S. 1046.15

668.01 DEFACING, INJURING OR DESTROYING PROPERTY.

No person shall deface, injure or destroy, or aid in defacing, injuring or destroying, any public or private property, or cause to be posted to or stuck upon any public or private building, fence, tree, pole or other public or private property any handbill or placard without first obtaining the permission of the owner or occupant of such building, fence, tree, pole or other public or private property.

668.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

CHAPTER 672
Peace Disturbances

672.01	Noise.	672.04	Police order to depart or disperse.
672.02	False alarms.	672.05	Responsibility for minors.
672.03	Disturbing lawful assemblages.	672.99	Penalty.

CROSS REFERENCES

Disorderly conduct generally - see M.C.L.A. §§750.167 et seq.
Gambling - see M.C.L.A. §§750.301 et seq.
Prostitution - see M.C.L.A. §§750.448 et seq.
Barking dogs - see GEN. OFF. 606.02

672.01 NOISE.

(a) In General. No person shall unreasonably make or continue, or cause to be made or continued, any noise disturbance. Noncommercial public speaking and public assembly activities conducted on any public space or public right of way shall be exempt from operation under this section.

(b) Radios, Musical Instruments and Similar Devices. No person shall operate or play, or permit the operation or playing of, any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound in such a manner as to:

(1) Create a noise disturbance across a real property boundary or within a noise sensitive zone. If such a device is plainly audible on the property of another or within a building other than that within which the device is located, and if a complaint is made to the Chief of Police or his or her designee regarding annoyance or disturbance as a result of such device, this shall serve as prima-facie evidence of a violation.

(2) Create a noise disturbance or result in an unreasonable sound level from such device, when operated in or on a motor vehicle on a public right of way, public space or space open to the general public, or in a boat on public waters.

(c) Loudspeakers. No person shall use or operate for any noncommercial purpose any loudspeaker, public address system or similar device between 10:00 p.m. and 7:00 a.m. of the following day so that the sound therefrom creates a noise disturbance across a residential real property boundary or within a noise sensitive zone. No person shall use or operate for any commercial purpose any loudspeaker, public address system or similar device so that the sound therefrom creates a noise disturbance across a real property boundary or within a noise sensitive zone, or between 10:00 p.m. and 7:00 a.m. of the following day on a public right of way or public space.

(d) Construction. No person shall erect (including excavate), demolish, alter or repair any building, excavate any street or highway or operate any machine or equipment on public or private property, except between the hours of 7:00 a.m. and 10:00 p.m., or in case of urgent necessity in the interest of public health and safety and when approval has been obtained from the City Clerk.

(e) Stationary Nonemergency Signaling Devices. No person shall sound or permit the sounding, from any place, of any electronically amplified signal from any stationary bell, chime, siren, whistle or similar device intended primarily for nonemergency purposes. Such devices, when used in conjunction with places of religious worship, shall be exempt from this subsection.

(f) Miscellaneous Noises. Each of the following acts is hereby prohibited, but this enumeration shall not be deemed to be exclusive, namely:

(1) Horns and signal devices in vehicles. Between the hours of 11:00 p.m. and 7:00 a.m. of the following day, 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 brakes have been applied, or as brakes are being applied, and deceleration of the vehicle is intended; the creation by means of any such horn or signal device of any unreasonably loud or harsh sound, and the sounding of such a horn or device for an unnecessary and unreasonable period of time.

(2) Racing of motors. The racing of motors while the same are being tuned up, or the backfiring of engines in automobiles during tune-ups or warm-ups, creating any unreasonably loud or harsh sound between the hours of 11:00 p.m. and 7:00 a.m. of the following day.

(3) Shouting and whistling. Unnecessary or unreasonably loud shouting and whistling at any time or place in the City.

(4) Hawking. The hawking of goods, merchandise and newspapers in a loud and boisterous manner.

(5) Animal and bird noises. The keeping of any animal or bird which, because of frequent or long continued noise, shall disturb the comfort or repose of any person.

(6) Whistles or sirens. The blowing of any whistle or siren, except to give notice of the time to begin or stop work, or as a warning of fire or danger.

(7) Devices to attract attention. The use of any drum, loudspeaker, amplifier or other instrument or device for the purpose of attracting attention, without first having obtained a permit therefor from the City Clerk.

(8) Sound trucks. To operate, or cause to be operated, a sound truck with radio or amplifier, within the City, without first having obtained a permit therefor from the City Clerk.

(9) Compression Brakes. It shall be unlawful for the driver of any vehicle to use or operate, or cause to be used, any engine braking device, compression brake or mechanical exhaust device to aid in the braking or deceleration of any vehicle, while operating said vehicle within the limits of the City of Negaunee, except in the case of an emergency.

(g) Exceptions. None of the prohibitions set forth in subsections (a) through (f) hereof shall apply to or be enforced against:

(1) Any authorized emergency vehicle when responding to an emergency call;

(2) The reasonable use of stationary amplifiers or loudspeakers in the course of public addresses which are noncommercial in character.

672.02 FALSE ALARMS.

(a) No person shall start or spread any false alarm of fire, riot, explosion, civil disturbance or other breach of the peace.

(b) Whoever violates this section shall be guilty of a misdemeanor.

672.03 DISTURBING LAWFUL ASSEMBLAGES.

(a) No person shall disturb any lawful assemblage or gathering.

(b) Whoever violates this section shall be guilty of a misdemeanor.

672.04 POLICE ORDER TO DEPART OR DISPERSE.

(a) Whenever the presence of any person in any public place is causing any activity prohibited by this chapter or by any other provision of this General Offenses Code, any police officer may order that person to leave such public place.

(b) No person shall refuse to leave a public place after being ordered to do so by a police officer or otherwise resist such an order.

(c) Whoever violates this section shall be guilty of a misdemeanor.

672.05 RESPONSIBILITY FOR MINORS.

(a) No person shall assist, aid, abet, allow, permit or encourage any minor to violate any of the provisions of this chapter or any other provision of this General Offenses Code.

(b) No parent shall assist, aid, abet, allow, permit or encourage any minor over which he or she has care and custody to violate any of the provisions of this chapter or any other provision of this General Offenses code.

(c) Whoever violates this section shall be guilty of a misdemeanor.

672.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

CHAPTER 674
Public Nuisances

674.01	Purposes.	674.07	Cost of abatement.
674.02	Definitions.	674.08	Attachment of lien.
674.03	Nuisance prohibited.	674.09	Collection by Court action.
674.04	Specific nuisances.	674.10	Disposition of funds collected.
674.05	Enforcement; notice of violation.	674.11	Violations.
674.06	Abatement; authority of City Manager and Council.	674.99	Penalty.

CROSS REFERENCES

Health and sanitation generally - see Mich. Const. Art. 4, §51; M.C.L.A. §§325.1 et seq., 327.1 et seq., 750.466 et seq.
State Housing Law - see M.C.L.A. §§125.401 et seq.
Nuisance abatement; damages and expenses - see M.C.L.A. §600.2940
Nuisances generally - see M.C.L.A. §§600.3801 et seq.
Peace disturbances - see GEN. OFF. Ch. 672
Vehicle and trailer parking or storage - see GEN. OFF. 692.04
Garbage and rubbish - see S.U. & P.S. Ch. 1060

674.01 PURPOSES.

Consistent with the letter and spirit of the provisions of M.S.A. 5.2073(j) and (k) and M.C.L.A. 117.3, as amended, which authorize and direct home rule cities to enact ordinances and to provide for the public peace and health, and for the safety of persons and property, the purposes of this chapter are to prevent, reduce or eliminate nuisances, nuisance factors or causes of nuisance within the City, thereby providing for the public peace and health and for the safety of persons and property within said City; to provide for the enforcement of this chapter; to provide a means by which such nuisances, nuisance factors or causes of nuisance may be abated; and to provide penalties for the violation of this chapter.

674.02 DEFINITIONS.

As used in this chapter:

(a) "Garbage" means rejected food waste, including waste accumulation of animal, fruit or vegetable matter used or intended for food or which attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables.

(b) "Junk" means and include, but is not limited to, parts of machinery, inoperable appliances, scrap metal or other cast off material of any kind, whether or not the same could be put to any reasonable use.

(c) "Miscellaneous debris" means those things or conditions existing on property in the City which create hazards to the public and to children from a health or fire standpoint, including conditions which by their unsightly appearance can result in depressing the values of other property in the immediate area.

(d) "Noxious and poisonous weeds" shall include Canada thistles, milkweed, wild carrots, ox-eye daisies, ragweed, goldenrod, burdock and poison ivy.

(e) "Nuisance" means a condition or situation which is likely to injure or endanger the public peace or the health or safety of persons and property, interfere with, obstruct or render dangerous any street, highway, navigable lake or stream, or in any way render the public insecure in life or property, including, but not limited to, whatever is prohibited by any provision of this chapter.

(f) "Person" means and includes one or more individuals of either sex, firms, partnerships, associations, unincorporated voluntary clubs and corporations.

(g) "Rubbish" means nonputrescible solid waste, excluding ashes, consisting of both combustible and noncombustible waste, including paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, demolished building materials or litter of any kind that may be a detriment to the public health and safety.

674.03 NUISANCE PROHIBITED.

No person shall maintain or permit to be maintained any nuisance, nuisance factor or cause of nuisance upon any property in the City which is either owned, leased, rented, occupied or otherwise under the control of such person.

674.04 SPECIFIC NUISANCES.

The following uses, structures and activities are hereby specifically deemed to be nuisances, nuisance factors or causes of nuisance and are hereby prohibited:

(a) Junk, Garbage, Rubbish or Miscellaneous Debris. In any zoning district, the storage or accumulation of junk, garbage, rubbish or miscellaneous debris of any kind, without a landfill construction or operation permit, except for:

(1) The storage or accumulation of domestic garbage, rubbish, junk or miscellaneous debris in such a manner as not to create a health or safety hazard; and

(2) The maintenance for noncommercial purposes of a compost pile in such a manner as not to create a health or safety hazard.

(b) Damaged or Deteriorated Structures. In any zoning district, the existence of any structure or part of any structure which has any of the following defects or is in any one of the following conditions:

(1) Whenever any portion of such structure has been damaged by fire, wind, flood or other cause in such a manner that the structural strength or stability has been adversely affected to the extent that the structure or any part or parts thereof are likely to fall, to become detached, to become dislodged or to collapse and thereby result in injury or damage to persons or property;

(2) Whenever the structure or any part thereof, because of dilapidation, deterioration, decay or faulty construction, or because of the removal or movement of some portion of the ground necessary for the support of such structure or portion thereof, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of such structure is likely to fall or give way; and/or

(3) Whenever such structure becomes vacant, dilapidated and open at a door or window, leaving the interior of said structure exposed to the elements or accessible to entrance by trespassers.

(c) Noxious and Poisonous Weeds. In any residential zoning district, the growth and existence of noxious or poisonous weeds which have grown to a height of two inches or more above ground.

674.05 ENFORCEMENT; NOTICE OF VIOLATION.

(a) This chapter shall be enforced by the City Manager and by the Police Department of the City.

(b) Upon identifying a nuisance, nuisance factor or cause of nuisance upon any property in the City, the enforcement officers shall contact the owner or occupant of the property in writing by first-class mail or by personal service to require abatement of the nuisance. A reasonable period of time within which the nuisance must be abated shall be specified by the enforcement officer in the written notice. Additional time may be granted when, in the opinion of the enforcement officer, bona fide efforts to remove the nuisance are in progress.

(c) For the purposes of this section, the owner of any property upon which any nuisance, nuisance factor or cause of nuisance is found shall be deemed to be the person identified as any such owner on the tax roll of the City, and where there may be more than one such owner or more than one occupant, notice to any one owner or any one occupant shall be deemed to be notice to all such owners and occupants.

674.06 ABATEMENT; AUTHORITY OF CITY MANAGER AND COUNCIL.

The City Manager may take immediate reasonable measures to abate any nuisance, nuisance factor or cause of nuisance, without prior approval or order of Council, if, in the opinion of the City Manager, the public health or safety requires immediate action. The cost of such abatement measures shall be charged against the property and the owner thereof in accordance with the provisions of this chapter. In circumstances where the public health or safety does not require immediate action, the City Manager may take reasonable measures to abate any nuisance, nuisance factor or cause of nuisance after prior approval or order of Council.

674.07 COST OF ABATEMENT.

(a) Any expense incurred by the City for the purpose of abating a nuisance, nuisance factor or cause of nuisance, pursuant to the provisions of this chapter, shall be chargeable against the property upon which such nuisance, nuisance factor or cause of nuisance was located, and against the owner or owners thereof. An account of the labor, materials or services for which such expenses were incurred, and the name of the owner or owners of such property, shall be reported to the City Treasurer, who shall immediately charge and bill such costs to such owner or owners. Such bill shall be sent by first-class mail to any owner of the property shown on the tax rolls of the City.

(b) Said bill shall also notify the owner of such property of the date of a meeting of Council, not less than sixty days thereafter, when Council shall meet for the purpose of adopting a resolution placing a special assessment upon said property for such charges, unless such charges are paid prior to the date of such meeting. At such meeting, Council shall adopt a special assessment resolution covering each parcel of land for which such charges have not theretofore been paid in full. As many parcels may be included in a single resolution as may be necessary. The adoption of such a resolution shall be deemed the equivalent of the confirmation of a special assessment roll by Council, and the City Clerk shall endorse the date of confirmation upon each special assessment resolution. Each special assessment shall, upon such confirmation, be final and conclusive.

674.08 ATTACHMENT OF LIEN.

Each special assessment confirmed pursuant to the provisions of this chapter shall, from the date of such confirmation, constitute a lien upon the property so assessed, and until paid shall be a charge against the owner of the property. Such lien shall be of the same character and effect as a lien created for taxes, and shall include accrued interest and penalties.

674.09 COLLECTION BY COURT ACTION.

In addition to any other remedies and without impairing the lien therefor, any assessment levied pursuant to the provisions of this chapter, together with interest and penalties thereon, may be collected in an action commenced in the name of the City, against the person or persons assessed, in any court having jurisdiction in such matters. If, in any such action, it shall appear, by reason of any irregularities or informalities, that the assessment has not been properly made against the person assessed, or upon the premises sought to be charged, the Court may, nevertheless, on satisfactory proof that such expense has been reasonably incurred by the City, render judgment for the amount properly chargeable against such person or persons or upon such property.

The remedy provided in this section and in Sections 674.07 and 674.08 shall be in addition to the penalty provided in Section 674.99.

674.10 DISPOSITION OF FUNDS COLLECTED.

Except as otherwise provided by any ordinance, funds collected by the Court action or by special assessment levied pursuant to the provisions of this chapter shall be credited to such funds of the City as were debited to pay for the costs of the abatement for which such assessment was levied.

674.11 VIOLATIONS.

(a) No person shall fail to abate any nuisance, nuisance factor or cause of nuisance within the period of time provided for such abatement by the written notice described in Section 674.05(b) or within any extension of said deadline.

(b) Any violation of this chapter is hereby declared to be a public nuisance per se, and in addition to the penalties specified in Section 674.99 for such violation, the City may seek to enforce compliance with the provisions of this chapter by means of any and all other remedies or measures available to it by statute, ordinance, resolution, regulation or civil or criminal law.

(c) A separate offense shall be deemed committed each day during or on which a violation of this chapter occurs or continues.

674.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

CHAPTER 682
Safety, Sanitation and Health

682.01	Throwing objects.	682.05	Discarding of garbage.
682.02	Holding on to motor vehicles.	682.06	Open burning; incinerators.
682.03	Hitchhiking.	682.99	Penalty.
682.04	Expectorating, defecating or urinating in public places.		

CROSS REFERENCES

Health and sanitation generally - see Mich. Const. Art. 4, §51; M.C.L.A. §§325.1 et seq., 327.1 et seq., 750.466 et seq.
Health Officer - see CHTR. §6.12
Health and sanitation in home rule cities - see M.C.L.A. §§117.3, 117.4i
Municipal health departments - see M.C.L.A. §327.205
Public safety generally - see M.C.L.A. §§750.493 et seq.
Abatement of nuisances - see GEN. OFF. 674.06 et seq.
Garbage and rubbish - see S.U. & P.S. Ch. 1060

682.01 THROWING OBJECTS.

No person shall cast, throw or propel any object from, over or onto any public place in such a manner as to obstruct vehicle or pedestrian traffic or endanger lives or property.

682.02 HOLDING ON TO MOTOR VEHICLES.

No person shall grab or otherwise hang on to the exterior portion of any motor vehicle for the purpose of obstructing or hindering the free passage of said motor vehicle or for the purpose of being pulled along by said motor vehicle, provided that this section shall not be construed to prohibit the normal operation of a motorcycle, bicycle or other similar motor vehicle or the towing of one motor vehicle by another.

682.03 HITCHHIKING.

No person shall request, ask for or solicit, either orally or physically, a ride from the operator of any motor vehicle while said solicitor is located on a highway or street.

682.04 EXPECTORATING, DEFECATING OR URINATING IN PUBLIC PLACES.

No person shall expectorate, defecate or urinate on or in any public place, provided that this section shall not be construed to prohibit such activity in bathrooms or restrooms designated and maintained for that purpose.

682.05 DISCARDING OF GARBAGE.

No person shall throw away or discard any garbage in any public place, other than in a container designed and placed for the purpose.

682.06 OPEN BURNING; INCINERATORS.

(a) Burning Prohibited. No person shall cause or permit, except as herein provided, any burning in an open fire or in an incinerator, of garbage or other combustible refuse, waste material or yard clippings, including by way of description, but not by way of limitation, paper, leaves, tree trimmings, grass, weeds, oil, gasoline, solvents of any kind, plastic, vinyl, nylon or other similar artificial or man-made substances.

(b) Exceptions.

(1) The burning of trees, branches, bushes, shrubbery, plants and leaves, exclusive of any other combustible refuse or waste material, shall be permitted for the purpose of clearing a site for new construction, provided that such burning takes place on the site being cleared and is supervised at all times by a responsible person during the period of such burning, and provided, further, that a burning permit for such burning shall first be obtained from the Fire Chief or his or her designee, setting forth the location to be cleared and the nature of the intended new construction, which permit shall expire as noted on the permit upon its issuance.

(2) Fires of charcoal or non-ash producing fuels shall be permitted when used on private property or in public recreation areas relative to consumption of food.

(3) Open burning or incineration by employees of the City shall be permitted if the same is in the course of their employment by the City.

(4) Small recreational fires shall be permitted if they are approved by the Fire Chief.

(c) Conflict of Laws. This section is to be interpreted in conjunction with all other applicable laws. Whenever a provision of this section imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by a provision of any other law or ordinance, then the provision of this section shall govern. Conversely, whenever a provision of any other law or ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed by this section, then the provisions of such other law or ordinance shall govern.

682.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

First Reading: August 24, 2011
Second Reading: September 8, 2011
Publications: Sept. 16, 2011 & Sept. 17, 2011
Effective: Sept. 19, 2011

AMENDMENT TO CODIFIED ORDINANCES OF THE CITY OF NEGAUNEE, CHAPTER 682 SAFETY, SANITATION AND HEALTH

The City of Negaunee ORDAINS:

That Chapter 682 of the Codified Ordinances of Negaunee, Michigan, shall be, and the same hereby is, amended as follows:

REPEALER

Any ordinance, resolution, order or parts thereof in conflict with the provisions of this Amendment is, to the extent of such conflict, hereby repealed. This repeal shall be effective as of the effective date of the following Amendment.

AMENDMENT

Chapter 682 of the Codified Ordinances of Negaunee, Michigan, shall be, and hereby is, amended to add the following sections:

§ 682.01A OBJECTS IN RIGHT-OF-WAYS

No person shall place any structures, objects or items for sale, storage, donation, or otherwise upon any City property including a street or alley right-of-way, parking lot or public place. Trash cans, trash bags, and items for curbside recycling may be placed for collection from 3:00 p.m. the day before collection day until 9:00 p.m. on the day of collection, pursuant to Ordinance 1060.04(c). Any containers, items or debris placed outside of these hours shall be considered a violation of this ordinance. Where a mailbox or marker light is required by the United States Postal Service, said mailbox or marker light shall not be considered in violation of this section. In the event of a violation of this section, the City may remove and dispose of any such structure, object or item without consideration for damaging the item nor determining its rightful owner.

The above Ordinance shall be published as required by law, and shall be effective on the 19th day of September, 2011.

Upon Roll Call,

Council Members voting aye: Maino, Dompierre, VanStraten, Menhennick, Wills, Schuhknecht and Mayor Haines.

Council Members voting nay: None

By: Michael Haines, Its Mayor

Attest:

By: Judith Iwanski, Its Clerk

CHAPTER 686
Snow and Ice Removal

686.01	Deposit in rights of way restricted.	686.04	Removal of unlawfully deposited snow, ice, etc., by City; costs.
686.02	Lawful deposits in rights of way.	686.05	Overnight parking during winter.
686.03	Minimum street width to be maintained.	686.99	Penalty.

CROSS REFERENCES

Removal of ice and snow from roads - see M.C.L.A. §247.662

State funds for winter street and highway maintenance by municipalities - see M.C.L.A. §247.663

Deposit of ice and snow onto or across roadways - see M.C.L.A. §257.677a

Parking generally - see TRAF. Ch. 430

686.01 DEPOSIT IN RIGHTS OF WAY RESTRICTED.

No person shall take or remove, or cause to be taken or removed, any snow, ice or other material from any property owned, occupied or controlled by him or her and pile or dump the same within the lines of any street right of way of the City, except as otherwise provided in this chapter.

686.02 LAWFUL DEPOSITS IN RIGHTS OF WAY.

Any person may take and remove snow or ice from a driveway on property owned, occupied or controlled by him or her and pile the same in a public street, but only along, parallel with and as a part of the bank of snow formed by the City in its snow plowing operations. Such snow or ice shall be piled on the bank immediately in front of and adjacent to the property so owned or occupied and in no event shall the snow or ice so placed extend more than two feet, six inches farther into the roadway than the existing bank. Further, snow shall not be piled, blown or otherwise placed upon any portion of the street or sidewalk right of way within twenty-five feet

of the lateral curb of any intersecting road, street or alley. Further, snow shall not be piled, blown or otherwise placed upon any portion of the street or sidewalk right of way within twenty feet of any driveway intended to be used by the general public for access to any commercial establishment. Further, and notwithstanding anything to the contrary contained in this section, the City shall have and retain the right to limit or prohibit the placement of snow or ice in any street right of way if such limitation or prohibition is deemed reasonably necessary for the health, safety and welfare of the general public.

686.03 MINIMUM STREET WIDTH TO BE MAINTAINED.

No person shall take or remove, or cause to be taken or removed, any snow, ice or other material from any public walk or from the banks of snow formed by the City in its snow plowing operations and pile, dump or blow the same within the street right of way in such manner as to reduce the width between the banks of snow formed by the City in its snow plowing operations by more than two feet, six inches on either side.

686.04 REMOVAL OF UNLAWFULLY DEPOSITED SNOW, ICE, ETC., BY CITY; COSTS.

Snow, ice or other material moved, piled or dumped in violation of this chapter may be removed or caused to be removed by the City, and the expense of such removal may be charged to the person found to be in violation of this chapter. Said charges may be collected as "costs" in connection with a civil infraction action and/or by civil process.

SEE AMENDMENTS

686.05 OVERNIGHT PARKING DURING WINTER. 686.05B & 686.05C

(a) Findings. The parking of motor vehicles or other vehicles on the streets and alleys of the City and on City-owned or leased parking lots, between 1:00 a.m. and 6:00 a.m. during the months of January, February, March, April, November and December of each year shall constitute a hindrance and a nuisance to the proper and necessary removal of snow from the streets, alleys and parking lots and to the elimination of traffic hazards caused by snow and ice.

(b) Prohibitions. No person shall park any motor vehicle or other vehicle on the streets, alleys or sidewalks which are regularly plowed in the City or on City-owned or leased parking lots, between the hours of 1:00 a.m. and 6:00 a.m. during the months of January, February, March, April, November and December of each year for a period of time any longer than thirty minutes, except physicians on emergency calls. During these times and where space permits, parking will be permitted adjacent to the City street beyond the curb line. No portion of any vehicle so parked shall fall within two feet of the curb line of the street. Any person parking any vehicle or other object on the City right of way adjacent to and within eight feet of the curb, plowed sidewalk or plowed alleyways, does so solely at his or her own risk, and the City will not be responsible for any damage to any vehicle or object so parked. If sidewalks are maintained and plowed by the Department of Public Works during the months of January, February, March, April, November and December, no vehicle shall be parked on an apron and block any portion of said sidewalk.

(c) Impounding and Ticketing. Any motor vehicle or other vehicle found parked or abandoned in violation of subsection (b) hereof may be impounded and towed away by any police officer of the City or by any employee of the City who at the time is engaged in removing snow or ice from the streets and alleys in the City, or any such police officer or employee may affix a tag to such vehicle parked or abandoned in violation of subsection (b) hereof, stating the date and time such vehicle was found parked or abandoned and informing the owner that he or she is required to respond to the same as provided in Section 440.06 of the Traffic Code.

(d) Impounding and Storage Costs. The owners of any vehicle parked or abandoned in violation of this section shall, in addition to paying the fine provided for such violation, pay all necessary costs of impounding and storing said vehicle, and same shall constitute a lien against said vehicle until paid.

686.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

Whoever violates Section 686.05 shall be subject to the penalty provided in Section 440.06 of the Traffic Code.

FIRST READING: August 24, 2011
SECOND READING: September 8, 2011
PUBLICATIONS: Sept. 16th & 17th, 2011
EFFECTIVE: September 19, 2011

AMENDMENT TO CODIFIED ORDINANCES OF THE CITY OF NEGAUNEE, CHAPTER 686 SNOW AND ICE REMOVAL

The City of Negaunee ORDAINS:

That **Chapter 686 Snow and Ice Removal** of the Codified Ordinances of Negaunee, Michigan, shall be, and the same hereby is, amended as follows:

REPEALER

Section 686.05(b) of the Codified Ordinances of Negaunee, Michigan, and any other ordinance, resolution, order or parts thereof in conflict with the provisions of these Amendments are, to the extent of such conflict, hereby repealed. This repeal shall be effective as of the effective date of the following Amendments.

AMENDMENT

Section 686.05(b) of the Codified Ordinances of Negaunee, Michigan, shall be, and hereby is, amended to read as follows:

(b) Prohibitions. No person shall park nor leave unattended any motor vehicle or other vehicle on the streets, alleys or sidewalks which are regularly plowed in the City or on City-owned or leased parking lots, between the hours of 2:00 a.m. and 6:00 a.m. during the months of January, February, March, April, November and December of each year for a period of time any longer than thirty minutes, except physicians on emergency calls.

REPEALER

Section 686.05(c) of the Codified Ordinances of Negaunee, Michigan, and any other ordinance, resolution, order or parts thereof in conflict with the provisions of these Amendments are, to the extent of such conflict, hereby repealed. This repeal shall be effective as of the effective date of the following Amendments.

AMENDMENT

Section 686.05(c) of the Codified Ordinances of Negaunee, Michigan, shall be, and hereby is, amended to read as follows:

(c) Impounding and Ticketing. Any motor vehicle or other vehicle found parked or abandoned in violation of subsection (b) hereof may be impounded and towed away by any police officer of the City or by any employee of the City who at the time is engaged in removing

snow or ice from the streets and alleys in the City, or any such police officer or employee may affix a tag to such vehicle parked or abandoned in violation of subsection (b) hereof, stating the date and time such vehicle was found parked or abandoned and informing the owner that he or she is required to respond to the same as provided in Section 440.06 of the City of Negaunee Traffic Code.

REPEALER

Section 686.99 of the Codified Ordinances of Negaunee, Michigan, and any other ordinance, resolution, order or parts thereof in conflict with the provisions of these Amendments are, to the extent of such conflict, hereby repealed. This repeal shall be effective as of the effective date of the following Amendments.

AMENDMENT

Section 686.99 of the Codified Ordinances of Negaunee, Michigan, shall be, and hereby is, amended to read as follows:

686.99 PENALTY.
Whoever violates Section 686.05 shall be subject to the penalty provided in Section 440.06 (e) of the City of Negaunee Traffic Code.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

The above Ordinance shall be published as required by law, and shall be effective on the 19th day of September, 2011.

Upon roll call,

Council members voting aye: Maino, Dompierre, VanStraten, Menhennick, Wills, Schuhknecht and Mayor Haines

Council members voting nay: None

By: Michael Haines, Its Mayor

Attest:

By: Judith K. Iwanski, Its Clerk

CHAPTER 692
Vehicle and Trailer Parking and Storage

692.01	Definitions.	692.04	Declaration of nuisance.
692.02	Purpose.	692.05	Enforcement.
692.03	Parking and storage restrictions.	692.99	Penalty.

CROSS REFERENCES

Occupancy of trailer homes - see CHTR. §5.16
Commercial and heavy vehicles - see TRAF. Ch. 420
Parking generally - see TRAF. Ch. 430
Parking Violations Bureau - see TRAF. Ch. 440
Parking overnight during winter - see GEN. OFF. 686.05
Parking trailer homes outside of camps - see B.R. & T. 876.03

692.01 DEFINITIONS.

As used in this chapter:

(a) "Agricultural vehicle" means a motor vehicle or conveyance designed and intended for agricultural use, including, but not limited to, garden tractors, farm tractors and other implements, either self-propelled or customarily towed, which are used in farming operations, but shall not include lawn mowers, roto-tillers or other similar small equipment customarily associated with home gardening activities.

(b) "Inoperable vehicle" means a vehicle as to which any of the following conditions obtains:

(1) It is being dismantled for the sale, salvage, repair or reclamation of parts thereof;

(2) It does not have all of its main component parts properly attached;

(3) Any other or additional conditions exist which cause the vehicle, if eligible for operation upon the public streets, to be incapable of being operated in a lawful manner upon the public streets.

(c) "Main component parts" means all such parts or equipment as are necessary for a vehicle to be lawfully driven or drawn upon the public streets pursuant to the Michigan Vehicle Code, being Act 300 of the Public Acts of 1949, as amended, including fenders, hood, wheels, radiator, motor, windows, doors, muffler, body and essential engine parts.

(d) "Motor vehicle" means every vehicle which is intended to move or transport persons or property and which is self-propelled by means of an internal combustion engine, including, but not be limited to, automobiles, trucks, vans, buses, truck-tractors, motorcycles, motorbikes, motor scooters, mopeds, bulldozers, front-end loaders and other types of construction equipment, logging skidders and snowmobiles.

(e) "Person" means an individual, firm, partnership, corporation or other entity of any kind.

(f) "Trailer" means every vehicle which is not self-propelled and is designed and intended for carrying persons or property and for being drawn by a motor vehicle.

(g) "Vehicle" means motor vehicles, trailers and agricultural vehicles.

692.02 PURPOSE.

The purpose of this chapter is to limit and restrict the outdoor storage, parking and unreasonable accumulation of junked, unused, partially dismantled or inoperable vehicles, new or used vehicle parts, trailers, or new or used parts thereof, upon public and private premises within the City, to avoid injury and hazards to children and others attracted to such vehicles and trailers or parts thereof, to prevent degradation of the environment caused by such vehicles and trailers or parts thereof and to minimize the reduction of property values and the ill effects upon adjoining residents and property owners resulting from the presence of such vehicles and trailers and parts thereof.

692.03 PARKING AND STORAGE RESTRICTIONS.

No person shall park or store, or permit to be parked or stored, upon any public or private premises in the City that are owned, leased, rented, occupied or possessed by such person, any vehicle, including a motor vehicle for sale, any new or used motor vehicle parts, any trailer, or any agricultural vehicle, unless one or more of the following conditions exist:

(a) Such parking or storage is located within a fully enclosed building; or

(b) With respect to such parking or storage, all of the following are true:

(1) Such parking or storage does not occur in the front yard area of any premises; and

(2) Such parking or storage as might occur in the side yard or rear yard of any premises shall conform to the setback requirements set forth in the Zoning Code for buildings or structures in the zoning district wherein located; and

(3) Any such parking or storage shall at all times be completely screened from the view of persons standing on adjoining roadways and the ground level of adjoining properties by solid ornamental fencing, terrain, trees or other natural barriers; and

(4) Such parking or storage is not otherwise prohibited by any other ordinance in effect within the City; or

(c) Such vehicle is, where subject to a license requirement, currently and validly licensed for operation upon the public streets, is not inoperable and has all of its main component parts properly attached; or

(d) Such vehicle or parts are located in a duly licensed and properly zoned junk yard, salvage yard or new or used car dealer's lot or storage yard, where such uses or operations are legally authorized under the Zoning Code and are conducted in conformance therewith; or

(e) Such vehicle is awaiting repairs or delivery to owners at an authorized service station, garage, paint shop or body shop legally authorized under the Zoning Code and registered with the State, and is locked, and, where subject to a license, is currently and validly licensed for operation upon the public streets, and is not a public nuisance; or

(f) Such vehicle, although temporarily inoperable because of minor mechanical failure, has substantially all of its main component parts attached, and, where subject to a license, is currently and validly licensed for operation upon the public streets, and is not in any manner a dismantled vehicle, provided, however, that the premises shall not contain any such vehicle for longer than thirty days, in any one calendar year, calculated on a cumulative basis for the same or different vehicles, and notwithstanding the fact that no one such vehicle remains upon the premises for more than the aforesaid thirty-day period; or

(g) Such vehicle is a modified vehicle in a fully operational condition, such as a vehicle that is stock-modified, redesigned or reconstructed for a purpose other than that for which it was manufactured, provided that any such vehicle shall comply with both of the following restrictions:

(1) No such vehicle shall be parked or stored in the front yard area of any premises; and

(2) Any such vehicle parked or stored in a side yard or rear yard area shall conform to the required setback requirements applicable to buildings in the zoning district wherein located; or

(h) Such vehicle is what is commonly referred to as a "classic car" or an "antique car" or a similar type of vehicle which is in the process of engine, mechanical or body restoration, provided that any such vehicle shall comply with both of the following restrictions:

(1) No such vehicle shall be parked or stored in the front yard area of any premises; and

(2) Any such vehicle parked or stored in the side yard or rear yard area shall conform to the required setback requirements applicable to buildings in the zoning district wherein located; or

(i) Such vehicle:

(1) Is in operating condition; and

(2) Has all of its main component parts properly attached; and

(3) Is for sale by the owner or occupant of the premises; and

(4) Is posted with a "For Sale" sign.

This provision shall be limited to authorizing the outdoor storage of one such vehicle per lot or parcel at any one time and shall authorize the storage of such vehicle for not more than thirty days; or

(j) Such vehicle is an agricultural vehicle which is not inoperable and which is used or useable for agricultural purposes on the premises where located; or

(k) A special permit is first obtained therefor from Council for a period of not to exceed thirty days, to be granted only in special hardship cases beyond the control of the applicant where special or peculiar circumstances exist, where no adjoining property owner is adversely affected thereby and where the spirit and purpose of these regulations are still observed. A special permit granted hereunder may be renewed for not more than two additional thirty- day periods upon a showing of due diligence and continued satisfaction of the criteria established by this section.

692.04 DECLARATION OF NUISANCE.

Any outdoor storage or parking activities in violation of any of the provisions of this chapter are hereby declared to be a public nuisance which may be enjoined and/or which may subject the violator to the penalties and remedies described in this chapter.

692.05 ENFORCEMENT.

This chapter shall be enforced by the Police Department of the City or by such other person or persons as Council may, from time to time, designate.

692.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

FIRST READING: October 13, 2011

SECOND READING: November 10, 2011

PUBLICATIONS: November 17th & November 18th, 2011

EFFECTIVE: November 28, 2011

AMENDMENT TO CODIFIED ORDINANCES OF THE CITY OF NEGAUNEE, CHAPTER 692 VEHICLE AND TRAILER PARKING AND STORAGE

The City of Negaunee ORDAINS:

That Chapter 692 of the Codified Ordinances of Negaunee, Michigan, shall be, and the same hereby is, amended as follows:

REPEALER

§ 692.03(l) and §692.03(m) of the Codified Ordinances of Negaunee, Michigan, and any other ordinance, resolution, order or parts thereof in conflict with the provisions of this Amendment is, to the extent of such conflict, hereby repealed. This repeal shall be effective as of the effective date of the following Amendment.

AMENDMENT

§ 692.03 of the Codified Ordinances of Negaunee, Michigan, shall be, and hereby is, amended to add the following section:

§692.03 (l). Parking is prohibited during the months of May, June, July, August, September and October between the edge of the pavement and the sidewalk (where sidewalks exist). During the months of November, December, January, February, March and April, anyone parking in the City right-of-way shall not interfere with snow removal operations, clear sight lines, pedestrian traffic or otherwise have a negative impact upon City operations or neighboring properties. Anyone parking in the City right-of-way does so solely at his or her own risk and the City shall not be responsible for any damage to any vehicle or any object so parked.

The above Ordinance shall be published as required by law, and shall be effective on the 28th day of November, 2011.

Upon roll call,

Council members voting aye: Council Members VanStraten, Menhennick, Wills, Schuhknecht, Maino and Mayor Haines

Council members voting nay: Council Member Dompierre

WHEREUPON, this Ordinance is declared passed and adopted on this 10th day of November, 2011.

_____ _____

By: Michael Haines, Its Mayor Attest: Judith K. Iwanski, City Clerk

CHAPTER 694
Weapons and Explosives

694.01 Discharging firearms.
694.99 Penalty.

CROSS REFERENCES

Weapons generally - see Mich. Const. Art. 1, §6; M.C.L.A. §§28.421 et seq., 750.222 et seq.
Firearms generally - see M.C.L.A. §§28.421 et seq., 750.222 et seq.
Storage and transportation of explosives - see M.C.L.A. §29.3a
Explosives generally - see M.C.L.A. §§29.41 et seq., 750.200 et seq., 750.327 et seq.
Arson - see M.C.L.A. §§750.71 et seq.
Construction or possession of explosive devices - see M.C.L.A. §750.211a
Throwing objects - see GEN. OFF. 682.01

694.01 DISCHARGING FIREARMS.

No person shall discharge any rifle, shotgun, pistol or other firearm, or any air gun or BB gun capable of projecting lead or any other object, except on ranges previously approved by the Chief of Police, provided that this section shall not be construed to prohibit any officer of the law, dog warden or animal enforcement officer from discharging a rifle, shotgun, pistol or other firearm, or an air gun or BB gun capable of projecting lead or any other object, in the performance of his or her duty, nor shall this section be construed to prohibit any citizen from discharging a rifle, shotgun, pistol or other firearm, or any air gun or BB gun capable of projecting lead or any other object, when lawfully defending a person or property.

694.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

CODIFIED ORDINANCES OF NEGAUNEE

PART EIGHT - BUSINESS REGULATION AND TAXATION CODE

Chap. 804. Adult Bookstores, Adult Theaters and Cabarets.

Chap. 860. Peddlers and Solicitors.

Chap. 876. Trailer and Tourist Camps.

CODIFIED ORDINANCES OF NEGAUNEE

PART EIGHT - BUSINESS REGULATION AND TAXATION CODE

CHAPTER 804
Adult Bookstores, Adult Theaters and Cabarets

804.01 Definitions.
804.02 Ownership, operation, maintenance and advertising restrictions
804.99 Penalty.

CROSS REFERENCES

Outdoor theaters - see M.C.L.A. §29.93
Municipal police regulations re theaters and shows - see M.C.L.A. §§431.201, 431.202
Intoxicating liquors generally - see M.C.L.A. §§436.1 et seq.; GEN. OFF. Ch. 604
Sale of alcoholic beverages on Sundays and municipal election days - see M.C.L.A. §436.19e
Indecency and immorality - see M.C.L.A. §§750.335 et seq.
Prostitution - see M.C.L.A. §§750.448 et seq.

804.01 DEFINITIONS.

As used in this chapter, unless the context clearly indicates a different meaning:

(a) "Adult bookstore" means an establishment wherein more than twenty 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 chapter, or an establishment with a segment or section devoted to the sale or display of such material.

(b) "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 chapter, for observation by patrons therein.

(c) "Cabaret" means any place wherein food or any type of alcoholic beverage is sold or given away on the premises, the operator of which place holds a yearly license to sell such beverages by the glass.

(d) "Specified anatomical areas" means:

(1) Less than completely and opaquely covered human genitals or a human pubic region, buttock or female breast below a point immediately above the top of the areola; and

(2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(e) "Specified sexual activities" means:

(1) Human genitals in a state of sexual stimulation or arousal;

(2) Acts of human masturbation, sexual intercourse or sodomy; and

(3) Fondling or other erotic touching of human genitals or a human pubic region, buttock or female breast.

804.02 OWNERSHIP, OPERATION, MAINTENANCE AND ADVERTISING RESTRICTIONS.

(a) No person shall, within a Residential District, or within 1,000 feet of a school, day-care facility, church or other place of worship in any other zoning district in the City, own, operate or maintain, or permit to be owned, operated or maintained, an adult bookstore or adult theater, as defined in this chapter.

(b) No person owning, operating, managing or employed by or within a cabaret shall dance, perform or serve food, beverages or alcoholic beverages while displaying or allowing to be visible specified anatomical areas, as defined in this chapter, or allow any other person to do so.

(c) 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 activities, as defined in this chapter, or allow any other person to do so.

(d) No person owning, operating, managing or employed by or within a cabaret shall have, own or possess within said cabaret any type of radio receiver equipment containing police radio frequency bands or capable of receiving police radio communications, or allow any other person to do so.

(e) No person owning a cabaret, or his or her 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 chapter.

(f) Whoever violates any of the provisions of this section is guilty of a misdemeanor.

804.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

CHAPTER 860
Peddlers and Solicitors

860.01 Uninvited peddling and soliciting prohibited.
860.02 Exemptions.
860.99 Penalty.

CROSS REFERENCES

Hawkers and peddlers generally - see M.C.L.A. §§445.371 et seq.
Transient merchants generally - see M.C.L.A. §§445.371 et seq.
Peace disturbances by peddlers - see GEN. OFF. 672.01(f)(4)

860.01 UNINVITED PEDDLING AND SOLICITING PROHIBITED.

The practice of going in or upon private residences in the City, by solicitors, peddlers, hawkers, itinerant merchants or transient vendors of merchandise or services, who have not been requested or invited to do so by the owner or owners, occupant or occupants of said private residences, for the purpose of soliciting orders for the sale of goods, wares, merchandise or services, and/or disposing of and/or peddling or hawking the same, is hereby declared to be a nuisance and is prohibited.

860.02 EXEMPTIONS.

The provisions of Section 860.01 shall not apply to the sale of, or soliciting of orders for the sale of, milk, dairy products, vegetables, poultry, eggs and other farm and garden produce as far as the sale of such commodities is authorized by law.

860.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

CHAPTER 876
Trailer and Tourist Camps

876.01	Definitions.
876.02	Enforcement; Board of Investigators.
876.03	Parking or occupancy of trailers outside of camps.
876.04	Permanent occupancy.
876.05	License required; application; issuance; consent of neighbors.
876.06	Zoning of trailer and tourist camps.
876.07	Camp plan.
876.08	Water supply.
876.09	Service building and accommodations.
876.10	Liquid and solid waste disposal.
876.11	Limitation on number of occupants.
876.12	Management; duties of attendant and licensee; record keeping.
876.13	Applicability of Building, Plumbing, Electrical and Mechanical Codes.
876.14	Revocation of licenses.
876.15	Hearing on granting, denying, renewing or revoking a license.
876.16	Judicial review.
876.17	Conflict of laws.
876.99	Penalty.

CROSS REFERENCES

Occupancy of trailer homes - see CHTR. §5.16
Location of house trailers outside licensed parks - see M.C.L.A. §§125.741 et seq.
Uniform Mobile Homes Warranty Act - see M.C.L.A. §§125.991 et seq.
Mobile Home Park Act - see M.C.L.A. §§125.1001 et seq.
Mobile Home Commission Act - see M.C.L.A. §§125.1101 et seq.
Vehicle and trailer parking and storage - see GEN. OFF. Ch. 692

876.01 DEFINITIONS.

As used in this chapter, unless the context clearly indicates a different meaning:

(a) "Automobile trailer", "trailer coach" and "trailer" mean any vehicle or structure designed and constructed in such manner as will permit occupancy thereof as sleeping quarters for one or more persons, or the conduct of any business, profession, occupation or trade (or use as a selling or advertising device); and so designed that it is or may be mounted on wheels and used as a conveyance on highways or City streets, propelled or drawn by its own or other motive power, excepting a device used exclusively upon stationary rails or tracks.

(b) "Cabin plot" means a section of ground not less than 800 square feet in area, upon which only one camp cottage or cabin is located.

(c) "Tourist camp" means any privately owned park, tourist park, tourist court, camp, court site, lot, parcel or tract of land upon which one or more camp cottages or cabins are located and maintained for the accommodation of transients by the day, week or month, whether a charge is made or not.

(d) "Trailer camp" means any park, trailer park, trailer court, court, camp site, lot, parcel or tract of land designated, maintained or intended for the purpose of supplying a location or accommodations for any trailer coach or trailer coaches and upon which any trailer coach or trailer coaches are parked. The term includes all buildings used or intended to be used as part of the equipment thereof whether a charge is made for the use of the trailer camp and its facilities or not. Trailer camp shall not include automobile or trailer sales lots on which unoccupied trailers are parked for purposes of inspection and sale.

(e) "Unit" means a section of ground in a trailer camp of not less than 800 square feet of unoccupied space in an area designated as the location for only one automobile and one trailer.

876.02 ENFORCEMENT; BOARD OF INVESTIGATORS.

(a) A Board of Investigators, consisting of a County Health officer, the Chief of the Fire Department, the Chief of Police and the City Manager, is hereby established, with the City Manager as Chairperson. The Chairperson shall, with the approval of the members of the Board, appoint a Secretary for the Board from among the employees of the City.

(b) The Board shall enforce all provisions of this chapter. For the purpose of securing such enforcement, any member of the Board, or his or her duly authorized representatives, shall have the right and are hereby empowered to enter upon any premises on which any automobile trailer or camp cottage or cabin is located, or is about to be located, and inspect the same and all accommodations connected therewith at any reasonable time. The Board is further empowered to issue orders granting, renewing and revoking such licenses as are provided for in this chapter.

876.03 PARKING OR OCCUPANCY OF TRAILERS OUTSIDE OF CAMPS.

(a) No person shall, within the limits of the City, park any trailer on any street, alley or highway, or other public way or public place, or on any tract of land owned by any person, occupied or unoccupied, except as provided in this chapter.

(b) Emergency or temporary stopping or parking is permitted on any street, alley or highway for not longer than seven days, subject to any other prohibition, regulation or limitation imposed by the Traffic Code for that street, alley or highway.

(c) No person shall park or occupy any trailer on the premises of any occupied dwelling or on any lot which is not a part of the premises of any occupied dwelling, either of which is situated outside an approved trailer camp, except that the parking or storage of one trailer in an accessory private garage building, or in a rear yard of any district, or in a side yard of any district, provided the setbacks thereof can be maintained, is permitted, provided, however, that not less than ten feet clear and unimpeded space exists on all sides thereof and the users thereof have free access to all sanitary facilities, as approved by the Board of Investigators.

876.04 PERMANENT OCCUPANCY.

Automobile trailers shall not be used as a permanent place of abode or as a permanent dwelling or for indefinite periods of time, provided that any such trailer properly connected with an approved water supply and sanitary sewer system and constructed and located in compliance with all requirements of the Building, Plumbing, Sanitary, Health, Zoning and Electrical Codes of the City, and not inhabited by a greater number of occupants than that for which it was designed, may be permitted on any premises under permits properly secured as provided for in said Building, Plumbing, Sanitary, Health, Zoning and Electrical Codes.

876.05 LICENSE REQUIRED; APPLICATION; ISSUANCE; CONSENT OF NEIGHBORS.

(a) No person shall establish, operate or maintain, or permit to be established, operated or maintained, upon any property owned or controlled by him or her, a trailer camp or tourist camp or combination of the two, within the limits of the City, without having first secured a license for each of them from the Board of Investigators, granted and existing in compliance with the terms of this chapter. Such license shall expire one year from the date of issuance, but may be renewed under the provisions of this chapter for additional periods of one year.

(b) The application for such license or the renewal thereof shall be filed with the Chairperson of the Board of Investigators and shall be accompanied by a fee of two dollars ($2.00) for each calendar year or portion thereof for each unit and cabin plot in the existing or proposed camp, said payment not to exceed thirty dollars ($30.00). The application for a license or renewal thereof shall be made on forms furnished by the Board of Investigators and shall include the name and address of the owner in fee of the tract. If the fee is vested in some person other than the applicant, a duly verified statement from that person, that the applicant is authorized by him or her to construct or maintain the trailer or tourist camp and to make the application, shall be required. The application shall also include such legal description of the premises, upon which the trailer or tourist camp is or will be located, as will readily identify and definitely locate the premises. The application shall be accompanied by four copies of the camp plan showing the following, either existing or proposed:

(1) The extent and area used for camp purposes;
(2) Roadways and driveways;
(3) The location of sites or units for trailer coaches or cabins;
(4) The location and number of sanitary and utility rooms to be used by occupants of units or cabins (in cases where cabins do not have all facilities in proper conformance with City Building, Plumbing and other Codes);
(5) The method and plan of sewage disposal;
(6) The method and plan of garbage removal;
(7) The plan for water supply;
(8) The plan for electrical lighting of units and cabins.

(c) Before such license may be issued, there must be attached to the application the written consent of sixty-five percent of the Negaunee residents of the area within 600 feet of the proposed court. The premises must be inspected and approved by each of the members of the Board of Investigators or his or her duly authorized representative, as complying with all the provisions of this chapter and all other applicable ordinances of the City.

876.06 ZONING OF TRAILER AND TOURIST CAMPS.

(a) No trailer or tourist camp shall be located within the limits of the City, unless approved water and sewer connections and fire protection facilities are available therefor.

(b) No occupied trailer, camp cottage, cabin cottage, cabin or other building shall be located within the City limits within the recognized setback line for the zoning district in which such trailer or cabin is located nor less than ten feet from any other building or vehicle or the boundary line of the tract on which it is located.

876.07 CAMP PLAN.

(a) Every trailer or tourist camp shall be located on a well drained area, and the premises shall be properly graded so as to prevent the accumulation of storm or other waters.

(b) Units and cabin plots shall be clearly designated and the camp so arranged that all units and cabin plots shall face or abut on a driveway of not less than twenty feet in width, giving easy access from all units to a public street. Such driveway shall be maintained in good condition, shall be well lighted at night and shall not be obstructed.

(c) The camp shall be so laid out that no unit or cabin shall be located farther than 200 feet from the toilets and service buildings provided for in this chapter, and walkways to such buildings shall be well lighted at night.

(d) Every trailer unit shall be furnished with electric service.

876.08 WATER SUPPLY.

(a) An adequate supply of pure water, furnished through a pipe distribution system, and connected directly with an approved water supply, with supply faucets located not more than 200 feet from any trailer or cabin, shall be furnished for drinking and domestic purposes.

(b) No common drinking vessels shall be permitted, nor shall any drinking water faucets be placed in any toilet room or water closet compartment.

876.09 SERVICE BUILDING AND ACCOMMODATIONS.

(a) Every trailer or tourist camp shall have erected thereon, at a distance not greater than 200 feet from any unit or cabin it is designed to serve, a suitable building for housing toilets, showers, and laundry facilities as required by this chapter, such building to be known as the service building.

(b) Separate toilet rooms shall be provided for each sex. Flush toilets provided with an adequate water supply shall be enclosed in separate compartments having a minimum width of three feet, six inches and shall be provided for each sex in the ratio of one toilet for each eight units or cabins or fraction thereof. Every male toilet room shall have one urinal for each sixteen units or cabins, but in no case shall any male toilet be without one urinal. Toilet rooms shall contain lavatories with running water in the ratio of one lavatory to every two or less water closets.

(c) Separate bathing facilities for each sex shall be provided with one shower enclosed in a compartment at least four feet square, for each eight units of cabins or fraction thereof. Each shower compartment shall be supplemented by an individual dressing compartment of at least twelve square feet.

(d) The above accommodations shall be based on the total camp capacity according to accepted plans.

(e) Floors of toilets, showers and the laundry shall be of concrete, tile or similar material impervious to water and easily cleaned and pitched to a floor drain.

876.10 LIQUID AND SOLID WASTE DISPOSAL.

(a) All waste from showers, toilets, laundries, faucets and lavatories shall be discharged into a sewer system that extends from and is connected to an approved sewer system.

(b) All sanitary facilities that are not connected to an approved sewer system by means of rigid pipe connections shall be sealed, and their use is hereby declared unlawful.

(c) Each faucet site shall be equipped with facilities for drainage of waste and excess water into the sewer. In no case shall any wastewater be thrown or discharged upon the surface of the ground or disposed of by any other means than as hereby provided.

(d) Every unit shall be provided with a substantial flytight metal garbage depository from which the contents shall be removed by the City garbage collection service.

876.11 LIMITATION ON NUMBER OF OCCUPANTS.

No trailer or cabin may be inhabited by a greater number of occupants than that for which it was designed.

876.12 MANAGEMENT; DUTIES OF ATTENDANT AND LICENSEE; RECORD KEEPING.

(a) In every trailer or tourist camp there shall be an office building in which shall be located the office of the person in charge of said camp. A copy of the camp license and this chapter shall be posted therein and the camp register shall at all times be kept in said office.

(b) It is hereby made the duty of the attendant or person in charge of the camp, together with the licensee, to:

(1) Keep at all times a register of all guests (which shall be open at all times to inspection by State and Federal officers and officers of the City) showing:
   A. Names and addresses.
   B. Dates of entrance and departure.
   C. License numbers of all trailers and towing or other automobiles.
   D. State where such license was issued.
   E. Place of last location and length of stay.
(2) Maintain the camp in a clean, orderly and sanitary condition at all times.
(3) See that the provisions of this chapter are complied with and enforced and report promptly to the proper authorities any violations of this chapter or any other violations of law which may come to his or her attention.
(4) Report to the County Health Officer all cases of persons or animals infected or suspected of being infected with any communicable disease.
(5) Prevent the running at large of dogs, cats or other animals or pets.
(6) Maintain in convenient places, approved by the Fire Department, hand fire extinguishers in the ratio of one to eight units or cabins.
(7) Prohibit the lighting of open fires on the premises.
(8) Prohibit the use of any trailer or cabin by a greater number of persons than that which it is designed to accommodate.

876.13 APPLICABILITY OF BUILDING, PLUMBING, ELECTRICAL AND MECHANICAL CODES.

All building, plumbing, electrical and mechanical work on or at any camp licensed under his chapter shall be in accordance with the County Building, Plumbing, Electrical and Mechanical Codes, with State law and with any other applicable code or law, unless said codes and laws are specifically made inapplicable under the terms of this chapter.

876.14 REVOCATION OF LICENSES.

The Board of Investigators is hereby authorized to revoke any license issued pursuant to the terms of this chapter if, after due investigation, it determines that the holder thereof has violated any of the provisions of this chapter or that any trailer, trailer camp or tourist camp is being maintained in an unsanitary or unsafe manner or is a nuisance.

876.15 HEARING ON GRANTING, DENYING, RENEWING OR REVOKING A LICENSE.

Any person aggrieved by an order of the Board of Investigators granting, denying, renewing or revoking a license for a trailer camp or tourist camp, under this chapter, may file a written request for a hearing before the Board within ten days after issuance of such an order. The Board shall give notice of a public hearing upon this request to be held in not less than five days after service of the notice on the person requesting the hearing. The Board may also give notice of the hearing to other persons directly interested in the order in question. At such

hearing, the Board shall determine whether the granting, denying, renewing or revoking of the license was in accordance with the provisions of this chapter and shall issue written findings of fact, conclusions of law and an order to carry out its findings and conclusions. These findings of fact, conclusions of law and order shall be filed with the Secretary of the Board and served by the Board upon all parties appearing or represented at said hearing.

876.16 JUDICIAL REVIEW.

An order granting, denying, renewing or revoking any license under the provisions of this chapter may be appealed to a court of competent jurisdiction. Appeal from such orders must be taken within ten days after the order is issued. Upon any such appeal the findings in fact of the Board of Investigators, if supported by substantial evidence, shall be conclusive.

876.17 CONFLICT OF LAWS.

All codes or parts of codes inconsistent with or contrary hereto are hereby repealed, except that nothing in this chapter shall be interpreted as to conflict with State housing laws, State legislation regulating trailers, trailer camps or tourist camps or any of the requirements of any code of the City not made inapplicable by the express terms of this chapter.

876.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

CODIFIED ORDINANCES OF NEGAUNEE

PART TEN - STREETS, UTILITIES AND PUBLIC SERVICES CODE

TITLE TWO - Street and Sidewalk Areas
Chap. 1020. Sidewalk Construction and Repair.

TITLE FOUR - Utilities
Chap. 1040. Sewers.
Chap. 1042. Water Generally.
Chap. 1044. Water Supply Cross-Connections.
Chap. 1046. Electricity.
Chap. 1048. Gas.

TITLE SIX - Other Public Services
Chap. 1060. Garbage and Rubbish Collection and Disposal.
Chap. 1062. Negaunee Cemetery.
Chap. 1064. Teal Lake.

CODIFIED ORDINANCES OF NEGAUNEE

PART TEN - STREETS, UTILITIES AND PUBLIC SERVICES CODE

TITLE TWO - Street and Sidewalk Areas
Chap. 1020. Sidewalk Construction and Repair.

CHAPTER 1020
Sidewalk Construction and Repair

1020.01	Definitions.
1020.02	Compliance.
1020.03	Resolution of necessity and intention.
1020.04	Notice to property owner.
1020.05	Plans and specifications.
1020.06	Permission required; exception.
1020.07	Construction by City; costs.
1020.08	Collection of costs by City.
1020.09	Division of costs.
1020.10	Modification of aprons.
1020.99	Penalty.

CROSS REFERENCES

Failure of property owner to keep sidewalks free of obstructions - see M.C.L.A. §103.4
Sidewalks generally - see M.C.L.A. §§691.1401 et seq.
Snow and ice removal - see GEN. OFF. Ch. 688
Sidewalks in subdivisions - see P. & Z. 1246.05

1020.01 DEFINITIONS.

As used in this chapter:

(a) "Construct" means to construct, repair or rebuild.

(b) "Frontage" is defined as follows:

(1) For residences, which are construed to include premises used and occupied exclusively for residential purposes, and for unimproved lots, "frontage" means that portion of the sidewalk that is parallel to the main or principal entrance to the dwelling or improvement thereon. When a residence is located on a corner, "frontage" shall be deemed to include that portion of the lot which does not front on the main entrance of the premises.

(2) For commercial properties, which are construed to include all improved properties, any portion of which is used for nonresidential purposes, "frontage" means all portions of sidewalk that abut thereon. For commercial properties located on corners, "frontage" shall be deemed to include that portion of the lot which does not front on the main entrance of the premises.

(c) "Property owner" means the owner of the lot adjoining the sidewalk to be constructed, provided that if the owner of the lot improved has issued a mine lease on said lot, then "property owner" shall mean the lessee or owner of said leasehold interest.

(d) "Sidewalk" means that part of a public highway set aside and used for pedestrians, and it shall always mean the curb and gutter customarily built in connection with such sidewalks.

1020.02 COMPLIANCE.

All sidewalks hereafter constructed in the City shall be in compliance with the provisions of this chapter.

1020.03 RESOLUTION OF NECESSITY AND INTENTION.

Council, by resolution or motion, shall determine the necessity of constructing sidewalks in any street in the City and shall therein declare the intention of the City to make said improvement. Such improvement shall be made in accordance with the procedures for making special assessments provided for in Article X of the City Charter.

1020.04 NOTICE TO PROPERTY OWNER.

The City Manager shall give notice, either by personal service or by newspaper publication, to the property owner or owners adjoining the sidewalk which is proposed to be constructed, of the intention of the City to make such improvement and of the portion thereof to be assessed, such assessment to be made in accordance with the provisions of Article X of the City Charter.

1020.05 PLANS AND SPECIFICATIONS.

All sidewalks shall be constructed in compliance with the plans therefor and with the standard specifications of the City. All concrete used in sidewalk construction shall, twenty-eight days after placement, be capable of resisting pressure of 2,500 pounds per square inch, without failure.

1020.06 PERMISSION REQUIRED; EXCEPTION.

(a) No sidewalk shall be constructed in the City by any sidewalk builder, other than the City, without permission being obtained from the City Manager or his or her designee. This permission shall be secured by the property owner who shall in writing agree to construct the sidewalk in compliance with the grade and specifications attached to such permission. The property owner shall be responsible for the condition of the sidewalk.

(b) No such permission shall be required for the repair of any sidewalk involving less than fifty square feet in area.

1020.07 CONSTRUCTION BY CITY; COSTS.

If the property owner shall fail or neglect to construct said sidewalk, for twenty days after the notice provided for in Section 1020.04 is given to him or her, then the City Manager shall cause said sidewalk to be built and the City Manager shall prepare a detailed statement of all expense involved in such construction. The statement shall be delivered by the City Manager to the City Assessor who shall cause an assessment to be made against the property owner in accordance with the procedures for making special assessments provided for in Article X of the City Charter.

1020.08 COLLECTION OF COSTS BY CITY.

(a) The cost of repairs to be charged against the property owner, as set forth in Section 1020.07, shall be payable at the office of the City Treasurer on or before sixty days after said cost is billed to said property owner. If payment in full is not made within such period, then the portion of the cost thereof for which the property owner is liable shall constitute an assessment in accordance with the procedures for making special assessments provided for in Article X of the City Charter.

(b) The assessment, when confirmed by the City Manager, shall constitute a lien against the interest of the property owner in the premises and shall have the status of a special assessment. The Assessor of the City shall keep and maintain a special assessment book in which he or she shall inscribe all special assessments levied under these Codified Ordinances. Such special assessments shall be collected according to the law in the same manner as other City taxes, or the City may collect such assessment from the property owner in an action of assumpsit brought in the name of the City after the City Manager has authorized the same.

1020.09 DIVISION OF COSTS.

Whenever any sidewalk is constructed in the City under this chapter, all or a portion of the entire cost of labor and materials shall be billed to the owner of the property benefitted, in accordance with the provisions of Article X of the City Charter, which benefit shall be computed according to the frontage of the property. The City shall pay out the remaining cost arising from said improvement. The cost assumed by the City shall be limited to that arising from sidewalk construction, and the City shall not participate in cost arising from unusual land conditions or from the need to reinforce the foundation of any sidewalk or from special or unusual situations.

1020.10 MODIFICATION OF APRONS.

The modification of the apron of any driveway using concrete, blacktopping or gravel, without written authority from the City Council, is prohibited.

1020.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

TITLE FOUR - Utilities

Chap. 1040. Sewers.
Chap. 1042. Water Generally.
Chap. 1044. Water Supply Cross-Connections.
Chap. 1046. Electricity.
Chap. 1048. Gas.

CHAPTER 1040
Sewers

1040.01 Definitions.
1040.02 Use of public sewers required.
1040.03 Private sewage disposal.
1040.04 Building sewers and connections.
1040.05 Use of public sewers.
1040.06 Damaging sewerage works.
1040.07 Authority of inspectors.
1040.08 Discharge to sanitary or storm sewers or receiving streams.
1040.09 Industrial surcharges.
1040.10 Industrial cost recovery system charges.
1040.11 Recordkeeping.
1040.12 Authority to operate a wastewater utility.
1040.13 Rates and charges.
1040.14 Free service.
1040.15 Levels of rates.
1040.16 Operating year.
1040.17 Financial hardship.
1040.18 Connections to the system.
1040.19 Violations; notice to correct.
1040.99 Penalty.

CROSS REFERENCES

Sewers and sewer systems generally - see Mich. Const. Art. 7, §24; M.C.L.A. §§46.171 et seq., 67.34, 123.241 et seq., 323.151 et seq., 325.201 et seq.
Sewers and sewer systems in home rule cities - see M.C.L.A. §§117.4b, 117.4e, 117.4f, 117.35
Sewers in trailer and tourist camps - see B.R. & T. 876.10
Sewers in subdivisions - see P. & Z. 1246.02, 1246.04

1040.01 DEFINITIONS.

As used in this chapter, unless the context specifically indicates otherwise:

(1) "Biochemical oxygen demand (BOD)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees Celsius.

(2) "Building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of a building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

(3) "Building sewer" means the extension from the building drain to the public sewer or other places of disposal.

(4) "Clean Water Act" means the Federal Pollution Control Act of 1972 (Public Law 92-500), as amended.

(5) "Combined sewer" means a sewer receiving both surface runoff and sewage.

(6) "Compatible pollutant" means a substance amenable to treatment in the wastewater treatment plant, such as biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the NPDES permit if the publicly owned treatment works was designed to treat such pollutants, and in fact does remove such pollutants to a substantial degree. Examples of such additional pollutants may include: chemical oxygen demand, total organic carbon, phosphorus and phosphorus compounds, nitrogen compounds, fats, oils and greases of animal or vegetable origin.

(7) "Debt service charge" means charges levied to customers of the wastewater system, which charges are used to pay principal, interest and administrative costs of retiring the debt incurred for construction of the wastewater system. The debt service charge shall be in addition to the user charge specified above.

(8) "Federal grant" means a grant in aid in construction of wastewater treatment works provided under PL 92-500.

(9) "Federal grant amount for the industrial recovery charges" means only that portion of the total project costs of Project No. C-262310 for wastewater treatment which was funded by the U.S. Environmental Protection Agency.

(10) "Garbage" means solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

(11) "Incompatible pollutants" means any pollutant which is not a compatible pollutant.

(12) "Industrial cost recovery" means recovery by the local agency from industrial users of the treatment works, or that portion of the Federal grant amount allocable to the construction of facilities for the treatment of wastes from such users, pursuant to 40 CFR 35.928.

(13) "Industrial waste" means wastewater discharges from industrial, manufacturing, trade or business processes, as distinct from their employees' domestic wastes or wastes from sanitary conveniences.

(14) "Local agency" means the City of Negaunee or its designated official or department.

(15) "Major contributing industry" means any industrial user of the publicly owned treatment works that:

A. Has a flow of 50,000 gallons or more per average work day;

B. Has a flow greater than five percent of the flow carried by the municipal system receiving the waste;

C. Has in its waste a toxic pollutant in toxic amounts as defined in the standards issued under Section 307(a) of the Act; or

D. Is found by the permit issuance authority, in connection with the issuance of an NPDES permit to the publicly owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works. All major contributing industries shall be monitored.

(16) "May" is permissive.

(17) "Natural outlet" means any outlet into a watercourse, pond, ditch, lake or other body of surface ground water.

(18) "Nonindustrial user" means any governmental or residential user and also includes commercial, institutional and other industrial users where it has been determined that the wastes contributed by these users are primarily segregated domestic wastes or wastes from sanitary conveniences.

(19) "Normal domestic wastes" means wastewaters from segregated domestic and/or sanitary conveniences, as distinct from wastes from industrial processes, which domestic wastes do not exceed a BOD strength of 250 milligrams per liter or a suspended solids strength of 300 milligrams per liter.

(20) "NPDES permit" means a permit issued pursuant to the National Pollutant Discharge Elimination System prescribed in PL 92-500.

(21) "Operation and maintenance" means all work, materials, equipment, utilities and other effort required to operate and maintain the wastewater transportation and treatment system consistent with insuring adequate treatment of wastewater to produce an effluent in compliance with the NPDES permit and other applicable State and Federal regulations, and includes the cost of replacement.

(22) "Person" means any individual, firm, company, association, society, group or corporation.

(23) "PL 92-500" means the Federal Water Pollution Control Act of 1972, being Public Law 92-500 of the ninety-second Congress and adopted on October 18, 1972.

(24) "Properly shredded garbage" means wastes from the preparation, cooking or 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 that one-half inch in any dimension.

(25) "Public sewer" means a sewer in which all owners of abutting properties have equal rights and which is controlled by the local agency.

(26) "Recovered amounts" means annual payments from industrial users for their share of the Federal grant amount allocable to the treatment of industrial waste, by the recovery period. The first payment by an industrial user shall be made not later than one year after such user begins use of the treatment works.

(27) "Recovery period" means the industrial cost recovery period, which is hereby defined as a period of thirty years.

(28) "Replacement" means the replacement in whole or in part of any equipment in the wastewater transportation or treatment systems to insure continuous treatment of wastewater in accordance with the NPDES permit and other applicable State and Federal regulations.

(29) "Retained amounts" means that portion of the recovered amounts retained by the local agency. The retained amounts will be equal to fifty percent of the recovered amounts, together with interest earned thereon. Retained amounts shall be under the jurisdiction of the City.

(30) "Revenues" and "net revenues" are defined in Section 3 of Act 94 of the Public Acts of 1933, as amended.

(31) "Sanitary sewer" means a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

(32) "Sewer" means a pipe or conduit for carrying sewage.

(33) "Sewer service charge" means the sum applicable of the user charge, surcharges, industrial cost recovery and debt service charges.

(34) "Shall" is mandatory.

(35) "Storm drain" and "storm sewer" mean a sewer which carries storm and surface waters and drainage, but which excludes sewage and polluted industrial wastes.

(36) "Surcharge," as a part of the service charge, means the additional charge required to be paid by any customer discharging wastewater having strength in excess of 250 mg/l BOD and 300 mg/l SS, to cover the cost of treating such excess strength wastewater.

(37) "Suspended solids" means solids that either float on the surface of, or are in suspension in, water, sewage or other liquids, and that are removable by laboratory filtering.

(38) "System" means the complete City sanitary sewage system, including all mains, pumps, lift stations and collection and disposal facilities, including all appurtenances thereto and including all extensions and improvements thereto, which may hereafter be acquired.

(39) "User charge" means a charge levied on users of a treatment works for the cost of operation and maintenance of sewage works, pursuant to Section 204b of PL 92-500, and includes the cost of replacement.

(40) "User class" means the kind of user connected to sanitary sewers, including, but not limited to, residential, industrial, commercial, institutional and governmental.

A. "Commercial user" means an establishment listed in the Office of Management and Budget's Standard Industrial Classification Manual (1972 edition), involved in a commercial enterprise, business or service which, based on a determination by the local agency, discharges primarily segregated domestic wastes or wastes from sanitary conveniences and which is not a residential user or an industrial user.

B. "Governmental user" means any Federal, State or local government user of the wastewater treatment works.

C. "Industrial user" means any nongovernmental user or manufacturing or processing facility that discharges industrial waste to a publicly owned treatment works. Industrial users shall be identified in the Standard Industrial Classification Manual (1972 edition), Office of Management and Budget, as amended and supplemented under the following divisions:

Division A - Agriculture, Forestry and Fishing
Division B - Mining
Division D - Manufacturing
Division E - Transportation, Communication, Electric, Gas and Sanitary Services
Division I - Services

D. "Institutional user" means any establishment listed in the Standard Industrial Classification Manual (1972 edition) involved in a social, charitable, religious or educational function, which, based on a determination by the local agency, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

E. "Residential user" means a user of the treatment works whose premises or buildings are used primarily as a domicile for one or more persons, including dwelling units such as detached, semi-detached and row houses, mobile homes, apartments and permanent multifamily dwellings. Transit lodging is not included; it is considered commercial.

(41) "Wastewater" means a combination of water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground waters as may be present.

(42) "Wastewater plant" means any arrangement of devices and structures used for treating wastewater.

(43) "Wastewater works" means all facilities for collecting, pumping, treating and disposing of wastewater.

(44) "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.

1040.02 USE OF PUBLIC SEWERS REQUIRED.

(a) No person shall place, deposit or permit to be deposited in an unsanitary manner upon public or private property within the local agency, or in any area under its jurisdiction, any human or animal excrement, garbage or other objectionable waste.

(b) No person shall 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 provisions of this chapter.

(c) Except as hereinafter provided, no person shall construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

(d) The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purpose, situated within the local agency and abutting on any street, alley or right of way in which there is now located or may in the future be located a public sanitary sewer, is hereby required at his or her expense to install suitable sewage facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within ninety days after the date of official notice to do so.

1040.03 PRIVATE SEWAGE DISPOSAL.

(a) Where a public sanitary sewer is not available under the provisions of Section 1040.02(d), the building sewer shall be connected to a private sewage disposal system, that complies with County Health Department regulations.

(b) At such times as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 1040.02(d), direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned for sanitary use, filled with suitable material and sealed.

(c) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the local agency.

1040.04 BUILDING SEWERS AND CONNECTIONS.

(a) No unauthorized person shall uncover, make any connections with or openings into, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit therefor from the local agency. No building sewer shall be covered until after it has been inspected and approved by the authorized official. The cost of the application and permit shall be ten dollars ($10.00).

(b) All costs and expense incident to the installation and connection of the building sewer to the public sewer connection shall be borne by the owner.

(c) A separate and independent building sewer shall be provided for every building.

(d) Old building sewers may be used in connection with the new buildings only when they are found on examination and test to meet all requirements of this chapter.

(e) A newly constructed building sewer shall be Schedule 40 PVC, cast iron, vitrified clay sewer pipe or asbestos cement pipe. Joints shall be tight and waterproof. Materials and joints shall be as approved by the local agency. Any part of the building sewer that is located within ten feet of a water service pipe shall be constructed of cast iron. If installed in filled or unstable ground, the building sewer shall be of cast iron soil pipe, except that nonmetallic material may be accepted if laid on a suitable concrete bed or cradle. Transitions or connections will be constructed only with fabricated connection fittings approved by the local agency.

(f) The size and slope of the building sewer shall be subject to the approval of the local agency, but in no event shall the diameter be less than six inches. The slope of such six-inch pipe shall not be less than one-eighth inch per foot, unless otherwise permitted.

(g) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and in a straight line.

(h) In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by a pumping system approved by the local agency and discharged to the building sewer.

(i) No sewer connection 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.

1040.05 USE OF PUBLIC SEWERS.

(a) No person shall discharge or cause to be discharged any storm water, surface water, ground water, water from footing drains, or roof water, to any sanitary sewer or sewer connection except as otherwise provided in this chapter. Downspouts and roof leaders shall be disconnected from sanitary sewers within one year of the date of this chapter.

(b) Storm water, ground water, water from footing drains and all other unpolluted drainage shall be discharged into such sewers as are specifically designated as storm sewers, or to a natural outlet, except as otherwise provided in this chapter. Industrial cooling water or unpolluted process waters may be discharged, upon application and approval of the local agency and the appropriate State agency, to a storm sewer or natural outlet.

(c) Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

(1) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (sixty-six degrees Celsius) or lower than thirty-two degrees Fahrenheit (zero degrees Celsius).

(2) Any water or waste which may contain more than 100 parts per million by weight of fat, oil or grease.

(3) Any gasoline, benzine, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.

(4) Any garbage that has not been properly shredded.

(5) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, woods, paunch manure or other solid or viscous substance capable of causing obstruction to flow in sewers or other interference with the proper operation of the sewerage works.

(6) Any waters or wastes having corrosive properties capable of causing drainage hazard to structures, equipment and personnel of the sewerage works.

(7) Any waters with a pH lower than 6.5 or greater than 9.5.

(8) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals or create any hazard in the receiving waters of the treatment plant.

(9) 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.

(10) Any noxious or malodorous gas or substance capable of creating a public nuisance.

(11) Any industrial waste that may cause a deviation from the NPDES permit requirements, pretreatment standards any other State or Federal regulations.

(d) Grease, oil and sand interceptors shall be provided when liquid wastes contain grease in excessive amounts, or other harmful ingredients, except that such interceptors shall not be required for single-family or multiple-family dwelling units. All interceptors shall be of a type and capacity approved by the local agency and shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted into place, shall be gastight and watertight.

(e) Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his or her expense, in continuously efficient operation at all times.

(f) The admission into the public sewers of any waters or wastes containing more than 250 mg/l of BOD or 300 mg/l of suspended solids, or containing any quantity of substances having the characteristics described in subsection (c) hereof, having an average daily flow greater than two percent of the average daily flow of the local agency, shall be subject to review and approval of the local agency. Preliminary treatment shall be provided at no expense to the local agency as may be necessary to reduce the BOD to 250 mg/l and suspended solids to 300 mg/l, or to reduce objectionable characteristics for constituents to within the maximum limits provided for in subsection (c) hereof, or to control the quantity and rates of discharges of such waters or wastes. A person 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 interest of the local agency. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained in satisfactory and effective operation by the owner at his or her expense. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for approval, and no construction of any facility shall be commenced until said approvals are obtained in writing. The local agency may elect to treat industrial wastes, discharged in excess of normal domestic concentrations, on a basis prescribed by written agreement and for an established surcharge to cover the added cost.

(g) The owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the local agency. The manhole shall be installed by the owner at his or her expense and shall be maintained by him or her so as to be safe and accessible at all times.

(h) All measurements, tests and analyses of the characteristics of waters and wastes to which references are made shall be determined in accordance with Standard Methods for Examination of Water and Wastewater and Guidelines Establishing Test Procedure for the Analysis of Pollutants, Federal Regulation 40 CFR Part 136, published in the Federal Register on October 16, 1973, and shall be determined at the control manhole provided for in subsection (g) hereof, 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.

(i) No statement contained in this section shall be construed as preventing any special agreement between the local agency and any industrial concern whereby an industrial waste of unusual strength or character may be accepted, subject to payment therefor by the industrial concern, provided that such agreement shall not violate NPDES requirements and provided that user charges, surcharges and industrial cost recovery payments as provided in this chapter are agreed to in the agreement.

1040.06 DAMAGING SEWERAGE WORKS.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any sewerage works. Any person violating this provision shall be subject to immediate arrest under a charge of disorderly conduct.

1040.07 AUTHORITY OF INSPECTORS.

Duly authorized employees or representatives of the local agency, bearing proper credentials and identification, shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter.

1040.08 DISCHARGE TO SANITARY OR STORM SEWERS OR RECEIVING STREAMS.

(a) Any industry or structure discharging process flow to the sanitary sewer, storm sewer or receiving stream shall comply with the provisions of subsection (b) hereof.

(b) The local agency may require each person who applies for or receives sewer service, or who, through the nature of the enterprise, creates a potential environmental problem, to do the following:

(1) File a written statement setting forth the nature of the enterprise, the source and amount of water used, the amount of water to be discharged and the present or expected bacterial, physical, chemical, radioactive, or other pertinent characteristics of the wastes.

(2) Provide a plan map of the building, works or complex, with each outfall to surface waters, a sanitary sewer, a storm sewer, a natural watercourse or ground waters noted and described and the waste stream identified.

(3) Make sample tests and file reports with the local agency and appropriate State agencies on appropriate characteristics of wastes on a schedule, at locations, and according to methods, approved by the local agency.

(4) Place waste treatment facilities, process facilities, waste streams or other potential waste problems under the specific supervision and control of persons who have been certified by an appropriate State agency as properly qualified to supervise such facilities.

(5) Provide a report on raw materials entering the process or support systems, intermediate materials, final products and waste by-products, as those factors may affect waste control.

(6) Maintain records and file reports on the final disposal of specific liquid, solid, sludge, oil, radioactive material, solvent, or other wastes.

(7) Give written notification to the local agency if any industrial process is to be altered to include a process waste or potential waste, which shall then be subject to the approval of the local agency.

1040.09 INDUSTRIAL SURCHARGES.

(a) If the character of the sewage of any manufacturing or industrial plant or any other building or premises shall be such as to impose any unreasonable burden upon the sewers of the system or upon the sewage treatment plant in excess of a maximum limit prescribed in this chapter, then an additional charge shall be made over and above the regular rates, or the local agency shall require that such sewage be treated by the person responsible therefor before being emptied into the sewer, or the right to empty such sewage shall be denied, if necessary, to protect the system or any part thereof. Surcharges required shall be computed as the prorated share of the annual costs of operation and maintenance, including replacement, attributable to treating a substance, multiplied by the ratio of the weight of surchargeable excess of the discharged substance to the total weight of such substance that is treated in that year. This amount shall be collected on the basis of estimated surchargeable amounts with each billing and shall be adjusted annually to reflect actual operation, maintenance and replacement costs. If any premises connected to the system discharge a large portion of total water used into the storm sewer and not

into the sanitary sewer, all such discharges shall comply with the requirements of State and Federal agencies.

(b) Any wastewater discharged into the sewer system having a substance in excess of the limits prescribed in Section 1040.05 shall be permitted only if provided for in a special agreement with the industrial concern discharging the wastewater, and then only if such agreement provides for the payment by the industrial concern for the full cost of treating such excess constituents in the wastewater.

1040.10 INDUSTRIAL COST RECOVERY SYSTEM CHARGES.

(a) Project No. C-262310 is defined as a separate and distinct construction project for the construction of the treatment works which was sponsored by the U.S. Environmental Protection Agency under the provisions of Public Law 92-500 and granted through the City. This project does not include past or future construction, equipment or other services not included under the specific project number and the approved plans, specifications and approved change orders for the project.

(b) In order to comply with the special grant conditions under PL 92-500, which require the grantee to recover from industrial users of the waste treatment facilities that portion of the grant amount allocable to the treatment of industrial wastes, the local agency will collect all required industrial cost revenue charges and remit the same in accordance with Federal requirements of the U.S. Environmental Protection Agency as prescribed in this section.

(c) Recovered amounts shall be collected each year during the industrial cost recovery period from each industrial user as defined in Section 1040.01.

(d) An industrial user's share shall be based on all factors which significantly influence the cost of the treatment works. Factors such as strength, volume and delivery flow rate characteristics shall be considered and included to insure a proportional distribution of the grant assistance allocable to industrial use to all industrial users of the treatment works.

(e) If there is a substantial change in the strength, volume or delivery flow rate characteristics introduced into the treatment works by an industrial user, such user's share shall be adjusted accordingly.

(f) If there is an expansion or upgrading of the treatment works, each existing industrial user's share shall be adjusted accordingly.

(g) The industrial user's share shall include only that portion of the grant assistance allocable to its use or to capacity firmly committed for its use.

(h) The industrial user's share shall not include an interest component.

(i) Retained amounts shall be monies held from recovered amounts. The local agency shall retain fifty percent of the amounts recovered from industrial users. The remaining fifty percent of recovered amounts, together with any interest earned thereon, shall be returned to the U.S. Treasury on an annual basis.

(j) A minimum of eighty percent of the amounts retained by the local agency, together with interest earned thereon, shall be used solely for the eligible costs of the expansion or reconstruction of treatment works associated with the project. The local agency shall obtain the written approval of the Regional Administrator of the U.S. Environmental Protection Agency prior to commitment of the retained amounts for any expansion and reconstruction. The remaining twenty percent of the retained amounts may be used as the local agency sees fit.

(k) Pending use, the local agency shall invest the retained amounts for reconstruction and expansion in either obligations of the U.S. Government or obligations guaranteed as to principal and interest by the U.S. Government of any agency thereof, or shall deposit such amounts in accounts fully collateralized by obligations of the U.S. Government or by obligations fully guaranteed as to principal and interest by the U.S. Government or any agency thereof.

(l) All process wastewater with a flow greater than the equivalent of 25,000 gallons per day sanitary flow, from industrial facilities, are subject to an industrial cost recovery charge. The I.C.R. charge is to be collected with sewer service billings.

(m) In addition, for BOD greater than 250 milligrams per liter, or for suspended solids greater than 300 milligrams per liter, an additional industrial cost recovery surcharge will be levied equal to the cost of treatment per pound of BOD in excess of 250 milligrams per liter and the cost of treatment per pound of suspended solids in excess of 300 milligrams per liter.

1040.11 RECORDKEEPING.

(a) The local agency will maintain and keep proper books of records and accounts, separate from all other records and accounts, in which shall be made full and correct entries of all transactions relating to the system. The local agency will cause an annual audit of such books of record and account for the preceding operating year to be made by a recognized independent certified public accountant and will supply such audit report to authorized public officials on request.

(b) In conjunction with the audit there shall be an annual review of the sewer charge system to determine whether or not it is sufficient to meet expected expenditures for the following year.

(c) Classification of old and new industrial users shall also be reviewed annually.

(d) The local agency will maintain and carry insurance on all physical properties of the system, of the kinds and in the amounts normally carried by public utility companies and municipalities engaged in the operation of sewage disposal systems. All monies received for losses under any such insurance policies shall be applied solely to the replacement and restoration of the property damaged or destroyed.

1040.12 AUTHORITY TO OPERATE A WASTEWATER UTILITY.

It is hereby determined to be desirable and necessary for the public health, safety and welfare of the City that its sanitary sewerage system be operated on a public utility rate basis in accordance with the provisions of Act 94 of the Public Acts of 1933, as amended.

1040.13 RATES AND CHARGES.

Rates to be charged for service furnished by the system shall be as follows:

(a) Use Charges. Charges for use of the sewerage system shall be as determined from time to time by resolution of Council.

(b) Special Rates. For miscellaneous or special services for which a special rate shall be established, such rates shall be fixed by Council.

(c) Industrial Cost Recovery Charge. Council shall establish a system of industrial cost recovery charges applicable to any user of the system consistent with the terms and conditions of the Federal grant financing part of the cost of the system, which charge shall be collected, held and used in the manner required by said Federal grant. (Adopting Ordinance)

(d) Billing. Bills will be rendered monthly, payable without penalty within thirty days after the date thereon. Payment received after such period shall be considered delinquent and bear a penalty of one and one-half percent per month of the total amount payable.

(e) Enforcement.

(1) Charges for sewerage service shall constitute a lien on the property or premises served, and liens for delinquent charges may be recorded against the property with the office of the County Register of Deeds. If payment is not made within six months of the beginning of the delinquency, the same shall be certified to Council at the regular November meeting of the Council, and the amounts so certified and approved by Council shall be spread upon the December tax roll for collection. This procedure shall not apply if a lease has been legally executed, containing a provision that the lessor shall not be liable for payment of water or sewage bills accruing subsequent to the filing of the written notice and a copy of the signed lease provided by this section. A written notice with respect to the execution of a lease containing this provision shall be filed with the board, commission or other official in charge of the water works system or the sewerage system, or both, and twenty days notice shall be given by the lessor of any cancellation of, change in or termination of the lease. The written notice shall contain a notation of the expiration date of the lease.

(2) The City shall have the right to shut off sewer service to any premises for which charges for sewer service are more than fifteen days delinquent. Once the account is delinquent, the City shall mail a notice of delinquency and disconnection, on a form approved by Council, to the consumer and to the owner of the premises, as indicated on the account application, if different from the consumer. The notice shall indicate that the account is delinquent and that services shall be terminated on the fifteenth day after mailing of the notice of delinquency and disconnection, unless the account is paid in full. Before the service is again turned on after such discontinuance, a re-connection fee established from time to time by resolution of Council shall be paid, and provision shall be made to pay the delinquent account. Such charges and penalties may be recovered by the City by court action. Notice of delinquency and shut-off shall be sent as provided for in Section 1042.08.

(f) Account Applications and Deposits. No connection or provision of sewer service shall be made until an applicant therefor shall complete and sign an application form, which form shall include an agreement that all charges for services shall be promptly paid when billed. The application shall contain the name and address of both the consumer of the service and the owner of the premises to be connected, and such other information as the City Manager or Council shall require. In addition to completing an application, the consumer shall make an account deposit as determined by resolution of the Council. The City may require an increase in the initial deposit if the account holder develops a record of delinquent payments after the account has been opened. A new utility account shall not be opened, nor shall any utility services be provided to a person or other legal entity, until all prior unpaid utility charges, interest, penalties and collection fees owed to the City by that person or legal entity have been paid in full. The account application shall also state that the applicant consents to allow access to City meters at reasonable times by City employees for inspection, maintenance, reading and calibration. (Ord. Unno. Passed 7-10-96.)

1040.14 FREE SERVICE.

No free service shall be furnished by the system to any person, public or private, or to any public agency or instrumentality.

1040.15 LEVELS OF RATES.

The rates fixed by this chapter are estimated to be sufficient to provide for the payment of the expenses of administration and operation of the system and such expenses of maintenance of the system as are necessary to preserve the same in good repair and working order, and to provide for such other expenditures and funds for said system as this chapter may require. Such rates shall be fixed and revised from time to time as may be necessary to produce these amounts.

1040.16 OPERATING YEAR.

The system shall be operated on the basis of an operating year commencing on January 1 and ending on the last day of December next following.

1040.17 FINANCIAL HARDSHIP.

The owner of a single family residence, which residence has been assessed a connection charge, may submit a hardship application to the City seeking a deferment in the partial or total payment of the charges for benefits provided for in this chapter, based upon a showing of financial hardship, subject to and in accordance with the following:

(a) The owners of the premises shall, under oath, complete a hardship application provided by Council and file such application, together with all other information and documentation reasonably required by the City, with the City Council not less than sixty days prior to the date of the annual installment due. Any such deferment shall be for that annual installment only. An application shall be completed and filed by each and every legal and equitable interest holder in the premises, except financial institutions having security interests in the premises.

(b) Hardship applications shall be reviewed by Council, and, after due deliberation of the same, Council shall determine, in each case, whether there has been an adequate showing of financial hardship, and shall forthwith notify the applicant of said determination.

(c) An applicant aggrieved by the determination of Council may request the opportunity to appear before Council in person for the purpose of showing hardship and presenting any argument or additional evidence. A denial of hardship following such a personal appearance before Council shall be final and conclusive.

(d) In the event that Council makes a finding of hardship, Council shall fix the amount of deferment of partial or total charges so imposed, and in so doing, shall require an annual filing of financial status by each applicant, provided that upon a material change of financial status of an applicant, said applicant shall immediately notify the Clerk of the City so that a further review of the matter may be made by Council, and provided, further, that the duration of the deferment granted shall be self-terminating upon the occurrence of any one of the following events:

(1) A change of the applicant's financial status which removes the basis for financial hardship;

(2) A conveyance of any interest in the premises by any of the applicants, including the execution of a new security interest in the premises or extension thereof;

(3) A death of any of the applicants.

(e) Upon receiving a determination of Council deferring partial or total charges imposed, the owners of the premises shall, within one month, execute a recordable security instrument on the premises to the City, as the secured party, payable on or before the death of any of the applicants, or, in any event, upon the sale or transfer of the premises. Said security interest shall be in an amount necessary to cover all fees and charges required under this chapter, and all costs of installation and connection, the consideration for said security interest being the grant of deferment pursuant to this chapter.

1040.18 CONNECTIONS TO THE SYSTEM.

(a) All premises to which services of the system shall be available shall connect to the system within ninety days after the mailing of a notice to such premises by the City indicating that such services are available and requiring that such connection be made. All premises shall be charged a connection fee of twenty-five dollars ($25.00) per single family user equivalent. Said charge shall be payable before connection.

(b) Where a sewer is constructed by a landowner, said landowner shall pay the cost of construction. Construction shall not be commenced until all required permits are obtained and all connection charges are paid to the City.

(c) The City will be responsible for the operation and maintenance of all sewer mains. All lateral connections to the City sewer main or any subsequent problems arising in those laterals will be the responsibility of the property owner.

1040.19 VIOLATIONS; NOTICE TO CORRECT.

(a) Any person found to be violating any provision of this chapter, except Section 1040.06, shall be served by the local agency with written notice stating the nature of the violation and providing a reasonable time limit (but not exceeding sixty days) for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(b) Any person who violates Section 1040.06 or who fails to comply with the notice provided for in subsection (a) hereof, within the period of time provided for therein, shall be guilty of a misdemeanor.

(c) In addition to the penalty provided in Section 1040.99, any person violating any of the provisions of this chapter shall become liable to the local agency for any expense, loss or damage occasioned by reason of such violation.

1040.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

In addition to the penalty provided in Section 202.99, any water meter found to have been tampered with or bypassed, having the capability of being circumvented or with an illegal cross connection present, shall be presumed conclusively to have been in such condition for six months

prior to its discovery by the City. The owner of the premises serviced by a meter which has been bypassed or circumvented, or having the capability of being circumvented, shall be assessed and charged an amount double the sewer usage of any comparable premises in six months. This charge shall be billed subsequent to discovery of the bypass or circumvention and shall also be recorded as a lien against the premises and certified and spread on the tax rolls. For the purposes of this section, a comparable premises in the case of a dwelling house shall be one with an equal number of adults and children, if said information is available; otherwise the average usage for a similar size dwelling should be used. For other types of premises, a comparable premises shall be a similar establishment, i.e. a church, office, store, etc. Any residence or structure found in violation of this section shall be subject to immediate utility disconnect and shall not be reconnected to the utility supply until all bills, penalties, reconnection charges and deposits have been paid.
(Ord. Unno. Passed 7-10-96.)

CHAPTER 1042
Water Generally

1042.01	Definitions.	1042.07	Turn-off of service for nonuse or waste.
1042.02	Water rates for metered service.	1042.08	Turn-off of service for delinquency; reconnection fee.
1042.03	Water rates for unmetered service.	1042.09	Collection of charges.
1042.04	Tap-in charges.	1042.10	Use of monies collected.
1042.05	Charge for thawing freeze-ups and fixing leaks.	1042.11	Tampering with meters.
1042.06	Installation and use of meters and special pipes.	1042.12	Right of entry.
		1042.99	Penalty.

CROSS REFERENCES

Water quality - see Mich. Const. Art. 4, §§22, 52; M.C.L.A. §§67.38, 323.1 et seq.
Water supply generally - see Mich. Const. Art. 7, §24; M.C.L.A. §§46.171 et seq., 123.111 et seq., 325.201 et seq., 486.51 et seq., 486.101 et seq.
Water supply in home rule cities - see M.C.L.A. §§117.4b, 117.4e, 117.4f, 117.35, 123.115
Water supply for trailer and tourist camps - see B.R. & T. 876.08
Water supply cross-connections - see S.U. & P.S. Ch. 1044
Protection of water supply - see S.U. & P.S. 1044.05
Water wells and facilities in subdivisions - see P. & Z. 1246.03

1042.01 DEFINITIONS.

As used in this chapter:

(a) "Flat rate" and "unmetered service" mean the furnishing of water, the amount of which is not measured.

(b) "Metered service" means the furnishing of water, the amount of which is measured by City meters used in conjunction therewith on the premises served.

(c) "Water rates" means present charges for water, including the supplying and furnishing thereof and any and all service charges incidental thereto.

1042.02 WATER RATES FOR METERED SERVICE.

(a) Rates Established. Rates and related charges for water furnished by the City through metered service shall be as established from time to time by resolution of Council after a public meeting.

(b) Account Applications and Deposits. No connection or provision of water service shall be made until an applicant therefor shall complete and sign an application form, which form shall include an agreement that all charges for service shall be promptly paid when billed. The application shall contain the name and address of both the consumer of the service and the owner of the premises to be connected, and such other information as the City Manager or Council shall require. In addition to completing an application, the consumer shall make an account deposit as determined by resolution of the Council. The City may require an increase in the initial deposit if the account holder develops a record of delinquent payments after the account has been opened. A new utility account shall not be opened, nor shall any utility services be provided to a person or other legal entity, until all prior unpaid utility charges, interest, penalties and collection fees owed to the City by that person or other legal entity have been paid in full. The account application shall also state that the applicant consents to allow access to City meters at reasonable times by City employees for inspection, maintenance, reading and calibration.
(Ord. Unno. Passed 7-10-96.)

1042.03 WATER RATES FOR UNMETERED SERVICE.

For premises served by the City's water system, the monthly rates for unmetered water shall be as established from time to time by resolution of Council based on estimated usage per month. The minimum fixed monthly charge shall be based on the meter size required if the customer were metered. The estimated quantity of water used shall be based on a representative average usage of similar metered customers.

1042.04 TAP-IN CHARGES.

(a) For each 3/4-inch tap-in to the water main, the rate payer shall pay to the City prior to the work being instituted a sum to be established from time to time by resolution of Council. For said charge, the City shall provide the water lateral from the main to the shut-off which shall include the following items: copper tubing, shut-off, corporation stops, curb box, street and curb restoration and landscaping as required on City rights of way.

(b) For each one-inch tap-in to the water main, the rate payer shall pay to the City prior to the work being instituted a sum to be established from time to time by resolution of Council. For said charge, the City shall provide the water lateral from the main to the shut-off which shall include the following items: copper tubing, shut-off, corporation stops, curb box, street and curb restoration and landscaping as required on City rights of way.

(c) In case a specially adapted tap in excess of one inch is needed for a tap-in because of unusual use of the premises, an advance deposit, the amount of which shall be established from time to time by resolution of Council, will be required and the customer shall pay the actual cost of the tap-in.

(d) For the purposes of this section, the City shall charge a re-connection fee and a fee for sidewalk restoration, as established from time to time by resolution of Council, said fees to be paid in advance by the property owner. Increases in these fees shall be by Council resolution. Re-connection fees caused by water main freeze-up and main replacement shall be waived.

1042.05 CHARGE FOR THAWING FREEZE-UPS AND FIXING LEAKS.

(a) All frozen water pipes from the shut-off to private dwellings, and on or under private property, shall not be remedied by the City, but shall be remedied privately by the property owner. If the property owner wishes to have the lines on his or her private property thawed by the City work force, he or she can do so by payment of fifty percent of the actual cost for said service and signing a liability waiver holding the City harmless from any damage resulting from the thawing of said water lines. Because of potential fire hazard, no thawing service will be done after 8:00 p.m. or before 7:00 a.m. of the following day. The service charge may be amended from time to time by Council resolution. Failure to pay this charge shall be grounds for discontinuing service.

(b) All leaks and damage to mains and laterals under the street and up to the shut-off shall be repaired at the City's expense. But leaks and repairs necessary from the shut-off to private dwellings, and on or under private property, shall not be repaired or remedied by the City, but shall be remedied privately by the property owner.

1042.06 INSTALLATION AND USE OF METERS AND SPECIAL PIPES.

(a) All meters of a size over one inch shall be furnished by the City, but the person requesting said meter shall be charged the cost thereof.

(b) All meters of a size of 3/4-inch or less shall be installed free of charge by the City.

(c) All special pipes or connections and all pipes over one inch shall be charged to the person requesting the same.

(d) In the event that a water meter recording device is defective for any reason and fails to record the water passing through the meter for any given period of time, the City shall estimate the amount of water consumed during the inoperable period of time. The estimate shall be reasonable and based on the past record of consumption as shown on the City records. The City shall charge a meter testing fee as established from time to time by resolution of Council, to be paid in advance by the customer. If the meter is found to be defective, it shall be repaired and the meter testing fee returned to the customer. Council may adjust the meter testing fee from time to time by resolution.

(e) If a resident is permitted to allow his or her water to run in order to prevent the water line from freezing, the procedure to be followed shall be as adopted by Council in its Let Run Policy. Said Policy may be amended from time to time by Council resolution. Water shall not be permitted to run to prevent freezing without first contacting the City for written permission.

(f) Water meters shall be installed upon any premises supplied with water by the City, except as the Council shall by resolution provide. Water meters shall remain the property of the City. The cost of repair or replacement of any water meter that is damaged, except for damage resulting from normal wear and tear, shall be assessed to the occupant or owner of the premises.

1042.07 TURN-OFF OF SERVICE FOR NONUSE OR WASTE.

The City shall have the right to turn off the City connection from the main to any premises where it is apparent that the water is not being used, or that the water is being turned on and wasted for no proper useful purpose.

1042.08 TURN-OFF OF SERVICE FOR DELINQUENCY; RECONNECTION FEE.

Bills shall be rendered monthly, payable without penalty within thirty days after the date thereon. An account that has not been paid in full within thirty days after the statement is mailed shall be considered delinquent and shall have added to it a penalty in the amount of one and one-half percent. An additional penalty of one and one-half percent shall be added to the unpaid account each month thereafter until the account, including all penalties, is paid in full. If all rates and charges are not paid in full after being delinquent for fifteen days, water service may be shut off and discontinued. Once the account is delinquent, the City shall mail a notice of delinquency and disconnection, on a form approved by Council, to the consumer and to the owner of the premises, as indicated on the account application, if different from the consumer. The notice shall indicate that the account is delinquent and that services shall be terminated on the fifteenth day after mailing of the notice of delinquency and disconnection, unless the account is paid in full. Before the water is again turned on after such discontinuance, a reconnection fee established from time to time by resolution of Council shall be paid, and provision shall be made to pay the delinquent account.
(Ord. Unno. Passed 7-10-96.)

1042.09 COLLECTION OF CHARGES.

Charges for water service shall constitute a lien on the property or premises served, and liens for delinquent charges may be recorded against the property with the County Register of Deeds. If payment is not made within six months of the beginning of the delinquency, the same shall be certified to Council at the regular November meeting of the Council and the amounts so certified and approved by Council shall be spread upon the December tax roll for collection. This procedure shall not apply if a lease has been legally executed, containing a provision that the lessor shall not be liable for payment of water or sewage bills accruing subsequent to the filing of the written notice and a copy of the signed lease provided by this section. A written notice with respect to the execution of a lease containing this provision shall be filed with the board, commission or other official in charge of the water works system or the sewerage system, or both, and twenty days notice shall be given by the lessor of any cancellation, change in or termination of the lease. The written notice shall contain a notation of the expiration date of the lease.

(Ord. Unno. Passed 7-10-96.)

1042.10 USE OF MONIES COLLECTED.

(a) All monies collected from water rates shall be allocated to the following funds and uses:

(1) The cost of operation of the water system;

(2) Reserve for depreciation;

(3) Capital improvements.

(b) It is the policy of the City that the Water Division shall be self-supporting or as nearly as may be possible.

1042.11 TAMPERING WITH METERS.

(a) No person shall remove, circumvent, bypass, tamper with or interfere with the installation, use, operation or maintenance of a water meter in the City, nor shall any premises have a water outlet on the waterline between the curbstop and the water meter.

(b) Whoever violates this section is liable for a civil infraction.

(c) Service to any premises shall be immediately disconnected if any meter is found bypassed, tampered with or illegally connected, and shall not be reconnected until a correct meter and connection is installed and all past due charges, penalties and reconnection fees and deposits are paid in full.

(Ord. Unno. Passed 7-10-96.)

1042.12 RIGHT OF ENTRY.

A representative of the City Division of Water shall have the right to enter, at reasonable times, any premises served by City sewer or water service for the purpose of inspecting, maintaining, reading, replacing or calibrating the meter and piping systems. If the owner or occupant of the premises refuses entry, he or she shall then be given written notice (notice to one constitutes notice to both) that water service shall be shut off and discontinued if entry is not permitted within twenty-four hours of personal service of the notice on the owner or occupant, shall remain shut off during the period of such refusal and shall not be re-established until entry is permitted and all charges, penalties and reconnection fees are paid in full.
(Ord. Unno. Passed 7-10-96.)

1042.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

In addition to the penalty provided in section 202.99, any water meter found to have been tampered with or bypassed, having the capability of being circumvented or with an illegal cross connection present, shall be presumed conclusively to have been in such condition for six months prior to its discovery by the City. The owner of the premises serviced by a meter which has been bypassed or circumvented, or having the capability of being circumvented, shall be assessed and charged an amount double the water usage of any comparable premises in six months. This charge shall be billed subsequent to discovery of the bypass or circumvention and shall also be recorded as a lien against the premises and certified and spread on the tax rolls. For the purposes of this section, a comparable premises in the case of a dwelling house shall be one with an equal number of adults and children, if said information is available; otherwise the average usage for a similar size dwelling should be used. For other types of premises, a comparable premises shall be a similar establishment, i.e. a church, office, store, etc. Any residence or structure found in violation of this section shall be subject to immediate utility disconnect and shall not be reconnected to the utility supply until all bills, penalties, reconnection charges and deposits have been paid.
(Ord. Unno. Passed 7-10-96.)

FIRST READING: June 13, 2013
SECOND READING: July 18, 2013
PUBLICATIONS July 26th & 27th, 2013
EFFECTIVE: July 30, 2013

AMENDMENT TO ORDIANCE 1044

The City of Negaunee, ORDAINS:

That Chapter 1044 of the Codified Ordinances of the City of Negaunee, Michigan shall be, and the same hereby is amended to read as follows:

REPEALER

The existing provisions of Chapter 1044 shall remain in full force and effect, except that any ordinance, resolution, order or parts thereof in conflict with the provisions of this amendment are, to the extent of such conflict, herby repealed. This repeal shall be effective as of the effective date of the following amendment.

SECTION 1044 – WATER SUPPLY CROSS CONNECTIONS

An ordinance regulating cross connections with the public water supply system, i.e., a connection or arrangement of piping or appurtenances through which water of questionable quality, wastes or other contaminants can enter the public water supply system.

AMENDMENT

1044.01 ADOPTION OF RULES OF THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY.

That Negaunee City adopts by reference the Water Supply Cross Connection Rules of the Michigan Department of Environmental Quality, being R 325.11401 to R 325.11407 of the Michigan Administrative Code.

1044.02 RESPONSIBILITY OF WATER DIVISION.

That it shall be the duty of the Negaunee City Water Division 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. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the Negaunee City Water Division and as approved by the Michigan Department of Environmental Quality.

1044.03 RIGHT OF ENTRY.

That the representative of the Negaunee City Water Division shall have the right to enter at any reasonable time any property served by a connection to the public water supply system of Negaunee City for the purpose of inspecting the piping system or systems thereof for cross connections. On request, the owner, lessees, or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connection.

1044.04 DISCONTINUANCE OF SERVICE.

That the Negaunee City Water Division is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this ordinance 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(s) has been eliminated in compliance with the provisions of this ordinance.

1044.05 TESTING OF BACKFLOW PREVENTION ASSEMBLIES.

That all testable backflow prevention assemblies shall be tested initially upon installation to be sure that the assembly is working properly. Subsequent testing of assemblies shall be on an annual basis as required by the City of Negaunee and in accordance with Michigan Department of Environmental Quality requirements. Only individuals that are approved by the City and State of Michigan certified shall be qualified to perform such testing. That individual(s) shall certify the results of his/her testing.

1044.06 PROTECTION OF THE WATER SUPPLY.

That the potable water supply made available on the properties served by the public water supply be protected from possible contamination as specified by this ordinance and by the State and Marquette County plumbing code. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE

FOR DRINKING

1044.07 INTERPRETATION.

That this ordinance does not supersede the state plumbing code and the Marquette County plumbing code, but is supplementary to them.

1044.99 VIOLATIONS AND PENALTIES.

That any person or customer found guilty of violating any of the provisions of this ordinance or any written order of Negaunee City, in pursuance thereof, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than $100 nor more than $500 for each violation. Each day upon which a violation of the provisions of this act shall occur shall be deemed a separate and additional violation for the purpose of this ordinance.

ADOPTION

The Amendment shall be published as required by law, and shall be effective on the day of 2013.

Upon roll call,

Council Members Voting Aye: Council Members LaCosse, Haines, Menhennick, VanStraten, and Mayor Wills
Council Members Voting Nay: None
Council Members Absent: Council Members Schuhknecht and Rogers

City of Negaunee

_____

By: Richard Wills, Mayor

_____

Attest: Judy Iwanski, Clerk

CHAPTER 1046
Electricity

1046.01	Sale and distribution by City; compliance.	1046.13	Claims against decedents' and bankrupt consumers estates.
1046.02	Application for service.	1046.14	Theft of service.
1046.03	Continuation of service.	1046.15	Tampering with meters or lines.
1046.04	Location and ownership of meters.	1046.16	Repairs and alterations to system.
1046.05	Cycle billing.	1046.17	Preparation and approval of rules and regulations.
1046.06	Default in payment.	1046.18	Arrangements with cogeneration and small power production facilities.
1046.07	Connection of meter required; deposit; charges.	1046.19	Right of entry.
1046.08	Reconnection of meters.	1046.99	Penalty.
1046.09	Hardship cases.		
1046.10	Collection of charges.		
1046.11	Delinquent former consumers.		
1046.12	Reports to Council.		

CROSS REFERENCES

Electricity generally - see Mich. Const. Art. 7, §§24, 25
Municipally owned utilities - see CHTR. Art. XIII
Electrical Code in home rule cities - see M.C.L.A. §§117.3, 117.4b et seq., 117.4f
Applicability of Electrical Code to trailer and tourist camps - see B.R. & T. 876.13
Utilities in subdivisions - see P. & Z. 1246.02 et seq., 1246.06
Electrical Code - see B. & H. Ch. 1426

1046.01 SALE AND DISTRIBUTION BY CITY; COMPLIANCE.

All electricity sold and distributed by the City to consumers, other than the City and its agencies, shall be governed by, and be subject to, the provisions of this chapter and the rules and regulations concerning the use of electricity as may from time to time be adopted and approved by Council.

1046.02 APPLICATION FOR SERVICE.

No connection or provision of electric current shall be made until an applicant therefor shall complete and sign an application form, which form shall include an agreement that all charges for electrical service shall be promptly paid when billed. The application shall contain the name and address of both the consumer of the electricity and the owner of the premises to be connected, and such other information as the City Manager or Council shall require. In addition to completing an application, the consumer shall make an account deposit as determined by the Council by resolution. The account application shall also state that the applicant consents to allow access to City meters at reasonable times by City employees for inspection, maintenance or calibration. The City may require increases in the initial deposit if the account holder develops a record of delinquent payments after the account has been opened.
(Ord. Unno. Passed 7-10-96.)

1046.03 CONTINUATION OF SERVICE.

Service to a consumer shall be continuous as long as such consumer is in good standing.

1046.04 LOCATION AND OWNERSHIP OF METERS.

All meters hereafter installed for measuring the consumption of electricity shall be placed on the outside of the premises and shall remain the property of the City.

1046.05 CYCLE BILLING.

Cycle billing shall be made for all consumers of electricity. On or before the last day of each month, all electricity meters shall be read or estimated. Once each month, the City shall mail to each electrical consumer a statement of charges for electrical services for the preceding month, any and all overdue charges and any and all other unpaid charges, penalties or assessments. All such amounts billed shall be paid by the consumer within thirty days after the date the statement was mailed.

1046.06 DEFAULT IN PAYMENT.

Every account that has not been paid in full within thirty days after the statement referred to in Section 1046.05 is mailed shall be considered delinquent and shall have added to it a penalty in the amount of one and one-half percent. An additional penalty of one and one-half percent shall be added to the unpaid account each month thereafter until the account, including all penalties, is paid in full. After the account has been delinquent for fifteen days, the City shall mail a notice of delinquency and disconnection, on a form approved by Council, to the consumer and to the owner of the premises, as indicated on the account application, if different from the consumer. The notice shall indicate that the account is delinquent and that services shall be terminated on the fifteenth day after mailing of the notice of delinquency and disconnection, unless the account is paid in full. Once electrical service has been terminated for nonpayment of an account, the entire account must be paid in full before service will be reconnected. No connection shall be made nor any electrical services supplied to any consumer who owes the City on an account for a previous connection. (Ord. Unno. Passed 7-10-96.)

1046.07 CONNECTION OF METER REQUIRED; DEPOSIT; CHARGES.

(a) No electricity shall be furnished to a new consumer until the meter has been connected.

(b) When service to a consumer is started, charges as established from time to time by resolution of Council shall be made to such consumer and a deposit as established from time to time by resolution of Council shall be required of him or her.

(c) In the event that the City disconnects any consumer for failure to pay his or her electric bill, the disconnection shall terminate the pre-existing consumer-City relationship. In the event that the person whose service has been disconnected desires to purchase electricity again from the City, he or she shall be treated as a new consumer and subject to all of the fees, charges and deposits provided in this chapter.

(d) For any service after regular working hours, the charges will be based on the time and materials required by the utility personnel to perform the service requested.

1046.08 RECONNECTION OF METERS.

Where a meter has been disconnected for any reason, the consumer who desires the meter to be reconnected shall first comply with all of the requirements of this chapter.

1046.09 HARDSHIP CASES.

If any consumer claims that because of hardship he or she is unable to pay electricity charges as billed, said consumer shall apply for relief from the proper agency and the City shall receive payment from said agency. No electricity shall be furnished to any person free of charge.

1046.10 COLLECTION OF CHARGES.

Charges for electrical service shall constitute a lien on the property or premises served, and liens for delinquent charges may be recorded against the property with the office of the County Register of Deeds. Those charges delinquent for six months or more shall be certified to Council at the regular November meeting of Council, and the lien on the premises served shall be entered on the tax roll. Those amounts so certified as delinquent and approved by Council shall be spread upon the December tax roll for collection. In a case where a tenant is responsible for the payment of the charges and Council is so notified in writing, which notification shall include a true copy of the lease of the affected premises, such charges shall not become a lien against the premises after the date of notification. In the event of filing of the notification, the City shall render no further electrical service to the premises until a cash deposit in a sum fixed pursuant to this chapter is made. (Ord. Unno. Passed 7-10-96.)

1046.11 DELINQUENT FORMER CONSUMERS.

Where a former consumer, who is delinquent in his or her payment of charges to the City, is no longer an electric utility consumer, an earnest effort shall be made, as soon as practical, to collect the delinquency.

1046.12 REPORTS TO COUNCIL.

The City Treasurer shall report to Council not less than annually as to the status of individual delinquent accounts, showing the last date electricity was furnished, the last date of payment and the amount currently due. He or she shall also report such information as he or she has concerning residence, employment and other pertinent data.

1046.13 CLAIMS AGAINST DECEDENTS' AND BANKRUPT CONSUMERS' ESTATES.

Claims for unpaid electricity charges shall be promptly filed against any decedent or bankrupt consumer's estate.

1046.14 THEFT OF SERVICE.

(a) All electricity consumed shall pass through a meter furnished by the City. If any device is attached in such a way as to permit the consumer to receive electricity without passing through the meter, the device shall promptly be confiscated. An effort shall be made as soon as practical to determine the amount of electricity wrongfully taken and the consumer shall be charged therefor.

(b) Whoever violates this section is guilty of a misdemeanor.

1046.15 TAMPERING WITH METERS OR LINES.

(a) No person shall remove, circumvent, bypass, tamper with or interfere with the installation, use, operation or maintenance of an electric meter in the City, nor shall any premises have an outlet, device or any other connection on the conductor between the distribution line and the electric meter enabling electric current to service the premises without passing through the meter.

(b) Whoever violates this section is liable for a civil infraction.

(c) Service to any premises shall be immediately disconnected if any meter is found bypassed, tampered with or illegally connected, and shall not be reconnected until a correct meter and connection is installed and all past due charges, penalties, reconnection fees and deposits are paid in full.

(Ord. Unno. Passed 7-10-96.)

1046.16 REPAIRS AND ALTERATIONS TO SYSTEM.

No person shall make any attachment or connection to the distribution system or make any repairs, additions to or alterations of any fixtures connected with the system, unless the same are in accordance with the National Electrical Code, with this chapter and with the rules and regulations provided for herein. The City reserves the right to refuse service on proof of disregard of such safety regulations. All work performed and additions made shall be subject to inspection by duly authorized agents of the City.

1046.17 PREPARATION AND APPROVAL OF RULES AND REGULATIONS.

The City Manager shall prepare, for approval by Council, rules and regulations for the administration of the electric utility. Said rules and regulations shall establish all charges and procedures incident thereto, including service charges, deposits and rates.

1046.18 ARRANGEMENTS WITH COGENERATION AND SMALL POWER PRODUCTION FACILITIES.

The City hereby undertakes to comply with lawful regulations of the Federal Energy Regulatory Commission, codified in Subpart C of 18 CFR, Part 292 dealing with arrangements with qualifying cogeneration and small power production facilities under Section 210 of the Public Utility Regulatory Policies Act of 1978, as amended.

1046.19 RIGHT OF ENTRY.

A representative of the City Division of Electricity shall have the right to enter, at reasonable times, any premises served by City electrical service for the purpose of inspecting, maintaining, reading, replacing or calibrating the meter. If the owner or occupant of the premises refuses entry, he or she shall be given written notice (notice to one constitutes notice to both) that electrical service shall be shut off and discontinued if entry is not permitted within twenty-four hours of personal service of the notice on the owner or occupant, shall remain shut off during the period of such refusal and shall not be re-established until entry is permitted and all charges, penalties and reconnection fees are paid in full.
(Ord. Unno. Passed 7-10-96.)

1046.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

In addition to the penalty provided in Section 202.99, any electric meter found to have been tampered with or bypassed, having the capability of being circumvented or with an illegal connection present, shall be presumed conclusively to have been in such condition for six months prior to its discovery by the City. The owner of the premises serviced by a meter which has been bypassed or circumvented, or having the capability of being circumvented, shall be assessed and charged an amount double the electric usage of any comparable premises in six months. This charge shall be billed subsequent to discovery of the bypass or circumvention and shall also be recorded as a lien against the premises and certified and spread on the tax rolls. For the purposes of this section, a comparable premises in the case of a dwelling house shall be one with an equal

number of adults and children, if said information is available; otherwise the average usage for a similar size dwelling should be used. For other types of premises, a comparable premises shall be a similar establishment, i.e. a church, office, store, etc. Any residence or structure found in violation of this section shall be subject to immediate utility disconnect and shall not be reconnected to the utility supply until all bills, penalties, reconnection charges and deposits have been paid.
(Ord. Unno. Passed 7-10-96.)

CHAPTER 1048
Gas

EDITOR'S NOTE: The City contracts from time to time with the Michigan Gas Company for natural gas service. Copies of the latest relevant contract and legislation may be obtained, at cost, from the City Clerk.

There are no sections in Chapter 1048. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Utility funds - see CHTR. §§13.5 et seq.
Utility franchises - see CHTR. Art. XV
Gas plants and systems in home rule cities - see M.C.L.A. §§117.4e, 117.4f
Oil and gas generally - see M.C.L.A. §§319.1 et seq., 486.251 et seq.
Utilities in subdivisions - see P. & Z. 1246.02 et seq., 1246.06

TITLE SIX - Other Public Services

Chap. 1060. Garbage and Rubbish Collection and Disposal.
Chap. 1062. Negaunee Cemetery.
Chap. 1064. Teal Lake.

CHAPTER 1060
Garbage and Rubbish Collection and Disposal

1060.01	Definitions.	1060.05	Collection practices.
1060.02	Collection and disposal by City or by contractor.	1060.06	Collection and disposal of yard waste.
1060.03	Interpretation; purpose; promulgation of rules and regulations by City Manager.	1060.07	Collection fees.
		1060.08	Payment of collection fees.
		1060.09	Other rates and charges.
1060.04	Pre-collection practices.	1060.99	Penalty.

CROSS REFERENCES

Garbage and refuse generally - see M.C.L.A. §§46.171 et seq., 123.241 et seq., 123.361 et seq.
Municipal authority - see M.C.L.A. §123.301 et seq.
Garbage and rubbish as nuisance - see GEN. OFF. 674.04(a)
Littering - see GEN. OFF. 682.05; S.U. & P.S. 1064.08
Incinerators - see GEN. OFF. 682.06
Garbage and rubbish in trailer and tourist camps - see B.R. & T. 876.10
Garbage and rubbish in subdivisions - see P. & Z. 1248.02(e)

1060.01 DEFINITIONS.

As used in this chapter:

(a) "Ashes" means the residue from the burning of wood, coal, coke or other combustible materials.

(b) "Building materials" means all material resulting from the razing, repair, excavation or construction of buildings or structures, including, but not limited to, lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws or any other materials used in the construction of a structure.

(c) "City" means the City of Negaunee.

(d) "Container" means a can, bag or other receptacle made of metal, plastic or such other substance approved by the City Manager.

(e) "Contractor" means the contractor hired by the City to collect refuse.

(f) "Garbage" means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

(g) "Hazardous waste" means dangerous materials or substances, such as poisons, acids, caustics, infected materials, explosives and other materials not suitable for a Class I landfill.

(h) "Junk" means parts of machinery or motor vehicles, boat hulls, unused stoves or other appliances, furniture or other cast-off material of any kind, except building material, refuse and yard waste.

(i) "Landfill" means the Marquette County Landfill operated by the Marquette County Solid Waste Authority, as well as any transfer station operated by any of the political subdivisions of Marquette County, Michigan.

(j) "Living unit" means any single-family dwelling and each single-family unit in a multiple dwelling.

(k) "Person" means any person, firm, partnership, association, corporation, company or organization of any kind.

(l) "Refuse" means all of the following: kitchen wastes, including cans, bottles, household food, accumulations of animal food and vegetable matter attendant to the preparation, use, cooking and serving of food; general household trash, including ashes, empty cartons, crates, boxes, wrapping materials, newspapers, magazines, cloth materials, empty cans, discarded types and similar materials; and all miscellaneous debris, except building materials, junk, hazardous waste and yard waste.

(m) "Rubbish" means any useless waste or rejected matter, unspoilable, and not identified as garbage, consisting of both combustible and noncombustible materials such as paper, cardboard, leaves, tree trimmings, concrete, crockery, metal, building materials, furniture, appliances, bedding and similar materials.

(n) "Solid waste" means building materials, garbage, hazardous waste, junk, refuse, rubbish and yard waste.

(o) "Yard clippings" shall be consistent with and as defined in Act 264 of the Public Acts of 1990, as amended, which states that "yard clippings" means leaves, grass clippings, vegetable or other garden debris, shrubbery, or brush or tree trimmings less than four feet in length and two inches in diameter, that can be converted to compost humus. This term does not include stumps, agricultural wastes, animal waste, roots, sewage sludge or garbage.

(p) "Yard waste" means grass clippings, weeds, bushes, brush clippings and branch clippings.

1060.02 COLLECTION AND DISPOSAL BY CITY OR BY CONTRACTOR.

(a) The collection, conveyance and disposal of certain solid waste generated in the City shall be performed by the City or by a contractor under contract with the City, in conformance with this chapter, and all other applicable laws, rules and regulations.

(b) Subsection (a) hereof shall not prohibit the actual producers of solid waste, or the owners of premises upon which solid waste has accumulated, from personally collecting, conveying and disposing of such solid waste, provided that such producers or owners comply with the provisions of this chapter and with any other governing laws, ordinances, rules and regulations.

(c) Subsection (a) hereof shall not be construed to prohibit collectors of solid waste from outside the City from conveying such solid waste over City streets, provided that such collectors comply with the provisions of this chapter and with any other governing laws, ordinances, rules and regulations.

1060.03 INTERPRETATION; PURPOSE; PROMULGATION OF RULES AND REGULATIONS BY CITY MANAGER.

It is the intent of Council that this chapter shall be liberally construed for the purpose of providing a sanitary and satisfactory method for the collection, conveyance and disposal of solid waste. To that end, the City Manager is authorized to make and implement such rules and regulations as from time to time are necessary to carry out this intent, provided, however, that such rules and regulations may not conflict with this chapter or with any other applicable laws, ordinances, rules and regulations, and provided, further, that such rules and regulations shall be subject to the approval of Council. Any person aggrieved by a rule or regulation implemented by the City Manager shall have the right to appeal to Council, which shall have the authority to confirm, waive, revoke or modify any such rule or regulation.

1060.04 PRE-COLLECTION PRACTICES.

(a) Containers.

(1) Containers may be cans or bags made of metal or plastic and shall have a capacity of not more than fifty gallons.

(2) Cans shall be equipped with suitable handles and tight fitting covers, shall be watertight and shall not have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof.

(3) Cans shall be of a type approved by the City Manager and shall be kept in a clean, neat and sanitary condition at all times.

(4) Containers shall be provided by the owner, tenant, lessee or occupant of a premises.

(5) Any container that does not conform to the provisions of this chapter shall be promptly replaced.

(b) Preparation of Solid Waste.

(1) All garbage, before being placed in a container for collection, shall have drained from it all free liquids and may be wrapped in paper.

(2) All refuse shall be drained of liquid before being placed in a container for collection.

(3) All cans and bottles which have contained food shall be thoroughly rinsed and drained before being placed in a container for collection or recycling.

(c) Points of Collection. Containers shall be placed on or near the curb or traveled roadway line of a street or alley adjoining the premises served, so as to be readily accessible to the collection crew on collection day. If containers are not so placed before the collection crew arrives at the premises being served, the contents of such containers will not be collected until the next regularly scheduled collection time.

(d) Storage of Solid Waste.

(1) No person shall place any solid waste in any street, alley or other public place, or upon any private property, whether owned by such person or not, within the City except in proper containers for collection, or with the express approval of the City Manager, nor shall any person place or deposit any solid waste in any river, stream or other body of water.

(2) Any unauthorized accumulation of solid waste on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of solid waste shall be deemed a violation of this chapter.

1060.05 COLLECTION PRACTICES.

(a) Schedule for Collection. The City Manager shall establish a schedule for the collection of garbage and refuse.

(1) Garbage and refuse accumulated in residential areas shall be collected at least once each week, when possible.

(2) Hotels, restaurants and such other commercial businesses and institutions as deem it necessary may enter into an agreement for more frequent collection of garbage and refuse.

(3) Where necessary to protect the public health and safety, the City Manager shall have the authority to require that collections of garbage and refuse be made more frequently than weekly for particular residential premises or commercial businesses or institutions.

(b) Use of Garbage Bags and Cans. When placed for collection pursuant to Section 1060.04(c), garbage and refuse shall be in standard garbage bags with a capacity of not more than fifty gallons. Said bags shall be placed in standard garbage cans on days of noncollection, but may be removed from cans and sealed immediately before being placed for collection.

(c) Responsibility for Disposal.

(1) The owners and occupants of any premises within the City shall be responsible for the sanitary condition of such premises, and no person shall place or deposit or allow to be placed or deposited, or accumulate or allow to be accumulated, on his or her premises, any solid waste except as authorized by the terms of this chapter or any other applicable ordinances, laws, rules or regulations.

(2) No person shall deposit, place or leave any solid waste on the premises of another person, and no person shall bury solid waste anywhere in the City.

(3) Any person generating or disposing of solid waste not covered by this chapter shall make arrangements for the collection and disposal of such solid waste and shall comply in all respects with the terms of this chapter and all other applicable laws, rules and regulations.

(4) A person generating building materials shall be responsible for the proper and lawful disposal of such building materials. Such building materials may be disposed of at the Landfill through the City only if such building materials were generated within the corporate limits of the City. No contractors, commercial or industrial agents or concerns, nonresidents, or residents not working on a building or dwelling within the City, shall dispose of building materials at the Landfill through the City.

(5) A mandatory yard waste recycling/composting program is hereby established in the City. Yard waste shall be disposed of pursuant to the rules and regulations for such program established by the City pursuant to Section 1060.03. Yard waste is not eligible for regular collection as refuse.

(6) All garbage, refuse, rubbish, junk, hazardous waste and building materials which accumulate on any premises and are not disposed of pursuant to this chapter shall be deemed to be a nuisance and shall be subject to the requirements and penalties of Chapter 674 of the General Offenses Code.

(7) Hazardous waste materials shall not be collected by the City or its duly authorized contractor. The owner, occupant or person in charge of any premises which generate or have custody of any hazardous waste materials shall be solely responsible for the lawful disposal of such materials in accordance with this chapter and all other applicable laws, rules and regulations.

(8) Containers that are broken or rotted or otherwise fail to meet the requirements of this chapter may be claimed and disposed of as refuse by the City or its duly authorized collection contractor. After notice to the person responsible for such a container, collection from that container may be refused by the City or its duly authorized collection contractor.

(d) Limitation on Quantity. In the promulgation of rules and regulations pursuant to Section 1060.03, the City Manager shall direct the collection of a reasonable quantity of refuse and garbage from hotels, restaurants and other businesses and institutions during a collection period. In the promulgation of such rules and regulations, the City Manager shall have the authority to determine what amounts of refuse and garbage shall be considered reasonable and to refuse to collect amounts determined by the City Manager to be unreasonable.

(e) Collection and Conveyance by Actual Producers and Outside Collectors.

(1) Requirements for Vehicles. The actual producers of garbage and refuse, or the owners of premises upon which garbage and refuse are accumulated, who desire personally to collect, convey and dispose of such garbage and refuse, and collectors of garbage and refuse from outside the City who desire to convey such garbage and refuse over the streets of the City, shall use a watertight vehicle provided with a tight cover and so operated as to prevent offensive odors seeping therefrom and to prevent the contents of such vehicles from being blown, dropped or spilled therefrom.

(2) Disposal. Disposal of solid waste by persons pursuant to paragraph (e)(1) hereof shall be made outside the City limits, unless otherwise specifically authorized by the City Manager.

1060.06 COLLECTION AND DISPOSAL OF YARD WASTE.

(a) Purpose. The purpose of this section is to prohibit the improper collection and disposal of yard clippings that are generated on land that is within the corporate jurisdiction of the City and to provide a penalty for those owners of land or solid waste haulers who collect yard clippings generated on land located within the City, except City employees in the performance of City-related duties and except others permitted by the City for City purposes.

(b) Prohibitions.

(1) No person shall dispose of within the City, yard clippings that are not generated on land located within the City.

(2) No person shall collect for disposal any yard clippings that are generated on land located within the City, except for disposal as provided for herein.

(c) Disposal. All yard clippings shall be disposed of by placing the same into a compost pile. The City Manager shall cause a sign to be erected at the entrance of the City's compost pile describing the hours of operation. Information regarding the hours of operation shall also be maintained at the City Clerk's office.

(d) Interpretation; Conflicts. This section is to be interpreted in conjunction with all other applicable laws. Whenever any provision of this section imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this section shall govern. Conversely, whenever the provisions of any other law or ordinance impose more stringent requirements, regulations, restrictions or limitations than are imposed by this section, then the provisions of such other law or ordinance shall govern.

1060.07 COLLECTION FEES.

(a) Solid waste shall be picked up and collected pursuant to the provisions of this chapter, subject to payment based on a fee schedule enacted, from time to time, by resolution of Council.

(b) All solid waste collection charges shall be billed by the City Utility Billing Office through its usual billing procedure, unless otherwise directed by rules and regulations promulgated by the City Manager pursuant to Section 1060.03.

(c) Special collection charges shall be levied on a time, equipment, labor and tipping fee basis whenever the City is required to clean up a premises pursuant to Chapter 674 of the General Offenses Code.

1060.08 PAYMENT OF COLLECTION FEES.

(a) All bills for solid waste collection and disposal services must be paid within thirty days from the date of the bill. Any bill not so paid on a timely basis will be subject to the addition of a penalty of one and one-half percent per month of the total amount payable.

(b) Charges for solid waste collection and disposal are hereby made a lien on the premises served, and liens for delinquent charges may be recorded against the property with the office of the County Register of Deeds. If payment is not made within six months of the beginning of the delinquency, the same shall be certified to Council at the regular November meeting of the Council and the amounts so certified and approved by Council shall be spread upon the December tax roll for collection. This procedure shall not apply if a lease has been legally executed, containing a provision that the lessor shall not be liable for payment of solid waste collection and disposal bills accruing subsequent to the filing of the written notice and a copy of the signed lease provided by this section. A written notice with respect to the execution of a lease containing this provision shall be filed with the board, commission or other official in charge of the solid waste collection and disposal system, and twenty days notice shall be given by the lessor of any cancellation, change in or termination of the lease. The written notice shall contain a notation of the expiration date of the lease.
(Ord. Unno. Passed 7-10-96.)

1060.09 OTHER RATES AND CHARGES.

Other rates and charges may, from time to time, be established by resolution of Council.

1060.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

CHAPTER 1062
Negaunee Cemetery

1062.01	Definitions.
1062.02	Prohibited conduct generally.
1062.03	Misuse of grounds.
1062.04	Liability of City.
1062.05	Traffic control.
1062.06	Hours.
1062.07	Lot planting, decorating and improvements.
1062.08	Monuments; corner posts.
1062.09	Markers.
1062.10	Monument and marker materials.
1062.11	Foundations.
1062.12	Funerals.
1062.13	Interment.
1062.14	Responsibility of City; opening of graves; delivery of materials; completion of interment.
1062.15	Disinterment and removal.
1062.16	Exceptions.
1062.17	Use of receiving vaults.
1062.18	Purchases, transfers or assignments.
1062.19	Purchase of lots, niches, crypts and graves.
1062.20	Transfer or assignment of lots.
1062.21	Use of concrete rough boxes or vaults.
1062.22	Rates and charges.
1062.23	Perpetual Care Fund.
1062.24	Violations.
1062.99	Penalty.

CROSS REFERENCES

Municipal cemeteries - see Mich. Const. Art. 7, §123; M.C.L.A. §§128.1 et seq.

Authority of City re cemeteries - see M.C.L.A. §117.4f

Vacation of cemeteries - see M.C.L.A. §§128.51 et seq.

Operation of snowmobile in cemetery - see TRAF. 410.05(UTC §10.39(2)(d))

1062.01 DEFINITIONS.

As used in this chapter:

(a) "Lot" means a parcel of land for the burial of one or more persons.

(b) "Marker" means a singular stone of granite or marble, or a bronze plaque, with the name of the individual identification appearing thereon.

(c) "Monument" means a memorial consisting of granite or marble bearing the name or names of a family or families, consisting of a base and the upper portion or main section known as a die.

1062.02 PROHIBITED CONDUCT GENERALLY.

(a) Visitors to the Cemetery are reminded that the grounds are sacredly devoted to the interment of the dead, and that strict observance of the decorum which should characterize the place will be required.

(b) No person shall:

(1) Enter the Cemetery except through an established entrance.

(2) Deposit rubbish or debris on a walk or drive or on any part of the Cemetery grounds.

(3) Pick or mutilate any flowers, either wild or domestic, or disturb any tree, shrub or other plant material, or remove the same from the grounds.

(4) Kill, wound or trap any bird, fish or animal, or feed or otherwise disturb them, or remove the eggs of any bird from the Cemetery grounds. This provision shall not apply to authorized City officials for purposes of protecting Cemetery grounds.

(5) Permit any domestic animals to enter or remain in the Cemetery.

(6) Consume refreshments or liquors on the Cemetery grounds, or carry the same on the premises.

(7) Use any form of advertising on the Cemetery premises.

(8) Carry or discharge firearms upon the premises, except when authorized to do so at a military burial service.

(9) Deface, mutilate or otherwise injure or commit damage to any monument, enclosure or burial lot owned by others.

(10) Peddle or solicit for flowers, plants or monuments within the Cemetery grounds.

(11) Erect signs, notices or advertisements of any kind within the Cemetery grounds, unless authorized by City authorities.

1062.03 MISUSE OF GROUNDS.

No person shall run at will through the Cemetery grounds without a legitimate purpose therefor or use the same in any way as a playground or for recreational purposes.

1062.04 LIABILITY OF CITY.

The City shall not be liable for any loss or damage caused by an act of God, the common enemy, thieves, vandals, malicious mischief makers, unavoidable accidents, riots or an order of any military or civil authority, to any lots or structures or objects thereon, or the flowers or articles removed from any lot or grave, nor for any loss or damage or bodily injuries sustained by any person or persons, except as a result of negligence on the part of the City or its employees. All claims against the City must be made in accordance with the provisions of the City Charter relative to the procedure for making claims.

1062.05 TRAFFIC CONTROL.

All traffic laws of the City that are applicable to the operation of vehicles in the Cemetery and not inconsistent herewith shall be strictly observed. Any person driving in the Cemetery, and the owner of the vehicle so driven, shall be liable and responsible for any injury or damage done by the vehicle in the driver's charge. In addition, no person shall:

(a) Drive a vehicle in excess of fifteen miles per hour on any Cemetery road.

(b) Drive off the established roads unless permission to do so is given by the Sexton.

(c) Use a Cemetery road as a public thoroughfare.

(d) Park or allow an automobile to come to a full stop in front of an open grave unless such automobile is attending a funeral.

(e) Drive all-terrain vehicles or snowmobiles within the Cemetery grounds, except on official business.

(f) Make any unnecessary noise, such as loud talking, yelling or blowing of horns, whistles and the like.

(g) Cause any vehicle to be within the Cemetery grounds, except during the hours established for the Cemetery grounds to be open.

1062.06 HOURS.

The entrances of the Cemetery shall be open from 8:00 a.m. to one-half hour after sunset, and no person shall be permitted to enter the Cemetery grounds other than during such hours, except by special permission of the Sexton.

1062.07 LOT PLANTING, DECORATING AND IMPROVEMENTS.

To create and preserve the maximum beauty of the entire Cemetery, the following rules shall be observed:

(a) The City reserves to itself the sole right to plant and maintain all permanent plantings within the Cemetery. Lot owners desiring special permanent plantings on their lots, if in the sections permitting monuments, may make their request to the Sexton, who may permit such planting to be done at the lot owner's expense, and such planting shall immediately become the property of the Cemetery. All plantings so installed shall be in conformance with a prepared and approved plan and subject to the satisfaction and approval of the Sexton.

Lot owners desiring re-seeding or re-sodding of lots must furnish all materials, including seed, sod and fertilizer, and must pay for all labor and special equipment used for such work. The City's responsibility for the successful maturing of such sod and/or seed shall cease upon installation of such materials. Watering shall be the responsibility of the owner.

(b) Seasonal and perennial plants will be limited to the width of the monument (or markers, if there is no family monument) and will not exceed ten inches in depth. Permanent urns will not be permitted. Failure to maintain urns presently installed will be cause for removal thereof.

(c) Receptacles for cut flowers will be permitted if installed flush with the surface of the lawn. Flush marker areas of the Cemetery are restricted to floral displays that can be moved to facilitate lawn mowing and to receptacles that are recessed flush to the ground and which may be moved for mowing purposes.

(d) Winter decorations may be maintained on graves until May 1, at which time they may be removed by Cemetery employees. Rubbish, refuse and unused containers shall not be left on lots, but shall be placed at the edge of the nearest accessible road. The City reserves the right to remove all floral designs, flowers, trees, shrubs, plants or herbage of any kind from the Cemetery as soon as, in the judgment of the Sexton or his or her assistants, they become unsightly, dangerous, detrimental or diseased or when they do not conform to established standards.

1062.08 MONUMENTS; CORNER POSTS.

(a) Monuments shall be designed with reference to the topography and location of the monument to the surrounding area. No more than one monument shall be erected on a lot platted for less than two graves. Monuments erected on two grave lots shall not exceed thirty-eight inches in length or fourteen inches in width, and those erected on three grave lots shall not exceed forty-six inches in length or fourteen inches in width. On lots of four graves or more, the area of the base of any monument shall not occupy more than six percent of the lot area.

(b) Except where otherwise permitted at the time of the sale of a lot, no monument shall be placed upon any lot unless such lot has been paid for in full.

(c) No corner post shall be permitted unless it is flush with the surface of the ground.

1062.09 MARKERS.

Single nonflush markers shall consist of one piece and shall not be less than fourteen inches nor more than twenty-four inches in length, nor less than eight inches nor more than twelve inches in width. Upright markers shall not exceed sixteen inches in height.

1062.10 MONUMENT AND MARKER MATERIALS.

(a) No material except granite, a good grade of white marble, cut stone from recognized monument quarries, or standard bronze, shall be used for markers or monuments. Bronze may be used for markers extending above the grade only if attached to a granite base. The use of two or more kinds of materials varying in color or texture shall not be permitted on any one lot. No materials except granite or standard bronze shall be used for flush markers.

(b) Duplication of markers as to materials, size and finish is permitted. But unless such duplication is made, only flush markers may be installed, which shall conform in width and length to the marker to be replaced.

1062.11 FOUNDATIONS.

(a) All monuments and markers shall be placed on foundations of solid masonry of not less in width and length than the base of the monument or marker to be installed thereon, and at a depth of not less than five feet or as deep as possible thereunder.

(b) Foundations for upright markers or monuments will be left no more than two inches below the grade of the lot, and shall have at the top thereof a collar extending outward from the top of the foundation four inches bordering the entire top of the foundation.

(c) All materials used in the construction of any foundation, monument or headstone must be inspected by the Sexton. All construction and installation relative to foundation, headstones or monuments must be performed during the regular City working hours, and all such construction and installation must be performed under the supervision of the Sexton.

1062.12 FUNERALS.

The Sexton, or one of his or her assistants, is expected to attend every interment and to see that the rules, regulations and strict proprieties of the place are observed. No burials shall be made on Sundays and legal holidays, except by order of the County Health Officer. No interment equipment, except that provided or approved by the City, shall be used. Workmen engaged in the vicinity of a burial shall suspend their labors during services at the grave.

1062.13 INTERMENT.

No interment shall take place without a burial permit, nor until all laws, codes, rules and regulations relative to burials have been complied with. The City shall not be liable for such burial permit or responsible for the accuracy of the data contained therein, or for the identity of the person to be interred or entombed. No grave shall be opened unless the grave space has been paid for, with the exception of indigent cases, or unless the funeral director assumes the responsibility of payment for such grave space. Funeral directors making arrangements for burials shall be responsible for all interment charges if not paid by the owner or his or her agent. If the deceased to be interred is not the owner or is not a member of the owner's immediate family, written consent of the owner, owners or authorized agent must be filed with the City Clerk before interment may be permitted.

1062.14 RESPONSIBILITY OF CITY; OPENING OF GRAVES; DELIVERY OF MATERIALS; COMPLETION OF INTERMENT.

The City or its agents or employees shall not be held responsible for errors in the location of graves on lots, arising from improper instructions by lot owners. Orders from funeral directors shall be construed as orders from lot owners. Under no circumstances shall the City assume responsibility for errors in opening graves when orders are given by telephone. No graves shall be opened except by workmen employed by the Cemetery management. No vaults or other materials shall be delivered to the Cemetery on Sundays or City observed legal holidays, except by order of the County Health Officer. Funeral directors shall arrange the time of a funeral so that Cemetery workmen can complete interment by 3:00 p.m., except in cases of emergency.

1062.15 DISINTERMENT AND REMOVAL.

(a) Disinterment and removal of a body shall not be made without a disinterment permit, notice in writing to the Sexton, and the permission in writing of the lot owner and next of kin of the deceased. Graves shall not be opened for inspection, except for official investigation by proper legal proceedings.

(b) After the close of any funeral service at the grave and after the placing of a body in the receiving vault, it shall not be permissible for anyone to open the casket or to touch the body therein without the consent in writing of the legal representative of the deceased or a court order for that purpose.

(c) The City shall exercise due care in making a disinterment and/or removal, but it shall assume no liability for any damage to any casket or burial case incurred in making the disinterment and/or removal.

1062.16 EXCEPTIONS.

None of the provisions of this chapter are intended to violate any burial customs of any religious organization, and where any contradictions exist, exceptions to this chapter shall be permitted by the City Manager if they are not in violation of any codes, health regulations or laws.

1062.17 USE OF RECEIVING VAULTS.

Receiving vaults are for temporary use only and on a rental basis to nonresidents of the City and under no circumstances shall a body be considered as interred or buried by reason of being placed therein. However, the same permits must be procured for placing bodies in the receiving vaults as for burials, and the burial order will be issued the same as for immediate interment in a grave. A deposit sufficient to cover the cost of opening and closing a grave, and purchase of a single grave plus a rental charge for use of the receiving vault by nonresidents of the City, shall be required at the time of placing the remains in the vault. Upon failure to make suitable arrangements for the final disposition of the remains, within a reasonable time, or upon failure to pay rental when required, the City may, in its discretion, remove the body and inter it in a single grave, after first having mailed a certified letter, return receipt requested, to the last known address of the person who made the placement, stating its intention of making said removal, and shall then retain said deposit as liquidated damages.

In extremely cold weather or after a heavy snow, all bodies will be placed in the receiving vault and retained there until the Cemetery management can make suitable arrangements for burial, and arrangements must be made for their removal at as early a date as possible thereafter. From May to November, bodies will be placed in the receiving vault only on special written order from the Sexton, and, if they are to remain for over three days, must be enclosed in hermetically sealed boxes as approved by the County Health Officer.

The remains of any person who has died of an infectious and/or contagious disease shall not be allowed to be deposited in the receiving vault, except on a special permit from the County Health Officer stating that the rules and regulations of the Department of Health regarding such cases have been complied with.

Under no circumstances shall visitors be admitted to the vaults.

1062.18 PURCHASES, TRANSFERS OR ASSIGNMENTS.

(a) All lots shall be sold subject to the provisions of this chapter, or those hereafter adopted, and the muniment of title shall so state. No lot shall be used for any purpose other than the burial of human remains and the placing of appropriate memorials. Interment of the remains of any person other than the owner of a lot or any member of the immediate family will be permitted only after written consent by the owner, owners or authorized agent has been filed with the City Clerk. In the case of a minor, the guardian or authorized agent thereof shall give such consent upon proof of authority to act. Burial lots are exempt from ordinary taxes and cannot be seized on execution. The City may impose specific charges against lots.

(b) No deceased paupers or indigents buried at public expense shall be buried in any lot unless such paupers or indigents shall be residents of the City, Negaunee Township or Richmond Township, or unless such paupers or indigents or their families shall own a lot in the Negaunee Cemetery, in which the said indigents or paupers can be buried.

(c) The interment of any body on the lot owned by someone other than the deceased, for remuneration, is hereby prohibited.

1062.19 PURCHASE OF LOTS, NICHES, CRYPTS AND GRAVES.

All arrangements for the purchase of lots, niches, crypts and graves must be made at the Cemetery office, and when the full purchase price has been paid to the City Treasurer, the purchaser will receive an exclusive license and privilege of burial in such form as the City may approve, and will be issued a certificate of ownership. Lots, niches, crypts and grounds shall be sold at prices fixed by Council.

1062.20 TRANSFER OR ASSIGNMENT OF LOTS.

(a) A transfer or assignment of any lot, or of an interest therein, may only be made to the City, by the surrender of the certificate of burial rights, with the assignment, duly executed, attached thereto or endorsed thereon. The transferee or assignee, in such case, shall be entitled to be reimbursed only for the amount paid for such lot or interest therein, as shown on the certificate of burial rights. In the event of a transfer or assignment of a portion of any such lot not used for burial purposes, such amount shall be the proportion of such payment as the unused portion of the lot bears to the entire lot. Such transfer or assignment shall thereafter be recorded on the books of the Cemetery, and if only a portion of a lot is so transferred or assigned, a new certificate shall be issued to the owner of the lot for the portion of the lot retained. If any indebtedness remains on any such lot due the City from the owner at the time of such transfer or assignment, such indebtedness shall first be deducted from the amount of the payment to the owner for the transfer or assignment.

(b) Upon such transfer or assignment, such lot or interest therein shall become the sole property of the City and subject to resale by it to others at such price therefor as may be deemed equitable, consistent with current schedules of rates and charges therefor.

(c) Prices may be revised at any time by Council as conditions require.

1062.21 USE OF CONCRETE ROUGH BOXES OR VAULTS.

The use of concrete rough boxes or vaults shall be compulsory for all burials requiring a five-foot or larger opening. These boxes shall be constructed of concrete of proper mix and properly reinforced to withstand a minimum compressive force of 4,500 pounds per square inch.

1062.22 RATES AND CHARGES.

Rates and charges for the operation and use of the Negaunee Cemetery shall be as established from time to time by resolution of Council.

1062.23 PERPETUAL CARE FUND.

A Perpetual Care Fund shall be established for the sale of lots. Twenty percent of the effective sale price of each lot shall be placed in such Fund.

1062.24 VIOLATIONS.

Whoever violates any of the provisions of this chapter shall be guilty of a misdemeanor.

1062.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

CHAPTER 1064
Teal Lake

1064.01	Definitions.	1064.08	Litter.
1064.02	Purpose and intent.	1064.09	Nonelectric motors prohibited on Lake.
1064.03	Use of absolute control area.		
1064.04	Limited control area.	1064.10	Launching of nonelectric watercraft from public property prohibited.
1064.05	Permissible activities in the absolute control area.		
1064.06	Permissible activities in the limited control area.	1064.11	Promulgation of Rules for Use of Beach Area
1064.07	Construction within the absolute control area.	1064.99	Penalty.

CROSS REFERENCES

Recreation Department - see CHTR. §18.7
Municipal navigational facilities - see M.C.L.A. §§281.541 et seq.
Marine Safety Act - see M.C.L.A. §§281.1002 et seq.
Recreation Commission - see ADM. Ch. 288
Garbage and rubbish as a nuisance - see GEN. OFF. 674.04(a)
Protection of water supply - see S.U. & P.S. 1044.05
Setback requirements - see P. & Z. 1272.01(b), 1274.06, 1276.03

1064.01 DEFINITIONS.

All terms used in this chapter shall have their ordinary meaning unless otherwise specified. As used in this chapter:

(a) "Absolute control area" means that area designated in this chapter, or subsequently designated by resolution of Council, in which there is located the water intake or other facilities related to the City water supply system.

(b) "Enclosure" means a shanty, windbreak, fishing house, tent or other enclosure or shield of any kind.

(c) "Limited control area" means all portions of the waters of Teal Lake not designated as being within the absolute control area.

1064.02 PURPOSE AND INTENT.

The waters of Teal Lake have been used as a water supply for the residents of the City for drinking and other human consumption. Although the City is now supplied with water from underground sources through the Negaunee - Ishpeming Water Authority, it is the purpose and policy of the City to retain the capability of resuming the use of Teal Lake as its water supply in the event of emergency or other unusual circumstances. It is the intention of this chapter to ensure the continued purity of the waters of Teal Lake for said purposes.

1064.03 USE OF ABSOLUTE CONTROL AREA.

That portion of Teal Lake lying within a radius of 300 feet from the westerly end of the Negaunee water system intake pipe shall be an absolute control area and may not be used by any person for any purpose except to row, paddle or sail a boat or other watercraft over said area for the purpose of gaining access to a limited control area or to the shoreline, without first securing a written permit therefor from the City Manager or his or her designated representative. The City Manager shall, in the spring of each year, cause a marker buoy to be installed over the end of said water supply intake pipe.

1064.04 LIMITED CONTROL AREA.

That portion of Teal Lake not designated as an absolute control area in Section 1064.03 is hereby designated to be a limited control area.

1064.05 PERMISSIBLE ACTIVITIES IN THE ABSOLUTE CONTROL AREA.

Prior to issuing a permit for any kind of use within an absolute control area, the City Manager or his or her designated representative shall first ascertain that the intended use shall not, in any way, endanger the continued purity of the waters of Teal Lake. The City Manager or his or her designated representative may issue a permit for the use of an absolute control area for the following purposes:

(a) Treatment or repair of the Municipal water supply system or any part thereof;

(b) The enforcement of Municipal or State laws by authorized law enforcement agencies;

(c) Public safety purposes involving activities performed by public safety personnel and authorized law enforcement agencies;

(d) The trapping and removal of fish or other wildlife from Teal Lake by the Department of Natural Resources or other governmental agencies for fish and wildlife management purposes, as authorized by the State; or

(e) Such other purposes as, in the opinion of the City Manager or his or her designated representative, are reasonably necessary to assure the maintenance of the purity of the waters of Teal Lake.

1064.06 PERMISSIBLE ACTIVITIES IN THE LIMITED CONTROL AREA.

No person shall use the waters of the limited control area of Teal Lake in any way, except as hereinafter specified:

(a) Fishing or swimming from the shore or shorelines;

(b) Winter fishing through the ice;

(c) Fishing or swimming from a boat propelled by oars, paddles, sails or electric motors; or

(d) Sailing, canoeing or other pleasure riding in watercraft not propelled by any type of motor, other than an electric motor.

1064.07 CONSTRUCTION WITHIN THE ABSOLUTE CONTROL AREA.

The shoreline within the absolute control area shall not be used for the construction of docks or wharfs, or for the storage or launching of boats or other watercraft, or for the storage or construction of any kind of enclosure or building for any other use, without first obtaining a permit for such use from the City Manager. Before granting such a permit, the City Manager shall make a determination that the proposed use for which the permit is being sought shall not be detrimental to the continued purity of the waters of Teal Lake and shall not conflict with the purpose and intent of this chapter.

1064.08 LITTER.

No litter of any kind shall be placed or left upon the surface and/or the shoreline of Teal Lake.

1064.09 NONELECTRIC MOTORS PROHIBITED ON LAKE.

No watercraft, vehicle or machine of any kind, having or containing a motor or engine of any kind, other than an electric motor or engine, shall be used in or upon the waters of Teal Lake.

1064.10 LAUNCHING OF NONELECTRIC WATERCRAFT FROM PUBLIC PROPERTY PROHIBITED.

No person shall launch into Teal Lake from public property any watercraft, vehicle or machine of any kind, having or containing a motor or engine of any kind, other than an electric motor or engine.

1064.11 PROMULGATION OF RULES FOR USE OF BEACH AREA

The City's Recreation and Parks Commission shall promulgate Rules governing the use of the beach and waterfront in the Limited Control Area, which shall be approved annually by the City Council at, or prior to, its April Regular Meeting. Once the rules are approved by City Council resolution, they shall be publicly posted at the entrance to the Limited Control Area and copies shall be maintained and made available to the public by the City Clerk. Any violation of these rules shall be considered a civil infraction.

1064.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

April 2004

BEACH/PARK USE POLICY

The following rules shall apply to the use of the Teal Lake beach and park area. The rules apply to both the designated swimming area (beach) and the non-designated swimming area of the park unless otherwise stated.

a) No operation of motorized vehicles in the park/beach area.

b) Alcoholic beverages shall not be consumed in the park/beach area.

c) Watercraft may be launched only at a designated launch site.

d) Swimming in the designated swimming area and beach shall be limited to the months of May to September and times of 7:00am to 12:00am.

e) No swimming or wading in the designated boat mooring area unless directly related to the mooring or launching of watercraft.

f) Motor vehicle parking for use of the park/beach area shall be as designated and directed from time to time through traffic orders as requested by the council.

g) The City Recreation Commission shall review and authorize special recreational uses of this park/beach, such as organized group swimming lessons, beach volleyball, etc.

h) No structures, equipment, materials, vehicles, or boats may be stored or left overnight in the park/beach area.

i) No pets or domestic animals shall be permitted in the park/beach area.

j) No overnight camping.

k) Bicycles shall not be used in the park/beach area, but may be operated in the boulevard and parked in designated areas or stand.

l) No glass containers shall be possessed or used in the beach area.

m) Organized groups shall request prior Council approval between January 1 and April 1 of each year for proposed use of the park/beach area for private group activities that use or occupy significant portions of the park/beach area and that may hinder or interfere with the general public use of the park/beach. The council may impose conditions on the proposed use for public health, safety and welfare and maintenance of the park.

n) Permit requests for use of all or a portion of the park by groups for organized public events shall be submitted to the Council between January 1 and April 1 of each year and the Council may impose conditions on the proposed use for public health, safety and welfare, and maintenance of the park.

CODIFIED ORDINANCES OF NEGAUNEE

PART TWELVE - PLANNING AND ZONING CODE

TITLE TWO - Planning
- Chap. 1220. Planning Commission.
- Chap. 1230. Division of Land.

TITLE FOUR - Subdivision Regulations
- Chap. 1240. General Provisions and Definitions.
- Chap. 1242. Administration, Enforcement and Penalty.
- Chap. 1244. Platting Procedure.
- Chap. 1246. Design Standards.
- Chap. 1248. Improvements.

TITLE SIX - Zoning
- Chap. 1260. General Provisions and Definitions.
- Chap. 1262. Administration, Enforcement and Penalty.
- Chap. 1264. Board of Zoning Appeals.
- Chap. 1266. Districts Generally and Zoning Map.
- Chap. 1268. Residence District "A".
- Chap. 1270. Residence District "B".
- Chap. 1272. Commercial or General Business District.
- Chap. 1274. Industrial District.
- Chap. 1276. Mining District.
- Chap. 1278. Undeveloped District.
- Chap. 1280. Special Land Uses.
- Chap. 1282. Home Occupations.
- Chap. 1284. Nonconforming Uses.
- Chap. 1286. Supplementary Regulations.

CODIFIED ORDINANCES OF NEGAUNEE

PART TWELVE - PLANNING AND ZONING CODE

TITLE TWO - Planning
Chap. 1220. Planning Commission.

CHAPTER 1220
Planning Commission

1220.01 Definitions.
1220.02 Establishment.
1220.03 Composition.
1220.04 Appointments; terms; compensation.
1220.05 Vacancies.
1220.06 Regular meetings.
1220.07 Special meetings.
1220.08 Officers.
1220.09 Powers and duties; annual report.

CROSS REFERENCES

Planning Commission generally - see CHTR. §18.6
Zoning and planning in home rule cities - see M.C.L.A. §117.4i
Zoning and planning generally - see M.C.L.A. §§125.11 et seq., 125.31 et seq., 125.581 et seq.
Municipal planning commissions - see M.C.L.A. §§125.31 et seq.
County planning commissions - see M.C.L.A. §§125.101 et seq.
Approval of special land uses - see P. & Z. 1280.01, 1280.02

1220.01 DEFINITIONS.

As used in this chapter:

(a) "Chairperson" means the Chairperson of the Planning Commission as provided for in this chapter.
(b) "City" means the City of Negaunee.
(c) "Commission" means the Planning Commission of the City as established by this chapter.
(d) "Council" means the City Council of the City of Negaunee.

220.02 ESTABLISHMENT.

A Planning Commission is hereby established in and for the City.

1220.03 COMPOSITION.

The Commission shall consist of nine members who shall be representative of the public as a whole.

1220.04 APPOINTMENTS; TERMS; COMPENSATION.

All of the members of the Planning Commission shall be appointed by the Mayor, subject to the approval of Council.

The term of each of the appointed members of the Commission shall be three years or until his or her successor takes office, except that of the members first appointed three shall have terms of one year, three of two years and three of three years.

The members of the Commission shall serve without compensation unless otherwise decreed by Council.

1220.05 VACANCIES.

Vacancies occurring on the Planning Commission shall be filled for the unexpired term by appointment by the Mayor, subject to the advice and consent of Council.

1220.06 REGULAR MEETINGS.

The Planning Commission shall hold at least one regular meeting each month. The time and date of said meeting shall be established by order of the Commission itself.

1220.07 SPECIAL MEETINGS.

Special meetings of the Planning Commission may be called by the Chairperson or any three members of the Commission. Written notice of all special meetings shall be given to all members.

1220.08 OFFICERS.

The Planning Commission shall elect a Chairperson from among the appointed members and create and fill such other of its offices as it may determine. The term of the Chairperson shall be for one year, with eligibility for re-election.

1220.09 POWERS AND DUTIES; ANNUAL REPORT.

(a) The Planning 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 a public record.

(b) It shall be the duty of the Chairperson to preside over all meetings of the Commission. In his or her absence a Chairperson pro-tempore may be elected to preside.

(c) Except as may be otherwise provided in this chapter or by the authority of Council, the powers and duties of the Commission are to be of an advisory nature only, and the Commission shall not have any powers or duties which conflict with or supersede the powers and duties of Council or other City commissions or boards.

(d) Neither the Commission nor any member thereof shall incur any financial liability in the name of the City.

(e) The Commission shall annually render a full report of its work to Council.

CHAPTER 1230
Division of Land

1230.01 Title.
1230.02 Purpose.
1230.03 Definitions.
1230.04 Prior Approval requirement for Land Divisions.
1230.05 Application for Land Division Approval.
1230.06 Procedure for Review of Applications for Land Division Approval
1230.07 Standards for approval of Land Divisions.
1230.08 Noncompliance; injunctive Relief; Forfeiture.
1230.99 Penalty.

CROSS REFERENCES

Approval of plats; street system – see M.C.L.A. Sec. 125.43
Regulations governing subdivision of land; bond to secure improvements; publication of regulations – see M.C.L.A. Sec. 125.44
Approval or disapproval of plats; procedure; effect – see M.C.L.A. Sec. 125.45
Certification of city plats – see M.C.L.A. Secs. 125.51 et seq.

1230.01 TITLE.

This chapter shall be known and may be cited as the "City of Negaunee Land Division Ordinance."
(Ord. Unno. Passed 6-11-98).

1230.02 PURPOSE.

The purpose of this chapter is to carry out the provisions of the State Land Division Act, 1967 PA 288, Act 591 of 1996, and Act 87 of 1997, as amended, known as the Land Division Act, to prevent the creation of parcels of property which do not comply with applicable ordinances and said Act, to minimize potential boundary disputes, to maintain orderly development of the community, and otherwise to provide for the health, safety and welfare of the residents and property owners of the City by establishing reasonable standards for prior review and approval of land divisions within the City of Negaunee. (Ord. Unno. Passed 6-11-98.)

1230.03 DEFINITIONS.

For purposes of this ordinance certain terms and words used herein shall have the following meaning:

(a) "Accessible" – in reference to a parcel, means that the parcel meets one or both of the following requirements:

(1) Has an area where a driveway provides vehicular access to an existing road or street and meets all applicable location standards of the State Transportation Department or County Road Commission under Act 200 of the Public Acts of 1969, as amended, being M.C.L.A. 2473321 to 247.329, and standards of the City, or has an area where a driveway can provide vehicular access to an existing road or street and meet all such applicable location standards.

(2) 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 State Transportation Department or County Road Commission under Act 200 of the Public Acts of 1969, as amended, and standards of the City, or 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.

(b) "Applicant" – a person, firm, association, partnership, corporation, or combination of any of them who or that holds an ownership interest in land, whether recorded or not, and who or that applies for City approval of a proposed land division.

(c) "Development site" – any parcel or lot on which exists, or which is intended for, building development.

(d) "Division" – the partitioning or splitting of a parcel or tract of land by the proprietor or by his or her heirs, 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 forty acres or the equivalent, and that satisfies the requirements of Sections 108 and 109 of the State Land Division Act. "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 State Land Division Act, or the requirements of other applicable City ordinances.

(e) "Exempt split" – the partitioning or splitting of a parcel or tract of land by the proprietor, or by his or her heirs, legal representatives, successors, or assigns, that does not result in one or more parcels of less than forty 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 State Land Division Act or the requirements of an applicable City ordinance.

(f) "Forty acres or the equivalent" – forty acres, a quarter-quarter section containing not less than thirty acres, or a government lot containing not less than thirty acres.

(g) "Governing body" – the Negaunee City Council/

(h) "Proprietor" – a natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not.

(i) "State Land Division Act" – Public Act 592 of 1996, and Public Act 87 of 1997, as amended.

(j) "Subdivide" or "Subdivision" – the partitioning or splitting of a parcel or tract of land by the proprietor by his or her heirs, 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 forty acres or the equivalent, and that is not exempted from the platting requirements of the State Land Division Act and by Sections 108 and 109 of that Act. "Subdivide" or "Subdivision" 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 Act or the requirements of an applicable local ordinance.
(Ord. Unno. Passed 6-11-98.)

1230.04 PRIOR APPROVAL REQUIRMENT FOR LAND DIVISIONS.

Land in the City shall not be divided without the prior review and approval of the City Assessor, or other official designated by resolution of the City Council, in accordance with this chapter and the State Land Division Act; provided that the following shall be exempted from requirements of this chapter:

(a) A parcel proposed for subdivision through a recorded plat pursuant to the State Land Division Act and Chapter 1244 of these Codified Ordinances.

(b) A lot in a recorded plat proposed to be divided in accordance with the State Land Division Act and Section 1244.02 of these Codified Ordinances.

(c) An exempt split as defined in this chapter, or other partitioning or splitting that results in parcels of twenty acres or more if each is not accessible and the parcel was in existence on March 31, 1997, or resulted from exempt splitting under the State Act. (Ord. Unno. Passed 6-11-98.)

1230.05 APPLICATION FOR LAND DIVISION APPROVAL.

An applicant shall file all of the following with the City Assessor or other official designated by the City Council for review and approval of a proposed land division before making any division by deed, land contract or lease for more than one year, or for building development.

(a) A completed application form on such form as may be approved by resolution of the governing body of the City.

(b) A tentative parcel map drawn to scale including a legal description of each proposed division, and showing the boundary lines, approximate dimensions, and the accessibility of each division for vehicular access and for development sites showing adequate easements for public utilities.

(c) A statement that all standards of the State Land Division Act and this chapter will be met by the proposed division.

(d) 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.

(e) A filing fee to cover the costs of review of the application and administration of this chapter and the State Land Division Act as set by resolution of the City Council. The fee shall be adjusted from time to time to reflect changes in cost to the City of administering this chapter and State Law.

(Ord. Unno. Passed 6-11-98.)

1230.06 PROCEDURE FOR REVIEW OF APPLICATIONS FOR LAND DIVISION APPROVAL.

(a) The City Assessor or other designee shall approve or disapprove the land division applied for within forty-five days after receipt of a complete application conforming to the requirements of this chapter and the State Land Division Act, and shall promptly notify the applicant of the decision, and if denied, the reasons for denial.

(b) Any person or entity aggrieved by the decision of the Assessor or other designee may, within thirty days of said decision, appeal the decision to the City Council or such other body or person designated by the City Council, which shall consider and resolve such appeal by a majority vote of the Council or by the appellate designee at its next regular meeting or session affording sufficient time for a twenty-day written notice to the applicant of the time and date of said meeting and appellate hearing.

(c) The Assessor or other designee shall maintain an official record of all approved and accomplished land divisions or transfers.

(d) Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations, including, but not limited to, zoning ordinances, building codes, Health Department codes, or similar ordinances or regulations, or that the resulting parcels are suitable for building or development.

(e) The City and its officers and employees shall not be liable for approving a land division if the building permits for construction on the parcels are subsequently denied because of inadequate water supply, sewage disposal facilities, noncompliance with zone ordinances or otherwise, and any notice of approval shall include a statement to this effect. (Ord. Unno. Passed 6-11-98.)

1230.07 STANDARDS FOR APROVAL OF LAND DIVISIONS.

(a) A proposed land division shall be approved upon satisfaction of all of the following requirements:

(1) The application for approval contains all of the information described in Section 1250.05.

(2) Each resulting parcel is accessible to an existing street or road by an existing or proposed driveway or access easement. If a driveway or access easement does not exist at the time a division is proposed, the applicant shall also comply with the requirements of subsection (b) hereof.

(3) The proposed division, together with any previous division(s) of the same parent parcel or parent tract, shall not result in a number of resulting parcels that is greater than that permitted under Section 108 of the State Land Division Act.

(4) Each resulting parcel that is a development site (as defined in the Act) shall have adequate easements for public utilities from the resulting parcel to existing public utility facilities.

(5) Each resulting parcel which is ten acres or less in size shall have a depth which is not more than four times the width of a parcel. If the width of the parcel is irregular, the average width of the parcel shall be calculated and used for purposes of this provision. This depth to width ratio shall not apply to the remainder of the parent parcel or parent tract retained by the applicant.

(6) All resulting parcels to be created by the proposed land division(s) shall comply with the applicable lot area and dimension requirements of the City Zoning Code for the zoning district(s) in which the resulting parcels are located.

(b) If a means of vehicular access to a resulting parcel does not exist at the time a land division is applied for, the proposed division shall not be approved unless the following requirements are satisfied:

(1) If a private driveway is proposed as a means of access, each resulting parcel shall have an area where a driveway or easement will provide vehicular access.

(2) If a private easement is proposed as a means of access, the proposed easement shall be in writing and signed by the owner of the parcel(s) within which the easement is to be located. Such easement shall provide a means of access over and across such parcel(s).

(3) If a new public street is proposed as a means of access, the application shall provide proof that the proposed street or road complies with layout and construction design standards of the City as contained in Chapter 1246 of these Codified Ordinance or other City of Negaunee ordinances relating to public streets and roads and utility easements and drainage facilities.

(c) If a parcel resulting from a division is less than one acre in size, pursuant to the State Land Division Act, a building permit shall not be issued unless the parcel has all of the following:

(1) Public water, or Health Department approval for suitability of an on-site water supply; and

(2) Public sewer, or Health Department approval for suitability of on-site sewage disposal.

The City of Negaunee, and its officers and employees, shall not be liable for approving a division resulting in a parcel less than one acre if a building permit is not issued for the parcel for reasons set forth in this section, and the notice of approval of the division shall so state.
(Ord. Unno. Passed 6-11-98.)

1230.08 NONCOMPLIANCE; INJUNCTIVE RELIEF; FORFEITURE.

(a) Any division of land in violation of any provision of this chapter shall not be recognized as a land division on the City tax roll. The City may also initiate injunctive or other relief to prevent any violation or continuance of any violation of this chapter.

(b) An unlawful division or split shall also be voidable at the option of the purchaser and shall subject the seller to the forfeiture of all consideration received or pledged therefor, together with any damages sustained by the purchaser, recoverable in an action at law.
(Ord. Unno. Passed 6-11-98.)

1230.99 PENALTY.

Whoever violates any of the provisions of this chapter is responsible for a Municipal civil infraction and shall be fined not more than one hundred dollars ($100.00) for a first offense and not more than five hundred dollars ($500.00) for a subsequent offense, in the discretion of the court, in addition to all other remedies provided by law.
(Ord. Unno. Passed 6-11-98.)

TITLE FOUR - Subdivision Regulations

Chap. 1240. General Provisions and Definitions.
Chap. 1242. Administration, Enforcement and Penalty.
Chap. 1244. Platting Procedure.
Chap. 1246. Design Standards.
Chap. 1248. Improvements.

CHAPTER 1240
General Provisions and Definitions

1240.01 Short title.
1240.02 Purposes.
1240.03 Legal basis; scope.
1240.04 Interpretation; conflicts.
1240.05 Severability.
1240.06 Effective date.
1240.07 Definitions.

CROSS REFERENCES

Approval of plats; street system - see M.C.L.A. §125.43
Regulations governing subdivision of land; bond to secure improvement; publication of regulations - see M.C.L.A. §125.44
Approval or disapproval of plats; procedure; effect - see M.C.L.A. §125.45
Certification of city plats - see M.C.L.A. §§125.51 et seq.
Fees - see P. & Z. 1242.05

1240.01 SHORT TITLE.

These Subdivision Regulations shall be known and may be cited as the "City of Negaunee Subdivision Control Code," hereinafter referred to as "these Subdivision Regulations" or "these Regulations."

1240.02 PURPOSES.

The purpose of these Subdivision Regulations is to regulate and control the subdivision of land within the City in order to promote the safety, public health and general welfare of the community. These Regulations are specifically designed to:

(a) Provide for the orderly growth and harmonious development of the community, consistent with orderly growth policies, and to guide future growth of development of the Municipality in accordance with the Master Plan.

(b) Protect and conserve the value of land throughout the Municipality and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.

(c) Ensure adequate provisions for public utilities, including storm water drainage, potable water supplies, sanitary facilities and other health-related requirements.

(d) Establish reasonable standards of design and procedures for subdivisions in order to further the orderly layout and use of land and to ensure proper legal descriptions and monumenting of the subdivided land.

(e) Ensure that public facilities are available and will have sufficient capacity to serve the proposed subdivision.

1240.03 LEGAL BASIS; SCOPE.

These Subdivision Regulations are enacted pursuant to the statutory authority granted by the Subdivision Control Act, being Act 288 of the Public Acts of 1967, as amended; Act 191 of the Public Acts of 1939, as amended, providing for publication of ordinances; and the Municipality Planning Act, being Act 285 of the Public Acts of 1931, as amended, authorizing cities to adopt ordinances and regulations to secure the public health, safety and general welfare. These Subdivision Regulations shall not apply to any lot or lots forming a part of a subdivision created or recorded prior to the effective date of these Subdivision Regulations, except for the further dividing of lots within a recorded subdivision plat.

1240.04 INTERPRETATION; CONFLICTS.

(a) The provisions of these Regulations shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.

(b) These Regulations are not intended to interfere with, abrogate or annul any other code, rule, regulation, statute or other provision of law. Where any provision of these Regulations imposes restrictions different from those imposed by any other provision of these Regulations or other code, rule, regulation or other provision of law, whichever provision is more restrictive or imposes a higher standard shall control.

(c) These Regulations are not intended to abrogate any easement, covenant or other private agreement or restriction, provided that where the provisions of these Regulations are more restrictive or impose higher standards than such easement, covenant or other private agreement or restriction, the requirements of these Regulations shall govern.

1240.05 SEVERABILITY.

If any part or provision of these Regulations or the application thereof to any person or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these Regulations or the application thereof to other persons or circumstances. The City hereby declares that it would have enacted the remainder of these Regulations even without any such part, provision or application.

1240.06 EFFECTIVE DATE.

These Subdivision Regulations shall take effect in the City after adoption by the City Council, publication of notice of such adoption within ten days after such adoption, entry in the City Code Book and certification by the City Clerk as to the date of publication of such notice. The effective date shall be thirty days after the date of publication of such notice.

1240.07 DEFINITIONS.

As used in these Regulations, a "person" includes a corporation, a partnership and an incorporated association of persons such as a club; "shall" is always mandatory; a "building" includes a "structure"; a "building" or "structure" includes any part thereof; and "used" or "occupied," as applied to any land or building, shall be construed to include the words "intended, arranged or designed to be used or occupied." In addition:

(1) "Alley" means a public or private right-of-way shown on a plat which provides secondary access to a lot, block or parcel of land.

(2) "Applicant" means the owner of land proposed to be subdivided or his or her representative. Consent shall be required from the legal owner of the premises.

(3) "Block" means a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways or boundary lines of municipalities.

(4) "Bond" means any form of security, including a cash deposit, letter of credit, certified check, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the governing body. All bonds shall be approved by the governing body wherever a bond is required by these Regulations.

(5) "Building" means any structure built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind, and includes any structure.

(6) "Building and Zoning Inspector" means the person designated by the governing body to administer the Building Code and the Zoning Code.

(7) "Capital Improvements Program" means a proposed schedule of all future projects listed in order of construction priority, together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual local government's operating expenses, for the purchase, construction or replacement of the physical assets for the community, are included.

(8) "Caption" means the name by which a subdivision plat is legally and commonly known.

(9) "City Attorney" means the licensed attorney designated by the governing body to furnish legal assistance for the administration of these Regulations.

(10) "City Engineer" means the licensed engineer designated by the governing body to furnish engineering assistance for the administration of these Regulations.

(11) "Collector road" means a road intended to move traffic from local roads to secondary arterials. A collector road serves a neighborhood or large subdivision and should be designed so that no residential properties face onto it.

(12) "Construction Plan" means the maps or drawings accompanying a subdivision plat showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the Municipality as a condition of the approval of the plat.

(13) "County Plat Board" means the Registrar of Deeds, who shall act as Chairperson, the County Clerk, who shall act as Secretary, and the County Treasurer.

(14) "Cul-de-sac" means a local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

(15) "Dedication" means the intentional appropriation of land by the owner thereof to public use.

(16) "Developer" means the owner of land proposed to be subdivided or his or her representative. Consent shall be required from the legal owner of the premises.

(17) "Easement" means authorization by a property owner for the use by another, and for a specified purpose of any designated part of his or her property.

(18) "Escrow" means a deposit of cash with the governing body in lieu of an amount required and still in force on a performance or maintenance bond. Such escrow shall be deposited by the Building and Zoning Inspector into a separate account.

(19) "Final plat" means the map, plan or record of a subdivision and any accompanying material, as described in these Regulations.

(20) "Flood plain" means the area of land adjoining the channel of a river, stream, watercourse, lake or other similar body of water which will be inundated by a flood which can reasonably be expected for that region.

(21) "Frontage" means that side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.

(22) "Frontage street" means any street constructed by the developer or any existing street in which development shall take place on both sides.

(23) "Governing body" means the legislative body of the City.

(24) "Government survey" means the land surveyed, subdivided and monumented by the United States Public Land Survey.

(25) "Grade" means the slope of a road, street or other public way, specified in percentage terms.

(26) "Health department" means the State, City, County or District Health Department having jurisdiction.

(27) "High density" means those residential zoning districts in which the density is equal to or greater than one dwelling unit per 10,000 square feet.

(28) "Highway, limited access" means a freeway or expressway providing a trafficway for through traffic, in respect to which owners or occupants of abutting property on lands, and other persons, have no legal right of access to or from the same, except at such points and in such manner as may be determined by the public authority having jurisdiction over such trafficway.

(29) "Improvement" means any structure incident to servicing or furnishing facilities for a subdivision.

(30) "Individual sewage disposal system" means a septic tank, seepage tile, sewage disposal system or other approved sewage treatment device.

(31) "Joint ownership" means, among persons, the same owner. For the purpose of imposing these Subdivision Regulations, "joint ownership" means "constructive ownership."

(32) "Land" means all land areas occupied by real property.

(33) "Local government" means the government of the City.

(34) "Local road" means a road intended to provide access to other roads from individual properties and to provide a right-of-way beneath it for sanitary sewer, water and storm drainage systems and/or other utility systems.

(35) "Lot" means a measured portion of a parcel or tract of land, which is described and fixed in a recorded plat.

(36) "Lot, corner" means a lot situated at the intersection of two streets, the interior angle of which intersection does not exceed 135 degrees.

(37) "Lot improvement" means any building, structure, place, work of art or other object or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment.

(38) "Lot of record" means a parcel of land, the dimensions of which are shown on a record plat on file with the Marquette County Register of Deeds, at the time these Regulations became effective, or in common use by City officials and which actually exists as shown, or any part of a parcel held in a recorded ownership separate from the remainder thereof at the time these Regulations became effective.

(39) "Low density" means those residential zoning districts in which the density is equal or less than one dwelling unit per 40,000 square feet.

(40) "Major subdivision" means all subdivisions not classified as minor subdivisions, including, but not limited to, subdivisions of five or more lots, or any size subdivision requiring any new street, extension of local governmental facilities or the creation of any public improvements.

(41) "Master Plan" means a comprehensive plan for development of the community, prepared and adopted by City officials, pursuant to State law, and including any part of such Plan separately adopted and any amendment to such Plan or part thereof.

(42) "Medium density" means those residential zoning districts in which the density is between 10,000 and 40,000 square feet per dwelling unit.

(43) "Michigan Coordinate System" means the system defined in Act 9 of the Public Acts of 1964, as amended, being M.C.L.A. 54.231 to 54.239, as amended.

(44) "Minor subdivision" means any subdivision containing not more than four lots fronting on an existing street, not involving any new street or road, or the extension of Municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provisions or portion of the Master Plan, the Official Map, the Zoning Code or these Regulations.

(45) "Model home" means a dwelling unit used initially for display purposes which typifies the type of units that will be constructed in the subdivision. Such dwelling units may be erected, at the discretion of the Municipality, by permitting a portion of a major subdivision, involving no more than four lots, to be created.

(46) "Municipality" means the City of Negaunee, Michigan.

(47) "Nonresidential subdivision" means a subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of these Regulations.

(48) "Off-site" means any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the developer.

(49) "Official Map" means the Map established by the governing body pursuant to law showing the streets, highways, parks, drainage systems and setback lines theretofore laid out, adopted and established by law, and any amendments or additions thereto adopted by the governing body and resulting from the approval of subdivision plats by the Planning Commission and the subsequent filing of such approved plats.

(50) "Ordinance" means any legislative action, however denominated, of a local government which has the force of law, including any amendment or repeal of any ordinance.

(51) "Outlot," when included within the boundary of a recorded plat, means a lot set aside for purposes other than a building site, park or other land dedicated to public use or reserved to private use.

(52) "Owner" means any person, group of persons, firm or firms, corporation or corporations, or any other legal entity, having legal title to or a sufficient proprietary interest in the land sought to be subdivided under these Regulations.

(53) "Parcel" and "tract" mean a continuous area or acreage of land which can be described as provided for in the Subdivision Control Act, being Act 288 of the Public Acts of 1967, as amended.

(54) "Perimeter street" means any existing street to which the parcel of land to be subdivided abuts on only one side.

(55) "Planning Commission" means the Planning Commission of the City.

(56) "Plat" means a map or chart of a subdivision of land.

(57) "Pre-preliminary plat" means a sketch preparatory to the preparation of the preliminary plat as provided under Section 107 of the Subdivision Control Act, being Act 288 of the Public Acts of 1967, as amended, to enable the subdivider to save time and expense in reaching general agreement with the Planning Commission as to the form of the plat and the objectives of these Regulations.

(58) "Preliminary plat" means a map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration.

(59) "Primary arterial" means a road intended to move through traffic to and from such major attractors as central business districts, regional shopping centers, colleges and/or universities, military installations, major industrial areas and similar traffic generators within the City, and/or a route for traffic between communities or large areas.

(60) "Proprietor" means a natural person, firm, association, partnership, corporation or combination of any of them which may hold any ownership interest in land, whether recorded or not.

(61) "Public improvement" means any drainage ditch, roadway, parkway, sidewalk, pedestrianway, tree, lawn, off-street parking area, lot improvement or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established. All such improvements shall be properly bonded.

(62) "Public sewer" means a sewerage system as defined in Act 98 of the Public Acts of 1913, as amended, being M.C.L.A. 325.201 to 325.214, as amended.

(63) "Public utility" means all persons, firms, corporations, co-partnerships or a municipal or other public authority providing gas, electricity, water, steam, telephone, sewer, cable TV or other services of a similar nature.

(64) "Public water" means a waterworks system, as defined in Act 98 of the Public Acts of 1913, as amended.

(65) "Registered engineer" means an engineer properly licensed and registered in the State.

(66) "Replat" means the process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of an outlot within a recorded subdivision plat without changing the exterior boundaries of the outlot is not a replat.

(67) "Resubdivision" means a change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or an area reserved thereon for public use, or any lot line, or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

(68) "Right-of-way" means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main or shade trees, or for another special use. The use of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels.

(69) "Road, dead-end" means a road or a portion of a street with only one vehicular traffic outlet.

(70) "Road right-of-way width" means the distance between property lines measured at right angles to the centerline of the street.

(71) "Sale or lease" means any immediate or future transfer of ownership, or of any possessory interest in land, including a contract of sale, lease, devise, intestate succession or transfer of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, intestate succession or other written instrument.

(72) "Same ownership" means ownership by the same person, corporation, firm, partnership, unincorporated association or other entity; or ownership by different corporations, firms, partnerships, unincorporated associations or other entities, in which a stockholder, partner or associate, or a member of his or her family, owns an interest in each corporation, firm, partnership, unincorporated association or other entity.

(73) "Screening" means either:

A. A strip at least ten feet wide, densely planted or having equivalent natural growth with shrubs or trees at least four feet high at the time of planting, or a type that will form a year-round dense screen at least six feet high; or

B. An opaque wall or barrier or a uniformly painted fence at least six feet high.

(74) "Secondary Arterial" means a road intended to collect and distribute traffic in a manner similar to primary arterials, except that these roads service minor traffic generating areas such as community commercial areas, primary and secondary educational plants, hospitals, major recreational areas, churches and offices, and/or are designed to carry traffic from collector streets to the system of primary arterials.

(75) "Setback" means the distance between a building and the street line nearest thereto.

(76) "Subdivide" and "subdivision" mean the partitioning or dividing of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale or lease of more than one year, or of building development, where the act of division creates five or more parcels of land each of which is ten acres or less in area, or five or more parcels of land each of which is ten acres or less in area created by successive divisions within a period of ten years.

(77) "Subdivider" means any person who:

A. Having an interest in land, causes it, directly or indirectly, to be divided into a subdivision; or

B. Directly or indirectly sells, leases or develops, or offers to sell, lease or develop, or advertises for sale, lease or development, any interest, lot, parcel, site, unit or plat in a subdivision; or

C. Engages, directly or through an agent, in the business of selling, leasing or developing or offering for sale, lease or development, a subdivision or any interest, lot, parcel, site, unit or plat in a subdivision; and

D. Is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.

(78) "Subdivision agent" means any person who represents, or acts as an agent for or on behalf of, a subdivider or developer in selling, leasing or developing, or in offering to sell, lease or develop, any interest, lot, parcel, unit, site or plot in a subdivision, except an attorney-at-law whose representation of another person consists solely of rendering legal services.

(79) "Surveyor" means a land surveyor who is licensed in this State as a registered land surveyor, or a civil engineer who is registered in this State as a registered professional engineer.

(80) "Temporary land improvement" means an improvement built and maintained by a subdivider during construction of a subdivision and prior to release of the performance bond.

(81) "Topographical map" means a map showing existing physical characteristics with contour lines at sufficient intervals to permit determination of proposed grades and drainage.

CHAPTER 1242
Administration, Enforcement and Penalty

1242.01	Administration generally.	1242.05	Schedule of fees.
1242.02	Enforcement generally.	1242.06	Variances.
1242.03	Amendments.	1242.99	Penalty; equitable remedies.
1242.04	Requirements for resubdivisions, replats, etc.		

CROSS REFERENCES

Approval of plats; street system - see M.C.L.A. §125.43
Regulations governing subdivision of land; bond to secure improvement; publication of regulations - see M.C.L.A. §125.44
Approval or disapproval of plats; procedure; effect - see M.C.L.A. §125.45
Certification of city plats - see M.C.L.A. §§125.51 et seq.
Planning Commission - see P. & Z. Ch. 1220
Purpose of Subdivision Regulations - see P. & Z. 1240.02
Scope of Subdivision Regulations - see P. & Z. 1240.03

1242.01 ADMINISTRATION GENERALLY.

These Subdivision Regulations shall be administered by the City of Negaunee in accordance with the Subdivision Control Act, being Act 288 of the Public Acts of 1967, as amended.

1242.02 ENFORCEMENT GENERALLY.

(a) It shall be the duty of Council to enforce these Regulations and to bring to the attention of the City Attorney any violations or lack of compliance herewith.

(b) No owner or agent of an owner of any parcel of land located in a proposed subdivision shall transfer or sell any parcel before a plat of the subdivision has been approved by the City, in accordance with the provisions of these Regulations, and recorded with the office of the Marquette County Register of Deeds.

(c) The subdivision of any lot or any parcel of land, by the use of a metes and bounds description for the purpose of sale, transfer or lease, with the intent of evading these Regulations, shall not be permitted. All such described subdivisions shall be subject to all of the requirements contained in these Regulations.

(d) No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these Regulations.

1242.03 AMENDMENTS.

For the purpose of providing for the public health, safety and general welfare, the Planning Commission may from time to time amend these Subdivision Regulations. Public hearings on all proposed amendments shall be held by the City of Negaunee in the manner prescribed by law.

1242.04 REQUIREMENTS FOR RESUBDIVISIONS, REPLATS, ETC.

(a) Any proposed resubdivision, replat, amended plat, urban renewal plat or vacation of any part of any recorded subdivision plat located within the corporate limits of the City of Negaunee shall be accomplished in strict accordance with the requirements of the Subdivision Control Act, being Act of 288 of the Public Acts of 1967, as amended.

(b) The City Council shall be advised as to the status of all proceedings as noted in subsection (a) hereof and as required under the Subdivision Control Act.

1242.05 SCHEDULE OF FEES.

(a) There shall be a minimum fee for the review of all plats as follows:

(1) The engineering fee for both the preliminary and final approval of all subdivision plats providing for public water and/or public sewage systems shall be one hundred dollars ($100.00) plus an additional ten dollars ($10.00) for each lot in the plat.

(2) The engineering fee for both the preliminary and final approval of all subdivision plats which do not provide for either public water or public sewage systems shall be one hundred dollars ($100.00) plus an additional seven dollars ($7.00) for each lot in the plat.

(b) An additional fee shall be paid for all time and expense incurred by the City, the City Engineer or any other City agent or employee in the review of any subdivision plat when such time and expense exceed the minimum fee provided for in subsection (a) hereof.

1242.06 VARIANCES.

(a) In General. Where the Municipality finds that extraordinary hardships or practical difficulties may result from strict compliance with these Regulations and/or that the purposes of these Regulations may be served to a greater extent by an alternative proposal, it may approve variances to these Regulations so that substantial justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying the intent and purpose of these Regulations, and provided, further, that the Municipality shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:

(1) The granting of the variance will not be detrimental to the public safety, health or welfare or injurious to other property as located;

(2) The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property;

(3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these Regulations is carried out;

(4) The variance will not, in any manner, vary the provisions of the Zoning Code, the Master Plan or the Official Map.

(b) Conditions. In approving variances, the Municipality may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these Regulations.

(c) Procedures. A petition for any such variance shall be submitted in writing by the subdivider at the time the preliminary plat is filed for the consideration of the Planning Commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

1242.99 PENALTY; EQUITABLE REMEDIES.

(a) Whoever violates any of the provisions of these Subdivision Regulations or fails to comply therewith is guilty of a misdemeanor and shall, upon conviction thereof, be fined not more than one hundred dollars ($100.00) or imprisoned not more than thirty days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. A landowner, tenant, subdivider, builder, public official or other person who commits, participates in, assists in or maintains such violation may be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the City Council or any other public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of these Subdivision Regulations or of the Subdivision Control Act, being Act 288 of the Public Acts of 1967, as amended.

(b) Appropriate actions and proceedings may be taken at law or in equity to prevent any violation of these Regulations, to prevent unlawful construction, to recover damages, to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, and these remedies shall be in addition to the penalties described in subsection (a) hereof.

CHAPTER 1244
Platting Procedure

1244.01	Subdivision application procedures and approval process.	1244.04	Specifications for preliminary plats.
1244.02	Division of land in a recorded subdivision plat.	1244.05	Specifications for construction plans.
1244.03	Specifications for pre-preliminary plats.	1244.06	Specifications for final plats.

CROSS REFERENCES

Approval of plats; street system - see M.C.L.A. §125.43
Regulations governing subdivision of land; bond to secure improvement; publication of regulations - see M.C.L.A. §125.44
Approval or disapproval of plats; procedure; effect - see M.C.L.A. §125.45
Certification of city plats - see M.C.L.A. §§125.51 et seq.
Requirements for resubdivisions, replats, etc. - see P. & Z. 1242.04

1244.01 SUBDIVISION APPLICATION PROCEDURES AND APPROVAL PROCESS.

(a) Preliminary Plat Requirements.

(1) Preliminary plats shall be submitted and filed for approval in accordance with the requirements of Sections 112 through 120 inclusive of the Subdivision Control Act, being Act 288 of the Public Acts of 1967, as amended, and these Subdivision Regulations. The fee provided for in these Subdivision Regulations for review of preliminary plats shall be deposited with the City Clerk at the time of filing the initial application.

(2) The proprietor or his or her agent shall submit ten copies each of the completed application form along with the preliminary plat to the City Clerk at least two weeks prior to the regularly scheduled meeting of the City Planning Commission. The Clerk will immediately forward two complete sets of documents to the City Engineer for review.

(3) The City Engineer, upon finding the submission complete, will notify the City Clerk who will in turn alert the Secretary of the Planning Commission to place the matter on the agenda of the next regularly scheduled meeting of the City Planning Commission.

(4) Distribution of the ten copies by the City Clerk as required in paragraph (a)(2) hereof shall be as follows:

A. 2 - City Clerk - Record File
B. 1 - Local School District Superintendent
C. 2 - City Engineer
D. 3 - Chairperson, City Planning Commission
E. 2 - City Manager

(5) The City Engineer, prior to the next regular meeting of the Planning Commission, shall review the proposed preliminary plat and accompanying documents and report his or her findings to the Chairperson of the Planning Commission.

(6) After careful review of the City Engineer's report and recommendation, along with any other relevant information, the Planning Commission may, at its option, pursue the following course of action:

A. Grant tentative approval or disapprove the plat. If the proposed subdivision is disapproved, the Planning Commission shall set forth in writing its reasons for rejection and specify to the proprietor the requirements for tentative approval.

B. Grant provisional approval subject to certain modifications and/or requirements which it shall state in writing.

(7) In the case of provisional approval the proprietor shall re-submit the revised preliminary plat incorporating the modifications and/or changes as required by the Planning Commission. Re-submission may be made prior to the next regularly scheduled meeting of the Planning Commission.

(8) The City Planning Commission shall forward its recommendations to the City Council for its action. Tentative approval, granted by the City Council, in accordance with the requirements of Section 112 (4) of the Subdivision Control Act, being Act 288 of the Public Acts of 1967, as amended, shall confer upon the proprietor, for a period of one year from its 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.

(9) If tentative approval of the preliminary plat is granted by the City Council, the proprietor shall conform to all applicable State laws regulating the subdivision of land, and subsequent processing of the proposed subdivision will be in accordance with these Subdivision Regulations and the requirements and procedures set forth in the Subdivision Control Act, being Act 288 of the Public Acts of 1967, as amended.

(10) Within one year of the date of City Council's tentative approval, the proprietor may submit six copies of the final preliminary plat, along with documented evidence of approvals from all required State and local agencies, to the City Clerk, all in accordance with Section 120, Item 1 (c) of Act 288 of the Public Acts of 1967, as amended, and these Regulations. The City Clerk shall immediately forward two copies each to the Planning Commission, the City Manager and the City Engineer. The City Council shall not act on the matter until it has received a recommendation from the Planning Commission that the final preliminary plat is in general agreement with the previously submitted preliminary plat.

(11) Prior to approval of the final preliminary plat by the City Council, the City Manager shall require a written report from the City Engineer regarding the adequacy of proposed improvements, their design and their scheduled installation, along with a review of the final preliminary plat prior to acceptance by the City Council.

(12) The City Council may grant approval of the final preliminary plat if it is determined, after reviewing written reports from the City Engineer, and after receiving the recommendation of the Planning Commission, that the plat and proposed improvements have met all requirements. Final approval of the preliminary plat shall confer upon the proprietor, for a period of two years from the date of approval, the conditional right that the general terms and conditions under which 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. The City Manager shall send written notice of any extension to all other approving authorities in accordance with Sections 113 through 119 of Act 288 of the Public Acts of 1967, as amended.

(13) After the City Council's approval of the final preliminary plat, the proprietor may begin the installation of the approved subdivision improvements or post surety in the form of a performance bond, letter of credit, certified check or cash deposit as specified herein.

(b) Final Plat Requirements.

(1) Final subdivision plats shall be prepared and submitted in accordance with the requirements as set forth in the Subdivision Control Act, being Act 288 of the Public Acts of 1967, as amended.

(2) A written application for final plat approval along with the State Treasurer's recording fee shall accompany all final plats.

(3) The subdivider shall submit proof of ownership of the land included in the final plat in the form of an abstract of title certified to the date of the proprietor's certificate or a policy of title insurance currently in force.

(4) The City Council may require such other information as it deems necessary to establish whether the proper parties have signed the plat.

(5) Within two years from the date of the final preliminary plat approval, the proprietor may file a final plat with the City Clerk who will in turn forward the plat to the City Manager and place the item on the agenda of the next regularly scheduled meeting.

(6) If the City Council determines that all conditions for final plat approval have been satisfied, including pre-installation of required improvements and/or acceptable security provided to assure said installation, Council may grant such approval in accordance with Section 148 of the Subdivision Control Act, being Act 288 of the Public Acts of 1967, as amended.

1244.02 DIVISION OF LAND IN A RECORDED SUBDIVISION PLAT.

The following provisions shall govern the partitioning or dividing of lots, outlots or other parcels of land in a recorded subdivision plat, subject to the provisions of Section 263 of the Subdivision Control Act, being Act 288 of the Public Acts of 1967, as amended.

(a) Land Detached. Land may be detached from one such lot, outlot or parcel and added to another lot, outlot or parcel upon application to and approval by the City Manager. The fact of such a division shall be noted upon the City assessment roll and thereafter the enlarged lot, outlot or parcel shall be considered to be a single lot, outlot or parcel for tax assessment and all other purposes. No such division shall be permitted unless the remainder of the lot, outlot or parcel from which the part was taken meets the minimum requirements of the City Zoning Code, including width, area, setback and side yard requirements.

(b) Lot Divided Into Two. Such a lot, outlot or parcel may be divided into not more than two new lots, outlots or parcels upon application to and approval by the City Manager. The fact of such a division shall be noted upon the City assessment roll and thereafter each separate parcel shall be considered to be a single lot, outlot or parcel for tax assessment and all other purposes. No such division shall be permitted unless each separate parcel meets the minimum requirements of the City Zoning Code, including width, area, setback and side yard requirements. In those cases where water, sewer or other services have been installed within the subdivision plat by special

assessment, and the lot, outlot or parcel proposed to be divided has been assessed therefor, no division shall be permitted unless the applicant agrees in writing to pay into the special assessment district an additional amount to be determined by the City Manager, said amount representing the increased share of the cost of the special assessment district which should be borne by the applicant for the divisions of said lot, outlot or parcel as the result of increased benefit received by the applicant for the division of said lot, outlot or parcel when divided into two separate lots, outlots or parcels.

(c) Division Into Three or Four Lots. Such lot, outlot or parcel may be divided into more than two but not more than four separate lots, outlots or parcels upon application to and approval by the City Planning Commission. A survey showing such proposed divisions prepared by a registered engineer or by a registered land surveyor, including a proper legal description of each separate lot, outlot or parcel proposed, shall be submitted with the application. A copy of the application and the survey shall be forwarded to the City Engineer for recommendation. Upon receipt of such recommendation, the matter shall be placed upon the agenda of the next regular meeting of the Planning Commission. Should the Planning Commission approve the requested divisions, the Chairperson shall notify the City Manager, and the fact of such a division shall be noted upon the City assessment roll and thereafter the divided portions of the lot, outlot or parcel shall be considered to be separate lots, outlots or parcels for tax assessment and all other purposes.

No such division shall be permitted unless each of the parts into which such lot, outlot or parcel is to be divided meets the minimum requirements of the City Zoning Code, including width, area, side yard and setback requirements. In those cases where either sewer or other services have been installed within the plat by special assessment and the lot proposed to be divided has been assessed therefor, no division shall be permitted unless the applicant agrees in writing to pay into the special assessment district an additional amount to be determined by the City Manager representing the increased share of the cost of the special assessment district which should be borne by the applicant for the division of said divided lot, outlot or parcel when divided into three or four such lots, outlots or parcels.

(d) Existing Dwellings of Record. In areas where dwellings have been constructed upon lots, outlots or parcels of record, or upon parts of lots, outlots or parcels of record, created prior to January 1, 1968, the effective date of the Subdivision Control Act, being Act 288 of the Public Acts of 1967, as amended, such recorded lots, outlots or parcels may be divided into more than two but not more than four separate lots, outlots or parcels upon application to and approval by the City Planning Commission. A survey showing such proposed divisions prepared by a registered land surveyor,

including a proper legal description of each separate lot, outlot or parcel proposed, shall be submitted with the application. A copy of the applications, survey and legal description shall be forwarded to the City Engineer for his or her review and recommendation. Upon receipt of such recommendation, the matter shall be placed upon the agenda of the next regularly scheduled meeting of the City Planning Commission. Should the Planning Commission approve the requested divisions, the Chairperson shall notify the City Manager, and the fact of such division shall be noted upon the City assessment roll and thereafter the divided portions of the recorded lots, outlots, or parcels shall be considered to be separate lots, outlots or parcels for tax assessment and all other purposes. In such situations the minimum requirements of the City Zoning Code, including width, area, side yard and setback requirements are hereby waived. Adequate rights of way and/or easements shall be provided for all water, sewer and other public utility lines servicing the approved lots, outlots or parcels.

(e) Appeals. Any person aggrieved by any action of the City Manager, the City Assessor, or the City Planning Commission hereunder shall be entitled to a hearing before the City Council. Such hearing shall be requested in writing and shall be held at the next regularly scheduled meeting of the City Council occurring not less than ten days after filing of the request. The City Council may, after hearing, modify or reverse any decision of the City Manager, the City Assessor or the City Planning Commission.

1244.03 SPECIFICATIONS FOR PRE-PRELIMINARY PLATS.

The approval of all pre-preliminary, preliminary and final plats shall be conditional upon compliance with the requirements set forth in the Subdivision Control Act, being Act 288 of the Public Acts of 1967, as amended, and these Subdivision Regulations. Pre-preliminary plats submitted to the Planning Commission for information and review shall be prepared in pen and pencil, shall be drawn to a convenient scale of not more than 100 feet to an inch and shall show the following information:

(a) Name.

(1) The name of the subdivision if the property is within an existing subdivision.

(2) The proposed name of the subdivision if it is not within a previously platted subdivision. The proposed name shall not duplicate the name of any plat previously recorded in Marquette County.

(3) The name of the property if no subdivision name has been chosen. (This is commonly the name by which the property is locally known.)

(b) Ownership.

(1) The name and address, including the telephone number, of the legal owner or agent of the property, and a citation of the last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date and land records reference.

(2) The citation of any existing legal rights of way or easements affecting the property.

(3) Existing covenants on the property, if any.

(4) The name and address, including the telephone number, of the professional person(s) responsible for subdivision design, for the design of public improvements and for the land survey.

(c) Description. The location of the property by government lot, section, township, range and county; the graphic scale, the north arrow and the date.

(d) Features.

(1) The location of property lines, existing easements, burial grounds, railroad rights of way, watercourses and existing wooded areas; the location, width and names of all existing or platted streets or other public ways within or immediately adjacent to the tract; and the names of adjoining property owners from the latest assessment rolls within 500 feet of any perimeter boundary of the subdivision.

(2) The location, sizes, elevations and slopes of existing sewers, water mains, culverts and other underground structures within the tract and immediately adjacent thereto, existing permanent buildings and utility poles on or immediately adjacent to the site and utility rights of way.

(3) The approximate topography, at the same scale as the sketch plat.

(4) The approximate location and widths of proposed streets.

(5) Preliminary proposals for connection with existing water supply and sanitary sewerage systems, or alternative means of providing water supply and sanitary waste treatment and disposal; preliminary provisions for collecting and discharging surface water drainage.

(6) The approximate location, dimensions and area of all proposed or existing lots.

(7) The approximate location, dimensions and area of all parcels of land proposed to be set aside for park or playground use or other public use, or for the use of property owners in the proposed subdivision.

(8) The location of temporary stakes to enable the Planning Commission to find and appraise features of the sketch plat in the field.

(9) A vicinity map showing streets and other general development of the surrounding area. The sketch plat shall show all school and improvement district lines with the zones properly designated.

(e) Sketch of Subdivision Area. Whenever the sketch plat covers only a part of an applicant's contiguous holdings, the applicant shall submit, at a scale of no more than 200 feet to the inch, a sketch in pen or pencil of the proposed subdivision area, together with its proposed street system, and an indication of the probable future street and drainage system of the remaining portion of the tract.

1244.04 SPECIFICATIONS FOR PRELIMINARY PLATS.

(a) In General. The preliminary plat shall be prepared under the direct supervision of a Registered Engineer or a Registered Land Surveyor in accordance with the requirements set forth in these Regulations and in accordance with all applicable sections of the Subdivision Control Act, being Act 288 of the Public Acts of 1967, as amended.

(b) Features. In addition to the requirements of the Subdivision Control Act, being Act 288 of the Public Acts of 1967, as amended, the preliminary plat shall show the following:

(1) The location of property with respect to surrounding property and streets, the names of all adjoining property owners of record or the names of all adjoining developments, and the names of adjoining streets.

(2) The location and dimensions of all boundary lines of the property, to be expressed in feet and decimals of a foot.

(3) The location of existing streets, easements, water bodies, streams and other pertinent features such as swamps, railroads, buildings, parks, cemeteries, drainage ditches and bridges.

(4) The location and width of all existing and proposed streets, easements, alleys and other public ways, and proposed street rights of way and building setback lines.

(5) The location, dimensions and area of all proposed or existing lots.

(6) The location and dimensions of all property to be set aside for park or playground use, or other public or private reservation, with a designation of the purpose thereof, and conditions, if any, of the dedication or reservation.

(7) The name and address of the owner or owners of land to be subdivided, the name and address of the subdivider if other than the owner, and the name of the registered land surveyor.

(8) The date of the map, the approximate true north point, the scale and the title of the subdivision.

(9) Sufficient data acceptable to the City Engineer to determine readily the location, bearing and length of all lines, and to reproduce such lines upon the ground, and the location of all proposed monuments.

(10) The name of the subdivision and of all new streets as approved by the Planning Commission and the City Engineer.

(11) An indication of the use of any lot (single-family, two-family, multifamily, townhouse) and all uses other than residential proposed by the subdivider.

(12) All lots in each block consecutively numbered. Outlots shall be lettered in alphabetical order.

(c) Sketch Plat Information; Notations. All information required on a sketch plat should also be shown on the preliminary plat, and the following notations shall also be shown:

(1) An explanation of drainage easements, if any.

(2) An explanation of site easements, if any.

(3) An explanation of reservations, if any.

(4) An endorsement of the owner, as follows:

_____ _____

Owner Date

(d) Endorsement by Commission Chairperson. The form for endorsements by the Commission Chairperson shall be as follows:

Approved by resolution of the _____ Planning Commission.

_____ _____

Chairperson Date

(e) Insufficient or Improper Information. The lack of information under any item specified herein, or improper information supplied by the applicant, shall be cause for disapproval of a preliminary plat.

1244.05 SPECIFICATIONS FOR CONSTRUCTION PLANS.

Construction plans shall be prepared for all required improvements. Plans shall be drawn at a scale of no more than one inch equals fifty feet, and plan sheets shall be standard twenty-four inch by thirty-six inch size. The following shall be shown:

(a) Profiles showing existing and proposed elevations along centerlines of all roads. Where a proposed road intersects an existing road or roads, the elevation along the centerline of the existing road or roads, within 100 feet of the intersection, shall be shown, along with approximate radii of all curves, lengths of tangents and central angles on all streets.

(b) The Planning Commission and/or the City Engineer may require, where steep slopes exist, that cross-sections of all proposed streets at 100-foot stations shall be shown at five points as follows: On a line at right angles to the centerline of the street, and said elevation points shall be at the centerline of the street, each property line and points twenty-five feet inside each property line.

(c) Plans and profiles showing the location and typical cross-section of street pavements, including curbs and gutters, sidewalks, drainage easements, servitudes, rights of way, manholes and catch basins; the location of street trees, street lighting standards and street signs; the location, size and invert elevations of existing and proposed sanitary sewers, storm water drains and fire hydrants, showing connection to any existing or proposed utility systems; and the exact location and size of all water, gas or other underground utilities or structures.

(d) The location, size, elevation and other appropriate description of any existing facilities or utilities, including, but not limited to, existing streets, sewers, drains, water mains, easements, water bodies, streams and other pertinent features such as swamps, railroads, buildings, features noted on the Official Map or Master Plan, at the point of connection to proposed facilities and utilities within the subdivision, and each tree with a diameter of eight inches or more, measured twelve inches above ground level. The water elevations of adjoining lakes or streams at the date of the survey, and the approximate high and low-water elevations of such lakes or streams, shall also be shown. All elevations shall be referred to the USGS data plane. If the subdivision borders a lake, river or stream, the distances and bearings of a meander line established not less than twenty feet back from the ordinary high-water mark of such waterways shall also be shown.

(e) Topography at the same scale as the sketch plat with a contour interval of two feet, referred to sea level data. All data provided shall be the latest applicable U.S. Coast and Geodetic Survey data and should be so noted on the plat.

(f) All specifications and references required by the local government's construction standards and specifications and the City Engineer, including a site-grading plan for the entire subdivision.

(g) Notation of approval as follows:

_____	_____
Owner	Date
_____	_____
Planning Commission Chairperson	Date

(h) The title, name, address and seal of a professional engineer and/or registered land surveyor, and the date, including revision dates.

1244.06 SPECIFICATIONS FOR FINAL PLATS.

(a) In General. The final subdivision plat shall be prepared in accordance with the regulations of Sections 132 through Section 151, inclusive, of the Subdivision Control Act, being Act 288 of the Public Acts of 1967, as amended, and shall reflect any changes or additions required by resolution of the Planning Commission, as shown on the preliminary plat. The preliminary plat may be used as the final subdivision plat if it meets these requirements and is in accordance with any revisions required under the Planning Commission's resolution.

(b) Preparation. The final subdivision plat shall be prepared under the direct supervision of a land surveyor registered by the State and said plat shall comply with all requirements of these Subdivision Regulations and the requirements of the Subdivision Control Act, being Act 288 of the Public Acts of 1967, as amended.

(c) Survey Procedures. All survey procedures will be in accordance with the Subdivision Control Act, being Act 288 of the Public Acts of 1967, as amended.

CHAPTER 1246
Design Standards

1246.01	Roads.	1246.06	Utilities.
1246.02	Drainage and storm sewers.	1246.07	Public uses.
1246.03	Water facilities.	1246.08	Preservation of natural features and amenities.
1246.04	Sewerage facilities.		
1246.05	Sidewalks.	1246.09	Nonresidential subdivisions.

CROSS REFERENCES

Approval of plats; street system - see M.C.L.A. §125.43
Regulations governing subdivision of land; bond to secure improvement; publication of regulations - see M.C.L.A. §125.44
Approval or disapproval of plats; procedure; effect - see M.C.L.A. §125.45
Certification of city plats - see M.C.L.A. §§125.51 et seq.
Construction and repair of sidewalks - see S.U. & P.S. Ch. 1020
Planning Commission - see P. & Z. Ch. 1220

1246.030 ROADS.

(a) Purpose. To provide for roads of suitable location, width and improvement to accommodate prospective traffic and afford satisfactory access for police, fire-fighting, snow removal, sanitation and road maintenance equipment, and to coordinate roads so as to compose a convenient system and avoid undue hardships to adjoining properties, the following road design standards are required. Road classification may be indicated on the Master Plan or Official Map, or it may be determined by the Planning Commission.

(b) Road Surfacing and Improvements.

(1) After sewer and water utilities have been installed by the developer, the applicant shall construct curbs and gutters and shall surface or cause to be surfaced roadways to the widths prescribed in these Regulations. Said surfacing shall be of such character as is suitable for the expected traffic and in harmony with similar improvements in the surrounding areas. Types of pavement shall be determined by the City Engineer. Adequate provision shall be made for culverts, drains and bridges.

(2) All road pavement, shoulders, drainage improvements and structures, curbs, turn-arounds and sidewalks shall conform to all construction standards and specifications adopted by the Planning Commission, the City Engineer or the governing body and shall be incorporated into the construction plans to be submitted by the developer prior to plat approval.

(c) Excess Right of Way. Right-of-way widths in excess of the standards designated in these Regulations may be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Slopes shall not be in excess of three-to-one.

(d) Railroads and Limited-Access Highways. Railroad rights of way and limited-access highways, where so located as to affect the subdivision of adjoining lands, shall be treated as follows:

(1) In residential districts a buffer strip of at least twenty-five feet in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to the railroad right of way or limited-access highway. This strip shall be part of the platted lots and shall be designated on the plat as follows: "This area is reserved for screening purposes. The placement of structures hereon is prohibited."

(2) In districts zoned for business, commercial or industrial uses, the nearest street extending parallel or approximately parallel to the railroad shall, wherever practicable, be at a sufficient distance therefrom to ensure suitable depth for commercial or industrial sites.

(3) Streets parallel to the railroad, when intersecting a street which crosses the railroad at grade, shall, to the extent practicable, be at a distance of at least 150 feet from the railroad right of way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

(e) Intersections.

(1) The design of the internal road circulation system shall incorporate the use of three-way or "T" intersections, wherever possible, to assure added safety.

(2) Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two new streets at an angle of less than seventy-five degrees shall not be acceptable. Not more than two streets shall intersect at any one point unless specifically approved by the Planning Commission.

(3) Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersection on the opposite side of such street. Street jogs with centerline offsets of less than 150 feet shall not be permitted. Where streets intersect major streets, their alignment shall be continuous. Intersections of major streets shall be at least 800 feet apart.

(4) The minimum curb radius at the intersection of two local streets shall be at least twenty feet, and the minimum curb radius at an intersection involving a collector street shall be at least twenty-five feet.

(5) Intersections shall be designed with a flat grade wherever practicable. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a two percent grade at a distance of sixty feet, measured from the nearest right-of-way line of the intersecting street.

(6) Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall clear out such ground and/or vegetation (including trees) in connection with the grading of the public right of way to the extent deemed necessary by the City Engineer to provide adequate sight distance.

(7) The cross-slopes on all streets, including intersections, shall be three percent or less.

(f) Bridges. Bridges of primary benefit to the applicant, as determined by the Planning Commission, shall be constructed at the full expense of the applicant without reimbursement from the local government. The sharing expense for the construction of bridges not of primary benefit to the applicant, as determined by the Planning Commission, will be fixed by special agreement between the governing body and the applicant. Said cost shall be charged to the applicant pro rata as the percentage of his or her land developed and so served.

(g) Dedications and Reservations.

(1) New perimeter streets. Street systems in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half-streets. Where an existing half-street is adjacent to a new subdivision, the other half of the street shall be improved and dedicated by the subdivider. The Planning Commission may authorize a new perimeter street where the subdivider improves and dedicates the entire required street right-of-way width within his or her own subdivision boundaries.

(2) Widening and realignment of existing roads. Where a subdivision borders an existing narrow road or when the Master Plan, Official Map or zoning setback regulations indicate plans for realignment or widening a road that would require use of some of the land in the subdivision, the applicant shall be required to improve and dedicate, at his or her expense, such areas for widening or realignment of such roads. Such frontage roads and streets shall be improved and dedicated by the applicant at his or her own expense to the full width as required by these Subdivision Regulations. Land reserved for any road purposes may not be counted in satisfying yard or area requirements of the Zoning Code, whether the land is to be dedicated to the Municipality in fee simple or an easement is granted to the local government.

TABLE 1

DESIGN STANDARDS FOR ROADS

	Development Density Residential			Nonresidential
Improvement	Low	Medium	High	Business Industrial/ Commercial
MIN. WIDTH R.O.W. (FT.)				
Local Road	66	66	66	66
Collector Road	66	66	66	66
Secondary Arterial	66	66	86	86
Primary Arterial	86	100	120	120
MIN. WIDTH TRAVELED ROUTE				
Local Road	26W/S	30W/C	32W/C	30W/C
Collector Road	28W/S	32W/C	34W/C	40W/C
Secondary Arterial	30W/S	40W/C	44W/C	44W/C
Primary Arterial	44W/S	48W/C	48W/C	48W/C

TABLE 1 (Cont.)

DESIGN STANDARDS FOR ROADS (Cont.)

Improvement	Development Density Residential Low	Medium	High	Nonresidential Business Industrial/ Commercial
MAX. GRADE (%)				
Local Road	10%	10%	8%	6%
Collector Road	8%	8%	8%	6%
Secondary Arterial	6%	6%	6%	5%
Primary Arterial	6%	6%	6%	5%
MIN. GRADE (%)	1%	1%	1%	1%
Local Road				
Collector Road				
Secondary Arterial				
Primary Arterial				
MIN. RADIUS OF CURVE (FT.)				
Local Road	100	100	100	200
Collector Road	100	100	100	200
Secondary Arterial	300	300	300	400
Primary Arterial	500	500	500	500

NOTE: W/S = with shoulders (roll-type curb)
W/C = with curb

TABLE 1 (Cont.)

DESIGN STANDARDS FOR ROADS (Cont.)

	Development Density Residential			Nonresidential
Improvement	Low	Medium	High	Business Industrial/ Commercial
MIN. LENGTH OF VERTICAL CURVES				
Local Road	100 ft. but not less than 20 ft. for each algebraic difference in grade			
Collector Road	100 ft. but not less than 20 ft. for each algebraic difference in grade			
Secondary Arterial	200 ft. but not less than 50 ft. for each 1%.			
Primary Arterial	300 ft. but not less than 50 ft. for each algebraic difference in grade.			
MIN. LENGTH OF TANGENTS BETWEEN REVERSE CURVES (FT.)				
Local Road	100	100	150	200
Collector Road	100	100	150	200
Secondary Arterial	200	200	250	300
Primary Arterial	300	300	350	400
MIN. SIGHT DISTANCE (FT.)				
Local Road	200	200	200	250
Collector Road	200	240	240	250
Secondary Arterial	275	275	300	300
Primary Arterial	275	300	300	400
Intersection	Across Corners - 75 Ft. Back of Intersection			

TABLE 1 (Cont.)

DESIGN STANDARDS FOR ROADS (Cont.)

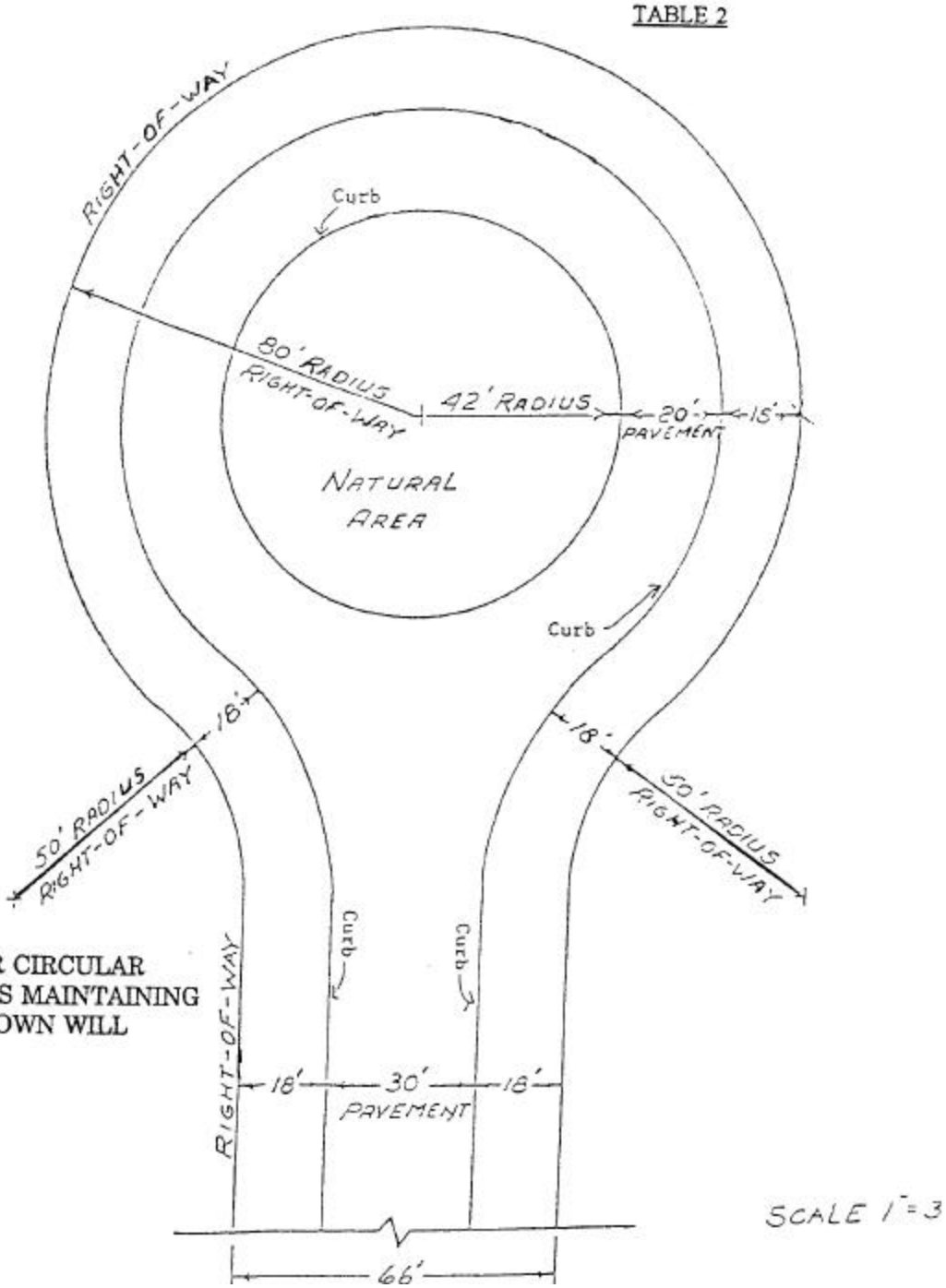
	Development Density Residential			Nonresidential
Improvement	Low	Medium	High	Business Industrial/ Commercial
MIN. TURNAROUND (FT.)				
Cul-de-sac (See Figure 1 following this Table)				
Local Road				
R.O.W. Diameter	160	160	170	170
Pavement (Outside Dia.)	124	124	134	134
Center Island (Inside Dia.)	84	84	82	74
DESIGN SPEED (MPH)				
Local Road	25	25	25	25
Collector Road	30	30	30	30
Secondary Arterial	40	35	35	35
Primary Arterial	40	40	40	45
MIN. LENGTH OF CUL-DE-SAC				
Permanent	Seven times average lot width and not exceeding 1,000 ft. in length.			
Temporary	As approved by the Planning Commission and the City Engineer.			
MIN. RADIUS (FT.)				
At Right-of-Way	25	25	30	30
At pavement	25	25	30	30

FIGURE 1

Cul-de-sac

Medium Development Density
(Residential)

TABLE 2



NOTE: OTHER CIRCULAR ORIENTATIONS MAINTAINING THE RADII SHOWN WILL BE ALLOWED.

(Scale 1" – 30')

1246.02 DRAINAGE AND STORM SEWERS.

(a) General Requirements. The Planning Commission shall not recommend for approval any subdivision plat which does not make adequate provision for storm or flood water run-off. The storm water drainage system shall be separate and independent of any sanitary sewer system. Storm sewers, where required, shall be designed by the rational method, or other methods as approved by the City Engineer, and a copy of design computations shall be submitted along with plans. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than 600 feet in the gutter. When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point, and catch basins shall be used to intercept flow at that point. Surface water drainage patterns shall be shown for each lot and block.

(b) Nature of Storm Water Facilities.

(1) Location. The applicant may be required by the governing body to carry away by pipe or open ditch, any spring or surface water that may exist either previously to or as a result of the subdivision. Such drainage facilities shall be located in the road right of way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the local government's construction standards and specifications.

(2) Accessibility to public storm sewers.

A. Where a public storm sewer is accessible, the applicant shall install storm sewer facilities, or if no outlets are within a reasonable distance, adequate provision shall be made for the disposal of storm waters, subject to the specifications of the City Engineer. However, in subdivisions containing lots less than 15,000 square feet in area and in business and industrial districts, underground storm sewer systems shall be constructed throughout the subdivisions and shall be conducted to an approved outfall. Inspections of all facilities shall be conducted by the City Engineer.

B. If a connection to a public storm sewer will be provided eventually, as determined by the City Engineer and the Planning Commission, the developer shall make arrangements for future storm water disposal by a public utility system at the time the plat receives final approval. Provision for such connection shall be incorporated by inclusion in the surety required for the subdivision plat.

(3) Accommodation of upstream drainage areas. A culvert or other drainage facility shall, in each case, be large enough to accommodate potential run-off from its entire upstream drainage area, whether inside or outside the subdivision. The City Engineer shall determine the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of maximum potential watershed development permitted by the Zoning Code.

(4) Effect on downstream drainage areas. The City Engineer shall also study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. Local government drainage studies together with such other studies, as shall be appropriate, shall serve as a guide to needed improvements. Where it is anticipated that the additional run-off incident to the development of the subdivision will overload an existing downstream drainage facility, the City Council may withhold approval of the subdivision until provision has been made for the improvement of said potential condition in such amount as the City Council shall determine. No subdivision shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.

(5) Areas of poor drainage. Whenever a plat is submitted for an area which is subject to flooding, the City Council, upon recommendation of the Planning Commission, may approve such subdivision, provided that the applicant fills the affected area of said subdivision to an elevation sufficient to place the elevation of said streets and lots at a minimum of twelve inches above the elevation of the maximum probable flood, as determined by the City Engineer. The plat of such subdivision shall provide for a flood plain area along the bank of any stream or watercourse, in a width which shall be sufficient in times of high water to contain or move the water, and no fill shall be placed in the flood plain area nor shall any structure be erected or placed therein. The boundaries and the elevation of the flood plain area shall be subject to approval by the City Engineer and any other State and/or local agency which may be required under Act 288 of the Public Acts of 1967, as amended. Areas of extremely poor drainage shall be discouraged from development.

(6) Flood plain areas. The Planning Commission may, when it deems it necessary for the health, safety or welfare of the present and future population of the area, and necessary to the conservation of water, drainage and sanitary facilities, prohibit the subdivision of any portion of property which lies within the flood plain of any stream or drainage course. These flood plain areas shall be preserved from any and all destruction or damage resulting from clearing, grading or dumping of earth, waste material or stumps.

(c) Dedication of Drainage Easements.

(1) General requirements. Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a storm water easement or drainage right of way conforming substantially to the lines of such watercourse, and of such width and construction or both as will be adequate for the purpose. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.

(2) Drainage easements.

A. Where topography or other conditions make impractical the inclusion of drainage facilities within road rights of way, perpetual unobstructed easements at least fifteen feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.

B. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage easements must be secured.

C. The applicant shall dedicate, either in fee or by drainage easement, land on both sides of existing watercourses, to a distance to be determined by the City Engineer.

D. Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainageways. Such land or lands subject to periodic floodings shall not be computed in determining the number of lots to be utilized for average density procedure nor for computing the area requirement of any lot.

1246.03 WATER FACILITIES.

(a) General Requirements.

(1) Necessary action shall be taken by the applicant to extend or create a water supply district for the purpose of providing a water supply system capable of providing domestic water use and fire protection.

(2) Where a public water main is accessible, the subdivider shall install adequate water supply facilities, including fire hydrants, subject to the specifications of the State and/or local authorities. All water mains shall be at least six inches in diameter.

(3) All water main extensions shall be approved by the State Health Department.

(4) To facilitate the requirements of this section, the location of all fire hydrants, all water supply improvements and the boundary lines of proposed districts, indicating all the improvements proposed to be served, shall be shown on the proposed construction plans, and the cost of installing the same shall be included in the surety to be furnished by the developer.

(b) Individual Wells and Central Water Systems.

(1) In low density zoning districts, in the discretion of the Planning Commission, if a public water system is not available, individual wells may be used or a central water system may be provided in such a manner that an adequate supply of potable water will be available to every lot in the subdivision. Water samples shall be submitted to the Health Department for approval, and individual wells and central water systems shall be approved by the appropriate health authorities. Orders of approval shall be submitted to the Planning Commission.

(2) If the Planning Commission requires that a connection to a public water main be eventually provided as a condition of approval of an individual well or central water system, the applicant shall make arrangements for future water service at the time the plat receives final approval. Performance or cash bonds may be required to ensure compliance.

(c) Fire Hydrants. Fire hydrants shall be required for all subdivisions with public water supply systems. Fire hydrants shall be located no more than 1,000 feet apart and within 500 feet of any structure and shall be approved by the applicable protection unit. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves, and all other supply improvements, shall be installed before any final paving of a street shown on the subdivision plat.

1246.04 SEWERAGE FACILITIES.

(a) General Requirements. The applicant shall install sanitary sewer facilities in a manner prescribed by the local government construction standards and specifications. All plans shall be designed in accordance with the rules, regulations and standards of the City Engineer, the State Department of Natural Resources and other appropriate agencies. Plans shall be approved by the aforementioned agencies. Necessary action shall be taken by the applicant to extend or create a sanitary sewer district for the purpose of providing sewerage facilities to the subdivision where no district exists for the land to be subdivided.

(b) High Density Residential and Non-residential Districts. Sanitary sewerage facilities shall connect with public sanitary sewerage systems. Sewers shall be installed to serve each lot and to grades and sizes required by approving officials and agencies. No individual disposal system or treatment plans, or private or group disposal systems, shall be permitted. Sanitary sewerage facilities, including the installation of laterals in the right of way, shall be subject to the specifications, rules, regulations and guidelines of the City Engineer and the State Department of Natural Resources.

(c) Low and Medium Density Residential Districts. Sanitary sewerage systems shall be constructed as follows:

(1) Where a public sanitary sewerage system is reasonably accessible, the applicant shall connect with the same and provide sewers accessible to each lot in the subdivision.

(2) Where public sanitary sewerage systems are not reasonably accessible but will become available within a reasonable time (not to exceed fifteen years), the applicant may choose one of the following alternatives:

A. A central sewerage system. Where plans for future public sanitary sewerage systems exist, the applicant shall install the sewer lines, laterals and mains to be in permanent conformance with such plans and ready for connection to such public sewer mains; or

B. An individual disposal system. Where an individual disposal system is chosen, the applicant shall install sanitary sewer lines, laterals and mains from the street curb to a point in the subdivision boundary where a future connection with the public sewer main shall be made. Sewer lines shall be laid from the house to the street line, and a connection shall be available in the home to connect the individual disposal system to the sewer system when the public sewers become available. Such sewer systems shall be capped until ready for use and shall conform to all plans for installation of the public sewer system, where such exist, and shall be ready for connection to such public sewer main.

(3) Where sanitary sewer systems are not reasonably accessible and will not become available for a period in excess of fifteen years, the applicant may install sewage systems as follows:

A. In medium density residential districts, only a central sewerage system may be installed. No individual disposal system will be permitted. Where plans exist for a public sewer system to be built for a period in excess of fifteen years, the applicant shall install all sewer lines, laterals and mains to be in permanent conformance with such plans and ready for connection to such public sewer main.

B. In low density residential districts, an individual disposal system or a central sewerage system shall be used.

(d) Mandatory Connection to the Public Sewer System. If a public sanitary sewer is accessible and a sanitary sewer is placed in a street or alley abutting upon property, the owner thereof shall be required to connect to said sewer for the purpose of disposing of waste, and it shall be unlawful for any such owner or occupant to maintain or retain upon any such property an individual sewage disposal system.

(e) Individual Disposal System Requirements. If public sewer facilities are not available and individual disposal systems are proposed, minimum lot areas shall conform to the requirements of the Zoning Code and percolation tests and test holes shall be made as directed by the Marquette County Health Department. The individual disposal system, including the size of the septic tanks and the size of tile fields or other secondary treatment devices, shall also be approved by the Marquette County Health Department.

(f) Design Criteria for Sanitary Sewers.

(1) Deviations. These design criteria are not intended to cover extraordinary situations. Deviations will be allowed and may be required in those instances where considered justified by the City Engineer.

(2) Design factors. Sanitary sewer systems should be designed for the ultimate tributary population. Due consideration should be given to current zoning regulations and approved planning and zoning reports where applicable. Sewer capacities should be adequate to handle the anticipated maximum hourly quantity of sewage and industrial waste together with an adequate allowance for infiltration and other extraneous flows. The unit design flows presented hereinafter should be adequate in each case for the particular type of development indicated. Sewers shall be designed for the total tributary area using the following criteria:

	Cubic feet per second (cfs)/acre
One and two-family dwellings	.02
Apartments	
One and two story	.02
Three through six story	.03
Commercial	
Small stores, offices and Miscellaneous businesses	.02
Shopping centers	.02
High rise	As directed by the City Engineer
Industrial	As directed by the City Engineer

These design factors shall apply to watersheds of 300 acres or less. Design factors for watersheds larger than 300 acres and smaller than 1,000 acres shall be computed on the basis of a linear decrease from the applicable design factor for an area of 300 acres to a design factor of .01 cfs/acre for an area of 1,000 acres, unless otherwise directed by the City Engineer. Design factors for watersheds larger than 1,000 acres shall be .01 cfs/acre unless otherwise directed by the City Engineer.

(3) Maximum size. The diameter of sewers proposed shall not exceed the diameter of the existing or proposed outlet, whichever is applicable, unless otherwise approved by the City Engineer.

(4) Minimum size. No public sewer shall be less than eight inches in diameter.

(5) Minimum slope. All sewers shall be designed to give mean velocities, when flowing full, of not less than 2.7 feet per second. All velocity and flow calculations shall be based on the Manning Formula using an N value of 0.013. The slopes shall be the minimum for the size indicated. Exceptions to these slopes shall be made at the upper end of lateral sewers serving under thirty houses. Said sewers shall have a minimum slope of 0.76 percent. Where lateral sewers serve less than ten houses, the minimum slope shall be not less than one percent. (See Table 2)

TABLE 2

MINIMUM SLOPES FOR SEWER SIZE INDICATED

Sewer Size (in.)	Minimum Slope (in ft./100 ft.)
8	0.60
10	0.44
12	0.36
15	0.28
18	0.24
21	0.20
24	0.16

(6) Alignment. All sewers shall be laid with straight alignment between manholes, unless otherwise directed or approved by the City Engineer.

(7) Manhole location. Manholes shall be installed at the end of each line; at all changes in grade, size or alignment; at all intersections; and at distances not greater than 400 feet for sewers fifteen inches and smaller, and 500 feet for sewers eighteen inches in diameter and larger.

(8) Manholes. The difference in elevation between any incoming sewer and the manhole invert shall not exceed twelve inches, except where required to match crowns. The use of drop manholes will require approval by the City Engineer. The minimum inside diameter of the manholes shall conform to those specified by the City Engineer. Inside drop manholes will require special considerations. However, in no case shall the minimum clear distance be less than that indicated herein. When a smaller sewer joins a larger one, the crown of the smaller sewer shall not be lower than that of the larger one. The minimum drop through manholes shall be 0.2 feet.

(9) Sewer locations. Sanitary sewers shall be located within a street or right of way, unless topography dictates otherwise. When located in easements on private property, access shall be to manholes. A manhole shall be provided at each street or crossing. End lines shall be extended to provide access from a street or alley right of way where possible. Imposed loading shall be considered in all locations. Not less than six feet of cover shall be provided over the top of a pipe in streets and rights of way, and not less than three feet shall be provided in all other areas.

(10) Cleanouts. Cleanouts will not be permitted.

(11) Water supply interconnections. There shall be no physical connection between a public or private potable water supply system and a sewer which will permit the passage of any sewage or polluted water into the potable supply. Sewers shall be kept removed from water supply wells or other water supply sources and structures.

(12) Relation of sewers to water mains. A minimum horizontal distance of ten feet shall be maintained between parallel water and sewer lines. At points where sewers cross water mains, the sewer shall be constructed of cast iron pipe or encased in concrete for a distance of ten feet in each direction from the crossing, measured perpendicular to the water line. This will not be required when the water main is at least two feet above the sewer.

1246.05 SIDEWALKS.

(a) Required Improvements.

(1) Sidewalks shall be included within the dedicated nonpavement right of way of all roads as shown in Table 3 below.

(2) Concrete curbs are required for all roads where sidewalks are required by these Regulations or where required in the discretion of the Planning Commission.

(3) Sidewalks shall be improved as required in these Regulations. A median strip at least five feet wide shall separate all sidewalks from adjacent curbs.

(b) Pedestrian Accesses. The Planning Commission may require, in order to facilitate pedestrian access from roads to schools, parks, playgrounds or other nearby roads, perpetual unobstructed easements at least twenty feet in width. Easements shall be indicated on the plat.

TABLE 3

SIDEWALKS REQUIRED
(BOTH SIDES OF PAVEMENT)

	Development Density Residential			Nonresidential
NATURE OF ROAD	Low	Medium	High	Business Industrial/ Commercial
Local Road	Optional*	4 ft. wide	5 ft. wide	6 ft. wide***
Collector Road	Optional**	5 ft. wide	5 ft. wide	6 ft. wide***
Secondary Arterial	Optional**	5 ft. wide	5 ft. wide	6 ft. wide***
Primary Arterial	Both Sides	5 ft. wide	5 ft. wide	6 ft. wide***

*Optional, but where provided four feet minimum on either side of road with concrete curbs.
**Optional, but where provided five feet minimum on either side of road with concrete curbs.
***Or as determined by the Planning Commission.

1246.06 UTILITIES.

(a) Location. All utility facilities, including, but not limited to, gas, electric power, telephone and CATV cables, shall be located underground throughout the subdivision. Where possible, flush-type connections shall be made. Wherever existing utility facilities are located above ground, except where existing on public roads and rights of way, they shall be removed and placed underground. All utility facilities existing and proposed throughout the subdivision shall be shown on the preliminary plat. Underground service connections to the street property line of each platted lot shall be installed at the subdivider's expense. At the discretion of the Planning Commission, the requirement for service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership and intended to be developed for the same primary use.

(b) Easements.

(1) Easements centered on rear lot lines shall be provided for utilities (private and Municipal). Such easements shall be at least twenty feet wide, ten feet on either side of said lot line. Proper coordination shall be established between the subdivider and the applicable utility companies for the establishment of utility easements established in adjoining properties.

(2) Where topographical or other conditions are such as to make the inclusion of utilities within the rear lot lines impractical, perpetual unobstructed easements at least twenty feet in width, ten feet on either side of the lot line, in width shall be provided along side lot lines with satisfactory access to the road or rear lot lines. Easements shall be indicated on the plat.

1246.07 PUBLIC USES.

(a) Parks, Playgrounds and Recreation Areas.

(1) Recreation standards. The Planning Commission shall require that land be reserved for parks and playgrounds or other recreation purposes in locations designated on the Master Plan or otherwise where such reservations would be appropriate. Each reservation shall be of suitable size, dimension, topography and general character and shall have adequate road access for the particular purposes envisioned by the Planning Commission. The park area shall be shown and named on the plat. When parks and/or recreation areas are required, the Planning Commission shall determine the number of acres to be reserved from the following table, which has been prepared on the basis of providing three acres of recreation area for every 100 dwelling units. The Planning Commission may refer such proposed reservations to the local government official or department in charge of parks and recreation for recommendation. The developer shall dedicate all such recreation areas to the local government as a condition of final subdivision plat approval.

TABLE 4

RECREATION REQUIREMENTS

Single-Family Lots Size of Lot (sq. ft.)	Percentage of Total Land in Subdivision to be Reserved for Recreation Purposes
80,000 or more	1.5
50,000	2.5
40,000	3.0
35,000	3.5
25,000	5.0
15,000	8.0

In multi-family and high density residential districts, the Planning Commission shall determine the acreage for reservation based on the number of dwelling units per acre to occupy the site as permitted by the Zoning Code.

(2) Minimum size of park and playground reservations. In general, land reserved for recreation purposes shall have an area of at least four acres. When the percentages from Table 4 would create less than four acres, the Commission may require that the recreation area be located at a suitable place on the edge of the subdivision so that additional land may be added at such time as the adjacent land is subdivided. In no case shall an area of less than two acres be reserved for recreation purposes if it will be impractical or impossible to secure additional lands in order to increase its area. Where recreation land in any subdivision is not reserved, or the land reserved is less than the percentage set forth in paragraph (a)(1) hereof, the provisions of paragraph (a)(4) hereof shall be applicable.

(3) Recreation sites. Land reserved for recreation purposes shall be of a character and location suitable for use as a playground or playfield or for other recreation purposes, shall be relatively level and dry and shall be improved by the developer to the standards required by the Planning Commission, which improvements shall be included in the performance bond. The Planning Commission may refer any subdivision proposed to contain a dedicated park to the local government official or department in charge of parks and recreation for a recommendation. All land to be reserved for dedication to the local government for park purposes shall have prior approval of the governing body and shall be named and shown on the plat.

(4) Alternative procedure; money in lieu of land. Where, with respect to a particular subdivision, the reservation of land required pursuant to this section does not equal the percentage of total land required to be reserved in paragraph (a)(1) hereof, the Planning Commission shall require, prior to final approval of the subdivision plat, that the applicant deposit with the governing body a cash payment in lieu of land reservation. Such deposit shall be placed in a Neighborhood Park and Reservation Improvement Fund to be established by the governing body. Such deposit shall be used by the local government for the improvement of a neighborhood park, playground or recreation area, including the acquisition of property. Such deposit must be used for facilities that will be actually available to and benefit the persons in said subdivision and be located in the general neighborhood of the subdivision. The Planning Commission shall determine the amount to be deposited, based on the following formula: two hundred dollars

($200.00) multiplied by the number of times the total area of the subdivision is divisible by the required minimum lot size of the zoning district in which it is located, less a credit for the amount of land actually reserved for recreation purposes, if any, as the land reserved bears in proportion to the land required for reservation in paragraph (a)(1) hereof, but not including any lands reserved through density zoning.

(5) Applicability to land utilizing average density. Any subdivision plat in which the principle of average density of flexible zoning has been utilized shall not be exempt from the provisions of this section, except as to such portion of land which is actually dedicated to the local government for park and recreation purposes. If no further area, other than the area to be reserved through averaging, is required by the Planning Commission, the full fee shall be paid as required in paragraph (a)(4) hereof. If further land is required for reservation, apart from that reserved by averaging, credit shall be given as provided by paragraph (a)(4) hereof.

(b) Other Public Uses.

(1) Plat to provide for public uses. Except where an applicant utilizes planned unit development or density zoning in which land is set aside by the developer as required by the provisions of the Zoning Code, whenever a tract to be subdivided includes a school, recreation uses (in excess of the requirements of subsection (a) hereof) or any other public use as indicated on the Master Plan, or any portion thereof, such space shall be suitably incorporated by the applicant into his or her sketch plat. After proper determination of its necessity by the Planning Commission and the appropriate local government official or other public agency involved in the acquisition and use of each such site, and after a determination has been made to acquire the site by the public agency, the site shall be suitably incorporated by the applicant into the preliminary and final plats.

(2) Referral to public body. The Planning Commission shall refer the sketch plat to the public body concerned with acquisition for its consideration and report. The Planning Commission may propose alternative areas for such acquisition and shall allow the public body or agency thirty days for reply. The agency's recommendation, if affirmative, shall include a map showing the boundaries and area of the parcel to be acquired and an estimate of the time required to complete the acquisition.

(3) Notice of property owner. Upon receipt of an affirmative report, the Planning Commission shall notify the property owner and shall designate on the preliminary and final plats that area proposed to be acquired by the public body.

(4) Duration of land reservation. The acquisition of land reserved by a public agency on the final plat shall be initiated within twelve months of notification from the owner, in writing, that he or she intends to develop the land. Such letter of intent shall be accompanied by a sketch plat of the proposed development and a tentative schedule of construction. Failure on the part of the public agency to initiate acquisition within the prescribed twelve months shall result in the removal of the "reserved" designation from the property involved and the freeing of the property for development in accordance with these Regulations.

1246.08 PRESERVATION OF NATURAL FEATURES AND AMENITIES.

Existing features which would add value to residential development or to the local government as a whole, such as trees, watercourses, waterfalls, beaches, historic spots and similar irreplaceable assets, shall be preserved in the design of the subdivision. No trees shall be removed from any subdivision, nor any change of grade of the land effected, until approval of the preliminary plat has been granted. All trees on the plat required to be retained shall be preserved, and all trees, where required, shall be welled and protected against change of grade. The sketch plat shall show the number and location of existing trees, as required by these Regulations, and shall further indicate all those marked for retention and the location of all proposed shade trees required along the street side of each lot as required by these Regulations.

1246.09 NONRESIDENTIAL SUBDIVISIONS.

(a) In General. If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to such land shall make such provision as the Planning Commission may require. A non-residential subdivision may also be subject to the requirements for site plan approval set forth in the Zoning Code. Site plan approval and nonresidential subdivision plat approval may proceed simultaneously at the discretion of the Planning Commission. A nonresidential subdivision shall be subject to all the requirements of these Regulations, as well as additional standards required by the Planning Commission, and shall conform to the proposed land use and standards established in the Master Plan, the Official Map and the Zoning Code.

(b) Standards. In addition to the principles and standards set forth in these Regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Planning Commission that the street, parcel and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

(1) Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.

(2) Street rights of way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.

(3) Special requirements may be imposed by the City with respect to street, curb, gutter and sidewalk design and construction.

(4) Special requirements may be imposed by the City with respect to the installation of public utilities, including water, sewer and storm water drainage.

(5) Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.

(5) Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

CHAPTER 1248
Improvements

1248.01	General requirements.	1248.05	Issuance of building permits and certificates of occupancy.
1248.02	Lots.		
1248.03	Roads.		
1248.04	Assurance of completion and maintenance.		

CROSS REFERENCES

Approval of plats; street system - see M.C.L.A. §125.43
Regulations governing subdivision of land; bond to secure improvement; publication of regulations - see M.C.L.A. §125.44
Approval or disapproval of plats; procedure; effect - see M.C.L.A. §125.45
Certification of city plats - see M.C.L.A. §§125.51 et seq.
Construction and repair of sidewalks - see S.U. & P.S. Ch. 1020
Planning Commission - see P. & Z. Ch. 1220
Road surfacing and improvements - see P. & Z. 1246.01(b)
Sidewalk improvements - see P. & Z. 1246.05(a)

1248.040 GENERAL REQUIREMENTS.

(a) Conformance to Applicable Rules and Regulations. In addition to the requirements established elsewhere in these Subdivision Regulations, all subdivision plats shall be in compliance with the following laws, rules and regulations:

(1) All applicable statutory provisions.

(2) The local government Zoning Code, building and housing codes and all other applicable laws of appropriate jurisdictions.

(3) The Official Master Plan, Official Map, public utilities plant and Capital Improvements Program of the local government, including all streets, drainage systems and parks shown on the Official Map or Master Plan, as adopted.

(4) The special requirements of these Regulations and any rules of the Health Department and/or appropriate County, regional, State or Federal agencies.

(5) The rules of the State Transportation Department, if the subdivision or any lot contained therein abuts a State highway or connecting street.

(6) The standards and regulations adopted by the City Engineer and all boards, commissions, agencies and officials of the local government.

(7) All pertinent standards contained within the planning guides published by the applicable regional planning commission.

Plat approval may be withheld if a proposed subdivision plat is not in conformity with the guidelines provided for herein or the policies and purposes set forth in Section 1240.02.

(b) Self-imposed Restrictions. If an owner places restrictions on any of the land contained in a subdivision that are greater than those required by the Zoning Code or these Subdivision Regulations, such restrictions or references thereto shall be indicated on the subdivision plat, and the restrictive covenants shall be recorded with the County Register of Deeds in a form approved by the City Attorney.

(c) Plats Straddling Municipal Boundaries. Whenever access to a subdivision is required across land in another local government, the Planning Commission may request assurance from the City Attorney that such access is legally established, and from the City Engineer that the access road is adequately improved and/or that surety has been provided and is sufficient in amount to assure the construction of the access road. In general, lot lines should not cross municipal boundary lines.

(d) Character of the Land. Land which the Planning Commission finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations, adverse topography, utility easements or other features which will be reasonably harmful to the safety, health and general welfare of present or future inhabitants of the subdivision and/or its surrounding areas shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the Planning Commission, upon recommendation of the City Engineer, to solve the problems created by the unsuitable land conditions.

(e) Subdivision Name. The proposed name of a subdivision shall not duplicate or closely approximate phonetically the name of any other subdivision in the area covered by these Regulations. The Planning Commission and the County Plat Board shall have final authority to designate the name of the subdivision, which shall be determined prior to pre-preliminary approval of the plat under the requirements of Section 112 of Act 288 of the Public Acts of 1967, as amended.

1248.02 LOTS.

(a) Arrangement. The lot arrangement shall be designed so that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing permits to build on lots within the subdivision in compliance with either the Zoning Code or Health Department regulations and in providing driveway access to buildings on any lots from an approved street.

(b) Dimensions. Lot dimensions shall comply with the minimum standards of the Zoning Code. In general, side lot lines shall be at right angles to street lines or radial to curving street lines, unless a variation from this rule will produce a more desirable street or lot plan. The dimensions of corner lots shall be large enough to allow for the erection of buildings, observing the minimum front yard setback from both streets. The depth and width of properties reserved or laid out for business, commercial or industrial purposes shall be adequate to provide for off-street parking and loading facilities as required for the type of use and development contemplated and established in the Zoning Code.

(c) Double Frontage Lots. Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.

(d) Drainage. Lots shall be designed to provide positive drainage away from all proposed building sites. Individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage systems shall be designed to avoid any concentration of storm drainage water from each lot to adjacent lots.

(e) Waste Materials. No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of the issuance of a certificate of occupancy, and removal of the same shall be required prior to issuance of any certificate of occupancy on a subdivision. No such waste materials shall be left or deposited in any area of the subdivision at the time of the expiration of the performance bond or the dedication of public improvements, whichever is sooner.

(f) Fences. Each subdivider and/or developer shall be required to furnish and install fences wherever the Planning Commission determines that a hazardous condition may exist. The fences shall be constructed according to the standards established by the City Engineer, and the height and material shall be noted on the final construction plans. No certificate of occupancy shall be issued until said fence improvements have been duly installed.

(g) Water Bodies and Watercourses. If a tract being subdivided contains a water body, or portion thereof, lot lines shall be so drawn as to distribute the entire ownership of the water body among the fee simple owners of the adjacent lots. The Planning Commission may approve an alternative plan whereby the ownership of and responsibility for the safe maintenance of the water body is so placed that it will not become a local government responsibility. No more than twenty-five percent of the minimum area of a lot required under the Zoning Code may be satisfied by land which is under water. Where a watercourse separates the buildable area of a lot from the street by which it has access, provisions shall be made for the installation of a culvert or other structure of a design approved by the City Engineer.

(h) Surety to Include Lot Improvement. The surety shall include an amount to guarantee the completion of all requirements, including, but not limited to, soil preservation, final grading, lot drainage, removal of debris and waste, fencing and all other lot improvements required by the Planning Commission. Whether or not a certificate of occupancy has been issued, at the expiration of a surety so placed, the local government may enforce the provisions of the surety where the provisions of this section or any other applicable law, code or regulation have not been complied with.

1248.03 ROADS.

(a) Frontage on Improved Roads. No subdivision shall be approved unless the area to be subdivided shall have frontage on and access from an existing street on the Official Map, or if there is no Official Map, unless such street is.

(1) An existing State, County, City or Township highway; or

(2) Shown upon a plat approved by the Planning Commission and recorded in the County Register of Deeds. Such street or highway must be suitably improved as required by highway rules, regulations, specifications or orders, or be secured by a form of security required under these Subdivision Regulations, with the width of the right of way as required by these Subdivision Regulations or the Official Map.

Wherever the area to be subdivided is to utilize existing road frontage, such road shall be suitably improved, as provided herein.

(b) Grading and Improvement Plan. Roads shall be graded and improved, shall conform to the local government construction standards and specifications and shall be approved as to design and specifications by the City Engineer in accordance with the construction plans to be submitted prior to final plat approval.

(c) Topography and Arrangement.

(1) Roads shall be appropriately related to the topography. Local roads shall be curved wherever possible to avoid conformity of lot appearance. All streets shall be arranged to obtain building sites at or above the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. Combinations of steep grades and curves shall be avoided. Specific standards are contained in the design standards of these Regulations.

(2) All streets shall be properly integrated with the existing and proposed circulation system as established on the Official Map and/or Master Plan.

(3) All thoroughfares shall be properly related to special traffic generators such as industries, business districts, schools, churches and shopping centers, to population densities and to the pattern of existing and proposed land uses.

(4) Minor or local streets shall be designed to conform to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems and to provide convenient and safe access to property.

(5) The use of curvilinear streets, cul-de-sacs or U-shaped streets is encouraged wherever such use will result in a more desirable and functional layout.

(6) Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless, in the opinion of the Planning Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.

(7) In business and industrial developments, streets and other accessways shall be planned to accommodate the grouping of buildings, the location of rail facilities and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas, so as to minimize the conflict of movement between the various types of traffic, including pedestrian traffic.

(d) Blocks.

(1) Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, railroads or waterways.

(2) The length, width and shape of blocks shall be appropriate for the locality and the type of development contemplated. However, block length in residential areas shall not exceed 2,200 feet or twelve times the minimum lot width required in the zoning district, nor shall the length of such blocks be less than 400 feet in length. Wherever practicable, blocks along major arterials and collector streets shall not be not less than 1,000 feet in length.

(3) In long blocks, the Planning Commission may require the reservation of an easement through the block to accommodate utilities, drainage facilities or pedestrian traffic. Pedestrianways or crosswalks, not less than ten feet wide, may be required by the Planning Commission through the center of blocks more than 800 feet long where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation or other community facilities. Blocks designed for industrial uses shall be of such length and width as may be determined to be suitable by the Planning Commission for the prospective use.

(e) Access to Primary Arterials. Where a subdivision borders on or contains an existing or proposed primary arterial, the Planning Commission may require that access to such street be limited by one of the following means:

(1) The design of lots to back onto the primary arterial and to front onto a parallel local street; no access shall be provided from the primary arterial, and screening shall be provided in a strip of land along the rear property lines of such lots;

(2) A series of cul-de-sacs, U-shaped streets or short loops entered from and designed generally at right angles to a parallel street, with the rear lines of their terminal lots backing onto the major arterial; or

(3) A marginal access or service road, separated from the primary arterial by a planting or grass strip and having access at suitable points.

(f) Road Names. All proposed road names shall be reviewed and approved by the Planning Commission and the City Council and cleared through the Marquette County Road Commission, prior to approval of the preliminary plat. Names shall be sufficiently different in sound and in spelling from other road names in the local area so as not to cause confusion. A road which is or is planned as a continuation of an existing road shall bear the same name.

(g) Road Regulatory Signs. The applicant shall deposit with the local government, at the time of submission of the final plat for approval, the sum of fifty dollars ($50.00) for each road sign required. The City of Negaunee shall install all road signs prior to issuing certificates of occupancy for any residence. Street name signs shall be placed at all intersections within or abutting the subdivision, the type and location of which shall be approved by the City Engineer.

(h) Street Lights. Installation of street lights shall be required in accordance with design and specification standards approved by the City Engineer.

(i) Reserve Strips. Reserve strips shall not be permitted adjacent to a proposed street in a location which strips would deny access from adjacent property to the street.

(j) Construction of Roads and Dead-End Roads.

(1) Construction of roads. The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection and efficient provision of utilities and where such continuation is in accordance with the local government plan. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right of way shall be extended to the property line. A temporary T- or L-shaped turnabout shall be provided on all temporary dead-end streets. The Planning Commission may limit the length of temporary dead-end streets in accordance with the design standards of these Regulations.

(2) Dead-end roads (permanent). Where a road does not extend to the boundary of the subdivision and its continuation is not required by the Planning Commission for access to adjoining property, the Planning Commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic or utilities. A cul-de-sac turn-around shall be provided at the end of a permanent dead-end street in accordance with local government construction standards and specifications. Permanent dead-end streets shall be limited in length in accordance with the design standards of these Regulations.

1248.04 ASSURANCE OF COMPLETION AND MAINTENANCE.

(a) Improvements and Performance Bond.

(1) Completion of improvements. Before the final plat is approved by the City Council, all applicants shall be required to complete, in accordance with the City Council's decision and to the satisfaction of the City Engineer, all street, sanitary sewer and other improvements, including lot improvements on the individual lots of the subdivision, as required by these Regulations, as specified in the final subdivision plat and as approved by the City Council, and to dedicate the same to the local government free and clear of all liens and encumbrances on the property and on the public improvements thus dedicated.

(2) Performance bond.

A. The City Council, in its discretion, may waive the requirements provided for in paragraph (a)(1) hereof. As an alternative, the applicant may post cash, a certified check, a surety bond or a letter of credit at the time of application for final subdivision approval in an amount estimated by the City Engineer to be sufficient to secure to the local government the satisfactory construction, installation and dedication of the incompleted portion of the required improvements. The surety shall also secure all lot improvements on the individual lots of the subdivision, as required in these Regulations.

B. Such surety shall comply with all statutory requirements and shall be satisfactory to the City Attorney as to form, sufficiency and manner of execution, as set forth in these Regulations. The period within which the required improvements must be completed shall be specified by the City Council in the resolution approving the final subdivision plat, shall be incorporated in the surety and shall not, in any event, exceed two years from the date of final approval.

C. Such surety shall be approved by the governing body as to the amount and conditions that shall be satisfactory to the governing body. The City Engineer may, upon proof of difficulty, recommend to the governing body an extension of the completion date set forth in such surety for a maximum period of one additional year. The governing body may, at any time during the period of such surety, accept a substitution of principal or sureties on the bond, upon recommendation of the City Engineer or City Manager.

(3) Temporary improvements. The applicant shall construct and pay for all temporary improvements required by the City Council and shall maintain the same for the period specified by Council. Prior to construction of any temporary facility or improvement, the developer shall file with the local government a separate suitable surety for temporary facilities, which shall ensure that the temporary facilities will be properly constructed, maintained and removed.

(4) Costs of improvements. All required improvements shall be made by the applicant, at his or her expense, without reimbursement by the local government or any improvement district therein.

(5) Failure to complete improvements. For subdivisions for which no performance bond has been posted, if the improvements are not completed within the period specified by the City Council in the resolution approving the final plat, the approval shall be deemed to have expired. In those cases where surety has been posted and required improvements have not been installed within the terms of such surety, the local government may declare the surety to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the surety is declared to be in default.

(b) Inspection of Improvements.

(1) General procedure and fees. The City Council shall provide for the inspection of required improvements during construction and ensure their satisfactory completion. The applicant shall pay to the local government an inspection fee of two percent of the amount of the surety or the estimated cost of the required improvements, and the subdivision plat shall not be approved by the City Council unless such fee has been paid at the time of application. These fees shall be due and payable upon demand of the local government and no building permits or certificates of occupancy shall be issued until all such fees are paid. If the City Engineer finds upon inspection that any of the required improvements have not been constructed in accordance with the local government's construction standards and specifications, the applicant shall be responsible for completing or correcting the improvements. Wherever the cost of improvements is covered by a performance bond, the applicant and the bonding company shall be severally and jointly liable for completing the improvements according to specifications.

(2) Release or reduction of performance bond.

A. Certificate of satisfactory completion. The governing body will not accept the dedication of required improvements, nor release or reduce a performance bond, until the City Engineer has submitted a certificate stating that all required improvements have been satisfactorily completed and until the applicant's engineer or surveyor has certified to the City Engineer, through submission of a detailed "as-built" survey plat of the subdivision, indicating location, dimensions, materials and other information required by the City Engineer, that the layout of the line and grade of all public improvements is in accordance with construction plans for the subdivision and that a title insurance policy has been furnished to and approved by the City Attorney indicating that the improvements have been completed, are ready

for dedication to the local government and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation, the governing body shall thereafter accept the improvements for dedication in accordance with the established procedure.

B. Reduction of performance bond. A performance bond shall be reduced upon the actual dedication of public improvements, but only in the ratio that the public improvement dedicated bears to the total public improvements for the plat. In no event shall a performance bond be reduced below twenty-five percent of the principal amount of such bond.

(c) Escrow Deposits for Lot Improvements.

(1) Acceptance of escrow funds. Whenever, by reason of the season of the year, any lot improvements required by these Subdivision Regulations cannot be performed, the Building and Zoning Inspector may, nevertheless, issue a certificate of occupancy, provided there is no danger to health, safety or general welfare, upon accepting a cash escrow deposit in an amount to be determined by the City Engineer for the cost of said improvements. The performance bond covering such lot improvements shall remain in full force and effect.

(2) Procedures on escrow funds. All required improvements for which escrow monies have been accepted by the Building and Zoning Inspector at the time of issuance of a certificate of occupancy shall be installed by the developer within a period of nine months from the date of deposit of such escrow monies and the issuance of the certificate of occupancy. In the event that the improvements have not been properly installed, at the end of the nine-month period specified herein, the Building and Zoning Inspector shall give two weeks written notice to the developer requiring him or her to install such improvements. In the event that the required improvements are not installed properly, in the discretion of the Building and Zoning Inspector, he or she may request the governing body to authorize the local government to proceed to contract out the work for the installation of the necessary improvements in a sum not to exceed the amount of the escrow deposit. At the time of the issuance of the certificate of occupancy for which escrow monies have been deposited with the Building and Zoning Inspector, the applicant shall obtain and file with the Building and Zoning Inspector, prior to obtaining the certificate of occupancy, a notarized statement from the purchaser or purchasers of the premises authorizing the Building and Zoning Inspector to install the improvements at the end of the nine- month period in the event that the same have not been duly installed by the developer.

(d) Maintenance of Improvements.

(1) The applicant shall be required to maintain all improvements on the individual and subdivided lots and to provide for snow removal on streets and sidewalks, if required, until the acceptance of said improvements by the governing body. If there are any certificates of occupancy on a street not dedicated to the local government, the local government may, on twelve hours notice, plow the street or effect emergency repairs and charge the same to the applicant.

(2) The applicant shall be required to file a maintenance bond with the governing body, prior to dedication, in an amount considered adequate by the City Engineer and in a form satisfactory to the City Attorney, in order to assure the satisfactory condition of the required improvements, including all lot improvements on the individual subdivided lots, for a period of one year after the date of their acceptance by the governing body and the dedication of the same to the local government.

(e) Deferral or Waiver of Required Improvements.

(1) At the time of final plat approval and subject to appropriate conditions, Council may defer or waive the provision of any or all such improvements as in its judgment are not requisite in the interests of the public health, safety and general welfare, or which are inappropriate because of inadequacy or lack of connecting facilities.

(2) Whenever it is deemed necessary by the Planning Commission to defer the construction of any improvement required herein because of incompatible grades, future planning, inadequate connecting facilities or the lack thereof, or for other reasons, the applicant shall pay his or her share of the costs of the future improvements to the local government prior to the signing of the final subdivision plat by Council, or the applicant may post acceptable surety to ensure the completion of said improvements upon demand of the local government.

1248.05 ISSUANCE OF BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY.

(a) Where surety has been required for a subdivision, no certificate of occupancy for any building in the subdivision shall be issued prior to the completion of the improvements and the dedication of the same to the local government, as required in the City Council's final approval of the subdivision plat by Council.

(b) The extent of street improvement shall be adequate for vehicular access by the prospective occupant and by police and fire equipment prior to the issuance of an occupancy permit. The developer shall, at the time of the dedication, submit monies in escrow to the local government in an amount determined by the City Engineer for the necessary final improvement of the street.

(c) No building permit shall be issued for the final ten percent of lots in a subdivision, or if ten percent is less than two lots, then for the final two lots of a subdivision, until all public improvements required by the City Council for the plat have been fully completed and dedicated to the local government.

(d) No building permit or certificate of occupancy shall be granted or issued if a developer or his or her authorized agent shall have violated any Federal, State or local law pertaining to the consumer protection of real estate land sales, land subdivision, promotion or practices, or any applicable conflicts-of-interest legislation, with respect to the lot or parcel of land which is the subject of the permit or certificate, until so ordered by a court of competent jurisdiction.

(e) With respect to the lot or parcel of land, in the event a building permit or certificate of occupancy has been granted or issued, such permit or certificate shall be subject to revocation by the Municipality until otherwise ordered by a court of competent jurisdiction, provided that in no event shall the rights of intervening innocent third parties in possession of a certificate of occupancy be prejudiced by any such revocation.

(f) Any violation of a Federal, State or local consumer protection law, including, but not limited to, the Postal Reorganization Act of 1970, the Federal Trade Commission Act of 1970, the Interstate Land Sales Full Disclosure Act, the Truth-in-Lending Act, the Uniform Commercial Credit Code, State "Blue Sky" laws and State subdivision disclosure acts, or of a conflicts of interest statute, law or ordinance, shall be deemed a violation of these Regulations and shall be subject to all of the penalties and proceedings set forth in these Regulations.

FIRST READING:_____

SECOND READING:_____

PUBLICATIONS:_____

EFFECTIVE:_____

AMENDMENT TO CODIFIED ORDINANCES OF THE CITY OF NEGAUNEE, TITLE SIX - ZONING

The City of Negaunee ORDAINS:

That TITLE SIX - ZONING of the Codified Ordinances of Negaunee, Michigan, shall be, and the same hereby is, amended to read as follows:

REPEALER

Chapters 1260, 1262, 1264, 1266, 1268, 1270, 1272, 1274, 1276, 1278, 1280, 1282, 1284, and 1286 of the Codified Ordinances of Negaunee, Michigan, and any other ordinance, resolution, order or parts thereof in conflict with the provisions of these Amendments are, to the extent of such conflict, hereby repealed. This repeal shall be effective as of the effective date of the following Amendments.

AMENDMENT

TITLE SIX - ZONING of the Codified Ordinances of Negaunee, Michigan, shall be, and hereby is, amended to add Chapters 1260, 1262, 1264, 1266, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1278, 1280, 1281, 1282, 1283, 1284, 1285, and 1286 as follows:

TABLE OF CONTENTS

	Page
Chapter 1260, Zoning Definitions	**1**
1260.01 SEVERABILITY.	**1**
1260.02 DEFINITIONS.	**1**
Chapter 1262, Administration, Enforcement and Penalty	**15**
1262.01 AMENDMENTS.	**15**
1262.02 ZONING COMPLIANCE PERMITS; CERTIFICATES OF OCCUPANCY.	**15**
1262.99 PENALTY.	**16**
Chapter 1264, Board of Zoning Appeals	**17**
1264.01 ESTABLISHMENT; MEMBERSHIP; COMPENSATION.	**17**
1264.02 MEETINGS.	**17**
1264.03 JURISDICTION.	**17**
1264.04 APPEALS.	**18**
1264.05 VARIANCES.	**18**
Chapter 1266, Districts and Zoning Map	**20**
1266.01 ESTABLISHMENT OF ZONING DISTRICTS	**20**
1266.02 ZONING MAP; DISTRICT BOUNDARIES	**20**
Chapter 1268, Single-Family Residential District (R-1)	**21**
1268.01 INTENT.	**21**
1268.02 PERMITTED PRINCIPAL USES.	**21**
1268.03 SPECIAL LAND USES AUTHORIZED BY PERMIT.	**21**
1268.04 ACCESSORY BUILDINGS AND USES.	**21**
1268.05 GENERAL REGULATIONS.	**22**
Chapter 1269, Multiple Family Residential District (R-2)	**24**
1269.01 INTENT.	**24**
1269.02 PERMITTED PRINCIPAL USES.	**24**
1269.03 SPECIAL LAND USES AUTHORIZED BY PERMIT.	**24**
1269.04 ACCESSORY BUILDINGS AND USES.	**24**
1269.05 GENERAL REGULATIONS.	**25**
Chapter 1270, Rural Residential District (RR)	**27**
1270.01 INTENT.	**27**
1270.02 PERMITTED PRINCIPAL USES.	**27**
1270.03 SPECIAL LAND USES AUTHORIZED BY PERMIT.	**27**
1270.04 ACCESSORY BUILDINGS AND USES.	**27**
1270.05 GENERAL REGULATIONS.	**28**
Chapter 1271, Business District (B-1)	**30**
1271.01 INTENT.	**30**
1271.02 PERMITTED PRINCIPAL USES.	**30**
1271.03 SPECIAL LAND USES AUTHORIZED BY PERMIT.	**31**
1271.04 PERMITTED ACCESSORY USES.	**31**
1271.05 GENERAL REGULATIONS.	**31**

Chapter 1272, Business District (B-2) **32**
1272.01 INTENT. **32**
1272.02 PERMITTED PRINCIPAL USES. **32**
1272.03 SPECIAL LAND USES AUTHORIZED BY PERMIT. **33**
1272.04 PERMITTED ACCESSORY USES. **34**
1272.05 GENERAL REGULATIONS. **34**

Chapter 1273, Industrial District (I) **35**
1273.01 INTENT. **35**
1273.02 PERMITTED PRINCIPAL USES. **35**
1273.03 SPECIAL LAND USES AUTHORIZED BY PERMIT. **35**
1273.04 PERMITTED ACCESSORY USES. **36**
1273.05 GENERAL REGULATIONS. **36**

Chapter 1274. Public Area District **37**
1274.01 INTENT. **37**
1274.02 PERMITTED PRINCIPAL USES. **37**
1274.03 SPECIAL LAND USES AUTHORIZED BY PERMIT. **37**
1274.04 PERMITTED ACCESSORY USES. **37**
1274.05 GENERAL REGULATIONS. **37**

Chapter 1275. Mining District (M) **39**
1275.01 INTENT. **39**
1275.02 PERMITTED PRINCIPAL USES. **39**
1275.03 SPECIAL LAND USES AUTHORIZED BY PERMIT. **39**
1275.04 PERMITTED ACCESSORY USES. **39**
1275.05 GENERAL REGULATIONS. **39**

Chapter 1276, Natural Resource District (NR) **40**
1276.01 INTENT. **40**
1276.02 SPECIAL LAND USES AUTHORIZED BY PERMIT. **40**

Chapter 1278, Teal Lake Overlay District (TL) **41**
1278.01 INTENT. **41**
1278.02 SPECIAL LAND USES AUTHORIZED BY PERMIT. **41**
1278.03 DISTRICT BOUNDARIES. **41**
1278.04 GENERAL REGULATIONS. **41**

Chapter 1280, Special Land Uses **42**
1280.01 APPROVAL BY PLANNING COMMISSION REQUIRED; STANDARDS. **42**
1280.02 CONDITIONS FOR APPROVAL; ENFORCEMENT; APPEALS; NOTICE. **42**

Chapter 1281, Planned Unit Development **43**
1281.01 INTENT. **43**
1281.02 ELIGIBILITY. **43**
1281.03 APPLICATION AND MODIFICATION POWERS. **43**
1281.04 PRELIMINARY CONFERENCE. **44**
1281.05 PRELIMINARY APPLICATION. **44**
1281.06 WAIVER OF FINAL APPLICATION. **45**
1281.07 APPROVAL OF APPLICATION. **45**
1281.08 FINAL APPLICATION. **46**
1281.09 AUTHORIZATION AND ISSUANCE OF SPECIAL LAND USE PERMIT. **47**
1281.10 PLANNED UNIT DEVELOPMENT STANDARDS. **47**

1281.11 CHANGES IN APPROVED PUD. 48

Chapter 1282, Open Space Preservation 49
1282.01 INTENT. 49
1282.02 ELIGIBILITY CRITERIA. 49
1282.03 PROJECT DESIGN STANDARDS. 49
1282.04 PROJECT STANDARDS. 51
1282.05 APPLICATION AND APPROVAL PROCESS. 51
1282.06 REVISION OF APPROVED PLANS. 52

Chapter 1283, Site Plan Review 53
1283.01 INTENT. 53
1283.02 SITE PLAN REQUIRED. 53
1283.03 SITE PLANS FOR SINGLE AND TWO-FAMILY DWELLINGS AND RESIDENTIAL ACCESSORY USES AND STRUCTURES. 53
1283.04 SITE PLANS FOR USES OTHER THAN SINGLE- AND TWO-FAMILY DWELLINGS 54
1283.05 REVIEW PROCEDURES. 55
1283.06 STANDARDS FOR SITE PLAN APPROVAL. 56

Chapter 1284, Nonconforming Uses 57
1284.01 ALTERATIONS. 57
1284.02 REPAIRS AND MAINTENANCE. 57

Chapter 1285, Home Occupations 59

Chapter 1286, Supplementary Regulations 60
1286.01 RIGHT TO LIGHT. 60
1286.02 HEIGHT EXCEPTIONS. 60
1286.03 YARD AND COURT OBSTRUCTIONS. 60
1286.04 EXTERNAL WOOD AND SOLID FUEL BURNING BOILERS. 61
1286.05 WIRELESS COMMUNICATIONS FACILITIES. 61

Chapter 1260
Zoning Definitions

1260.01 SEVERABILITY.

If any section or part of a section of this Zoning Code is held to be invalid for any reason, such invalidity shall not be held to impair or invalidate this Zoning Code in its entirety, it being the legislative intent that every section or part thereof shall remain in force and in effect notwithstanding any invalidity of any particular provision or provisions.

1260.02 DEFINITIONS.

For the purposes of this Zoning Code, certain terms or words used herein shall be defined as follows: Words used in the present tense include the future; words in the singular number include the plural; the plural number includes the singular; the word "person" includes any individual, company, firm, corporation or club, or any group or combination acting as a unit, and the individuals constituting such a group or unit; the word "building" includes the word "structure"; the word "shall" is mandatory and not directory. In addition:

Accessory Building or Structure:
A subordinate building or portion of a main building or structure, the use of which is incidental to that of the main building or structure. The accessory building or structure shall be located on the same property as the main building or structure.

Adult Foster Care Family Home:
A private single family residence licensed under P.A. 218 of 1979, as amended, with the approved capacity to receive six or fewer adults who are provided supervision, personal care, and protection for five or more days a week, and for two or more consecutive weeks, for compensation. The adult foster care home licensee must be a member of the household and an occupant of the residence.

Adult Foster Care Large Group Home:
A facility licensed under P.A. 218 of 1979, as amended, with the approved capacity to receive at least 13 but not more than 20 adults who are provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks, for compensation.

Adult Foster Care Small Group Home:
A facility licensed under P.A. 218 of 1979, as amended, with the approved capacity to receive 12 or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks, for compensation.

Asphalt or Concrete Plant:
An establishment engaged in the manufacturing, mixing, or batching of asphalt, asphaltic cement, cement, or concrete products.

Assisted Living Facility:
A residence that provides a special combination of housing, personalized support, and health care designed to respond to the individual needs of those who need help with activities of daily living but do not need the skilled medical care provided in a nursing home.

Automobile Wash Facility:
A structure containing facilities for the washing of vehicles by automatic or self service means.

Banks and Financial Institutions:
A non-residential structure in which money is kept for savings or commercial purposes or is invested, supplied for loans or exchanged. Such business establishment can be a bank, credit union, brokerage or other establishment pertaining to the management of money.

Barber and Beauty Shop:
Includes hair salons, and other personal grooming services such as nails, skin, and spas.

Basement:
A story partly underground, provided that where the vertical distance from the average grade to the ceiling of a basement equals or exceeds five feet, the basement shall be considered a “story”.

Bed and Breakfast Establishment:
A single family residence where no more than 5 (five) guest rooms are made available for the temporary accommodation of the traveling or vacationing public. Such an establishment may offer meals only to those persons temporarily residing at the establishment.

Bed and Breakfast Inn:
A structure used primarily for lodging purposes where the use as a residence is clearly secondary. A structure where more than 5 (five) but not more than 9 (nine) guest rooms are made available for the temporary accommodation of the traveling or vacationing public. Such an establishment may offer meals to the public and persons temporarily residing at the establishment.

Billboard:
Any freestanding structure on which is lettered, pictured or displayed matter, the chief purpose of which is for advertising or publicity.

Board of Zoning Appeals:
The Board of Zoning Appeals of the City of Negaunee.

Boat Livery:
An establishment for the renting of boats, canoes and other similar vessels to the public.

Building:
Any structure used, designed or intended for the protection, shelter or enclosure of persons, animals or property.

Building, front line of:
The line of that face of the building nearest the front line of the lot. This does not include the steps, but it does include sun parlors, chimneys, fireplaces and open and enclosed porches.

Building, height of:
The vertical distance from final grade to the highest point of the roof surface for flat roofs, to the deck line of mansard roofs, to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on a sloping terrain, the height shall be measured from the average ground level of the final grade at the building walls.

Building Material Sales and Storage:
A facility for retail sales and storage of building materials not including production or remanufacturing.

Business Service Establishment:
Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing; building maintenance; employment services; management and consulting services; protective services; equipment rental and leasing; commercial research; development and testing; photo finishing; and personnel supply service.

Conference Center:
A facility to allow large group meetings, ceremonies and assemblies which may include classrooms and exhibit areas.

Contractor Yard:
An area intended for the temporary or long-term storage of materials and equipment used for construction, road building, and forestry operations.

Convenience Retail:
A retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads.

Cultural Facility:
A premises designed for musical or other performances, museum displays and art exhibits, which may include classrooms.

Day Care Home, Family:
A day care operation located in and subordinate to the residential use of the residence of the operator of the facility, which provides day care services for six or fewer children, and which is licensed or registered under P.A. 116 of 1973.

Day Care Home, Group:
A day care operation located in and subordinate to the residential use of the residence of the operator of the facility, which provides day care services for seven to 12 children, and which is licensed or registered under P.A. 116 of 1973.

Day Care Center:
A facility, other than a private residence, that provides care for preschool or school-aged children for periods of less than 24 hours a day, as defined by Act 116 of 1973. A day care center does not include a family or group day care home.

Dry Cleaning Establishment:
A facility using chemical solvents containing little or no water for the cleaning of clothing of fabrics.

Dwelling Unit:
"Dwelling Unit" means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation, which meets all of the following criteria:

1. It complies with the minimum square footage requirements for building floor area for the applicable District.
2. It has a minimum width along any exterior side elevation of 24 feet and a minimum internal height of seven and one-half feet.
3. It is firmly attached to a solid foundation constructed on the site in accordance with the Michigan Building Code and Michigan Residential Code.
4. It does not have exposed wheels, towing mechanisms, undercarriage or chassis.
5. The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local health department.
6. The dwelling contains storage area(s) either in a basement located under said dwelling, in an attic area, in a closet area or in a separate fully enclosed structure on the site, equal to not less than 15% of the interior living area of the dwelling.
7. The dwelling is aesthetically compatible in design and appearance to conventionally on-site constructed homes.

8. The dwelling contains no additions of rooms or other areas which are not constructed with similar materials and are similar in appearance and with similar quality of workmanship as in the original structure.
9. The dwelling complies with all pertinent building and fire codes including the Michigan Building Codes and Michigan Residential Code.

Erected:
Erected means built, constructed, reconstructed, moved upon or any physical operation on the premises required for a building. Excavations, fill, drainage and the like shall be considered part of erection.

Essential Services:
"Essential Services" means the erection, construction, alteration, or maintenance by public or private utilities or municipal departments or commissions of underground, surface or overhead, gas, electrical, steam, or water transmission or distribution systems, or of collection, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of the mentioned equipment.

External Wood and Solid Fuel Burning Boilers:
Any equipment, device, appliance or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of wood or other solid fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source.

Fairground:
Activities that are primarily out-of-doors for a fixed period of time, not to exceed five consecutive days, and including flea markets, fireworks, displays, speeches, farm stands, seasonal sales, swap and shop markets, racing meets, circuses, carnivals, concerts.

Flea Market and Farmer's Market:
A structure which is used seasonally for display and sale of items such as agricultural produce, and farm products, flowers, Christmas trees and wreaths and grave blankets, antiques and collectibles, and prepared food and beverage items.

Floor area:
The floor area within the perimeter of the outside walls of the building under consideration, without deduction for hallways, stairs, closets, thickness of walls, columns or other features.

Food Processing Establishment:
Premises used for the preparation and/or manufacture of foodstuffs for resale but not for consumption on the premises including wholesale food preparation.

Freight Handling Facility:
A terminal with the capability of handling a large variety of goods which may involve various forms of transportation and may provide multi modal shipping capabilities, such as rail to truck.

Front of lot:
The front boundary line of a lot bordering on the street, and in the case of a corner lot, may be either frontage.

Fuel Sales Establishment:
A structure used for the retail sale or supply of fuels, lubricants, air, water and other operating commodities for motor vehicles and other internal combustion operated machines, and including the customary space and facilities for the installation of such commodities on or in such vehicles and machines.

Funeral Home:
A building used for the preparation of the deceased for burial, and for display of the deceased and rituals connected before burial or cremation.

Garage, Residential:
A fully enclosed residential accessory building or space typically used for the storage of vehicles.

Grade:
The level at which the ground intersects with the foundation of a building.

Gravel/Sand Pit:
An open land area where sand, gravel and rock fragment are mined, excavated and processed for sale or off-tract use. An area is maintained for the on-site storage of materials to be processed or have been processed.

Greenhouse:
A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.

Health Care Facilities, In patient:
A facility offering medical care, and services for observation, diagnosis, and active treatment of an individual with a medical, mental, surgical, obstetric, chronic or rehabilitation condition requiring the daily direction or supervision of a physician. Overnight care is provided.

Health Care Facilities, Out-patient:
An establishment where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, dentists or other medical personnel, psychologists, or social worker and where patients are not lodged overnight.

Heavy Manufacturing and Assembly:
Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of components parts, the creation of products, and the blending of materials, such as lubricating oils, plastics, resins or liquor.

Home Occupation:
Activities of the type usually conducted for gainful employment which are clearly incidental and subordinate to a principle residential use as further set forth in § 1285.

Hotel:
A building in which lodging or boarding are provided and offered to the public for compensation and which ingress to and egress from all rooms is made through an inside lobby or office normally supervised at all hours. As such, it is open to the public as distinguished from a boarding house, lodging house, or apartment.

Indoor Recreation Facility:
A place designed and equipped for the conduct of indoor sports and leisure activities such as handball, badminton, basketball, tennis, archery, golf, bowling and ice skating.

Kennel:
A commercial establishment or animal shelter in which dogs or other domesticated animals, other than horses, are housed, groomed, bred, boarded, trained, or sold, for a fee or compensation. This specifically excludes animals kept and raised for a person's personal enjoyment or for hobby or recreational purposes.

Laundromat:
An establishment providing clothing and fabric washing and drying, machines on the premise for rental use to the general public. Laundromats may incorporate drop-off facilities for commercial dry-cleaning establishments, but do not include dry-cleaning equipment.

Library:
An installation or foundation maintaining a collection or repository of literary or artistic materials such as books, periodicals, and newspapers kept for reading or reference.

Light Manufacturing and Assembly:
Establishments where the finished product generally consists of small machine parts, small electronic equipment or similar items. Light manufacturing operations shall be located within the principal building.

Lodge Hall:
A building used by a non-profit membership organization for recreational or social purposes.

Lot:
Land occupied or to be occupied by a building and its accessory buildings, including such open spaces as are required under this Zoning Code, and having its frontage upon a public street or any private way used for street purposes. “Lot” shall also mean a parcel of land.

Lot, Corner:
Any lot having at least two contiguous sides abutting upon a street, provided that the interior angle at the intersection of such two sides is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve, at its point of beginning within the lot or at the points of intersection of the side lot lines with the street line, intersect at an interior angle of less than 135 degrees.

Lot lines:
The lines bounding a lot.

Mining:
The extraction of minerals including the actual removal, processing and transportation of minerals and attendant by-products.

Mini-storage Facility:
A structure or group of structures for the storage of customer's goods and wares, recreational vehicles and related equipment, but not warehousing.

Mobile Home:
A structure designed and built to comply with U.S. Department of Housing and Urban Development manufactured home and construction safety standards, as adopted by the State of Michigan in its Mobile Home Commission Act. Any mobile home or manufactured home which does not meet the definition of a “dwelling” under this ordinance, but which complies with the State and Federal Manufactured Home Code, may be placed in a mobile home park as provided in this ordinance.

Mobile Home Park:
A parcel or tract of land as defined by, and which complies with, the definition and standards adopted by the State of Michigan in its Mobile Home Commission

Act.

Motel:
A building or group of buildings having units containing sleeping accommodations which are available for temporary occupancy primarily by automobile travelers and usually providing separate entrances for the units.

Nonconforming Use:
A building or premises lawfully used or occupied at the time of the passage of this Zoning Code or amendments thereto, which use or occupancy does not conform to the regulations of this Zoning Code or amendments thereto.

Nursing Home:
A nursing care facility, including a county medical care facility, that provides organized nursing care and medical treatment to 7 or more unrelated individuals suffering or recovering from illness, injury, or infirmity, as defined by the Michigan Public Health Code.

Nursery:
Land or greenhouses used to raise flowers, shrubs, and plants for sale.

Office Building:
A building used primarily for conducting the affairs of a business, profession, service, industry or government, or like activity, and which may include ancillary services exclusively for workers in the building, such as a restaurant, coffee shop, newspapers or candy stand, or child care facilities.

Office Parks:
A development on a tract of land that contains a number of separate office buildings, accessory and supporting uses, and open space designed, planned, constructed and managed on an integrated and coordinated basis.

Passive park:
A green or natural area for public use, not including sporting facilities or fields.

Personal Service Establishment:
A type of business providing services for personal grooming and exercise, such as health clubs, spas, chiropractic services, etc.

Planned Unit Development:
An area of minimum contiguous size, as specified by ordinance, to be planned, developed, operated and maintained as a single entity and containing one or more residential clusters or planned unit residential developments and/or one or more public, quasi-public, commercial, or industrial areas.

Planning Commission:
The Planning Commission of the City of Negaunee.

Public Buildings:
Any government or quasi-governmental building, structure, facility or complex used by the general public or providing public services, including, but not limited to, assembly buildings, such as auditoriums and libraries, etc.; city halls; community centers, senior citizen centers and fire halls.

Recreation Facility:
A place designed and equipped for the conduct of sports and leisure-time activities.

Recycling Center, Junkyard, Salvage Yard:
A facility in which used material, such as paper, glass, plastic or motor oil, is separated and processed prior to shipment to other locations for processing or manufacturing into new products or for reuse

Recycling Collection Point:
A site containing containers for the collection and temporary storage of recyclable materials, typically an accessory use. Materials collected are transported from the drop-off site to another location for processing.

Recycling Plant:
A facility in which recyclable materials, such as newspaper, magazines, books, and other paper products; glass; metal; and other products, are recycled, reprocessed, and/or treated to return such products to a condition in which they may again be used in new products.

Religious Institutions:
A building whose primary purpose is the regular assembly for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.

Residence, Multiple Family:
A building containing more than one dwelling unit.

Residence, Single-Family:
A building containing a single dwelling unit designed for residential use by one or 2 persons who may be providing care for their children and/or parents plus not more than 2 other persons, or by not more than 4 unrelated persons living together as a single housekeeping unit.

Restaurants with or without Drive Through:
An establishment where food or beverages are cooked or prepared and offered for

retail sale and where consumption is permitted on the premises.

Retail Food Establishment:
Establishments selling food to the public for consumption but not for resale, usually in small quantities, as well as services incidental to the sale of these goods.

Retail Outlet Store:
A retail establishment selling a single manufacturer's product.

Retail Sales Establishment:
Establishments selling goods to the public for consumption but not for resale, usually in small quantities, as well as services incidental to the sale of these goods. This shall not include the sale of heavy equipment, vehicles, recreational vehicles, watercraft or establishments where there is the permanent exterior display of merchandise.

Retail Warehouse Outlet:
A retail operation from a warehouse as an accessory to the principal warehouse use.

School, Public or Private:
An institution which offers regular instruction at the preschool, primary, or secondary level or serves disabled students. This definition does not include day care facilities, programs offering individual instruction, or courses offered in a non-institutional setting in a specialized subject.

Setback:
The required distance between every structure and any lot line on the lot on which it is located except where a front lot line is not defined by any conveyance or recorded plat, in which case it means the required distance between every structure and the nearest land actually used for purpose of a roadway or parallel drainage ditch.

Shopping Center:
More than one commercial establishment planned, constructed and managed as a total entity, with customer and employee parking provided on site, with provision for delivery separated from customer access. Buildings constructed on outlots shall not be considered part of the shopping center unless access and parking easements are provided.

Sidewalk Café:
An outdoor dining area on a public sidewalk or right of way where patrons consume food and beverages provided by an abutting food service establishment. Such establishments include either table service in the outdoor area or takeout items to be consumed there.

Special Land Uses:
Those uses of land which are essentially compatible with the uses permitted in a zoning district, but which possess characteristics or locational qualities which require individual review and restriction in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land.

Storage of Flammable Liquids or Gas Facility:
Any tankage loading facilities and buildings used for the storage and distribution of flammable liquids by tank truck, tank car or pipe line.

Story:
That portion of a building included between the surface of any floor and the surface of the floor or roof next above.

Story, Half:
That portion of a building between the eaves and the ridge lines of a pitched roof which may or may not be used for tenant purposes.

Street:
A public thoroughfare for vehicles which has been dedicated for public use.

Structural Alteration:
Alterations or repairs which may be made to any structure without requiring the existing structure to comply with all the requirements of this Zoning Code, provided that such work conforms to that which is required of a new structure.

Structure:
Anything constructed or erected, the use of which requires permanent location on the ground.

Tavern:
An establishment used primarily for the serving of liquor by the drink to the general public for consumption on the premises and where food or packaged liquors may be served or sold as accessory to the primary use.

Theater:
A building or structure which contains an assembly hall for the performing arts (dramatic dance, musical or other live performances) and/or for the showing of motion pictures.

Trade or Technical School:
An institution offering instruction beyond high school level with a course of study in vocational, technical or other special subjects, or a facility offering instruction at any level in martial arts, arts, drama, dance, speech, music, or similar personal

skills. This definition does not apply to instruction in craft or fine arts in a single family residence only which is a permitted residential use pursuant to Michigan law and this Code.

Vehicle Body Shop:
A premise where one or more of the following services are provided for compensation: rebuilding or reconditioning of motor vehicles; collision service such as body, frame or fender straightening and repair; painting and undercoating of automobiles, including bumping, and refinishing.

Vehicle Repair Garage:
A premise where general vehicle repairs including engine rebuilding, but not including bumping, painting, or refinishing.

Veterinary Clinic:
A facility providing diagnosis, treatment, surgery and similar veterinary care for domestic animals with overnight boarding incidental to treatment.

Video Arcade:
A facility dedicated to the playing of electronic, mechanical or table games which do not involve gambling.

Warehouse:
A building or portion thereof whose principal use is storage of goods, merchandise or other property which may or may not be incidental to retail sales on the site. As a type of storage it is typically not accessible to the general retail public, but may involve the pick-up of bulk goods not readily stored on retail shelves or in the retail store proper or setting.

Wholesale Sales Establishment:
An establishment selling goods for resale, usually in large quantities, as well as services incidental to the sale of these goods. This shall not include the sale of heavy equipment, vehicles, recreational vehicles, watercraft or establishments where there is the permanent exterior display of merchandise.

Wireless Communication Facilities:
All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio and television broadcasting or relay towers, wireless or cellular telephone communication receivers and transmitters, telephone communication receivers and transmitters, telephone devices and exchanges, microwave relay facilities and towers, telephone transmission equipment buildings, and public, private and commercial mobile radio service facilities. This definition will not include satellite dishes under three (3) feet in diameter.

Wireless Communication Facilities Attached:
Wireless communication facilities affixed to existing structures, including but not limited to existing buildings, towers, water tanks, or utility poles.

Wireless Communication Tower:
A structure intended to support equipment used to transmit and/or receive communication signals. This definition includes, but is not limited to radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, monopoles, freestanding lattice structures and guyed lattice structures.

Woodyard:
A parcel of land where pulp wood and other logs are gathered from various locations and stored for commercial sale or for transport to a processing facility.

Yard:
An open space, which is on the same lot with a building and which is unoccupied, except as otherwise provided in this Zoning Code.

Yard, Rear:
A yard extending the full width of a lot and situated between the rear lot line and the rear line of a building projected to the side lines of the lot.

Yard, Side:
An open, unoccupied space on the same lot with the building located between the building and the side lot line.

FIRST READING: June 14, 2012

SECOND READING: July 19, 2012

PUBLICATIONS: July 24th, & 25th

EFFECTIVE: July 30, 2012

AMENDMENT TO CODIFIED ORDINANCES OF THE CITY OF NEGAUNEE, CHAPTERS 1260, 1271, 1272, 1273, AND 1285

The City of Negaunee ORDAINS:

REPEALER

That any ordinance, resolution, order or part thereof in conflict with the provisions of this Amendment is, to the extent of such conflict, hereby repealed. This repeal shall be effective as of the effective date of the following Amendment.

AMENDMENT

That **Chapter 1260 Zoning Definitions, §1260.02 Definitions, "Greenhouse"** of the Codified Ordinances of Negaunee, Michigan, shall be, and the same hereby is, amended to read as follows:

> Greenhouse: A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment. Also, an enclosed, locked facility used for the growing of medical marihuana pursuant to MCL 333.26421 et seq., the Michigan Medical Marihuana Act.

AMENDMENT

That **Chapter 1260 Zoning Definitions, §1260.02 Definitions** of the Codified Ordinances of Negaunee, Michigan, shall be, and the same hereby is, amended to add the following section:

> Medical Marihuana Caregiver Dispensary: A registered, primary caregiver under the Michigan Medical Marihuana Act who engages in assisting one or more patients with their medical use of marihuana, but does not engage in the growing of marihuana plants.

AMENDMENT

That **Chapter 1271, Business District (B1)** of the Codified Ordinances of Negaunee, Michigan, shall be, and the same hereby is, amended to add "Medical Marihuana Caregiver Dispensary" as a Permitted Principal Use as follows:

1271.02 PERMITTED PRINCIPAL USES.

1. Banks and Financial Institutions
2. Barber and Beauty Shop
3. Bed and Breakfast Establishments and Bed and Breakfast Inn.
4. Bowling Alley
5. Business Service Establishment
6. Commercial Printing
7. Conference Center
8. Convenience Retail
9. Cultural Facility
10. Essential Services
11. Flea Market and Farmer's Market
12. Fuel Sales Establishment
13. Funeral Home
14. Greenhouse, Greenhouse with nursery
15. Health Care Facility, Out-patient or In-patient
16. Hotels, Motels
17. Indoor Recreational Facility
18. Laundromat
19. Library
20. Lodge Hall
21. Medical Marihuana Caregiver Dispensary
22. Office Building
23. Office Parks
24. Personal Service Establishment
25. Public Buildings
26. Religious Institutions
27. Residence, Upper Floor Commercial Building
28. Restaurants with or without Drive Thru
29. Retail Food Establishment
30. Retail Outlet Store
31. Retail Sales Establishment
32. Sidewalk Café
33. Tavern
34. Theater
35. Trade or Technical Schools
36. Veterinary Clinic
37. Video Arcade
38. Wholesale Sales Establishment

AMENDMENT

That **Chapter 1272, Business District (B2)** of the Codified Ordinances of Negaunee, Michigan, shall be, and the same hereby is, amended to add "Medical Marihuana Caregiver Dispensary" as a Permitted Principal Use as follows:

1272.02 PERMITTED PRINCIPAL USES.

1. Amusement Parks, Fairgrounds, Miniature Golf Courses
2. Automobile Wash Facility
3. Automobile Sales or Showrooms, New or Used
4. Banks and Financial Institutions
5. Barber and Beauty Shop
6. Bed and Breakfast Establishment
7. Boat Livery
8. Bowling Alley
9. Building Material Sales and Storage
10. Business Service Establishment
11. Commercial Printing
12. Conference Center
13. Convenience Retail
14. Cultural Facility
15. Dry Cleaning Establishment, Laundromat
16. Essential Services
17. Flea Market, Farmer's Market
18. Fuel Sales Establishment
19. Funeral Homes
20. Golf Courses
21. Greenhouse, Greenhouse with nursery
22. Health Care Facility, In-patient or Out-patient
23. Laundromat
24. Library
25. Lodge hall
26. Medical Marihuana Caregiver Dispensary
27. Mini-storage facility
28. Motel, Hotel, Cabins and Resort
29. Office Building
30. Office Parks
31. Personal Service Establishment
31. Public Building
32. Recycling Collection Point
33. Religious Institution
34. Restaurant, with or without Drive-Thru
35. Retail Food Establishment
36. Retail Outlet Store
37. Retail Sales Establishment
38. Retail Warehouse Outlet
39. Shopping Center
40. Tavern
41. Theater
42. Trade and Technical School

43. Utility Substation
44. Vehicle Repair Garage
45. Video Arcade
46. Warehousing
47. Wholesale Establishment

AMENDMENT

That **Chapter 1273, Industrial District (I)** of the Codified Ordinances of Negaunee, Michigan, shall be, and the same hereby is, amended to add "Medical Marihuana Caregiver Dispensary" as a Special Use as follows:

1273.03 SPECIAL LAND USES AUTHORIZED BY PERMIT.
The following uses of land and structures may be permitted in this District by application for and the issuance of a Special Land Use as provided for in Chapter 1280:

1. Asphalt Plant
2. Banks and Financial Institutions
3. Bowling Alley
4. Conference Center
5. Convenience Retail
6. Food Processing Establishment
7. Freight Handling Facility
8. Fuel Sales Establishment
9. Gravel/Sand Pit
10. Greenhouse, Greenhouse with nursery
11. Heavy Manufacturing and Assembly
12. Medical Marihuana Caregiver Dispensary
13. Planned Unit Development
14. Retail Warehouse Outlet
15. Storage of Flammable Liquids or Gas Facility
16. Use, building or structure constructed or erected within the Teal Lake Overlay District (§ 1278 of these Codified Ordinances). Such proposed uses shall be evaluated pursuant to the requirements in §1280 and in the Teal Lake Overlay District.
17. Veterinary Clinic
18. Wireless Communication Facility
19. Wireless Communication Facility, Attached
20. Wireless Communication Tower
21. Woodyard

AMENDMENT

Chapter 1285 Home Occupations of the Codified Ordinances of Negaunee, Michigan, shall be, and hereby is, amended to add the following section:

(l) Activities of a registered primary caregiver under the Michigan Medical Marihuana Act to assist with a patient's medical use of marihuana, other than growing marihuana plants for the patient, shall be considered a business and, if conducted from a residence in the R1, R2 or RR Districts, subject to this Chapter on Home Occupations.

WHEREUPON, this Ordinance is declared passed and adopted on this 19 day of July, 2012.

The above Ordinance shall be published as required by law, and shall be effective on the 30th day of July, 2012.

CITY OF NEGAUNEE

_____

By: Michael Haines, Its Mayor

_____

By: Judith Iwanski, Its Clerk

Chapter 1262
Administration, Enforcement and Penalty

1262.01 AMENDMENTS.
All requests for re-zoning or for amendment of the zoning ordinance or map shall be referred to the Planning Commission for review and recommendation. Upon receiving a recommendation from the Planning Commission, the City Council may, by ordinance, amend, supplement or change this zoning code, according to the procedures established under Michigan law. If a proper protest against a proposed amendment, supplement or change is presented, such amendment shall require at least five votes of the City Council for approval.

1262.02 ZONING COMPLIANCE PERMITS; CERTIFICATES OF OCCUPANCY.
(a) It is the intent of this section to require a zoning compliance permit for all new structures and uses, as well as changes in usage. The regulations contained herein are intended to provide and promote the orderly development of the City; safe and convenient traffic movement, both within a site and in relation to access streets; the stability of land values and investments by preventing the impairment or depreciation of land values and development by the erection of structures or additions or alterations thereto without proper attention to setting or to unsightly or undesirable appearances; harmonious relationship to buildings, other structures and uses, both within a site and/or adjacent sites; and the conservation of natural amenities and resources and to promote the public safety.

(b) No land use shall be commenced or changed and no structure shall be erected or enlarged until the person conducting such use or erecting or enlarging such structure has obtained a Zoning Compliance Permit from the Zoning Administrator.

(c) No zoning compliance permit shall be issued where it appears that any land area required to conform to any provision of this Ordinance is also required as part of any adjoining property to keep the development or use thereof in conformity with this Ordinance, or to keep it from becoming more non-conforming. The applicant for a Zoning Compliance Permit shall agree that neither he nor his successor in title, shall sell, convey, lease, or otherwise dispose of any land surrounding a structure if such conveyance will result in the structure being left on a lot which fails to meet the minimum requirements set forth in this Ordinance.

(d) Any zoning compliance permit based on any material false statement in the application of supporting documents is absolutely void and shall be revoked.

(e) Special or Conditional Uses and Non-Conforming Uses and Structures shall require approval of the Planning Commission and become part of the Zoning Compliance Permit.

(f) Variances require the approval of the Zoning Board of Appeals.

(g) The Zoning Administrator shall issue all Zoning Compliance Permits and shall clearly designate any and all conditions and variances, which have been approved by the Planning Commission and/or Zoning Board of Appeals when required by this Ordinance.

(h) If the applicant does not exercise the use of the Zoning Compliance Permit by completing any approved construction and/or use within two years after its issue, the zoning compliance permit will become null and void.

(i) Any Zoning Compliance Permit acted upon by the applicant or his agents or successors will inure for the duration of the existing use and is limited to those uses specified in the zoning compliance permit.

(j) It shall be unlawful to use or permit the use of any building or premises or part thereof hereafter created, erected or altered, or to change or enlarge the use of any building or premises or part thereof, until a Certificate of Occupancy shall have been issued by Marquette County.

1262.99 PENALTY.

(a) Whoever violates any of the provisions of this Zoning Code shall be deemed responsible for a Municipal civil infraction and shall be subject to a civil penalty of not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00) for each such infraction. A separate infraction shall be deemed committed each day during or on which a violation occurs or continues. Such penalty provisions do not preclude any other civil action against the violator for injunctive or such other relief as may be available in law or in equity.

(b) In addition to the penalty provided for in subsection (a) hereof, any violation of this Zoning Code is hereby declared to be a public nuisance which may be enjoined. (Ord. Unno. Passed 7-11-96).

Chapter 1264
Board of Zoning Appeals

1264.01 ESTABLISHMENT; MEMBERSHIP; COMPENSATION.
(a) A Board of Zoning Appeals is hereby established in and for the City. The word "Board," when used in this Zoning Code, shall be construed to mean the Board of Zoning Appeals. The Board shall consist of five members who shall be appointed for terms of three years by the City Council. Two alternate members may be appointed by the City Council, each for a term of three years. The membership shall be representative of the population distribution and of the various interests present in the City. All members of the Board shall serve without compensation.

(b) One member may be a member of the City Council, but no City Council member shall serve as chairperson of the Zoning Board of Appeals.

(c) One member may be a member of the Planning Commission. Such a member shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission, however, this member may consider and vote on other unrelated matters involving the same property.

(d) A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure to do so constitutes malfeasance in office and may be grounds for removal.

(e) An employee or contractor of the City Council may not serve as a member of the Zoning Board of Appeals.

1264.02 MEETINGS.
Meetings of the Board of Zoning Appeals shall be held as needed, at the call of the chairperson and as provided in the Board's rules of procedure. There shall be a fixed place of meeting and all meetings shall be open to the public. The Board shall adopt its own rules of procedure and keep a record of its proceedings showing the action of the Board and the vote of each member upon each question considered. The presence of three regular members shall be necessary to constitute a quorum.

1264.03 JURISDICTION.
(a) The jurisdiction of the Board of Zoning Appeals shall extend to the hearing of appeals including the interpretation of the Zoning Map as well as decisions upon all matters referred to the Board or upon which the Board is required to decide pursuant to this Zoning Code. As a part of any decision, the Board may impose conditions which shall become a part of any zoning permit issued.

(b) The Board may call upon the City Manager to secure the assistance of any City department in the performance of its duties and it shall be the duty of such other departments to render such assistance as may be reasonably required.

1264.04 APPEALS.
(a) An appeal from a ruling of the Planning Commission or Zoning Administrator under this Code concerning the enforcement of the provisions of this Zoning Code may be made to the Board of Zoning Appeals within such time as shall be prescribed by the Board in compliance with State statute. The applicant shall file with the Board a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all documents concerning the appeal. The notice requirements under state law shall be met as to the matters heard by the Board.

(b) The Board shall fix a reasonable time for the hearing of an appeal and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or attorney. The Board's actions shall be in the form of a resolution clearly setting forth the Board's decision. The Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination, and to that end shall have all the powers of the office or board or commission from whom the appeal is taken.

(c) An appeal shall stay all proceedings in furtherance of the action being appealed.

1264.05 VARIANCES.
In addition to the general powers provided in Section 1264.03, the Board of Zoning Appeals may, in specific cases after public notice and hearing, authorize by permit, a variation of the application of the height, area or other dimensional regulations established in this Zoning Code, provided that the variation is in harmony with the general purpose and intent of the regulations, as follows:

(a) A temporary building for commerce or industry, in a Residence District, which is incidental to the residential development, such permit to be issued for a period not to exceed one year.

(b) The erection and use of a building, or an addition to an existing building of a public service corporation or for public utility purposes, in any location, to a greater height or larger area than the district requirements established in this Zoning Code, which the Board shall find reasonably necessary for the public convenience.

(c) A building or use in an Industrial District otherwise excluded from such District, provided that such building or use is distinctly incidental and essential to a use permitted in an Industrial District, and provided, further, that not more than twenty-five percent of the employees of the entire plant are engaged therein.

(d) If there are practical difficulties in carrying out the strict letter of the zoning ordinance, the Board may grant a variance relating to the construction, structural changes or alteration of buildings or structures as to dimensional requirements or other standards, provided that the spirit of the Zoning Ordinance is observed, public safety secured and substantial justice done.

(e) In ruling upon any request for a variance, the procedures outlined in §1264.04 for appeals shall be applied.

(f) In ruling upon any request for a variance, the Zoning Board of Appeals shall apply the standards set forth in §1280 for the evaluation of special uses. No variance shall be granted if any portion of the considerations in §1280 would be violated.

Chapter 1266
Districts and Zoning Map

1266.01 ESTABLISHMENT OF ZONING DISTRICTS

For the purposes of this Zoning Code, the City of Negaunee is hereby divided into the following ten districts:

Single-Family Residential District (R-1)
Multiple Family Residential District (R-2)
Rural Residential District (RR)
Business District (B-1)
Business District (B-2)
Industrial District (I)
Public Area District
Mining District (M)
Natural Resource District (NR)
Teal Lake Overlay District (TL)

1266.02 ZONING MAP; DISTRICT BOUNDARIES

The boundaries of the districts established in Section 1266.01 are hereby established as shown on a map entitled "Zoning Map, City of Negaunee, Michigan," dated _____, which is on file in the office of the Zoning Administrator and which is hereby made a part of this Zoning Code. Except where specifically designated on said Map, the district boundary lines are intended to follow lot lines, the centerlines of streets or alleys, the centerlines of streets or alleys projected, railroad right-of-way lines, section lines, one-quarter section lines, one-eighth section lines or the city limits. Where a district boundary line does not coincide with lot lines, said boundary line shall be dimensioned on the Zoning Map.

Chapter 1268
Single-Family Residential District (R-1)

1268.01 INTENT.
The Single-Family Residential District (R-1) is intended for the establishment and preservation of quiet single-family residence neighborhoods. The uses in the district are intended to keep the neighborhood relatively quiet and free from unrelated traffic influences. The R-1 District is designed to accommodate residential dwellings served by municipal water and wastewater treatment services.

1268.02 PERMITTED PRINCIPAL USES.

1. Adult Foster Care Family Home, provided it is not within 1,500 feet of Another Adult Foster Care Family Home
2. Day Care Home, Family
3. Essential Services
4. Recreational Uses: community playground; picnic area; passive park
5. Residence, Single-Family

1268.03 SPECIAL LAND USES AUTHORIZED BY PERMIT.
The following uses of land and structures may be permitted in this District by application for and the issuance of a Special Land Use Permit as provided for in Chapter 1280:

1. Bed and Breakfast Establishment
2. Home Occupation
3. Library
4. Planned Unit Development
5. Recreational Uses: boat launch; cross-country ski trail; fields (soccer, hockey, ballfields); fishing piers; ice rink; passive park; swimming beach
6. Religious Institutions
7. School
8. Wireless Communication Facility, attached

1268.04 ACCESSORY BUILDINGS AND USES.
Accessory structures normally associated with permitted uses are allowed when located on the same lot or lots, subject to the following conditions:

(a) Not more than two (2) accessory buildings shall be permitted on the lots served by the principal building.

(b) The total square footage of all accessory buildings shall not exceed the total square footage of all floors of the principal building, excluding basements. In no case shall a single accessory building exceed 1,200 square feet of floor area.

(c) All accessory buildings in excess of 150 square feet shall be constructed of similar materials or have the same general appearance as the principal building

(d) The height of the accessory building shall not exceed twenty-five (25) feet or the height of the principal building, whichever is less.

(e) No portion of an accessory building shall be located in the front of the principal building, except garages attached to the principal building. No part of the accessory or principal building shall protrude into the setback line.

(f) Accessory buildings shall not be occupied by or involved in the conduct of a business or home occupation.

(g) No accessory building may be constructed or erected prior to the construction or erection of the principal building on the same lot or lots.

1268.05 GENERAL REGULATIONS.

(a) Height of Buildings: No building or structure thereof shall be erected or altered to a height exceeding thirty-five (35) feet; except a permitted nonresidential structure may exceed this limit by one (1) foot for each foot in excess of ten (10) feet that the building or structure is set back from all property lines.

(b) Lot Area: No building shall be erected or altered unless it is on a lot having an area of not less than 9,600 square feet. This regulation shall not apply to lots already platted and recorded as of the effective date of this Zoning Code, where the owner of such platted lots does not own a sufficient amount of adjacent land to permit compliance, provided that all other requirements of the Zoning Code are met.

(c) Lot Frontage: Every Lot shall have frontage of not less than eighty (80) feet along a public street. This regulation does not apply to lots already platted and recorded as of the effective date of this Zoning Code where the owner of the such platted lots does not own a sufficient amount of adjacent land to permit compliance, provided all other requirements of this Zoning Code are met.

(d) Setbacks: There shall be a building setback line of not less than twenty (20) feet or a setback line consistent with adjacent structures. On every corner lot, the minimum setback distance shall be twenty (20) feet on the short side of the lot and may be as little as fifteen (15) feet on the long side of the lot, except for those lots where the long side is parallel to the front of the majority of other lots on the street, in which case the setback shall be twenty (20) feet.

(e) Rear Yard: Every lot shall have a rear yard of not less than twenty-five (25) feet. Necessary buildings or structures for accessory uses shall not occupy more than forty percent (40%) of the required rear yard area, provided that where such rear yard abuts on streets, no garage or other building for accessory use shall be placed nearer than fifteen (15) feet from the line of such street. Further, regarding corner lots, where such rear yard abuts on an adjacent lot to the rear, the accessory building setback from such lot line shall be not less than five (5) feet. If alleys are

present to the rear lot line of the property, no building or accessory building shall be erected within (5) feet of the alley right-of-way.

(f) Side Yards: Every lot shall have two (2) side yards, neither of which shall be less than ten percent (10%) of the width of the lot. The width of the lot shall be determined at the front setback line of the structure to be built. If alleys are present to the rear lot line of the property, no building or accessory building shall be erected within (5) feet of the alley right-of-way.

(g) Building Floor Area: Every dwelling shall have a first floor area of not less than 720 square feet if the dwelling is one (1) story or one and one-half (1.5) stories in height, or 475 square feet if the dwelling is two (2) stories in height.

(h) Density: Not more than one (1) principal building or structure shall be permitted on any lot.

Chapter 1269
Multiple Family Residential District (R-2)

1269.01 INTENT.
The Multiple Family Residential District (R-2) is intended for the establishment and preservation of residential areas with single-, and multiple- family dwellings. The uses in the district are to be compatible with the residential character of the neighborhoods.

1269.02 PERMITTED PRINCIPAL USES.

1. Adult Foster Care Family Home
2. Day Care Home, Family
3. Essential Services
4. Recreational Uses: community playground; picnic area
5. Residence, Single-family
6. Residence, Multiple-family

1269.03 SPECIAL LAND USES AUTHORIZED BY PERMIT.
The following uses of land and structures may be permitted in this District by application for the issuance of a Special Land Use Permit as provided for in Chapter 1280:

1. Adult Foster Care Small Group Home
2. Adult Foster Care Large Group Home
3. Assisted Living Facility
4. Bed and Breakfast Establishment
5. Day Care Home, Group
6. Library
7. Nursing Home
8. Planned Unit Development
9. Recreational Uses: boat launch, cross-country ski trails, fields (soccer, hockey, ballfield), fishing piers, ice rink, passive park, ski trail, swimming beach
10. Religious Institutions
11. School
12. Temporary Outdoor Activity
13. Wireless Communications Facility, Attached

1269.04 ACCESSORY BUILDINGS AND USES.
Accessory structures normally associate with permitted uses when located on the same lot or lots, subject to the following conditions:

(a) No more than two (2) accessory buildings shall be permitted on the lot served by the principal building.

(b) The total square footage of all accessory buildings shall not exceed the total square footage of all floors of the principal building, excluding basements. In no case shall a single accessory building exceed 1,200 square feet of floor area.

(c) All accessory buildings in excess of 150 square feet shall be constructed of similar materials or have the same general appearance as the principal building.

(d) The height of the accessory building shall not exceed thirty-five (35) feet or the height of the principal building, whichever is less.

(e) No portion of an accessory building shall be located in the front of the principal building, except garages attached to the principal building. No part of the accessory or principal building shall protrude into the setback line.

(f) Accessory buildings shall not be occupied or involved in the conduct of a business or home occupation.

1269.05 GENERAL REGULATIONS.

(a) Height of Buildings: No building or structure thereof shall be erected or altered to a height exceeding thirty-five (35) feet; except a permitted nonresidential structure may exceed this limit by one (1) foot for each foot in excess of ten (10) feet that the building or structure is set back from all property lines.

(b) Lot Area: No building shall be erected or altered unless it is on a lot having an area of not less than 9,600 square feet. This regulation shall not apply to lots already platted and recorded as of the effective date of this Zoning Code, where the owner of such platted lots does not own a sufficient amount of adjacent land to permit compliance, provided that all other requirements of the Zoning Code are met.

(c) Lot Frontage: Every Lot shall have frontage of not less than eighty (80) feet along a public street. This regulation does not apply to lots already platted and recorded as of the effective date of this Zoning Code where the owner of the such platted lots does not own a sufficient amount of adjacent land to permit compliance, provided all other requirements of this Zoning Code are met.

(d) Setbacks: There shall be a building setback line of not less than twenty (20) feet or a setback line consistent with adjacent structures. On every corner lot, the minimum setback distance shall be twenty (20) feet on the short side of the lot and may be as little as fifteen (15) feet on the long side of the lot, except for those lots where the long side is parallel to the front of the majority of other lots on the street, in which case the setback shall be twenty (20) feet.

(e) Rear Yard: Every lot shall have a rear yard of not less than twenty-five (25) feet. Necessary buildings or structures for accessory uses shall not occupy more than forty percent (40%) of the required rear yard area, provided that where such rear yard abuts on streets, no garage or other building for accessory use shall be placed nearer than fifteen (15) feet from the line of such street. Further, regarding corner lots, where such rear yard abuts on an adjacent lot to the rear, the accessory building setback from such lot line shall be not less than five (5) feet. If alleys are

present to the rear lot line of the property, no building or accessory building shall be erected within (5) feet of the alley right-of-way.

(f) Side Yards: Every lot shall have two (2) side yards, neither of which shall be less than ten percent (10%) of the width of the lot. The width of the lot shall be determined at the front setback line of the structure to be built. If alleys are present to the rear lot line of the property, no building or accessory building shall be erected within (5) feet of the alley right-of-way.

(g) Building Floor Area: Every dwelling shall have a first floor area of not less than 720 square feet if the dwelling is one (1) story or one and one-half (1.5) stories in height, or 475 square feet if the dwelling is two (2) stories in height.

(h) Density: Not more than one (1) principal building or structure shall be permitted on any lot.

(i) Multi-family dwellings consisting of 2 units shall provide at least four (4) off-street parking stalls.

(j) Multi-family dwellings of three or more dwelling units shall require a Site Plan approved by the Planning Commission, pursuant to §1283, including the following requirements:

1. The minimum lot area required shall be increased by an additional 300 square feet for each dwelling unit in excess of two (2);
2. Each multi-family dwelling shall have two (2) off-street parking stalls per dwelling unit for each of the first four (4) dwelling units, and one and one-half (11/2) off-street parking stalls for all dwelling units in excess of four (4);
3. A site plan shall be submitted with the application for a Special Land Use permit, which site plan shall be drawn to scale and shall contain and demonstrate the following:
   a. The lot lines and dimensions of the lot upon which such multi-family dwelling is to be erected;
   b. The location and dimensions of the multi-family dwelling on said lot;
   c. The location and dimensions of all off-street parking stalls provided for said multi-family dwelling
   d. The location of all structures on lots abutting the lot upon which the multi-family dwelling is to be constructed;
   e. The size and location of any and all accessory buildings or structures to be placed upon said lot; and
   f. Such other information as may be reasonably required by the Planning Commission as will enable it to make a determination as to whether the proposed multi-family dwelling will comply with all of the standards described in Chapter 1280 and all other provisions of these Codified Ordinances.

Chapter 1270
Rural Residential District (RR)

1270.01 INTENT.
The Rural Residential District is designed primarily for single-family residential home use with lots larger than other areas of the city. This is to create a more rural character to the district than found in the R-1 and R-2 districts. The larger lots are to insure a safe, potable water supply and/or adequate area for on-site wastewater treatment.

1270.02 PERMITTED PRINCIPAL USES.

1. Adult Foster Care Family Home
2. Day Care Home, Family
3. Essential Services
4. Residence, Single-family

1270.03 SPECIAL LAND USES AUTHORIZED BY PERMIT.
The following uses of land and structures may be permitted in this District by application for and the issuance of a Special Land Use Permit as provided for in Chapter 1280:

1. Adult Foster Care Small Group Home
2. Adult Foster Care Large Group Home
3. Banks and Financial Institutions
4. Bed and Breakfast Establishment
5. Cemetery
6. Day Care Center
7. Day Care Home, Group
8. Golf Course
9. Health Care Facilities, in-patient
10. Library
11. Mobile Home Park
12. Planned Unit Development
13. Recreational Uses: cross country ski trail, fields (soccer, hockey, ballfield), golf course, golf driving range, ice rink, mini-golf course, passive park
14. Religious Institution
15. Residence, multiple family
16. School
17. Wireless Communications Facility
18. Wireless Communications Facility, Attached

1270.04 ACCESSORY BUILDINGS AND USES.
Accessory structures normally associated with permitted uses when located on the same lot or lots, subject to the following conditions:

1. No more than three (3) accessory buildings shall be permitted on the lots served by the principal building.
2. The total square footage of all accessory buildings shall not exceed the total square footage of all floors of the principal building, excluding basements. In no case shall a single accessory building exceed 1,200 square feet of floor area.
3. All accessory buildings in excess of 150 square feet shall be constructed of similar materials or have the same general appearance as the principal building.
4. The height of the accessory building shall not exceed thirty-five (35) feet or the height of the principal building, whichever is less.

1270.05 GENERAL REGULATIONS.

(a) Height of Buildings: No building or structure thereof shall be erected or altered to a height exceeding thirty-five (35) feet, except a permitted structure may exceed this limit by one foot for each foot in excess of ten (10) feet that the building or structure is set back from all property lines, except that no building may exceed 75 feet.

(b) Lot Area: No building shall be erected or altered unless it is on a lot having an area of not less than one (1) acre. This regulation shall not apply to lots already platted and recorded as of the effective date of this Zoning Code, where the owner of such platted lots does not own a sufficient amount of adjacent land to permit compliance, provided that all other requirements of the Zoning Code are met.

(c) Lot Frontage: Every lot shall have frontage of not less than 150 feet along a street. This regulation does not apply to lots already platted and recorded as of the effective date of this Zoning Code where the owner of such platted lots does not own a sufficient amount of adjacent land to permit compliance, provided all other requirements of this Zoning Code are met.

(d) Setbacks: There shall be a building setback line of not less than twenty-five (25) feet or a setback line consistent with adjacent structures. On every corner lot the minimum setback distance shall be twenty-five (25) feet on the short side of the lot and may be as little as fifteen (15) feet on the long side of the lot, except for those lots where the long side is parallel to the front of the majority of other lots on the street, in which case the setback shall be twenty-five (25) feet.

(e) Rear Yard: Every lot shall have a rear yard of not less than twenty-five (25) feet. Necessary buildings or structures for accessory uses shall not occupy more than forty percent (40%) of the required rear yard area, provided that where such rear yard abuts on streets, no garage or other building for accessory use shall be placed nearer than fifteen (15) feet from the line of such street. Further, regarding corner lots, where such rear yard abuts on an adjacent lot to the rear, the accessory building setback from such lot line shall be not less than five (5) feet. If alleys are present to the rear lot line of the property, no building or accessory building shall be erected within (5) feet of the alley right-of-way.

(f) Side Yards: Every lot shall have two (2) side yards, neither of which shall be less than ten percent (10%) of the width of the lot, or not less than fifteen (15) feet for lots of 150 feet or more in width. The width of the lot shall be determined at the front setback line of the structure to be built. If alleys are present to the rear lot line of the property, no building or accessory building shall be erected within (5) feet of the alley right-of-way.

(g) Building Floor Area: Every dwelling shall have a first floor area of not less than 720 square feet if the dwelling is one (1) story or one and one-half (1 ½) stories in height, or 475 square feet if the dwelling is two (2) stories in height.

(h) Density: Not more than one (1) principal building or structure shall be permitted on any lot.

Chapter 1271
Business District (B-1)

1271.01 INTENT.
The Commercial Business District (B-1) is intended to provide for commercial uses which are appropriate for high-density development, such as in the central business district. Uses in this district occasionally occupy buildings which share common walls and front directly on the sidewalks. Where off-street parking is provided it is behind the business or at a nearby parking lot. Residential uses are not permitted in the district, with the exception of dwellings in the upper floors of commercial establishments and as a Special Land use authorized by permit.

1271.02 PERMITTED PRINCIPAL USES.

1. Banks and Financial Institutions
2. Barber and Beauty Shop
3. Bed and Breakfast Establishments and Bed and Breakfast Inn.
4. Bowling Alley
5. Business Service Establishment
6. Commercial Printing
7. Conference Center
8. Convenience Retail
9. Cultural Facility
10. Essential Services
11. Flea Market and Farmer's Market
12. Fuel Sales Establishment
13. Funeral Home
14. Greenhouse, Greenhouse with nursery
15. Health Care Facility, Out-patient or In-patient
16. Hotels, Motels
17. Indoor Recreational Facility
18. Laundromat
19. Library
20. Lodge Hall
21. Office Building
22. Office Parks
23. Personal Service Establishment
24. Public Buildings
25. Religious Institutions
26. Residence, Upper Floor Commercial Building
27. Restaurants with or without Drive Thru
28. Retail Food Establishment
29. Retail Outlet Store
30. Retail Sales Establishment
31. Sidewalk Café
32. Tavern
33. Theater

34. Trade or Technical Schools
35. Veterinary Clinic
36. Video Arcade
37. Wholesale Sales Establishment

1271.03 SPECIAL LAND USES AUTHORIZED BY PERMIT.
The following uses of land and structures may be permitted in this District by application for and the issuance of a Special Land Use as provided for in Chapter 1280:

1. Automobile Sales or Showrooms, New or Used
2. Day Care Center
3. Dry Cleaning Establishment
4. Fairground
5. Food Processing Establishment
6. Motel, Hotel, Cabin and Resort
7. Planned Unit Development
8. Recreational Uses: campground; passive park
9. Recycling Collection Point
10. Residence, single family
11. Residence, multiple family
12. Retail Warehouse Outlet
13. Vehicle Repair Garage
14. Wireless Communication Facilities, Attached

1271.04 PERMITTED ACCESSORY USES.
Any accessory use or structure that is normally associated with a permitted use.

1271.05 GENERAL REGULATIONS.
(a) Site Plan: No building permit, certificate of occupancy or zoning compliance permit shall be issued authorizing any development on a lot in the Business District (B-1) without first securing the approval of the Planning Commission of a site plan pursuant to this Ordinance Code Section 1283 and with all other requirements of this Zoning Code.

(b) Obscuring Wall, Fence or Shrub: Whenever the parking plan for a development in the Commercial Business 1 (B-1) District is laid out so as to bring automobile headlights toward any residential land, an obscuring wall, fence, or shrub four (4) feet, six (6) inches in height shall be provided along that side of the parking area.

(c) Height of Buildings: No building or structure shall exceed a height of seventy-five (75) feet.

(d) Prohibited Uses: Any process or activity resulting in the emission of odor, fumes, smoke, dust, excessive noise or vibration, or of a character generally detrimental and disturbing to the district as a whole shall be prohibited, unless such processes or activities meet federal, state, and local regulations pertaining to health and safety, and do not affect other properties.

Chapter 1272
Business District (B-2)

1272.01 INTENT.
The Commercial Business District (B-2) is intended to provide for a diversified, lower density commercial district, containing businesses which may require larger lots or generate more traffic, lighting or other impacts on adjacent uses. Uses in the district are oriented toward automobile traffic. Residential use may be permitted and could be an accessory use if associated with a business, by application for and issuance of a Special Land Use Permit, as provided in Section 1280.

1272.02 PERMITTED PRINCIPAL USES.

1. Amusement Parks, Fairgrounds, Miniature Golf Courses
2. Automobile Wash Facility
3. Automobile Sales or Showrooms, New or Used
4. Banks and Financial Institutions
5. Barber and Beauty Shop
6. Bed and Breakfast Establishment
7. Boat Livery
8. Bowling Alley
9. Building Material Sales and Storage
10. Business Service Establishment
11. Commercial Printing
12. Conference Center
13. Convenience Retail
14. Cultural Facility
15. Dry Cleaning Establishment, Laundromat
16. Essential Services
17. Flea Market, Farmer's Market
18. Fuel Sales Establishment
19. Funeral Homes
20. Golf Courses
21. Greenhouse, Greenhouse with nursery
22. Health Care Facility, In-patient or Out-patient
23. Laundromat
24. Library
25. Lodge hall
26. Mini-storage facility
27. Motel, Hotel, Cabins and Resort
28. Office Building
29. Office Parks
30. Personal Service Establishment
31. Public Building
32. Recycling Collection Point

33. Religious Institution
34. Restaurant, with or without Drive-Thru
35. Retail Food Establishment
36. Retail Outlet Store
37. Retail Sales Establishment
38. Retail Warehouse Outlet
39. Shopping Center
40. Tavern
41. Theater
42. Trade and Technical School
43. Utility Substation
44. Vehicle Repair Garage
45. Video Arcade
46. Warehousing
47. Wholesale Establishment

1272.03 SPECIAL LAND USES AUTHORIZED BY PERMIT.
The following uses of land and structures may be permitted in this District by application for and the issuance of a Special Land Use as provided for in Chapter 1280:

1. Adult Foster Care Large Group Home
2. Assisted Living Facility, Nursing Home
3. Billboards used solely for advertising or publicity purposes. The Planning Commission shall be guided by Section 1280 and the following standards when making decisions regarding billboards as a Special Land Use:
   a. Such billboards shall not extend more than fifteen feet above street grade;
   b. Such billboards shall have a minimum setback of twenty-five feet from the edge of the street right-of-way;
   c. There shall be a minimum distance of 1,000 feet between billboards; and
   d. Billboards along public highway rights-of-way shall comply with all laws, regulations and requirements of then State of Michigan and its various agencies and departments
4. Contractor Yards
5. Day Care Center
6. Food Processing Establishment
7. Freight Handling Facility
8. Greenhouse with nursery
9. Kennels
10. Planned Unit Development
11. Recreational Uses: boat launch; campground; fishing pier; mini-golf
12. Recycling Collection Point
13 Residence, Multiple family
14. Residence, Upper Floor Commercial Building
15. Sidewalk Café
16. Temporary Outdoor Facility

17. Use, building or structure constructed or erected within the Teal Lake Overlay District (§1278 of these Codified Ordinances). Such proposed uses shall be evaluated pursuant to the requirements in §1280 and in the Teal Lake Overlay District.
18. Veterinary Clinic
19. Wireless Communication Facility
20. Wireless Communication Facility, Attached
21. Wireless Communication Towers

1272.04 PERMITTED ACCESSORY USES.
Any accessory use or structure that is normally associated with a permitted use.

1272.05 GENERAL REGULATIONS.
(a) Site Plan: No building permit, certificate of occupancy or zoning compliance permit shall be issued authorizing any development on a lot in the Business District (B-2) without first securing the approval of the Planning Commission of a site plan pursuant to this Ordinance Code Section 1283 demonstrating that such proposed development will comply with all of the standards described in Chapter 1280 and with all other requirements of this Zoning Code.

(b) Obscuring Wall, Fence or Shrub: Whenever the parking plan for a development in the Commercial Business 2 (B-2) District is laid out so as to bring automobile headlights toward any residential land, an obscuring wall, fence, or shrub four (4) feet, six (6) inches in height shall be provided along that side of the parking area.

(c) Height of Buildings: No building or structure thereof shall be erected or altered to a height exceeding fifty (50) feet except a permitted nonresidential structure may exceed this limit by one (1) foot for each foot in excess of ten (10) feet that the building or structure is set back from all property lines

(d) Lot Area: No building shall be erected or altered unless it is on a lot having an area of not less than 9600 square feet. This regulation shall not apply to lots already platted and recorded as of the effective date of this Zoning Code, where the owner of such plated lots does not own a sufficient amount of adjacent land to permit compliance, provided that all other requirements of the Zoning Code are me.

(e) Lighting: Lighting shall be installed so as to avoid shining on to the waters of the lake or on to adjacent lots. Each light pole or structure, including signs, shall be 30 feet in height or less.

(f) Lot Frontage: Uses other than residential shall have no requirements as to lot frontage, front yard, rear yard, side yard or coverage.

(g) Prohibited Uses: Any process or activity resulting in the emission of odor, fumes, smoke, dust, excessive noise or vibration, or of a character generally detrimental and disturbing to the District as a whole, shall be prohibited, unless such processes or activities meet federal, state, and local regulations pertaining to health and safety, and do not affect other properties.

Chapter 1273
Industrial District (I)

1273.01 INTENT.
The Industrial District (I) is intended to accommodate establishments when the finished product generally consists of small machine parts, small electronic equipment or similar items.

1273.02 PERMITTED PRINCIPAL USES.

1. Automobile Wash Facility
2. Automobile Sales or Showrooms, New or Used
3. Bottling Works
4. Building Material Sales and Storage
5. Business Service Establishment
6. Commercial Printing
7. Contractor Yard
8. Essential Services
9. Light Manufacturing and Assembly
10. Mini-storage Facility
11. Office Buildings,
12. Office Parks
13. Public Building
14. Recycling Center, Junk Yard, Salvage Yard
15. Recycling Collection Point
16. Recycling Plant
17. Trade and Technical School
18. Utility Substation
19. Vehicle Body Shop
20. Vehicle Repair Garages
21. Wholesale and Warehousing Facility

1273.03 SPECIAL LAND USES AUTHORIZED BY PERMIT.
The following uses of land and structures may be permitted in this District by application for and the issuance of a Special Land Use as provided for in Chapter 1280:

1. Asphalt Plant
2. Banks and Financial Institutions
3. Bowling Alley
4. Conference Center
5. Convenience Retail
6. Food Processing Establishment
7. Freight Handling Facility
8. Fuel Sales Establishment
9. Gravel/Sand Pit
10. Greenhouse, Greenhouse with nursery

11. Heavy Manufacturing and Assembly
12. Planned Unit Development
13. Retail Warehouse Outlet
14. Storage of Flammable Liquids or Gas Facility
15. Use, building or structure constructed or erected within the Teal Lake Overlay District (§ 1278 of these Codified Ordinances). Such proposed uses shall be evaluated pursuant to the requirements in §1280 and in the Teal Lake Overlay District.
17. Veterinary Clinic
18. Wireless Communication Facility
19. Wireless Communication Facility, Attached
20. Wireless Communication Tower
21. Woodyard

1273.04 PERMITTED ACCESSORY USES.
Any accessory use or structure that is normally associated with a permitted use.

1273.05 GENERAL REGULATIONS.
(a) Site Plan: No building permit, certificate of occupancy or zoning compliance permit shall be issued authorizing any development on a lot in the Industrial District (I) without first securing the approval of the Planning Commission of a site plan pursuant to this Ordinance Code Section 1283 and with all other requirements of this Zoning Code.

(b) Height of Buildings: No building or structure shall exceed a height of seventy-five feet or six stories.

Chapter 1274
Public Area District

1274.01 INTENT.
The Public Area District (PA) is intended to establish and preserve appropriate access for City, public, or quasi-public uses which are designed to serve the entire community or specific section of it, except such uses as constitute a nuisance in the place where conducted, and to allow the necessary flexibility to address specific land use proposals regarding public lands to make informed decisions in the best interests of the public, health, safety, and welfare of the city and its residents.

1274.02 PERMITTED PRINCIPAL USES.

1. Land held for public use.

1274.03 SPECIAL LAND USES AUTHORIZED BY PERMIT.

1. Cemeteries
2. Community School District facilities
3. Concessions
4. Essential Services
5. Libraries
6. Municipal Buildings
7. Municipal Water/Wastewater Facilities
8. Planned Unit Development
9. Police and Fire Stations
10. Post Offices
11. Public Recreation facilities including parks, playgrounds, camps, camp grounds, winter sports facilities, trails, golf courses, and similar recreation facilities.
12. Solid Waste Transfer Stations
13. Temporary Outdoor Activities
14. Wireless communications facilities

1274.04 PERMITTED ACCESSORY USES.
Any accessory use or structure that is normally associated with a permitted use.

1274.05 GENERAL REGULATIONS.
(a) Site Plan: No building permit, certificate of occupancy, or zoning compliance permit shall be issued authorizing any development on a lot in the Public Area District (PA) without first securing the approval of the Planning Commission of a site plan pursuant to this Ordinance Code Section 1283 demonstrating that such proposed development will comply with all of the standards described in Chapter 1280 and with all other requirements of this Zoning Code.

(b) Prohibited Uses: Any process or activity resulting in the emission of odor, fumes, smoke, dust, excessive noise or vibration, or of a character generally detrimental and disturbing to the

District as a whole, shall be prohibited, unless such processes or activities meet federal, state, and local regulations pertaining to health and safety and do not affect other properties.

Chapter 1275

Mining District (M)

1275.01 INTENT.
The Mining District is intended to accommodate uses associated with ore mining, excavation or extractive processing. The district includes caving grounds and abandoned shafts and mines.

1275.02 PERMITTED PRINCIPAL USES.

1. Gravel/Sand Pits
2. Mining operations (extractive processing)

1275.03 SPECIAL LAND USES AUTHORIZED BY PERMIT.
The following uses of land and structures may be permitted in this District by application for and the issuance of a Special Land Use permit as provided for in Chapter 1280:

1. Recreational Uses: tracks (ORV, bicycle, BMX, motor cross, go-carts, snowmobile, car, midget racing), motorized and non-motorized trails, athletic fields, and similar uses.
2. Use, building or structure constructed or erected within the Teal Lake Overlay District (§1278 of these Codified Ordinances). Such proposed uses shall be evaluated pursuant to the requirements in §1280 and in the Teal Lake Overlay District.
3. Wireless Communication Facility
4. Wireless Communication Facility, Attached.
5. Woodyard.

1275.04 PERMITTED ACCESSORY USES.
Any accessory use or structure that is normally associated with a permitted use.

1275.05 GENERAL REGULATIONS.
(a) Height of Buildings: No building or structure shall exceed a height of seventy-five feet or six stories.

Chapter 1276
Natural Resource District (NR)

1276.01 INTENT.
The Natural Resource District is intended to provide open space in conjunction with recreational uses and other services and to preserve the character of the land in the City which has outstanding scenic and/or recreational qualities. Development shall only be authorized by issuance of a Special Land Use Permit.

1276.02 SPECIAL LAND USES AUTHORIZED BY PERMIT.
The following uses of land and structures may be permitted in this District by application for and the issuance of a Special Land Use Permit as provided for in Chapter 1280:

1. Non-motorized Recreational Uses: such as archery range (outdoor), natural campground, cross county skiing or other such trails, fishing pier, picnic area, passive park, swimming beach
2. Temporary outdoor activity
3. Nature Center
4. Essential Services

Chapter 1278
Teal Lake Overlay District (TL)

1278.01 INTENT.
To prevent development near the shoreline of Teal Lake which would have a detrimental effect upon the purity of the water, the Character of the lake, or the public enjoyment of the scenic views and the shoreline and waters of Teal Lake.

1278.02 SPECIAL LAND USES AUTHORIZED BY PERMIT.
Any permitted use, or Special Land Use, permitted by the underlying district, provided said use complies with this sector and §1280, Special Land Uses. However, no building, structure, or parking lot will be erected or placed within two hundred (200) feet of the high water mark of Teal Lake, without prior approval by the Planning Commission as a Special Land Use in accordance with Chapter 1280.

1278.03 DISTRICT BOUNDARIES.
Teal Lake shall be defined as encompassing all the lake area as defined by law, which lies north of US Highway 41. The boundaries of the Teal Lake Overlay District shall be within a 200 foot perimeter around Teal Lake, measured from the high water mark of 1367 feet.

1278.04 GENERAL REGULATIONS.
The following general regulations will apply to all buildings or structures, in addition to all requirements of the underlying zoning district:

(a) Rear Yard: There shall be a setback line of not less than fifty (50) feet from the high water mark of Teal Lake.

(b) Side Yards: Every site shall have two side yards, neither of which shall be less than ten percent (10%) of the width of the sites. The width of the site shall be determined at the front setback line of the structure to be built.

(c) Lighting shall be installed so as to avoid shining on to the waters of the lake or on to adjacent lots. Each light pole or structure, including signs, shall be 30 feet in height or less.

Chapter 1280
Special Land Uses

1280.01 APPROVAL BY PLANNING COMMISSION REQUIRED; STANDARDS.
Whenever special land uses are proposed, such uses shall be permitted only after review and approval by the Planning commission as established in Chapter 1220. The Planning Commission shall approve a special land use only upon a finding of compliance with each of the following standards:

(a) The special land use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area;

(b) The special land use shall not change the essential character of the surrounding area;

(c) The special land use shall not interfere with the general enjoyment of adjacent property;

(d) The special land use shall represent an improvement to the property under consideration and the surrounding area in general;

(e) The special land use shall not be hazardous to adjacent property or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes or glare;

(f) The special land use shall be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed conditional use shall be able to continually provide adequately for the services and facilities deemed essential to the conditional use under consideration; and

(g) The special land use shall not place demands on public services and facilities in excess of current capacity.

1280.02 CONDITIONS FOR APPROVAL; ENFORCEMENT; APPEALS; NOTICE.
(a) The Planning Commission may impose conditions with the approval of a special land use which are necessary to insure compliance with the standards for approval and any other applicable standards contained in this Zoning Code. Such conditions shall be considered an integral part of the special land use permit and shall be enforced by the City Zoning Administrator.

(b) Any decision made by the Planning Commission concerning special land uses may be appealed to the Board of Zoning Appeals.

(c) The notice requirements set forth in this Code and State law shall be observed relative to the consideration of all special land uses by the Planning Commission.

Chapter 1281
Planned Unit Development

1281.01 INTENT.
To permit greater flexibility in the use and design of structures and land in situations where modifications of specific provisions of this Zoning Code will not be contrary to its intent and purpose or significantly inconsistent with the planning on which it is based and will not be harmful to the neighborhood in which they occur. A Planned Unit Development (PUD) should result in development which maximizes the provision of open space, preserves natural features, and provides a harmonious arrangement of structures and uses. More than one principal use and/or structure per lot may be permitted.

1281.02 ELIGIBILITY.
In order to be approved by the Planning Commission, a proposed Planned Unit Development shall:

(a) On parcels at least two acres in size:
1. Provide for open space and preservation of natural features; clustered development and similar design methods are encouraged.
2. Minimize the amount of impervious surfaces created.
3. Provide a harmonious and efficient arrangement of all structures and uses in relation to topography, the size and type of plot, the character of adjoining property, and the type and size of buildings. Arrangements of buildings shall be done in such a way to utilize natural topography, existing vegetation and views within and beyond the site.

(b) On parcels over 10 acres in size:
1. Provide for open space and the preservation of natural features.
2. Minimize the amount of new impervious surfaces created. The developer shall take into consideration the impact of the size and location of existing impervious surfaces when proposing new impervious surfaces.
3. Arrangements of proposed buildings shall be done in such a way to utilize natural topography, existing vegetation and views within and beyond the site.

1281.03 APPLICATION AND MODIFICATION POWERS.
(a) The applicant shall submit an application to the Planning Commission in accordance with the procedures set forth herein.

(b) In acting upon the application, the Planning Commission may alter setback requirements, building size limits, off-street parking regulations, landscaping rules, and density and intensity limits. It may also authorize uses not permitted in the district where the lot is located, providing such uses are desirable or convenient for the users of the lot as developed or the immediate neighborhood and provided that such uses are planned so as to assure that they will not materially alter the existing character of the neighborhood.

The provisions of this chapter shall be applied to the existing Zoning District, as defined on the zoning map, where the PUD is to be located.

1281.04 PRELIMINARY CONFERENCE.
Prior to preparing a formal application, the applicant shall meet with the Zoning Administrator to discuss the proposed development and application procedures. No decision regarding any proposed PUD is to be established at this conference.

1281.05 PRELIMINARY APPLICATION.
Following the preliminary conference, the applicant shall prepare and submit 12 copies of a preliminary application which consists of the following written and graphic documents, together with any fee(s) which have been imposed by the Negaunee City Council.

(a) A written description of the proposed PUD, including:

1. How the proposed PUD is consistent with the intent of this chapter, and with the eligibility criteria in Section 1281.02.
2. A statement identifying all intended uses, including future sales or leasing arrangements of all or portions of the proposed PUD.
3. A legal description of the proposed PUD parcel.
4. A listing of all owners, holders of easements, and other interested parties.
5. A projected assessment of the proposed PUD demands on public services and utilities, including, but not limited to, water, sewer, electrical service, streets and roads, sidewalks, refuse disposal, and emergency services. Nonresidential proposals shall include an indication of the number of employees, number of floors and estimated usable floor area.

(b) A preliminary site plan shall be provided on 12 identical copies on one or more sheets, at a scale adequate to illustrate the proposed activity, and shall include the following information. If the preliminary site plan has been prepared in digital format (.dwg, .dxf, etc.), a copy shall be provided to the city.

1. The legal description and street address of the lot(s).
2. The name, address and telephone number of the owner, developer, and/or designer.
3. An area location map, the proposed use, zoning of adjacent parcels and existing zoning classification.
4. Drawing date and revision date.
5. North arrow and scale.
6. The actual dimensions of the lot(s) as shown with a signature by a licensed surveyor, engineer, architect, or registered landscape architect, with survey stakes visible. The requirement for a survey may be waived if building dimensions will not change as a result of the proposed activity.
7. The relationship of the subject lot(s) to abutting properties.
8. Depiction of all existing structures, including signs, on the subject lot(s) shown to scale.
9. The dimensions of all proposed structures on the subject lot(s), including location,

finished floor area, exterior buildings elevations, and height of proposed buildings.

10. Distances between existing structures and proposed structures on the subject lot(s) and distance between lot lines and proposed structures.
11. Use of all existing or proposed structures on the subject lot(s).
12. The location of all proposed fences and planting screens or other buffers.
13. The location and right-of-way widths of all streets, alleys, private road easements and/or railroads located within or abutting the subject lot(s).
14. Named streets should be labeled.
15. The location of all existing and proposed ingress/egress points, sidewalks, driveways and parking areas on the subject lot(s).
16. The locations of existing ingress/egress points, driveways, streets, alleys and/or railroads within 300 feet of the boundaries of the subject lot(s).
17. The size and location of all existing and proposed public and private utilities.
18. The location of natural features affecting development, such as rock outcrops, water, wetlands, etc.
19. The location of existing and proposed surface water impoundments and surface water drainage patterns.
20. The location and extent of all planned earth movement.
21. The location of areas on the parcel that will be utilized for the storage of snow and the resulting anticipated drainage patterns that will result from the melting snow.
22. The location of proposed lighting and the direction of the illumination.
23. The locations, sizes, and materials to be used for trash receptacle areas and methods of screening said areas.
24. Recreation areas and trails.
25. Any other information necessary, in the opinion of the Zoning Administrator, to establish compliance with the provisions of this Zoning Code or any other applicable ordinances.

(c) A development schedule; a list of proposed covenants or deed restrictions; any proposed maintenance agreements on open space or common ownership areas; and a description of the type of financial guarantees to be utilized to insure PUD development.

1281.06 WAIVER OF FINAL APPLICATION.

The applicant may request that the requirement of Section 1281.06 for a final application be waived, and include all of the information required for a final application with the preliminary application. If, upon submittal, the Zoning Administrator finds that all items required by Section 1281.05 and Section 1281.08 are included the requirement for a final application and final public hearing may be waived. If the requirement for a final application is waived, the public hearing notice and all other materials pertaining to the preliminary application should clearly state that the final application requirement has been waived, and that no further public hearings on this application are anticipated.

1281.07 APPROVAL OF APPLICATION.

(a) Within sixty days of the Zoning Administrator's receipt of the complete Preliminary Application the Planning Commission shall hold a public hearing in accordance with the

requirements of this Zoning Code to review the preliminary application. In making its review of any portion of the PUD preliminary application, the Planning Commission shall determine whether the proposed PUD is consistent with the standards outlined in Section 1281.10 and Section 1280.01 and other relevant provisions of this Zoning Code. Following the review, the Planning Commission shall approve, approve with conditions or subject to modifications, or deny the preliminary application. Action taken on the preliminary application shall be specified in writing, including the reasons for approval or denial of the application, and any conditions imposed as part of approval with conditions.

(b) Approval of the preliminary application does not constitute recording of the plan nor authorize the issuance of building permits.

(c) Within a maximum of 9 months following preliminary approval, the applicant shall file for final application as outlined below. For good cause, the Planning Commission may extend this time period for up to 6 months. If the applicant fails to apply for the final application for any reason, approval or conditional approval shall be revoked.

1281.08 FINAL APPLICATION.

(a) Following approval or approval with conditions of the preliminary application, the applicant shall prepare and submit 12 copies of a final application which shall include:

1. All information as required by the Planning Commission for preliminary approval or conditional approval of the preliminary application, including modifications required to meet conditions imposed on the preliminary application, if any.

2. Signed copies of any preliminary plats, in accordance with the Land Division Act (Act 288 of 1967, as amended).

3. A detailed development time schedule.

4. Deed restrictions or covenants of the parcel.

5. Any other plans, documentation or specifications, as the Planning Commission may require to insure final engineering review and approval, which may include building plans, elevation and perspective drawings, drainage, road or other facility designs, and letters of commitment or intent insuring adequate financing for public utilities and/or services.

(b) The Planning Commission shall hold a second public hearing, within 30 days of the Zoning Administrator's receipt of the complete final application, and shall determine whether or not the final plans substantially conform to the approved preliminary development plan and are in proper form for final recording. Action taken on the final application shall be specified in writing, including the reasons for approval or denial of the application, and any conditions imposed as part of approval with conditions.

1281.09 AUTHORIZATION AND ISSUANCE OF SPECIAL LAND USE PERMIT.
(a) Where the Planning Commission determines that the final application is consistent with this chapter and other requirements thereof, and is in proper form for recording, it shall authorize a PUD special land use permit for development and use in accordance with the final accepted development plan. The PUD special land use permit shall be issued on the condition that construction will be commenced within 12 months of the date of issue. Authorizing the PUD special land use permit shall not obligate the Planning Commission or the Negaunee City Council to enforce any deed restrictions or covenants of the development parcel.

(b) The PUD special land use permit shall be issued following evidence of recording of the PUD final development plan with the Marquette County Register of Deeds.

1281.10 PLANNED UNIT DEVELOPMENT STANDARDS.
All preliminary and final applications shall be evaluated with respect to the following standards:

(a) Yard, setback, lot size, type of dwelling unit, height, and frontage requirements and restrictions may be waived for the PUD, provided, however, that the spirit and intent of this chapter as defined in the intent statement, are incorporated within the total development plan. The Planning Commission may determine that certain setbacks be established within all or a portion of the perimeter of the site, and shall determine the suitability of the total development plan in accordance with the intent of this chapter.

(b) Access: Every structure or dwelling unit shall have access to a public street, or to a private roadway built to city specifications and dedicated to common use. A maintenance agreement shall be required for private roadways.

(c) Sidewalks: For areas of residential development and significant pedestrian use, all streets and roadways within the PUD shall have a sidewalk at least four feet in width on at least one side of the street or roadway, unless otherwise excluded by the Planning Commission.

(d) Land Usage: Structures and uses shown on the development plan shall be arranged so as not to be detrimental to existing or proposed structures within the development or surrounding neighborhood.

(e) Privacy: Each development shall provide visual and acoustical privacy or provide for spatial separation for dwelling units. Fences, walks, barriers, and landscaping or open space shall be used for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views or uses and reduction of noise. The planning commission has the right to deem what is reasonable in these situations.

(f) Off-Street Parking: Parking convenient to all dwelling units and other uses shall be provided. Common driveways, parking areas, walks, or steps may be required together with appropriate lighting deemed by the planning commission, in order to insure the safety of the occupants and the general public. Screening of parking and service areas may be required through use of trees, shrubs, hedges or screening walls.

(g) Utilities: PUD's shall provide for the cost effective and necessary installation of utilities (including, water, wastewater, cable TV, electricity, natural gas and telephone). In certain circumstances due to safety and/or aesthetics, the Planning Commission may require the installation of utilities underground. In no instance shall the PUD place demands in excess of the capabilities of the affected public facilities and services.

(h) Planting: The appeal and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; additional new landscaping shall be added where deemed appropriate and necessary for privacy, shade, beauty of buildings and grounds, and to screen out objectionable features. Plant materials used shall be appropriate for the function they are to serve (i.e. parking lot trees or landscaping located along the roadway need to be large and hearty enough to survive the harsh environment and plantings for screening shall provide adequate buffer). Salt tolerant species shall be planted near roadways and parking lots. Landscaping shall not block the views at intersections.

(i) Lighting: Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so than it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.

(j) Drainage: Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or nearby bodies of water. Provisions shall be made to accommodate storm water, prevent erosion and the formation of dust. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create standing water.

(k) Screening: All loading and unloading areas and outside storage areas, including refuse storage stations, shall be screened from view.

(l) The PUD shall be consistent with the standards outlined in Section 1280.01 and other relevant provisions of the Zoning Code.

1281.11 CHANGES IN APPROVED PUD.

(a) Changes in the location site or character of the building and structures may be authorized by the Planning Commission, if required by engineering or other circumstances not foreseen at the time the final development plan was approved.

(b) Changes which cause a change in the use, character, or intent of the development, an increase in the intensity of use, changes in the overall coverage of the structures, or problems of traffic circulation, utility services, or similar services, or a reduction in the approved open space, off-street parking and loading space, or pavement width requirements may be authorized by the Planning Commission following a public hearing. The public hearing notice shall be published not less than 15 days prior to the public hearing, in accordance with Section 1280.02(c).

(c) Changes which are approved must be made and recorded in accordance with the procedures established for the recording of the initial final development plan.

Chapter 1282
Open Space Preservation

1282.01 INTENT.
It is the intent of this article to offer an open space preservation option to developers as authorized by Act 179 of 2001 for the purpose of:
(a) Assuring the permanent preservation of open space, agricultural lands, and other natural resources;

(b) Allowing innovation and greater flexibility in the design of residential developments;

(c) Encouraging a less sprawling form of development, thus preserving open space.

For the purpose of this article the term "open space" shall refer to a natural state preserving natural resources, natural features, or scenic or wooded conditions; agriculture use; or a similar use or condition.

1282.02 ELIGIBILITY CRITERIA.
To be eligible for open space preservation consideration, the applicant must present a proposal for residential development that meets each of the following:

(a) Minimum Project Size. The minimum size of an open space preservation development shall be five (5) acres of contiguous land.

(b) Unified Control. The proposed development shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed.

(c) Guarantee of Open Space. The applicant shall guarantee to the satisfaction of the Planning Commission that all open space portions of the development will be maintained in the manner approved. Documentation shall be presented that binds all successors and future owners in fee title to commitments set forth in the applicant's proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the City and the land uses continue as approved in the open space preservation site plan.

1282.03 PROJECT DESIGN STANDARDS.
A proposed open space preservation project shall comply with the following project design standards:

(a) The open space preservation option is applicable only in the Rural Residential district and restricted to residential development.

(b) Unless specifically waived or modified by the Planning Commission, and excepting the

minimum lot area, all Zoning Ordinance dimensional requirements for the underlying zoning district and other City regulations shall remain in full force.

(c) The developer shall maintain a minimum of twenty percent of the gross area of the site as dedicated open space. Land dedicated for open space does not include a golf course, street rights-of-ways, unbuildable land areas, or submerged land areas but may include a recreational trail, picnic area, children's play area, greenway or linear park. The dedicated open space may be, but is not required to be, dedicated to the use of the public.

(d) The number of dwelling units allowable within an open space preservation project shall be determined in the following manner: The applicant shall prepare and present to the Planning Commission a design of the area that is consistent with the existing City zoning requirements. The Planning Commission shall review the design and determine the number of lots that could be feasibly constructed on the property. This number, as determined by the Planning Commission, shall be the maximum number of dwelling units allowable for the open space preservation project.

(e) To encourage flexibility and creativity consistent with the open space preservation concept, the Planning Commission may grant specific departures from the requirements of the Zoning Ordinance for yard, lot, and bulk standards as a part of the approval process. Any regulatory modification approved by the Planning Commission shall result in a higher quality of development than would be possible using conventional zoning standards. The regulatory modifications are not subject to variance approval of the Zoning Board of Appeals. No part of an open space preservation site plan may be appealed to the Zoning Board of Appeals.

(f) The dedicated open space shall be set aside by the developer through an irrevocable conveyance that is found acceptable to the Planning Commission, such as:

1. recorded deed restrictions in perpetuity,
2. covenants that run perpetually with the land, or
3. a conservation easement established per the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended (M.C.L. 399.251).
4. deeded property to the city

(g) Such conveyance shall assure that the open space "will be protected from all forms of development and shall never be changed to another use." Such conveyance shall:

1. Indicate the proposed allowable use(s) of the dedicated open space.
2. Require that the dedicated open space be maintained by parties who have an ownership interest in the open space.
3. Provide standards for scheduled maintenance of the open space.
4. Provide for maintenance to be undertaken by the City of Negaunee in the event that the dedicated open space is inadequately maintained, or is determined by the City to be a public nuisance, with the assessment of costs upon the property owners of the development.

(h) The dedicated open space shall forever remain open space, subject only to uses set forth on the approved site plan. Further subdivision of open space land or its use for other than recreation

or conservation shall be strictly prohibited.

(i) Accessory structures related to a recreation or conservation use may be erected within the dedicated open space, subject to the approved open space preservation site plan. These accessory structures shall not exceed, in the aggregate, one percent (1%) of the total required open space area.

(j) Direct access onto a public road shall be required for all developments receiving approval under the open space preservation option.

(k) The developer shall be responsible for construction of roads providing access into and circulation within the new development.

(l) The development shall be designed to promote the preservation of natural features. If animal or plant habitats of significant value exist on the site, the Planning Commission, as a condition of approval, may require that the open space preservation site plan preserve these areas in a natural state and adequately protect them as nature preserves or limited access areas.

1282.04 PROJECT STANDARDS.
In considering any application for approval of an open space preservation site plan, the Planning Commission shall make the determinations on the basis of the standards for site plan approval set forth in Chapter 1283 Site Plan Review as well as the following standards and requirements:

(a) Compliance with the project design standards in Section 1246 and Section 1248.

(b) The open space preservation project shall be designed to minimize the impact of traffic generated by the proposed development on surrounding uses.

(c) The proposed open space preservation project shall be protective of the natural environment.

(d) Compliance with all applicable federal, state, and local regulations.

1282.05 APPLICATION AND APPROVAL PROCESS.
(a) The application for approval of an open space preservation proposal shall be in accordance with procedures for consideration of a special use permit. The required materials and fees shall be submitted to the Zoning Administrator.

(b) Approval of an open space preservation proposal shall be upon issuance of a special use permit following a public hearing. All improvements and uses of the site shall conform with the approved open space preservation site plan and comply fully with any conditions imposed by the Planning Commission.

(c) The applicant shall record an affidavit with the register of deeds containing the full legal description of the project site specifying the date of final City approval, and declaring that all improvements will be carried out in accordance with the approved open space preservation site plan unless an amendment is adopted by the Planning Commission. In addition, all deed

restrictions and easements shall be duly filed with the register of deeds of the County and copies of recorded documents presented to the city.

(d) Following final approval of the open space preservation site plan by the Planning Commission, a zoning compliance permit may be obtained. It shall be the responsibility of the applicant to obtain all other applicable, city, county, state or federal permits.

(e) If construction has not commenced within twenty-four months of final approval, all City approvals become null and void. The applicant may make written application to the Planning Commission for an extension, not to exceed twelve months. A maximum of two extensions may be allowed.

(f) The Planning Commission may require that a performance guarantee be deposited with the City Treasurer to insure completion of improvements.

1282.06 REVISION OF APPROVED PLANS.
Minor changes to an approved open space preservation site plan may be permitted by the Planning Commission following normal site plan review procedures outlined in Chapter 1283, subject to the finding of all of the following:

(a) Such changes will not adversely affect the initial basis for granting approval;

(b) Such minor changes will not adversely affect the overall open space in light of the intent and purpose of such development as set forth in this Article; and

(c) Such changes shall not result in the reduction of open space area as required herein.

(d) Changes which are a substantial departure from the approved site plan or alter the character or intent of the development will require the resubmission of the proposal to the Planning Commission for a public hearing.

Chapter 1283
Site Plan Review

1283.01 INTENT.
It is the purpose of this chapter to require site plan review and approval for all buildings, structures and uses, because they can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels and the character of future development. The regulations contained herein are intended to provide and promote the orderly development of the City; safe and convenient traffic movement, both within a site and in relation to access streets; the stability of land values and investments, by preventing the erection of structures, additions or alterations thereto without proper attention to setting, aesthetic considerations, or to unsightly or undesirable appearances; harmonious relationship to buildings, other structures and uses, both within a site and/or adjacent sites; the conservation of natural amenities and resources; and to otherwise protect the general safety, health and welfare of the City.

1283.02 SITE PLAN REQUIRED.
(a) A site plan shall be required and shall accompany the applications for Zoning Compliance Permits for:

1. Any proposed construction.
2. Any commencement of a new use.
3. Any proposed change in use.
4. Special Land Use Permit.
5. Variances.
6. Any other request for zoning status where the Zoning Administrator determines a site plan is necessary for accurate review or documentation of the existing development.
7. When required by other city ordinances.

(b) For site plans pursuant to §1283.04, ten copies of the site plan shall be provided to the Zoning Administrator. For site plans pursuant to §1283.03, one copy of the site plan shall be provided to the Zoning Administrator.

1283.03 SITE PLANS FOR SINGLE AND TWO-FAMILY DWELLINGS AND RESIDENTIAL ACCESSORY USES AND STRUCTURES.
(a) The site plan drawing for single and two-family dwellings and for their alterations, accessory uses and structures, as well as for applications involving expansion of no more than 5% of the square footage of an existing structure which does not involve a change in the use for said property, shall show the following information:

1. The legal description of the site and the property tax identification number.
2. All lot lines and dimensions of the lot.
3. All roads, easements, driveways, and parking areas.
4. All existing and proposed buildings, accessory buildings, and other structures shall be shown and labeled.
5. Proposed use of each building.
6. Distances between buildings and all lot lines.

7. Building dimensions.
8. Natural features affecting development (rock, water, etc.).
9. Well and septic locations.
10. A North arrow.

1283.04 SITE PLANS FOR USES OTHER THAN SINGLE- AND TWO-FAMILY DWELLINGS

(a) The site plan drawing for applications involving expansion of no more than 5% of the square footage of an existing structure which does not involve a change in the use for said property shall show the following information:

1. The legal description of the site and the property tax identification number.
2. All lot lines and dimensions of the lot.
3. All roads, easements, driveways, and parking areas.
4. All existing and proposed buildings, accessory buildings, and other structures shall be shown and labeled.
5. Proposed use of each building.
6. Distances between buildings and all lot lines.
7. Building dimensions.
8. Natural features affecting development (rock, water, etc.).
9. Well and septic locations.
10. A North arrow.

(b) Site plans meeting the following standards shall be required for all applications other than those prepared pursuant to Section 1283.03, including applications for Special Land Use Permits and for Variances.

1. A survey prepared by a licensed surveyor depicting the location of all lot lines, with survey markers erected on site. This requirement may be waived by the Planning Commission upon request by the applicant, in the event that the Planning Commission finds that the survey is unnecessary due to the configuration of the property and/or existing development.
2. A drawing to scale adequate to illustrate the proposed activity.
3. A legal description of the lot; the property tax identification number; the name, address and telephone number of the owner, developer and designer.
4. Date, North arrow, and scale.
5. The actual dimensions of the proposed developed area (as shown by a licensed surveyor, engineer, architect, or registered landscape architect, with the survey stakes visible) showing the relationship of the subject property to abutting properties.
6. The location of all existing and proposed structures, including signs, on the subject property and all existing structures on land immediately adjacent to the site within 10 feet of the site's parcel lines. The location of structures proposed for demolition.
7. The location of all existing and proposed drives and parking areas.
8. The location and right-of-way widths of all abutting streets, alleys, and private easements.

9. The location of proposed planting and screening, fencing, signs and advertising features.
10. The height and floor area of all proposed structures.
11. The size and location of all existing and proposed public and private utilities and required landscaping.
12. Any other information necessary to establish compliance with this Ordinance or any other applicable ordinances.
13. Location of all existing and proposed surface water impoundments and surface water drainage pattern. Indicate whether local, state or federal permits have been applied for.
14. The location and extent of all earth movement which is planned. Indicate if a sedimentation and erosion control permit has been applied for.
15. The location on the parcel that will be utilized for the on-site storage of snow and the resulting anticipated drainage pattern that will result from the melting snow.
16. The location of proposed lighting and the direction of the illumination.

1283.05 REVIEW PROCEDURES.

(a) Upon receipt of a site plan, the Zoning Administrator shall conduct a preliminary review to determine whether the site plan is in proper form and contains all of the information required by this Ordinance.

(b) The Zoning Administrator shall review and approve or deny site plans, or refer the site plan to the Planning Commission for further review under Section 1283.03 and 1283.04(a). Such review or referral shall be accomplished within ten working days.

(c) The Planning Commission shall review and take action on all site plans except those addressed in Section 1283.03 and 1283.04(a) unless referred by the Zoning Administrator.

(d) For site plans which are to be reviewed by the Planning Commission, the Zoning Administrator shall provide all site plan materials to the Planning Commission, along with his preliminary review of its compliance with the requirements in the applicable District under this Ordinance, for the next Planning Commission meeting, provided that the complete site plan is provided to the Zoning Administrator 10 days prior to the Planning Commission meeting.

(e) If a zoning permit has been denied and a Variance is requested by the applicant, the Zoning Board of Appeals shall review the site plans for zoning variances. The Zoning Administrator shall forward the site plan materials to the Zoning Board of Appeals for the meeting.

(f) The Zoning Administrator, Planning Commission, and Zoning Board of Appeals shall use the standards in 1283.06 in their review of site plans. For site plans pursuant to Section 1283.03 and 1283.04(a), the standards of Section 1283.06 shall be presumed to be satisfied if the site plan meets the requirements set forth under “Accessory Buildings and Uses” and/or “General Regulations” in Sections 1268, 1269 or 1270, as applicable. Any denial of a site plan shall be in writing and specify inadequacies or deficiencies in the site plan, and may indicate changes which would result in approval.

(g) The applicant may appeal any denial to the Zoning Board of Appeals, who shall use the standards contained in 1283.06 in their review. The review shall be limited to those materials submitted to the Planning Commission.

1283.06 STANDARDS FOR SITE PLAN APPROVAL.

(a) The proposed use shall conform to the uses permitted in that district.

(b) All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property and the type and size of buildings. The site development shall not impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.

(c) Special attention shall be given to proper site surface drainage so that removal of storm waters will not adversely affect neighboring properties.

(d) The site plan shall provide reasonable visual and auditory privacy for all dwelling units located therein or on adjoining properties. Fences, walks, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.

(e) All buildings or groups of buildings shall be arranged to permit emergency vehicle access to each building.

(f) Every structure or dwelling shall have access to a public street, walkway or other area dedicated to common use. Attention must be given to assure that safe and efficient ingress and egress is provided and the placement of driveways will not be a traffic concern.

(g) All loading or unloading and outside storage areas at developments other than single- or two-family homes, including areas for storage of trash, which face or are visible from residential properties, abut a residential zone or public thoroughfares, shall be screened by a vertical fence consisting of adequate structural (fence) or plant materials no less than six feet in height.

(h) All outdoor lighting, whether for illuminating parking areas, buildings, signs and/or other structures shall be shielded, shaded, designed and/or directed away from all adjacent residential districts and uses; and further shall not glare upon or interfere with persons and vehicles using public streets. Whenever the parking plan is so laid out as to bring automobile headlights toward any residential land, an obscuring wall or fence four feet, six inches in height shall be provided along that side of the parking area. Flashing or intermittent lights shall not be permitted.

(i) Sufficient area shall be identified for the on-site storage of snow and anticipated drainage that will result from the melting snow.

(j) Sufficient off-street parking shall be provided for residents, customers and employees and all anticipated uses.

Chapter 1284
Nonconforming Uses

1284.01 ALTERATIONS.
A nonconforming use is one that is restricted to an area that was nonconforming at the time this Zoning Code was enacted or amended, subject to the following provisions:

(a) No existing structure devoted to a use not permitted by this Zoning Code in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located except as otherwise provided herein.

(b) Any nonconforming use may be extended throughout any part of a building which was manifestly arranged or designed for such use and which existed at the time of adoption or amendment of this Zoning Code, but no such use shall be extended to occupy any land outside such building.

(c) If no structural alterations are made, any nonconforming use of a structure, or of a structure and premises may be changed to another nonconforming use provided that the Planning Commission, by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Planning Commission may require appropriate conditions and safeguards in accordance with the purpose and intent of this Zoning Code.

(d) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations applicable to the district in which such structure is located, and the nonconforming use may not thereafter be resumed.

(e) When a nonconforming use of a structure, or of a structure and premises in combination, is discontinued or ceases to exist for twelve consecutive months, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.

(f) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

1284.02 REPAIRS AND MAINTENANCE.

(a) On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve consecutive months in the nature of ordinary repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not to exceed fifty percent of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this Code shall not be increased. Nothing in this Zoning Code shall be deemed to prevent the strengthening or restoring to a safe condition of any building or

part thereof declared to be unsafe by any official charged with protecting the public safety, upon the order of such official.

(b) In the event that a building has been destroyed by fire or other calamity, the building may maintain its nonconforming use status if the building is rebuilt on the same footprint as the destroyed building within 12 months of the date of the calamity.

Chapter 1285
Home Occupations

Home occupations may be conducted within a single or two-family dwelling unit in accordance with the following requirements:

(a) There shall be no exterior display other than one nonilluminated nonprojecting sign, which shall not be more than two square feet in area and which shall be attached to the wall of the building;

(b) Not more than one (1) person who is not a resident of the dwelling shall be involved in the home occupation;

(c) A generally recognized retail store similar to those permitted in the Business Districts shall not be considered a home occupation;

(d) Home occupations shall not require exterior alterations or involve construction features not customary in dwellings, or required use of mechanical or electrical equipment which shall create a nuisance to the adjacent neighborhood.

(e) Off-street parking shall avoid conflicts with adjacent dwelling units and prevent congestion in the street. Home occupations shall not require a loading/unloading area.

(f) Instruction in a fine art, craft or music shall be considered a home occupation.

(g) Not more than one-fourth (1/4) of the living area of the dwelling unit and less than one-half (1/2) of the living area of the main floor shall be devoted to the home occupation. No part of an accessory structure, either attached or detached shall be used. In no instance shall one (1) or more home occupations in any single dwelling unit permanently occupy more than three hundred (300) square feet of the dwelling unit.

(h) A home occupation shall not create a nuisance or endanger the health, safety, welfare, or enjoyment of any other person in the area, by reason of noise, traffic, safety hazards, dirt, dust, gas, vibration, glare, fumes, odor, unsanitary or unsightly conditions, fire hazards, or the like, involved in or resulting from such home occupation.

(i) There shall be no outdoor storage of items supportive of the home occupation.

(j) Walk-in retail trade shall be prohibited. All wholesale, jobbing or retail business shall be conducted entirely by mail, email or telephone.

(k) All electrical motors and equipment used in the conduct of the home occupation shall be shielded so as not to cause radio or television interference for adjoining properties.

Chapter 1286
Supplementary Regulations

1286.01 RIGHT TO LIGHT.

(a) No person, firm or corporation shall build any structure in any single family, two family or rural residential zone in the City without complying with all of the provisions of this Zoning Code.

(b) No person, firm or corporation shall build or place any structure taller than the height set forth in the applicable zoning district, unless the structure comes within the exceptions set forth in subsection (c) hereof.

(c) An applicant must obtain approval from the Planning Commission for a building higher than the limitation set forth in subsection (b) hereof, where the applicant can show any one of the following conditions:

1. There is an existing principal residence building on an adjacent lot and the roof of the building will not be shaded by the building for more than one hour in any day at any time of the year, except one hour after sunrise and one hour before sunset.

2. There is an adjacent lot with no principal residence building and the proposed building will not shade any part of the lot on which the building is permitted by law and by applicable restrictions on the real estate, at a height of eighteen feet, for more than one hour in any day at any time of the year, except one hour after sunrise and one hour before sunset.
3. The adjacent lot is zoned for commercial or industrial purposes and is not in use for residential purposes.

(d) New subdivisions may be designed with innovative ways of preventing shading of residential buildings. Any design will be deemed to comply with the requirements of this chapter if that design results in no roof of any residence building being shaded for more than one hour in any day at any time of year, except one hour after sunrise and one hour before sunset.

1286.02 HEIGHT EXCEPTIONS.

Chimneys, cooling towers, elevators, windmills, penthouses, stacks, towers, shaft houses, tanks, monuments, cupolas and mechanical appurtenances pertaining to or necessary to a permitted use in the district in which they are located shall not be included in calculating the height of the principal structure.

1286.03 YARD AND COURT OBSTRUCTIONS.

Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except that open porches, fire escapes, open stairways and chimneys may be permitted where the same are so placed as not to obstruct light and ventilation.

1286.04 EXTERNAL WOOD AND SOLID FUEL BURNING BOILERS.
(a) It is the intent of this section to safeguard the health, comfort, living conditions, safety and welfare of the citizens by regulating the air pollution and fire hazards of outdoor wood, and solid fuel burning boilers.

(b) Stand alone wood and solid fuel fired heating/boiler systems shall conform to the following requirements:

1. Minimum setback of fifty (50) feet from all lot lines.
2. Minimum lot size of two acres.
3. Minimum chimney height of fifteen (15) feet, measured from grade to chimney top.
4. Associated wood or solid fuel storage and stove shall be located in rear of lot.
5. Installation and use shall be as per manufacturer's requirements, except as noted above.

1286.05 WIRELESS COMMUNICATIONS FACILITIES.
(a) It is the intent of this section to recognize that the City has a clear and identifiable interest in accommodating the communication needs of residents and businesses but also has an interest in regulating highly visible structures such as large, high communication towers. It is the City's interest, also, to induce, to the extent reasonable, cooperative use and collocation of such towers and their associated facilities and structures.

(b) Wireless Communication Facilities located by special Land Use Permit in the R-1, R-2, RR, B-1, B-2, I, M, and PA Districts are subject to the following qualifying conditions and/or regulations and to the considerations of section 1280:

1. The height of the wireless communication facility shall not exceed 175' from the ground to the highest point of the facility.
2. All sites must contain a minimum area sufficient to contain the wireless communication facility and all related accessory uses.
    a. If the property is undeveloped or occupied by a non-residential use, it must have a minimum area of 2.5 acres.
    b. If the property is occupied by a residential use, it must have a minimum area of 20 acres.
3. The site shall have legal documented access to a public road.
4. Any wireless communication tower must be set back from all property lines a distance equal to its height, unless engineering plans and specifications have been certified by a licensed mechanical, civil, professional engineer or architect, or other engineer licensed and competent in assessing the structural integrity of such towers, verifying a safe fall zone. All towers shall be certified by licensed engineer to verify that the structural design will meet federal standards to withstand wind speeds and icing under 100 year event conditions in the area.
5. Accessory structures shall not exceed a total of six hundred (600) square feet of gross building area.

6. No wireless communication facility shall be approved unless the applicant is able to establish in writing that any existing tower, structure, or facility is not available for co-utilization based upon technical inadequacy or lack of capacity, unreasonable or prohibitive cost, denial by owner or other practical impediment to use or access.

7. There shall not be displayed on the wireless communication facility advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes.

8. The wireless communication facility shall be maintained in a predominant color, coating, or material which matches the exterior surroundings. The predominant color scheme shall be designed to minimize off-site visibility of the structure.

9. All wireless communication facilities must comply with the standards of the Federal Aviation Administration, the Federal Communications Commission, the Airport Zoning Ordinance for Marquette County and all applicable State or Local codes.

10. Any wireless communication tower or antenna that is not operated for continuous period of 12 months shall be considered abandoned and the owner of such tower or antenna shall remove the same within 90 days of receiving an abandonment notification from the City. Failure to remove an abandoned tower or antenna within 90 days shall be grounds for the City to remove the tower or antenna at the owner's expense. The Planning Commission may require the applicant to post a bond in an amount equal to the reasonable cost of removal for the tower and/or antenna. If a bond is to be required, the Planning Commission shall include the requirement as a condition of approval.

11. Minimum spacing between wireless communication facilities containing one or more towers shall be one (1) mile in order to prevent a concentration of facilities in one area.

12. Wireless communication facilities shall not be artificially lighted unless required by the Federal Aviation Administration.

13. The base of any tower and any cable supports shall be fenced with a minimum six (6) foot high security fence and all fencing shall be screened with landscaping. Accessory structures shall match the construction characteristics of other existing buildings in the surrounding area.

14. All wireless communication facilities shall be inspected after being constructed and then once every three (3) years for compliance with all ordinance, structural and operational requirements and shall be certified as in compliance by a licensed mechanical, civil, professional engineer or architect, or other engineer licensed and competent in assessing the structural integrity of such towers, and said certification shall be submitted to the City.

15. The Planning Commission may require additional setback distances as part of a Special Land Use Permit approval or for towers located within 1000 feet of property zoned for residential use.

The above Ordinance shall be published as required by law, and shall be effective on the _____ day of _____, 2009.

Upon roll call,

Council members voting aye:

Council members voting nay:

Council members absent:

WHEREUPON, this Ordinance is declared passed and adopted on this _____ day of _____, 2009.

CITY OF NEGAUNEE

_____

By: Paul Gravedoni, Its Mayor

Attest:

_____

By: Judith K. Iwanski, Its Clerk

FIRST READING: June 9, 2011

SECOND READING: July 14, 2011

PUBLICATIONS: August 1st & August 2nd, 2011

EFFECTIVE: August 8, 2011

AMENDMENT TO CODIFIED ORDINANCES OF THE CITY OF NEGAUNEE, CHAPTER 1286 SUPPLEMENTARY REGULATIONS

The City of Negaunee ORDAINS:

That Chapter 1286 **Supplementary Regulations** of the Codified Ordinances of Negaunee, Michigan, shall be, and the same hereby is, amended as follows:

REPEALER

Any ordinance, resolution, order or parts thereof in conflict with the provisions of this Amendment is, to the extent of such conflict, hereby repealed. This repeal shall be effective as of the effective date of the following Amendment.

AMENDMENT

Chapter **1286** of the Codified Ordinances of Negaunee, Michigan, shall be, and hereby is, amended to add the following sections:

1286.06 OFF STREET PARKING REQUIREMENTS

A. Parking minimums may be adjusted by the Planning Commission if the requestor can show the minimum is not needed.

B. Except in non-residential units in the B-1 District, there shall be provided off-street parking for motor vehicles, and the minimum number of parking spaces to be provided shall be as shown in the following list. Developments which include more than one use must provide the parking required for each use.

Use	Spaces Required
Adult Foster Care/Large Group Home	1 per employee (1 x maximum number of employees per shift) and 1 per 3 residents
Assisted Living Facility	1 per rentable unit plus 1 x the maximum number of employees per shift

Automobile Sales or Showrooms, New or Used	1.5 per employee
Banks and Financial Institutions	1 per 150 sq. ft. of floor area
Barber and Beauty Shop	2 plus 1.5 per chair
Bed and Breakfast Establishment	One space per room for transient guests in addition to spaces required for single family dwellings.
Bed and Breakfast Inn	One space per room for transient guests in addition to spaces required for single family dwellings.
Bowling alleys	5 per lane in addition to spaces required for restaurant facilities
Cultural Facility	1 per 1000 sq. ft. of floor area
Day Care Center	1 space per 5 children
Fuel Sales Establishment	1 per employee
Funeral Home	1 per 50 sq. ft. of floor area
Golf courses	4 per hole in addition to spaces required for restaurant or bar
Health Care Facilities, Outpatients	1 per 100 sq. ft. of floor area
Hotels	1.2 per room in addition to spaces required for restaurant
Indoor Recreation Facility	.35 times the seating capacity
Laundromats	.33 per machine
Mobile Home Park	2 per mobile home & 1 per 300 sq. ft. for offices
Nursing Home	1 per employee (1 x maximum number of employees per shift) and 1 per 3 residents
Public Buildings	.35 times the seating capacity
Recreation Facility	.35 times the seating capacity
Religious Institutions	.35 times the seating capacity
Residence, Single-Family	2 per dwelling unit
Residence, Multiple-Family	2 per dwelling unit
Restaurants With or Without Drive Through	1.2 per 100 sq. ft.. of floor area
Retail Sales Establishment – Furniture, Appliance, Carpet Sales	1 per 500 sq. ft. of floor area
Rooming House including Sororities, Fraternities, Dormitories	1 per resident
Taverns	1.2 per 100 sq. ft.. of floor area
Theaters	.35 times the seating capacity
Vehicle body shop	1 space per bay and 1 per employee
Vehicle Repair Garage	1 per employee, plus 2 per lift
Warehouses	1 per employee

For uses not specifically listed above, the requirements listed below are applicable

Use	**Spaces Required**
Office Building	1 per 300 sq. ft. of floor area
Other commercial and industrial uses	1 per employee
Retail Food Establishment	1 per 200 sq. ft. of floor area and outdoor sales space
Retail Sales Establishment	1 per 200 sq. ft. of floor area and outdoor sales space

C. With the exception of residential housing of 4 units or less, the following shall also apply:

1. Where calculation in accordance with the foregoing list results in requiring a fractional space, any fraction less than one-half shall be disregarded and any fraction of one half or more shall require one space.

2. Required off-street parking shall be provided on the lot to which it pertains. All spaces shall be provided adequate access by means of a maneuvering lane. Backing directly onto a street is prohibited.

3. The use of any required parking space for the storage of any motor vehicle for sale, or for any other purpose other than the parking of motor vehicles is prohibited.

4. All required parking spaces shall be clearly defined by use of a car wheel or bumper stops, and/or painted lines.

5. No off street parking shall be constructed or altered until approval has been issued by the Negaunee City Planning Commission under site plan review.

6. Handicap parking spaces shall be provided in accordance with the applicable building code and shall be provided in sufficient number.

D. For a use not specifically identified in this Ordinance, the off street parking facilities shall be in accordance with a use which the Zoning Administrator considers as similar in type.

E. The following minimum design standards shall be observed in laying out off-street parking facilities:

Parking Angle	Stall Width	Aisle Width	Parking Stall Length	Curb to Curb
0 to 15	9ft	12 ft	23 ft	30 ft
16 to 37	9ft	11 ft	19 ft	47 ft
38 to 57	9ft	13 ft	19 ft	54 ft
58 to 74	9ft	18 ft	19 ft	61 ft
75 to 90	9ft	24 ft	19 ft	63 ft

Note: Minimum aisle width is 24’ for 2-way traffic.

F. REQUIRED OFF-STREET LOADING SPACES.
Loading spaces required under this section shall be at least 50 feet long and 12 feet wide. Every lot used for commercial or industrial purposes and having a building or buildings with a total floor area of at least 10,000 square feet and every lot used for office purposes on which there is a building or buildings having a total floor area of at least 20,000 square feet shall be provided with off-street loading space. An additional off-street loading space shall be required for every additional 20,000 square feet of floor area or fraction thereof.

WHEREUPON, this Ordinance is declared passed and adopted on this _____ day of _____, 20___.

CITY OF NEGAUNEE

_____
By: Michael Haines, Its Mayor

Attest:

_____
By: Judith K. Iwanski, Its Clerk

First Reading: April 12, 2012
Second Reading: May 10, 2012
Publication Dates: May 18, 2012 & May 19, 2012
Effective Date: May 21, 2012

AMENDMENT TO CODIFIED ORDINANCES OF
THE CITY OF NEGAUNEE, CHAPTER 1286 SUPPLEMENTARY REGULATIONS

The City of Negaunee ORDAINS:

That Chapter 1286 of the Codified Ordinances of Negaunee, Michigan, shall be, and the same hereby is, amended as follows:

REPEALER

Any ordinance, resolution, order or parts thereof in conflict with the provisions of this Amendment is, to the extent of such conflict, hereby repealed. This repeal shall be effective as of the effective date of the following Amendment.

FENCES

1286.07 FENCES, WALLS AND HEDGES
Fences, walls and hedges are permitted in any zoning district provided that they comply with the following requirements and restrictions.

A. Definitions.

1. Fence. Any partition, structure, wall, retaining wall or gate erected as a dividing marker, barrier, or enclosure, including hedges, encircling either wholly or any portion of any area, or within or along the bounds of any portion of a lot or parcel.

2. Height. The distance from the grade to the top of the highest point of the fence at any given point along the fence.

3. Protective Measures Fence. A fence erected for the express purpose of protecting an enclosed area and the property therein, or a fence intended to deny access to a dangerous property or location.

B. Any fence, wall or hedge must be completely contained inside the owner's property line, with a finished side facing the abutting property. Adjoining property owners may enter into an agreement, which may be recorded at the Register of Deeds, to place a fence on the lot line and provide an easement for fence maintenance.

C. Fences or walls on all lots in all residential zoning districts which enclose property and/or are within a required side or rear yard, shall not exceed 8 feet in height, measured from the surface of the ground and shall not extend toward the front of the lot nearer than the front of the house or the minimum required front yard set-back, whichever is greater. Fences up to 4 feet in height may be erected from the front edge of the dwelling to within two feet of the sidewalk (or of the right-of-way line if there is no sidewalk), unless the fence is of chain-link, split-rail or other "see through" material, in which case it may be up to six feet in height. Fences, walls or hedges shall be placed so that they are contained at least five feet from the right-of-way line of an alley.

D. No property owner shall allow a hedge, fence or other material to intrude into the public sidewalk space or over the lot line or into the street right-of-way, in the space from the ground to 8 feet above the ground, nor to block clear sight lines of vehicles on streets and driveways.

E. Fences shall be constructed such that posts and framework are on the interior or fence owner's side of the fence and so that the sheeting or face of the exterior, as seen from the adjoining properties or street, is the more presentable and attractive side of the fence.

F. All fences shall be maintained in good condition, including, but not limited to paint, stain, repair of damaged portions, rusted metal, holes, loose components and sagging.

G. Fences must be maintained so as not to endanger life or property. Any fence which through lack of repair, type of construction, or otherwise, imperils life or property, shall be deemed to be a nuisance.

H. Requirements in this ordinance for fences, walls and hedges are not intended to restrict landscaping features that exist or may be planted as a part of the beautification of any premises provided such planting does not obstruct the vision of drivers on streets or driveways nor interfere with clear sight lines at corners or adjacent driveways and does not obstruct natural light and air on adjacent premises.

I. Any violation of the provisions of this Ordinance is hereby declared to be a public nuisance which may be enjoined or abated and may subject the violator to civil damages, fines and penalties, including the costs of abatement, as provided in the City's Nuisance Ordinance. The City specifically reserves the right to contract for the removal and clean-up of nuisance fencing, walls or hedges and to assess the cost thereof to the property owner. In the event that said cost remains unpaid for more than 30 days, it shall be spread upon the tax roll in the manner prescribed for utility arrears and the City shall have all other rights of collection allowed under Michigan law.

J. All swimming pools shall be fenced in compliance with Michigan Building Codes.

K. Fences containing barbed wire, concertina or similar wire, shall not be allowed in any district, except that barbed wire which is part of a protective measures fence approved pursuant to this ordinance will be allowed according to the conditions under which it is approved. Electrified fences may be allowed only in the Rural Residential District for the purpose of containing animals provided that proper signage is maintained.

L. A protective measures fence shall not be allowable in residential districts and shall constitute a special use in all non-residential districts. A protective measures fence may only be constructed pursuant to a finding by the planning commission of a need for such fence. In approving such a fence, the Planning Commission shall determine that the definition of protective measure fence is met and there is no reasonable alternative to the erection of the fence. The owner of a protective measures fence may be granted permission to erect necessary and reasonable barriers along the uppermost edge of such fence including barbed wire. The applicant may appeal a denial or conditions of an approval by the Planning Commission to the Zoning Board of Appeals.

WHEREUPON, This Ordinance is declared passed and adopted on this 10th day of May, 2012

CITY OF NEGAUNEE

_____

By: Michael Haines, Its Mayor

_____

By: Judith Iwanski, Its Clerk

CODIFIED ORDINANCES OF NEGAUNEE

PART FOURTEEN - BUILDING AND HOUSING CODE

Chap. 1420. Building Code.

Chap. 1422. Plumbing Code.

Chap. 1424. Mechanical Code.

Chap. 1426. Electrical Code.

CODIFIED ORDINANCES OF NEGAUNEE

PART FOURTEEN - BUILDING AND HOUSING CODE

CHAPTER 1420
Building Code

EDITOR'S NOTE: Council, by an unnumbered ordinance passed May 9, 1996, designated Marquette County as the enforcing agency to discharge the responsibilities of the City of Negaunee under Act 230 of the Public Acts of 1972, as amended, throughout the corporate limits of the City.

1420.01 Adoption of 1965 edition of the BOCA Building Code; violation; file and distribution copies.
1420.02 Enforcement; fees.
1420.03 Building permit required.
1420.04 Compliance with other codes; fees.
1420.05 Stop work orders
1420.06 Certificates of occupancy
1420.07 Limitation of authority of Building Inspector or other officer.
1420.08 Appeals.
1420.99 Penalty.

CROSS REFERENCES

Adoption of technical codes by reference - see CHTR. §5.12; M.C.L.A. §117.3(k)
State Construction Code - see M.C.L.A. §§125.1501 et seq.
Construction noise - see GEN. OFF. 672.01(d)
Applicability to trailer and tourist camps - see B.R. & T. 876.13
Construction at Teal Lake - see S.U. & P.S. 1064.07
Construction in subdivisions - see P. & Z. 1244.05, Chs. 1246, 1248

1420.01 ADOPTION OF 1965 EDITION OF THE BOCA BUILDING CODE; VIOLATIONS; FILE AND DISTRIBUTION COPIES.

(a) The regulations of the 1965 abridged edition of the BOCA Building Code, recommended and published by the Building Officials Conference of America, Inc. published in book form, excepting Sections 104.5 through 104.68 thereof relating to violations and the Board of Appeals, are hereby adopted as the regulations governing the construction of buildings and other structures in the City, and it shall be unlawful to erect or construct any building or structure in the City in violation of, or without complying with, such regulations, the same being hereby adopted by reference and made a part of these Codified Ordinances with the same effect as if said BOCA Building Code were repeated herein, word for word.

(b) The BOCA Building Code, as adopted in subsection (a) hereof, shall be published by providing to the public in the office of the City Clerk printed copies in book form available for inspection by and distribution at cost to the public at all times, and the public is hereby notified that a complete copy or copies there of are available for public use and inspection at the office of the City Clerk.
(Ord. Unno. Passed 5-13-82.)

1420.02 ENFORCEMENT; FEES.

The Building Inspector shall have the power and duty to enforce the provisions of this Code; and all fees provided herein shall be paid to the City Clerk. All permits shall be issued by the Building Inspector.

The term "Building Inspector," as used in this chapter, means the Building Inspector or any other officer of the City designated by the City Manager having the duty to enforce the building regulations of the City.
(Ord. Unno. Passed 5-13-82.)

1420.03 BUILDING PERMIT REQUIRED

(a) No person shall construct any building or structure, other than a fence, in the City, where the cost of such construction exceeds one hundred dollars ($100.00), or alter or remodel any building or structure so as to change the bearing walls, beams, supports or the roof thereof, without having first secured a permit therefore, or in violation of the terms of such permit or of the terms of this chapter.

(b) No permit shall be issued for the construction of any building or structure, or for remodeling or repairs affecting bearing walls, roofs, other than resurfacing, or chimneys, or for moving a building onto premises in the City, unless the application is accompanied by a plat or sketch of the proposed location showing lot boundaries and by plans and specifications showing work to be done. Such plans shall bear the signature of a licensed architect, recognized contractor or the Building Inspector.
(Ord. Unno. Passed 5-13-82.)

1420.04 COMPLIANCE WITH OTHER CODES; FEES.

All work undertaken pursuant to any permit issued hereunder shall be in full compliance with the Zone Code, other codes pertaining to water and street excavation. In addition to the fees for permits herein provided for, the applicant shall pay the fees prescribed in any applicable code. Fees for permits under this Code shall be charged and collected in accordance with the schedule thereof fixed by Council by resolution from time to time. Such fees shall be sufficient to pay for the cost of administration and inspections required by this Code.
(Ord. Unno. Passed 5-13-82.)

1420.05 STOP WORK ORDERS.

Whenever any work is being done in violation of the provisions of this Code, or at variance with the terms of any permit issued for such work, the Building Inspector may order all work on the job stopped until such time as any violation or variance is eliminated and any work or installation made in violation of this Code corrected. Such stop order, if oral, shall be followed by a written stop order within twenty-four hours of the issuance of the verbal stop order (excluding Saturday, Sunday or holidays). No person shall do or perform any work in violation of such stop order, except as may be necessary to prevent injury or damage to persons or property. Such stop order may be revoked by the Building Inspector or Council.
(Ord. Unno. Passed 5-13-82.)

1420.06 CERTIFICATES OF OCCUPANCY.

No certificate of occupancy for any building or structure erected, altered or repaired after the adoption of this Code shall be issued unless such building or structure was erected, altered or repaired in compliance with the provisions of this Code.
(Ord. Unno. Passed 5-13-82.)

1420.07 LIMITATION OF AUTHORITY OF BUILDING INSPECTOR OR OTHER OFFICER.

Wherever in the building regulations it is provided that anything must be done subject to the approval or direction of the Building Inspector or any other officer of the City, it shall be construed to give such officer only the discretion of determining whether the rules and standards established by the Code have been complied with. No such provision shall be construed as giving any officer discretionary powers as to what such regulations or standards shall be, the power to require conditions not prescribed by the Code or the authority to enforce Code provisions in an arbitrary or discriminatory manner.
(Ord. Unno. Passed 5-13-82.)

1420.08 APPEALS.

(a) Board of Zoning Appeals to Hear Building Code Appeals. The Board of Appeals, as established in the Zoning Code heretofore adopted, shall constitute the Board of Appeals to pass upon matters pertaining to building construction under the terms of this Code. Provisions relating to terms of office, quorum, meetings, records and procedures shall be the same as provided in the Zoning Code for such Board of Appeals.

(b) Procedure; Exception.

(1) Any person aggrieved, or the head of any agency of the Municipality, may take and appeal to the Board of Appeals from any decision of the Building Inspector.

(2) An appeal may be taken within thirty days from the date of the decision being appealed by filing with the Building Inspector and with the Board of Appeals notice of appeal, specifying the grounds thereof. However, in the case of a building or structure which, in the opinion of the Building Inspector, is unsafe or dangerous, the Building Inspector may, in his or her order, limit the time for such appeal to a shorter period. The Building Inspector shall forthwith transmit to the Board of Appeals all the papers upon which the action appealed from was taken.

(c) Modifications and Variations.

(1) The Board of Appeals, when so appealed to and after a public hearing, may vary the application of any provision of this Code to any particular case when, in its opinion, the enforcement thereof would do manifest injustice, and would be contrary to the spirit and purpose of this Code or public interest, or when, in its opinion, the interpretation of the Building Inspector should be modified or reversed.

(2) A decision of the Board of Appeals to vary the application of any provision of this Code, or to modify an order of the Building Inspector, shall specify in what manner such variation or modification is to be made, the conditions upon which it is to be made and the reasons therefor.

(d) Decisions of the Board of Appeals

(1) The Board of Appeals shall, in every case, reach a decision without unreasonable or unnecessary delay. Every decision of the Board of Appeals shall be in writing and shall indicate the vote upon the decision. Every decision of the Board shall be promptly filed in the office of the Building Inspector and shall be open to public inspection. A certified copy shall be sent by first-class U.S. mail to the appellant and a copy shall be kept for public inspection in the office of the Building Inspector for two weeks after filing.

(2) If a decision of the Board of Appeals reverses or modifies a refusal, order or disallowance of the Building Inspector, or varies the application of any provision of this Code, the Building Inspector shall take action immediately in accordance with such decision.

(e) Appeals From Decisions of the Board of Appeals. A person aggrieved by a decision of the Board of Appeals, whether previously a party to the proceeding or not, or an officer or Board, may, within fifteen days after filing of such decision in the office of the Building Inspector, apply to the appropriate court to correct errors of law in such decisions.
(Ord. Unno. Passed 5-13-82.)

1420.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

CHAPTER 1422
Plumbing Code

EDITOR'S NOTE: Under authority of State law, Marquette County enforces the Marquette County Plumbing Code within the City.
There are no sections in Chapter 1422. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Adoption of technical codes by reference - see CHTR. §5.12; M.C.L.A. 117.3(k)
Plumbing Code in home rule cities - see M.C.L.A. §117.3
State Plumbing Code - see M.C.L.A. §§125.1501 et seq.
Plumbers and plumbing generally - see M.C.L.A. §§338.901 et seq.
Applicability to trailer and tourist camps - see B.R. & T. 876.13
Sewers generally - see S.U. & P.S. Ch. 1040
Water generally - see S.U. & P.S. Ch. 1042
Water supply cross-connections - see S.U. & P.S. Ch. 1044

CHAPTER 1424
Mechanical Code

EDITOR'S NOTE: Under authority of State law, Marquette County enforces the Marquette County Mechanical Code within the City.
There are no sections in Chapter 1424. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Adoption of technical codes by reference - see CHTR. §5.12; M.C.L.A. §117.3(k)
Heat and heating companies in home rule cities - see M.C.L.A. §117.4f
Ventilation - see M.C.L.A. §§125.419, 125.454, 125.461, 125.471, 125.489
Repair of heating apparatus - see M.C.L.A. §125.471
Legislative action by municipalities to correct heating and ventilating violations - see M.C.L.A. §125.501a
State Mechanical Code - see M.C.L.A. §§125.1501 et seq.
Applicability to trailer and tourist camps - see B.R. & T. 876.13

CHAPTER 1426
Electrical Code

EDITOR'S NOTE: Under authority of State law, Marquette County enforces the Marquette County Electrical Code within the City.

There are no sections in Chapter 1426. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Adoption of technical codes by reference - see CHTR. §5.12; M.C.L.A. §117.3(k)

Electrical Code in home rule cities - see M.C.L.A. §117.3

Electricians and electrical contractors generally - see M.C.L.A. §§338.881 et seq.

Negligence of electricians and electrical contractors; accrual of claims; limitation of actions - see M.C.L.A. §§600.2912, 600.5805, 600.5838

Applicability to trailer and tourist camps - see B.R. & T. 876.13

CODIFIED ORDINANCES OF NEGAUNEE

PART SIXTEEN - FIRE PREVENTION CODE

Chap. 1610. BOCA National Fire Prevention Code.

CODIFIED ORDINANCES OF NEGAUNEE

PART SIXTEEN - FIRE PREVENTION CODE

CHAPTER 1610
BOCA National Fire Prevention Code

1610.01	1996 Edition Adopted.	1610.05	Conflicts of Laws.
1610.02	Application of Code.	1610.06	Violations.
1610.03	File and Distribution Dopies.	1610.99	Penalty.
1610.04	Amendments.		

CROSS REFERENCES

Adoption of technical codes by reference - see CHTR. §5.12; M.C.L.A. §117.3(k)
Fires and fire protection generally - see M.C.L.A. §§29.1 et seq.
Arson - see M.C.L.A. §§750.71 et seq.
Construction or possession of explosive devices - see M.C.L.A. §750.211a
Fire Department - see ADM. Ch. 250
False alarms - see GEN. OFF. 672.02
Open burning - see GEN. OFF. 682.06
Fire hydrants in subdivisions - see P. & Z. 1246.03(c)

1610.01 1996 EDITION ADOPTED.

For the purpose of prescribing regulations governing fire and explosion hazards, that certain document marked and designated as the BOCA National Fire Prevention Code, tenth edition (1996), as promulgated by Building Officials and Code Administrators International, Inc., is hereby adopted as the Fire Prevention Code of the City, save and except for such portions thereof as may be amended or repealed in this chapter.

1610.02 APPLICATION OF CODE.

The BOCA National Fire Prevention Code, as adopted in Section 1610.01, shall be applicable to all industrial, storage, business, residential, institutional, commercial and public buildings and improvements in the City.

1610.03 FILE AND DISTRIBUTION COPIES.

Printed copies of the BOCA National Fire Prevention Code, as adopted in Section 1610.01, shall be kept in the office of the City Clerk, available for inspection by and distribution to the public at all times.

1610.04 AMENDMENTS.

The BOCA National Fire Prevention Code, as adopted in Section 1610.01, is hereby amended as follows:

F-101.1 Title: (Amended) These regulations shall be known as the Fire Prevention Code of the City of Negaunee, Michigan.

1610.05 CONFLICTS OF LAWS.

5.1 In the event of a conflict between any of the provisions of the BOCA National Fire Prevention Code, as adopted in Section 1610.01, and a provision of these Codified Ordinances or any ordinance, resolution, rule or regulation of the City, or between any of the provisions of such Code, the more restrictive provision, or the stricter standard, shall control.

5.2 In the event of a conflict between any of the provisions of such Code and any provision of State law, the State law shall control.

1610.06 VIOLATIONS.

Whoever violates or fails to comply with any of the provisions of the BOCA National Fire Prevention Code, as adopted in Section 1610.01, or any order issued under authority of the same, shall be guilty of a misdemeanor and shall be subject to the penalty provided in Section 202.99 of the Administration Code.

1610.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)