CITY OF WAKEFIELD, MICHIGAN

CODE OF ORDINANCES

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CITY OF WAKEFIELD, MICHIGAN
CITY OFFICIALS

CITY COUNCIL

Mayor — Dale White

Mayor Pro Tem — Michael Zeckovich

Council member — Scott Heikkila

Council member — Patrick Libertoski

Council member — James Anderson

ADMINISTRATION

City Manager — Robert A. Brown, Jr.

Deputy City Manager — Ashley Tarro

City Attorney — Raymond O'Dea

City Clerk — Susan Ahonen

City Treasurer — Patty Sperhake

Fire Chief — Mike Singleton

CITY OF WAKEFIELD
GOGEBIC COUNTY, MICHIGAN
ORDINANCE NO. 252

AN ORDINANCE ENACTING A CODE OF ORDINANCES FOR THE CITY OF WAKEFIELD, MICHIGAN; REVISING, AMENDING, RESTATING, CODIFYING, AND COMPILING CERTAIN EXISTING GENERAL ORDINANCES OF THE CITY DEALING WITH SUBJECTS EMBRACED IN SUCH CODE OF ORDINANCES; PROVIDING FOR REPEAL OF PRIOR ORDINANCES; PROVIDING FOR PUBLICATION, EFFECT, AND ENFORCEMENT; AND DECLARING AN EMERGENCY.

WHEREAS, the existing general and permanent ordinances of the City of Wakefield are inadequately arranged and classified and are insufficient in form and substance for the complete preservation of the public peace, health, safety, and general welfare of the City and for the proper conduct of its municipal affairs; and

WHEREAS, the laws of the State of Michigan authorize and empower municipalities to revise, amend, restate, codify, and compile existing ordinances and to adopt such ordinances in a single code in book form; and

WHEREAS, the City Council of the City of Wakefield has authorized a general compilation, revision, and codification of the ordinances of the City of a general and permanent nature and the publication of such ordinances in book form; and

WHEREAS, it is necessary for the usual daily operation of the City and for the immediate preservation of the public peace, health, safety, and general welfare of the residents of the City that this ordinance take effect at the earliest date permitted by law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAKEFIELD, GOGEBIC COUNTY, MICHIGAN:

Section 1. Adoption of Code.
The general ordinances of the City of Wakefield, as revised, amended, restated, codified, and compiled in book form, are hereby adopted and shall constitute the "Code of Ordinances of the City of Wakefield, Michigan."

Section 2. Organization of the Code.
The Code of Ordinances adopted by this ordinance shall consist of the following Titles, together with all chapters, sections, and provisions contained therein:

Charter
Title I – General Provisions
Title III – Administration
Title V – Public Works
Title VII – Traffic Code
Title IX – General Regulations
Title XI – Business Regulations
Title XIII – General Offenses
Title XV – Land Usage

Section 3. Repeal of Prior Ordinances; Savings Clause.
All prior ordinances and parts of ordinances of the City of Wakefield of a general and permanent nature pertaining to the subjects treated in the Code of Ordinances are hereby repealed as of the effective date of this ordinance, except to the extent that such ordinances are included and reordained, in whole or in part, in the Code of Ordinances.

Such repeal shall not affect:

- Any offense committed or penalty incurred prior to the effective date of this ordinance;
- Any right or obligation established prior to the effective date of this ordinance;
- Any ordinance levying taxes, appropriating money, annexing or detaching territory, establishing franchises, granting special rights or privileges, authorizing public improvements, authorizing the issuance of bonds or borrowing of money, authorizing the purchase or sale of real or personal property, granting or accepting easements, approving plats or dedications of land to public use, or vacating or establishing streets or public places; or
- Any ordinance of a temporary or special nature or pertaining to a subject not contained in or covered by the Code of Ordinances.

Section 4. Publication and Filing.
The Code of Ordinances shall be deemed published as of the date of its adoption and approval by the City Council. The City Clerk is hereby authorized and directed to file and maintain a copy of the Code of Ordinances in the office of the City Clerk for public inspection as required by law.

Section 5. Evidentiary Effect.
The Code of Ordinances adopted by this ordinance shall be in full force and effect as provided herein and shall be presumptive evidence in all courts and places of the due adoption, publication, and validity of the ordinances and all provisions, sections, penalties, and regulations contained therein, and of the proper passage, approval, recording, and publication thereof.

Section 6. Emergency Declaration.
This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and general welfare of the people of the City of Wakefield.

Section 7. Scrivener's Errors.
Typographical errors, numbering errors, cross-reference errors, and other matters of a similar non-substantive nature that do not affect the intent of this ordinance or the Code of Ordinances, as determined jointly by the City Clerk and City Attorney, may be corrected with the written endorsement of the City Manager or the City Manager's designee, without the necessity of a public hearing or further action by the City Council.

Section 8. Codification Authority.
The City Clerk is authorized to cause the Code of Ordinances to be codified, formatted, numbered, indexed, and published, including the insertion of history notes, editor's notes, cross-references, and other editorial matter, as necessary to implement this ordinance and to maintain the Code of Ordinances in a current and usable form.

Section 9. Severability.
If any section, subsection, sentence, clause, or phrase of this ordinance or the Code of Ordinances is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions, which shall remain in full force and effect.

Section 10. Effective Date.
This ordinance shall take effect at the earliest date permitted by law following its adoption and approval.

CERTIFICATION:
Ordained and Enacted into an Ordinance at a regular meeting of the City Council of the City of Wakefield this 9 day of February, 2026.

First Reading: January 26, 2026
Public Hearing: February 9, 2026
Second Reading: February 9, 2026
Published: February 19, 2026

ATTEST:

_____
Susan Ahonen, City Clerk

WAKEFIELD, MICHIGAN
CODE OF ORDINANCES
TABLE OF CONTENTS

CHARTER

Chapter

TITLE I: GENERAL PROVISIONS

10. Rules of Construction; General Penalty
11. Fee Schedule Authority

TITLE III: ADMINISTRATION

30. Governing Body and Officials
31. Organizations
32. Reserved
33. Civil Defense
34. Finance and Revenue; Taxation
35. Public Improvements

TITLE V: PUBLIC WORKS

50. Utility Rates and Charges
51. Garbage and Rubbish
52. Sewers
53. Water

TITLE VII: TRAFFIC CODE

70. General Provisions
71. Traffic and Parking Rules
72. Recreational Vehicles

TITLE IX: GENERAL REGULATIONS

90. Animal Control
91. Health, Safety and Sanitation; Nuisances
92. Cemeteries
93. Library
94. Parks and Recreation
95. Fair Housing
96. Fire Prevention and Protection
97. Hazardous Materials

TITLE XI: BUSINESS REGULATIONS

110. General Licensing Regulations
111. Alcoholic Beverages
112. Amusements and Leisure
113. Junk Dealers
114. Peddlers and Solicitors
115. Vehicle-Related Services
116. Telecommunications
117. Cable Television
118. Short-Term Rentals

TITLE XIII: GENERAL OFFENSES

130. Prohibited Activity and Behavior

TITLE XV: LAND USAGE

150. Building Regulations; Construction
151. Building Codes
152. Housing and Dwelling Units
153. Mobile Homes and Home Parks
154. Streets, Sidewalks and Public Property
155. Forests
156. Land Division
157. Subdivisions
158. Zoning Code
159. Wireless Communication Facilities

PARALLEL REFERENCES

References to Michigan Compiled Laws Annotated
References to Prior Code
References to Ordinances

INDEX

CHARTER

CHARTER

Section

PREAMBLE

CHAPTER 1: CONTINUATION OF EXISTING CORPORATION: BOUNDARIES

1.1 Name
1.2 Boundaries

CHAPTER 2: MUNICIPAL POWERS

2.1 General Statement of Powers
2.2 Exercise of Powers
2.3 Intergovernmental Relations
2.4 Penalties for Violation of Charter
2.5 Outside Fire Protection

CHAPTER 3: PLAN OF GOVERNMENT

3.1 Council-Manager Government
3.2 The City Council
3.3 Qualifications of Councilmembers
3.4 Compensation of Councilmembers
3.5 Selection of Mayor
3.6 Duties of Mayor and Mayor Pro Tem
3.7 Administrative Officers
3.8 City Manager; Appointment
3.9 City Manager; Removal
3.10 Functions and Duties of City Manager
3.11 Acting City Manager
3.12 Relationship to Administrative Service
3.13 City Clerk; Functions and Duties
3.14 City Treasurer; Functions and Duties
3.15 City Assessor; Functions and Duties

3.16 City Attorney; Appointment and Compensation
3.17 City Attorney; Function and Duties
3.18 Other Administrative Officers; Appointment and Compensation
3.19 Planning Commission
3.20 Library Board

CHAPTER 4: GENERAL PROVISION REGARDING OFFICERS AND PERSONNEL OF CITY

4.1 Eligibility for Office in City
4.2 Vacancies in Office
4.3 Resignations
4.4 Procedure for Filling Vacant Elective Office
4.5 Change in Term of Office or Compensation
4.6 Oath of Office and Bond
4.7 Surety Bonds
4.8 Liability and Bond to Continue
4.9 Delivery of Office and Its Effects by Officer to his Successor
4.10 Proprietary or Financial Interest Prohibited
4.11 Prohibition on Employing Relative (Nepotism)
4.12 Employment and Removal of Personnel Other than Officers
4.13 Retirement System
4.14 Employee Welfare Benefits
4.15 Fees of Officers to belong to the City

CHAPTER 5: ELECTIONS

5.1 Officers to Be Elected
5.2 Election Date
5.3 Primary
5.4 Terms of Office
5.5 Wards
5.6 Qualifications of Electors
5.7 Election Procedure
5.8 Special Elections
5.9 Voting Hours
5.10 Election Commission
5.11 Nominations
5.12 Form of Petition
5.13 Approval of Petition
5.14 Public Inspection of Petition

5.15 Form of Ballots
5.16 Canvass of Votes
5.17 Recount
5.18 Recall

CHAPTER 6: PROCEDURE OF THE CITY COUNCIL

6.1 Regular Meetings
6.2 Special Meetings
6.3 Business at Special Meetings
6.4 Meetings to Be Public
6.5 Quorum
6.6 No Standing Committees
6.7 Publication of Council Proceedings
6.8 Council Rules: Miscellaneous

CHAPTER 7: LEGISLATION

7.1 Prior City Ordinances and Regulations
7.2 Ordinance Enactment
7.3 Enactment, Amendment and Repeal of Ordinance
7.4 When Ordinances Take Effect
7.5 Penalties
7.6 Publication of Ordinances
7.7 Ordinances Granting Franchises and Contracts
7.8 Compilation and Codification of Ordinances
7.9 Initiative and Referendum
7.10 Initiatory and Referendary Petitions
7.11 Council Procedure
7.12 Submission to the Electors
7.13 Ordinance Suspended

CHAPTER 8: MISCELLANEOUS POWERS AND DUTIES OF COUNCIL; RESTRICTIONS ON POWERS OF COUNCIL

8.1 Public Health and Safety
8.2 Streets and Alleys
8.3 Licenses
8.4 Acquisition of Property
8.5 Cemeteries and Parks
8.6 Trusts

8.7 Mobile Homes and House Trailers
8.8 Appropriations of Private Property
8.9 Adoption of Zoning Ordinance
8.10 Investigations
8.11 Restriction on Powers of the Council
8.12 Restriction on Powers to Lease City Property

CHAPTER 9: GENERAL FINANCING PROVISIONS; BUDGET, AUDIT AND PURCHASING

9.1 Fiscal Year
9.2 Budget Procedure
9.3 Budget Document
9.4 Budget Hearing
9.5 Adoption of Budget; Tax Limit
9.6 Budget Control
9.7 Depository
9.8 Independent Audit
9.9 Purchasing Procedure

CHAPTER 10: TAXATION

10.1 Power to Tax
10.2 Subjects of Taxation
10.3 Exemptions
10.4 Tax Day and Assessments
10.5 Board of Review
10.6 Meeting of the Board of Review
10.7 Notice of Meetings
10.8 Organization and Functions of the Board of Review
10.9 Endorsement of Roll
10.10 Clerk to Certify Tax Levy
10.11 City Tax Roll
10.12 Tax Roll Certified for Collection
10.13 Tax Lien on Property
10.14 Taxes Due; Notification Thereof
10.15 Collection Fees and Interest
10.16 Sale of Goods and Chattels
10.17 Tax Roll to County Treasurer
10.18 Jeopardy Assessment
10.19 State, County and School Taxes

CHAPTER 11: BORROWING POWER

11.1 General Borrowing
11.2 Special Assessment Bonds
11.3 Mortgage Review Bonds
11.4 Other Bonds
11.5 Preparation and Record
11.6 Unissued Bonds
11.7 Emergency Loans
11.8 Deferred Payment Contracts

CHAPTER 12: SPECIAL ASSESSMENTS

12.1 General Power Relative to Special Assessments
12.2 Detailed Procedure to be Fixed by Ordinance
12.3 Objection to Improvements
12.4 Hazards and Nuisances
12.5 Lien Not Destroyed by Judgment

CHAPTER 13: MUNICIPAL UTILITIES

13.1 General Powers Respecting Utilities
13.2 Management of Public Utilities
13.3 Rates
13.4 Utility Charges; Collection
13.5 Accounts
13.6 Disposal of Utility Plants and Property

CHAPTER 14: CONTRACTS; FRANCHISES; PERMITS

14.1 City May Perform City Work
14.2 Plans and Specifications
14.3 Contracts
14.4 Franchises
14.5 Leases, Licenses and Franchises Remain in Effect
14.6 Control and Revocation of Franchise
14.7 Right of Regulation
14.8 Regulation of Rates
14.9 Use of Streets by Utility

CHAPTER 15: MISCELLANEOUS

15.1 City Liability
15.2 No Estoppel by Representation
15.3 Headings
15.4 Tense
15.5 Records to be Public
15.6 Effect of Illegality of any Part of Charter
15.7 Amendments
15.8 Vested Rights Continued

CHAPTER 16: SCHEDULE

16.1 Election to Adopt this Charter
16.2 Form of Ballot
16.3 Election of First Officers Under this Charter
16.4 Effective Date of this Charter
16.5 Status of Schedule Chapter

RESOLUTION OF ADOPTION

APPENDIX: A BOUNDARY DESCRIPTION OF THE CITY OF WAKEFIELD

GLOSSARY

CITY CHARTER OF THE CITY OF WAKEFIELD, MICHIGAN

PREAMBLE

We, the people of the City of Wakefield, State of Michigan, pursuant to authority granted by the constitution and laws of Michigan, in order to secure the benefits of efficient self government, and to promote our common welfare do hereby establish this Charter.

CHAPTER 1: CONTINUATION OF EXISTING CORPORATION: BOUNDARIES

SECTION 1.1 NAME.

The incorporated city now existing and known as the "City of Wakefield," as its limits are now or may hereafter be established, shall continue and remain a body politic and corporate, under the official name and title of "City of Wakefield."
(Adopted by electorate, 11-6-1990)

SECTION 1.2 BOUNDARIES.

The body corporate of the City of Wakefield shall include all territory constituting the City of Wakefield on the effective date of this Charter, together with all territories that may be annexed thereto and less any detachments therefrom that may be made in a manner prescribed by law. The City Clerk of the City of Wakefield shall maintain in the Clerk's office for public inspection, a map of and a description of the boundaries of the City.
(Adopted by electorate, 11-6-1990)

CHAPTER 2: MUNICIPAL POWERS

SECTION 2.2 GENERAL STATEMENT OF POWERS.

The City of Wakefield, as its limits now are or hereafter may be established, shall continue to be a body politic and corporate, and shall have all powers, privileges and immunities possible for a City to have under the constitution and laws of the State of Michigan as fully and completely as though they

were specifically enumerated in this Charter. In no case shall any enumeration of particular powers or immunities in this Charter beheld to be exclusive.
(Adopted by electorate, 11-6-1990)

SECTION 2.2 EXERCISE OF POWER.

Where no procedure is set forth in this Charter for the exercise of any power granted to or possessed by the City and its officers, resort may be had to any procedure set forth in any statute of the State of Michigan including statutes passed for the government of townships. If alternate procedures are to be found in different statutes, then the City 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 City Council shall prescribe a reasonable procedure for the exercise thereof by ordinance.
(Adopted by electorate, 11-6-1990)

SECTION 2.3 INTERGOVERNMENTAL RELATIONS.

The City of Wakefield may join with any municipal corporation or with any agency of government, whether local, state or federal or with any number of or combination of, by contract or otherwise as may be permitted by law, in the ownership, operation, or performance of, jointly by one or more in behalf of all, of any property, facility, or service which each would have the power to own, operate, or perform separately.
(Adopted by electorate, 11-6-1990)

SECTION 2.4 PENALTIES FOR VIOLATION OF CHARTER.

Any person of the City or officer of the City found guilty by a Court of competent jurisdiction of any violation of this Charter may be punished by a fine which, in addition to Court costs charged to him, shall not exceed Five Hundred ($500.00) Dollars or ninety (90) days in prison, or both, at the discretion of the Court. For an officer of the City the punishment provided in this section shall be in addition to that of having the office declared vacant as provided in this Charter. This section shall not operate to limit or prejudice the power to remove officers or discharge employees as provided in this Charter.
(Adopted by electorate, 11-6-1990)

SECTION 2.5 OUTSIDE FIRE PROTECTION.

In exercise of the powers contained in Section 2.1, herein, the City Council shall have the right to contract with individuals or governing bodies to furnish fire protection to property outside the corporate

limits of the City of Wakefield for a fair consideration, if the Council shall find that the financial interests of the City are advanced by obtaining payments thereof; and/or that the prosperity of the municipality and its inhabitants are advanced through preventing a conflagration which might spread within the City limits or through protecting from fire, industrial, or commercial properties which employ residents of the City of Wakefield.
(Adopted by electorate, 11-6-1990)

CHAPTER 3: PLAN OF GOVERNMENT

SECTION 3.1 COUNCIL-MANAGER GOVERNMENT.

It is the intent of this Charter to provide for the Council-Manager form of government.
(Adopted by electorate, 11-6-1990)

SECTION 3.2 THE CITY COUNCIL.

All powers of the City except as otherwise provided in this Charter shall be vested in and all matters of policy of the City shall be exercised and determined by an elected City Council of five (5) members who shall be elected from the City at large.
(Adopted by electorate, 11-6-1990)

SECTION 3.3 QUALIFICATIONS OF COUNCILMEMBERS.

Members of the City Council shall be duly qualified electors of the City who meet the eligibility requirements contained in Section 4.1 of this Charter. The Council shall be the sole judge of the election and qualifications of its own members subject only to review by court.
(Adopted by electorate, 11-6-1990)

SECTION 3.4 COMPENSATION OF COUNCILMEMBERS.

Each member of the City Council shall receive, as remuneration for their services to the City, the sum of Forty ($40.00) Dollars for each regular and special meeting attended and not more than One Thousand Two Hundred ($1,200.00) Dollars per year. The remuneration specified herein shall be payable monthly and shall be considered full compensation for each monthly period of service as a member of the Council. The Mayor shall receive the sum of Sixty ($60.00) Dollars per year in addition to the remuneration received by him/her as a member of the Council. Such salaries shall constitute the

only salary or remuneration which may be paid for services performed by members of the Council for the discharge of any official duty for or on behalf of the City during their term of office, except as otherwise provided in this Charter. Upon authorization of the Council, reasonable expenses may be allowed when actually incurred on behalf of the City.
(Adopted by electorate, 11-4-2021)

SECTION 3.5 SELECTION OF MAYOR.

The Council shall, at first meeting following each regular City election, elect one of its members to serve as Mayor and one to serve as Mayor Pro Tem, both for a term expiring at the first Council meeting following the next regular City election.
(Adopted by electorate, 11-6-1990)

SECTION 3.6 DUTIES OF MAYOR AND MAYOR PRO TEM.

(a) Insofar as required by law, and for all ceremonial purposes, the Mayor shall be recognized as the executive head of the City, and shall have an equal voice and vote in the proceedings of the Council, but shall have no veto power.

(b) The Mayor shall be a conservator of the peace, and may exercise within the City the powers conferred upon sheriffs to suppress disorder, and shall have the power to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances of the City, and to suppress riot and disorderly conduct.

(c) The Mayor shall authenticate by signature such instruments as the Council, this Charter, or the laws of the State of Michigan or of the United States shall require.

(d) The Mayor shall exercise only such powers as the state laws, this Charter, or the Council shall specifically confer upon or require of him/her.

(e) The Mayor Pro Tem shall perform the duties of the Mayor when, on account of absence from the City, disability or otherwise, the Mayor is temporarily unable to perform the duties of the office, and in case of vacancy in the office of Mayor, until such vacancy is filled by the Council. The Mayor Pro Tem shall preside over the meetings of the Council at the call of the Mayor. In the event of a vacancy occurring in the office of Mayor Pro Tem, the Council shall appoint from its elected membership to fill such vacancy.
(Adopted by electorate, 11-6-1990)

SECTION 3.7 ADMINISTRATIVE OFFICERS.

(a) The Administrative Officers of the City shall be a City Manager, City Clerk, City Treasurer and City Assessor. They shall subscribe to the constitutional oath of office and be citizens of the United States. The Clerk, Treasurer, and Assessor shall be appointed by the Manager and be confirmed by the Council. Their compensation shall be set by the Council upon the recommendation of the Manager.

(b) Upon recommendation of the Manager, the Council may, by ordinance, create additional administrative offices; and may by resolution, combine or in any other way alter any administrative offices in any manner it deems necessary or advisable for the proper and efficient operation of the City.

(c) In addition, the Council may, by resolution, provide administrative services or offices by contractual agreement.
(Adopted by electorate, 11-6-1990)

SECTION 3.8 CITY MANAGER; APPOINTMENT.

The Council shall, within one hundred twenty (120) days after any vacancy exists in the position of Manager, appoint a Manager for an indefinite period and shall fix his/her compensation. The Manager shall be appointed solely on the basis of his/her executive and administrative qualification. The Manager need not be a resident of the City at the time of the appointment, but shall become a resident thereof within one hundred eighty (180) days after the appointment and shall remain throughout his/her tenure in office. An exception to this residency rule may be made by the affirmative vote of four (4) members of the Council. No member of the Council shall be eligible for the position of Manager within two (2) years of the expiration of his/her last term on the Council.
(Adopted by electorate, 11-6-1990)

SECTION 3.9 CITY MANAGER; REMOVAL.

The Council may remove the Manager from office in accordance with the following procedures:

(a) The Council shall adopt by affirmative vote of a majority of its members a preliminary resolution which must state the reasons for removal and may suspend the Manager from duty for a period not to exceed forty-five (45) days. A copy of the resolution shall be delivered promptly to the Manager.

(b) Within five (5) days after a copy of the resolution is delivered to the Manager, he/she may file with the Council a written request for a public hearing. This hearing shall be held at a Council meeting not earlier than fifteen (15) days nor later than thirty (30) days after the request is filed. The Manager may file with the Council a written reply not later than five (5) days before the hearing.

(c) The Council may adopt a final resolution of removal, which may be made effective immediately by affirmative vote of a majority of all its members at any time after five (5) days from the date when a copy of the preliminary resolution was delivered to the Manager, if he/she has not requested a public hearing, or at any time after the public hearing if he/she has requested one.

(d) The Manager shall continue to receive his/her salary until the effective date of a final resolution of removal.
(Adopted by electorate, 11-6-1990)

SECTION 3.10 FUNCTIONS AND DUTIES OF CITY MANAGER.

The functions and duties of the City Manager shall be:

(a) To see that all laws and ordinances are enforced;

(b) To appoint the heads of the several City departments whose appointment is not otherwise specified herein, and to remove such department heads;

(c) To manage and supervise all public improvements, works and undertakings of the City. He/she shall have charge of the construction, repair, maintenance, and cleaning of streets, sidewalks, bridges, pavements, sewers, and of all public buildings or other property belonging to the City. He/she shall manage and supervise all City utilities and shall be responsible for the preservation of property, tools, and appliances of the City;

(d) To see that all terms and conditions imposed in favor of the City or its inhabitants in any public utility franchise, or in any contract, are faithfully kept and performed;

(e) To recommend an annual budget to the Council; to administer the budget as finally adopted under policies formulated by the Council and to keep the Council fully advised at all times as to the financial condition and needs of the City;

(f) To prepare and submit the capital improvements program, as reviewed by the Planning Commission, to the Council;

(g) To recommend to the Council for adoption such measures as he/she may deem necessary or expedient;

(h) To exercise and perform all administrative functions of the City that are not imposed by this Charter or any City ordinance upon some other official;

(i) To prohibit the use of City owned properties, equipment, facilities, or services except for authorized City operations and agreements with intergovernmental agencies. (It is not the intent of this section to prohibit assistance to or cooperation with, community oriented, non-profit, or charitable groups, agencies, or projects; however exceptions to this section must be approved by the Council.)

(j) To provide an annual inventory of all city owned properties complete with description and documentation and condition for presentation to the Council;

(k) To perform such other duties as may be prescribed by this Charter or as may be required of him/her by ordinance or by direction of the Council.
(Adopted by electorate, 11-5-2019)

SECTION 3.11 ACTING CITY MANAGER.

The Council shall appoint or designate an Acting City Manager during the period of a vacancy in the office or during the absence of the Manager from the City. Such Acting Manager shall, while he/she is in such office, have all the responsibilities, duties, functions, and authority of the Manager.
(Adopted by electorate, 11-6-1990)

SECTION 3.12 RELATIONSHIP OF COUNCIL TO ADMINISTRATIVE SERVICE.

The City Manager shall be responsible to the Council for the efficient administration of all departments of the City government under his/her jurisdiction. Neither the City Council nor any of its members shall in any manner dictate the appointment or removal of any City administrative officer or employees whom the City Manager or any of his/her subordinates are empowered to appoint, but the Council may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the City Manager. Neither the Council nor any member thereof shall give orders to any of the subordinates of the City Manager.
(Adopted by electorate, 11-6-1990)

SECTION 3.13 CITY CLERK; FUNCTIONS AND DUTIES.

(a) The Clerk shall be the Clerk of the Council and shall attend all meetings of the Council and shall keep a permanent journal in the English language of its proceedings and shall keep a record of all ordinances, resolutions, and regulations of the Council.

(b) The Clerk shall be the custodian of the City seal, and shall affix it to all documents and instruments requiring the seal, and shall attest the same. The Clerk shall have the power to administer all oaths required by law and by the ordinances of the City. The Clerk shall also be custodian of all papers, documents, and records pertaining to the City of Wakefield, the custody of which is not otherwise provided for. The Clerk shall give to the proper department or officials ample notice of the expiration or termination of any franchises, contracts or agreements.

(c) The Clerk shall certify by his/her signature all ordinances and resolutions enacted or passed by the Council and perform any other duties required of him/her by state law, this Charter, or by the Council.

(d) The Clerk shall provide and maintain in his/her office a supply of forms for all petitions required to be filed for any purpose by the provisions of this Charter.

(e) The Clerk shall perform such other duties as may be prescribed for him/her by this Charter, state, or federal law, or by the Manager.
(Adopted by electorate, 11-6-1990)

SECTION 3.14 CITY TREASURER; FUNCTIONS AND DUTIES.

(a) The Treasurer shall have the custody of all moneys of the City, the Clerk's bond, and all evidences of value belonging to the City, or held in trust by the City.

(b) The Treasurer shall receive all moneys belonging to and receivable by the City, that may be collected by any officials or employees of the City, including license fees, taxes, assessments, utility charges, and all other charges belonging to and payable to the City, and shall in all cases give a receipt therefor.

(c) The Treasurer shall keep and deposit all moneys or funds in such manner and only in such places as the Council may determine and shall report the same in detail to the Clerk.

(d) The Treasurer shall have such powers, duties, and prerogatives in regard to the collection and custody of state, county, and school district, and City taxes and moneys as are conferred by law to enforce the collection of state, county, township, and school district taxes upon real and personal property.

(e) The Treasurer shall be responsible for the maintenance of a system of accounts of the City which shall conform to any uniform system required by state law and by the Council. All accounts of the City shall be balanced at the end of each calendar month, and a report made thereof by the Treasurer to the Council and the Manager.

(f) The Treasurer shall perform such other duties as may be prescribed for him/her by state or Federal law, this Charter, or by the Manager.
(Adopted by electorate, 11-6-1990)

SECTION 3.15 CITY ASSESSOR; FUNCTIONS AND DUTIES.

The Assessor shall possess all the powers vested in and shall be charged with all duties imposed upon assessing officers by the general laws of the state. He/she shall make and prepare all regular and special assessment rolls in the manner prescribed by this Charter and the general laws of the state. He/she shall perform such other duties as may be prescribed for him/her in this Charter or by the Council or Manager.
(Adopted by electorate, 11-6-1990)

SECTION 3.16 CITY ATTORNEY; APPOINTMENT AND COMPENSATION.

(a) The Council shall appoint a City Attorney who shall serve at its pleasure and shall fix his/her compensation. The compensation set by the Council for the City Attorney shall be in contemplation of the normal duties of the office. Special compensation may be provided at the discretion of the Council in cases of appeals to or litigation commenced in the Federal Courts, the Circuit Court or State Supreme Court, work requiring extensive hearings before quasi-judicial or administrative tribunals, for legal work in connection with the issuance of bonds of the City, and for condemnation proceedings. No such special compensation shall be given by the Council except in accordance with an agreement between itself and the City Attorney made before the service, for which such special compensation is to be paid, has been rendered.

(b) Billing for services shall be on a monthly basis with an itemized description of the services rendered and the hours and dollar amount for each item of service. Invoices for payment to the City Attorney shall be presented in the first week of the month following the month billed for.

(c) This Section (a) through (c) and Section 3.17 CITY ATTORNEY; FUNCTIONS AND DUTIES: (a) through (g) shall be included in any Contractual Agreement between the City of Wakefield and the City Attorney.
(Adopted by electorate, 11-6-1990)

SECTION 3.17 CITY ATTORNEY; FUNCTION AND DUTIES.

(a) The City Attorney shall act as legal adviser to, and attorney and counsel for, the Council and all its members in matters relating to their official duties. He/she shall give written opinions to any

official or department of this city when requested in writing by the Council or City Manager so to do and shall file a copy of same with Clerk.

(b) The City Attorney shall conduct for the City all cases in all courts and before all legally constituted tribunals whenever the City is a party thereto, except as otherwise provided for in (g) of this section.

(c) The City Attorney shall prepare, or officially pass upon, all contracts, bonds, and other instruments in writing, in which the City is concerned, and shall certify before execution as to their legality and correctness of form.

(d) The City Attorney shall file in the office of the Clerk the original copy of all franchises granted by the City, of all contracts and agreements entered into by or on behalf of the City, and of all papers constituting a part of the proceedings in all courts or legally constituted tribunals to which the City is a party, together with pertinent data and information concerning the same.

(e) The City Attorney shall be charged with the responsibility of calling to the attention of the Council and the City Manager all matters of law and changes or developments therein affecting the City.

(f) The City Attorney shall perform such other duties as may be prescribed by the Charter or the Council.

(g) Upon the recommendation of the City Attorney, or upon its own motion, the Council may retain special legal counsel to handle any matter to which the City is a party or in which the City has an interest, or to assist the counsel with the City Attorney therein.
(Adopted by electorate, 11-6-1990)

SECTION 3.18 OTHER ADMINISTRATIVE OFFICERS; APPOINTMENT AND COMPENSATIONS.

The other administrative officers may be the Chief of Police, Chief of Fire, Superintendent of Public Works and Superintendent of Electric Utility. All such officers shall be appointed by the Council upon recommendation of the Manager. The Council shall fix by ordinance the rate of compensation for all administrative officers of the City within the limits of budget appropriations.
(Adopted by electorate, 11-6-1990)

SECTION 3.19 PLANNING COMMISSION.

The Council shall by ordinance establish and maintain a City Planning Commission having the powers and duties prescribed by state law. The Manager shall be an ex officio member of the Planning Commission.
(Adopted by electorate, 11-6-1990)

SECTION 3.20 LIBRARY BOARD.

The Council shall provide by ordinance for the maintenance of a public library in accordance with Act 164 of 1877, as amended, under the management of a board of five (5) citizens appointed by the Mayor with the approval of the Council as provided in said Act. The moneys of such library shall be deposited in a special fund in the treasury of the City in accordance with said Act. The purchases of the library shall be made through the purchasing department of the City.
(Adopted by electorate, 11-6-1990)

CHAPTER 4: GENERAL PROVISION REGARDING OFFICERS AND PERSONNEL OF CITY

SECTION 4.1 ELIGIBILITY FOR OFFICE IN CITY.

No person shall be elected or appointed to any office who is in default to the City, or to any other governmental unit of the state, now or heretofore existing. The election or appointment of any such defaulter shall be void. No person holding an elected or appointed office of the City or any other governmental unit of the state shall hold another elective or appointive office in the City. No person shall be eligible to any elective office of the City unless he/she shall be a qualified elector in the City, and shall have been a resident of the City for at least one (1) year immediately prior to the date of the election at which he/she is a candidate for office.
(Adopted by electorate, 11-6-1990)

SECTION 4.2 VACANCIES IN OFFICE.

Any City office shall become vacant upon the occurrence of one or more of the following events before the expiration of the term of such office:

(a) For any reason specified by state law creating a vacancy;

(b) If the officers of the City, (other than the Mayor and members of the Council including City Manager, City Clerk, City Treasurer, Department of Public Works Superintendent, and Electric and Water Superintendent), shall absent themselves continuously from the City for more than forty (40) days without permission of the Council;

(c) In the case of the Mayor and members of the Council, where such officers shall miss three (3) consecutive regular meetings of the Council, or twenty-five (25%) percent of such meetings in any fiscal

year of the City, unless such absences shall be excused by the Council and the reason entered in the proceedings of the Council;

(d) If the officer shall be convicted of any act constituting misconduct in office under the provisions of this Charter;

(e) If any elected official shall seek election (files petitions) to another public elective office.
(Adopted by electorate, 11-6-1990)

SECTION 4.3 RESIGNATIONS.

Resignations of elective officers shall be made in writing and filed with the Clerk and shall be acted upon by the Council at its next regular meeting following receipt thereof by the Clerk. Resignations of officers appointed by the Council shall be made in writing to the Council. Resignations of officers appointed by the City Manager shall be made in writing to him/her. All resignations shall be immediately acted upon.
(Adopted by electorate, 11-6-1990)

SECTION 4.4 PROCEDURE FOR FILING VACANT ELECTIVE OFFICE.

If a vacancy occurs in any elective office, the Council shall, within thirty (30) days after such vacancy occurs, appoint by unanimous vote of the Council, a person to fill such vacancy until the next regular City election, provided, that if any such vacancy in the position of Councilmember is not so filled by appointment within the said thirty (30) days, or if three or more vacancies in the position of Councilmember exist simultaneously, the City Clerk shall forthwith call a special election to be held within sixty (60) days thereafter to fill such vacancy or vacancies for the unexpired terms of the individuals whose offices have become vacant; provided, however, that no vacancy in the position of Councilmember shall be filled by appointment or special election as above provided if the term of office of the Councilmember whose office has become vacant expires within ninety (90) days after the vacancy occurs, notwithstanding the foregoing.
(Adopted by electorate, 11-6-1990)

SECTION 4.5 CHANGE IN TERM OF OFFICE OR COMPENSATION.

Except by procedures provided in this Charter, the terms of the elective officials of the City shall not be shortened. The terms of elective officers of the City may not be extended beyond the period for which such officer was elected except that an elective officer of the City shall, after his/her term has expired, continue to hold office until his/her successor is elected and has qualified. The Council shall

not grant to authorize extra compensation to any City officer, agent, or contractor, after the service has been rendered or the contract entered into. Nor shall the salary of any elective City officer, be increased or decreased after his/her election during any fixed term of office for which he/she was elected.
(Adopted by electorate, 11-6-1990)

SECTION 4.6 OATH OF OFFICE AND BOND.

Every officer, selected or appointed, before entering upon the duties of his/her office, shall take the oath of office prescribed by Section 1 of Article XI of the Constitution of the State and shall file the same with the Clerk, together with any bond which he/she may be required by this Charter or by the Council to give. In case of failure to comply with the provisions of this section within ten (10) days from the date of his/her election or appointment, such officer shall be deemed to have declined the office and such office shall thereupon become vacant unless the Council shall, by resolution, extend the time in which such officer may qualify as above set forth.
(Adopted by electorate, 11-6-1990)

SECTION 4.7 SURETY BONDS.

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 office or employment, in such sum as the Council shall determine. All such officers or employees receiving, disbursing or responsible for the City funds shall be bonded. The resignation or removal of any bonded officer or employee shall not, nor shall the appointment of another to the office or employment, exonerate such officer or employee or his/her sureties from any liability incurred by him/her or them. 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. No bond required by this section shall be renewed upon its expiration or in the event of the reappointment of any officer or employee to a position for which a bond is required, but a new bond shall be furnished. No bond shall be issued for a term exceeding two (2) years. All bonds of all officers or employees shall be filed with the Clerk, except that of the Clerk himself/herself, which shall be filed with the Treasurer.
(Adopted by electorate, 11-6-1990)

SECTION 4.8 LIABILITY AND BOND TO CONTINUE.

The resignation, removal or discharge of any officer or employee of the City shall not, nor shall the election or appointment of another to his office or employment, exonerate such officer or employee of his/her sureties from any liability incurred by him/her or them.
(Adopted by electorate, 11-6-1990)

SECTION 4.9 DELIVERY OF OFFICE AND ITS EFFECTS BY OFFICER TO HIS SUCCESSOR.

Whenever any officer or employee required by this Charter to be a resident, shall cease to be a resident of the City, resign or be removed from office, or the term for which any officer has been elected or appointed has expired he/she shall,on demand, deliver to his/her successor in office or to his/her superior all the books, paper, money, and effects in his/her custody as such officer or employee, and which in any appertain to his/her office or employment. Every person violating this provision shall be deemed guilty of a misdemeanor, and may be proceeded against in the same manner as public officers generally for the like offense under the general laws of the state now or hereafter in force and applicable thereto. Every officer and employee of the City shall be deemed an officer within the meaning and provisions of such general laws of the state for the purpose of this section.
(Adopted by electorate, 11-6-1990)

SECTION 4.10 PROPRIETARY OR FINANCIAL INTEREST PROHIBITED.

Proprietary or financial interest of elected or appointed officers of the City, shall be governed by Public Act 317 of 1968, as amended.
(Adopted by electorate, 11-6-1990)

SECTION 4.11 PROHIBITION ON EMPLOYING RELATIVE (NEPOTISM).

Unless the Council shall by two-thirds (2/3) vote of the members elect thereof, other than the member involved, which vote shall be recorded as part of the official proceedings, determine that the best interests of the City shall be served, the following relatives of any elective or appointive officer are disqualified from holding any appointive office or City employment during the term for which said elective or appointive officer was elected or appointed: spouse, child, parent, grandchild, grandparent, brother, sister, half-brother, half-sister, or the spouse of any of them. All relationships shall include those arising from adoption. This section shall in no way disqualify such relatives or their spouses who are bona fide appointive officers or employees of the City at the time of the election or appointment of said official.

The provisions of this relationship, above, specifically applies to the prohibition of the employment of relatives to be directly under the supervision of another relative. Employment in another department than that of the relatives' supervision is permissible subject to review by the Council.
(Adopted by electorate, 11-6-1990)

SECTION 4.12 EMPLOYMENT AND REMOVAL OF PERSONNEL OTHER THAN OFFICERS.

Employees of the City provided by this Charter, and other department heads, shall be employed and removed by department heads with the approval of the City Manager, subject to union contract.

All regular full-time City of Wakefield employees shall be residents of the City. If an employee is not a resident at the time of employment, he/she shall become a resident within ninety (90) days after the beginning of his/her employment and shall remain so throughout his/her employment with the City. This requirement may be waived when it is determined to be in the best interest of the City. A waiver for such circumstance must be approved by a resolution passed by all five (5) members of the City Council.
(Adopted by electorate, 11-5-2019)

SECTION 4.13 RETIREMENT SYSTEM.

The retirement system for the employees of the City of Wakefield, Michigan, known as the Municipal Employees Retirement System, which went into effect on the first day of May, 1946, is hereby continued for the purpose of providing retirement allowances for the employees of the City.
(Adopted by electorate, 11-6-1990)

SECTION 4.14 EMPLOYEE WELFARE BENEFITS.

The Council shall have the power to make available to the administrative officers and employees of the City and its departments and boards any recognized standard 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.
(Adopted by electorate, 11-6-1990)

SECTION 4.15 FEES OF OFFICERS TO BELONG TO THE CITY.

The respective salaries and compensation of officers fixed by this Charter, or by ordinance or resolution of the Council, except Constable, shall be in full or all official services as such officers for the City or public, and shall be in lieu of all fees, commissions, and other compensation receivable by such officers for their services in performances of the duties of their offices; which fees, commissions, and compensation shall belong to the City, and be collected and accounted for by such officers, and be paid into the City treasury, and a statement thereof filed with the City Clerk as often as once in each week.
(Adopted by electorate, 11-6-1990)

CHAPTER 5: ELECTIONS

SECTION 5.1 OFFICERS TO BE ELECTED.

The elective officers of the City shall be five (5) Councilmembers (and one (1) Constable, if required by State law), all of whom shall be elected by the City at large.
(Adopted by electorate, 11-6-1990)

SECTION 5.2 ELECTION DATE.

A regular City election shall be held on the first Tuesday following the first Monday in November of each odd year beginning with 1991.
(Adopted by electorate, 11-6-1990)

SECTION 5.3 PRIMARY.

Primary elections will be conducted when mandated by State or Federal Law.
(Adopted by electorate, 11-2-2004)

SECTION 5.4 TERMS OF OFFICE.

Councilmember terms of office shall be four years and staggered. Transition to staggered terms shall be accomplished by the top three vote getters in the next election (November 2021) receiving four year terms. The next two vote getters shall receive two year terms. At the following election (November 2023) the top two vote getters will receive four year terms. The terms of the Councilmembers (and Constable) shall commence on and date from the first Monday next, following the date of the regular City election at which they are elected.
(Adopted by electorate, 11-5-2019)

SECTION 5.5 WARDS.

The City of Wakefield shall consist of one (1) ward.
(Adopted by electorate, 11-6-1990)

SECTION 5.6 QUALIFICATIONS OF ELECTORS.

The inhabitants of the City having the qualifications of the electors in the State of Michigan, and no others, shall be electors of the City.
(Adopted by electorate, 11-6-1990)

SECTION 5.7 ELECTION PROCEDURE.

The general election laws shall apply to and control all procedures relating to City elections, including qualification of electors, establishment of precincts, verification of petitions, registration of voters, and voting hours. The clerk shall give public notice of each City election in the same manner as is required by law for the giving of public notice of general elections in the state. The election of all City officers shall be on a non-partisan basis.
(Adopted by electorate, 11-6-1990)

SECTION 5.8 SPECIAL ELECTIONS.

Special City elections shall be held in accordance with the provisions of the General Election Laws of the State of Michigan.
(Adopted by electorate, 11-6-1990)

SECTION 5.9 VOTING HOURS.

The polls of all elections shall be opened and closed at the time prescribed by law for the opening and closing of polls at state elections, subject to the statutory right of the City Council to adjust these hours to local time.
(Adopted by electorate, 11-6-1990)

SECTION 5.10 ELECTION COMMISSION.

An Election Commission is hereby created, consisting of the Clerk, the Mayor, and the City Attorney. The Clerk shall be the chairperson. The Commission shall appoint the Board of Election Inspectors and have charge of all activities and duties required of it by state law and this Charter relating to the conduct of elections in the City. The compensation of election personnel shall be determined in advance by the City Council. In any case where election procedure is in doubt, the Election Commission

shall prescribe the procedure to be followed. The composition of the Board of Election Inspectors is as per the General Election Laws of the State.
(Adopted by electorate, 11-6-1990)

SECTION 5.11 NOMINATIONS.

The method of nomination of all officers provided for in this Charter who are elected by the electors of the City shall be by petition. Such petitions shall be signed by not less than twenty (20) nor more than sixty (60) qualified registered electors of the City. No person shall sign his/her name to a greater number of petitions for any one office than there will be persons elected to said office at said election. Where the signature of any individual appears on more petitions than there are candidates to be elected to said office, the signature of such individual on all petitions shall be invalidated.

Nomination petitions shall be filed with the Clerk in accordance with the provisions of the General Election Laws of the State of Michigan.
(Adopted by electorate, 11-2-2004)

SECTION 5.12 FORM OF PETITION.

(a) The form of petition shall be substantially as required by state law for state and county officers, except for references to political parties. Official petition forms shall be prepared and furnished by the Clerk. Before the Clerk shall furnish any nomination petitions to any person, he/she shall enter thereon in ink the name of the person desiring to become a candidate for office, or the person in whose behalf the petition is to be circulated and the name of the office for which he is to be a candidate.

(b) Nothing herein shall be construed to prohibit any candidate from having his own nominating petitions printed complying substantially with the Clerk's printed form.
(Adopted by electorate, 11-6-1990)

SECTION 5.13 APPROVAL OF PETITION.

The Clerk shall accept for filing only nomination petitions on official blanks containing the required number of signatures for candidates having those qualifications required for elective City officials by this Charter. When petitions are filed by persons other than the person whose name appears thereon as a candidate, they may be accepted for filing only when accompanied by the written consent of the person in whose behalf the petition or petitions were circulated. The Clerk shall, forthwith after the filing of a petition, determine the sufficiency of the signatures on each petition filed. Each petition which is found

by the Clerk to contain the required number of signatures of registered electors for candidates shall be marked "In Order," with the date thereof and he shall so notify the candidate whose name appears thereon, in writing.
(Adopted by electorate, 11-6-1990)

SECTION 5.14 PUBLIC INSPECTION OF PETITIONS.

All nomination petitions shall be open to public inspection in the office of the Clerk in accordance with the Michigan Freedom of Information Act.
(Adopted by electorate, 11-6-1990)

SECTION 5.15 FORM OF BALLOTS.

The form, printing, and numbering of ballots or the preparation of the voting machines used in any City election shall conform as nearly as may be that prescribed by the General Election Laws of the State, except that no party designation or emblem shall appear.
(Adopted by electorate, 11-6-1990)

SECTION 5.16 CANVASS OF VOTES.

The votes at all City elections shall be canvassed in accordance with the provisions of the General Election Laws of the State of Michigan.
(Adopted by electorate, 11-6-1990)

SECTION 5.17 RECOUNT.

A recount of the votes cast at any City election for any office or upon any proposition may be had in accordance with the General Election Laws of the State.
(Adopted by electorate, 11-6-1990)

SECTION 5.18 RECALL.

Any elected official may be recalled from office by the electors of the City in a manner provided by the General Election Laws of the State. A vacancy created by the recall of any elected official shall be filled in the manner prescribed by law.
(Adopted by electorate, 11-6-1990)

CHAPTER 6: PROCEDURE OF THE CITY COUNCIL

SECTION 6.1 REGULAR MEETINGS.

The Council shall provide by resolution for the time and place of its regular meetings and shall hold at least one (1) regular meeting each month. If any time set for holding of a regular meeting of the Council shall be a holiday, then such regular meeting shall be held at the same time and place on the next succeeding day which is not a holiday.
(Adopted by electorate, 11-6-1990)

SECTION 6.2 SPECIAL MEETINGS.

Special meetings of the Council may be called by the Clerk on the written request of the Mayor, any two (2) members of the Council, or the City Manager on at least twenty-four (24) hours written notice to each member of the Council, designation the date, time, place, and purpose of any such meeting and served personally or left at his/her usual place of residence by the Clerk or someone designated by him/her. Any special meeting of the Council at which not less than four (4) members of the Council are present or have in writing waived the requirement that notice be given at least twenty-four (24) hours prior to the time specified for the holding of such meeting and at which a quorum of the Council is present, shall be a legal meeting. All special meetings shall be posted with the date, time, and place as per the Michigan Open Meetings Act.
(Adopted by electorate, 11-6-1990)

SECTION 6.3 BUSINESS AT SPECIAL MEETINGS.

No business shall be transacted at any special meeting of the Council unless the same has been stated in the notice of such meeting.
(Adopted by electorate, 11-6-1990)

SECTION 6.4 MEETINGS TO BE PUBLIC.

All regular and special meetings of the Council shall be open to the public and rules of order of the Council shall provide that citizens shall be given a reasonable opportunity to be heard.
(Adopted by electorate, 11-6-1990)

SECTION 6.5 QUORUM.

Three (3) members of the Council shall be a quorum for the transaction of business at all regular or special meetings of the Council, but, in the absence of a quorum, two (2) members may adjourn any regular meeting or special meeting to a later date.
(Adopted by electorate, 11-6-1990)

SECTION 6.6 NO STANDING COMMITTEES.

There shall be no standing committees of the Council.
(Adopted by electorate, 11-6-1990)

SECTION 6.7 PUBLICATION OF COUNCIL PROCEEDINGS.

The proceedings of the Council shall be published at least once within fifteen (15) days after each meeting of the Council in a newspaper published in Gogebic County. The publication of a synopsis of such proceedings, prepared by the Clerk, showing the substance of each separate proceeding of the Council, including communications to the Council, shall be a sufficient compliance with the requirements of this section.
(Adopted by electorate, 11-6-1990)

SECTION 6.8 COUNCIL RULES: MISCELLANEOUS.

Subject to provisions of this Charter, the Council shall determine its own rules and order of business and shall keep a journal of all its proceedings in the English language which shall be signed by the Mayor and Clerk. The vote upon the passage of all ordinances, and upon the adoption of all resolutions shall be taken by "Yea" and "Nay" votes and entered upon the record, except that where the vote is unanimous, it shall only be necessary to so state. Each member of the Council who shall be recorded as present shall vote on all questions decided by the Council unless excused by the unanimous consent of the other members present. Any citizen or taxpayer of the City shall have access to the minutes and records of all regular and special meetings of the Council at all reasonable times.
(Adopted by electorate, 11-6-1990)

CHAPTER 7: LEGISLATION

SECTION 7.1 PRIOR CITY ORDINANCES AND REGULATIONS.

All by-laws, ordinances, resolutions, rules, and regulations of the City of Wakefield, which are not inconsistent with the provisions of this Charter, in force and effect at the time of adoption of this

Charter, shall continue in full force as by-laws, ordinances, resolutions, rules, and regulations of the City of Wakefield until repealed or amended by action of the proper authorities.
(Adopted by electorate, 11-6-1990)

SECTION 7.2 ORDINANCE ENACTMENT.

All legislation of the City of Wakefield shall be by ordinance or by resolution.

(a) The word "resolution" as used in this Charter shall be the official action of the Council 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 or federal law and to matters pertaining to the internal affairs or concerns of the City government.

(b) All other acts of the Council, and all acts carrying a penalty for the violation thereof, shall be by ordinance. Each ordinance shall be identified by a number and a short title. The style of all ordinances passed by the Council shall be "The City of Wakefield Ordains."

(c) The Council may adopt any provision of state law or any detailed technical regulations as a City ordinance or code by reference to the extent and in the manner provided by state law, provided that any such provision of state law or code shall be clearly identified in the ordinance adopting the same as an ordinance of the City, and further, should any changes or amendments thereafter be made thereto, they shall also be made a part of and included in such adoption. Where any such code is adopted, it may be published in book or booklet form available for public distribution at a reasonable charge and any amendment to or change of such adopted code or detailed ordinance may be published in the same manner.
(Adopted by electorate, 11-6-1990)

SECTION 7.3 ENACTMENT, AMENDMENT, AND REPEAL OF ORDINANCE.

Ordinance may be enacted, amended, or repealed by the affirmative vote of not less than three (3) Councilmembers, except that when an ordinance is given immediate effect, Section 7.4 shall govern. Unless by the affirmative vote of three (3) Councilmembers, no office shall be created or abolished, no tax or assessment be imposed, no street, alley, or public ground be vacated, no real estate or any interest therein be sold or disposed of, no private property be taken for public use, or any vote of the Council be reconsidered or rescinded at a special meeting, nor any money appropriated except as otherwise provided by this Charter. Except in case of ordinances which are declared to be emergency ordinances, no ordinance shall be finally passed by the Council at the same meeting at which it is introduced.

No ordinance shall be revised, altered, or amended by reference to the title only, but the section or sections of the ordinance revised, altered, or amended shall be re-enacted and published. However, an ordinance may be repealed by reference to its number and title only.
(Adopted by electorate, 11-6-1990)

SECTION 7.4 WHEN ORDINANCES TAKE EFFECT.

The effective date of ordinances shall be prescribed therein, but the effective date shall not be earlier than fifteen (15) days after the enactment nor before publication thereof, except that ordinances immediately necessary for the preservation of the public peace, health, or safety may be given earlier effect by the affirmative vote of not less than three (3) Councilmembers if three (3) or four (4) Councilmembers are present at the meeting, and by the affirmative vote of not less than four (4) Councilmembers if five (5) Councilmembers are present at the meeting. In case an ordinance is given effect earlier than fifteen (15) days after its enactment, all requirements for publication may be met by posting copies thereof in conspicuous locations in three (3) public places in the City; and the Clerk shall, immediately after such posting, enter in the Ordinance Book under the record of the ordinance a certificate under his/her hand stating the time and place of such publication by posting, which certificate shall be prima facie (true) evidence of the due publication and posting of the ordinance.
(Adopted by electorate, 11-6-1990)

SECTION 7.5 PENALTIES.

The Council shall provide in each ordinance for the punishment of violations thereof, but, unless permitted by law, no such punishment excluding the costs charged, shall exceed a fine of Five Hundred ($500.00) Dollars or imprisonment for not more than ninety (90) days, or both, in the discretion of the Court. Imprisonment for violations of ordinances may be in the County jail.
(Adopted by electorate, 11-6-1990)

SECTION 7.6 PUBLICATION OF ORDINANCES.

Each ordinance passed by the Council shall be published at least once within fifteen (15) days after its adoption in the official newspaper of the City. The publication of any ordinance in full after its final passage as a part of the published proceedings of the Council shall constitute publication of such ordinance as required herein. All ordinances and revisions, alterations, or amendments of ordinances shall be recorded by the Clerk in a book to be called “The Ordinance Book,” and it shall be the duty of the Mayor and Clerk to authenticate such records by their official signatures thereon.
(Adopted by electorate, 11-6-1990)

SECTION 7.7 ORDINANCES GRANTING FRANCHISES AND CONTRACTS.

Every ordinance or resolution granting any franchise or right to occupy or use the streets, highways, bridges, or public places in the City for any purpose shall be complete in the form in which it is finally passed, and remain on file with the Clerk for public inspection for at least one (1) week before the final passage or adoption thereof. No exclusive franchise or grant of right to occupy or use the streets, or public places of the City shall ever be granted.
(Adopted by electorate, 11-6-1990)

SECTION 7.8 COMPILATION AND CODIFICATION OF ORDINANCES.

Within two (2) years after the adoption of this Charter and at least once in every ten (10) years the Council shall direct and complete the compilation or codification and the publication of the Charter and all ordinances of the City then in force, in loose-leaf or pamphlet form, and may provide for a reasonable charge for copies thereof. No further publication of any such compilation or codification shall be required for the validity thereof. In case the compilation or codification of the ordinances of the City shall have been maintained current and up-to-date during any ten (10) year period, no re-compilation or re-codification of the ordinances of the City shall be required during or at the end of such period.

The copies of the ordinances and any compilation, code, or codes referred to in the Charter may be certified by the Clerk and, when so certified, shall be competent evidence in all courts and legally established tribunals as to the matter contained therein.
(Adopted by electorate, 11-6-1990)

SECTION 7.9 INITIATIVE AND REFERENDUM.

Any five (5) qualified voters may commence initiative or referendum proceedings by filing with the Clerk an affidavit stating they will constitute the Petitioner's Committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be considered.

Promptly after the affidavit of the Petitioner's Committee is filed, the Clerk shall issue the appropriate petition blanks to the Petitioner's Committee.
(Adopted by electorate, 11-6-1990)

SECTION 7.10 INITIATORY AND REFERENDARY PETITIONS.

An initiatory or a referendary petition shall be signed by not less than fifteen (15%) percent of the registered electors of the City, who have signed said petition within three (3) months before date of filing

the petition with the Clerk. Before being circulated for signatures, all such petitions shall be approved as to form by the Clerk. No such petition need be on one (1) paper, but may be the aggregate of two (2) or more petition papers. Each signer of a petition shall sign his/her name and shall place thereon, after his/her name, the date and his/her place of residence by street and number, or by other customary designation. To each petition paper there shall be attached a sworn affidavit by the circulator thereof, stating the number of signers thereto and that each signature hereon is the genuine signature of the person whose name it purports to be, and that it was made in the presence of the circulator of the petition. Such petition shall be filed with the Clerk who shall, within ten (10) days, canvass the signatures thereon to determine the sufficiency thereof. If found to contain an insufficient number of signatures of registered electors of the City, or to be improper as to form or compliance with the provisions of this section, the Clerk shall notify forthwith the person filing such petition and ten (10) days from such notification shall be allowed for the filing of supplemental petition papers. When found sufficient and proper, the Clerk shall present the petition to the Council at its next regular meeting.
(Adopted by electorate, 11-6-1990)

SECTION 7.11 COUNCIL PROCEDURE ON PETITIONS.

Upon receiving an initiatory or referendary petition from the Clerk, the Council shall, within thirty (30) days, unless otherwise provided by law, either:

(a) Adopt the ordinance as submitted by an initiatory petition;

(b) Repeal the ordinance referred to by a referendary petition; or

(c) Instead determine to submit the proposal provided for in the petition to the electors.
(Adopted by electorate, 11-6-1990)

SECTION 7.12 SUBMISSION TO THE ELECTORS.

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. The result shall be determined by a majority vote of the electors voting thereon, except in cases where otherwise required by the constitution or laws of the State of Michigan.
(Adopted by electorate, 11-6-1990)

SECTION 7.13 ORDINANCE SUSPENDED.

The certification by the Clerk of the sufficiency of a referendary petition within thirty (30) days after the passage of the ordinance to which such petition refers shall automatically suspend the operation of

the ordinance in question pending repeal by the Council or final determination by the electors as the case may be. An ordinance adopted by the electorate through initiatory proceedings may not be amended or repealed by the Council for a period of two (2) years after the date of the election at which it was adopted. Should two (2) or more ordinances, adopted at the same election, have conflicting provisions,the one (1) receiving the highest vote shall prevail as to those provisions.
(Adopted by electorate, 11-6-1990)

CHAPTER 8: MISCELLANEOUS POWER AND DUTIES OF COUNCIL RESTRICTIONS ON POWERS OF COUNCIL

SECTION 8.1 PUBLIC HEALTH AND SAFETY.

Through the established departments and agencies of the City government, together with any such department or agencies as may be created under authority of this Charter, the Council shall provide for the public peace and health and for the safety of persons and property.
(Adopted by electorate, 11-6-1990)

SECTION 8.2 STREETS AND ALLEYS.

Except insofar as limited by state law and the provisions of this Charter, the Council shall have the power to establish, vacate, and use, and to patrol and regulate the use of its streets, alleys, bridges and public places, whether such public places be located within or without the limit of the City, and space above and beneath them. Such power shall include, but not be limited to, the proper policing and supervision thereof; to the licensing and regulation, or the prohibition of the placing of signs, awnings, awning posts, and other things which are of such nature as to impede or make dangerous the use of sidewalks or streets of the City; in the licensing and regulation of the construction and use of openings of sidewalks and streets and of all vaults, structures, and excavations under the same.

Provided, that when the Council shall deem it advisable to vacate, discontinue, or abolish any highway, street, lane, alley, or public ground or any part thereof, it shall appoint a time not less than four (4) weeks thereafter when it shall meet and hear objections thereto; notice of such meetings, with a copy of said resolution shall be given in such manner as shall be prescribed by ordinance or resolution. Objections to such proposed action of the Council may be filed with the Clerk in writing and if any such shall be filed, the street, alley, or public ground, or any part thereof, shall not be vacated or discontinued, except by a vote of four (4) of the members-elect of the Council.
(Adopted by electorate, 11-6-1990)

SECTION 8.3 LICENSES.

The Council shall by ordinance prescribe the terms and conditions upon which licenses may be granted, suspended, or revoked; and may require and exact payment of such reasonable sums of any licenses as it may deem proper. The persons receiving the licenses shall, before the issuing thereof, execute a bond to the City, when required by ordinance, in such sum and with such securities as prescribed by such ordinance, conditioned for the faithful observance of the Charter of the City, and the ordinance under which the license is granted.
(Adopted by electorate, 11-6-1990)

SECTION 8.4 ACQUISITION OF PROPERTY.

The Council shall have the power to acquire for the City by purchase, gift, condemnation, lease, construction, or otherwise, either within or without its corporate limits, and either within or without the County of Gogebic, property of every type and nature which may be required for or incidental to the present of future exercise of the purpose, powers, and duties of the City government established by this Charter, and to maintain, develop, operate, lease, and dispose of such property, subject to any restrictions placed thereupon by law or by this Charter.
(Adopted by electorate, 11-6-1990)

SECTION 8.5 CEMETERIES AND PARKS.

The Council shall enact all ordinances deemed necessary for the establishment, maintenance, and protection of all cemeteries and parks, together with the improvements thereon and appurtenances thereto, owned or hereafter acquired by the City either within or without its corporate limits. All ordinances pertaining to public health and welfare in the regulation and protection of public cemeteries shall apply equally to all cemeteries within the City belonging to, or under the control of, any church or religious society, or any corporation, company, or association. The Council may cause any bodies buried within the City, in violation of any rule or ordinance made in respect to such burials, to be taken up and reburied in such manner as shall conform to the ordinances of the City, or to be buried elsewhere.
(Adopted by electorate, 11-6-1990)

SECTION 8.6 TRUSTS.

All trusts established for cemetery, park, or other municipal purposes shall be used and continued in accordance with the terms of such trusts, subject to the common law cy pres doctrine. The City may, in its discretion, receive and hold any property in trust for cemetery, park, or other municipal purposes

and shall apply the same to the execution of such trusts and for no other purposes whatsoever, except in cases where the common law cy pres doctrine shall apply.
(Adopted by electorate, 11-6-1990)

SECTION 8.7 MOBILE HOMES AND HOUSE TRAILERS.

State Laws and Zoning Ordinances regulate mobile homes. Therefore, this section is deleted in its entirety.
(Adopted by electorate, 11-2-2004)

SECTION 8.8 APPROPRIATION OF PRIVATE PROPERTY.

Private property may be taken and appropriated, either within or without the City, for any public use in connection with any acquisition enlargement, or extension of municipal public utilities, including, but not by the way of limitation, utilities for supplying water, light, heat, power, gas, sewage treatment, and garbage disposal, or any of them; for the purpose of opening, widening, altering, and extending streets, alleys and avenues; for the construction, of bridges, for public buildings and for other public structures; for public grounds, parking spaces, parks, market places; for public housing projects; for the improvements of waters and water courses within the City; for sewers, drains and ditches; for public hospitals, and public cemeteries; and for all other lawful and necessary public uses. The ownership of such property shall be acquired by the City by negotiation and purchase, or in any other manner permitted by the general laws of the state for the taking of private property for public use.
(Adopted by electorate, 11-6-1990)

SECTION 8.9 ADOPTION OF ZONING ORDINANCE.

The Council shall periodically review and update the existing Zoning Ordinance. In so far as may be, the provisions of such ordinance shall be coordinated with the work of the City Planning Commission herein required to be maintained by the City Council.
(Adopted by electorate, 11-6-1990)

SECTION 8.10 INVESTIGATIONS.

The Council, or any person or committee authorized by it for the purpose, shall have power to inquire into the conduct of any department, office, or officer of the City and to make investigations as to municipal affairs, and for, that purpose may subpoena witnesses, administer oaths, and compel the production of books, papers, and other evidence. Failure on the part of any officer of the City to obey

such subpoena to produce books, papers, or other evidence as ordered under the provisions of this section shall constitute misconduct in office. If such failure shall be on the part of any employee of the City, the same shall constitute a misdemeanor.
(Adopted by electorate, 11-6-1990)

SECTION 8.11 RESTRICTION ON POWERS OF THE COUNCIL.

The Council shall not have the power to:

(a) Make any contract with or give any official position to any person who is in default to the City;

(b) Sell any personal property of a value in excess of Three Hundred ($300.00) Dollars, as determined by the then market value, unless the said personal property is offered for sale and an opportunity for free competition be given;

(c) Sell any real property of a value in excess of Three ($3.00) Dollars per capita according to the last preceding United States census, or any park, cemetery, or any part thereof, or any real property bordering on a water front, or vacate any street or public place leading to a water front, or engage in any business enterprise requiring an investment of money in excess of ten cents ($.10) per capita, unless approved by three-fifths (3/5) of the electors voting thereon at any general or special election.
(Adopted by electorate, 11-2-2004)
Editor's note:
The city's proposal to sell a portion of Eddy Park, per Res. 298, passed 8-2-2021, falls under this charter provision.

SECTION 8.12 RESTRICTION ON POWERS TO LEASE CITY PROPERTY.

The Council may not rent or lease public property for a period longer than three (3) years unless such rental or lease agreement shall have been referred to the people at a regular or special election and shall have received the approval of a majority of the electors voting thereon at such election. No such lease shall be approved by the Council for presentation to the electorate before thirty (30) days after application therefor has been filed with the Council, nor until a public hearing has been held thereon. No such lease shall be submitted to the electors unless the party leasing or renting the property has filed with the Clerk his/her unconditional acceptance of all the terms of such lease or rental agreement. It is provided, however, that the restrictions of this section shall not apply to leases or rent agreements existing at the time of the adoption of this Charter or to leases or rent agreements for use of property by veterans' organizations which use existed at the time of the adoption of this Charter.
(Adopted by electorate, 11-6-1990)

CHAPTER 9: GENERAL FINANCIAL PROVISIONS BUDGET, AUDIT, PURCHASING

SECTION 9.1 FISCAL YEAR.

The fiscal year of the City shall begin on the first day of July and end on the thirtieth day of June of the following year. Such year shall constitute the budget year of the City government.
(Adopted by electorate, 11-6-1990)

SECTION 9.2 BUDGET PROCEDURE.

The City Manager shall submit his/her recommended budget for the ensuing fiscal year to the City Council on or before the first regular meeting in May.
(Adopted by electorate, 11-6-1990)

SECTION 9.3 BUDGET DOCUMENT.

The budget document shall present a complete financial plan for the ensuing fiscal year. It shall include, at least, the following information:

(a) Detailed estimates of all proposed expenditures for each department and office of the City, showing the expenditures for corresponding items for the last preceding and current fiscal years, with reasons for increases and decreases recommended, as compared with appropriations for the current year;

(b) Statements of the bonded and other indebtedness of the City, showing the debt redemption and interest requirements, the debt authorized and unissued, and the condition of sinking funds, if any;

(c) Detailed estimates of all anticipated income of the City from sources other than taxes and borrowing, with a comparative statement of the amounts received by the City from each of the same or similar sources for the last preceding and current fiscal years;

(d) A statement of the estimated balance or deficit, as the case may be, for the end of the current fiscal year;

(e) An estimate of the amount of money to be raised from current and delinquent taxes and the amount to be raised from bond issues which, together with income from other sources, will be necessary to meet the proposed expenditures;

(f) Such other supporting schedules as the Council may deem necessary.
(Adopted by electorate, 11-6-1990)

SECTION 9.4 BUDGET HEARING.

A public hearing on the budget shall be held before its final adoption, at such time and place as the Council shall direct, and notice of such public hearing shall be published at least one (1) week in advance by the Clerk. A summary of the proposed budget shall be published. A complete copy of the proposed budget shall be on file and available to the public for inspection during office hours at the office of the Clerk for a period of not less than one (l) week prior to such public hearing.
(Adopted by electorate, 11-6-1990)

SECTION 9.5 ADOPTION OF BUDGET; TAX LIMIT.

Not later than the first regular meeting in the month of June, the Council shall, by ordinance adopt the budget for the next fiscal year, as required by state law, and shall, in such ordinance, make an appropriation for the money needed for municipal purposes during the ensuing fiscal year of the City, and provide for a levy of the amount necessary to be raised by taxes upon real and personal property for municipal purposes, which levy shall not exceed two (2) percent of the assessed valuation of all real and personal property subject to taxation in the City, except as to any additional taxes authorized by the laws of this State, including excess of roll, a garbage tax, and any other authorized levies beyond Charter limitations.
(Adopted by electorate, 11-6-1990)

SECTION 9.6 BUDGET CONTROL.

(a) Except for purposes which are to be financed by the issuance of bonds or by special assessments, or for other purposes and chargeable to the budget appropriation, no money shall be drawn from the general fund of the City without an appropriation thereof, nor shall any obligations for the expenditures of money be incurred without an appropriation covering all payments which will be due under such obligation in the current year. The Council by resolution may transfer any unencumbered appropriation balance, or any portion thereof, from one department account, fund or agency to another, unless prohibited by state law (i.e. Library Fund).

(b) Expenditures shall not be charged directly to any contingent or general account. Instead, the necessary amount of the appropriation from such account shall be transferred to the appropriate budget item or account and, the expenditure then charged thereto.

(c) At the beginning of each quarterly period during the fiscal year, and more often if required by the Council, the Manager shall submit to the Council data showing the relation between the estimated and actual revenues and expenditures to date; and if it shall appear that the revenues are less than

anticipated, the Council may reduce appropriations, except amounts required for debt and interest charges, to such a degree as may be necessary to keep expenditures within the revenues.

(d) The balance in any budget appropriation which has not been encumbered at the end of the fiscal year shall revert to the general fund, unless prohibited by state law (i.e. Library Fund).

(e) (1) The Council, may, by ordinance, establish and maintain accounts for accumulating moneys to be used for acquiring, extending, altering, construction, or repairing public improvements or public buildings and for the purchase of equipment of any type, in each case either for a specific item or items or for future unspecified public improvements or equipment or both.

(2) Appropriations to such accounts may be made by the Council either in the annual appropriation resolution or, from time to time during the fiscal year, from available funds, from whatever source derived, which are not required for other appropriations or obligations of the City. Such accounts shall be continuing accounts and the balances therein at the end of each fiscal year shall remain a part thereof.

(3) Moneys which are accumulated for the purposes of public improvements or buildings, as set forth in subsection (e)(1) hereof, shall be used only at the direction of the Council, and only for the purposes provided in the original ordinance establishing such account, unless their use for some other municipal purposes be authorized by a majority vote of the electors of the City who vote on the proposition to amend such ordinance to provide for a change in the use of the moneys in such account. After the purpose of any such account has been fulfilled, any balance remaining therein may be transferred by the Council to any other account of the City.

(4) Moneys which are accumulated for the purpose of purchasing equipment, as set forth in subsection (e)(1) hereof, shall be expended only for the purpose provided in the ordinance establishing any such account or as such ordinance may be amended from time to time.
(Adopted by electorate, 11-6-1990)

SECTION 9.7 DEPOSITORY.

The Council shall designate the depository or depositories for City funds, and shall provide for the regular deposit of all City moneys. The Council shall provide for such security for City deposits as is authorized or permitted by the general laws of the state, except that personal surety bonds shall not be deemed proper security.
(Adopted by electorate, 11-6-1990)

SECTION 9.8 INDEPENDENT AUDIT; ANNUAL REPORT.

An independent audit shall be made of all accounts of the City government at least annually and more frequently if deemed necessary by the Council. Such audit shall be made by Certified Public Accounts experienced in municipal accounting, and who shall have no personal interest, direct or indirect, in the fiscal affairs of the City government, or of any of its officers. The audit shall be presented to the City Clerk by October 1st for presentation to the Council. The audit shall be published within thirty (30) days after the receipt of same and filed with the State Treasurer in accordance with the State Law. An annual report of the City business shall be made available to the public by the City Manager in such form as will disclose pertinent facts concerning the activities and finances of the City government.
(Adopted by electorate, 11-6-1990)

SECTION 9.9 PURCHASING PROCEDURE.

The City Manager shall be responsible for City purchasing. Competitive prices for all purchases and public improvements shall be obtained, and the purchase made from, or the contract awarded to the lowest competent bidder, except contracts for the purchase of insurance by the City may be entered into without the necessity of competitive bidding. However, formal sealed bids shall be obtained in all other transactions involving the expenditure of Fifteen Thousand ($15,000.00) Dollars or more and the transaction evidenced by written contract submitted to and approved by the Council; provided that in cases where the Council indicates by formal resolution upon the written recommendation of the City Manager that it is clearly to the advantage of the City to contract without competitive bidding, it may so authorize. Such purchasing without competitive bids should, however, be limited to emergency situations and shall be made only by unanimous vote of the Council, except as above provided with regard to purchase of insurance. Detailed purchasing and contract procedure shall be established by ordinance. The Council may also authorize the making of public improvements or the performing of any other City work by any City department or agency without competitive bidding. No contract shall be made with any person, firm, or corporation in default to the City.
(Adopted by electorate, 11-7-2023)

CHAPTER 10: TAXATION

SECTION 10.1 POWER TO TAX.

In order to carry out the purposes, powers, and duties of the City government established by this Charter, the City Council shall have the power to assess, levy, and collect taxes, rents, tolls, and excises or specific taxes.
(Adopted by electorate, 11-6-1990)

SECTION 10.2 SUBJECTS OF TAXATION.

The subjects of ad valorem taxation for municipal purposes shall be the same as for State, County, and School purposes under the general law. Except as otherwise provided by this Charter, City taxes shall be levied, collected, and returned in the manner provided by State law.
(Adopted by electorate, 11-6-1990)

SECTION 10.3 EXEMPTIONS.

No exemptions from taxation shall be allowed, except as are expressly required or permitted to be made by State law.
(Adopted by electorate, 11-6-1990)

SECTION 10.4 TAX DAY AND ASSESSMENTS.

Subject to the exceptions provided or permitted by statue, the taxable status of persons and property shall be determined as of the thirty-first day of December, which shall be deemed the tax day. Assessments shall based upon the uniform application of established rules, techniques, and procedures, which the legislature may provide, under the provisions of Section 3, Article IX of the Constitution of the State of Michigan of 1963.
(Adopted by electorate, 11-6-1990)

SECTION 10.5 BOARD OF REVIEW.

The Board of Review shall consist of the City Council and the compensation for the Board of Review shall only be paid proportionately for actual time in attendance and at the rate of Ten ($10.00) Dollars per day for not to exceed ten (10) days in any one (1) year provided however that if the Council determines by resolution that extraordinary circumstances require more than ten (10) days of meeting such Board of Review members may receive pay for meeting days in excess of ten (10) days.
(Adopted by electorate, 11-6-1990)

SECTION 10.6 MEETING OF THE BOARD OF REVIEW.

(a) The Board of Review shall meet in each year at such time of day and place as shall be designated by the Council:

(1) The session of the Board shall convene on the first Monday in March of each year and shall be in session for one (1) day for a minimum of two (2) hours and continue in session as much longer as

may be necessary for the purpose of considering and correcting the roll. In each case where the assessed value is increased or any property added to the rolls by the Board the Clerk shall forthwith give notice to the owners thereof according to the last assessment roll of the City by first class mail not later than midnight of the Thursday following the first meeting of the Board stating further the date, time, place, and purpose of said second session.

(b) No assessment shall be changed in any way at any session of the Board except by a motion regularly made and adopted by a majority of the members of said Board, which motion shall state the amount at which the assessment is fixed as reviewed by the Board. Each day's proceedings of said Board shall be read, approved, and signed by the Chairperson thereof.

(c) At the conclusion of the review of said rolls, and prior to the first Monday in April following said Board shall prepare a signed statement showing the final amended amount in gross and the additions or deductions made in total of the assessed valuations of the real and personal property made by said Board.
(Adopted by electorate, 11-5-2019)

SECTION 10.7 NOTICE OF MEETINGS.

Notice of the time and place of the sessions of the Board of Review shall be published by the City Clerk at least ten (10) days prior to the first Monday in March.
(Adopted by electorate, 11-6-1990)

SECTION 10.8 ORGANIZATION AND FUNCTIONS OF THE BOARD OF REVIEW.

(a) The Assessor shall attend the meetings of the Board of Review with the privilege of participating therein, but without the right to vote upon any decision of the Board.

(b) It shall be the duty of the Clerk to keep a permanent record of all proceedings, and to enter therein all resolutions and decisions of the Board.

(c) A majority of the members of the Board shall constitute a quorum and it shall choose its own Chairperson. The members of said Board shall take the constitutional oath of office which shall be filed with the Clerk.

(d) For the purpose of reviewing and correcting assessments, the Board of Review shall have the same powers and perform like duties in all respects as are by the general tax law conferred upon and required of boards of review in townships, in reviewing assessments in townships for township, state, and county taxes. It shall hear the complaints of all persons considering themselves aggrieved by

assessments, and if it shall appear that any person or property has been wrongfully assessed, or omitted from the roll, the Board shall correct the roll in such manner as it shall deem just. In all cases, the assessment roll shall be reviewed according to the facts existing on tax day and no change of the status of any property after said day shall be considered by the Board in making its decisions. Except as otherwise provided by State Law, no person other than the Board of Review shall make or authorize any change upon or additions or corrections to the assessment roll.
(Adopted by electorate, 11-6-1990)

SECTION 10.9 ENDORSEMENT OF ROLL.

After the Board shall complete its review of the assessment roll, a majority of the members shall endorse thereon and sign a statement to the effect that the same is the assessment roll of the City for the year in which it has been prepared. The omission of such endorsement shall not affect the validity of such roll. Upon the completion of said roll and from and after midnight following the last day for meeting of the Board of Review, the same shall be the assessment roll of the City for county, school, and City taxes and for any other taxes on real and personal property that may be authorized by law and shall be conclusively presumed by all courts and tribunals to be valid and shall not be set aside except for causes set forth in the general laws of the state.
(Adopted by electorate, 11-6-1990)

SECTION 10.10 CLERK TO CERTIFY TAX LEVY.

Within three (3) days after the Council has adopted the budget for the ensuing year, the Clerk shall certify to the Assessor the total amount which the Council determines shall be raised by general tax; all amounts of special assessments which the Council requires to be assessed or reassessed upon any property or against any person; and all other amounts which the Council may determine shall be charged, assessed, or reassessed against any person or property.
(Adopted by electorate, 11-6-1990)

SECTION 10.11 CITY TAX TOLL.

After the last day for the meeting of the Board of Review, the Assessor shall prepare a copy of the assessment roll to be known as the "City Tax Roll," and upon receiving the certification of the several amounts to be raised, as provided in the preceding section, the Assessor shall proceed forthwith to spread upon said tax roll the several amounts determined by the Council to be charged, assessed, or reassessed against persons or property; and shall also proceed to spread the amounts of the general City tax according to and in proportion to the several valuations set forth in said assessment roll. To avoid fractions in computation on any tax roll, the Assessor may add to the amount of the several taxes to be

raised not more than the amount prescribed by state law. Any excess created thereby on any tax roll shall belong to the City.
(Adopted by electorate, 11-6-1990)

SECTION 10.12 TAX ROLL CERTIFIED FOR COLLECTION.

After extending the City taxes aforesaid and not later than June fifteenth in each year, the Assessor shall certify said tax roll, and the Mayor shall annex his/her warrant thereto, directing and requiring the Treasurer to collect from the several persons named in said roll the several sums mentioned therein opposite their respective names as a tax or assessment and granting to him, for the purpose of collecting the taxes, assessments, and charges on such roll, all the powers and immunities possessed by township treasurers for the collection of taxes under the general laws of the state.
(Adopted by electorate, 11-6-1990)

SECTION 10.13 TAX LIEN ON PROPERTY.

The City taxes thus assessed shall become at once a debt due to the City from the persons to whom they are assessed and the amounts assessed on any interest in real property shall on the first day of July become a lien upon such real property for such amounts and for all interest and other charges thereon and all personal taxes shall become a first lien on all personal property of the persons so assessed. Such tax liens shall take precedence over all other claims, encumbrances and liens upon said personal property whatsoever, whether created by chattel mortgage, execution, levy judgment, or otherwise, and whether arising before or after the assessment of said personal taxes and no transfer of personal property assessed for taxes hereon shall operate to divest or destroy such lien except where such personal property is actually sold in the regular course of retail trade.
(Adopted by electorate, 11-6-1990)

SECTION 10.14 TAXES DUE; NOTIFICATION THEREOF.

City taxes shall be due on the first day of July of each year. The Treasurer shall not be required to call upon the persons named in the City tax roll, nor to make personal demand for the payment of taxes, but he/she shall give notice to the tax payers of the City, at least ten (10) days prior to the due date of such taxes in each year, of the time when said taxes will be due for collection by publication, at least once, in one (1) or more of the newspapers published or circulated in the City, or shall give such notice by first class mail addressed to the owners of the property upon which taxes are assessed according to the names of such owners and their addresses as indicated on the tax roll, which notice shall be deemed sufficient for the payment of all taxes on said roll. Such notice shall also state that payments of taxes may be made to him/her at any time up to and including the fifteenth day of September without penalty and

that an addition of two (2%) percent penalty shall be made on the sixteenth day of September and an additional one (1%) percent interest on the first day of each month thereafter that the tax remains unpaid until returned to the county treasurer by the City treasurer. Failure on the part of the treasurer to give said notice shall not invalidate the taxes on said tax roll nor release the person or property assessed from the penalty provided in this chapter in case of nonpayment of the same.
(Adopted by electorate, 11-6-1990)

SECTION 10.15 COLLECTION FEES AND INTEREST.

The taxes assessed in the general City tax roll, for each fiscal year, shall be due and payable on the first day of July of each year, and may be paid at any time on or before the fifteenth day of September of the same year, with a collection fee of one (1%) percent. A penalty charge of two (2%) percent shall be added to all unpaid general City taxes on the sixteenth day of September, of the same year, and thereafter an interest charge of one (1%) percent shall be made and added to all such unpaid taxes on the first day of each month during which such taxes shall remain unpaid, until return thereof, together with such accrued penalties or interest shall be made to the county treasurer. And the said county treasurer, or auditor general of the state, as the case may be, shall account to the City for all such accrued penalties or interest.
(Adopted by electorate, 11-6-1990)

SECTION 10.16 SALE OF GOODS AND CHATTELS.

In case any person shall neglect or refuse to pay any tax imposed upon any real or personal property belonging to him/her, as aforesaid, the Treasurer shall levy the same by distress and sale of the goods and chattels of said person liable to pay the same, wherever such goods and chattels may be found, either in said City or elsewhere within the State, first by giving public notice of such sale in the manner and for the time required by law in the case or such sale made by township treasurers, and for such purposes and for the collection of the taxes aforesaid, the Treasurer may bring suit therefor and shall have all the power and perform the like duties so far as applicable as are conferred upon or required of township treasurers in the collection of taxes levied in townships.
(Adopted by electorate, 11-6-1990)

SECTION 10.17 TAX ROLL TO COUNTY TREASURER.

All City taxes on real property remaining uncollected by the Treasurer on the first day of March following the date when said roll was received by him/her, shall be returned to the county treasurer in the same manner and with like effect as returns by township treasurers of township, school, and county taxes. Such returns shall be made upon a delinquent tax roll to be prepared by the Treasurer and shall

include all the additional charges and fees hereinbefore provided, which charges shall, in such return, be added to the amount assessed in said tax roll against each description. The taxes thus returned shall be collected in the same manner as other taxes returned to the county treasurer are collected under the provisions of the general laws of the state and shall be and remain a lien upon the lands against which they are assessed, until paid.
(Adopted by electorate, 11-6-1990)

SECTION 10.18 JEOPARDY ASSESSMENT.

If the Treasurer finds or reasonably believes that any person who is, or may be, liable for taxes upon personal property, the taxable site of which was in the City on tax day, intends to depart or has departed from the City; or to remove or has removed therefrom personal property which is, or may be, liable for taxation; or to conceal or conceals himself/herself or his/her property; or does any other act tending to prejudice, or to render wholly or partly ineffectual, the proceedings to collect such tax, he/she shall proceed to collect the same as jeopardy assessment in the manner provided by law.
(Adopted by electorate, 11-6-1990)

SECTION 10.19 STATE, COUNTY, AND SCHOOL TAXES.

For the purpose of assessing, levying, and collecting taxes for State, County and School purposes, the City shall be considered the same as a Township, and provisions of state law relative to the collection of and accounting for such taxes shall apply. For these purposes the Treasurer shall perform the same duties and have the same powers as are granted and imposed upon Township Treasurers by law.
(Adopted by electorate, 11-6-1990)

CHAPTER 11: BORROWING POWER

SECTION 11.1 GENERAL BORROWING.

Subject to the applicable provisions of state law and this Charter, the Council, by proper ordinance or resolution 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 evidence of indebtedness therefor, and may pledge the full faith, credit, and resources of the City for the payment of the obligation created therefor. The amount of such bonds which may be issued shall be the maximum permitted by state law.
(Adopted by electorate, 11-6-1990)

SECTION 11.2 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 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 collection on each special assessment roll or combination of rolls shall be set apart in a separate fund 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 purpose.
(Adopted by electorate, 11-6-1990)

SECTION 11.3 MORTGAGE REVENUE BONDS.

The City shall have power to issue mortgage bonds beyond the general limits of bonded indebtedness prescribed by law for the acquiring, owning, purchasing, constructing, improving, or operating of any public utility; provided, such mortgage bonds issued beyond the general limit of bonded indebtedness prescribed by the law shall not impose any liability upon such City but shall be secured only upon the property and revenues of such public utility, including a franchise, stating the terms upon which, in case of foreclosure, the purchaser may operate the same, which 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. Such mortgage bonds shall be sold to yield not to exceed the limit set by state law. A sinking fund shall be created in the event of the issuance of such bonds, by setting aside such percentage of the gross or net earnings of the public utility as may be deemed sufficient for the payment of the mortgage bonds at maturity, provided, however, that no such fund need be created if serial bonds are issued of such nature that they are paid annually and no sinking fund is required.
(Adopted by electorate, 11-6-1990)

SECTION 11.4 OTHER BONDS.

The City shall have the power to issue revenue or other types of bonds in the manner and for the purposes permitted by the present or future Constitutions and general laws of the State of Michigan.
(Adopted by electorate, 11-6-1990)

SECTION 11.5 PREPARATION AND RECORD.

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, and any officer who shall violate this provision shall be deemed guilty of misconduct in office. All bonds and other evidences of indebtedness issued by the City shall

be signed by the Mayor and countersigned by the Clerk, under the seal of the City. Interest coupons may be executed with the facsimile signatures of the Mayor and Clerk. A complete and detailed record of all bonds and other evidences of indebtedness issued by the City shall be kept by the Clerk. Upon the payment of any bond or other evidence of indebtedness, the same shall be marked "Canceled."
(Adopted by electorate, 11-6-1990)

SECTION 11.6 UNISSUED BONDS.

No unissued bonds of the City shall be issued or sold to secure funds for any purpose other than that for which they were specifically authorized, and if any such bonds are not sold within five (5) years after authorization, such authorization shall, as to such bonds, be null and void, and such bonds shall be canceled.
(Adopted by electorate, 11-6-1990)

SECTION 11.7 EMERGENCY LOANS.

In case of fire, flood or other calamity, the Council may borrow for the relief of the inhabitants of the City and for the preservation of municipal property, a sum not to exceed the limit set by state law of all real and personal property in the City, due in not more than three (3) years, even if such loan would cause the indebtedness of the City to exceed the limit fixed in this Charter.
(Adopted by electorate, 11-6-1990)

SECTION 11.8 DEFERRED PAYMENT CONTRACTS.

The Council may enter into installment contracts subject to requirements of state law. Each of such contracts shall not extend over a period of greater than five (5) years nor shall the total amounts payable under such contracts exceed the sum on Ten Thousand ($10,000.00) Dollars in any one (1) fiscal year of the City. All such contracts now existing are hereby declared legal and binding obligations of the City. All such deferred payments shall be included in the budget for the year in which the installment is payable.
(Adopted by electorate, 11-6-1990)

CHAPTER 12: SPECIAL ASSESSMENTS

SECTION 12.1 GENERAL POWER RELATIVE TO SPECIAL ASSESSMENTS.

The Council shall have the power to determine the necessity of any local or public improvement and to determine that the whole or any part of the expense thereof shall be defrayed by special assessment

upon the property especially benefitted and shall so declare by resolution, provided that all special assessments levied shall be based upon or be in proportion to the benefits derived or to be derived. Such resolution shall state the estimated cost of the improvement, what proportion of the cost thereof shall be paid by special assessments, and what part, if any, shall be a general obligation of the City, 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.
(Adopted by electorate, 11-6-1990)

SECTION 12.2 DETAILED PROCEDURE TO BE FIXED BY ORDINANCE.

The Council shall prescribe by general ordinance the complete special assessment procedure concerning the initiation of projects, plans, and specifications, estimates of costs, notice of hearings, making and confirming assessment rolls and the correction of errors therein, collection of special assessments, and any other matters concerning the making of improvements by the special assessment method, subject to the provisions of this chapter.
(Adopted by electorate, 11-6-1990)

SECTION 12.3 OBJECTION TO IMPROVEMENTS.

If, at or prior to final confirmation of any special assessment, more than fifty (50%) percent of the number of owners of privately owned real property to be assessed for any improvement, or in the case of paving or similar improvements more than fifty (50%) percent of the number of owners of frontage to be assessed for any such improvement, shall object in writing to the proposed improvement, the improvement shall not be made by the proceedings authorized by this chapter without a four-fifth (4/5) vote of the members-elect of the Council, provided that this section shall not apply to sidewalk construction.
(Adopted by electorate, 11-6-1990)

SECTION 12.4 HAZARDS AND NUISANCES.

(a) When any lot, building, or structure within the City, because of accumulation of refuse or debris, the uncontrolled growing of weeds, or age or dilapidation, or because of any other condition or happening, becomes in the opinion of the Council, a public hazard or nuisance which is dangerous to the health or safety of the inhabitants of the City or of those of them residing or habitually going near such lot, building, or structure, the Council may, after investigation, give notice to the owner of the land upon which such hazard or nuisance exists, or to the owner of the building or structure itself, specifying the nature of the nuisance and requiring such owner to alter, repair, tear down, or remove the nuisance promptly and within a time to be specified by the Council, which shall be commensurate with the nature

of the nuisance. If at the expiration of the time limit in said notice, said owner has not complied with the requirements thereof, or in any case where the owner of the land or of the building or structure itself is not known, the Council may order such hazard or nuisance abated by the proper department or agency of the City which is qualified to do the work required, and the cost of such abatement, to be assessed against the lot, premises or description of real property upon which such hazard or nuisance was located. Procedures to be followed to make this section fully effective shall be established by ordinance.

(b) When, in the opinion of the Building Inspector, a condition exists on any City owned property which is a hazard or potential hazard, or because of accumulation of refuse or debris, the uncontrolled growing of weeds, or age or dilapidation, or because of any other condition or happening, he/she shall notify the City Council of the condition and the City Council shall take appropriate action regarding the condition of the property.

(c) Penalties or prosecution for littering or illegal disposal of debris will be, as provided, by ordinance.
(Adopted by electorate, 11-6-1990)

SECTION 12.5 LIEN NOT DESTROYED BY JUDGMENT.

No judgment or decree, or any act of the Council vacating any special assessment shall destroy or impair the lien of the City upon the premises assessed, for such amount of the assessment as may be equitably charged the same, or as by a regular vote or proceeding might have been lawfully assessed thereon.
(Adopted by electorate, 11-6-1990)

CHAPTER 13: MUNICIPAL UTILITIES

SECTION 13.1 GENERAL POWERS RESPECTING UTILITIES.

The City shall possess and hereby reserves to itself all the powers granted to cities by the Constitution and general laws of the State of Michigan to acquire, construct, own, operate, improve, enlarge, extend, repair, and maintain, either within or without its corporate limits, including, but not by the way of limitation, public utilities for supplying water, light, heat, power, gas, sewage treatment, and garbage disposal facilities, or any of them, to the municipality and the inhabitants thereof; and also to sell and deliver water, light, heat, power, gas and other public utility services, without its corporate limits to an amount not to exceed the limitations set by state law and constitution.
(Adopted by electorate, 11-6-1990)

SECTION 13.2 MANAGEMENT OF PUBLIC UTILITIES.

All municipally owned or operated utilities shall be administered as a regular department of the City government under the management and supervision of the City Manager.
(Adopted by electorate, 11-6-1990)

SECTION 13.3 RATES.

The Council shall have the power to fix, from time to time, such just and equitable rates as may be deemed advisable for supplying the inhabitants of the City and others with water; with electricity for light, heat, and power; and with such other utility services as the City may provide.
(Adopted by electorate, 11-6-1990)

SECTION 13.4 UTILITY CHARGES; COLLECTION.

The Council shall provide, by ordinance, for the collection of all public utility charges made by the City. With respect to water, the City shall have all the power granted to cities by Act 178 of the Public Acts of 1939, as amended. When any person or persons, or any firm or corporation, shall fail or refuse to pay to the City any sums due on utility bills, the service or services upon which such delinquency exists shall be shut off or discontinued and suit may be instituted by the City for the collection of the same in any court of competent jurisdiction.
(Adopted by electorate, 11-6-1990)

SECTION 13.5 ACCOUNTS.

Separate accounts, distinct from any other City accounts shall be kept for each public utility owned or operated by the City in such manner as to show the true and complete financial results of such City ownership or operation, or both, including all assets, liabilities, revenues, and expenses. 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 department. The Council shall annually cause a report to be made showing the financial results of such City ownership or operation, or both, which report shall give for each utility the information specified in this section, and such further information as the Council shall deem expedient. Such report shall be on file in the office of the Clerk for public inspection.
(Adopted by electorate, 11-6-1990)

SECTION 13.6 DISPOSAL OF UTILITY PLANTS AND PROPERTY.

The City shall not sell, exchange, lease, or in any way alienate or dispose of the property, easements, or other equipment, privilege, or asset belonging to and appertaining to any utility which it

may acquire, unless and except the proposition for such purposes shall first have been submitted, at an election held for that purpose in the manner provided in this Charter, to the electors of the City and approved by them by a three-fifths (3/5) majority vote of the electors voting thereon. All contracts, negotiations, licenses, grants, leases, or other forms of transfer in violation of this provision shall be void and of no effect as against the City. The provisions of this section shall not, however, apply to the sale or exchange of any articles of equipment of any City owned utility as are worn out or useless, or which could with advantage to the service be replaced by new and improved machinery or equipment.
(Adopted by electorate, 11-6-1990)

CHAPTER 14: CONTRACTS; FRANCHISES; PERMITS

SECTION 14.1 CITY MAY PERFORM PUBLIC WORK.

The Council shall have power to do any public work or make any public improvement by the employment of the necessary labor and the purchase of the necessary supplies and materials with separate accounting as to each improvement so made, or to do such work by contract duly let after competitive bidding. The Council shall also have power to do any public work or make any public improvement under any legally constituted plan under which the labor is furnished by any other governmental unit, department, or agency of the United States or the State of Michigan, or which is wholly or in part financed by them or either of them.
(Adopted by electorate, 11-6-1990)

SECTION 14.2 PLANS AND SPECIFICATIONS.

Except as otherwise provided in this Charter and State laws, the responsibility for the preparation of plans and specifications, estimating the cost of advertising for bids, supervision and approval of the work for any public work or public or special improvement is vested in the City Manager.
(Adopted by electorate, 11-6-1990)

SECTION 14.3 CONTRACTS.

(a) Whenever it becomes desirable for the City to enter into a contract with a second party for any purpose whatever, such instrument shall be drawn and approved as to form by the City Attorney and certified as to sufficiency of funds by the officer charged with maintenance of the accounting system of the City. The letting and making of such contracts is hereby vested in the Council, which, in its

discretion shall have the power to reject any and all bids. Copies of all contracts shall be filed in the office of the Clerk.

When it becomes necessary, in the prosecution of any work or improvement done under contract, to make alterations or modifications in such contract, such alterations or modifications shall be made only upon resolution of the Council. No such order shall be effective until the price to be paid for the material and work, or both, under the altered and modified contract shall have been agreed upon in writing and signed by the contractor and the City Manager upon authority of the Council and a copy thereof and of the proceedings authorizing such alteration or modification certified by the Clerk and attached by the Clerk to the original contract on file in his/her office.

(b) The provisions for handling contracts shall be in accordance with Public Act 317 of 1968, as amended.
(Adopted by electorate, 11-6-1990)

SECTION 14.4 FRANCHISES.

No franchise or grant which is not revocable at the will of the Council shall be granted or become operative until the same shall have been referred to the people at a regular or special election and shall have received approval of three-fifths (3/5) of the electors voting thereon. All irrevocable public utility franchises and all renewals, extensions, and amendments thereof shall be granted only by ordinance. No such ordinance shall be approved by the Council for presentation to the electorate before thirty (30) days after application thereof have been filed with the Council, nor until a public hearing has been held thereon. No such ordinance shall be submitted to the electors at an election to be held less than thirty (30) days after the grantee named therein has filed with the Clerk his/her unconditional acceptance of all of the terms of such franchise, and it shall not be submitted to a special election unless the expense of holding the election, as determined by the Council, shall have been paid to the Treasurer by the grantee. No exclusive franchise shall ever be granted, and no franchise shall be granted for a term longer than thirty (30) years.
(Adopted by electorate, 11-6-1990)

SECTION 14.5 LEASES, LICENSES, AND FRANCHISES REMAIN IN EFFECT.

All leases, licenses and franchises granted by the City of Wakefield and in force within the City when this Charter becomes law, shall remain in full force and effect until the expiration of the time for which they were respectively granted, has lapsed under conditions contained in the license or franchise granted, or until such license or franchises may have been taken over by the City by purchase, condemnation, grant, or otherwise.
(Adopted by electorate, 11-6-1990)

SECTION 14.6 CONTROL AND REVOCATION OF FRANCHISE.

The Council shall cause to be instituted such actions or proceedings as may be necessary to prosecute a public utility company for violations of its franchise, the City Charter, or ordinances of the City, and may revoke, cancel or annul all franchises that may have been granted by the City which, for any reason, have become inoperative, illegal, or void and not binding upon the City.
(Adopted by electorate, 11-6-1990)

SECTION 14.7 RIGHT OF REGULATION.

All public utility franchises granted after the adoption of this Charter, whether it be so provided in the granting ordinance or not, shall be subject to the following rights of the City, provided, however, that this enumeration is not to be construed as being exclusive or as impairing the right of the Council to insert in such franchise any provision as may be within the power of the City to impose or require:

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

(b) To require proper and adequate extension of plant and service and maintenance thereof at the highest practicable standard of efficiency, which in any event shall be at least in accordance with rules and regulations of the Michigan Public Service Commission, or its successors;

(c) To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates. The rates and charges shall in no event exceed the rates and charges so prescribed by the Michigan Public Service Commission, or its successors;

(d) To require conditions and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period hereof;

(e) To impose such other regulations as may be determined by the Council to be conducive to the safety, welfare and accommodation of the public.
(Adopted by electorate, 11-6-1990)

SECTION 14.8 REGULATION OF RATES.

All public utility franchises shall make provision therein for fixing rates, fares, and charges, and for readjustments thereof at periodic intervals at the discretion of the City. The value of the property of the utility used as a basis for fixing such rate, fares, and charges shall in no event include a value predicated upon the franchise, goodwill or prospective profits.
(Adopted by electorate, 11-6-1990)

SECTION 14.9 USE OF STREETS BY UTILITY.

Every public utility franchise shall be subject to the right of the City to use, control, and regulate the use of its streets, sidewalks, alleys, bridges, and public places and the space above and beneath them. Every public utility shall pay such part of the cost of improvement or maintenance of streets, sidewalks, alleys, bridges, and public places as shall arise from its use thereof and shall protect and save the City harmless from all damages arising from said use. They may be required by the City to permit joint use of its property and appurtenances located in the streets, sidewalks, alleys, and public places of the City, by the City and by other utilities insofar as such joint use may be reasonably feasible and upon payment of reasonable rental therefore. In the absence of agreement, upon application by any public utility, the Council shall provide for arbitration of the terms and conditions of such joint use and compensation to be paid therefor, which award shall be final.
(Adopted by electorate, 11-6-1990)

CHAPTER 15: MISCELLANEOUS

SECTION 15.1 CITY LIABILITY.

The City shall not be liable for damages sustained by any person, either to his person or property, by reason of the negligence of the City, its officers, or employees, nor by reason of any defective highway, street, bridge, sidewalk, crosswalk, or culvert, or by reason of any obstruction, ice, snow or other encumbrance upon such street, sidewalk, crosswalk, or public highway situated in the City, unless such person shall serve or cause to be served, within sixty (60) days after such injury shall have occurred, a notice in writing, upon the City Clerk, which notice shall set forth substantially the time and place of such injury, the extent of such injury as far as the same has become known, the names and addresses of the witnesses known at the time by claimant, and a statement that the person receiving such injury intends to hold the City liable for such damages as may have been sustained by him. No person shall bring any action against the City for any damages to person or property arising out of any of the reasons or circumstances, aforesaid, unless he shall have first presented to the Clerk his claim in writing and under oath setting forth particularly the nature and extent of such injury and the amount of damages claimed by reason thereof, which claim shall be presented to the Council by the Clerk and the Council be given opportunity to act thereon, either by allowing or refusing to allow the claim.
(Adopted by electorate, 11-6-1990)

SECTION 15.2 NO ESTOPPEL BY REPRESENTATION.

No official of the City shall have power to make any representation or recital of fact in any franchise, contract, document, or agreement contrary to any public record of the City. Any such representation shall be void and of no effect as against the City.
(Adopted by electorate, 11-6-1990)

SECTION 15.3 HEADINGS.

The chapter and section headings used in this Charter are for convenience only and shall not be considered as part of this Charter.
(Adopted by electorate, 11-6-1990)

SECTION 15.4 TENSE.

Except as otherwise specifically provided or indicated by the context, all words used in this Charter indicating the present tense shall not be limited to the time of the adoption of this Chapter, but shall extend to and include the time of the happening of any event or requirement which provision is made herein, either as a power, immunity, requirement, or prohibition.
(Adopted by electorate, 11-6-1990)

SECTION 15.5 RECORDS TO BE PUBLIC.

All public records of the City shall be available to the public in the office of the City Clerk during normal business hours and shall be written in the English language. The only exception shall be personnel records which are protected by statute.
(Adopted by electorate, 11-6-1990)

SECTION 15.6 EFFECT OF ILLEGALITY OF ANY PART OF CHARTER.

Should any provision or section, or portion thereof of this Charter by held by a court of competent jurisdiction to be invalid, illegal, or unconstitutional, such holding shall not be construed as affecting the validity of this Charter as a whole or of any remaining portion of such provision or section, it being hereby declared to be the intent of the Charter commission and of the electors who voted thereon that such unconstitutionality or illegality shall not affect the validity of any other part of this Charter except that specifically affected by such holding.
(Adopted by electorate, 11-6-1990)

SECTION 15.7 AMENDMENTS.

This Charter may be amended at any time in the manner provided in Act No. 279 of the Public Acts of 1909, as amended. Should two (2) or more amendments, adopted at the same election, have conflicting provisions, the one receiving the largest affirmation vote shall prevail as to those provisions.
(Adopted by electorate, 11-6-1990)

SECTION 15.8 VESTED RIGHTS CONTINUED.

After the adoption of this Charter, the City shall continue to be vested with all property, monies, contracts, rights, credits, effects, and the 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, either 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 in the same manner as if such change had not been made.
(Adopted by electorate, 11-6-1990)

CHAPTER 16: SCHEDULE

SECTION 16.1 ELECTION TO ADOPT THIS CHARTER.

This Charter shall be submitted to a vote of the qualified electors of the City of Wakefield at a special City election to be held on Tuesday, November 6, 1990. This election shall be conducted by the officers under the existing City Charter charged with the conduct and supervision of elections, following usual election procedure; that the election commission shall prepare the necessary ballots therefor, or in lieu thereof make use of voting machines.
(Adopted by electorate, 11-6-1990)

SECTION 16.2 FORM OF BALLOT.

The form of the ballot for the submission of this Charter shall be as follows:

INSTRUCTION: A cross (x) or a check mark (✓) in the square (□) to the right of the word "YES" is in favor of the proposed Charter, and a cross (x) or a check mark (✓) in the square (□) to the right of the word "NO" is against the proposed Charter.

> "Shall the proposed revised Charter for the City of Wakefield, drafted by the Charter Commission elected on February 14, 1989, be adopted?"
>
> YES □
> NO □

(Adopted by electorate, 11-6-1990)

SECTION 16.3 ELECTION OF FIRST OFFICERS UNDER THIS CHARTER.

The first primary election of officers under this Charter shall be held on August 6, 1991, in the manner provided in Section 5.3; the first regular City election under this Charter shall be held on November 5, 1991, at which election there shall be elected five (5) Councilmembers who shall hold office for terms of two (2) years, (and one (1) Constable,if required by state law, for a term of two (2) years) commencing on and dating from the organization meeting of the Council which shall be held on the first Monday following such election. The nomination and election of officers at the above specified elections shall be in accordance with the provisions of this Charter. Thereafter, all City elections for the election of officers of the City shall be held upon the dates specified therefor in the Charter. For the purpose of nominating and electing officers only, this Charter shall take effect on June 8, 1991 sixty (60) days, at which time the City Clerk shall make available nomination petition forms for the offices of the City Council (and Constable, if required by state law), as provided in this Charter. The Clerk shall publish a notice at least seven (7) days before June 8, 1991, as to the time the nomination petitions for the first City Council (and Constable, if required by state law) will be received and as to the availability and requirement of approved petition forms. Nomination petitions for these offices for the first election under this Charter shall be conducted by those officers under the now existing City Charter charged with the conduct and supervision of elections, and all election notices shall state that the first election of officers will be held at the November 5, 1991 election.
(Adopted by electorate, 11-6-1990)

SECTION 16.4 EFFECTIVE DATE OF THIS CHARTER.

For all purposes other than the nominating and electing of the first officers, this Charter shall take effect on November 11, 1991. At 7:00 P.M., at the then-prevailing time, on November 11, 1991, the City Council first elected under this Charter shall assemble in the existing official City Council chambers. It shall be called to order by the then existing Mayor and when the new Council shall have chosen a Mayor or temporary Chairperson, the previously existing City Council shall cease to be and the office of each and every member thereof shall terminate.

All officers and employees of the City shall continue in their respective offices and employment as though they had been appointed or employed ln the manner provided in this Charter, and shall, in all respects, be subject to the provisions of this Charter.
(Adopted by electorate, 11-6-1990)

SECTION 16.5 STATUS OF SCHEDULE CHAPTER.

The purpose of this schedule chapter is to inaugurate the government of the City of Wakefield under this Charter and shall constitute a part of this Charter only to the extent and for the time required to accomplish this end.
(Adopted by electorate, 11-6-1990)

RESOLUTION OF ADOPTION

At a regular meeting of the Charter Commission of the City of Wakefield held on the 27th day of August, 1990 the following resolution was offered by Commissioner Maki and supported by Commissioner Holmes:

RESOLVED, That the Charter Commission of the City of Wakefield does hereby adopt the foregoing proposed revised Charter for the City of Wakefield, and the Clerk of this Commission is directed to transmit two copies of this Charter to the Governor of the State of Michigan for his approval in accordance with statute, to file with the City Clerk a copy of this Charter, to cause this proposed Charter to be published in the Wakefield News of Wakefield, Michigan on October 18, 1990 and to arrange for the presentation of this Charter to the electors of the City of Wakefield on November 6, 1990, in accordance with the provisions of this Charter and the statutes.

YEAS: Juopperi, Maki, Holmes, Wacker, Anderson, Orlich, Munari and Geroux
NAYS: None
One vacancy. Motion carried.

_____
Marsha J. Fetters, Charter Commission
City Clerk, City of Wakefield

Attested to by the following Commissioners:

Dolores Ann Geroux, Chairperson _____
Martha Juopperi _____
Eugene R. Maki _____
Laura M. Holmes _____
Albert J. Wacker _____
Hazel G. Anderson _____
Arthur S. Munari _____
Mike Orlich _____

I hereby certify that this is a true copy of the signatures appended hereto:

_____
Marsha J. Fetters, Charter Commission Clerk
City Clerk, City of Wakefield, Michigan

Charter Commission of the City of Wakefield, Michigan

All of the Commissioners having attested as to said resolution as adopted at their meeting on August 27, 1990 and also having attested the copy to be signed by the Governor.

STATE OF MICHIGAN

COUNTY OF GOGEBIC

I, Marsha J. Fetters, Clerk of the Charter Commission of the City of Wakefield, and of the City of Wakefield, being duly sworn, affirms that at an election duly called and held in the City of Wakefield on the 14th day of February, 1989, the following named persons were duly elected as Commissioners to revise the Charter of the City of Wakefield, namely Dolores A. Geroux, Laura M. Holmes, Martha Juopperi, Eugene Maki, Arthur Munari, Mike Orlich, Michael A. Rydeski, Michael Smolcich and Albert J. Wacker. The members elected to said Charter Commission did meet on February 28, 1989, the second Tuesday after the election, the time prescribed by law, and elected Dolores A. Geroux, as Chairperson of the Charter Commission and also elected Michael A. Rydeski, as their Vice Chairperson, and I, Clerk of the City of Wakefield also acted as Clerk of the Charter Commission as required by law. I, the Clerk of the Wakefield Charter Commission further state, that at a meeting of the Wakefield Charter Commission held June 26, 1989, Michael Smolcich resigned from the Commission, with his resignation being accepted by the Commission. At a meeting of the Wakefield Charter Commission held July 6, 1989, Michael A. Rydeski resigned, with his seat being declared vacant. The two vacancies were duly advertised. A special meeting of the Commission was held on July 28, 1989. The application of Hazel G. Anderson, a registered voter of the City, was approved by the full Commission, then present to fill one of the vacancies. There being no other applicants, the Commission continued with eight members. The annexed and foregoing revised Charter was duly adopted by said Charter Commission by the foregoing Resolution of Adoption, which is a true and correct copy thereof, and that the said Charter Commission directed that said Charter be presented to the Governor of the State of Michigan for his approval in accordance with the requirements of the laws of the State of Michigan which provide therefor.

_____
Martha J. Fetters, Clerk of the Charter Commission
of the City of Wakefield

Dated:

Subscribed and sworn to before me this 27th day of August, 1990.

_____
Sherry June Ravelli
Notary Public
Gogebic County Michigan
My Commission Expires:

APPENDIX

BOUNDARY DESCRIPTION OF THE CITY OF WAKEFIELD

Entire Southwest Quarter (SW 1/4) of Section Three (3);
Entire Southeast Quarter (SE 1/4) of Section Four (4);
Entire East One-half (E 1/2) of Section Eight (8);
Entire Section Nine (9);
Entire Section Ten (10);
Entire West One-half (W 1/2) of Section Eleven (11);
Entire Section Fourteen (14);
Entire Section Fifteen (15);
Entire Section Sixteen (16);
Entire Section Seventeen (17);
Entire Section Eighteen (18);
All in Township Forty-seven (47) North, of Range Forty-five (45) West

GLOSSARY

A

ABROGATE. (1) To abolish (a law, treaty, or custom) by an authoritative act; repeal; cancel; (2) to do away with.

AD VALOREM. (Of taxes, import duties, or other fees) levied in proportion to the certified value of the merchandise or goods.

ALDERMAN. (In certain cities of the United States) a member of a Council that governs a city. An alderman is usually elected by the voters of a certain ward or districts and represents them on the Council.

APPURTENANCES. (1) An addition to something more important; added thing; accessory, (2) a minor property right, or privilege accompanying another that is more important.

ASSESSMENT ROLL. The list of official valuation of property for purposes of taxation.

ATTEST. (1) To give proof of; certify, (2) to bear witness to; to testify to.

B

BOARD. A group of persons managing something; council.

BODY POLITIC. Having a definite governmental organization.

C

CANCELED. Made invalid; annulled (made no longer binding under the law.

CANVASS. To examine or discuss in detail; look over carefully (as to relating to election results).

CHARGES. Any monetary amounts imposed by the City for services, utilities, permits, or municipal functions, including but not limited to fees, rates, assessments, and penalties established by ordinance or resolution.

CHARTER. A document embodying the constitution of a city.

CHATTEL. A movable item of personal property, as a piece of furniture, an automobile, a head of livestock, etc.

CITY COMMISSION. The governing body elected to govern a city under the commission plan.

CITY COUNCIL. The legislative body of a city.

CLAIMANT. A person who makes a claim.

CODIFICATION. To arrange (laws, rules, etc.) systematically.

COMMISSION PLAN. A form of municipal government in which all legislative and administrative powers are in the hands of an elected commission instead of a mayor and council.

COMMON COUNCIL. Belonging or relating to the community at large; shared by all.

COMPETENT. Legally qualified, authorized or fit.

CONFLAGRATION. A big destructive fire.

CONSTABLE. A peace officer in a town or village, with powers and jurisdiction somewhat more limited than those of a sheriff.

CONTRACTUAL. Of, or having the nature of a contract.

CORPORATE. United, combined.

COUPON. A detachable printed statement on a bond, specifying the interest due at a given time; each coupon on a bond is presented for payment at the proper time.

CY PRES DOCTRINE. Law, as nearly as possible, designating or according to an equitable doctrine applied to the interpretation of wills, as in cases of trusts when the terms cannot be carried out literally and an effort is made to adhere to the general intent of the testator or settlor.

D

DEFAULTER. One who fails to meet a financial obligation, fails to appear in court; fails to pay or make good; to forfeit; failure to do something required by law; neglect.

DELINQUENT. Being overdue in payment.

E

ENCUMBRANCE. A claim against property.

ENUMERATION. To ascertain the number of; to count; to specify one after another.

EXCESS OF ROLLS. An excess of tax money created when an assessor adds amounts to several taxes (by law) to avoid fractions in computation of the tax roll.

EX OFFICIO. By virtue or because of an office.

EXONERATE. To relieve of a responsibility, to clear from accusation or blame.

EXPEDITIOUS. Characterized by or acting promptly and efficiently; fast.

F

FRANCHISE. The privilege of a public nature on an individual or body of individuals by a government grant, as the right to be a corporation or to provide a public service or utility.

I

I.E. Id est (L.) that is.

IMMUNITIES. Exemptions from obligations, service, or duties; freedom from liability to taxation or jurisdiction.

INITIATIVE. An introductory act or step, initiatory petition, the power to originate legislation; the right of the voters to propose legislation for approval of the city council or by referendum.

IN LIEU OF. In place of, instead.

IRREVOCABLE. Incapable of being reversed, repealed, or annulled; not to be called or revoked.

INTEREST. A right or title to or a share in the ownership of property or a commercial enterprise; money paid for the use of money borrowed; monies added to delinquent taxes.

J

JEOPARDY. The risk of punishment to which a person on trial is exposed; exposure to loss.

L

LIEN. A claim on the property of another as security for the payment of a just debt.

LEASE. A contract by which one party (landlord or lessor) gives to another (tenant or lessee) the use and the possession of lands, buildings, properties, etc. for a specified time and for fixed payments (the period of time for which such a contract is in force).

LITIGATION. The act or process of carrying on a lawsuit.

N

NEPOTISM. Favoritism shown to relatives, especially in appointment to desirable positions (as in government).

O

OFFICERS OF THE CITY. Individuals elected or appointed who occupy positions of responsibility in city government (see Sections 3.7, 3.18, and 5.1).

ORDINANCE. A governmental statute or regulation, especially municipal.

P

PER CAPITA. For each person, by heads, per individual.

PREJUDICE. To judge beforehand, prematurely, or without all of the evidence, prejudge.

PRIMA FACIE. Evidence adequate to establish a fact.

PROPRIETARY. Conformity with what is proper of fitting, with accepted standards.

PRO TEMPORE (PRO-TEM). An officer elected from within the city council or other body to serve as presiding officer when the mayor or chairperson (presiding officer of the city council or other body) is absent or when the office of the mayor or chairperson (presiding officer) is vacant.

Q

QUORUM. The minimum number of officers and members of a committee or organization, usually a majority who must be present for the valid transaction of business.

R

REFERENDUM. The submission of a proposed public measure; or actual statute to a direct popular vote.

RESIDENT. One who makes his/her home in a particular place.

RESOLUTION. A formal statement of a decision or expression of an opinion put before or adopted by an assembly.

S

SECULAR. Worldly, not religious, not connected with a church.

STATUTE. A law enacted by the legislative branch of a government.

STATUTORY. Fixed or authorized by statute, punishable by statute as an offense.

SUBPOENA. Written legal order directing person to appear in court to testify.

SUPPRESS. To keep from being known, published etc., to keep back, restrain.

SURETY BOND. Surety; something that gives assurance against loss etc.

T

TAX ROLL. A complete list of all properties for which taxes can be levied.

TRIBUNAL. A court of justice.

V

VESTED. Law; fixed, settled, absolute; vested right.

TITLE I: GENERAL PROVISIONS

Chapter

10. RULES OF CONSTRUCTION; GENERAL PENALTY

11. FEE SCHEDULE AUTHORITY

CHAPTER 10: RULES OF CONSTRUCTION; GENERAL PENALTY

Section

General Provisions

10.01 Title of code
10.02 Interpretation
10.03 Application to future ordinances
10.04 Captions
10.05 Definitions
10.06 Rules of interpretation
10.07 Severability
10.08 Reference to other sections
10.09 Reference to offices
10.10 Errors and omissions
10.11 Official time
10.12 Reasonable time
10.13 Ordinances repealed
10.14 Ordinances unaffected
10.15 Effective date of ordinances
10.16 Repeal or modification of ordinance
10.17 Ordinances which amend or supplement code; publication and distribution of amendments
10.18 Section histories; statutory references
10.19 Contents of code
10.20 Publication and distribution of code
10.21 Approval of legal documents
10.22 Notification procedure
10.23 Code maintenance and updating

Municipal Infractions

10.35 Title
10.36 Definitions
10.37 Infraction action; commencement
10.38 Citations; issuance and service

10.39 Citations; contents
10.40 Schedule of civil fines, costs
10.41 Authorized persons; civil infraction tickets
10.42 Applicability
10.43 Ordinances/provisions to be enforced

10.99 General penalty

GENERAL PROVISIONS

§ 10.01 TITLE OF CODE.

This codification of ordinances by and for the City of Wakefield shall be designated as the "Code of Wakefield" and may be so cited.
(Prior Code, § 10.01)

§ 10.02 INTERPRETATION.

Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition and application shall govern the interpretation of this code as those governing the interpretation of state law.
(Prior Code, § 10.02)

§ 10.03 APPLICATION TO FUTURE ORDINANCES.

All provisions of Title I compatible with future legislation shall apply to ordinances hereafter adopted amending or supplementing this code unless otherwise specifically provided.
(Prior Code, § 10.03)

§ 10.04 CAPTIONS.

Headings and captions used in this code other than the title, chapter and section numbers are employed for reference purposes only and shall not be deemed a part of the text of any section.
(Prior Code, § 10.04)

§ 10.05 DEFINITIONS.

(A) Words and phrases shall be taken in their plain, ordinary and usual sense. However, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

(B) For the purpose of this code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CITY, MUNICIPAL CORPORATION or ***MUNICIPALITY.*** The City of Wakefield, Michigan.

CODE, THIS CODE or ***THIS CODE OF ORDINANCES.*** This municipal code, as modified by amendment, revision and adoption of new titles, chapters or sections.

COUNTY. Gogebic County, Michigan.

MAY. The act referred to is permissive.

MONTH. A calendar month.

OATH. 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***.

OFFICER, OFFICE, EMPLOYEE, COMMISSION or ***DEPARTMENT.*** An officer, office, employee, commission or department of the municipality unless the context clearly requires otherwise.

PERSON. Extends to and includes person, persons, firm, corporation, copartnership, trustee, lessee or receiver. Whenever used in any clause prescribing and imposing a penalty, the terms ***PERSON*** or ***WHOEVER***, as applied to any unincorporated entity, shall mean the partners or members thereof and, as applied to corporations, the officers or agents thereof.

PRECEDING or ***FOLLOWING.*** Next before or next after, respectively.

SHALL. The act referred to is mandatory.

SIGNATURE or ***SUBSCRIPTION.*** Includes a mark when the person cannot write.

STATE. The State of Michigan.

SUBCHAPTER. A division of a chapter, designated in this code by a heading in the chapter analysis and a capitalized heading in the body of the chapter, setting apart a group of sections related by the subject matter of the heading. Not all chapters have ***SUBCHAPTERS***.

WRITTEN. Any representation of words, letters or figures, whether by printing or otherwise.

YEAR. A calendar year, unless otherwise expressed; equivalent to the words ***YEAR OF OUR LORD***.
(Prior Code, § 10.05)

§ 10.06 RULES OF INTERPRETATION.

The construction of all ordinances of this municipality shall be by the following rules, unless such construction is plainly repugnant to the intent of the City Council or of the context of the same ordinance.

(A) ***AND*** *or* ***OR***. Either conjunction shall include the other as if written "and/or", if the sense requires it.

(B) *Acts by assistants*. When a statute or ordinance requires an act to be done which, by law, an agent or deputy as well may do as the principal, such requisition shall be satisfied by the performance of such act by an authorized agent or deputy.

(C) *Gender; singular and plural; tenses*. Words denoting the masculine gender shall be deemed to include the feminine and neuter genders; words in the singular shall include the plural, and words in the plural shall include the singular; the use of a verb in the present tense shall include the future, if applicable.

(D) *General term.* A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.
(Prior Code, § 10.06)

§ 10.07 SEVERABILITY.

If any provision of this code as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.
(Prior Code, § 10.07)

§ 10.08 REFERENCE TO OTHER SECTIONS.

Whenever in one section reference is made to another section hereof, such reference shall extend and apply to the section referred to as subsequently amended, revised, recodified or renumbered unless the subject matter is changed or materially altered by the amendment or revision.
(Prior Code, § 10.08)

§ 10.09 REFERENCE TO OFFICES.

Reference to a public office or officer shall be deemed to apply to any office, officer or employee of the municipality exercising the powers, duties or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.
(Prior Code, § 10.09)

§ 10.10 ERRORS AND OMISSIONS.

If a manifest error is discovered, consisting of the misspelling of any words; the omission of any word or words necessary to express the intention of the provisions affected; the use of a word or words to which no meaning can be attached; or the use of a word or words when another word or words was clearly intended to express such intent, such spelling shall be corrected and such word or words supplied, omitted or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of such error.
(Prior Code, § 10.10)

§ 10.11 OFFICIAL TIME.

The official time, as established by applicable state/federal laws, shall be the official time within the municipality for the transaction of all municipal business.
(Prior Code, § 10.11)

§ 10.12 REASONABLE TIME.

(A) In all cases where an ordinance requires an act to be done in a reasonable time or requires reasonable notice to be given, ***REASONABLE TIME OR NOTICE*** shall be deemed to mean the time which is necessary for a prompt performance of such act or the giving of such notice.

(B) The time within which an act is to be done, as herein provided, shall be computed by excluding the first day and including the last. If the last day be Sunday, it shall be excluded.
(Prior Code, § 10.12)

§ 10.13 ORDINANCES REPEALED.

This code, from and after its effective date, shall contain all of the provisions of a general nature pertaining to the subjects herein enumerated and embraced. All prior ordinances pertaining to the subjects treated by this code shall be deemed repealed from and after the effective date of this code.
(Prior Code, § 10.13)

§ 10.14 ORDINANCES UNAFFECTED.

All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not embraced in this code shall remain in full force and effect unless herein repealed expressly or by necessary implication.
(Prior Code, § 10.14)

§ 10.15 EFFECTIVE DATE OF ORDINANCES.

All ordinances passed by the City Council requiring publication shall take effect from and after the due publication thereof, unless otherwise expressly provided. Ordinances not requiring publication shall take effect from their passage, unless otherwise expressly provided.
(Prior Code, § 10.15)

§ 10.16 REPEAL OR MODIFICATION OF ORDINANCE.

(A) Whenever any ordinance or part of an ordinance shall be repealed or modified by a subsequent ordinance, the ordinance or part of an ordinance thus repealed or modified shall continue in force until the due publication of the ordinance repealing or modifying it when publication is required to give effect thereto, unless otherwise expressly provided.

(B) No suit, proceedings, right, fine, forfeiture or penalty instituted, created, given, secured or accrued under any ordinance previous to its repeal shall in any way be affected, released or discharged, but may be prosecuted, enjoyed and recovered as fully as if the ordinance had continued in force unless it is otherwise expressly provided.

(C) When any ordinance repealing a former ordinance, clause or provision shall be itself repealed, the repeal shall not be construed to revive the former ordinance, clause or provision, unless it is expressly provided.
(Prior Code, § 10.16)

§ 10.17 ORDINANCES WHICH AMEND OR SUPPLEMENT CODE; PUBLICATION AND DISTRIBUTION OF AMENDMENTS.

(A) *Amendment procedure*. This code shall be amended by ordinance. The title of each amendatory ordinance, adapted to the particular circumstances and purposes of the amendment, shall be substantially as follows:

(1) To amend any section:

> "AN ORDINANCE TO AMEND SECTION _____ (or SECTIONS _____ AND _____) OF CHAPTER _____ OF TITLE _____ OF THE CODE OF THE CITY OF WAKEFIELD."

(2) To insert a new section, chapter or title:

> "AN ORDINANCE TO AMEND THE CODE OF THE CITY OF WAKEFIELD BY ADDING A NEW SECTION (_____ NEW SECTIONS, A NEW CHAPTER or A NEW TITLE, as the case may be) WHICH NEW SECTION (SECTIONS, CHAPTER or TITLE) SHALL BE DESIGNATED AS SECTION _____ (SECTIONS _____ AND _____) OF CHAPTER _____ OF TITLE _____ (or proper designation if a chapter or title is added) OF SAID CODE."

(3) To repeal a section, chapter or title:

> "AN ORDINANCE TO REPEAL SECTION _____ (SECTIONS _____ AND _____), CHAPTER _____, TITLE _____ (as the case may be) OF THE CODE OF THE CITY OF WAKEFIELD."

(B) *Publication and distribution of amendments*. Amendments to the code shall be published as required by law and not less than 25 copies of each amendment shall be published in loose-leaf form suitable for insertion in the loose-leaf copies of the code. The City Clerk shall distribute these copies to the officers of the city having copies of the code assigned to them. Each officer assigned a copy of the

code shall be responsible for maintaining the same and for the proper insertion of amendatory pages as received. Each copy of the code shall remain the property of the city and shall be turned over by each officer having custody thereof upon expiration of his or her term of office to his or her successor or to the City Clerk, in case he or she shall have no successor.
(Prior Code, § 10.17)

§ 10.18 SECTION HISTORIES; STATUTORY REFERENCES.

(A) As histories for the code sections, the specific number and passage date of the original ordinance, and amending ordinances, if any, are listed following the text of the code section. Example: (Ord. 10, passed 5-13-1960; Ord. 15, passed 1-1-1970; Ord. 20, passed 1-1-1980; Ord. 25, passed 1-1-1985)

(B) (1) If a statutory cite is included in the history, this indicates that the text of the section reads substantially the same as the statute. Example: (M.C.L.A. § 551.271) (Ord. 10, passed 1-17-1980; Ord. 20, passed 1-1-1985)

(2) If a statutory cite is set forth as a "statutory reference" following the text of the section, this indicates that the reader should refer to that statute for further information. Example:

§ 31.10 MAYOR.

The Mayor shall preside at all Council meetings.
(Ord. 10, passed 1-1-1980)
Statutory reference:
Powers and duties of the Mayor, see M.C.L.A. § 551.271

(Prior Code, § 10.18)

§ 10.19 CONTENTS OF CODE.

This code contains all ordinances of a general and permanent nature of the city and includes ordinances dealing with municipal administration, utilities and services, parks and public grounds, streets and sidewalks, zoning and planning, food and health, businesses and trades, building, electrical, heating and plumbing regulations, police regulations and traffic regulations, and excludes ordinances granting franchises and special privileges, establishing sewer and other public improvement districts, providing for the construction of particular sewers, streets or sidewalks, or for the improvement thereof, or for the construction and improvement of other public works, authorizing the borrowing of money or the issuance of bonds. The adoption of this code shall not be interpreted as authorizing or permitting any use or the continuance of any use of a structure or premises in violation of any ordinance of the city in effect on

the date of adoption of this code. Ordinances hereafter adopted which are not of a general or permanent nature shall be numbered consecutively, authenticated, published and recorded in the book of ordinances, but shall not be prepared for insertion in this code, nor be deemed a part hereof.
(Prior Code, § 10.19)

§ 10.20 PUBLICATION AND DISTRIBUTION OF CODE.

(A) Publication of this codification of the ordinances of the city is hereby directed.

(1) *Electronic publication authorized.* The City Council hereby authorizes the electronic publication of the Code of the City of Wakefield and all amendatory ordinances. Electronic publication on the city's official website shall constitute legal publication and public notice under the Home Rule City Act, Public Act 279 of 1909, being M.C.L.A. §§ 117.3(k).

(B) (1) A minimum of 15 official printed copies of the code shall be maintained, updated, and distributed as follows:

(a) Fire Chief: one.

(b) City Attorney: one.

(c) Gogebic County Court: one.

(d) City Library: one.

(e) City Clerk: two.

(f) City Council: five.

(g) City Manager: one.

(h) Reserved: two.

(2) Additional electronic copies of the code shall be made available for free download on the city's website.

(C) In addition, the Clerk shall keep one copy of the code assigned to him or her available for public inspection during office hours.

(D) The Clerk shall update all official printed copies of the code following the adoption of any ordinance amending, adding, or repealing provisions of this code. Updates shall occur no less than once every calendar quarter.
(Prior Code, § 10.20) (Ord. 253, passed 2-9-2026)
Cross-reference:
Additional code maintenance and distribution requirements, see § 10.23.

§ 10.21 APPROVAL OF LEGAL DOCUMENTS.

The Mayor shall sign, the City Clerk shall attest to, the City Manager shall approve as to substance, and the City Attorney shall approve as to form, all contracts and agreements requiring the assent of the city, unless otherwise provided for by law, the charter, ordinances or the provisions of this code.
(Prior Code, § 10.21)

§ 10.22 NOTIFICATION PROCEDURE.

Unless otherwise specifically provided by ordinance of the city or by state statute, 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 this code shall be served:

(A) By delivering the notice to the 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;

(B) By mailing the notice by certified or registered mail to that owner at his or her last known address; or

(C) If the owner is unknown, by posting the notice in some conspicuous place on the premises at least five days before the act or action concerning which the notice is given. 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 that officer to remove the notice.
(Prior Code, § 10.22)

§ 10.23 CODE MAINTENANCE AND UPDATING.

(A) The City Clerk shall be responsible for maintaining all official copies of the Code of the City of Wakefield, including printed and electronic editions.

(B) Following the adoption of any ordinance that amends, adds, or repeals provisions of this code, the City Clerk shall update all official printed copies on a quarterly basis, or more frequently if directed by the City Council.

(C) The City Clerk shall maintain an electronic, publicly accessible version of the code on the city's official website. Electronic updates shall be posted within 30 days after the effective date of any amendatory ordinance.

(D) Each department, board, or official assigned an official printed copy of the code under §10.20(B) shall be responsible for safeguarding their assigned copy and for ensuring that quarterly updates provided by the Clerk are inserted promptly. All printed copies remain the property of the city.

(E) The City Clerk shall maintain one official archival copy of the code, which shall include all amendatory ordinances and historical records of code revisions. The archival copy shall be available for public inspection during regular business hours.
(Ord. 253, passed 2-9-2026)
Cross-reference:
Publication and distribution requirements, see § 10.20.

MUNICIPAL INFRACTIONS

§ 10.35 TITLE.

This subchapter shall be known as the "City of Wakefield Civil Infraction Ordinance".
(Ord. 221, passed 4-10-2017)

§ 10.36 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly requires a different meaning.

ACT. Public Act 236 of 1961, being M.C.L.A. §§ 600.101 et seq., as amended.

AUTHORIZED CITY OFFICIAL. A city official, police officer or other personnel or agent of the city authorized by this subchapter or any ordinance to issue municipal civil infraction citations.

CITY. The City of Wakefield, Michigan.

MUNICIPAL CIVIL INFRACTION ACTION. An act or omission that is prohibited by any ordinance of the city, but which is not a crime under the ordinance, and for which civil sanctions, including, without limitation, fines, damages, expenses and costs, may be ordered, as authorized by Chapter 87 of Public Act 236 of 1961, being M.C.L.A. §§ 600.8701 et seq., as amended. A ***MUNICIPAL CIVIL INFRACTION*** is not a lesser included offense of a violation of any city ordinance that is a criminal offense.

MUNICIPAL CIVIL INFRACTION CITATION. 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.
(Ord. 221, passed 4-10-2017)

§ 10.37 INFRACTION ACTION; COMMENCEMENT.

A municipal civil infraction action may be commenced upon the issuance by an authorized city official of a municipal civil infraction citation directing the alleged violator to appear in court.
(Ord. 221, passed 4-10-2017)

§ 10.38 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 District Court that has jurisdiction over the city.

(C) Each citation shall be numbered consecutively and shall be in a form approved by the state's 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 § 8705 of the Act, being M.C.L.A. § 600.8705.

(D) A citation for a municipal civil infraction 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 complaint and if the citation contains the following statement immediately above the date and signature to 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 commit a municipal civil infraction shall prepare and subscribe, as soon as possible and as completely as possible, an original and required copies of a citation.

(F) An authorized city official may issue a citation 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 if the City Attorney approves in writing the issuance of the citation.

(G) Municipal civil infraction citations shall be served by an authorized city official as follows.

(1) Except as otherwise provided below, an authorized city official shall personally serve a copy of the citation 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 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 structure by posting a copy on the land or attaching the copy to the building or structure. In addition, a copy of the citation shall be sent by first-class mail to the owner of the land, building or structure at the owner's last known address.
(Ord. 221, passed 4-10-2017)

§ 10.39 CITATIONS; CONTENTS.

(A) A municipal ordinance 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, the 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; and/or

(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; and/or

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

(C) The citation shall contain a notice in bold-faced 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 alleged violator on the municipal civil infraction.
(Ord. 221, passed 4-10-2017)

§ 10.40 SCHEDULE OF CIVIL FINES, COSTS.

(A) Unless a different schedule of civil fines is provided for by an applicable ordinance, the civil fines payable to the city upon admissions of responsibility by persons served with municipal ordinance violation notices shall be determined pursuant to the following schedule and on the basis of the date of the violation(s):

First violation	$100
Second violation within a 3-year period	$200*
Third violation within a 3-year period	$400*
Fourth or subsequent violation within a 3-year period	$500*
Notes to Table: *Determined on the basis of the date of commission of the offense(s)	

(B) In addition to the above prescribed civil fines, costs in the amount of $10 shall be assessed by the city if the fine and costs are paid within ten days of the date of service of the municipal ordinance violation notice. Otherwise, costs of $20 shall be assessed by the city.

(C) A "violation" includes any act which is prohibited or made or declared to be unlawful or an offense by an ordinance and any omission or failure to act where the act is required by an ordinance.

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

(E) In addition to any remedies available at law, the city may bring an action for an injunction or other process against a person to restrain, prevent or abate any violation of any city ordinance.
(Ord. 221, passed 4-10-2017)

§ 10.41 AUTHORIZED PERSONS; CIVIL INFRACTION TICKETS.

Unless prohibited by state law or unless otherwise provided by specific provisions of a particular city ordinance to the contrary, the following officials are hereby designated as the authorized city officials to issue and serve municipal civil infraction citations for violations of city ordinances which provide for a municipal civil infraction for a violation thereof:

(A) The City Building, Mechanical and Electrical Inspectors;

(B) The County Sheriff and all other Deputy County Sheriffs of said county;

(C) The City Manager;

(D) The City Ordinance Enforcement Officer;

(E) The City Zoning Administrator; and

(F) Any certified officers of a private company or companies contracted with the city for enforcement purposes.
(Ord. 221, passed 4-10-2017)

§ 10.42 APPLICABILITY.

If this subchapter is silent as to given procedural requirements or in any way conflicts with the Act, the Act shall govern.
(Ord. 221, passed 4-10-2017)

§ 10.43 ORDINANCES/PROVISIONS TO BE ENFORCED.

A municipal civil infraction shall apply to and include the following offenses set forth in city ordinances:

(A) Violations of § 90.01 of this code of ordinances, concerning abandon and junked vehicles;

(B) Violations of Chapter 96 of this code of ordinances, concerning fire prevention and protection;

(C) Violations of §§ 91.03, 91.04 and 91.05 of this code of ordinances, concerning nuisances;

(D) Violations of §§ 91.20 through 91.23 of this code of ordinances, concerning blight;

(E) Violations of §§ 151.50 and 151.51 of this code of ordinances, concerning the International Property Maintenance Code;

(F) Violations of § 53.05 of this code of ordinances, concerning cross-connections; and

(G) Violation of Chapter 154 of this code of ordinances, concerning streets and sidewalks.
(Ord. 221, passed 4-10-2017; Ord. 247, passed 12-23-2024)

§ 10.99 GENERAL PENALTY.

Unless another penalty is expressly provided by this code for any particular provision or section, every person convicted of a violation of any provision of this code or any rule or regulation adopted or issued in pursuance thereof shall be punished by a fine of not more than $500 and costs of prosecution or by imprisonment for not more than 90 days, or by both a fine and imprisonment. Each act of violation and every day upon which any violation shall occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any section of this code whether or not such penalty is re-enacted in the amendatory ordinance. The penalties shall be in addition to the abatement of the violating condition, any injunctive relief or revocation of any permit or license.

(Prior Code, § 10.99) (Ord. 203, passed 10-11-2010)

Cross-reference:

Schedule of civil fines, costs, see § 10.40

Traffic and parking fines, see § 71.99

CHAPTER 11: FEE SCHEDULE AUTHORITY

Section

11.01 Establishment of fee schedule
11.02 Incorporation by reference
11.03 Periodic review
11.04 Conflicts

§ 11.01 ESTABLISHMENT OF FEE SCHEDULE.

Except where a specific fee is required by state law to be set by ordinance, all rates, charges, fines, fees, licenses, permits, service charges, and other monetary amounts referenced in this code shall be established by resolution of the City Council.
(Ord. 253, passed 2-9-2026)

§ 11.02 INCORPORATION BY REFERENCE.

Fees established by resolution of the City Council shall be incorporated by reference and shall have the same force and effect as if fully set forth in this code.
(Ord. 253, passed 2-9-2026)

§ 11.03 PERIODIC REVIEW.

The City Manager shall review the fee schedule not less than annually and may recommend revisions to the City Council.
(Ord. 253, passed 2-9-2026)

§ 11.04 CONFLICTS.

If any provision of this code references a fee amount that conflicts with the fee schedule adopted by resolution of the City Council, the fee schedule shall control.
(Ord. 253, passed 2-9-2026)

TITLE III: ADMINISTRATION

Chapter

30. GOVERNING BODY AND OFFICIALS

31. ORGANIZATIONS

32. RESERVED

33. CIVIL DEFENSE

34. FINANCE AND REVENUE; TAXATION

35. PUBLIC IMPROVEMENTS

CHAPTER 30: GOVERNING BODY AND OFFICIALS

Section

General Provisions

30.01 Department heads
30.02 Security bonds
30.03 Vacancies

Specific Officials

30.15 City Manager
30.16 Deputy City Manager

Charter reference:

City Council provisions, §§ 3.2 through 3.4
City Manager duties, see §§ 3.8 through 3.11

GENERAL PROVISIONS

§ 30.01 DEPARTMENT HEADS.

All administrative officers are responsible to the City Manager for the effective administration of their respective departments and offices, and all activities assigned to them. The City Manager shall employ or appoint all officers and employees, except as otherwise provided by the City Charter or this code of ordinances. The City Manager may set aside any action taken by any administrative officer and may supersede him or her in the functions of the office, but, as to officers appointed by the City Council, this action shall be subject to approval by the City Council.
(Prior Code, § 31.01)

§ 30.02 SECURITY BONDS.

Security bonds, conditioned as required by Charter § 4.7, shall be filed by the City Manager, Treasurer, Deputy Treasurer, Clerk and Deputy Clerk in not less than the amounts established by resolution of the City Council. All other officers of the city and employees (except the Mayor and Council members) shall be covered by a blanket bond in an amount to be established by resolution of the City Council.
(Prior Code, § 31.02) (Ord. 253, passed 2-9-2026)

§ 30.03 VACANCIES.

In case of vacancy in office or during the absence of any administrative officer, the City Manager may designate an interim acting head or perform personally the functions of the office, until that vacancy is filled in accordance with the Charter.
(Prior Code, § 31.03)

CITY OFFICIALS

§ 30.15 CITY MANAGER.

The City Manager shall see that all laws, ordinances, rules, regulations adopted by the City Council and the provisions of this code, are properly enforced. The Manager shall attend all meetings of the City Council, regular and special. During the absence or disability of the Manager, the City Council shall designate some qualified person to temporarily perform the duties of the Manager.
(Prior Code, § 31.15)

§ 30.16 DEPUTY CITY MANAGER.

(A) *Appointment; confirmation; removal*. The Deputy City Manager shall be appointed by the City Manager, subject to confirmation by the City Council, and shall serve at the pleasure of the City Manager unless otherwise provided by employment agreement or applicable law.

(B) *Duties and authority*. The Deputy City Manager shall perform such duties and exercise such authority as assigned by the City Manager, including assisting in the administration of city departments, coordinating interdepartmental operations, overseeing assigned programs or projects, and performing executive functions as delegated.

(C) *Automatic succession; Acting City Manager.*

(1) *Temporary absence or incapacity.* In the event of the temporary absence, disability, or inability of the City Manager to perform the duties of the office, the Deputy City Manager shall automatically serve as Acting City Manager without further action of the City Council.

(2) *Vacancy.* In the event of a vacancy in the office of City Manager, the Deputy City Manager shall serve as Acting City Manager until the City Council appoints an interim or permanent City Manager in accordance with the City Charter.

(D) *Powers while acting.* While serving as Acting City Manager, the Deputy City Manager shall possess the powers, duties, responsibilities, and authority of the City Manager as provided by the City Charter, city ordinances, and applicable law.

(E) *Compensation.* Compensation for the Deputy City Manager shall be established by the City Council by resolution, through the budget process, or by employment agreement.
(Ord. 253, passed 2-9-2026)

CHAPTER 31: ORGANIZATIONS

Section

General Provisions

31.01 Compliance with regulations
31.02 Administrative Manual

Specific Organizations

31.15 Law enforcement services
31.16 Housing Commission
31.17 Planning Commission

GENERAL PROVISIONS

§ 31.01 COMPLIANCE WITH REGULATIONS.

All departments of the city shall comply with the following.

(A) All department heads shall keep informed as to the latest practices in their particular field and shall inaugurate, with the approval of the City Manager in the case of departments responsible to him or her or in the case of other departments, with the approval of the officer or body to whom the department head is responsible, these new practices as appear to be of benefit to the service and to the public.

(B) Reports of the activities of each department shall be made to the Manager as he or she shall direct.

(C) Each department head shall be held responsible for the preservation of all public records under his or her jurisdiction and shall provide a system of filing and indexing the same. No public records, reports, correspondence or other data relative to the business of any department shall be destroyed or removed permanently from the files without the knowledge and approval of the City Council.
(Prior Code, § 32.01)

§ 31.02 ADMINISTRATIVE MANUAL.

The City Manager is authorized to adopt any administrative regulations in addition to, but not inconsistent with, the Charter and this code, as he or she shall deem necessary and proper to provide for the adequate functioning of all departments. These regulations shall comprise the "Administrative Manual".
(Prior Code, § 32.02)

SPECIFIC ORGANIZATIONS

§ 31.15 LAW ENFORCEMENT SERVICES.

(A) The City of Wakefield does not maintain or operate a municipal Police Department.

(B) Law enforcement services are provided through contract with the Gogebic County Sheriff's Office, or such other qualified law enforcement agency as may be approved by the City Council.

(C) All references within this code of ordinances to "police," "police officer," "Police Department," or similar terms shall be interpreted to mean the city's contracted law enforcement provider, unless the context clearly requires otherwise.

(D) Nothing in this section shall be construed as authorizing the city to hire, commission, certify, or employ law enforcement officers. The city relies upon its contracted law enforcement agency for all policing functions.

(E) The City Manager is authorized to administer the contract for law enforcement services and to coordinate with the Sheriff's Office regarding public safety matters.
(Prior Code, § 32.15) (Ord. 253, passed 2-9-2026)

§ 31.16 HOUSING COMMISSION.

(A) *Continuation of Commission.* Pursuant to Public Act 18 of 1933 (extra session), as amended, being M.C.L.A. §§ 125.651 et seq., the Commission heretofore created in and for the city, known as the "Wakefield Housing Commission", is hereby continued.
(Prior Code, § 32.25)

(B) *Appointments.* The City Manager shall appoint the members of the city's Housing Commission in accordance with Public Act 18 of 1933 (extra session), as amended, being M.C.L.A. §§ 125.651 et seq.
(Prior Code, § 32.26)

(C) *Powers*. The city's Housing Commission shall have all the powers and duties vested or permitted to be vested in housing commissions by Public Act 18 of 1933 (extra session), as heretofore or hereafter amended, being M.C.L.A. §§ 125.651 et seq., and any laws heretofore or hereafter enacted which are supplemental thereto, it being the intention of this section to vest in the Housing Commission all powers and duties permitted by law.
(Prior Code, § 32.27)

(D) *Selection and appointment of employees*. The city's Housing Commission shall select and appoint such employees as it shall deem necessary for the proper exercise of its powers, functions and duties and shall pay them compensation as it shall, with the approval of the City Manager, fix and determine.
(Prior Code, § 32.28)

§ 31.17 PLANNING COMMISSION.

(A) *Continuation of Commission*. The city's Planning Commission, heretofore created in accordance with Public Act 33 of 2008, as amended, being M.C.L.A. §§ 125.3801 et seq., is hereby continued. The city's Planning Commission shall consist of nine members who shall represent, insofar as possible, different professions or occupations. The Commission is hereby authorized and empowered to make, adopt, amend, extend, add to or carry out municipal plans as provided by law.
(Prior Code, § 32.40)

(B) *Membership*.

(1) *General*. The members of the City Planning Commission shall consist of the Mayor, the City Manager and five residents of the city who shall be appointed by the Mayor, subject to the approval by a majority vote of the members elect of the City Council.

(2) *Alternate members*. Up to two alternate members may be appointed by the Mayor, subject to the approval by majority vote of the members elect of the City Council, for three-year terms. If two alternate members have been appointed, they may be called on a rotating basis, as they are available to sit as regular members of the Board of Zoning Appeals in the absence of a regular member if the regular member will be unable to attend one or more meetings. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the board of Planning Commission. An alternate member shall only serve to discuss or vote upon a case in the absence of a regular member or upon the conflict of interest of a regular member.
(Prior Code, § 32.41)

(C) *Terms*. The term of each appointed member, other than the Council member referred to in this section, shall be three years or until a successor takes office.
(Prior Code, § 32.42)

(D) *Compensation; removal.* All members of the City Planning Commission shall serve as such without compensation. Any member may, after a public hearing, be removed by the Mayor for inefficiency, neglect of duty or malfeasance in office. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired term by the Mayor in the case of members selected or appointed by him or her, and by the City Council in the case of the Council member.
(Prior Code, § 32.43)

(E) *Chairperson; meetings.* The city's Planning Commission shall elect its Chairperson from among its appointed members and fill any other of its offices as it may determine. The term of the Chairperson shall be one year with eligibility of re-election. The city's Planning Commission shall hold at least one regular meeting in each month and shall adopt rules for transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record.
(Prior Code, § 32.44)

(F) *Employment of necessary employees and consultants.* The city's Planning Commission may appoint those employees as it may deem necessary for its work, whose appointment, promotion, demotion and removal shall be subject to the same provisions of law as govern other corresponding civil service employees of the city. The city's Planning Commission may also contract with city planners, engineers, architects and other consultants for those services as it may require. The expenditures of the Commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the City Council which shall provide the funds, equipment and recommendations necessary for the City Planning Commission's work.
(Prior Code, § 32.45)

(G) *Powers and duties.* The city's Planning Commission shall have and exercise all of the powers granted to it under the provisions of Public Act 285 of 1931, being M.C.L.A. §§ 125.31 through 125.45, and any and all acts amendatory thereof and shall perform all of the duties on its part to be performed as provided in Public Act 285 of 1931, being M.C.L.A. §§ 125.31 through 125.45, and shall be subject to all of the regulations therein provided.
(Prior Code, § 32.46)

(H) *Holding other office.* No member of the city's Planning Commission shall hold any other municipal office, except the Mayor, Administrative Officer and the Council member to be appointed as herein provided in this section, and excepting further that one of the other six members may be a member of the Zoning Board of Appeals.
(Prior Code, § 32.47) (Ord. 232, passed 11-11-2019)

CHAPTER 32: RESERVED

[Ch. 33 begins on page 19]

CHAPTER 33: CIVIL DEFENSE

Section

33.01 Definitions
33.02 City officials; powers and duties
33.03 Civil Defense and Disaster Control Plan
33.04 Suspension of conflicting ordinances, orders, rules and regulations
33.05 Violation of regulations

§ 33.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CIVIL DEFENSE. The preparation for and the carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, for protection against and to minimize and repair injury and damage resulting from enemy attack, sabotage or other hostile action or by natural disaster.

CIVIL DEFENSE VOLUNTEER. Any person who serves without compensation in the Civil Defense Organization.

EMERGENCY. A condition resulting from actual or threatened enemy attack or natural disaster which cannot be handled by normal operating personnel and facilities.

NATURAL DISASTER. Any condition seriously affecting or threatening public health, welfare or security as a result of severe fire, explosion, flood, tornado, hurricane or similar natural or accidental cause and which is beyond the control of public or private agencies ordinarily responsible for the control or relief of those conditions. Riots, strikes, insurrections or other civil disturbance shall not be included within the meaning of this definition.
(Prior Code, § 35.01)

§ 33.02 POWERS AND DUTIES OF CERTAIN CITY OFFICIALS.

(A) *Mayor.*

(1) In the event of actual or threatened enemy attack or natural disaster, the Mayor, or in his or her absence or inability to serve, the Mayor Pro Tem, as conservator of the peace, shall:

(a) Declare a state of emergency within the city, thereby placing in effect the civil defense and disaster control plan required by this chapter;

(b) As soon as may be thereafter, convene the City Council to perform those legislative and administrative functions as the situation may demand. The City Council shall have the power to terminate the state of emergency;

(c) Request the state, its agencies or political subdivisions to end aid if the situation is beyond the control of the regular emergency city forces;

(d) Have the power to command services and the use of equipment, and facilities for that work and duties as the city may require to aid the regular and volunteer city forces in time of emergency; and

(e) Promulgate those emergency regulations as may be deemed necessary to protect life and property and conserve critical resources, and those regulations may be invoked when necessary for tests of civil defense and disaster plans. All regulations shall be subject to approval of the City Council as soon as practicable subsequent to promulgation.

(2) The Mayor, or in his or her absence or inability to serve, the Mayor Pro Tem, shall have power to order civil defense forces to the aid of the state or political subdivisions thereof subject to Council review as soon as practicable.

(B) *City Manager.*

(1) The powers and duties of the City Manager shall consist of the following.

(a) The City Manager, through the Director of Civil Defense, shall maintain general supervision over the planning and administration for the Civil Defense Organization and the execution of the civil defense and disaster plans. He or she shall coordinate the civil defense activities and make emergency assignments of civil defense duties and civil defense forces in order to meet situations not covered in the normal duties of those forces.

(b) The City Manager may take all necessary action to conduct tests of the civil defense and natural disaster plans.

(c) When a state of emergency has been declared, the City Manager shall assemble and utilize civil defense forces and prescribe the manner and conditions of their use.

(d) The City Manager shall designate a line of succession among his or her department heads to carry out the powers and duties of division (B)(1) above in the event of his or her absence or inability to serve.

(2) The City Manager is hereby authorized to exercise the powers granted to the Mayor in division (A) above, either in the absence or inability to serve of the Mayor and the Mayor Pro Tem, or where delay in the exercise of those powers would be contrary to the public interest.
(Prior Code, § 35.02)

§ 33.03 CIVIL DEFENSE AND DISASTER CONTROL PLAN.

A comprehensive Civil Defense and Disaster Control Plan shall be adopted and maintained by resolution of the City Council upon the recommendations of the City Manager. In the preparation of this plan as it pertains to city organization, it is the intent that the services, equipment, facilities and personnel of all existing departments and agencies shall be utilized to the fullest extent. When approved, it shall be the duty of all municipal departments and agencies to perform the functions and duties assigned by the plan and to maintain their portion of the plan in a current state of readiness at all times.
(Prior Code, § 35.03)

§ 33.04 SUSPENSION OF CONFLICTING ORDINANCES, ORDERS, RULES AND REGULATIONS.

At all times when the orders, rules and regulations made and promulgated pursuant to this chapter shall be in effect, they shall supersede all existing ordinances, orders, rules and regulations insofar as the latter may be inconsistent therewith.
(Prior Code, § 35.04)

§ 33.05 VIOLATION OF REGULATIONS.

It shall be unlawful for any person to violate any of the provisions of this chapter or of the regulations issued pursuant to the authority contained herein, or to willfully obstruct, hinder or delay any member of the civil defense organization in the enforcement of the provisions of this chapter or any regulations issued thereunder.
(Prior Code, § 35.05) Penalty, see § 10.99

CHAPTER 34: FINANCE AND REVENUE; TAXATION

Section

General Provisions

34.01 Payment of moneys
34.02 Bid rejection

Fire Department Cost Recovery

34.15 Title
34.16 Purpose
34.17 Definitions
34.18 Cost recovery charges
34.19 Exemptions
34.20 Determination
34.21 Billing and collection of cost
34.22 Appeal procedure

Taxation

34.35 Riverview Apartments; tax exemption
34.36 Wakefield Development; tax exemption

GENERAL PROVISIONS

§ 34.01 PAYMENT OF MONEYS.

All moneys belonging to the city shall be paid out by checks drawn by the City Treasurer and countersigned by the City Clerk.
(Prior Code, § 34.01)

§ 34.02 REJECTION OF BIDS.

In calling for sealed proposals, the right of the city to reject any and all bids or to waive any irregularities therein is reserved.
(Prior Code, § 34.02)
Charter reference:
Purchasing procedure, see § 9.9

FIRE DEPARTMENT COST RECOVERY

§ 34.15 TITLE.

This subchapter shall be known as the "City of Wakefield Fire Department Cost Recovery Ordinance" (referred to herein as "this subchapter").
(Ord. 234, passed 5-26-2020)

§ 34.16 PURPOSE.

This subchapter is enacted for the purpose of establishing a method of recovering costs and expenses for certain services provided by the city's Volunteer Fire Department which results from the utilization of city resources in response to certain public safety, fire or emergency incidents or conditions. Depending on the circumstances, the city finds that it may not always be cost-effective for the city to pursue collection of unpaid charges.
(Ord. 234, passed 5-26-2020)

§ 34.17 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly requires a different meaning.

ASSESSABLE COSTS. Those costs for services incurred by the city in connection with a response to a public safety, fire or emergency incident or condition; provided, however, the city shall not be reimbursed under this subchapter more than once for any expense incurred by the city.

COST RECOVERY SCHEDULE. Periodically, the City Council shall adopt, by resolution, a schedule of the costs incurred in providing emergency services related to an emergency incident. It shall

be presumed that the costs listed in the ***SCHEDULE*** are reasonable costs incurred by the city in responding to such emergency incident. This ***SCHEDULE*** shall be made available to the public during regular city business hours.

DEPARTMENT. The City of Wakefield Volunteer Fire Department.

EMERGENCY INCIDENT. Any situation or condition where emergency services are needed or requested.

EMERGENCY SERVICES. Services provided by the Department for the primary purpose of taking timely action to deal with events threatening health, safety and security.

INSURER. A person or company that underwrites an insurance risk; the party in an insurance contract undertaking to pay compensation.

MOTOR VEHICLE INCIDENT. A response that requires fighters to utilize fire suppression, extraction equipment or other specialized equipment.

STRUCTURE FIRE. A fire involving the structural components of various residential buildings ranging from single-family detached homes and townhouses to apartments and tower blocks or various commercial buildings.
(Ord. 234, passed 5-26-2020)

§ 34.18 COST RECOVERY CHARGES.

(A) The city may recover a fee to be established by resolution of the City Council in connection with emergency rendered from the insurer of the structure or vehicle.

(B) In addition to the examples provided in § 34.16 of this chapter, emergency services include, by way of example and not limitation, specific responses or conditions as described below:

(1) Any Department response to a structure fire, whether ignited accidentally or intentionally, and includes, but is not necessarily limited to, the following:

(a) Department containment and/or suppression of the fire in part or whole;

(b) Stabilization of the incident by Department resources; and

(c) Activities resulting in damage or destruction of Department equipment beyond normal wear and tear.

(2) Any Department response requiring containment, abatements or any safety measure in connection with any hazardous or toxic material release. Charges in such case shall be made to the person responsible for the release, whether or not the release occurs on the property of the responsible party. The responsibility for the release includes releases caused by the person as well as any release from any vehicle, building or other instrumentality, owned, occupied or utilized by the person, regardless of fault;

(3) Any Department response to a vehicle accident or traffic incident, including, but not limited to, the control of fires, spills, debris clean up, assistance to injured persons or ambulance crews or the extrication of vehicle occupants using specialized tools or techniques;

(4) Any Department response for a hazardous materials incident or other hazardous condition requiring Department oversight and deployment of personnel and/or equipment to maintain public health and safety; and

(5) Any Department response for a specialized rescue, disentanglement or body recovery requiring Department oversight and/or deployment of Department personnel or equipment and the use of specialized fools, apparatus or techniques for handling the specific incident. This includes high and low angle environments, confined spaces, below grade or trench incidents, heavy equipment or machinery, outside searches lasting longer than one hour, ice or water rescue or recovery and structural collapse.

(C) A schedule of charges, to be known as the cost recovery schedule, shall be established by resolution of the City Council.
(Ord. 234, passed 5-26-2020; Ord. 253, passed 2-9-2026)

§ 34.19 EXEMPTIONS.

The following properties and services are exempt from the charges authorized by this subchapter:

(A) False alarms due to system malfunction or maintenance issue not exceeding three alarms in any consecutive 12-month period;

(B) Fires caused by railroad trains, which are the statutory responsibility of railroad companies;

(C) Fire involving city buildings, grounds and/or property when the fire is not caused by the act or omission of an employee or agent of the city;

(D) Fire or other emergency service performed outside the jurisdiction of the city for which a mutual or automatic aid agreement is in place; and

(E) Property and vehicle owners, who do not have insurance.
(Ord. 234, passed 5-26-2020)

§ 34.20 DETERMINATION.

(A) The City Manager or his or her designee shall leverage the maximum allowable cost established by resolution of the City Council and shall, in consultation with the Fire Chief determine whether to assess any, all or part of such costs against any of the insurer.

(B) If a determination is made not to assess all or a part of assessable costs against the insurer, such determination shall not in any way limit or alter any liability an Insurer may have to other responsible parties.
(Ord. 234, passed 5-26-2020; Ord. 253, passed 2-9-2026)

§ 34.21 BILLING AND COLLECTION OF COST.

(A) The City Treasurer or his or her designee shall prepare and mail an invoice to the appropriate insurer or authorized agent acting on behalf of the insurer. The invoice shall demand full payment within 30 days of billing. Any amount due that remains unpaid 30 days after the date of billing shall have imposed a late charge to be established by resolution of the City Council, until paid in full.

(B) The invoice shall be served on the insurer by first class mail, registered mail or personal service. An insurer shall be deemed served by first class mail on the date of mailing, by registered mail on the date of mailing or by personal service on the date of actual service on the insurer.

(C) The invoice shall advise the insurer of the right to appeal and the time limits for doing so as provided in division (A) above. If an insurer shall appeal assessable costs pursuant to division (A) above, such costs, if upheld, in whole or in part, shall be due and payable 30 days from the date of determination of the appeal and any late payment fees shall apply thereafter.
(Ord. 234, passed 5-26-2020; Ord. 253, passed 2-9-2026)

§ 34.22 APPEAL PROCEDURE.

(A) Any insurer who receives an invoice shall have an opportunity to meet with the City Manager or his or her designee to request a modification of the assessable costs. The responsible party shall request such meeting in writing within 14 calendar days from the date of service of the invoice.

(B) If, after meeting with the City Manager or his or her designee, the insurer is still not satisfied, he or she may request an opportunity to appear before the City Council to further request a modification of the assessable costs. An insurer who desires to appear before the City Council must first meet with the City Manager or designee, as provided above, and shall file a written request to appear before the

City Council with the City Clerk within seven calendar days of the date of the meeting with the City Manager. Any such request shall specifically identify and explain all reasons why the insurer believes the assessed costs should be modified. Any reason, basis or argument for modification of the assessable costs not set forth in the request to appear shall be deemed waived by the insurer. Upon receipt of such a request, the City Clerk will place the responsible party on the agenda of the next regularly scheduled City Council meeting, which meeting is at least 14 calendar days after the date on which the insurer files the request to appear. After the insurer has been given an opportunity to appear before it, the City Council shall promptly determine whether to confirm, modify or void payment of the assessable costs invoiced.

(C) Failure to file a timely written request for a meeting with the City Manager or request to appear before the City Council shall constitute a waiver of the insurer's right to same; and shall further constitute the insurer's agreement to pay the assessable costs invoiced.
(Ord. 234, passed 5-26-2020)

TAXATION

§ 34.35 RIVERVIEW APARTMENTS; TAX EXEMPTION.

City Ord. 185, providing for a service charge in lieu of taxes for a proposed multiple-family dwelling project, is hereby adopted by reference and incorporated herein as if set out in full.
(Ord. 185, passed 6-25-2004)

§ 34.36 WAKEFIELD DEVELOPMENT; TAX EXEMPTION.

City Ord. 173, providing for a service charge in lieu of taxes for a proposed multiple-family dwelling project, is hereby adopted by reference and incorporated herein as if set out in full.
(Ord. 173, passed - -)

CHAPTER 35: PUBLIC IMPROVEMENTS

Section

Special Assessment Projects; Procedure

35.01 Definitions
35.02 Advisory petition
35.03 Initiatory resolution
35.04 Plans and specifications
35.05 City Manager
35.06 Notice of hearing
35.07 Public hearing; objections and charges
35.08 Resolution of determination
35.09 Special assessment roll
35.10 Certificate of Assessor
35.11 Hearing on roll
35.12 Objections; filing; hearing
35.13 Objection to improvements
35.14 Correction and charges
35.15 Confirmation or rejection of roll
35.16 Contract authorized in lieu of special assessment procedure
35.17 Lien created
35.18 Lien to remain unimpaired
35.19 Due date; installment payments
35.20 Notice and publication
35.21 Single lot assessments
35.22 Contested assessments
35.23 Illegal or invalid assessments

SPECIAL ASSESSMENT PROJECTS; PROCEDURE

§ 35.01 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly requires a different meaning.

COST. The expense of the survey, the preparation of the tax roll, notices, advertising, printing, financing, legal, engineering, construction and condemnation and all other costs incidental to the making of the improvement.

IMPROVEMENT. Any public betterment, the cost of which may be defrayed by special assessment as authorized by the Charter.
(Prior Code, § 51.01)

§ 35.02 ADVISORY PETITION.

The City Council, to ascertain whether or not a reasonable number of property owners to be assessed desire any particular improvement to be made, may request and receive a petition therefor, or may receive a petition voluntarily presented; but in either event, that petition shall be advisory only.

(A) *Contents of petition.* Each advisory petition shall be addressed to the Council and contain a brief description of the improvement sought to be made or the nuisance or hazard sought to be abated and shall be signed only by property owners. Each signature shall be followed by a brief description of the property owned by the signatory. The signatures on those petitions shall be verified by the oath of one or more of the circulators of the petition, before filing.

(B) *Filing of petition.* Advisory petitions shall be filed with the Clerk, who shall refer them to the City Manager. The petition shall be presented to the Council at its next regular meeting or at a special meeting called for that purpose, together with the recommendation of the City Manager.
(Prior Code, § 51.02)

§ 35.03 INITIATORY RESOLUTION.

When the City Council shall have power to make a public improvement by special assessment, it shall, by resolution, set forth the improvement intended to be made and direct the City Manager to prepare a report containing any information it may require relative to that improvement.
(Prior Code, § 51.03)

§ 35.04 PLANS AND SPECIFICATIONS.

The City Manager shall prepare, or cause to be prepared, plans and specifications of the improvement to be made; an estimate of the life of the improvement and of the cost thereof; a description of the assessment district or lands affected; and any other pertinent information as the Council requests.
(Prior Code, § 51.04)

§ 35.05 CITY MANAGER.

The City Manager shall prepare his or her report and set forth therein: a schedule of all property affected by the proposed improvement and the owners thereof; the assessed valuation of each parcel of land and any tax delinquencies thereon and whether the land is improved or unimproved; and any other information as the City Council may have requested. The City Manager shall present this report and the plans and specifications to the Council, together with his or her recommendations as to what proportion of the cost should be paid by special assessment and what part, if any, should be a general obligation of the city; the number of installments in which the assessment should be spread; and the lands which should be included in the special assessment district.
(Prior Code, § 51.05)

§ 35.06 NOTICE OF HEARING.

After the filing of the report and the plans and specifications, as described in §§ 35.04 and 35.05 of this chapter, the City Council shall by resolution, order the same filed with the City Clerk and provide for a public hearing. The hearing shall be held not less than ten days after notice thereof has been given by publication and by notice sent by first class mail to all property owners in the proposed district as shown by the current assessment roll of the city.
(Prior Code, § 51.06)

§ 35.07 PUBLIC HEARING; OBJECTIONS AND CHARGES.

At the time and place specified in the notice for the public hearing, the City Council shall meet and hear any person to be affected by the proposed public improvement. The hearing may be adjourned from time to time by the Council and the Council may make any changes in the proposed improvement or assessments which it deems reasonable or proper and in the best interests of the city. In the event any proposed improvement is extended or enlarged upon or additions made to the district to be assessed, no final determination shall be made by the Council until after another hearing is held pursuant to notice as required for the original hearings.
(Prior Code, § 51.07)

§ 35.08 RESOLUTION OF DETERMINATION.

After the public hearing, the City Council may, by resolution, determine to make the improvement and defray the whole or any part of the cost of the improvement by special assessment upon the property especially benefitted in proportion to the benefits derived, or to be derived, and designate whether it is to be assessed according to frontage, area, valuation, benefit or other basis. By resolution, the Council

shall approve the plans and specifications for the improvement, determine the number of installments in which assessments may be paid, determine the rate of interest to be charged on installments, not to exceed the rate authorized by state law; designate the district or land and premises upon which special assessments shall be levied, direct the Assessor to prepare a special assessment roll in accordance with the Council's determination and designate the name by which that assessment roll shall be known and referred to.
(Prior Code, § 51.08)

§ 35.09 SPECIAL ASSESSMENT ROLL.

The City Assessor shall thereupon prepare a special assessment roll, including all parcels of land within the special assessment district designated by the City Council and shall assess against each parcel of land a relative portion of the sum to be levied against all the lands in the special assessment district as the benefit to that lot or parcel of land bears to the total benefits to all lands in that district. There shall also be entered upon the roll the amount which has been assessed to the city at large, if any.
(Prior Code, § 51.09)

§ 35.10 CERTIFICATE OF ASSESSOR.

(A) Upon completion of the assessment roll, the City Assessor shall attach thereto, or endorse thereon, his or her certificate to the effect that the roll was made by him or her pursuant to a resolution of the City Council (giving date of adoption of same) and that in making the assessment therein, he or she used his or her best judgment and conformed in all respects to the directions contained in the resolution and the City Charter and the provisions of this subchapter.

(B) Thereupon, the special assessment roll shall be filed with the City Clerk, who shall present it to the Council.
(Prior Code, § 51.10)

§ 35.11 HEARING ON ROLL.

Upon receipt of the special assessment roll, the City Council shall order it filed in the office of the City Clerk for public examination, and shall, by resolution, fix the time and the place when the Council will hold a public hearing thereon. The hearing shall be held not less than ten days after notice thereof has been given by publication and by notice sent by first class mail to all property owners in the proposed district, as shown by the current assessment roll of the city.
(Prior Code, § 51.11)

§ 35.12 OBJECTIONS; FILING; HEARING.

Any person deeming himself or herself aggrieved by the special assessment roll may file objections thereto in writing with the City Clerk, which written objections shall specify the manner in which he or she deems himself or herself aggrieved. The City Council shall meet and review the special assessment roll at the time and place appointed or at an adjourned date therefor and shall consider any written objections thereto.
(Prior Code, § 51.12)

§ 35.13 OBJECTION TO IMPROVEMENTS.

If, at or prior to final confirmation of any special assessment, more than 50% of the number of owners of privately owned real property to be assessed for any improvement, or in the case of paving or similar improvements more than 50% of the number of owners of frontage to be assessed for any such improvement, shall object in writing to the proposed improvement, the improvement shall not be made by the proceedings authorized by this subchapter without a four-fifths vote of the members-elect of the City Council; provided, this section shall not apply to sidewalk construction.
(Prior Code, § 51.13)

§ 35.14 CORRECTION AND CHARGES.

The City Council may correct the special assessment roll as to any assessment or description any lot or parcel of land or other errors appearing therein. Any changes made in that roll shall be noted in the Council minutes.
(Prior Code, § 51.14)

§ 35.15 CONFIRMATION OR REJECTION OF ROLL.

After the hearing and review, the City Council, by resolution, may confirm the special assessment roll with any corrections as may have been made or refer it back to the Assessor for revision or annul it and any proceedings in connection therewith. The City Clerk shall endorse the date of confirmation upon each special assessment roll and, upon confirmation, the roll shall be final and conclusive.
(Prior Code, § 51.15)

§ 35.16 CONTRACT AUTHORIZED IN LIEU OF SPECIAL ASSESSMENT PROCEDURE.

In the event all persons or property owners to be affected by any proposed improvement agree that the proposed improvement be made and that a special assessment be levied in connection therewith, the

city may, in lieu of the foregoing procedure, enter into a written contract with all of the persons or property owners affected thereby, which contract when approved and executed, shall operate as a complete special assessment procedure and the assessment shall be made in accordance with that contract.
(Prior Code, § 51.16)

§ 35.17 LIEN CREATED.

Upon the confirmation of each special assessment roll, the special assessments shall become a debt to the city from the persons against whom the assessments were made and shall, until paid, be a lien upon the property assessed for the amount of those assessments and all interest and charges thereon. The lien shall be of the same character and effect as created by the Charter for city taxes.
(Prior Code, § 51.17)

§ 35.18 LIEN TO REMAIN UNIMPAIRED.

No judgment or decree, nor any action of the City Council vacating a special assessment, shall destroy or impair any lien of the city upon the premises assessed for an amount of the assessment as may have been equitably or lawfully charged and assessed thereon. Failure of any owner to receive any notice required to be sent under the provisions of the City Charter and this subchapter shall not invalidate any special assessment or special assessment roll. In addition to the property tax lien created hereunder, any special assessment levied by the city shall constitute a debt owed to the city and may be enforced in the same manner as any contracted debt, or in the same manner as provided by law for the collection of personal property taxes.
(Prior Code, § 51.18)

§ 35.19 DUE DATE; INSTALLMENT PAYMENTS.

All special assessments levied hereunder shall become due upon confirmation of the special assessment roll unless those assessments are payable in annual installments, in which event the City Council shall determine the time those payments are due and payable. The Council, in its discretion, may spread those special assessments upon each annual city tax roll thereafter until all are paid.
(Prior Code, § 51.19)

§ 35.20 NOTICE AND PUBLICATION.

The assessment roll shall be transmitted by the City Clerk to the City Treasurer for collection immediately after confirmation and in the event it is not a part of the annual tax roll, the Treasurer shall

give notice by publication that the special assessment roll (describing it) has been filed in the Treasurer's office and specify the time and place payments may be made thereon. Each special assessment, or the initial installment of that assessment when installment payments are provided for, shall be collected by the Treasurer and collection fees shall be charged as prescribed in the Charter.
(Prior Code, § 51.20)

§ 35.21 SINGLE LOT ASSESSMENTS.

(A) (1) When any expense shall have been incurred by the city upon or in respect to any single premises, which expense is chargeable against the premises and the owner thereof under the provisions of this code and is not of that class required to be prorated among the several lots and parcels of land in a special assessment district, an account of the labor, material and service for which the expense was incurred, with a description of the premises upon or in respect to which the expense was incurred, and the name of the owner, if known, shall be reported to the City Treasurer, who shall immediately charge and bill the owner, if known. The Treasurer, at the end of each quarter, shall report to the City Council all sums so owing to the city and which have not been paid within 30 days after the mailing of the bill therefor.

(2) The Council shall, at those times as it may deem advisable, direct the City Assessor to prepare a special assessment roll covering all such charges reported to it together with a penalty of 10%. The roll shall be filed with the City Clerk, who shall advise the Council of the filing of the same, and the Council shall, thereupon, set a date for the hearing of objections to the assessment roll.

(B) (1) The assessment roll shall be open to public inspection for a period of seven days before the Council shall meet to review the roll and hear complaints.

(2) The City Clerk shall give notice in advance by publication of the opening of the roll to public inspection and of the meeting of the Council to hear complaints and shall also give like notice to the owners of the property affected by first class mail at their addresses as shown on the current general assessment roll of the city, at least ten days prior to the date of the hearing.

(C) The special assessments and all interest and charges thereon shall, from the date of confirmation of the roll, be and remain a lien upon the property assessed, of the same character and effect as a lien created by general law for state and county taxes, until paid. The same penalty and interest shall be paid on those assessments, when delinquent from the date after confirmation as shall be fixed by the Council, as are provided by the City Charter to be paid on delinquent general city taxes and those assessments, with penalties and interest, shall be added by the Treasurer to the next general city tax roll or general county and school tax roll, as shall be convenient and shall, thereafter, be collected and returned in the same manner as general city taxes.
(Prior Code, § 51.21)

§ 35.22 CONTESTED ASSESSMENTS.

No owner of real property located in any special assessment district shall commence any suit or action for the purpose of contesting or enjoining the collection of any special assessments after he or she has received the benefits from the substantial completion of that portion of the public improvement for which he or she is assessed.
(Prior Code, § 51.22)

§ 35.23 ILLEGAL OR INVALID ASSESSMENTS.

When any special assessment shall, in the opinion of the City Council, be invalid by reason of irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge the assessment to be illegal, the Council shall, whether the improvement has been made or not, or whether any part of the assessments have been paid or not, subject to the decision of the court, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All proceedings on the assessment and for the collection thereof shall be conducted in the same manner as prescribed for the original assessment, and when any sum or part thereof levied upon any property in the assessment so set aside has been paid and not refunded, the payment so made shall be applied upon the reassessment or if the payments exceed the amount of the reassessment, refunds shall be made.
(Prior Code, § 51.23)

TITLE V: PUBLIC WORKS

Chapter

50. UTILITY RATES AND CHARGES

51. GARBAGE AND RUBBISH

52. SEWERS

53. WATER

CHAPTER 50: UTILITY RATES AND CHARGES

Section

General Provisions

50.01 Definitions
50.02 Basis of charges; free service prohibited
50.03 Water rates
50.04 Sewer rates
50.05 Payment for service by city

City Utility Policies; Rates and Charges

50.20 Charges for new and replacement electrical services; exception
50.21 Water connection fee; meter installation fees
50.22 Installation of sewer connections; responsibility of owner; indemnification
50.23 Deposit required for sewer flush
50.24 Deposit required for water thaw
50.25 Meter rates; inaccurate meters
50.26 Water leaks
50.27 Billing and collection procedure for water and sewer charges
50.28 Billing for electrical service
50.29 Delinquent accounts
50.30 Rate schedule

Special Assessment for Wastewater Collection, Transportation and Treatment System

50.45 Initiation of the project
50.46 Project area
50.47 Project costs
50.48 Special assessment collection
50.49 Collection and enforcement
50.50 Actions in assumpsit

GENERAL PROVISIONS

§ 50.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly requires a different meaning.

DEPARTMENT. The city's Department of Water.

PERSON. Any individual, firm, association, public or private corporation or public agency or instrumentality.

PREMISES. Each lot or parcel of land, building or premises having any connection to the water distribution system of the city, or the sewage disposal system of the city.

SUPERINTENDENT. The Superintendent of the Department, or other person designated by the City Council.
(Prior Code, § 54.01)

§ 50.02 BASIS OF CHARGES; FREE SERVICE PROHIBITED.

(A) All water service shall be charged for on the basis of water consumed as determined by the meter installed in the premises of water or sewage disposal service customers by the Department.

(B) All sewage disposal service and water service shall be charged for on the basis of water registered on a meter, and where furnished to any premises not having a meter, the water consumption shall be estimated by the Superintendent.

(C) No free water service or sewage disposal service shall be furnished to any person.
(Prior Code, § 54.02)

§ 50.03 WATER RATES.

The rates to be charged for water service shall be those in effect in the city on the adoption of this code, which shall continue until changed pursuant to resolution of the City Council on recommendation of the City Manager.
(Prior Code, § 54.03)

§ 50.04 SEWER RATES.

Charges for sewage disposal service shall be levied upon all premises having any sewer connection with the public sewers. The rates in effect on the adoption of this code within the city shall continue until changed pursuant to resolution of the City Council on recommendation of the City Manager.
(Prior Code, § 54.04)

§ 50.05 PAYMENT FOR SERVICE BY CITY.

The city shall pay the same water and sewer rates for service to it as would be payable by a private customer for the same service.
(Prior Code, § 54.05)

CITY UTILITY POLICIES; RATES AND CHARGES

§ 50.20 CHARGES FOR NEW AND REPLACEMENT ELECTRICAL SERVICES; EXCEPTION.

(A) All new and replacement services shall be charged in full directly to the applicant. Charges shall start from the main source connection to the point or acceptable anchor, such as residence, construction pole or other similar type structure. Charges shall include, but are not limited to, wire, equipment rental, wages, plus fringe benefits and overhead expense.

(B) The only exception shall be in the event that the main source is a large distance from the property line. In those instances, the main line may be extended to the property line, only if it can be demonstrated as being economically beneficial to the city and upon approval of the City Council.
(Prior Code, § 54.15) (Ord. passed 6-26-1978; Ord. passed 1-11-1988)

§ 50.21 WATER CONNECTION FEE; METER INSTALLATION FEES.

(A) Water connections and water meters shall be installed for premises on streets having water service in accordance with rules and regulations of the Department and upon payment of the required connection fee and meter installation fee. All meters and water connections shall be property of the city. Connection fees shall not be less than the cost of material, installation and overhead attributable to that installation.

(B) The city shall be responsible for installation and maintenance of the connection between the water main and the lot line; the owner shall be responsible for installation and maintenance of the remainder of the water connection except for the water meter, which will be maintained by the city.
(Prior Code, § 54.16) (Ord. passed 6-26-1978; Ord. passed 1-11-1988)

§ 50.22 INSTALLATION OF SEWER CONNECTIONS; RESPONSIBILITY OF OWNER; INDEMNIFICATION.

(A) Sewer connections shall be installed for premises on streets having sewer service available to it. The city shall install and maintain the connection from the main line to the lot line. The property owner shall install from the lot line to the premises himself or herself or by private contractor. The service line from the premises to the lot line shall be of a gas-tight construction with a slope of one-eighth inch per foot and shall have no bends greater than 45 degrees per joint, such as 90 degrees would be made by using two 45-degree bends.

(B) The owner shall be responsible for all material, labor, equipment rental and overhead attributable to the installation. The owner shall indemnify the city from all loss or damage what may directly of indirectly be occasioned by the installation of the building sewer.
(Prior Code, § 54.17) (Ord. passed 6-26-1978; Ord. passed 1-11-1988)

§ 50.23 DEPOSIT REQUIRED FOR SEWER FLUSH.

(A) The applicant shall upon request of a sewer flush make a deposit to be established by resolution of the City Council.

(B) If the sewer proves to be blocked between the property line and the main line, the deposit shall be returned. If the blockage is within the owner's property, the owner shall bear the full cost of opening his or her line. He or she may request the city to do this or he or she may do so on his or her own or by private contractor. The owner shall indemnify the city from all loss or damage that may directly or indirectly be occasioned by the sewer flushing. He or she shall be required to sign a waiver releasing the city from any liability and provide for the payment of deposit and balance due.
(Prior Code, § 54.18) (Ord. passed 6-26-1978; Ord. passed 1-11-1988; Ord. 253, passed 2-9-2026)

§ 50.24 DEPOSIT REQUIRED FOR WATER THAW.

(A) The applicant shall, upon request of a water thaw, make a deposit to be established by resolution of the City Council.

(B) If the water line proves to be frozen between the property line and the main line, the deposit shall be returned. If the blockage is within the owner's property, the owner shall bear the full cost of thawing out his or her line. He or she may request the city to do this or he or she may do so on his or her own or by private contractor. The owner shall indemnify the city from all loss or damage that may directly or indirectly be occasioned by the water thawing. He or she shall be required to sign a waiver releasing the city from any liability and provide for the payment of deposit and balance due.
(Prior Code, § 54.19) (Ord. passed 6-26-1978; Ord. passed 1-11-1988; Ord. 253, passed 2-9-2026)

§ 50.25 METER RATES; INACCURATE METERS.

(A) Rates for water meters shall be established by resolution of the City Council.

(B) There shall be a turn-on charge to be established by resolution of the City Council for all meters.

(C) Connection fees for electric, water and sewer shall not be less than the cost of materials, installation and overhead attributable to those installations. A minimum fee, to be established by resolution of the City Council, per new service requested is payable in advance and will be applied toward the total cost in the event the costs are greater than the deposit.

(D) (1) A consumer may require that the meter be tested. If the meter is found accurate, a charge to be established by resolution of the City Council will be made. If the meter is found defective, it shall be repaired or an accurate meter installed and no charge shall be made.

(2) A meter shall be considered accurate if, when tested it registers not to exceed 2% more or 2% less than the actual quantity of water passing through it. If a meter registers in excess of 2% more than the actual quantity of water passing through it, it shall be considered "fast" to that extent. If a meter registers in excess of 2% less than the actual quantity of water passing through it, it shall be considered "slow" to that extent.

(3) If a meter has been tested at the request of a consumer and shall have been determined to register "fast", the city shall credit the consumer with a sum equal to the percent "fast" multiplied by the amount of all bills incurred by the consumer, within three months prior to the test and, if a meter so tested is determined to register "slow", the Department may collect from the consumer a sum equal to the percent "slow" multiplied by the amount of all bills incurred by the consumer for the prior three months. When the Department on its own initiative makes a test of a water meter, it shall be done without cost to the consumer, other than his or her paying the amount due the city for water used by him or her as above provided, if the meter is found to be "slow".
(Prior Code, § 54.20) (Ord. passed 6-26-1978; Ord. passed 1-11-1988; Ord. 253, passed 2-9-2026)

§ 50.26 WATER LEAKS.

Customers must pay for all water passing through the meter after notification of a break and all water prior to notification will be prorated.
(Prior Code, § 54.21) (Ord. passed 6-26-1978; Ord. passed 1-11-1988)

§ 50.27 BILLING AND COLLECTION PROCEDURE FOR WATER AND SEWER CHARGES.

(A) (1) Charges for all water service and sewage disposal service shall be billed and collected by the City Treasurer's office.

(2) All water meters shall be read at least semi-annually and bills rendered on the first of the month following the meter reading, which bills rendered on the first of the month following the meter reading, which bills shall be immediately due and payable and may be paid without penalty up to the penalty date shown on the bill.

(B) (1) The City Treasurer is authorized to enforce the payment of charges for water service to any premises by discontinuing the water service to those premises and the payment of charges for sewage disposal service to any premises may be enforced by discontinuing either the water service or the sewage disposal service to those premises, or both, and an action of assumpsit may be instituted by the city against the customer. The charges for water service and sewage disposal service, which, under the provisions of Public Act 94 of 1933, being M.C.L.A. §§ 141.101 through 141.138, as amended, are made a lien on the premises to which furnished, are hereby recognized to constitute a lien; and the City Treasurer shall, annually, on May 1, certify all unpaid charges for those services furnished to any premises which, on April 30 preceding, have remained unpaid for a period of six months, to the City Assessor who shall place the same on the next tax roll of the city. Those charges so assessed shall be collected in the same manner as general city taxes.

(2) (a) In cases where the city is properly notified in accordance with Public Act 94 of 1933, being M.C.L.A. §§ 141.101 through 141.138, that a tenant is responsible for water or sewage disposal service charges, no service shall be commenced or continued to those premises until there has been deposited with the City Treasurer a sum sufficient to cover three times the average quarterly bill for those premises as estimated by the City Manager, the deposit to be established by resolution of the City Council.

(b) Where the water service to any premises is turned off to enforce the payment of water service charges or sewage disposal service charges, the water service shall not be recommenced until all delinquent charges have been paid, a deposit as in the case of tenants is made, and a water turn-on charge established by resolution of the City Council is paid.

(c) In any other case where, in the discretion of the City Treasurer, the collection of charges for water or sewage disposal service may be difficult or uncertain, he or she may require a similar deposit.

(d) These deposits may be applied against any delinquent water or sewage disposal service charges and the application thereof shall not effect the right of the Treasurer or Superintendent to turn off the water service and/or sewer service, to any premises for any delinquency thereby satisfied.

(e) No deposit shall bear interest and the deposit, or any remaining balance thereof, shall be returned to the customer making the same when he or she shall discontinue receiving water and sewage disposal service or, except as to tenants as to whom notice of responsibility for those charges has been filed with the city, when any eight successive quarterly bills shall have been paid by the customer with no delinquency.

(3) On request of Water Department personnel, a police officer, on duty at the time, shall accompany any Department employee required to make a water turn-off for non-payment of charges. (Prior Code, § 54.22) (Ord. passed 6-26-1978; Ord. passed 1-11-1988; Ord. 253, passed 2-9-2026)

§ 50.28 BILLING FOR ELECTRICAL SERVICE.

(A) Charges for all electrical service shall be billed and collected by the City Treasurer's office. All electric meters shall be read at least monthly and bills rendered on the first of the month following the meter reading, which bills shall be immediately due and payable and may be paid without penalty up to the penalty date shown on the bill.

(B) (1) The City Treasurer is hereby authorized to enforce the payment of charges for electrical service to any premises by discontinuing the electrical service to those premises and the payment of charges for electrical service to those premises and an action of assumpsit may be instituted by the city against the customer. The charges for electrical service, which, under the provisions of Public Act 94 of 1933, being M.C.L.A. §§ 141.101 through 141.138, as amended, are made a lien on the premises to which furnished, are hereby recognized to constitute a lien; and the City Treasurer shall, annually, on May 1, certify all unpaid charges for those services furnished to any premises which, on April 30 preceding, have remained unpaid for a period of six months, to the City Assessor who shall place the same on the next tax roll of the city. The charges so assessed shall be collected in the same manner as general city taxes.

(2) (a) In cases where the city is properly notified in accordance with Public Act 94 of 1933, being M.C.L.A. §§ 141.101 through 141.138, that a tenant is responsible for electrical charges, no service shall be commenced or continued to those premises until there has been deposited with the City Treasurer a sum sufficient to cover three times the average quarterly bill for those premises as estimated by the City Manager, the deposit to be established by resolution of the City Council.

(b) Where the electrical service to any premises is turned off to enforce the payment of electrical service charges, the electrical service shall not be recommenced until all delinquent charges have been paid, a deposit as in the case of tenants is made and a electrical turn-on charge established by resolution of the City Council is paid. In any other case where, in the discretion of the City Treasurer, the collection of charges for electrical service may be difficult or uncertain, he or she may require a similar deposit.

(c) These deposits may be applied against any delinquent electrical service charges and the application thereof shall not effect the right of the Treasurer or Superintendent to turn off the electrical service to any premises for any delinquency thereby satisfied.

(d) No deposit shall bear interest and the deposit, or any remaining balance thereof, shall be returned to the customer making the same when he or she shall discontinue receiving electrical service or, except as to tenants as to whom notice of responsibility for those charges has been filed with the city, when any eight successive quarterly bills shall have been paid by the customer with no delinquency.

(3) On request of Electric Department personnel, a police officer on duty at the time shall accompany any Department employee required to make and electrical turn-off for non-payment of charges.
(Prior Code, § 54.23) (Ord. passed 6-26-1978; Ord. passed 1-11-1988; Ord. 253, passed 2-9-2026)

§ 50.29 DELINQUENT ACCOUNTS.

(A) The city shall disconnect utility service in accord with the policies set forth in this section, or in accord with a policy duly approved by the City Council that modifies and changes the policy set forth in this section.

(B) (1) When it becomes necessary for the city to discontinue utility service to a customer for non-payment of bills, service will be reinstated only after all bills for service then due have been paid and any deposit required has been made.

(2) It is the policy of the city to discontinue utility service to customers by reason of non-payment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The city's form for application for utility service and all bills shall contain, in addition to the title, address, room number and telephone number of the official in charge of billing, clearly visible and easily readable provisions to the effect:

(a) All bills are due and payable on or before the date set forth on the bill;

(b) If any bill is not paid by or before that date, a second bill will be mailed containing a cutoff notice that if the bill is not paid within ten days of the mailing of the second bill, service will be discontinued for non-payment; and

(c) Any customer disputing the correctness of his or her bill shall have a right to a hearing at which time he or she may be represented in person and by complaint and contentions to the city official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint, but in no event shall any adjustments to a bill for any reason be retroactive more than three months.

(C) Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified.
(Prior Code, § 54.24) (Ord. 201, passed 11-9-2009; Ord. 225, passed 12-10-2018)

§ 50.30 RATE SCHEDULE.

The water, sewer and electrical rates are to be established by resolution of the City Council.
(Prior Code, § 54.25) (Ord. passed 6-26-1978; Ord. passed 4-27-1987; Ord. passed 2-1-1991; Ord. 253, passed 2-9-2026)

Cross-reference:

Fee schedule authority, see Ch. 11

SPECIAL ASSESSMENT FOR WASTEWATER COLLECTION, TRANSPORTATION AND TREATMENT SYSTEM

§ 50.45 INITIATION OF THE PROJECT.

(A) By order of the state's Department of Natural Resources, it is hereby determined that the city is in need of sanitary and storm sewer separation within the city.

(B) The city's SSES and facility plan will be prepared by Sundberg, Carlson and Associates, a licensed registered engineer in the state.

(C) Once the facility plan is completed, the city will contract with a licensed registered engineer to design a project and prepare plans and specifications.

(D) The city would then proceed with the construction of the wastewater collection, transportation and treatment system.
(Prior Code, § 50.40) (Ord. 151, passed 11-9-1992)

§ 50.46 PROJECT AREA.

The sewer system evaluation study, facility plan and construction of the wastewater collection, transportation and treatment system will affect all areas of the city.
(Prior Code, § 50.41) (Ord. 151, passed 11-9-1992)

§ 50.47 PROJECT COSTS.

All water and sewage utility users within the city will be responsible for a portion of the cost for the project. All residential and commercial water and sewage utility users will be billed an additional fee to be established by resolution of the City Council per month on their bills beginning 12-1-1992. In addition, all water and sewage utility users will be billed a fee to be established by resolution of the City Council per 1,000 gallons of water used. This special assessment shall not exceed an amount to be established by resolution of the City Council per quarter for any single-family residential user.
(Prior Code, § 50.42) (Ord. 151, passed 11-9-1992; Ord. 253, passed 2-9-2026)

§ 50.48 SPECIAL ASSESSMENT COLLECTION.

Moneys collected by the city will be deposited into a special account entitled "Sewer System Capital Improvements" and used by the city to pay necessary expenses.
(Prior Code, § 50.43) (Ord. 151, passed 11-9-1992)

§ 50.49 COLLECTION AND ENFORCEMENT.

Any special assessment which is unpaid 30 days after being due shall bear interest at the rate of 5% per annum. All unpaid special assessments shall also constitute a lien on the respective lot or parcel of land assessed and, until paid, shall be a charge against the respective owners of the several lots and parcels of land. Such a lien shall be of the same character and effect as the lien created for city taxes and shall include accrued interest.
(Prior Code, § 50.44) (Ord. 151, passed 11-9-1992)

§ 50.50 ACTIONS IN ASSUMPSIT.

In addition to any other remedies and without impairing the lien therefor, any delinquent special assessment, together with interest accrued, may be collected in an action in assumpsit in the name of the city against the person assessed in any court having jurisdiction of the amount.
(Prior Code, § 50.45) (Ord. 151, passed 11-9-1992)

CHAPTER 51: GARBAGE AND RUBBISH

Section

General Provisions

51.01 Definitions
51.02 Non-compliance with rules

Storage, Collection and Disposal

51.15 City collection services confirmed and established
51.16 Scope of service
51.17 Definitions
51.18 Disposal of refuse; prohibited in parks
51.19 Accumulation of refuse
51.20 Refuse containers
51.21 Additional refuse preparation requirements
51.22 Conditions for service
51.23 Removal of scattered refuse and unacceptable materials
51.24 Collection service
51.25 Rates and charges
51.26 Separation of recyclable materials
51.27 Nuisances
51.28 Commercial and industrial users
51.29 Methods of collection
51.30 Rules for commercial and/or industrial rates
51.31 Dumpster rates

Solid Waste; Collection and Delivery

51.45 Definitions
51.46 Determination of necessity
51.47 Delivery of solid waste; tipping fee
51.48 Remedies

51.99 Penalty

GENERAL PROVISIONS

§ 51.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly requires a different meaning.

GARBAGE. Putrescible solid waste consisting of food waste, food scraps, or other organic materials generated from residential or commercial food preparation or handling.

WASTE MATERIALS. Non-putrescible solid waste including cans, bottles, paper, glass, and other household-type materials capable of being stored and set out for collection in accordance with the requirements of the city's designated refuse collection provider.
(Prior Code, § 50.01) (Ord. 253, passed 2-9-2026)

§ 51.02 NON-COMPLIANCE WITH RULES.

Failure to comply with the provisions of this chapter may result in enforcement under § 51.99 and § 10.99 of this code of ordinances. The city does not suspend refuse collection service, which is provided by the designated refuse collection provider or intergovernmental authority.
(Prior Code, § 50.02) (Ord. 253, passed 2-9-2026)

STORAGE, COLLECTION AND DISPOSAL OF GARBAGE AND RUBBISH

§ 51.15 CITY COLLECTION SERVICES CONFIRMED AND ESTABLISHED.

The city does not operate a municipal refuse collection service. Residential refuse collection services within the city are provided through an intergovernmental authority or contracted service provider authorized by the city. The City Manager may administer agreements or contracts for such services, but operational responsibility rests with the designated provider.
(Prior Code, § 50.15) (Ord. 161, passed 7-25-1994; Ord. 253, passed 2-9-2026)

§ 51.16 SCOPE OF SERVICE.

Residential refuse collection service for dwelling units within the city shall be provided through an intergovernmental authority or contracted service provider authorized by the city. The city does not directly operate a residential refuse collection system but may enter into contracts or intergovernmental agreements to ensure that residential refuse collection service is available to all occupied dwelling units in the city.
(Prior Code, § 50.16) (Ord. 161, passed 7-25-1994; Ord. 253, passed 2-9-2026)

§ 51.17 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APARTMENT BUILDING COMPLEX. More than one building containing rental dwelling units located on a parcel or tract of land under the control of one person.

DWELLING UNIT. Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation, as required by the Housing Code (being Chapter 152 of this code of ordinances), for not more than one family.

REFUSE or ***ACCEPTABLE MATERIALS FOR COLLECTION.*** Any of the following:

(1) Normal household garbage, drained of liquid and wrapped in paper or placed in a plastic bag prior to being placed in a city refuse bag;

(2) Normal household refuse including cans, bottles, paper products and other miscellaneous household refuse;

(3) Grass clippings, leaves or other yard or garden wastes, brush or branch clippings; or

(4) Items weighing less than 30 pounds which are fully contained in a tied city refuse bag.

RESIDENCE or ***RESIDENTIAL DWELLING UNIT.*** One or more dwelling units.

UNACCEPTABLE MATERIALS FOR COLLECTION. Including, but not limited to, manufacturing or trade wastes; human and animal wastes; dead animals; hazardous materials, including, but not limited to, hot ashes, coals, gasoline, lacquer or other explosive materials; pesticides; and scattered refuse within any right-of-way.
(Prior Code, § 50.17) (Ord. 161, passed 7-25-1994)

§ 51.18 DISPOSAL OF REFUSE; PROHIBITED IN PARKS.

(A) Residential refuse in the city shall be disposed of as follows.

(1) All owners or occupants of individual residences or dwelling units shall utilize the refuse collection service provided through the city's authorized refuse collection provider and shall comply with all preparation, container, and requirements established by the authorized provider and this chapter.

(B) No person shall transport refuse to a city park for the purpose of depositing refuse in park receptacles.

(C) No person shall deposit refuse into any dumpster, container, or receptacle of another person or any public property.
(Prior Code, § 50.18) (Ord. 161, passed 7-25-1994; Ord. 253, passed 2-9-2026) Penalty, see § 51.99

§ 51.19 ACCUMULATION OF REFUSE.

No owner or occupant of a dwelling shall permit the accumulation of refuse upon the premises for a period of more than seven days. Refuse shall be stored in a manner that does not create a nuisance, attract animals, or pose a hazard to public health or safety.
(Prior Code, § 50.19) (Ord. 161, passed 7-25-1994; Ord. 253, passed 2-9-2026) Penalty, see § 51.99

§ 51.20 REFUSE CONTAINERS.

The owner or occupant of a dwelling unit shall utilize a sufficient number of containers to conveniently store the accumulation of refuse on the premises for a period not to exceed seven days. Containers used for the storage of accumulated refuse shall be of a rigid construction and shall have tight-fitting covers. Containers shall be stored in accordance with the requirements of the city's authorized refuse collection provider and in a manner that does not create a nuisance, attract animals, or pose a hazard to public health or safety.
(Prior Code, § 50.20) (Ord. 161, passed 7-25-1994; Ord. 253, passed 2-9-2026) Penalty, see § 51.99

§ 51.21 ADDITIONAL REFUSE PREPARATION REQUIREMENTS.

(A) Excess refuse shall be prepared, contained or identified in a manner consistent with the methods authorized by the city's designated refuse collection provider.

(B) The city may, when necessary, sell or distribute any materials or authorizations required by the designated refuse collection provider for the lawful placement of excess refuse. Any associated administrative fee shall be established by resolution of the City Council.
(Prior Code, § 50.21) (Ord. 161, passed 7-25-1994; Ord. 253, passed 2-9-2026)

§ 51.22 CONDITIONS FOR SERVICE.

The owner or occupant of a residential dwelling unit utilizing the refuse collection service shall place all accumulated refuse and acceptable materials for collection in accordance with the requirements of the city's designated refuse collection provider. Refuse intended for collection shall be placed at the curb in front of the residence not earlier than 6:00 p.m. on the day preceding the collection and not later than 6:30 a.m. on the day of collection. Weight limits shall be as established by the designated refuse collection provider. The owner or occupant shall not place or cause to be placed any unacceptable materials for collection in any manner inconsistent with provider rules. No person other than the owner or occupant shall place refuse for collection at the premises except with the consent of the owner or occupant.
(Prior Code, § 50.22) (Ord. 161, passed 7-25-1994; Ord. 253, passed 2-9-2026) Penalty, see § 51.99

§ 51.23 REMOVAL OF SCATTERED REFUSE AND UNACCEPTABLE MATERIALS.

(A) The owner or occupant of a dwelling unit shall clean up and remove any scattered refuse resulting from the breakage or opening of any refuse container or bag intended for collection from the dwelling unit within 24 hours after the same has been scattered.

(B) Within 24 hours after written notification by the city, the owner or occupant of a dwelling unit shall, in accordance with this chapter and the requirements of the designated refuse collection provider, properly dispose of any scattered refuse, any improperly prepared refuse, any container or bag which contains unacceptable materials for collection, or any refuse placed for collection outside of the time periods established in § 51.22.

(C) (1) Notification shall be in writing and sent by first-class mail to the owner or party in interest of the property on which or in front of which the violation of this chapter exists.

(2) The name and address of the owner or party in interest of the property shall be determined from the last local tax assessment record for the property.

(3) Notice shall also be given to the occupant of the property on which or in front of which the violation exists by either sending a copy of the notice by first-class mail to the "occupant" as addressee, addressed to the property, if there is a dwelling thereon, and by posting a copy of the notice in a conspicuous place at the property or a building thereon.
(Prior Code, § 50.23) (Ord. 161, passed 7-25-1994; Ord. 253, passed 2-9-2026) Penalty, see § 51.99

§ 51.24 COLLECTION SERVICE.

The schedule of routes and days for the weekly refuse collection service shall be determined by resolution to City Council.
(Prior Code, § 50.24) (Ord. 161, passed 7-25-1994)

§ 51.25 RATES AND CHARGES.

In addition to amounts established for the sale of bags as provided by this chapter, the City Council may establish rates and charges on a monthly or other periodic basis, for collection, or operation of its solid waste disposal system. Such charges shall constitute a lien on the premises to which service is provided and shall be collected in the manner provided by law or this code in the same general manner as liens for water and sewer service or city taxes.
(Prior Code, § 50.25) (Ord. 161, passed 7-25-1994)

§ 51.26 SEPARATION OF RECYCLABLE MATERIALS.

The city may require that newspapers, magazines or other recyclable materials be separated from the refuse. The recyclable materials shall be securely tied with cord or twine in a bundle which shall weigh not more than 30 pounds. The city may require that all recyclable material, after separation, be transported by the owner or occupant to the appropriate disposal facility.
(Prior Code, § 50.26) (Ord. 161, passed 7-25-1994)

§ 51.27 NUISANCES.

(A) *Removal or abatement.* Any accumulated refuse, improperly prepared refuse, scattered refuse, unacceptable materials, or any refuse placed contrary to the preparation or collection procedures established by this chapter or by the city's designated refuse collection provider is hereby declared to be a public nuisance and may be removed or abated. If a violation of this chapter is not corrected within the time specified in a written notice issued under § 51.23, the city may remove or abate the nuisance.

(B) *Expenses.*

(1) All expenses, including administrative costs to the city, incurred in the removal or abatement of a nuisance under this section shall be the responsibility of the owner or party in interest of the property on which or in front of which the condition existed and shall be paid by the owner or party in interest in whose name the property appears on the city's real property tax assessment records.

(2) The expenses incurred shall constitute a lien against the real property and shall be reported to the City Assessor, who shall assess the same against the property on which or in front of which the nuisance was located, in accordance with applicable law.

(3) The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified of the amount of such costs by first-class mail at the address shown on the records. If the amount is not paid within 30 days after mailing of the notice by the City Assessor, the City Assessor shall add the same to the next tax roll of the city, and such amount shall be collected in the same manner in all respects as provided by law for the collection of city taxes.
(Prior Code, § 50.27) (Ord. 161, passed 7-25-1994; Ord. 253, passed 2-9-2026)

§ 51.28 COMMERCIAL AND INDUSTRIAL USERS.

(A) Commercial and industrial users may utilize dumpster service or any other method of refuse preparation or collection authorized by the city's designated refuse collection provider or intergovernmental authority.

(B) All refuse, garbage, or solid waste generated by commercial or industrial users shall be collected, transported, and disposed of in accordance with the requirements of the city's designated refuse collection provider or applicable intergovernmental authority.
(Prior Code, § 50.28) (Ord. 161, passed 7-25-1994; Ord. 253, passed 2-9-2026)

§ 51.29 METHODS OF COLLECTION.

(A) The city may regulate methods of refuse collection only to the extent permitted under its agreement with the designated refuse collection provider or intergovernmental authority.

(B) No refuse collection method may be utilized except those established by the city's designated refuse collection provider or as otherwise provided, or authorized, in this chapter.
(Prior Code, § 50.29) (Ord. 161, passed 7-25-1994; Ord. 253, passed 2-9-2026)

§ 51.30 RULES FOR COMMERCIAL AND/OR INDUSTRIAL RATES.

The City Council may, by resolution, establish rules and rates related to commercial or industrial waste services to the extent such rules are consistent with the requirements and rate structures of the city's designated refuse collection provider or intergovernmental authority. Any administrative fees imposed by the city shall be established by separate resolution under § 10.30.
(Prior Code, § 50.30) (Ord. 161, passed 7-25-1994; Ord. 253, passed 2-9-2026)

§ 51.31 DUMPSTER RATES.

Rates and charges for dumpster or containerized waste service shall be determined by the city's designated refuse collection provider or intergovernmental authority. Any administrative fees imposed by the city shall be established by resolution of the City Council under § 10.30.
(Prior Code, § 50.31) (Ord. 161, passed 7-25-1994; Ord. 253, passed 2-9-2026)

SOLID WASTE; COLLECTION AND DELIVERY

§ 51.45 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AUTHORITY. An intergovernmental solid waste authority or other designated refuse collection provider authorized by the City Council.

BOARD. The governing body of the designated refuse collection provider or intergovernmental authority.

SOLID WASTE. All garbage, rubbish, ashes, street cleanings, municipal or industrial sludge, commercial or industrial waste, and animal waste generated within the city. ***SOLID WASTE*** does not include hazardous waste as defined by state law, nor any materials prohibited by the city's designated refuse collection provider or intergovernmental authority.

SOURCE-SEPARATED WASTE. Recyclable materials (including, but not limited to, bottles, cans, newspapers, corrugated containers, metals, grass, leaves, brush and yard trimmings) that are separated from solid waste prior to the collection of the solid waste from a site of generation, and which will be recycled.

TIPPING FEE. A fee or charge, if any, established by the designated refuse collection provider or intergovernmental authority for delivery of solid waste to a designated disposal or transfer facility.

TRANSFER STATION. A facility designated by the city's authorized refuse collection provider or intergovernmental authority for receiving, consolidating, or transferring solid waste.

WASTE HAULER. Any individual or entity engaged in collecting, transporting, delivering, or disposing of solid waste generated within the city, in accordance with requirements established by the designated refuse collection provider or intergovernmental authority.
(Prior Code, § 51.35) (Ord. 138, passed 12-12-1988; Ord. 253, passed 2-9-2026)

§ 51.46 DETERMINATION OF NECESSITY.

It is hereby determined necessary for the public health, safety, and welfare of the city to regulate the collection and delivery of solid waste consistent with this chapter and with the requirements of any intergovernmental authority or designated refuse collection provider.
(Prior Code, § 51.36) (Ord. 138, passed 12-12-1988; Ord. 253, passed 2-9-2026)

§ 51.47 DELIVERY OF SOLID WASTE; TIPPING FEE.

(A) Each waste hauler shall deliver all solid waste collected within the city to the disposal or transfer facility designated by the city's authorized refuse collection provider or intergovernmental authority and shall comply with any applicable delivery requirements, fees or charges.

(B) No waste hauler shall deliver solid waste to any location other than the facility designated by the city's authorized refuse collection provider or intergovernmental authority.
(Prior Code, § 51.37) (Ord. 138, passed 12-12-1988; Ord. 253, passed 2-9-2026) Penalty, see § 51.99

§ 51.48 REMEDIES.

(A) Upon a violation of any provision of this subchapter, the city may seek enforcement through civil infraction proceedings under § 10.99 or as otherwise provided by law or this code. The city may also seek legal or equitable relief in a court of competent jurisdiction.

(B) A violation of this subchapter may constitute grounds for suspension, modification, or revocation of any contract, license, or authorization issued by the city, consistent with applicable law and the terms of any agreement.
(Prior Code, § 51.38) (Ord. 138, passed 12-12-1988; Ord. 253, passed 2-9-2026)

§ 51.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to the municipal civil infraction penalties set forth in § 10.99 of this code of ordinances.

(B) Violations of §§ 51.15 through 51.31 of this chapter shall constitute municipal civil infractions, unless required otherwise by state law.

(C) Violations of §§ 51.45 through 51.48 of this chapter may be enforced as municipal civil infractions, unless state law mandates misdemeanor treatment. Each day a violation occurs or continues shall constitute a separate offense.
(Prior Code, § 51.99) (Ord. 138, passed 12-12-1988; Ord. 161, passed 7-25-1994; Ord. 253, passed 2-9-2026)

CHAPTER 52: SEWERS

Section

General Provisions

52.01 Definitions
52.02 Deposit of objectionable waste prohibited
52.03 Discharge of untreated sewage into natural outlet
52.04 Privies, septic tanks and other facilities
52.05 Responsibility by owner to install suitable toilet facilities
52.06 Damaging or tampering with city equipment or structures
52.07 Right of entry for purpose of inspection
52.08 Sewer system evaluation study; facility plan; construction of wastewater collection, transportation and treatment system
52.09 Enforcement; violations; liability; abatement

Private Sewage Disposal System

52.20 Connecting building sewer to private sewage disposal system; compliance
52.21 Compliance with State and County Health Department
52.22 Maintenance of private sewage disposal facilities
52.23 Connecting private sewage disposal system to public sewer

Building Sewers and Connections

52.35 Connection permit required; permit fee
52.36 Costs/expenses of installation, connection of building sewer; indemnification
52.37 Plans and specifications
52.38 Inspection of connection to public sewer
52.39 Responsibility of owner to bear cost of repairs, maintenance and replacement

Use of Public Sewers

52.50 Discharge of storm water and other unpolluted drainage
52.51 Prohibited discharges to public sewers

52.52 Grease, oil and sand interceptors
52.53 Preliminary pretreatment; maintenance of facilities
52.54 Control manhole; measurements, tests and analyses
52.55 Industrial waste; special agreement

GENERAL PROVISIONS

§ 52.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly requires a different meaning.

B.O.D. (denoting ***BIOCHEMICAL DEMAND).*** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in parts per million by weight.

BUILDING DRAIN. The part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drain pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

BUILDING SEWER. The extension from the building drain to the public sewer or other place of disposal.

COMBINATION SEWER OR ***COMBINED SEWER.*** A sewer receiving both surface run-off and sewage.

GARBAGE. Solid wastes from the preparation, cooking and dispensing of food and from the handling, storage, processing and sale of produce.

INDUSTRIAL WASTES. The liquid wastes, solids or semi-solids from industrial processes as distinct from sanitary sewage.

NATURAL OUTLET. Any outlet into a watercourse, pond, ditch, lake or other body of water, either surface or ground water.

pH. The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

PROPERLY SHREDDED GARBAGE. The wastes from the cooking, preparation and dispensing of food that have been cut or shredded to such a degree that all particles will be carried freely under flow

conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

PUBLIC SEWER. A sewer in which all owners of abutting property have equal rights, and which is controlled by public authority.

SANITARY SEWER. A sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

SEWAGE TREATMENT PLANT. Any arrangement of devices and structures used for treating sewage.

SEWAGE WORKS. All facilities for collecting, pumping, treating and disposing of sewage.

SEWAGE. Any combination of water-carried wastes from residences, business and commercial buildings, institutions and industrial establishments, together with those ground, surface and storm waters as may be present.

SEWER. Any pipe, tile, tubes or conduit for carrying sewage.

STORM SEWER or ***STORM DRAIN.*** A sewer which carries storm and surface waters and drainage, but which excludes sewage and polluted industrial wastes.

SUPERINTENDENT. The City Superintendent of Public Works.

SUSPENDED SOLIDS. The solids that either float on the surface of, or are suspended in water, sewage or other liquids, and which are removable by laboratory filtering.

SWRC. The State Water Resources Commission.

WATERCOURSE. A channel in which a flow of water occurs either continuously or intermittently.
(Prior Code, § 52.01)

§ 52.02 DEPOSIT OF OBJECTIONABLE WASTE PROHIBITED.

It shall be unlawful for any person to place or deposit or permit to be deposited in an unsanitary manner upon any public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement, garbage or other objectionable waste.
(Prior Code, § 52.02) Penalty, see § 10.99

§ 52.03 DISCHARGE OF UNTREATED SEWAGE INTO NATURAL OUTLET.

It shall be unlawful to discharge into any natural watercourse or any storm sewer, within the city or in any area under the jurisdiction of the city, any sanitary sewage, industrial waste or other polluted waters, except where suitable treatment has been provided in accordance with the standards established by the SWRC.
(Prior Code, § 52.03) Penalty, see § 10.99

§ 52.04 PRIVIES, SEPTIC TANKS AND OTHER FACILITIES.

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.
(Prior Code, § 52.04) Penalty, see § 10.99

§ 52.05 RESPONSIBILITY BY OWNER TO INSTALL SUITABLE TOILET FACILITIES.

The owners of all dwellings, buildings, structures or properties used for human occupancy, employment, recreation or other purposes, situated within the city 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 or combined sewer is hereby required at his or her own expense to install suitable toilet facilities therein, and to connect those facilities directly to the public sewer in accordance with the provisions of this chapter, within 90 days after date of official notice to do so has been issued by the Superintendent; provided that, the public sewer is within 100 feet of the property line.
(Prior Code, § 52.05) Penalty, see § 10.99

§ 52.06 DAMAGING OR TAMPERING WITH CITY EQUIPMENT OR STRUCTURES.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal sewage system or treatment plant.
(Prior Code, § 52.06) Penalty, see § 10.99

§ 52.07 RIGHT OF ENTRY FOR PURPOSE OF INSPECTION.

The City Council and duly authorized officials or employees of the city and agents of the SWRC 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 at any time during reasonable or usual business hours. Any person guilty of refusing or obstructing entry shall be guilty of a violation of this code.
(Prior Code, § 52.07) Penalty, see § 10.99

§ 52.08 SEWER SYSTEM EVALUATION STUDY; FACILITY PLAN; CONSTRUCTION OF WASTEWATER COLLECTION, TRANSPORTATION AND TREATMENT SYSTEM.

(A) *Initiation of the project*. By order of the state's Department of Natural Resources, it is determined that the city is in need of sanitary and storm sewer separation within the city. The city's SSES and facility plan will be prepared by Sundberg, Carlson and Associates, a licensed registered engineer in the state. Once the facility plan is completed, the city will contract with a licensed registered engineer to design a project and prepare plans and specifications. The city would then proceed with the construction of the watewater collection, transportation and treatment system.

(B) *Project area*. The Sewer System Evaluation Study, facility plan and construction of the wastewater collection, transportation and treatment system will affect all areas of the city.

(C) *Project costs*. All water and sewage utility users within the city will be responsible for a portion of the cost for the project. All residential and commercial water and sewage utility users will be billed an additional fee established by resolution of the City Council per month on their bills beginning 12-1-1992. In addition, all water and sewage utility users will be billed a fee to be established by resolution of the City Council per 1,000 gallons of water used. This special assessment shall not exceed the amount established by resolution of the City Council per quarter for any single-family residential user.

(D) *Special assessment collection*. Moneys collected by the city will be deposited into a special account entitled "Sewer System Capital Improvements" and used by the city to pay necessary expenses.

(E) *Collection and enforcement*. Any special assessment which is unpaid 30 days after being due shall bear interest at the rate of 5% per annum. All unpaid special assessment shall also constitute a lien on the respective lot or parcel of land assessed and until paid, shall be a charge against the respective owners of the several lots and parcels of land. Such lien shall be of the same character and effect as the line created for city taxes and shall include accrued interest. In addition to any other remedies and without impairing the lien therefor, any delinquent special assessment, together with interest accrued, may be collected in an action in assumpsit in the name of the city against the person assessed in any court having jurisdiction of the amount.
(Prior Code, § 52.08) (Ord. 151, passed 11-9-1992; Ord. 253, passed 2-9-2026)

§ 52.09 ENFORCEMENT; VIOLATIONS; LIABILITY; ABATEMENT.

(A) *Notice to cease violation.* Any person found to be violating any provisions of this chapter, except §§ 52.06 and 52.07 of this chapter, shall be served by the City Manager or his or her representative with written notice stating the nature of that violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in the notice, take any corrective action as may be necessary.
(Prior Code, § 52.65)

(B) *Continued violation.*

(1) No person shall continue any violation beyond the time limit provided for in division (A) above.

(2) Any officer, agent or employee guilty of aiding or abetting a violation, or, who being responsible therefor, refuses or neglects to take corrective action, shall be guilty as a principal.
(Prior Code, § 52.66)

(C) *Civil liability.* Any person violating any of the provisions of this chapter shall be liable to the city for any expense, loss or damage occasioned to the city by reason of that violation, and recovery therefor may be had in an appropriate action in any court of competent jurisdiction.
(Prior Code, § 52.67)

(D) *Abatement in equity.*

(1) Any continued violation, after due notice as provided in division (A) above, shall be deemed a public nuisance, and may be abated by suit by the city in any court of competent jurisdiction.

(2) This remedy shall be in addition to those heretofore provided for.
(Prior Code, § 52.68)
Penalty, see § 10.99

PRIVATE SEWAGE DISPOSAL SYSTEM

§ 52.20 CONNECTING BUILDING SEWER TO PRIVATE SEWAGE DISPOSAL SYSTEM; COMPLIANCE.

Where a public sanitary or combined sewer is not available under the provisions of § 52.05 of this chapter, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this chapter.
(Prior Code, § 52.20)

§ 52.21 COMPLIANCE WITH STATE AND COUNTY HEALTH DEPARTMENT.

The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State and permit obtained from the county's Health Department, and shall be constructed and connected in accordance with the plumbing regulations of the city. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.
(Prior Code, § 52.21) Penalty, see § 10.99

§ 52.22 MAINTENANCE OF PRIVATE SEWAGE DISPOSAL FACILITIES.

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.
(Prior Code, § 52.22)

§ 52.23 CONNECTING PRIVATE SEWAGE DISPOSAL SYSTEM TO PUBLIC SEWER.

At that time a public sewer becomes available, a property served by a private sewage disposal system, as provided in § 52.05 of this chapter, a 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 and filled with suitable material.
(Prior Code, § 52.23)

BUILDING SEWER AND CONNECTIONS

§ 52.35 CONNECTION PERMIT REQUIRED; PERMIT FEE.

(A) No unauthorized person shall uncover, make any connection with or open into, use, alter or disturb any public sewer or any appurtenance thereof without first obtaining a written permit from the City Clerk or from an official as the City Council may designate.

(B) All connections with the sanitary or combined sewers of the city shall be made only on written authorization and permits issued by the city on such forms and on payment of those fees as shall be established from time to time by the City Council. The permit fee shall cover the cost of installing the connection from the public sewer to the lot line by the city.
(Prior Code, § 52.35) Penalty, see § 10.99

§ 52.36 COSTS/EXPENSES OF INSTALLATION, CONNECTION OF BUILDING SEWER; INDEMNIFICATION.

All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner of that property. The owner shall indemnify the city from all loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
(Prior Code, § 52.36)

§ 52.37 PLANS AND SPECIFICATIONS.

(A) All applicants for sewer connection permits shall first submit plans and specifications of all plumbing construction within the building or premises and those plans and specifications shall meet the requirements of the plumbing regulations of the city, and all orders, rules and regulations of the SWRC or State Department of Health.

(B) When those plans and specifications have been approved by the Superintendent or by an official as he or she may designate, a temporary construction permit shall be issued, subject to final inspection and approval when construction is completed and ready for connection with the city sewer system.
(Prior Code, § 52.37)

§ 52.38 INSPECTION OF CONNECTION TO PUBLIC SEWER.

(A) The applicant for a building sewer permit shall notify the Superintendent when the building is ready for inspection and connection to the public sewer.

(B) The Superintendent or his or her designated representative shall then inspect that building and plumbing construction therein and if the construction meets the previous requirements as approved in the construction permit, a sewer connection permit shall be issued, subject to the applicable provisions of other sections of this chapter.
(Prior Code, § 52.38)

§ 52.39 RESPONSIBILITY OF OWNER TO BEAR COST OF REPAIRS, MAINTENANCE AND REPLACEMENT.

(A) The cost of all repairs, maintenance and replacements of existing building sewers and their connections to public sewers shall be borne by the property owner.

(B) The owner shall make application to perform that work to the Superintendent or his or her designated representative.
(Prior Code, § 52.39)

USE OF PUBLIC SEWERS

§ 52.50 DISCHARGE OF STORM WATER AND OTHER UNPOLLUTED DRAINAGE.

No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters into any sanitary sewer. Storm water and all other unpolluted drainage shall be discharged into those sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the Superintendent and/or the SWRC. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the Superintendent into a storm sewer, combined sewer or natural outlet. (Prior Code, § 52.50) Penalty, see § 10.99

§ 52.51 PROHIBITED DISCHARGES TO PUBLIC SEWERS.

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:

(A) Any liquid or vapor having a temperature higher than 150°F;

(B) Any water or waste which may contain more than 100 parts per million, by weight, of fat, oil or grease;

(C) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;

(D) Any garbage which has not been properly shredded;

(E) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, egg shells, rags, feathers, tar, plastics, wood, wood pulp, paunch manure or any solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works;

(F) Any waters or wastes having a pH lower than 5.5 or higher than 10.5 or having any other corrosive property capable of causing damage or hazards to the structures, equipment or personnel of the sewage works;

(G) 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, fish or aquatic life or create any hazard in the receiving waters of the sewage treatment plant;

(H) Any waters or wastes containing in excess of three parts per million by weight of cyanide, chrome or copper wastes;

(I) Any waters or wastes containing suspended solids of such character or quantity that unusual attention or expense is required to handle those materials at the sewage disposal plant; and/or

(J) Any noxious or malodorous gas or substance capable of creating a public nuisance.
(Prior Code, § 52.51) Penalty, see § 10.99

§ 52.52 GREASE, OIL AND SAND INTERCEPTORS.

(A) Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent and/or the SWRC, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any inflammable wastes, sand or other harmful ingredients; except that, those interceptors not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent and/or the SWRC and shall be located so as to be readily accessible for cleansing and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be substantially constructed, water-tight and equipped with easily removable covers which when bolted in place shall be gas-tight and water-tight.

(B) 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.
(Prior Code, § 52.52) Penalty, see § 10.99

§ 52.53 PRELIMINARY PRETREATMENT; MAINTENANCE OF FACILITIES.

(A) The admission into the public sewers of any waters or wastes having a five-day BOD greater than 300 parts per million by weight, containing more than 350 parts per million by weight of suspended solids, containing any quantity of substances having the characteristics described in § 52.51 of this chapter or having a daily average flow greater than 2% of the average daily sewage flow of the city, shall be subject to the review and approval of the City Council and/or the SWRC. Where necessary, in the opinion of the city and/or the SWRC, the owner shall provide, at his or her expense, any preliminary treatment may be necessary to reduce the BOD to 300 parts per million and the suspended solids to 350 parts per million by weight, or reduce objectionable characteristics or constituents to within the maximum limits provided for in § 52.51 of this chapter or control the quantities and rates of discharge of those waters or wastes. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for approval of the City Council and/or of the SWRC and no construction of those facilities shall be commenced until those approvals are obtained in writing.

(B) 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.
(Prior Code, § 52.53) Penalty, see § 10.99

§ 52.54 CONTROL MANHOLE; MEASUREMENTS, TESTS AND ANALYSES.

(A) When required by the City Council or the SWRC, 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 wastes. The manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the City Council. The manhole shall be installed by the owner at his expense and shall be maintained by him or her so as to be safe and accessible at all times.

(B) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in § 52.51 of this chapter shall be determined in accordance with "Standard Methods for the Examination of Water and Sewage" and shall be determined at the control manhole provided for in division (A) above or upon suitable samples taken the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest down-stream manhole in the public sewer to the point at which the building sewer is connected.
(Prior Code, § 52.54)

§ 52.55 INDUSTRIAL WASTE; SPECIAL AGREEMENT.

No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to the payment by the industrial concern of the estimated cost of that treatment.
(Prior Code, § 52.55)

CHAPTER 53: WATER

Section

General Provisions

53.01 Definitions
53.02 Additional rules
53.03 Injury to facilities
53.04 Service connection; application
53.05 Cross-connections
53.06 Turning on water service
53.07 Hydrant use

Water Meters

53.20 Premises to be metered; injuring or altering meters
53.21 Access to meters
53.22 Reimbursement for damage
53.23 Failure of meter to register properly
53.24 Inaccurate meters
53.25 Bill adjustment

53.99 Penalty

GENERAL PROVISIONS

§ 53.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly requires a different meaning.

DEPARTMENT. The City Department of Water.

SUPERINTENDENT. Superintendent of the Department of Water.

WATER CONNECTION. The part of the water distribution system connecting the water main with the premises served.

WATER MAIN. The part of the water distribution system located within the easement lines of streets designed to supply more than one water connection.
(Prior Code, § 53.01)

§ 53.02 ADDITIONAL RULES.

The Superintendent, upon the approval of the City Council, may make and issue additional rules and regulations concerning the water distribution system, connection thereto, meter installation and maintenance, connection and meter installation fees, hydrants and water mains and the appurtenances thereto, not inconsistent herewith. These rules and regulations shall be effective upon approval by the City Council. The rules and regulations now in effect shall continue until changed in accordance with this section.
(Prior Code, § 53.02)

§ 53.03 INJURY TO FACILITIES.

No person, except an employee of the city in the performance of his or her duties, shall willfully or carelessly break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the city water distribution system.
(Prior Code, § 53.03) Penalty, see § 53.99

§ 53.04 SERVICE CONNECTION; APPLICATION.

(A) Applications for water connections shall be made to the office of the City Treasurer on forms prescribed and furnished by it. Water connections and water meters shall be installed for premises on streets having water service in accordance with rules and regulations of the Department and upon payment of the required connection fee and meter installation fee. All meters and water connections shall be the property of the city. Connection fees shall not be less than the cost of materials, installation and overhead attributable to those installations.

(B) The connection fee shall be as established by City Council resolution. The city shall be responsible for installation and maintenance of the connection between the water main and the lot line; the owner shall be responsible for installation and maintenance of the remainder of the water connection except for the water meter, which shall be maintained by the city.
(Prior Code, § 53.15)

§ 53.05 CROSS-CONNECTIONS.

(A) The city adopts, by reference, the "Water Supply Cross-Connection Rules of the Michigan Department Environment, Great Lakes and Energy (EGLE)", being R 325.11401 to R 325.11407 of the Michigan Administrative Code.

(B) It shall be the duty of the Water Department to cause inspections to be made of all properties served by the public water supply where cross-connections with the public water supply are deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be established by the city and approved by EGLE.

(C) The city or its designee shall have the right to enter at any reasonable time any property served by a connection to the public water supply system of the city for the purpose of inspecting the piping 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.

(D) The city is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this section 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) have been eliminated in compliance with the provisions of this section.

(E) All testable backflow prevention assemblies shall be tested at the time of installation or relocation and after any repair. Subsequent testing of devices shall be conducted at a time interval specified by the city and in accordance with EGLE requirements. Only individuals that hold a valid state plumbing license and have successfully passed an approved backflow testing class shall perform such testing. The city shall also approve each tester. Individual(s) performing assembly testing shall certify the results of testing.

(F) The potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified by this section and by the State and City 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".

(G) This section does not supersede the State Plumbing Code and the city's code of ordinances, but is supplementary to them.
(Prior Code, § 53.16) (Ord. 246, passed 1-13-2025) Penalty, see § 53.99

§ 53.06 TURNING ON WATER SERVICE.

No person, other than an authorized employee of the Department, shall turn on or off any water service; except that, a licensed plumber may turn on water service for testing his or her work (when it must be immediately turned off) or upon receiving a written order from the Department; provided, upon written permit from the Department, water may be turned on for construction purposes only, prior to the granting of a certificate of occupancy for the premises, and upon payment of the charges applicable thereto.
(Prior Code, § 53.30) Penalty, see § 53.99

§ 53.07 HYDRANT USE.

No person, except an employee of the city in the performance of his or her duties, shall open or use any fire hydrant, except in case of emergency, without first securing a written permit from the Department and paying those charges as may be prescribed.
(Prior Code, § 53.31) Penalty, see § 53.99

WATER METERS

§ 53.20 PREMISES TO BE METERED; INJURING OR ALTERING METERS.

All premises using water shall be metered, except as otherwise provided in this code. No person, except a Department employee, shall break or injure the seal or change the location of, alter or interfere in any way with any water meter.
(Prior Code, § 53.45) Penalty, see § 53.99

§ 53.21 ACCESS TO METERS.

The Department shall have the right to shut off the supply of water to any premises where the Department is not able to obtain access to the meter. Any qualified employee of the Department shall at all reasonable hours, have the right to enter the premises where those meters are installed for the purpose of reading, testing, removing or inspecting same and no person shall hinder, obstruct or interfere with that employee in the lawful discharge of his or her duties in relation to the care and maintenance of that water meter.
(Prior Code, § 53.46) Penalty, see § 53.99

§ 53.22 REIMBURSEMENT FOR DAMAGE.

Any damage which a meter may sustain resulting from carelessness of the owner, agent or tenant or from neglect of either of them to properly secure and protect the meter, as well as any damage which may be wrought by frost, hot water or steam backing from a boiler, shall be paid by the owner of the property to the city on presentation of a bill therefor; and, in cases where the bill is not paid, the water shall be shut off and shall not be turned on until all charges have been paid to the city.
(Prior Code, § 53.47)

§ 53.23 FAILURE OF METER TO REGISTER PROPERLY.

If any meter shall fail to register properly, the Department shall estimate the consumption on the basis of former consumption and bill accordingly.
(Prior Code, § 53.48)

§ 53.24 INACCURATE METERS.

(A) A consumer may require that the meter be tested. If the meter is found accurate, a charge established by resolution of the City Council will be made. If the meter is found defective, it shall be repaired or an accurate meter installed and no charge shall be made.

(B) A meter shall be considered accurate if, when tested it registers not to exceed 2% more or 2% less than the actual quantity of water passing through it. If a meter registers in excess of 2% more than the actual quantity of water passing through it, it shall be considered "fast" to that extent. If a meter registers in excess of 2% less than the actual quantity of water passing through it, it shall be considered "slow" to that extent.
(Prior Code, § 53.49) (Ord. 253, passed 2-9-2026)

§ 53.25 BILL ADJUSTMENT.

If a meter has been tested at the request of a consumer and shall have been determined to register fast, the city shall credit the consumer with a sum equal to the percent "fast" multiplied by the amount of all bills incurred by the consumer, within the three months prior to the test, and if a meter so tested is determined to register "slow", the Department may collect from the consumer a sum equal to the percent "slow" multiplied by the amount of all the bills incurred by the consumer for the prior three months. When the Department on its own initiative makes a test of a water meter, it shall be done without cost to the consumer, other than his or her paying the amount due the city for water used by him or her as above provided, if the meter is found to be "slow".
(Prior Code, § 53.50)

§ 53.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Any person or customer found guilty of violating any of the provisions of § 53.05 of this chapter or any written order of the city, in pursuance thereof, shall be deemed guilty of a municipal infraction and, upon conviction thereof, shall be punished by a fine as set by ordinance. Each day upon which a violation of the provisions of § 53.05 of this chapter shall occur shall be deemed a separate and additional violation for the purpose of § 53.05 of this chapter. Each day on which any violation continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.
(Prior Code, § 53.16) (Ord. 246, passed 1-13-2025)

TITLE VII: TRAFFIC CODE

Chapter

70. GENERAL PROVISIONS

71. TRAFFIC AND PARKING RULES

72. RECREATIONAL VEHICLES

CHAPTER 70: GENERAL PROVISIONS

Section

Uniform Traffic Code

70.01 Adoption of Code by reference
70.02 References in Code
70.03 Availability of copies
70.04 Amendments to Code
70.05 Traffic-control orders available for review

70.99 Penalty

UNIFORM TRAFFIC CODE

§ 70.01 ADOPTION OF CODE BY REFERENCE.

The Uniform Traffic Code for Cities, Townships and Villages, promulgated by the Commissioner of State Police on 2-14-1958, and published in Supplement No. 13, as amended 2-14-1961, and published in Supplement No. 25 and as amended 2-26-1968, and published in Supplement No. 54, Michigan Administrative Code, in accordance with Public Act 62 of 1956, being M.C.L.A. §§ 257.951 through 257.954, is hereby adopted by reference by the city as "Title VII of the City Code", as herein modified.
(Prior Code, § 70.01)

§ 70.02 REFERENCES IN CODE.

References in the Uniform Traffic Code for Michigan Cities, Townships and Villages to ***GOVERNMENTAL UNIT*** shall mean the "City of Wakefield".
(Prior Code, § 70.02)

§ 70.03 AVAILABILITY OF COPIES.

The City Clerk shall publish a supplementary notice setting forth the purpose of the Uniform Traffic Code and of the fact that complete copies of the Code are available at the office of the Clerk for inspection by and distribution to the public at all times and shall maintain copies in accordance with that supplementary notice.
(Prior Code, § 70.03)

§ 70.04 AMENDMENTS TO CODE.

(A) The following sections and subsections of the Uniform Traffic Code for Cities, Townships and Villages are hereby amended or deleted as set forth and additional sections and subsections are added as indicated.

(B) Subsequent section numbers used in this title shall refer to the like-numbered section of the Uniform Traffic Code.

(C) (1) Sec. 2.59. Section added to read: "Sec. 2.59. Current Regulations. All intersection stops and yield right-of-way requirements, regulations on stopping, standing or parking; prima facie speed limits; one-way streets, roadways and alleys; crosswalks; restricted turns; through streets; play streets; angle parking zones; all-night parking restrictions; curb loading zones; public carrier stands; parking meter zones and spaces; weight restrictions; no passing zones; traffic-control devices heretofore established and effective on the effective date of this Code, shall be deemed established hereunder and shall remain effective until rescinded or modified as herein provided."

(2) Sec. 9.3. Section amended to read: "Sec. 9.3. Penalties. Except as otherwise provided in this title, every violation of this title shall be punishable as prescribed in § 10.99 of the Wakefield City Code."
(Prior Code, § 70.04)

§ 70.05 TRAFFIC-CONTROL ORDERS AVAILABLE FOR REVIEW.

(A) The city, from time to time, adopts traffic-control orders pursuant to § 2.53 of the Uniform Traffic Code, being Michigan Administrative Rule R 28.1102 et seq.

(B) These traffic-control orders are adopted and incorporated herein by reference.

(C) The traffic-control orders are available for review in the City Clerk's office.
(Prior Code, § 70.05)

§ 70.99 PENALTY.

Whoever violates any provision of this traffic code for which no penalty is otherwise provided shall be subject to the penalty provisions set forth in § 70.04(B) of this chapter.
(Prior Code, § 70.99)

CHAPTER 71: TRAFFIC AND PARKING RULES

Section

Traffic Regulations

71.01 Truck traffic in certain areas prohibited

Parking Regulations

71.15 All-night parking from October 31 to April 1

Parking Violations Bureau; Enforcement

71.30 Establishment
71.31 Location; adoption of rules
71.32 Notice of violation
71.33 Disposition of offenses
71.34 Violations procedure

Removal of Vehicles

71.45 Removal of vehicles in violation of traffic control orders
71.46 Administrative removal of vehicles during winter parking restrictions

71.99 Penalty

TRAFFIC REGULATIONS

§ 71.01 TRUCK TRAFFIC IN CERTAIN AREAS PROHIBITED.

(A) It is hereby determined that truck traffic on Putnam Boulevard exists and that traffic has the potential to cause damage to the road surface. No truck shall be permitted to use Putnam Boulevard from its intersection with US-2 to its intersection with Castile Road; except that, truck traffic necessary for local deliveries to residential and commercial sites (as defined by Chapter 158 of this code of ordinances). The restriction of truck traffic by all trucks, except for local deliveries will be recognized

by the posting of signs on each end of the restricted street. These signs shall be designed and placed consistent with the rules promulgated pursuant to the authority of M.C.L.A. § 257.608. ***TRUCK*** shall be defined, consistent with M.C.L.A. § 257.75, as every motor vehicle designed, used or maintained primarily for the transportation of property.

(B) This section shall be enforced under the direction of the Police Department.
(Prior Code, § 71.01) (Ord. 144, passed 10-23-1989) Penalty, see § 71.99

PARKING REGULATIONS

§ 71.15 ALL-NIGHT PARKING FROM OCTOBER 31 TO APRIL 1.

It shall be unlawful for any person to park a motor vehicle or to cause or permit a motor vehicle to be parked or left unattended between the hours of 2:00 a.m. and 7:00 a.m. of any day on any street of the city between October 31 and April 1 of the following year.
(Ord. 230, passed 11-11-2019) Penalty, see § 71.99

PARKING VIOLATIONS BUREAU; ENFORCEMENT

§ 71.30 ESTABLISHMENT.

Pursuant to § 8395 of the Revised Judicature Act, as added by Public Act 154 of 1968, being M.C.L.A. § 600.8395, a Parking Violations Bureau shall be under the supervision and control of the City Clerk.
(Prior Code, § 72.01)

§ 71.31 LOCATION; ADOPTION OF RULES.

The City Clerk shall, subject to the approval of the City Council, establish a convenient location for the Parking Violations Bureau, appoint qualified city employees to administer the Bureau and adopt rules and regulations for the operation thereof.
(Prior Code, § 72.02)

§ 71.32 NOTICE OF VIOLATION.

The issuance of a traffic ticket or notice of violation by a police officer of the city shall be deemed an allegation of a parking violation. The traffic ticket or notice of violation shall indicate the length of time in which the person to whom the same was issued must respond before the Parking Violations Bureau. 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 advise that a warrant for the arrest of the person to whom the ticket was issued will be sought if that person fails to respond within the time limited.
(Prior Code, § 72.03)

§ 71.33 DISPOSITION OF OFFENSES.

No violation not scheduled in this subchapter shall be disposed of by the Parking Violations Bureau. The fact that a particular violation is scheduled shall not entitle the alleged violator to disposition of the violation at the Bureau and, in any case, the person in charge of the 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.
(Prior Code, § 72.04)

§ 71.34 VIOLATIONS PROCEDURE.

No violation may be settled at the Parking Violations Bureau, except at the specific request of the alleged violator. No penalty for any violation shall be accepted from any person who denies having committed the offense and in no case shall the person who is in charge of the Bureau determine, or attempt to determine, the truth or falsity of any fact or matter relating to the alleged violation. No person shall be required to dispose of a parking violation at the Parking Violations Bureau and all persons shall be entitled to have a violation processed before a court having jurisdiction thereof if they so desire. The unwillingness of any person to dispose of any violation at the Parking Violations Bureau shall not prejudice him or her or in any way diminish the rights, privileges and protection accorded to him or her by law.
(Prior Code, § 72.05)

REMOVAL OF VEHICLES

§ 71.45 REMOVAL OF VEHICLES IN VIOLATION OF TRAFFIC CONTROL ORDERS.

(A) *Definitions*. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADMINISTRATIVE TOW. A non–law enforcement removal of a vehicle ordered by the City Manager, Public Works Supervisor, or Code Enforcement Officer for reasons related to traffic safety, public works operations, or violation of a traffic control order.

CITY ADMINISTRATION. The City Manager, Public Works Supervisor, Code Enforcement Officer, or another city official authorized by ordinance or resolution to order an ***ADMINISTRATIVE TOW***.

(B) *Authority to remove*. A law enforcement officer or city administration is authorized to order the removal and towing of any vehicle that:

(1) Is parked, stopped, or standing in violation of a duly issued traffic control order;

(2) Obstructs vehicular or pedestrian traffic, sight lines, intersections, driveways, or crosswalks;

(3) Interferes with public safety, emergency response, or public works operations; or

(4) Presents a hazard to persons or property.

(C) *Type of tow*. A removal conducted under this section may constitute:

(1) A law enforcement impound, when ordered by a law enforcement officer performing official duties; or

(2) An administrative tow, when ordered by city administration for traffic, safety, or operational purposes.

(D) *Notice*. The city shall provide notice to the registered owner of the vehicle as soon as reasonably practicable, stating:

(1) The reason for removal;

(2) The location of the vehicle;

(3) Instructions for retrieval; and

(4) Applicable towing, storage, and administrative fees.

(E) *Fees*. The owner of a vehicle removed under this section shall be responsible for all towing, storage, and administrative fees. Administrative fees imposed by the city shall be established by resolution of the City Council.

(F) *Emergency removal*. Nothing in this section shall limit the authority of the city or a law enforcement officer to immediately remove a vehicle without prior notice when required to ensure public safety, restore traffic flow, or support emergency operations.
(Ord. 253, passed 2-9-2026)

§ 71.46 ADMINISTRATIVE REMOVAL OF VEHICLES DURING WINTER PARKING RESTRICTIONS.

(A) *Definitions*. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADMINISTRATIVE TOW. A non–law enforcement removal of a vehicle ordered by the City Manager, Public Works Supervisor, or Code Enforcement Officer for reasons related to traffic safety, public works operations, or violation of a traffic control order.

CITY ADMINISTRATION. The City Manager, Public Works Supervisor, Code Enforcement Officer, or another city official authorized by ordinance or resolution to order an ***ADMINISTRATIVE TOW***.

(B) *Authority*. City administration is authorized to order the removal of any vehicle that:

(1) Is parked in violation of seasonal or emergency winter parking restrictions adopted by the city;

(2) Obstructs snow removal or winter maintenance operations;

(3) Creates a traffic hazard or obstructs access for emergency services; or

(4) Otherwise interferes with the safe and efficient performance of municipal winter operations.

(C) *Nature of tow.* A removal ordered under this section is an administrative tow conducted for municipal street-maintenance purposes. It is not a law enforcement impound, and the procedures of Public Act 300 of 1949, being M.C.L.A. §§ 257.252a through 257.252f, do not apply.

(D) *Notice.* The city shall provide notice to the registered owner of the vehicle as soon as reasonably practicable, stating:

(1) The reason for removal;

(2) The location where the vehicle was taken;

(3) Instructions for retrieval; and

(4) Applicable administrative fees.

(E) *Retrieval and fees.* The owner of the removed vehicle shall be responsible for paying all towing and storage fees. Administrative fees imposed by the city shall be established by resolution of the City Council.

(F) *Emergency circumstances.* Nothing in this section shall prevent immediate removal of a vehicle without prior notice when necessary to maintain public safety, restore traffic flow, or conduct snow-removal operations.
(Ord. 253, passed 2-9-2026)

§ 71.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) A person who violates the prohibition established by § 71.01 of this chapter shall be deemed to have committed a civil infraction and be subject to a penalty not to exceed $500 at the discretion of the court of competent jurisdiction applied to for its enforcement.
(Prior Code, § 71.99)

(C) Violations of § 71.15 of this chapter are a civil infraction. The penalty for a first offense is $75. The penalty for any subsequent offenses is $150. Each day of violation is a separate or subsequent offense. In addition, the offending vehicle may be towed and impounded at the owner's expense.

(D) (1) The following penalties for parking violations of the Uniform Traffic Code, being Michigan Administrative Code Rule R 28.1102 et seq., are hereby set out below:

Offenses	***UTC Section****	***Penalty***
Angle parking violations	8.3	$3
Bicycle parking violations	(6.17)	$1
Bus, parking other than bus stop	8.19	$5
Bus, taxicab stand violations	(8.20)	$3
Failure to set brakes	(5.58)	$3
In alley	8.13	$3
In prohibited zone	8.10(r)	$3
Loading zone violation	8.16, 8.17	$3
Meter violations	(8.21)	$1
Meters, not parked within space	(8.22)	$2
Obstructing traffic	8.5	$5
Parked on grade, wheels not turned to curb	(5.58)	$3
Parking for prohibited purpose	8.14	
(a) Displaying vehicle for sale		$3
(b) Working or repairing vehicle		$3
(c) Displaying advertising		$3
(d) Selling merchandise		$3
(e) Storage over 48 hours		$5
Parking too far from curb	8.1, 8.2	$3
Prohibited parking (signs unnecessary)	8.10	
(a) On sidewalk		$5
(b) In front of drive or in front of entrance walk		$5

Offenses	*UTC Section**	*Penalty*
(c) Within intersection		$10
(d) Within 15 feet of hydrant		$5
(e) On crosswalk		$5
(f) Within 20 feet of crosswalk or 15 feet of corner lot lines		$5
(g) Within 30 feet of street side traffic sign or signal		$5
(h) Within 35 feet of railroad crossing		$5
(i) Within 20 feet of fire station entrance		$5
(j) Within 50 feet of fire station entrance on opposite side of street (signs required)		$5
(k) Beside street excavation when traffic obstructed		$5
(l) Double parking		$5
(m) On bridge		$10
(n) Within 200 feet of accident where police in attendance		$3
(o) In front of theater		$5
(p) Blocking emergency exit		$5
(q) Blocking fire escape		$5
Taxicab, parking other than cab stand	(8.19)	$5
Wrong side of roadway	8.15	$3
Notes to Table: * UTC Section - Uniform Traffic Code Section		

(2) Additional offenses:

	First Offense	*Second Offense*	*Third and Subsequent Offense*
Abandoned vehicle (plus towing and storage charge)	$5	$5	$5
All-night parking	$3	$5	$10
Between sidewalk and curb	$3	$5	$10
Disabled vehicle, failure to move	$10	$10	$10

	First Offense	*Second Offense*	*Third and Subsequent Offense*
In prohibited zone			
(a) Prohibited zone	$3	$3	$3
(b) Tow away zone	$3	$3	$3
(c) Fire lane	$3	$5	$10
Keys in vehicle or motor running	$10	$10	$10
Private property, without owner's consent	$5	$10	Court
Notes to Table: * UTC Section - Uniform Traffic Code Section			

(Prior Code, § 72.06)
(Ord. 144, passed 10-23-1989; Ord. 230, passed 11-11-2019)

CHAPTER 72: RECREATIONAL VEHICLES

Section

Bicycles

72.01 Application of traffic regulations
72.02 Registration required
72.03 Application for registration
72.04 Issuance of registration
72.05 Registration tag
72.06 Ownership; transfer
72.07 Inspection of bicycles required
72.08 Parking
72.09 Riding on sidewalks
72.10 Responsibility of parents or guardians
72.11 Bicycle impoundment
72.12 Enforcement

Snowmobiles

72.25 Definitions
72.26 Registration required; exception
72.27 Display of identification number
72.28 Operation of vehicles restricted
72.29 Lights and brakes; warning flags
72.30 Notification of accident
72.31 Revocation of provisions

Off-Road Vehicles

72.45 Definitions
72.46 Statutory references included
72.47 Use and operation generally

72.48 Noise emission
72.49 Notice of accident

72.99 Penalty

BICYCLES

§ 72.01 APPLICATION OF TRAFFIC REGULATIONS.

Every person riding a bicycle upon a street or highway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle under Chapter 126 of the Uniform Traffic Code, being Michigan Administrative Code Rule R 28.1102 et seq., except as to those provisions which, by their nature, can have no application. ***BICYCLE*** shall have the meaning prescribed in Chapter 126 of the Uniform Traffic Code.
(Prior Code, § 73.01)

§ 72.02 REGISTRATION REQUIRED.

No person who resides within the city shall ride or propel a bicycle on any street, sidewalk or upon any public path set aside for the exclusive use of bicycles, unless that bicycle has been registered and a registration tag is attached thereto as provided herein.
(Prior Code, § 73.02) Penalty, see § 72.99

§ 72.03 APPLICATION FOR REGISTRATION.

Application for a bicycle registration and registration plate shall be made upon a form provided by the City Clerk and shall be made to the Department of Police. A permanent registration fee to be established by resolution of the City Council shall be paid to the city before any registration tag is issued.
(Prior Code, § 73.03) (Ord. 253, passed 2-9-2026)

§ 72.04 ISSUANCE OF REGISTRATION.

(A) The Police Department shall not issue any registration tag for any bicycle when it knows or has reasonable ground to believe that the applicant is not the owner of, or entitled to the possession of, that bicycle.

(B) The Department shall keep a record of the number of each registration, the date issued, the name and address of the person to whom issued and the number on the frame of the bicycle for which issued and a record of all bicycle registration fees collected by the Department. The Department may place numbers on the frames of bicycles which shall be peculiar to the city.
(Prior Code, § 73.04)

§ 72.05 REGISTRATION TAG.

The Police Department, upon issuing a bicycle registration, shall also issue a registration tag bearing the registration number assigned to the bicycle and the name of the city. The owner shall cause the registration tag to be firmly attached to the rear fender or frame of the bicycle for which issued in a position as to be plainly visible from the rear. No person shall remove a registration tag from a bicycle, except upon a transfer of ownership or in the event the bicycle is dismantled and no longer operated upon any street in the city. A charge established by resolution of the City Council for any renewal, replacement or transfer of ownership on any licensed bicycle shall be paid to the city.
(Prior Code, § 73.05) (Ord. 253, passed 2-9-2026) Penalty, see § 72.99

§ 72.06 OWNERSHIP; TRANSFER.

Upon the sale or other transfer of ownership of a registered bicycle, the licensee, by payment of the fee as provided for in § 72.05 of this chapter, shall have the plate assigned to the transferee or to another bicycle owned by the applicant.
(Prior Code, § 73.06)

§ 72.07 INSPECTION OF BICYCLES REQUIRED.

The Police Department shall inspect each bicycle before registering the same and shall refuse a registration for any bicycle which it determines is in unsafe mechanical condition.
(Prior Code, § 73.07)

§ 72.08 PARKING.

No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at the curb, in a manner as to afford the least obstruction to pedestrian traffic.
(Prior Code, § 73.08) Penalty, see § 72.99

§ 72.09 RIDING ON SIDEWALKS.

(A) Whenever any person is riding a bicycle upon a sidewalk, that person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing that pedestrian.

(B) No person shall ride any bicycle on the sidewalk in any business district where signs prohibiting riding are erected.
(Prior Code, § 73.09) Penalty, see § 72.99

§ 72.10 RESPONSIBILITY OF PARENTS OR GUARDIANS.

No parent of any child, nor guardian of any ward, shall authorize or knowingly permit any child or ward to violate any of the provisions of this subchapter.
(Prior Code, § 73.10) Penalty, see § 72.99

§ 72.11 BICYCLE IMPOUNDMENT.

(A) A law enforcement officer is authorized to remove bicycles from a public place to a secure storage location under the circumstances listed below:

(1) When the bicycle is abandoned or reasonably appears to be abandoned;

(2) When a violation notice cannot be personally issued to the owner or operator;

(3) When the bicycle is operated during hours of darkness without required lighting or safety equipment; and

(4) When the bicycle is left in a manner that obstructs pedestrian or vehicular traffic or poses a safety concern.

(B) When a bicycle is impounded, and the owner is known or reasonably ascertainable, the law enforcement officer or agency shall provide written notice of the impoundment and the reasons for removal within a reasonable time.

(C) No impounded bicycle shall be released until payment of the applicable administrative fee established by resolution of the City Council.

(D) Any bicycle remaining unclaimed after the period established by City Council resolution may be disposed of in a manner authorized by the city, which may include donation, recycling, or destruction. Public auction is not required.
(Prior Code, § 73.11) (Ord. 253, passed 2-9-2026)

§ 72.12 ENFORCEMENT.

This subchapter may be enforced by issuance of traffic violation notices requiring appearance at the Traffic Violations Bureau.
(Prior Code, § 73.12)

SNOWMOBILES

§ 72.25 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

HIGHWAY or ***STREET.*** The entire width between the boundary lines of every publicly maintained highway or street when any part thereof is open to the use of the public for purposes of vehicular travel.

OPERATE. To ride in or on or to control the operation of a snowmobile.

OPERATOR. Any person who operates or is in actual physical control of a snowmobile.

OWNER. Any person, other than a lienholder, having the property in or title to a snowmobile entitled to the use or possession thereof.

PERSON. An individual, partnership, corporation, the state and any of its agencies, or subdivisions, and any body or person whether incorporated or not.

ROADWAY. The portion of a highway improved, designated or ordinarily used for vehicular travel. If a highway includes two or more separate roadways, the term ***ROADWAY*** refers to any such roadway separately, but not all such roadways collectively.

SNOWMOBILE. Any motorized vehicle designed for travel primarily on snow or ice steered by wheels, skis, runners or endless belt or any combination thereof.
(Prior Code, § 73.25) (Ord. passed 12-15-1975)

§ 72.26 REGISTRATION REQUIRED; EXCEPTION.

Except as otherwise provided, no snowmobile shall be operated within the city, unless registered by the owner by Public Act 451 of 1994, being M.C.L.A. §§ 324.8201 et seq., as amended, of the state. No registration is required for a snowmobile operated exclusively on lands owned or under the control of the snowmobile owner.
(Prior Code, § 73.26) (Ord. passed 12-15-1975) Penalty, see § 72.99

§ 72.27 DISPLAY OF IDENTIFICATION NUMBER.

The owner of any snowmobile having been issued a certificate of registration for the snowmobile shall paint on or attach in a permanent manner to each side of the forward half of the snowmobile the identification number in block characters of good proportions, not less than three inches in height, reading left to right. The numbers shall contrast so as to be distinctly visible and legible. No number other than the number awarded to a snowmobile under state law, or granted reciprocity under state law, shall be painted, attached or otherwise displayed on either side of the forward half of the snowmobile.
(Prior Code, § 73.27) (Ord. passed 12-15-1975) Penalty, see § 72.99

§ 72.28 OPERATION OF VEHICLES RESTRICTED.

(A) Except as provided by traffic control orders authorized by § 70.05 of this code of ordinances, no person shall operate a snowmobile upon the main traveled portion of any street or roadway, as defined in § 55 of Public Act 300 of 1949, as amended, being M.C.L.A. § 257.55, or on a highway or street within ten feet of that roadway with the following exceptions:

(1) Properly registered snowmobiles may cross public highways and freeways, as defined in Public Act 300 of 1949, being M.C.L.A. § 257.55, if the crossing can be made in safety and it does not interfere with the free movement of vehicular traffic approaching from any direction on that highway. The snowmobile operator shall yield the right-of-way to all vehicular traffic upon any highway;

(2) Snowmobiles may be operated on streets or roadways in the city which are not regularly maintained for winter vehicular traffic by removal of snow;

(3) Snowmobiles may be operated on streets or highways during a period of emergency, when so declared by a police agency having jurisdiction, when travel by conventional automation equipment is not possible;

(4) Snowmobiles may be operated on a street or highway for a special snowmobile event of limited duration which is conducted according to a prearranged schedule under permit from the governmental unit having jurisdiction;

(5) Every person operating a snowmobile upon a highway, street or roadway shall come to a complete stop before entering any intersection and shall yield the right-of-way to all oncoming traffic; and

(6) Snowmobiles may be operated, pursuant to Public Act 156 of 1975, on the following streets which are hereby designated as egress and ingress routes: all of Smith Street, all of Ashlund Avenue and that portion of Bedell Avenue north of Pierce Street to Second Avenue, to Anderson Avenue north. Hancock Street and Eddy Street.

(B) No person shall operate a snowmobile:

(1) At a rate of speed greater than is reasonable and proper having due regard for conditions then existing. No snowmobile shall operate at a speed of more than ten mph on any street or roadway within the city;

(2) While under the influence of intoxicating liquor, fermented malt beverages or narcotic drugs, barbital or nay derivative of barbital;

(3) In any nursery, planting area or natural area of forest reproduction and when growing stock may be damaged;

(4) Unless it is equipped with a muffler in good working condition and in constant operation to prevent excessive or unusual noise and annoying smoke;

(5) At any place within the confines of Lakeside Cemetery in the city;

(6) Between the hours of 10:00 p.m. and 8:00 a.m. prevailing time;

(7) On any sidewalk which is plowed and open for pedestrian traffic;

(8) All snowmobiles shall travel in single file;

(9) No person under the age of 16 shall operate a snowmobile on the city streets. A person between the ages of 16 and 18 must have in his, her or their possession a valid snowmobile safety certificate issued by the Department of Natural Resources to operate on the city streets; and

(10) A person operating or riding on a snowmobile on a street or highway in the city shall wear a crash helmet on his or her head. Crash helmets shall be approved by the State Police.
(Prior Code, § 73.28) (Ord. passed 12-15-1975) Penalty, see § 72.99

§ 72.29 LIGHTS AND BRAKES; WARNING FLAGS.

No snowmobile shall be operated in the city unless it has at least one headlight, one taillight and adequate brakes capable of producing deceleration at 14 feet a second on level ground at a speed of 20 mph. No snowmobile shall be operated on any highway, street or roadway unless that snowmobile is equipped with a warning flag of red or blaze colored material, of a size not less than 40 square inches and a height of not less than six feet above the ground. No person shall operate a snowmobile on any highway, street or roadway unless at the time of the operation, the headlight and taillight are turned on.
(Prior Code, § 73.29) (Ord. passed 12-15-1975) Penalty, see § 72.99

§ 72.30 NOTIFICATION OF ACCIDENT.

The operator of a snowmobile involved in an accident resulting in injuries or death of any person or property damage in an estimated amount of $100 or more, or some person acting for him or her, or the owner of the snowmobile having knowledge of the accident, shall immediately by the quickest means of communication notify the city's Police Department.
(Prior Code, § 73.30) (Ord. passed 12-15-1975) Penalty, see § 72.99

§ 72.31 REVOCATION OF PROVISIONS.

The City Council may, by resolution, immediately revoke any portion of this subchapter which provides for the operation of snowmobiles on any highway, street or roadway if, in the sole discretion of the City Council, the revocation would be in the best interest of the citizens.
(Prior Code, § 73.31) (Ord. passed 12-15-1975)

OFF-ROAD VEHICLES

§ 72.45 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly requires a different meaning.

ALLEY. A narrow thoroughfare through the middle of a block giving access to the rear of lots or buildings.

CITY. The area within the political/geographic boundaries of the City of Wakefield.

DRIVER'S LICENSE. An operator's or chauffeur's license or permit issued to an individual by the Secretary of State under Chapter III of the Michigan Vehicle Code, M.C.L.A. §§ 257.301 et seq., for that individual to operate a vehicle, whether or not conditions are attached to the license or permit.

OPERATE. To ride in or on, and be in actual physical control of the operation of an ORV.

OPERATOR. Any person who operates or is in actual physical control of the operation of an ORV.

ORV or ***OFF-ROAD VEHICLE.*** A motor driven off road recreation vehicle capable of cross-country travel without benefit of a road or trail, on or immediately over land, snow, ice, marsh, swampland or other natural terrain. ***ORV*** or ***OFF-ROAD VEHICLE*** includes, but is not limited to, a multi-track or multi-wheel drive vehicle, an all-terrain vehicle, a motorcycle or related two-wheel, three-wheel, four-wheel or six-wheel vehicle, an amphibious machine, a ground effect air cushion vehicle or other means of transportation deriving motive power from a source other than muscle or wind. It does not include a registered snowmobile, a farm vehicle being used for activities related to farming, a vehicle used for military, fire, emergency or law enforcement purposes, a vehicle owned and operated by a utility company or an oil or gas company when performing maintenance of its facilities or on property over which it has an easement, a construction or logging vehicle used in the performance of its common function or a registered aircraft.

OWNER. Any person, other than a lienholder, having the property in or title to an ORV entitled to the use or possession thereof.

PERSON. An individual, partnership, corporation, the state, and any of its agencies or subdivisions, and any body or person, whether incorporated or not.

ROADWAY. The portion of an alley or street improved, designated or ordinarily used for vehicular travel.

STREET. The entire width between the boundary lines of every publicly maintained highway or street when any portion thereof is open to the use of the public for purposes of vehicular travel and a city major street or city local street, as described in § 9 of Public Act 51 of 1951, being M.C.L.A. § 247.659.
(Ord. 198, passed 11-24-2008)

§ 72.46 STATUTORY REFERENCES INCLUDED.

This subchapter hereby includes and incorporates by reference Public Act 451 of 1994, as amended, being M.C.L.A. §§ 324.81101 et seq., to provide for the regulation and registration of off-road vehicles. It is the intention of this subchapter to permit those actions that are permissible under state law and prohibit those actions that are not permissible under state law as pertains to ORVs.
(Ord. 198, passed 11-24-2008)

§ 72.47 USE AND OPERATION GENERALLY.

(A) ORVs shall not be operated upon any city-owned property including, but not limited to, sidewalks, cemeteries or pedestrian trails unless hereinafter provided.

(B) Operation in the city's parks is permitted if going to or from a park destination or if an individual has a valid camping permit. However, park operation is only permitted if the park is open.

(C) ORVs for the purpose of obtaining access to recognized off road trails, and for the operator to purchase retail goods and services in conjunction with the legal operation of an ORV, may, by the most direct route available, utilize the public roadways located in the city and, in so doing, travel in the most direct perpendicular manner available.

(D) Except as otherwise provided, no ORV shall be operated within the city, unless registered by the owner as provided by state law. No registration is required for an ORV operated exclusively on lands owned or under the control of the ORV owner.

(E) The owner of any ORV having been issued a certificate of registration for the ORV must have an ORV sticker attached to the vehicle as required by state law. No numbers other than the registration number awarded to an ORV under state law, or granted reciprocity under state law, shall be painted, attached or otherwise displayed on the ORV.

(F) ORVs shall be brought to a complete stop before crossing any highway or roadway, shall not interfere with the free movement of vehicular traffic approaching from any direction and shall yield the right-of-way to oncoming traffic.

(G) ORVs may not be operated on roadways in the city, which are not regularly maintained for vehicular traffic.

(H) ORVs shall be operated with the flow of traffic on the far right side of the maintained portion of a street or shall utilize the outermost five feet of an alley. An ORV may not be operated on the road surface, roadway, shoulder or right-of-way of any state or federal highway in the city. ORVs shall travel in single file with the flow of traffic, except when overtaking or passing another ORV.

(I) ORVs shall utilize the alleys in areas of the city where alleys parallel adjacent streets. ORVs utilizing streets that parallel adjacent alleys or recreation trails shall be deemed in violation of this subchapter.

(J) No ORV shall travel in excess of 25 mph or a lower posted ORV speed limit or at a rate of speed greater than is reasonable and proper having due regard for conditions then existing.

(K) No person shall operate an ORV while under the influence of intoxicating liquor, fermented malt beverages, narcotic drugs, barbital or any derivative thereof.

(L) No person shall operate an ORV in any nursery, planting area or natural area of forest reproduction or where growing stock may be damaged.

(M) No person under the age of 16 shall operate an ORV on any roadways within the city.

(N) A person 16 or older, who never obtained a driver's license or who never reinstated his or her license after expiration of a suspension or revocation, is permitted to operate an ORV on the city's roadways.

(O) Any person operating an ORV on a city roadway shall wear a crash helmet and protective eyewear. Said equipment shall be approved by the State Police and/or United States Department of Transportation.

(P) No ORV is to be ridden by more riders than the manufacturer recommends.

(Q) An ORV shall not be operated when visibility is substantially reduced due to weather conditions, or one-half hour before sunrise or one-half hour after sunset, unless displaying a lighted headlight and lighted taillight. Beginning 1-1-2010, an ORV shall display a lighted headlight and lighted taillight at all hours.

(R) An ORV shall be equipped with a throttle so designed that when the pressure used to advance the throttle is removed, the engine speed will immediately and automatically return to idle.

(S) Unless a person possesses a valid driver license, a person shall not operate an ORV on a city roadway if the ORV is registered as a motor vehicle and is either more than 60 inches wide or has three wheels.
(Ord. 198, passed 11-24-2008) Penalty, see § 72.99

§ 72.48 NOISE EMISSION.

ORVs shall have, in good working condition and in constant use, a spark arrester type forest service approved muffler that is in compliance with all the provisions of M.C.L.A. § 324.81133(1)(f), as amended, as well as all other statutes, rules, regulations and ordinances applicable to ORV operation.
(Ord. 198, passed 11-24-2008) Penalty, see § 72.99

§ 72.49 NOTICE OF ACCIDENT.

The operator of an ORV involved in an accident resulting in injuries to or death of any person or property damage in an estimated amount of $100 or more, or some person acting for him, her or the

owner of the ORV having knowledge of the accident, shall immediately, by the quickest means of communication, notify the County Sheriff's Department.
(Ord. 198, passed 11-24-2008) Penalty, see § 72.99

§ 72.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Any person who violates the provisions of §§ 72.01 through 72.12 and 72.25 through 72.31 of this chapter shall be punished as provided by § 70.99 of this code of ordinances.
(Prior Code, § 73.99)

(C) (1) Any person violating §§ 72.45 through 72.49 of this chapter shall be deemed to have committed a municipal civil infraction, subject to the payment of civil fines of $50, plus costs, for the first violation.

(2) Any repeated offense shall be subject to increased fines, as follows:

(a) First repeated offense shall be no less than $150, plus costs; and

(b) A fine for any second repeated offense or any subsequent repeated offense shall be no less than $250, but no more than $500, plus costs.

(3) A court may order a person who causes damage to the environment, a roadway or other property as a result of the operation of an ORV to pay full restitution for that damage above and beyond the penalties paid by civil fines and costs.

(4) The City Treasurer shall deposit, all fines and damages collected under §§ 72.45 through 72.49 of this chapter into a fund to be designated as the "ORV Fund". The City Council shall appropriate revenue in the ORV Fund as follows:

(a) Fifty percent to the city's public works for repairing damage to roads and the environment that may have been caused by ORVs, and for posting signs indicating ORV speed limits, or indicating where the roads are open or closed to the operation of ORVs; and

(b) Fifty percent to the County Sheriff or local Police Department for ORV enforcement and training.
(Ord. passed 12-15-1975; Ord. 198, passed 11-24-2008)

TITLE IX: GENERAL REGULATIONS

Chapter

90. ANIMAL CONTROL

91. HEALTH, SAFETY AND SANITATION; NUISANCES

92. CEMETERIES

93. LIBRARY

94. PARKS AND RECREATION

95. FAIR HOUSING

96. FIRE PREVENTION AND PROTECTION

97. HAZARDOUS MATERIALS

CHAPTER 90: ANIMAL CONTROL

Section

General Provisions

90.01 Keeping animals; running at large
90.02 Registration of animals
90.03 Cruelty to animals
90.04 Poisoning animals
90.05 Goats and swine
90.06 Grazing animals
90.07 Birds and bird nests
90.08 Trapping animals
90.09 Baiting animals
90.10 Exemptions
90.11 Exotic animals

Dogs and Other Animals

90.25 Definitions
90.26 Dogs running at large
90.27 Vicious dogs prohibited
90.28 Seizure, impoundment; procedure
90.29 Rabies prevention
90.30 License required; license to be worn
90.31 Cruelty, mistreatment of animals

90.99 Penalty

Cross-reference:

Housing and Dwelling Units, see Chapter 152
Forests, see Chapter 155
Noise control, see § 91.05
Nuisances; prohibited; enumeration, see § 91.03

GENERAL PROVISIONS

§ 90.01 KEEPING ANIMALS; RUNNING AT LARGE.

It shall be unlawful for any person to keep any animal or fowl within 175 feet of any dwelling other than the dwelling of the owner, except those animals as are commonly housed in a human dwelling as household pets. It shall further be unlawful for any person to permit any animal or any fowl owned by him or her, or in his or her possession or control, to run at large in any street, alley or public place, or upon the premises of another, without the express permission of the owner or occupant thereof. Violation of these provisions shall be subject to the penalties specified in § 90.99 of this chapter.
(Prior Code, § 91.01) (Ord. 188, passed 6-28-2004) Penalty, see § 90.99

§ 90.02 REGISTRATION OF ANIMALS.

When any person claims the right to keep animals or fowl other than household pets, as specified in § 90.01 of this chapter, he or she shall, prior thereto, register the proposed location of the same with the Building Inspector, who shall keep a record thereof.
(Prior Code, § 91.02) Penalty, see § 90.99

§ 90.03 CRUELTY TO ANIMALS.

No person shall cruelly treat or abuse any animal or bird.
(Prior Code, § 91.03) Penalty, see § 90.99

§ 90.04 POISONING ANIMALS.

No person shall throw or deposit any poisonous substance on any exposed public or private place where it endangers, or is likely to endanger, any animal or bird.
(Prior Code, § 91.04) Penalty, see § 90.99

§ 90.05 GOATS AND SWINE.

It shall be unlawful for any person to keep goats or swine on any premises within the city, except in slaughterhouses or yards adjacent thereto or unless the conditions in § 90.10 of this chapter are complied with.
(Prior Code, § 91.05) (Ord. 199, passed 1-12-2009) Penalty, see § 90.99

§ 90.06 GRAZING ANIMALS.

(A) It shall be unlawful for any person to keep goats or swine on any premises within the city, except in slaughterhouses and yards adjacent thereto or with a special use permit granted by the city in accordance with § 90.10 of this chapter.

(B) It shall be unlawful for any person to keep any grazing animal closer than 200 feet from any residential dwelling not owned by the animal's owner. Any person desiring to maintain grazing animals shall provide two acres of land for each grazing animal kept on the premises. No grazing animal shall be permitted to roam off the property of its owner and all grazing animals shall be confined by a two-wire electric non-barbed fence approved by the city. In the movement of grazing animals, it shall be unlawful to ride or lead them in any residential area other than upon designated bridle paths and the premises of the animal's owner, except during ceremonial occasions in which those animals are normally seen and shall comply with the provisions of § 90.10 of this chapter.
(Prior Code, § 91.06) (Ord. 214, passed 11-11-2013) Penalty, see § 90.99

§ 90.07 BIRDS AND BIRD NESTS.

No person, except a police officer acting in his or her official capacity, shall molest, injure, kill or capture any wild bird, or molest or disturb any wild bird's nest or the contents thereof.
(Prior Code, § 91.07) Penalty, see § 90.99

§ 90.08 TRAPPING ANIMALS.

(A) *Definitions*. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

FUR-BEARING ANIMAL. Any non-domestic animal.

TRAPPING. The act of any person or persons who shall use a device, as pitfall, snare or machine that shuts suddenly as with a spring, for the taking of game or other animals.

(B) *Permitted conditions*. Except as otherwise provided, trapping for fur-bearing animals will be permitted within the city under the following conditions.

(1) All trapping shall be according to DNR rules and regulations governing trapping seasons and species that can lawfully be taken by trap.

(2) Sizes zero through one and one-half open jaw and body grip 110-220 will be permitted throughout the city, except within the city parks.

(3) Any trap larger than one and one-half open jaw or 220 body grip may be set no closer than 300 feet to a residential dwelling or with the following limits: west of Bedell Avenue extended from Luoma Road north to the northwest corner of southwest quarter of northwest quarter of Section 10 east to the northwest corner of southwest quarter of northwest quarter of Section 9, thence south to intersection five feet east of the east bank of the Black River following the Black River south to Old U.S. 2 and Luoma Road to the point of beginning.

(4) Any body grip trap of ten inches or more will be prohibited on dry land sets within the city limits.

(5) Specific exceptions may be granted upon request to the City Council.
(Prior Code, § 91.08) (Ord. passed 2-25-1980) Penalty, see § 90.99

§ 90.09 BAITING ANIMALS.

(A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANIMAL. Any non-domesticated animal which is subject to the purchase of a license to be hunted and killed with either a bow and arrow or a firearm.

BAIT. The use of refuse, animal or vegetable matter, and substances consisting of food wastes and refuse, fruits, vegetables and animal matter, or any food of any kind to attract or lure.

(B) It shall be unlawful for any person to bait animals within the city limits.

(C) This section shall be enforced by the Police Department of the city.
(Prior Code, § 91.09) (Ord. 140, passed 3-13-1989) Penalty, see § 90.99

§ 90.10 EXEMPTIONS.

(A) *Exemptions for livestock.* Livestock may be kept or housed on a noncommercial basis on parcels of land containing at least two acres for each animal, example: three animals require six acres. Any resident, who would like to keep livestock on his, her or their property, must obtain a permit from the Building Inspector; have stables, barns or similar shelters available; keep the area clean, healthful and in an inoffensive manner; enclose the area by a fence kept in reasonable repair to prevent livestock from exiting the area; and keep the potentially adverse effects of noise or odors on adjacent property to a minimum so as not to create a nuisance.

(B) *Exemptions for goats*. In order to make this chapter flexible to meet the changing trends, the authorization of special uses to be conducted upon approval of the Planning Commission and City Council is made. In this way, the chapter does not become a rigid document that cannot be altered, but serves as a guideline upon which the Planning Commission, with the approval of the City Council, may make enlightened judgments keeping the ownership of animals within the general philosophy of this chapter.

(1) *Procedures for making application for a special use permit to own goats*.

(a) Registered, purebred and miniature goats may be owned, possessed or harbored, subject to the issuance of a special permit. The procedures set forth in this section shall be followed in application of special use permits.

(b) Applications shall be submitted through the City Clerk to the Planning Commission.

(c) Application shall be made on a special form provided for that purpose, confirming the following information.

1. It shall be unlawful for any person to own a registered, purebred and miniature goat which: weighs more than 50 pounds, is more than 40 inches from nose to tail and/or is higher than 22 inches at the shoulder; is not spayed or neutered upon reaching maturity; has not undergone a blood test to show the animal is free from pseudorabies; or is maintained as a food source.

2. It shall be unlawful for any person to own more than one registered, purebred and miniature goat at any one dwelling or premises.

(d) The Planning Commission shall review the application in accordance with the standards herein, and shall decide each application on the basis of whether or not the proposal will be harmonious with, and in accordance with, the general and specific objectives of this chapter.

(e) The Planning Commission shall, after adequate study and review of the application, hold a public hearing on the application after at least one publication in a newspaper of general circulation in the city, at least five days prior to the date of the hearing, indicating the time, place and subject of the hearing, as well as sending notice to property owners within 300 feet of the applicant's dwelling.

(f) The Planning Commission will make a recommendation to the Council, who will have the option to conduct a second public hearing to gain input on the request.

(g) The City Council may issue a special use permit after the conclusion of hearing procedures and subsequent written agreement with the applicant concerning exact conditions to be met by the applicant in accordance with the approved permit.

(2) *Cancellation of goat special use permit*. The city may cancel any special use permit when conditions authorized by the permits have been violated.

(C) *Exemptions for pigs*.

(1) *Procedures for making application for a special use permit to own pigs*.

(a) Registered, purebred and miniature pigs may be owned, possessed or harbored, subject to the issuance of a special permit. The procedures set forth in this section shall be followed in application of special use permits.

(b) Applications shall be submitted through the City Clerk to the Planning Commission.

(c) Application shall be made on a special form provided for that purpose, confirming the following information.

1. It shall be unlawful for any person to own a registered, purebred and miniature pig which: weighs more than 80 pounds, is more than 40 inches from nose to tail and/or is higher than 20 inches at the shoulder; is not spayed or neutered upon reaching maturity; has not undergone a blood test to show the animal is free from pseudorabies; or is maintained as a food source.

2. It shall be unlawful for any person to own more than one registered, purebred and miniature pig at any one dwelling or premises.

(d) The Planning Commission shall review the application in accordance with the standards herein, and shall decide each application on the basis of whether or not the proposal will be harmonious with, and in accordance with, the general and specific objectives of this chapter.

(e) The Planning Commission shall, after adequate study and review of the application, hold a public hearing on the application after at least one publication in a newspaper of general circulation in the city, at least five days prior to the date of the hearing, indicating the time, place and subject of the hearing, as well as sending notice to property owners within 300 feet of the applicant's dwelling.

(f) The Planning Commission will make a recommendation to the Council, who will have the option to conduct a second public hearing to gain input on the request.

(g) The City Council may issue a special use permit after the conclusion of hearing procedures, and subsequent written agreement with the applicant concerning exact conditions to be met by the applicant in accordance with the approved permit.

(2) *Cancellation of pigs special use permit*. The city may cancel any special use permit when conditions authorized by the permits have been violated.
(Ord. 214, passed 11-11-2013)

§ 90.11 EXOTIC ANIMALS.

(A) No person shall possess or harbor any dangerous exotic animals. The term ***DANGEROUS OR EXOTIC ANIMAL*** means and includes any wild mammal, reptile or fowl which is not naturally tame or gentle, but is of a wild nature or disposition, and which because of its size, vicious nature or other characteristics would constitute a danger to human life or property.

(B) Dangerous and exotic animals include, but are not limited to:

(1) Any poisonous animals, fish, reptiles or insects; and

(2) Alligators, apes, chimpanzees, gibbons, gorillas, orangutans, baboons, bears, bison, bobcats, cheetahs crocodiles, constriction snakes, coyotes, deer, elephants, foxes, game cocks and other fighting birds, hippopotamus, hyenas, jaguars, leopards, lions, lynxes, ostrich, piranha fish, pumas, cougars, mountain lions, panthers, rhinoceroses, shark, spider, snow leopard and wolves.
(Ord. 214, passed 11-11-2013) Penalty, see § 90.99

DOGS AND OTHER ANIMALS

§ 90.25 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly requires a different meaning.

ANIMAL. A vertebrate other than a human being, included, but not limited to, dogs, cats, birds, reptiles, fish or fowl.

CAT. Any feline, regardless of age or sex.

DOG. Any member of the species Canis familiaris, regardless of sex.

HEALTH OFFICER. An appropriate state or county health official, as determined by the laws of the state.

LEASH. A strap, cord or similar material adequate to control the dog to which it is attached and which shall not exceed six feet.

OWNER. Any person having the right of property in an animal, and every person who keeps, harbors or has in his, her or their care a dog or cat, and every person who permits a dog or cat to remain in or about any premises occupied by him or her.

REASONABLE CONTROL. Keeping a dog on a leash under the control of the owner or custodian or some other person with the permission of the owner or custodian, in all cases other than while upon private property, or unless the dog is confined in a closed automobile or shipping receptacle.
(Prior Code, § 91.20) (Ord. 240, passed 3-28-2022)

§ 90.26 DOGS RUNNING AT LARGE.

No person owning any dog, four months of age or over, shall permit that dog to be at large at any time in the city in violation of any of the following restrictions.

(A) (1) No person shall permit any vicious dog of which he or she is the owner to be unconfined unless securely muzzled and led by a leash.

(2) Any dog shall be deemed vicious which has bitten a person or domestic animal without provocation or which, by its actions, gives indication that it is liable to bite any person or domestic animal without provocation.

(B) No person who is the owner of any female dog shall permit or allow it to go beyond the premises of the owner when it is in heat.

(C) No person who is the owner of any dog or cat shall permit it to be unconfined unless under the reasonable control of some person.

(D) No person who is the owner of any dog shall permit it to be unconfined at any time unless licensed as required by law and unless wearing its license tag and evidence of rabies immunization.

(E) Every dog or cat shall at all times between sunset and sunrise of the following day be confined upon the premises of its owner, except when said dog is otherwise under the reasonable control of the owner.

(F) No person shall own any dog which, by loud or frequent or habitual barking, yelping or howling, shall cause annoyance to the people in the neighborhood.
(Prior Code, § 91.21) (Ord. 240, passed 3-28-2022) Penalty, see § 90.99

§ 90.27 VICIOUS DOGS PROHIBITED.

(A) (1) No person shall own or harbor a fierce or vicious dog, or a dog that has been bitten by any animal known to have been afflicted with rabies.

(2) All dogs found to be vicious and all rabid dogs shall be destroyed, unless otherwise disposed of by the owner thereof.

(B) Whenever a dog is impounded for having bitten a person, a law enforcement official, Health Official or other designated official may, if deemed necessary and advisable, and after holding such dog a sufficient length of time to meet the requirements of the Health Department for investigation, cause such dog to be destroyed as a vicious dog. Unless waived in writing, notice of intent to so destroy such dog shall be given to the owner if known. The owner shall have ten days from mailing of such notice in which to seek a review by the district court for the 98th Judicial District of the order for the destruction of such dog.
(Ord. 240, passed 3-28-2022) Penalty, see § 90.99

§ 90.28 SEIZURE, IMPOUNDMENT; PROCEDURE.

(A) Any law enforcement officer, Heath Officer or designated official of the city shall have authority relative to the picking up of dogs or cats anywhere within the limits of the city.

(B) Any dog or cat found at large in the city which is doing any of the acts enumerated in § 90.26 of this chapter may be seized and impounded by any law enforcement officer of the city, Health Officer or designated official.

(C) Any dog or cat impounded for observation for rabies shall be held until released by the Health Officer or otherwise disposed of.

(D) Any kept animal, wild or domestic, that shall bite a person, animal or livestock shall be securely confined by any law enforcement officer, Health Officer or designated official, of the city for a minimum of ten days following the biting of such person, animal or livestock, and not be released until the expiration of said ten-day period and upon satisfactory evidence that said animal is not suffering from rabies.

(E) Any dog running loose after biting a person, animal or livestock, and whose owner cannot be determined, shall be confined for a period of ten days at an animal shelter, at the sole expense of the owner thereof.
(Prior Code, § 91.22) (Ord. 240, passed 3-28-2022) Penalty, see § 90.99

§ 90.29 RABIES PREVENTION.

(A) Any person who shall have in his or her possession a dog or cat which has contracted rabies or which has been subjected to the same or which is suspected of having rabies or which has bitten any person, shall upon demand of a law enforcement officer of the city, Health Officer or other person designated by the city, produce and surrender up said dog to be held for observation.

(B) It shall be the duty of any person owning or harboring a dog which has been attacked or bitten by another dog or another animal showing the symptoms of rabies, immediately to notify a law enforcement officer, Health Officer or other person designated by the city of his or her possession of that dog.
(Prior Code, § 91.23) (Ord. 240, passed 3-28-2022) Penalty, see § 90.99

§ 90.30 LICENSE REQUIRED; LICENSES TO BE WORN.

(A) It shall be unlawful for any person to own, possess or harbor a dog in the city without first having obtained a license therefor, which shall be obtained from the County Treasurer as provided by state law.

(B) No license tag shall be used on the collar of any dog other than the one for which it is issued and no person shall remove the collar or license tag from any dog without the consent of the owner to which the license was issued.
(Prior Code, § 91.24) (Ord. 240, passed 3-28-2022) Penalty, see § 90.99

§ 90.31 CRUELTY, MISTREATMENT OF ANIMALS.

No person shall overwork, torture, torment, deprive of necessary sustenance, cruelly beat, mutilate or cruelly kill, or cause or procure to be so overworked, tortured, tormented, deprived of necessary sustenance, cruelly beaten, mutilated or cruelly killed, any animal. No person shall, having the charge or custody of any animal, either as owner or otherwise, inflict unnecessary cruelty upon the same, or willfully fail to provide the same with proper food, drink, shelter or protection from the weather.
(Ord. 240, passed 3-28-2022) Penalty, see § 90.99

§ 90.99 PENALTY.

(A) (1) Whoever violates any provision of this chapter for which no penalty is otherwise provided shall be subject to the penalty provisions of § 10.99 of this code of ordinances, at the discretion of a law enforcement officer, Health Officer or designated official of the city.

(2) A person who violates any provision of this chapter is responsible for a municipal civil infraction, subject to payment of a civil fine, plus costs and other sanction, for each violation as provided by §§ 10.35 through 10.43 of this code of ordinances, as amended.

(B) Whoever violates § 90.08 of this chapter which shall be specifically enforceable by a law enforcement officer, Health Officer or designated official of the city, shall be subject to a $300 fine. (Prior Code, § 91.99) (Ord. passed 2-25-1980; Ord. 240, passed 3-28-2022)

CHAPTER 91: HEALTH, SAFETY AND SANITATION; NUISANCES

Section

General Provisions

91.01 Abandoned and junked vehicles
91.02 Yard clippings
91.03 Nuisances; prohibited; enumeration
91.04 Weeds and other noxious growths
91.05 Noise control

Blight Prevention and Elimination

91.20 Definitions
91.21 Causes of blight; conditions
91.22 Refuse and litter; depositing
91.23 Enforcement; abatement

GENERAL PROVISIONS

§ 91.01 ABANDONED AND JUNKED VEHICLES.

(A) *Abandonment prohibited; impoundment*. Any vehicle unlicensed or unregistered found on property other than that of the owner of the vehicle shall be considered abandoned and impounded for a period of five days and shall, thereafter, be disposed of at the city's discretion. In the event a claim is made, all expenses incurred at that point by the city shall be liable to the established owner.
(Prior Code, § 90.01)

(B) *Storage of restorable vehicles*.

(1) Any junk vehicle (restored or wrecked) must be parked in such a way that its position does not create a visual nuisance or does not present a viable health hazard, as defined by the local Health Officer. The vehicle must be on the property of the owner of the same.

(2) Any junk vehicle (restored or wrecked) or parts thereof must be enclosed in aesthetic fencing or in an enclosed building in residential areas. All areas not otherwise defined shall be permitted to have restorable vehicles on the premises provided that the restorable vehicle comply with division (A) above; and, also provided that, those vehicles are screened by aesthetically pleasing hedges, trees or fences.
(Prior Code, § 90.02)

(C) *Enforcement; removal.* A property owner cited under this section shall be given 30 days to correct or to provide reasonable assurances of correction as determined by the Planning Commission. In the event of non-compliance, that vehicle shall be removed.
(Prior Code, § 90.03)

(D) *Determination of classification; appeal.* The Code Official shall make a determination as to be assigned to any one particular vehicle, but the owner of that vehicle may appeal to the Planning Commission.
(Prior Code, § 90.04)
(Ord. passed 3-14-1983) Penalty, see § 10.99

§ 91.02 YARD CLIPPINGS.

(A) *Definition.* ***YARD CLIPPINGS*** shall be consistent with and as defined within Public Act 451 of 1994, being M.C.L.A. § 324.11505, 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 wastes, roots, sewage sludge or garbage.
(Prior Code, § 95.40)

(B) *Ban on yard clippings disposal in landfills.* Commencing on the effective date of this section and all times thereafter, if the owner or operator of a disposal site that is a sanitary landfill, as defined in Public Act 641 of 1978, being M.C.L.A. §§ 324.11501 et seq., or of a transfer station processing solid waste to be disposed of includes yard clippings, that owner or operator shall not accept the solid waste for disposal. Yard clippings may be accepted for disposal in a composting area consistent with the solid waste management plant. This section shall not apply to yard clippings that are diseased or infested.
(Prior Code, § 95.41)

(C) *Ban on burning of yard clippings.* Commencing on the effective date of this section and at all times thereafter, no person shall kindle or burn any yard clippings or permit the kindling or burning of yard clippings within the city.
(Prior Code, § 95.42)
(Ord. 163, passed 2-13-1995) Penalty, see § 10.99

§ 91.03 NUISANCES; PROHIBITED; ENUMERATION.

(A) *Maintenance of nuisance prohibited.* Whatever annoys, injures or endangers the safety, health, comfort or repose of the public; offends public decency; interferes with, obstructs or renders dangerous any street, highway, navigable lake or stream; or in any way renders the public insecure in life or property is hereby declared to b a public nuisance. ***PUBLIC NUISANCES*** shall include, but not be limited to, whatever is forbidden by any provision of this section. No person shall commit, create or maintain any nuisance.
(Prior Code, § 96.01)

(B) *Enumeration of certain specific nuisances.* The following acts, services, apparatus and structures are hereby declared to be public nuisances:

(1) The maintenance of any pond, pool of water or vessel holding stagnant water;

(2) The throwing, placing, depositing or leaving in any street, highway, lane, alley, public place, square or sidewalk, or in any private place or premises where such throwing, placing, depositing or leaving is in the opinion of the Health Officer dangerous or detrimental to public health, or likely to cause sickness or attract flies, insects, rodents and/or vermin, by any person of any animal or vegetable substance, dead animal, fish, shell, tin cans, bottles, glass or other rubbish, dirt, excrement, filth, unclean or nauseous water or fluids, hay, straw, soot, garbage, swill, animal bones, hides or horns, rotten soap, grease or tallow, offal or any other offensive article or substance whatever;

(3) The pollution of any stream, lake or body of water by, or the depositing into or upon any highway, street, lane, alley, public street or square, or into any adjacent lot or grounds, or depositing or permitting to be deposited any refuse, foul or nauseous liquid or water, creamery or industrial waste, or forcing or discharging into any public or private sewer or drain any steam, vapor or gas;

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

(5) Any vehicle used for any immoral or illegal purpose;

(6) All indecent or obscene pictures, books, pamphlets, magazines and newspapers;

(7) Betting, bookmaking and all apparatus used in those occupations;

(8) All gambling devices;

(9) All houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame and bawdy houses;

(10) The distribution of samples of medicines or drugs unless those samples are placed in the hands of an adult person;

(11) All explosives, inflammable liquids and other dangerous substances stored in any manner or in any amount contrary to the provisions of this code or state statute;

(12) The maintenance of any barbed wire fence within 12 feet of any public right-of-way unless at least ten feet above the surface of that right-of-way;

(13) Any use of the public streets and/or sidewalks which causes large crowds to gather, obstructing the free use of the streets and/or sidewalks;

(14) All buildings, walls and other structures which have been damaged by fire, decay or otherwise and all excavations remaining unfilled or uncovered for a period of 90 days or longer, and which are situated so as to endanger the safety of the public;

(15) All dangerous, unguarded excavations or machinery in any public place or so situated, left or operated on private property as to attract the public;

(16) The owning, driving or moving upon the public streets and alleys of trucks or other motor vehicles which are constructed or loaded so as to permit any part of its load or contents to blow, fall or be deposited upon any street, alley, sidewalk or other public or private place, or which deposits from its wheels, tires or other parts onto the street, alley, sidewalk or other public or private place, dirt, grease, sticky substance or foreign matter of any kind. However, under circumstances determined by the City Manager to be in the public interest, he or she may grant persons temporary exemption from the provisions of this division (B)(16) conditioned upon cleaning and correcting the violating condition at least once daily and execution of an agreement by that person to reimburse the city for any extraordinary maintenance expenses incurred by the city in connection with that violation; and

(17) The placing or causing to be placed in or on any motor vehicle parked upon any street, alley or other public place within the corporate limits of the city any paper, posters, signs, cards or other advertising matter.
(Prior Code, § 96.02)

(C) *Abatement*.

(1) When any lot, building or structure within the city, because of any condition or happening, becomes, in the opinion of the City Council, a public hazard or nuisance which is dangerous to the health, safety or welfare of the inhabitants of the city or those residing or habitually going near such lot, building or structure, the City Council may, by resolution, after investigation, determine that a hazard or nuisance exists. A notice of the City Council's resolution shall be sent to the property owner. The City Clerk shall send the notice by certified mail, return receipt requested, addressed to the last known

address of the owners of the land. If a signed return receipt is not received by the City Clerk's office, the City Clerk shall publish the notice in a local newspaper at least seven days prior to the public hearing. If a rental property, notice shall be sent to the occupants of the dwelling (tenant), as well as the property owner.

(2) The notice to abate or remove a hazard or nuisance shall specify the nature of the hazard or nuisance and describe the property on which the hazard or nuisance is located and require the owner to abate or remove the hazard or nuisance promptly and shall designate a time within which the hazard or nuisance shall be abated or removed, which shall be commensurate with the nature of the hazard or nuisance. The notice shall further establish the date for a public hearing before the City Council at which time the owner may raise any objections to the proposed abatement. The City Clerk shall also give due notice of the hearing to any person who owns real property within 300 feet of the premises in question and to the occupants of single- and two-family dwellings within 300 feet. Such notices shall be delivered personally or by mail addressed to the respective owners and occupants at the addresses given in the last assessment roll. If an occupant's name is not known, the term "occupant" may be used. All notices shall provide a minimum notice of ten calendar days prior to the public hearing.

(3) If, at the expiration of the time limit to remove or to abate a hazard or nuisance, the owner has not complied with the requirements thereof, or in any case where the owner of the land or of the building or structure itself is not known, the City Council may, by resolution, after the public hearing, order such hazard removed or nuisance abated through legal action taken by the City Attorney.

(4) The City Manager or his or her designee shall take all steps necessary to carry out the directions of any court in removing a hazard or abating a nuisance, shall keep or cause to be kept an accurate record of all expenses in connection therewith and, upon completion of the work to be performed, shall submit a report of the work done and all expenses in connection therewith to the City Council and City Attorney.

(5) The City Council shall, by resolution, after examination of the City Manager's report, determine what amount or part of each such expense shall be charged and the person, if known, against whom and the premises upon which the expense shall be levied as a special assessment.
(Ord. 203, passed 10-11-2010)
Penalty, see § 10.99

§ 91.04 WEEDS AND OTHER NOXIOUS GROWTHS.

(A) *Definition.* ***NOXIOUS AND POISONOUS WEED*** includes Canada thistles, milkweed, wild carrots, ox-eye daisies, ragweed, goldenrod, burdock and poison ivy or other plants which in the opinion of the City Council is regarded as a common nuisance as provided under Public Act 359 of 1941 and M.C.L.A. § 247.62.
(Prior Code, § 96.15)

(B) *Application.* Nothing in this section and Public Act 359 of 1941, being M.C.L.A. §§ 247.61 et seq., shall apply to weeds in fields devoted to growing any small grain crop such as wheat, oats, barley, rye or hay. Yard grass shall be limited to a height of no greater than eight inches.
(Prior Code, § 96.16)

(C) *Duty of owner to cut or remove growths.* It shall be the duty of every person who owns land within the corporate limits of the city to cut, destroy and remove or cause to be cut, destroyed or removed that land, all noxious and poisonous weeds growing thereon and dead grass and brush and to cut grass longer than eight inches as often as necessary so as to prevent the owner's land from becoming unsightly and depreciating to the surrounding neighborhood and a common nuisance and health problem. The additional purpose of this section is to prevent those weeds from going to seed or to blossom, as the case may be, and to prevent any dead grass and brush from becoming a fire hazard.
(Prior Code, § 96.17)

(D) *Notice to remove.*

(1) It shall be the duty of the City Clerk, before June 1 and August 31 of each year, to post three printed notices, one each week for two consecutive weeks in a newspaper published and circulated within the city, giving notice of this section. This notice shall be substantially in the following form:

> TO ANY OWNER OF LAND SITUATED WITHIN THE CITY OF WAKEFIELD, COUNTY OF GOGEBIC AND STATE OF MICHIGAN:
>
> Notice is hereby given that it shall be the duty of every person who owns land within the corporate limits of the city to cut, destroy and remove or cause to be cut, destroyed and removed from that land, all noxious and poisonous weeds growing thereon and dead grass and brush and to cut grass longer than eight inches as often as necessary so as to prevent the owner's land from becoming unsightly and depreciating to the surrounding neighborhood and a common nuisance and health problem.

(2) The additional purpose of the notice is to prevent those weeds from going to seed or to blossom, as the case may be, and to prevent that dead grass or brush from becoming a fire hazard.

(3) Failure to comply with this notice shall make any party so failing liable for the costs of cutting, destroying and removing any noxious weeds and long grass and dead grass and dead brush by the city, those costs to be levied and collected against those lands in the same manner as the other taxes are levied and collected.
(Prior Code, § 96.18)

(E) *When city to do work.*

(1) Should an owner fail to conform with the provisions of this section within the time limited therein, it shall be the duty of the City Superintendent of Public Works to cause all of those noxious and poisonous weeds and long grass and dead grass and brush to be cut, destroyed and removed from that land and the Superintendent shall keep an accurate record of the expenses incurred in so doing with respect to each parcel of land entered upon therefor and shall make a sworn statement of that account and deliver the same to the City Clerk.

(2) The City Clerk shall present all accounts to the City Council not later than the third Monday in December of each year in which the labor was performed.

(3) The City Council shall audit and, if correct, allow those accounts and order the same paid from the General Fund of the city.

(4) The sworn statement of the Superintendent shall give the date or dates when those weeds, dead grass and long grass and brush were cut, destroyed and removed, the owner and description of the lands involved and the costs of the labor.
(Prior Code, § 96.19)

(F) *Collection of costs.*

(1) When those accounts shall be audited, allowed and paid as provided in division (E) above, it shall be the duty of the City Clerk to certify them forthwith to the City Assessor.

(2) All expenditures represented by those accounts shall be severally spread upon the city tax roll next in preparation, levied on the lands on which those expenditures were made, be a lien and collected in the same manner as other city taxes and paid into the General Fund of the city.
(Prior Code, § 96.20)
(Ord. passed 8-12-1985) Penalty, see § 10.99

§ 91.05 NOISE CONTROL.

(A) *Loud or unnecessary noises prohibited.* It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of the city.
(Prior Code, § 96.30)

(B) *Enumeration of acts producing loud or unnecessary noises.* The following acts, among others, are declared loud, disturbing and unnecessary noises in violation of this subchapter, but the enumeration shall not be deemed to be exclusive, namely:

(1) *Horns, signaling devices and the like.* The sounding of any horn or signaling device on any automobile, motorcycle, car or other vehicle on any street or public place of the city, except as a danger warning; the creation by means of any signaling device of any unreasonably loud or harsh sound; and the sounding of that device for an unnecessary and unreasonable period of time. The use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of that signaling device when traffic is for any reason held up;

(2) *Radios, phonographs and the like.* The using, operating or permitting to be played, used or operated any radio or television receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which that machine or device is operated and who are voluntarily listeners thereto. The operation of any set, instrument, phonograph, machine or device between the hours of 11:00 p.m. and 7:00 a.m. in a manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this division (B)(2);

(3) *Loud speakers, amplifiers for advertising.* The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproduction of sound which is cast upon the public streets for the purposes of commercial advertising or attracting the attention of the public to any building or structure;

(4) *Yelling, shouting and the like.* Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity;

(5) *Construction or repairing of buildings.* The erection (including excavating), demolition, alteration or repair of any building other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Building Inspector, which permit may be granted for a period not to exceed three days or less while the emergency continues and which permit may be renewed for periods of three days or less while the emergency continues. If the Building Inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways within the hours of 6:00 p.m. and 7:00 a.m., and if he or she shall further determine that loss or inconvenience would result to any party in interest, he or she may grant permission for that work to be done within the hours of 6:00 p.m. and 7:00 a.m., upon application being made at the time the permit for the work is awarded or during the progress of the work; and

(6) *Schools, courts, churches and hospitals.* The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in use, or adjacent to

any hospital, which unreasonably interferes with the workings of that institution, or which disturbs or unduly annoys patients in the hospital; provided, conspicuous signs are displayed in those streets indicating that the same is a school, hospital or court street.
(Prior Code, § 96.31)
Penalty, see § 10.99

BLIGHT PREVENTION AND ELIMINATION

§ 91.20 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

INOPERABLE. Incapable of being operated or propelled under its own power by reason of dismantling, disrepair or other cause.

JUNK AUTOMOBILES, JUNK MOTOR-DRIVEN VEHICLES, TRAILERS IN DISREPAIR, CONTRACTOR'S EQUIPMENT IN DISREPAIR OR BOAT HULLS IN DISREPAIR. Vehicles, trailers, equipment or boats that are inoperable or partially dismantled.

PARTIALLY DISMANTLED. A part or parts which is ordinarily a component has been removed or is missing.

WHITE GOODS. Stoves, refrigerators, freezers, sinks, clothes dryers, washing machines, bathtubs, other tubs and plumbing devices.
(Prior Code, § 95.01) (Ord. 141, passed 6-12-1989)

§ 91.21 CAUSES OF BLIGHT; CONDITIONS.

(A) It is hereby determined that the following uses, structures and activities are causes of blight or blighting factors which, if allowed to exist, will tend to result in blighted and undesirable neighborhoods. No person shall maintain or permit to be maintained any of these causes of blight or blighting factors upon any property in the city owned, leased, rented or occupied by that person.

(B) In any area where specifically permitted, the storage upon any property of junk automobiles, junk motor-driven vehicles, trailers in disrepair, contractor's equipment in disrepair, unused oil tanks or white goods, except in a completely enclosed building is prohibited.

(C) In any area, except where specifically permitted, the storage upon any property of building materials unless there is in force a valid building permit issued by the city for construction upon that property, and those materials are intended for use in connection with that construction, except the temporary storage of building materials which are not of a nature to be unsightly or cause of blight. Building materials shall include, but shall not be 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 constructing any structure.

(D) In any area, except where specifically permitted, the storage or accumulation of junk, trash, rubbish or refuse of any kind, except domestic refuse stored in a rodent-proof receptacle, in a manner as not to create a nuisance for a period not to exceed 30 days. The term, ***JUNK***, shall include parts of machinery or motor vehicles, unused stoves or other appliances stored in the open, remnants or wood, metal or other material or other cast-off material of any kind whether or not the same could be put to any reasonable use.

(E) In any area, the existence of any structure or part of any structure which, because of fire, wind or other natural disaster or physical deterioration is no longer habitable, if a dwelling, or useful or any other purpose for which it may have been intended.

(F) In any area zoned for residential purposes, the existence of any vacant dwellings, garage or other outbuilding unless those buildings are kept securely locked, windows kept glazed or neatly boarded up and otherwise protected to prevent entrance thereto by vandals.

(G) In any area, the existence of any partially completed structure, unless a structure is in the course of construction in accordance with a valid and subsisting building permit issued by the city and unless the construction is completed within a reasonable time.

(H) In any area, except where specifically permitted, the storage upon any property of junk all terrain vehicles or junk snowmobiles is prohibited. The terms ***JUNK ALL TERRAIN VEHICLES*** and ***JUNK SNOWMOBILES*** shall include any such item which is not operable, whether licensed or not, for any reason for a period in excess of 30 days and any item which is not registered, as required for use upon trails and routes, for a period in excess of 30 days.
(Prior Code, § 95.02) (Ord. 141, passed 6-12-1989; Ord. 211, passed 8-13-2012) Penalty, see § 10.99

§ 91.22 REFUSE AND LITTER; DEPOSITING.

It shall be unlawful for any person within the limits of the city to deposit, throw or place any garbage, refuse or litter in any street, alley or public place, except in designated dumping areas within the city, or upon any private property therein, whether owned by that person or not.
(Prior Code, § 95.03) (Ord. 141, passed 6-12-1989) Penalty, see § 10.99

§ 91.23 ENFORCEMENT; ABATEMENT.

(A) This subchapter shall be enforced by such persons who shall be designated by the City Council or City Manager.

(B) The owner, if possible, and the occupant of any property upon which the causes of blight or blighting factors set forth in § 91.21 of this chapter, are found to exist, shall be notified in writing to remove or eliminate those causes of blight or blighting factors from that property within ten days after service of notice in accordance with § 10.21 of this code of ordinances.

(C) Failure to comply with that notice within the time allowed, by the owner and/or occupant, shall constitute a violation of this subchapter.

(D) Any violation of this subchapter is a public nuisance. Upon application to any court of competent jurisdiction, the court may order the nuisance abated and/or the violation restrained and enjoined.

(E) (1) Administrative fees shall be charged for enforcement efforts under this subchapter, or any other subchapter that pertains to the cleanliness of property. Said fees shall be as follows, subject to amendment from time to time by resolution of the City Council.

(a) The first contact shall carry no administrative fee.

(b) The second contact, subsequent to a prior notice, shall have an administrative fee established by resolution of the City Council to be charged to the alleged violator.

(c) The third contact or any subsequent contact, subsequent to a second contact, shall have an administrative fee established by resolution of the City Council to be charged to the alleged violator.

(2) A repeat offender is a property owner whose property has had one or more blight prevention code violations within the previous two-year period. In cases involving a repeat offender, the first contact will be eliminated from the above process and the second contact will be the first contact to be given a repeat offender.

(Prior Code, § 95.04) (Ord. 141, passed 6-12-1989; Ord. 203, passed 10-11-2010; Ord. 211, passed 8-13-2012; Ord. 253, passed 2-9-2026)

CHAPTER 92: CEMETERIES

Section

General Provisions

92.01 Cemetery Board; rules and regulations
92.02 Supervision of cemetery
92.03 Record of ownership
92.04 Funds and accounts

Operation and Conduct

92.15 Lots to be exempt
92.16 Property damage; city's financial responsibility
92.17 Burying ground; vacation
92.18 Mausoleum use
92.19 Interment rules
92.20 Hours of operation
92.21 Prohibited acts
92.22 Lot decorations
92.23 Traffic control

GENERAL PROVISIONS

§ 92.01 CEMETERY BOARD; RULES AND REGULATIONS.

The City Council shall constitute the Cemetery Board and may adopt any rules and regulations governing those cemeteries as may be, from time to time, deemed necessary and those rules and regulations, when adopted and public notice thereof given, shall have the same force and effect as if the same were specifically set forth in this chapter.
(Prior Code, § 92.45)

§ 92.02 SUPERVISION OF CEMETERY.

The care, maintenance and operation of the cemetery shall be under the supervision of the City Manager.
(Prior Code, § 92.46)

§ 92.03 RECORD OF OWNERSHIP.

The City Clerk shall keep full and complete records of the ownership of all lots in the cemetery, of the burial capacity of each lot, sold and unsold, of the location of each grave, of the names of the persons buried in each grave that has been or shall hereafter be used, and of the date of burial of each.
(Prior Code, § 92.47)

§ 92.04 FUNDS AND ACCOUNTS.

(A) Any and all sums of money due and hereafter become due, under and by virtue of this chapter shall be paid the City Clerk, at the time of burial and the City Clerk shall issue a receipt therefor.

(B) The City Clerk shall keep full and detailed accounts of the receipts on account of the cemetery and at least once a month shall turn over all moneys collected on that account to the City Treasurer.
(Prior Code, § 92.48)

OPERATION AND CONDUCT

§ 92.15 LOTS TO BE EXEMPT.

Burial lots are exempt from taxation and liability for debt.
(Prior Code, § 92.01)

§ 92.16 PROPERTY DAMAGE; CITY'S FINANCIAL RESPONSIBILITY.

The city shall not be financially responsible for any damage to lots and structures or objects thereon, or for flowers or articles removed from any lot or grave.
(Prior Code, § 92.02)

§ 92.17 BURYING GROUND; VACATION.

When it may become necessary to vacate any burying ground, the City Council may institute proceedings for the termination and forfeiture of the right and interest thereof in the manner and form prescribed by state law and rules and regulations of this chapter.
(Prior Code, § 92.03)

§ 92.18 MAUSOLEUM USE.

The use of the mausoleum and the rates to be charged for that use shall be governed by rules adopted by the City Manager and approved by the City Council.
(Prior Code, § 92.04)

§ 92.19 INTERMENT RULES.

(A) *Verification procedure*. No deceased person shall be interred in the cemetery until the City Manager or the Manager's agent has verified:

(1) A burial permit has been obtained from the funeral director as required by law;

(2) The lot in which burial is to be made has been fully paid for;

(3) The person arranging for a burial has the right to the use of that lot;

(4) The lot is not used beyond its capacity; and

(5) Proper record is made of the name and age of the deceased person and of the exact location of the grave.
(Prior Code, § 92.15)

(B) *Restrictions*.

(1) There shall be no interment of anything other than the remains of human bodies in the cemetery and no interment of any deceased human shall be made in any other place than within cemeteries devoted to that purpose.

(2) The interment of two bodies in one grave is prohibited, excepting in the case of mother and infant, or two children buried at the same time.

(3) All applications for burial shall be made to the City Manager, or the City Manager's agent, in time to allow at least eight working hours to prepare the grave. The City Manager, or the agent, will coordinate and supervise all funeral activity within the cemetery.

(4) No burials shall be made on Sunday or legal holidays without special permission.
(Prior Code, § 92.16)

(C) *Memorials; specifications*. This section shall pertain to an above-ground memorial area.

(1) Monuments shall be erected under the control, direction and supervision of the City Manager or the City Manager's agent. They shall be placed as near the center of the lot as practicable, with only one monument to a lot. No monument shall be placed on a lot containing an area of less than 100 square feet. Monuments shall not cover more than 6% of the area of the lot. All monuments and markers shall be constructed of standard bronze, granite or marble, of non-artificial or non-perishable material and cannot be of sandstone, limestone or soapstone bases. In case a lot owner does not erect a family monument, he or she may erect a single grave monument for each grave not to exceed two feet, six inches in height, not less than eight inches nor more than 12 inches in width, and not less than 16 inches, nor more than 24 inches, in length; the monument to be of same material as specified above for family monuments.

(2) The foundation shall equal the base area of the monument or structure and shall be finished flush with or below the surface of the ground.

(3) If any monument, effigy or other structure placed upon any burial unit shall be determined to be improper or offensive by the City Council, it shall be the right and duty of the City Council to remove same upon failure of the owner to do so in accordance with terms of notice given by the City Council.
(Prior Code, § 92.17)

(D) *Permanent outside containers*. In all interments, the casket shall be enclosed in a permanent outside container. The following are considered permanent outside containers: concrete boxes; concrete, copper or steel burial vaults.
(Prior Code, § 92.18)

(E) *Disinterment*. Disinterment of a body once properly interred shall not be made without an order signed by a court of competent jurisdiction or other authorized authority. Graves shall not be opened for inspection, except for official investigation. Any markers or monuments designating the location of an interment shall be removed at the time a disinterment is made.
(Prior Code, § 92.19)
Penalty, see § 10.99

§ 92.20 HOURS OF OPERATION.

The cemetery shall be open from sunrise to sunset. No one shall be on the premises at any other time unless he, she or they shall have notified the police officer on duty that his, her or their intent and purpose is valid and have therefore received approval.
(Prior Code, § 92.30) Penalty, see § 10.99

§ 92.21 PROHIBITED ACTS.

No person shall:

(A) Drive any vehicle on other than established drives, except for maintenance personnel;

(B) Deposit rubbish or debris on cemetery grounds, except on the edge of drives or in receptacles provided;

(C) Pick or mutilate any flowers, either wild or domestic, or disturb any tree, shrub or other plant material;

(D) Consume alcoholic beverages in a cemetery or carry same upon the premises;

(E) Permit any dog to enter or remain in the cemetery;

(F) Use any form of advertising on cemetery premises; and/or

(G) Discharge a firearm or explosive charges in the cemetery. This prohibition shall not apply to authorized volleys at burial services.
(Prior Code, § 92.31) Penalty, see § 10.99

§ 92.22 LOT DECORATIONS.

(A) Lot decorations shall be deemed to include all structures, ornaments, plantings or other embellishments with the exception of monuments and markers which are placed on cemetery lots with the intention of improving their appearance. Because certain types of individual lot decorations are not in harmony with the development of the cemetery as a whole or because they may intensify maintenance problems, the following rules shall be observed with regard to the decoration of cemetery lots.

(1) Copings, fences, curbs, benches, steps, structures of wood or other equally perishable material are prohibited. Those structures or enclosures established on any lot previous to the adoption

of these regulations which have, in the judgment of the cemetery management, become unsightly by reason of neglect or age shall be removed.

(2) No elevated mounds shall be built over graves and no lot shall be filled above the grade established by the city.

(3) Receptacles for cut flowers will be permitted if installed flush with the surface of the lawn. The use of glass jars or bottles as receptacles for cut flowers is strictly prohibited.

(4) Winter decorations may be maintained on graves until May 1. If those decorations are not removed by May 1, they shall be considered abandoned and may be disposed of by the cemetery management.

(5) Plantings shall be permitted only under supervision of the sexton and after receiving written permission therefor. Plantings placed on a lot without a permit will be removed without notice.

(6) The planting of hedges is strictly prohibited. Existing hedges will be removed whenever they become unsightly or encroach upon an adjoining lot or path.

(7) The city will remove all flowers, trees and shrubs which have become unsightly or dangerous.

(8) No deciduous tree or conifer shall be removed or pruned, except under the direction and with the consent of the sexton.

(B) The following rules shall be observed with regard to the decoration of lots in the newly platted Block 27 and that section of Block 8 covering lots beginning with Lot 9.

(1) No planting shall be made by anyone other than cemetery employees on flush marker sections. The planting as may be installed by cemetery employees will be limited to areas set aside for that purpose.

(2) Cut flowers will be permitted provided they are placed in approved receptacles, installed flush with the lawn surfaces.

(3) Potted plants will be permitted to remain on lots from May 22 until October 15. If left after this date, they will be removed without notice.

(4) No other lot decoration of any description will be permitted on lots in flush marker sections.

(5) Only flush markers shall be permitted in the blocks and the portions of blocks referred to in this division (B).
(Prior Code, § 92.32) Penalty, see § 10.99

§ 92.23 TRAFFIC CONTROL.

All traffic laws of the city shall be applicable to operation of vehicles in cemeteries and shall be strictly observed. A person driving in a cemetery shall be responsible for any damage done by the vehicle.
(Prior Code, § 92.33) Penalty, see § 10.99

CHAPTER 93: LIBRARY

Section

General Provisions

93.01 Use of library
93.02 Maintenance; library funds
93.03 Construction of additional buildings

Library Board

93.15 Establishment; Directors
93.16 Officers
93.17 Powers and duties
93.18 Records to be kept
93.19 Annual budget

GENERAL PROVISIONS

§ 93.01 USE OF LIBRARY.

(A) The Library Board shall maintain the public library for the use and benefit of the inhabitants and freeholders of the city.

(B) (1) All inhabitants and freeholders of the city shall have free use of the library subject only to those reasonable rules and regulations as may be adopted by the Board, and subject further to the right of the Board to exclude from the use of the library any and all persons who shall willfully violate those rules.

(2) Non-residents may be granted permission to use the library under those conditions and upon payment of fees as may be prescribed by the Library Board.
(Prior Code, § 93.01)

§ 93.02 MAINTENANCE; LIBRARY FUNDS.

(A) (1) The city shall maintain the Public Library established in the city as a free public library and for that purpose the City Council shall include in the annual budget a sum as may be deemed necessary for the purpose of maintaining the library. The amount so appropriated shall be known as the Library Fund.

(2) When the Council shall determine by resolution that it is expedient to purchase ground and buildings, or construct or remodel buildings for library purposes, it may raise money as deemed necessary for that purpose and the amount so raised shall be known as the "Library Building Fund".

(B) The City Treasurer shall have custody of all money belonging to the Library Fund, including cash receipts, and shall pay out that money only upon proper vouchers; provided, the Library Board may keep a petty cash fund of not exceeding $10 for the handling of petty cash disbursements. The custodian of the Petty Cash Fund shall be designated by the Library Board and the Board shall be required to furnish a bond of not less than $100. Any money received by the library in trust for specific purposes shall be paid out only in accordance with the terms of that trust. A report of all gifts and disbursements made therefrom shall be included in the annual report to the City Council.
(Prior Code, § 93.02)

§ 93.03 CONSTRUCTION OF ADDITIONAL BUILDINGS.

(A) When the construction of a library building or buildings is contemplated, it shall be the duty of the Library Board to prepare detailed plans and specifications for the same.

(B) These plans and specifications may be prepared by the Planning Commission and the Library Board on their own initiative, wherever they believe that the construction or remodeling of that building or buildings is necessary or desirable, or shall be prepared whenever requested by the City Council.

(C) These plans and specifications shall be submitted to the City Council for approval or rejection and, if approved, shall be filed with the City Clerk, and estimates of the cost of that construction shall be prepared under direction of the City Manager. If not approved, same shall be returned to the Planning Commission and the Library Board with reasons for their rejection.

(D) The contracts for construction shall be let by the Council. The contracts shall provide that the City Manager shall have the right to inspect the work or materials used in the constructions.

(E) The Library Board shall designate one of their number to cooperate with the City Manager in the superintendence of the construction of any such building or buildings.
(Prior Code, § 93.03)

LIBRARY BOARD

§ 93.15 ESTABLISHMENT; DIRECTORS.

The public library shall be administered by a Library Board, which shall consist of five Directors, four of whom shall be residents or freeholders of the city and shall be citizens of the United States. The fifth member may be appointed from the Township of Wakefield, Michigan. The directors shall be appointed by the Mayor with the approval of the Council. Hereafter, prior to February 1, one Director shall be appointed annually to serve for a term of five years. Each member of the Library Board and each director hereafter appointed shall serve until a successor is appointed and qualified. Within ten days after appointment and before entering upon his or her duties as a member of the Library Board, each appointee shall file written acceptance with the City Clerk and subscribe and file with the Clerk an oath to support the Constitution of the United States, the Constitution of the state and to faithfully perform the duties of the office of Library Director to the best of his or her ability. All Library Directors shall serve as such without compensation.
(Prior Code, § 93.15)

§ 93.16 OFFICERS.

The Board of Library Trustees shall organize by electing annually, at its first regular meeting in February, a President, Vice-President, Secretary and any other officers as may be necessary for the proper conduct of the duties of the Board. The Secretary shall notify the Council of the names of those officers promptly after their appointment. Three members of the Board shall constitute a quorum for the transaction of business.
(Prior Code, § 93.16)

§ 93.17 POWERS AND DUTIES.

(A) It shall be the duty of the Library Board to control and govern the library reading rooms, branches and stations established or to be established, and for that purpose the Board may make or adopt bylaws, rules or regulations as may be expedient and not inconsistent with the Charter of the city and the general laws of the state.

(1) The Board shall have the power to appoint a librarian, library assistants and other library employees as may be required, fix their compensation within limits of the library budget and terminate their employment, subject to civil service rules and regulations. It shall have the care and custody of the books, magazines, furniture, fixtures and equipment in the library. The city shall keep that property properly and adequately insured against loss or damage by fire or other casualty in such amounts and

with those insurers as shall be approved by the City Council. The Library Board shall have the power to impose and collect reasonable fines for the infringement of established rules and regulations.

(2) The Board may enter into contracts with other municipalities for furnishing the use of its library facilities and services and make reasonable charges therefor; it may establish and collect fees for use of those services and facilities by nonresidents of the city; it may accept donations, contributions and gifts, either general or for specific purposes, and may expend the money so received in accordance with any lawful stipulation imposed by the donor; it may receive any money appropriated to it by the state and disburse same in accordance with the laws governing that disbursement. All money received by the Library Board shall be deposited with the City Treasurer and except as otherwise provided by law or ordinance, credited to the Library Fund.

(B) All purchases of books, magazines, periodicals, library equipment and supplies shall be made by the city's Purchasing Agent upon requisitions approved by the Library Board. Invoices and vouchers for payment of library purchases, salaries and other expenses shall be approved by the Library Board and submitted to the City Treasurer for payment. Expenditures of the Library Board, except from state aid funds and funds given in trust for special purposes, shall be limited to the amount appropriated by the City Council for library purposes.

(C) The City Council shall provide suitable quarters for housing the library and shall provide janitorial service, maintenance and heating therefor. The janitorial service and maintenance shall be under the supervision of the City Manager.
(Prior Code, § 93.17)

§ 93.18 RECORDS TO BE KEPT.

The Library Board shall keep a complete record of its proceedings and the same shall be public records. It shall make, at the end of the fiscal year and at any other times when requested by the Council, a report to the City Council stating the condition of their trust; an account of all money received; how much money has been expended from the Library Fund and other sources and for what purposes; the number of books and periodicals on hand; the number added by purchase or gift during the year; the number lost, missing or worn out; the number of books and periodicals loaned out; and any other statistics, information and suggestions as it may deem of general interest.
(Prior Code, § 93.18)

§ 93.19 ANNUAL BUDGET.

Not later than 75 days before the end of each fiscal year, the Library Board shall furnish the City Manager with an estimate of the annual budget required for the ensuing fiscal year, which budget shall be submitted to the City Council for approval or rejection at the time the general budget of the city is

so submitted. If rejected, the Council may either amend the budget and approve same as amended, or may return the budget to the Library Board with reasons for its rejection, and request an amended budget from the Board. When the library budget has been approved by the Council, the Council shall levy a tax as may be necessary to meet the budget appropriation for library purposes. The Library Board shall not expend in any one year a greater amount than the amount so approved by the Council when fixing the budget appropriation for library purposes; provided, the Council may, by resolution, authorize additional expenditures by the Library Board and appropriate money therefor.
(Prior Code, § 93.19)

CHAPTER 94: PARKS AND RECREATION

Section

Public Parks

94.01 Injury to park property
94.02 Waste containers
94.03 Animals, bicycles and motorcycles
94.04 Travel trailers
94.05 Ball games
94.06 Intoxicating liquors
94.07 Additional rules

Cross-reference:

Cemeteries, see Chapter 92
Traveling shows, see § 112.01
Zoning, see Chapter 158

PUBLIC PARKS

§ 94.01 INJURY TO PARK PROPERTY.

No person shall obstruct any walk or drive in any public park or playground and no person shall injure, mar or damage in any manner, any monument, ornament, fence, bridge, seat, tree, fountain, shrub, flower, playground equipment, fireplaces or other public property within or pertaining to those parks.
(Prior Code, § 97.01) Penalty, see § 10.99

§ 94.02 WASTE CONTAINERS.

No person shall place or deposit any garbage, glass, tin cans, paper or miscellaneous waste in any park or playground, except in containers provided for that purpose.
(Prior Code, § 97.02) Penalty, see § 10.99

§ 94.03 ANIMALS, BICYCLES AND MOTORCYCLES.

No person shall bring any horse into any city park. No person shall ride in any city park any bicycle, motorcycle or motor-driven cycle. No person who is the owner of any dog, as defined in § 90.25 of this code of ordinances, shall permit that dog to be in any city park unless on a leash held by a person who keeps that dog on leash at all times.
(Prior Code, § 97.03) Penalty, see § 10.99

§ 94.04 TRAVEL TRAILERS.

The City Council may designate areas within any city park where permits to park travel trailers may be granted in accordance with those rules as it may prescribe by resolution.
(Prior Code, § 97.04)

§ 94.05 BALL GAMES.

No baseball, football or softball throwing, or other violent or rough exercises or play shall be engaged in at any public park or other public place, except at areas designated therefor by the City Council.
(Prior Code, § 97.05) Penalty, see § 10.99

§ 94.06 INTOXICATING LIQUORS.

No person or group of persons shall abuse the privilege of bringing or consuming any alcoholic beverage in any city park.
(Prior Code, § 97.06) Penalty, see § 10.99

§ 94.07 ADDITIONAL RULES.

The City Council shall adopt, by resolution, any additional rules and regulations pertaining to the conduct and use of parks and public grounds as are necessary to administer the same and to protect public property and the safety, health, morals and welfare of the public, and no person shall fail to comply with these rules and regulations.
(Prior Code, § 97.07) Penalty, see § 10.99

CHAPTER 95: FAIR HOUSING

Section

95.01 Declaration of policy
95.02 Definitions
95.03 Prohibited acts

95.99 Penalty

§ 95.01 DECLARATION OF POLICY.

(A) In furthering the policy of the state, as expressed in its Constitution and other laws and in order that the safety and general welfare, peace and health of all the inhabitants of the city may be ensured, it is hereby declared the policy of the city to assure equal opportunity to all residents, regardless of race, color, religion, national origin or ancestry, sex, creed or physical disability to live in decent, sanitary, healthful, standard living quarters.

(B) It is the policy of the city that no owner, lessee, sublessee, assignee, managing agent or other person, firm or corporation having the right to sell, rent, lease (or otherwise control) any housing accommodation and/or real property within the city, or any agent of these shall refuse to sell, rent, lease or otherwise deny to or withhold from any person or group of persons such housing accommodations and/or real property because of race, color, religion, national origin or ancestry, sex, creed or disability of such person or persons or discriminate against any person or persons because of race, color, religion, national origin or ancestry, sex, creed or disability in the conditions, terms, privileges of the sale, rental or lease of any housing accommodation and/or real property or in the furnishing of facilities and/or services in connection therewith.

(C) Relocation shall be carried out in a manner that will promote maximum choice within the community's total housing supply; lessen racial, ethnic and economic concentrations; and facilitate desegregation and racially inclusive patterns of occupancy and use of public and private facilities.
(Ord. 219, passed 10-12-2015)

§ 95.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly requires a different meaning.

DECENT, SANITARY, HEALTHFUL STANDARD LIVING QUARTERS. Housing which is in sound, clean and weather-tight condition in conformance with applicable local, state and national codes.

DISCRIMINATE or ***DISCRIMINATION.*** Any difference expressed in any way toward a person or persons in the terms of the sale, exchange, lease, rental or financing for housing accommodation and/or real property in regard to such sale, exchange, rental, lease or finance because of race, color, religion, national origin or ancestry, sex, creed or disability of such person.

FINANCIAL INSTITUTION. Any person, institution or business entity of any kind which loans money to persons and receives as security for said loans a secured interest of any kind in the real property of the borrower.

HOUSING ACCOMMODATION. Includes any building, structure or portion thereof which is used or occupied, maintained, arranged or designed to be used or occupied as a home, residence or sleeping place of one or more human beings, or any real estate so used, designed or intended for such use.

OWNER. Any person/persons who hold legal or equitable title to, or own any beneficial interest in any real property or who hold legal or equitable title to shares of, or hold any beneficial interest in any real estate cooperative which owns any real property and/or housing accommodations.

REAL ESTATE BROKER. Any person, partnership, association, corporation and/or agent thereof, who for a fee or other valuable consideration offers, sells, purchases, exchanges or rents, or negotiates for the sale, purchase, exchange or rental of a housing accommodation and/or real property of another, or collects rental for the use of housing accommodation and/or real property of another.

REAL PROPERTY. Any real estate, vacant land, building, structure or housing accommodations within the corporate limits of the city.
(Ord. 219, passed 10-12-2015)

§ 95.03 PROHIBITED ACTS.

(A) It shall be unlawful for any owner of real estate, lessee, sublessee, real estate broker or salesman, financial institution or employee of the financial institution, advertiser or agent of any or all of the foregoing, to discriminate against any person or persons because of his, her or their race, color, religion, national origin or ancestry, sex, creed or disability with regard to the sale, exchange or rental or any dealing concerning any housing accommodation and/or real property.

(B) In addition to the foregoing, it shall also be unlawful for any real estate broker or employee thereof, owner or other person or financial institution dealing with housing or real property in the city:

(1) To discriminate against any person in the availability of or the price, terms, conditions or privileges of any kind relating to the sale, rental, lease or occupancy of any housing accommodation or real property in the city or in furnishing of any facilities or services in connection therewith;

(2) To publish or circulate, or cause to be published or circulated, any notice, statement or advertisement, or to announce a policy, or to use any form of application, for the purchase, lease, rental or financing of real property, or to make any record of inquiry in connection with the prospective purchase, rental or lease of such real estate, which expresses directly or indirectly any discrimination as to race, color, religion, national origin or ancestry, sex, creed or disability of any person;

(3) To discriminate in connection with lending money, guaranteeing loans, accepting mortgages or otherwise obtaining or making available funds for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation and/or real property;

(4) To solicit for sale, lease or listing for the sale or lease, of any housing accommodation and/or real property on the grounds of loss of value because of the present or prospective entry into any neighborhood of any person or persons of any particular race, color, religion, national origin or ancestry, sex, creed or disability;

(5) To distribute or cause to be distributed, written material or statements designed to induce any owner or any housing accommodation and/or real property to sell or lease his or her property because of any present or prospective change in the race, color, religion, national origin or ancestry, sex, creed or disability of persons in the neighborhood;

(6) To make any misrepresentations concerning the listing for sale or the anticipated listing for sale or the sale of any housing accommodation and/or real property for the purpose of inducing or attempting to induce the sale or listing for sale of any housing accommodation and/or real property by representing that the presence or anticipated presence of persons of any particular race, color, religion, national origin or ancestry, sex, creed or disability in the area will or may result in the lowering of property values in the block, neighborhood or area in which the property is located;

(7) For an owner to solicit any real estate broker to sell, rent or otherwise deal with such owner's housing accommodations and/or real property with any limitation on its sale based on race, color, religion, national origin or ancestry, sex, creed or disability; and/or

(8) For an owner to refuse to sell, rent or otherwise deal with any housing accommodation and/or real property because of race, color, religion, national origin or ancestry, sex, creed or disability of the proposed buyer or tenant.

(Ord. 219, passed 10-12-2015) Penalty, see § 95.99

§ 95.99 PENALTY.

Any person convicted of violating any of the provisions of this chapter shall be punished by a fine of not less than $100, nor more than $1,500. Each day a violation continues shall constitute a separate violation. This section shall in no way abrogate or impair the right of the city to specifically enforce, by any legal means, any of the provisions of this chapter.
(Ord. 219, passed 10-12-2015)

CHAPTER 96: FIRE PREVENTION AND PROTECTION

Section

International Fire Code

96.01 Code adopted by reference
96.02 Enforcing authority
96.03 Definition
96.04 Modifications
96.05 Appeals

96.99 Penalty

INTERNATIONAL FIRE CODE

§ 96.01 CODE ADOPTED BY REFERENCE.

The "International Fire Code," 2021 edition, as published by the International Code Council, and all future editions as they are published and made publicly available, are hereby adopted by reference as the Fire Code of the City of Wakefield. The provisions of the International Fire Code, as adopted and as amended by this chapter, shall govern conditions hazardous to life, health, and property from fire or explosion within the city. Copies of the adopted Code shall be maintained and made available to the public by the City Clerk in accordance with Michigan law.
(Prior Code, § 94.01) (Ord. 253, passed 2-9-2026)

§ 96.02 ENFORCING AUTHORITY.

The International Fire Code adopted in § 96.01 shall be enforced by the Chief of the Fire Department or their designee. The Fire Chief shall have authority to administer, interpret, and enforce the provisions of the Code, issue orders, and take such actions as necessary to safeguard life, health, and property from fire or explosion hazards.
(Prior Code, § 94.02) (Ord. 253, passed 2-9-2026)

§ 96.03 DEFINITION.

For purposes of the International Fire Code adopted in § 96.01, references to ***JURISDICTION*** or ***MUNICIPALITY*** shall mean the City of Wakefield.
(Prior Code, § 94.03) (Ord. 253, passed 2-9-2026)

§ 96.04 MODIFICATIONS.

The Fire Chief, or their designee, may approve modifications of the International Fire Code in accordance with the procedures and standards set forth in that Code, when practical difficulties prevent strict compliance and when the modification does not lessen health, life, or fire safety. Any approved modification shall be documented in writing and maintained as part of the official enforcement record. If any provision of the International Fire Code conflicts with state statute or regulations of the State Fire Marshal, state law shall control.
(Prior Code, § 94.04) (Ord. 253, passed 2-9-2026)

§ 96.05 APPEALS.

Any person aggrieved by a decision, order, or interpretation made by the Fire Chief under the International Fire Code may appeal the decision to the City Manager within 30 days of the date of the decision. The City Manager shall review the record, may request additional information, and shall issue a written decision affirming, modifying, or reversing the Fire Chief's determination. The decision of the City Manager shall constitute the final administrative decision of the city.
(Prior Code, § 94.05) (Ord. 253, passed 2-9-2026)

§ 96.99 PENALTY.

(A) Any person violating any provision of this chapter is responsible for a municipal civil infraction, enforceable under § 10.40 of this code of ordinances.

(B) (1) Each day that a violation continues constitutes a separate offense.

(2) Any building, structure, or premises erected, used, or maintained in violation of this chapter is declared a nuisance per se. Upon application to a court of competent jurisdiction, the court may order the nuisance abated and may grant such relief as permitted by law.
(Prior Code, § 94.99) (Ord. 253, passed 2-9-2026)

CHAPTER 97: HAZARDOUS MATERIALS

Section

97.01 Purpose
97.02 Definitions
97.03 Duty to remove, clean up; failure
97.04 Liability for expense
97.05 Charge against person; cost recovery schedule; billing

§ 97.01 PURPOSE.

The city finds that a significant potential exists for Police, Fire Department and Rescue Services to respond to incidents involving the release or threatened release of hazardous materials. Such incidents create a great likelihood of personal injury and/or property damage. The control and abatement of such incidents places a significant financial and operational burden upon police, fire fighting and rescue services.
(Ord. 186, passed 6-14-2004)

§ 97.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly requires a different meaning.

BUILDING. Any structure used or intended for supporting or sheltering any use or occupancy.

EMERGENCY RESPONSE. The providing, sending and/or utilizing of police, fire fighting, emergency medical and rescue services by the city, or by a private industrial entity or corporation operating at the request or direction of the city or state, for an incident resulting in a hazardous materials release or threatened release.

EXPENSES OF AN EMERGENCY RESPONSE. The direct and reasonable costs incurred by the city, or by a private person, corporation or other assisting government agency, which is operating at the request or direction of the city, when making an emergency response to the hazardous materials incident, including the costs of providing police, fire fighting, rescue services, emergency medical services, containment and abatement of all hazardous conditions at the scene of the incident. The costs further include all of the salaries and wages of city personnel responding to the incident, salaries and wage of city personnel engaged in the investigation, supervision and report preparation regarding said incident, at the request or direction of the city, and all costs connected with the administration of the incident

relating to any prosecution of the appearance of witnesses at any court proceedings in relation thereto. Costs shall also include, but not be limited to, such items as disposable materials and supplies used during the response to said incident, the rental or leasing of equipment used for the specific response, replacement of equipment which is special technical services and laboratory cost, services and supplies purchased for any specific evacuation relating to said incident, and any other cost reasonably associated with the emergency services clean up.

HAZARDOUS MATERIAL. Explosives, pyrotechnics, flammable compressed gas, flammable liquid, combustible liquid oxidizing material, poisonous gas, poisonous liquid, poisonous solid, irritating material, etiological material, radioactive material, corrosive material, liquefied petroleum gas or any other hazardous material, as defined in M.C.L.A. § 29.1.

OWNER. Any person having a vested or contingent interest in the property, premises, container or vehicle involved in the hazardous materials incident, including but not limited to any duly authorized agent or attorney, purchaser, divisee or fiduciary of said person having said vested or contingent interest.

PREMISES. Any lot or parcel of land, exclusive of buildings, and includes a parking lot, tourist camp, trailer camp, airport, stockyard, junk yard, wharf, pier, public roadway and any other place of enclosure, however owned, used or occupied.

VEHICLE. Any mode which is used as an instrument of conveyance, including, but not limited to, motor vehicles, railroads, boats, aircraft and the like.
(Ord. 186, passed 6-14-2004)

§ 97.03 DUTY TO REMOVE, CLEAN UP; FAILURE.

(A) *Duty to remove*. It shall be the duty of the owner, operator, occupant or other person responsible for the operation, maintenance and/or condition of any building, premises, property or vehicle regarding which an incident arises which involves the release or threatened release of hazardous materials on or about said building, premises, property and/or vehicle to immediately contain and control such hazardous material and undertake and complete a total cleanup of the area in such a manner as to insure that all leakage, spillage or other dissemination of hazardous material is fully removed and the area is fully restored to it's condition prior to the placement, leakage, spillage or other dissemination of such hazardous material.

(B) *Failure to remove and clean up*. In the event the owner, operator, occupant or other person responsible for the operation, maintenance and/or condition of any building, premises, property or vehicle regarding which an incident arises which involves the release or threatened release of hazardous materials on or about said building, premises, property and/or vehicle, fails to remove in a time directed by the personnel authorized by the City Council, hazardous materials after an emergency response involving hazardous materials or comply completely with the above section, the city shall have the right to enter onto said property and remove and conduct a clean up of all such hazardous materials either by

governmental employees or by contractors and agents of said government. Prior to engaging in such clean up, the city shall make reasonable efforts to notify the owner of its duty to abate said emergency. All costs associated with such containment, control, removal and clean up are in addition to the costs associated in the following sections and are to be reimbursed in like manner.
(Ord. 186, passed 6-14-2004)

§ 97.04 LIABILITY FOR EXPENSE.

The owner, operator, occupant or other person responsible for the operation, maintenance and/or condition of any building, premises, property or vehicle regarding which an incident arises which involves the release or threatened release of hazardous materials on or about said building, premises, property and/or vehicle shall be required to reimburse the city for all expenses of an emergency response to said hazardous materials incident.
(Ord. 186, passed 6-14-2004)

§ 97.05 CHARGE AGAINST PERSON; COST RECOVERY SCHEDULE; BILLING.

(A) *Charge against person.* The expense of an emergency response shall be a charge against the person or corporation liable for the expenses under this chapter. The charge constitutes a debt of that person or corporation and is collectible by the city in the same manner as in the case of an obligation under contract, express or implied.

(B) *Cost recovery schedule.* The city shall, by resolution, as soon as possible after an emergency response, adopt a schedule of the costs included within the expense of the emergency response. This schedule shall be available at the office of the City Clerk for inspection by the public.

(C) *Billing.* The city may, within ten days of receiving itemized costs, or any part thereof, incurred for an emergency response, submit a bill for these costs by first class mail or personal service to the person or corporation liable for the expenses as enumerated under this chapter. The bill(s) shall require full payment within 30 days from the date of mailing or service of said bill upon the responsible person.

(D) *Failure to pay; procedure to recover costs.* Any failure by a person or corporation described in this chapter as liable or responsible for expenses of an emergency response to pay said bill within 30 days of mailing or service of the bill shall constitute a default on said bill. In the case of default, the city shall have the right and power to add all emergency response costs to the tax roll as incident, to any real estate owned by person or corporation responsible for cost and to levy and collect such costs in the same manner as provided for the levy and collection of real property taxes against said property or premises. The city shall also have the right to bring action in a court of competent jurisdiction to collect said costs if the city deems such action to be necessary.
(Ord. 186, passed 6-14-2004)

TITLE XI: BUSINESS REGULATIONS

Chapter

110. GENERAL LICENSING REGULATIONS

111. ALCOHOLIC BEVERAGES

112. AMUSEMENTS AND LEISURE

113. JUNK DEALERS

114. PEDDLERS AND SOLICITORS

115. VEHICLE-RELATED SERVICES

116. TELECOMMUNICATIONS

117. CABLE TELEVISION

118. SHORT-TERM RENTALS

CHAPTER 110: GENERAL LICENSING REGULATIONS

Section

110.01 Definition
110.02 License required
110.03 Individual licenses required for multiple businesses
110.04 License from city required for state-licensed businesses
110.05 License application
110.06 License duration; proration
110.07 Conditions for issuance
110.08 Where certification required
110.09 Bonds; insurance
110.10 Approval of application; issuance
110.11 Payment of fees
110.12 License renewal; late renewals and fees
110.13 License exhibition
110.14 Display of invalid license
110.15 License transference; automatic revocation upon misuse
110.16 Suspension or revocation
110.17 Exemptions
110.18 Schedule established; fees

§ 110.01 DEFINITION.

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

CAUSE. The doing or omitting of any act, or permitting any condition to exist in connection with any trade, profession, business or privilege for which a license or permit is granted under the provisions of this code, or upon any premises or facilities used in connection therewith, which act, omission or condition is:

(1) Contrary to the health, morals, safety or welfare of the public;

(2) Unlawful, irregular or fraudulent in nature;

(3) Unauthorized or beyond the scope of the license or permit granted; or

(4) Forbidden by the provisions of this code or any duly established rule or regulation of the city applicable to the trade, profession, business or privilege for which the license or permit has been granted.
(Prior Code, § 110.01)

§ 110.02 LICENSE REQUIRED.

No person shall engage, or be engaged, in the operation, conduct or carrying on of any trade, profession, business or privilege for which any license is required by any provision of this code without first obtaining a license from the city in the manner provided for in this chapter.
(Prior Code, § 110.02) Penalty, see § 10.99

§ 110.03 INDIVIDUAL LICENSES REQUIRED FOR MULTIPLE BUSINESSES.

The granting of a license or permit to any person operating, conducting or carrying on any trade, profession, business or privilege which contains within itself, or is composed of, trades, professions, businesses or privileges which are required by this code to be licensed, shall not relieve the person to whom that license or permit is granted from the necessity of securing individual licenses or permits for each trade, profession, business or privilege, except as specifically provided elsewhere in this code.
(Prior Code, § 110.03)

§ 110.04 LICENSE FROM CITY REQUIRED FOR STATE-LICENSED BUSINESSES.

The fact that a license or permit has been granted to any person by the state to engage in the operation, conduct or carrying on of any trade, profession, business or privilege shall not exempt that person from the necessity of securing a license or permit from the city if the license or permit is required by this code.
(Prior Code, § 110.04)

§ 110.05 LICENSE APPLICATION.

Unless otherwise provided in this code, every person required to obtain a license from the city to engage in the operation, conduct or carrying on of any trade, profession, business or privilege shall make

application for that license to the City Clerk upon forms provided by the City Clerk and shall state under oath or affirmation those facts, as may be required for, or applicable to, the granting of the license. No person shall make false statement or representation in connection with any application for a license under this code.
(Prior Code, § 110.05)

§ 110.06 DURATION OF LICENSE; PRORATION.

Except as otherwise herein provided as to certain licenses, the license year shall begin July 1 of each year and shall terminate at 12:00 a.m. on June 30 of the following year. Original licenses shall be issued for the balance of the license year at the full license fee; except that, after January 1, the fee for any license shall be one-half the full amount, if the full fee is $10 or more. License applications for license renewals shall be accepted and licenses issued for a period of 15 days prior to the annual expiration date. In all cases where the provisions of this code permit the issuance of licenses for periods of less than one year, the effective date of those licenses shall commence with the date of issuance thereof.
(Prior Code, § 110.06)

§ 110.07 CONDITIONS FOR ISSUANCE.

No license or permit required by this code shall be issued to any person who is required to have a license or permit from the state, until that person shall submit evidence of a state license or permit and proof that all fees appertaining thereto have been paid. No license shall be granted to any applicant therefor until that applicant has complied with all of the provisions of this code applicable to the trade, profession, business or privilege for which application for license is made, nor unless the applicant agrees in writing to permit inspection of the licensed premises at reasonable hours by authorized officers of the city.
(Prior Code, § 110.07)

§ 110.08 WHERE CERTIFICATION REQUIRED.

(A) *General.* No license shall be granted where the certification of any officer of the city is required prior to the issuance thereof until that certification is made.

(B) *Types of certification.*

(1) *Health Officer's certificate.* In all cases where the certification of the Health Officer is required prior to the issuance of any license by the City Clerk, the certification shall be based upon an actual inspection and a finding that the person making application and the premises in which he proposes to conduct or is conducting the trade, profession, business or privilege comply with all the sanitary requirements of the state and of the city.

(2) *Fire Chief's certificate*. In all cases where the certification of the Fire Chief is required prior to the issuance of any license by the City Clerk, the certification shall be based upon an actual inspection and a finding that the premises in which the person making application for that license proposes to conduct or is conducting the trade, profession, business or privilege comply with all the fire regulations of the state and of the city.

(3) *Police Chief's certificate*. In all cases where the certification of the Chief of Police is required prior to the issuance of any license by the City Clerk, the certification shall be based upon a finding that the person making application for that license is of good moral character.

(4) *Building Inspector's certificate*. In all cases where the carrying on of the trade, profession, business or privilege involves the use of any structure or land, a license therefor shall not be issued until the Building Inspector shall certify that the proposed use is not prohibited by Chapter 158 of this code of ordinances, or other zoning regulations of the city.
(Prior Code, § 110.08)

§ 110.09 BONDS; INSURANCE.

(A) Where the provisions of this code require that the applicant for any license or permit furnish a bond, that bond shall be furnished in an amount deemed adequate by the proper city officer or, where the amount thereof is specified in the schedule of fees and bonds established by resolution of the City Council in the amount so required; the form of that bond shall be acceptable to the City Attorney.

(B) In lieu of a bond, an applicant for a license or permit may furnish one or more policies of insurance in the same amounts and providing the same protection as called for in that bond; these policies of insurance shall be approved as to substance by the city official issuing that license or permit and as to form by the City Attorney.
(Prior Code, § 110.09) (Ord. 253, passed 2-9-2026)

§ 110.10 APPROVAL OF APPLICATION; ISSUANCE.

If the application for any license is approved by the proper officers of the city, as provided in this code, that license shall be granted and shall serve as a receipt for payment of the fee prescribed for that license.
(Prior Code, § 110.10)

§ 110.11 PAYMENT OF FEES.

The fee required by this code for any license or permit shall be paid at the office of the issuing authority prescribed in this code upon or before the granting of those licenses or permits.
(Prior Code, § 110.11)

§ 110.12 LICENSE RENEWAL; LATE RENEWALS AND FEES.

(A) Unless otherwise provided in this code, an application for renewal of a license shall be considered in the same manner as an original application.

(B) All fees for the renewal of any license, which are not paid at the time those fees shall be due, shall be paid as late fees with an additional 25% of the license fee required for those licenses established by resolution of the City Council, for the first 15 days that the license fee remains unpaid and, thereafter, the license fee shall be that stipulated for those licenses established by resolution of the City Council, plus 50% of that fee.
(Prior Code, § 110.12) (Ord. 253, passed 2-9-2026)

§ 110.13 LICENSE EXHIBITION.

(A) (1) No licensee shall fail to carry any license issued in accordance with the provisions of this chapter upon his or her person at all times when engaged in the operation, conduct or carrying on of any trade, profession, business or privilege for which the license was granted; except that, where that trade, profession, business or privilege is operated, conducted or carried on at a fixed place or establishment, the license shall be exhibited at all times in some conspicuous place in his or her place of business.

(2) Every licensee shall produce his or her license for examination when applying for a renewal thereof or when requested to do so by any city police officer or by any person representing the issuing authority.

(B) No licensee shall fail to display conspicuously on each vehicle or mechanical device or machine required to be licensed by this code those tags or stickers as are furnished by the City Clerk.
(Prior Code, § 110.13) Penalty, see § 10.99

§ 110.14 DISPLAY OF INVALID LICENSE.

No person shall display any expired license or any license for which a duplicate has been issued.
(Prior Code, § 110.14) Penalty, see § 10.99

§ 110.15 TRANSFERENCE OF LICENSE; AUTOMATIC REVOCATION UPON MISUSE.

(A) No license or permit issued under the provisions of this code shall be transferable unless specifically authorized by the provisions of this code. No licensee or permittee shall, unless specifically authorized by the provisions of this code, transfer or attempt to transfer his or her license or permit to another, nor shall he or she make any improper use of the same.

(B) In addition to the general penalty provision for violation thereof, any attempt by a licensee or permittee to transfer his or her license or permit to another, unless specifically authorized by the provisions of this code, or to use the same improperly shall be void and result in the automatic revocation of that license or permit.
(Prior Code, § 110.15) Penalty, see § 10.99

§ 110.16 SUSPENSION OR REVOCATION.

Any license issued by the city may be suspended by the City Manager for cause, and any permit issued by the city may be suspended or revoked by the issuing authority for cause. The licensee shall have the right to a hearing before the City Council on any such action of the City Manager, provided a written request therefor is filed with the City Clerk within five days after receipt of that notice of that suspension. The Council may confirm the suspension or evoke or reinstate that license. The action taken by the Council shall be final. Upon suspension or revocation of any license or permit, the fee therefor shall not be refunded.
(Prior Code, § 110.16)

§ 110.17 EXEMPTIONS.

No license fee shall be required from any person exempt from the fee by state or federal law. Those persons shall comply with all other provisions of this chapter. The City Clerk shall, in all cases, issue to those persons licenses, which are clearly marked as to that exemption and the reason therefor.
(Prior Code, § 110.17)

§ 110.18 SCHEDULE ESTABLISHED; FEES.

(A) The fee required to be paid and the amount of any bond required to be posted, or insurance required to be carried, to obtain any license to engage in the operation, conduct or carrying on of any trade, profession, business or privilege for which a license is required by the provisions of this code shall

be established by resolution of the City Council. No license shall be issued to any applicant unless he or she first pays to the City Clerk the fee and posts a bond or evidence of insurance coverage in the amount required for the type of license desired.
(Prior Code, § 110.18) (Ord. 253, passed 2-9-2026)

Cross-reference:

Fee schedule authority, see Ch. 11

CHAPTER 111: ALCOHOLIC BEVERAGES

Section

111.01 Definitions
111.02 Sales to, purchases by minors
111.03 Possession in motor vehicle
111.04 Open house parties

111.99 Penalty

§ 111.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly requires a different meaning.

ALCOHOLIC LIQUOR. Any beverage containing more than 0.5% of alcohol by weight. The percentage of alcohol by weight shall be determined in accordance with the provisions of M.C.L.A. § 436.1105, as the same may be amended from time to time.

MINOR. A person not legally permitted by reason of age to possess alcoholic beverages pursuant to M.C.L.A. § 436.1109, as the same may be amended from time to time.
(Prior Code, § 111.01)

§ 111.02 SALES TO, PURCHASES BY MINORS.

(A) No person, either directly or indirectly, by himself or herself, clerk, agent, servant or employee shall at any time sell, furnish, give or deliver any alcoholic liquor to any minor as defined in § 111.01 of this chapter; however, nothing herein contained shall prohibit the sale of alcoholic liquor to a minor upon authority of and pursuant to a prescription of a duly licensed physician.
(Prior Code, § 111.02)

(B) No minor as defined in § 111.01 of this chapter shall at any time purchase, offer or attempt to purchase, obtain, consume or bring into any premises within the city, for which a license has been issued

to sell intoxicating liquor on the premises, any alcoholic liquor, as defined by § 111.01 of this chapter; nor shall any person in order to procure the sale and furnishing of alcoholic liquor to any minor, as defined in § 111.01 of this chapter, make any false representations as to the age of the person for whom the alcoholic liquor is desired. Nor shall any minor as defined in § 111.01 of this chapter furnish any false information regarding his or her age or make any false representations as to his or her age to any law enforcement officer, or to any person in charge of or employed in a place of business where alcoholic liquor is sold, for the purpose of obtaining a sale of any alcoholic liquor to himself or herself. Nothing herein contained shall prohibit the purchase of alcoholic liquor by a minor under authority of and pursuant to a prescription of a duly licensed physician.
(Prior Code, § 111.03)
Penalty, see § 111.99

§ 111.03 POSSESSION IN MOTOR VEHICLE.

(A) No person under the age of 18 years shall purchase or knowingly possess, transport or have under his or her control in any motor vehicle any alcoholic liquor unless that person is employed by a licensee of the state's Liquor Control Commission and is possessing, transporting or having alcoholic liquor in a motor vehicle under his or her control during regular working hours and in the course of his or her employment.

(B) This section shall not apply to alcoholic liquor possessed by a minor under authority of and pursuant to a prescription of a duly licensed physician.
(Prior Code, § 111.04) Penalty, see § 111.99

§ 111.04 OPEN HOUSE PARTIES.

(A) *Definitions*. For the purpose of this section, the following definitions shall apply unless the context clearly requires a different meaning.

ADULT. A person 21 years of age or older.

ALCOHOLIC BEVERAGE. Any beverage containing more than 0.5% of alcohol be weight. The percentage of alcohol by weight shall be determined in accordance with the provisions of M.C.L.A. § 436.1105, as the same may be amended from time to time.

CONTROL. Any form of regulation or dominion including a possessory right.

DRUG. A controlled substance as defined now or hereafter by the Public Acts of the state. Currently, these controlled substances are defined by Public Act 368 of 1978, being M.C.L.A. § 333.7105.

MINOR. A person not legally permitted by reason of age to possess alcoholic beverages pursuant to M.C.L.A. § 436.1109, as the same may be amended from time to time.

OPEN HOUSE PARTY. A social gathering of persons at a residence, other than the owner of those with right of possession or his, her or their immediate family members.

RESIDENCE. A home, apartment, condominium or other dwelling unit and includes the curtilage of that dwelling unit.
(Prior Code, § 111.15)

(B) *Adults permitting use by minors at residence; exception.*

(1) No adult having control of any residence shall allow an open house party to take place at that residence if any alcoholic beverage or drugs is possessed or consumed at that residence by any minor where the adult knew or reasonably should have known that an alcoholic beverage or drug was in the possession of or being consumed by a minor at that residence, and where the adult failed to take reasonable steps to prevent the possession or consumption of the alcoholic beverage or drug at that residence.

(2) The provisions of this section shall not apply to legally protected religious observances or legally protected educational activities.
(Prior Code, § 111.16)
(Ord. 134, passed 3-23-1987) Penalty, see § 111.99

§ 111.99 PENALTY.

(A) Whoever violates any provision of this chapter for which no penalty is otherwise provided shall be subject to the penalty provisions set forth in § 10.99 of this code of ordinances.

(B) The penalties for violation of § 111.04(B) of this chapter shall be as follows:

(1) For the first violation, a fine not exceeding $500 or imprisonment in the county jail for a term not to exceed 30 days, or by both a fine and imprisonment; and

(2) For subsequent violations, a fine not exceeding $500 or imprisonment in the county jail for a term not to exceed 90 days, or by both a fine and imprisonment.
(Prior Code, § 111.99) (Ord. 134, passed 3-23-1987)

CHAPTER 112: AMUSEMENTS AND LEISURE

Section

112.01 Traveling shows
112.02 Teenage centers
112.03 Marijuana businesses

112.99 Penalty

§ 112.01 TRAVELING SHOWS.

(A) *Definition.* A ***TRAVELING SHOW*** is any traveling show, circus, animal caravan, entertainment, theatrical entertainment or exhibition, exhibition of natural or artificial curiosities, tent shows, carnivals and any amusement device or devices usually associated therewith, such as swings, merry-go-rounds, Ferris wheels or similar devices.
(Prior Code, § 112.01)

(B) *License required.* No person shall conduct any traveling show, as defined in division (A) above, without first obtaining a license therefor. No license shall be granted except upon certification of the Fire Chief and the Chief of Police. The fee for that license shall be as prescribed by City Council resolution.
(Prior Code, § 112.02)

(C) *Exemptions*. The provisions of this section shall not apply to any fair held under the direct management and supervision of any recognized agricultural association or society, non-profit association or corporation, at which are exhibited agricultural or industrial products, principally. This subchapter shall not apply to exhibitions or shows given for charity or for the benefit of schools or benevolent, educational, fraternal or religious societies.
(Prior Code, § 112.03)
Penalty, see § 112.99

§ 112.02 TEENAGE CENTERS.

(A) *Definition.* A ***TEENAGE CENTER*** is any business catering to students as a teenage center.
(Prior Code, § 112.15)

(B) *License required.* It shall be unlawful to operate a teenage center without first obtaining a license therefor. No license shall be issued by the City Clerk, except upon certification by the Chief of Police and Fire Chief and approval by the City Council.
(Prior Code, § 112.16)

(C) *Standards of operation.* The following rules shall apply in the operation of a teenage center.

(1) Operation of the teenage center shall not be permitted without the presence of the owner or one adult chaperon. No special activity of the teenage center shall be conducted without the presence of at least two adult chaperons. The establishment shall not be opened at any time until those persons are on duty.

(2) No use of any intoxicating beverage by the students or any person, either inside or outside of the building shall be permitted. In respect to this rule, admission shall be denied any student or any person whom the chaperon suspects of having consumed any intoxicating beverage; should it become evident to the satisfaction of a chaperon or police officer that an attending student or any person has been consuming any intoxicating beverage, that student or person shall forthwith be required to leave the building.

(3) Hours of operation are to conform to curfew law (see § 130.02 of this code of ordinances).

(4) All decorations shall be approved by the Fire Department.
(Prior Code, § 112.17)
Penalty, see § 112.99

§ 112.03 MARIJUANA BUSINESSES.

(A) (1) Pursuant to the provisions of § 6.1 of the state's Regulation and Taxation of Marijuana Act (the "Act"), being Public Act 282 of 2016, being M.C.L.A. §§ 333.27951 et seq., marijuana establishments, as defined by the Act, are completely prohibited within the boundaries of the city.

(2) Any applicant for a state or local license to establish a marijuana establishment, as defined by the Act, within the boundaries of the city shall be deemed to be not in compliance with this section or with the code of ordinances amended by this section.

(3) This section does not supersede rights and obligations with respect to the transportation of marijuana through the city to the extent provided by the Act, and does not supersede rights and obligations under state law with respect to the establishment and licensing of medical marijuana facilities under the state's Medical Marijuana Act, being Initiated Law 1 of 2008, being M.C.L.A. §§ 333.26421

et seq., the state's Marijuana Licensing Act, Public Act 281 of 2016, being M.C.L.A. §§ 333.27102 et seq., or any other law of the state allowing for or regulating marijuana for medical use.

(B) (1) In conformance with §§ 4.1(e), being M.C.L.A. § 333.27954(1)(e), and 6.2(b), being M.C.L.A. § 333.27954(2)(b), of the Act, except as otherwise provided in this section, the sale or consumption of marijuana in any form and the sale or display of marijuana accessories, as defined by the Act, is prohibited in any public places within the boundaries of the city.

(2) This section does not supersede rights and obligations with respect to the transfer and consumption of marijuana on private property to the extent authorized by the person who owns, occupies or operates such property, as provided in and authorized by the Act, and does not supersede rights and obligations with respect to the use of marijuana for medical purposes as provided by any law of the state allowing for or regulating marijuana for medical use.
(Ord. 226, passed 1-28-2019) Penalty, see § 112.99

§ 112.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Any person who violates any of the provisions of § 112.03(B) of this chapter shall be responsible for a municipal civil infraction punishable by a civil fine of $500, plus court-imposed costs.
(Ord. 226, passed 1-28-2019)

CHAPTER 113: JUNK DEALERS

Section

113.01 Definition
113.02 Condition as nuisance
113.03 License required
113.04 License application
113.05 License fees; conditions
113.06 Neighbor's consent required for approval of location
113.07 Operation standards
113.08 Property to be enclosed by fence
113.09 Purchase restrictions
113.10 Records to be kept

§ 113.01 DEFINITION.

A ***JUNK DEALER*** is any person who shall conduct or maintain any building, structure, yard or place for keeping or storing, two or more unlicensed and/or unserviceable vehicles, or any person who deals in, buys or sells any secondhand, old or used material of any kind, including cloth, rags, paper, rubbish, rubber, bottles, iron, steel, brass, copper or any other metals or old boxes, cartons, crates or other refuse material or who deals in or maintains any structure, yard or premises for the dismantling, wrecking or disposing of the salvage material of automobiles.
(Prior Code, § 113.01)

§ 113.02 CONDITION AS NUISANCE.

(A) The outdoor storage of any junk, as defined in § 113.01 of this chapter, except on the premises of a licensed junk dealer, is declared to be a nuisance per se subject to abatement.

(B) The abatement procedure shall be as prescribed in §§ 150.01 through 150.05 of this code of ordinances.

(C) The cost of abatement may be recovered in the manner prescribed in §§ 35.01 through 35.23 of this code of ordinances.
(Prior Code, § 113.02)

§ 113.03 LICENSE REQUIRED.

No person, directly or indirectly, himself or herself or by his or her clerk, agent or employee, shall engage in the business of a junk dealer within the corporate limits of the city without having first obtained a license therefor.
(Prior Code, § 113.03) Penalty, see § 10.99

§ 113.04 LICENSE APPLICATION.

Application for a junk dealer's license shall be made, in writing, to the City Council and filed in the office of the City Clerk. The application shall contain the name and address of the applicant, the location where the business is to be carried on, previous experience as a junk dealer and any other information as may be deemed necessary for the proper enforcement of the provisions of this chapter.
(Prior Code, § 113.04)

§ 113.05 LICENSE FEES; CONDITIONS.

Every junk dealer shall pay an annual license fee as specified by City Council resolution. The license shall designate the particular place or location where the business may be conducted and it shall be unlawful for any licensee to engage in that business at any place other than that designated in the license and no license shall be transferred or assigned.
(Prior Code, § 113.05) Penalty, see § 10.99

§ 113.06 NEIGHBOR'S CONSENT REQUIRED FOR APPROVAL OF LOCATION.

On receiving the application, the City Council shall consider whether the premises in the application are a proper and suitable location for the business to be conducted thereon, and the applicant a suitable person to conduct that business, the Council may allow that license, but if, in the judgment of the Council it shall not be a suitable location, or the applicant shall not be a suitable and proper person to conduct that business, then the Council shall reject the application. No business shall be licensed within any residential district within the city.
(Prior Code, § 113.06)

§ 113.07 OPERATION STANDARDS.

(A) The junk yard, shop or place for the dismantling of automobiles, shall be so conducted as not to create a nuisance by reason of noise or disagreeable odors or fumes, that no loads of iron or other

heavy materials may be unloaded, nor break-up hammers used between the closing hours in the evening and the opening hours in the morning.

(B) Junk dealers shall not burn rubber or other substances so that the air may be polluted, nor cause to be lighted any areas in the closing hours, nor obstruct or cause to be obstructed the sidewalks, alleys or rights-of-way, nor place nor cause to be placed outside of their property lines any secondhand articles, used car parts, wheels, tin, iron or metal of any kind or nature. The City Council shall impose any other regulations and restrictions as may be necessary to prevent the business of the licensee from being conducted in a manner as to be a nuisance or a noisome and offensive business within the city.

(C) The City Council may rescind the license upon complaint and the junk yard shall cease to operate until those violations are corrected or upon terms and conditions as the City Council, in its discretion, may ordain.
(Prior Code, § 113.07)

§ 113.08 PROPERTY TO BE ENCLOSED BY FENCE.

It shall be unlawful and a violation of this code for any person to engage in the business of a junk dealer within the city unless the property upon which that business is conducted shall be enclosed with a properly painted tight board or metal fence not less than six feet in height.
(Prior Code, § 113.08) Penalty, see § 10.99

§ 113.09 PURCHASE RESTRICTIONS.

No junk dealer shall receive or take junk or any other article named in this chapter, by purchase or otherwise, from any minor, except paper or rags, without that minor's parents' or guardian's consent, from any intoxicated person or from any person known by reputation or suspected of being a thief.
(Prior Code, § 113.09) Penalty, see § 10.99

§ 113.10 RECORDS TO BE KEPT.

Every junk dealer shall keep a record of all items, goods and merchandise received, purchased and sold and those records and the premises of every junk dealer shall be open to the inspection of all police and health officials at all reasonable hours.
(Prior Code, § 113.10) Penalty, see § 10.99

CHAPTER 114: PEDDLERS AND SOLICITORS

Section

General Provisions

114.01 Entering private premises; uninvited entry prohibited
114.02 Route salesperson; license required
114.03 License required for vendors conducting business

Peddlers and Vendors

114.15 Definition
114.16 License required
114.17 Fixed stands prohibited
114.18 Curb service prohibited
114.19 Certain areas prohibited for sale of merchandise
114.20 Attracting attention of public by use of noise prohibited
114.21 Exemptions

Solicitors

114.35 Definition
114.36 License required
114.37 License application
114.38 License fees
114.39 Exemptions

GENERAL PROVISIONS

§ 114.01 ENTERING PRIVATE PREMISES; UNINVITED ENTRY PROHIBITED.

The practice of going in and upon private residences in the city by canvassers, solicitors, so-called agents, peddlers, hawkers, itinerant merchants and transient vendors, not having been requested or

invited to do so by the owner or owners, occupant or occupants of those private residences, for the purpose of soliciting orders for the sale of goods, wares and merchandise, and/or for the purpose of disposing of and/or peddling or hawking the same, and/or for the purpose of displaying those goods, wares and merchandise, and/or for the purpose of soliciting or procuring contributions or donations in exchange for, or in connection with the distribution of goods, wares, merchandise or other things, having become persistent, frequent and common, being a great annoyance to those owners or occupants and to the public at large; as well as in many instances resulting in the defrauding of those owners or occupants, and in some instances various violations of the laws while upon those premises, and being in general injurious to the public welfare, is hereby declared to be a public nuisance, and is prohibited and punishable, as a public nuisance, as a violation of this code.
(Prior Code, § 114.01) Penalty, see § 10.99

§ 114.02 ROUTE SALESPERSON; LICENSE REQUIRED.

No person shall engage in the occupation of route salesperson by means of a delivery truck along a residential route any part of which lies within the city without first obtaining a license therefor.
(Prior Code, § 114.02) Penalty, see § 10.99

§ 114.03 LICENSE REQUIRED FOR VENDORS CONDUCTING BUSINESS.

(A) For the purpose of this section, ***VENDOR*** shall mean any and all transient, traveling, mobile or portable vendor or seller of goods and services, wares, merchandise, foods or similar open air stands adjacent to public property.

(B) No person shall conduct transactions as a vendor, as herein defined without obtaining a license therefor.
(Prior Code, § 114.03) (Ord. passed 6-11-1984) Penalty, see § 10.99

PEDDLERS AND VENDORS

§ 114.15 DEFINITION.

A ***PEDDLER*** is any person traveling by foot, wagon, automotive vehicle or other conveyance from place to place, from house to house or from street to street, carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm produce or provisions, offering and exposing the same for sale or making sales and delivering articles to purchasers, or who, without

traveling from place to place, shall sell or offer the same for sale from a wagon, automotive vehicle or other vehicle or conveyance. Any person who solicits orders and as a separate transaction makes deliveries to purchasers as part of a scheme or design to evade the provisions of this chapter, shall be deemed a peddler. ***PEDDLER*** shall include ***HAWKER*** and ***HUCKSTER***.
(Prior Code, § 114.15)

§ 114.16 LICENSE REQUIRED.

(A) *Definition*. A ***VENDOR*** is any and all transient, traveling, mobile or portable vendors or sellers of goods or services, wares, merchandise, foods or similar commodities, who exhibit the same for sale in temporary open air stands adjacent to or on public property.

(B) *License required*. No person shall conduct transactions as a vendor, as herein defined, without obtaining a license therefor. The fee for such license shall be established by resolution of the City Council.

(C) *Exemptions*. Exemptions from this section may be granted on a case by case basis by the City Council by way of resolution. At the time of granting an exemption, the Council may place appropriate conditions and restrictions thereon. This includes, but is not limited to, reasonable time, place and manner restrictions. Without an exemption, all appropriate vendors shall pay the designated fee.
(Prior Code, § 114.16) (Ord. 150, passed 1-5-1993; Ord. 159, passed - -1993; Ord. 159, passed 5-23-1994; Ord. 253, passed 2-9-2026) Penalty, see § 10.99

§ 114.17 FIXED STANDS PROHIBITED.

No peddler shall stop or remain in any one place upon any street, alley or public place longer than necessary to make a sale to a customer wishing to buy. Any peddler using a vehicle, when stopped, shall place his or her vehicle parallel to and within 12 inches of the curb and shall depart from that place as soon as he or she has completed sales with customers actually present.
(Prior Code, § 114.17) Penalty, see § 10.99

§ 114.18 CURB SERVICE PROHIBITED.

No person shall operate or maintain any stand, vehicle, store or place of business on or near to any highway in a manner that the customers of or traders with that person occupy or congregate within the limits of any street, lane, highway or public place within the city. No person shall be permitted to use the streets, alleys, lanes or public places of the city for the service of customers or for the transaction

of business, or to use any stands, stores or other places of business in any manner that shall require the customer, when transacting that business, to stand within the limits of the streets, highways, alleys or public places of the city.
(Prior Code, § 114.18) Penalty, see § 10.99

§ 114.19 CERTAIN AREAS PROHIBITED FOR SALE OF MERCHANDISE.

No peddler, in the sale of goods, wares and merchandise, shall obstruct any street, alley, sidewalk or driveway, except as may be necessary and reasonable to consummate a sale nor remain, barter, sell, offer or expose for sale any goods, wares or merchandise in front of or at the side of any property against the wish or desire of the property owner or the tenant or occupant of that property. No peddler shall engage in peddling on any street, alley or public place after having been requested to desist by any police officer of the city because of congested or dangerous traffic conditions.
(Prior Code, § 114.19) Penalty, see § 10.99

§ 114.20 ATTRACTING ATTENTION OF PUBLIC BY USE OF NOISE PROHIBITED.

No peddler shall shout or cry out his or her goods or merchandise, nor blow any horn, ring any bell or use any other similar device to attract the attention of the public.
(Prior Code, § 114.20) Penalty, see § 10.99

§ 114.21 EXEMPTIONS.

The following shall be exempt from the licensing requirements of this subchapter, but shall be subject to the other provisions hereof: any person under 18 years of age, when engaged in peddling on foot in the neighborhood of his or her residence under the direct supervision of any school or recognized charitable or religious organization.
(Prior Code, § 114.21)

SOLICITORS

§ 114.35 DEFINITION.

A ***SOLICITOR*** is any individual, whether a resident of the city or not, traveling either by foot, wagon, automobile, motor truck or any other type of conveyance, from place to place, from house to house or from street to street, taking or attempting to take orders for sale of goods, wares and

merchandise, books or magazines, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not that individual has, carries or exposes for sale a sample of the subject of that sale or whether he or she is collecting advance payments on those sales or not, and this definition shall include any person who, for himself, herself or for another person, hires, leases, uses or occupies any building, structure, tent, railroad boxcar, boat, hotel room, lodging house, apartment, shop or any other place within the city for the sole purpose of exhibiting samples and taking orders for future delivery. ***SOLICITOR*** shall include the word ***CANVASSER***. (Prior Code, § 114.35)

§ 114.36 LICENSE REQUIRED.

No person shall engage in the business of soliciting within the city without first obtaining a license therefor. No license shall be granted, except upon certification of the Chief of Police. (Prior Code, § 114.36) Penalty, see § 10.99

§ 114.37 LICENSE APPLICATION.

The license application filed under the provisions of § 110.05 of this code of ordinances shall furnish the following information:

(A) Name and description of the applicant;

(B) Permanent home address and full local address of the applicant;

(C) A brief description of the nature of the business and the goods to be sold;

(D) If employed, the name and address of the employer, together with credentials establishing the exact relationship;

(E) The length of time for which the right to do business is desired;

(F) The place where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced, where those goods or products are located at the time the application is filed and the proposed method of delivery;

(G) A photograph of the applicant, taken within 60 days immediately prior to the date of the filing of the application, which picture shall be two inches by two inches showing the head and shoulders of the applicant in a clear and distinguishing manner;

(H) The fingerprints of the applicant and the names of at least two reliable property owners of the county, who will certify as to the applicant's good character and business respectability, or, in lieu of the names of references, any other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate the character and business responsibility; and

(I) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor.
(Prior Code, § 114.37)

§ 114.38 LICENSE FEES.

(A) (1) The fees for a solicitor's license shall be as specified by City Council resolution.

(2) No fee for a solicitor's license shall be so applied as to occasion an undue burden upon interstate commerce.

(B) In any case where a license fee is believed by a licensee or applicant for a license to place an undue burden upon interstate commerce, he or she may apply to the City Manager for an adjustment of the fees so that it shall not be discriminatory, unreasonable or unfair as to that commerce.

(1) The application may be made before, at or within six months after payment of the prescribed license fee.

(2) The applicant shall, by affidavit, and supporting testimony, show his or her method of business and gross volume or estimated gross volume of business and any other information as the City Manager may deem necessary in order to determine the extent, if any, of the undue burden on that commerce.

(3) The City Manager shall then conduct an investigation, comparing applicant's business with other businesses of like nature and shall make findings of fact from which he or she shall determine whether the fee fixed for the solicitor's license is unfair, unreasonable or discriminatory as to the applicant's business and shall fix as the license fee for the applicant, an amount that is fair, reasonable and non-discriminatory, or, if the fee has already been paid, shall order a refund of the amount over and above the fee so fixed.

(a) In fixing the fee to be charged, the City Manager shall have the power to base the fee upon a percentage of gross sales, or any other method which will assure that the fee assessed shall be uniform with that assessed on businesses of like nature, so long as the amount assessed does not exceed the prescribed fee.

(b) Should the City Manager determine the gross sales measure of the fee to be the fair basis, he or she may require the applicant to submit, either at the time of termination of applicant's business in the city or at the end of each three-month period, a sworn statement of the gross sales and pay the amount of fee therefor; provided that, no additional fee during any one license rear shall be required after the licensee shall have paid an amount equal to the annual license fee.
(Prior Code, § 114.38)

§ 114.39 EXEMPTIONS.

Persons under 18 years of age, when engaged in soliciting on foot in the neighborhood of their residence under the direct supervision of any school or recognized charitable or religious organization shall be exempt from the requirements of this subchapter.
(Prior Code, § 114.39)

CHAPTER 115: VEHICLE-RELATED SERVICES

Section

General Provisions

115.01 Towing services; license required

Taxicabs

115.15 Definition
115.16 Rules and regulations generally
115.17 License required; application
115.18 Insurance requirements; cancellation notice
115.19 License transfer
115.20 Automatic revocation; grounds
115.21 Driver permit required; transfer
115.22 Lost articles
115.23 Passengers

Statutory reference:

Application for registration of taxicabs, see M.C.L.A. § 257.217
Carrying passengers; locking of doors, see M.C.L.A. §§ 256.531, 256.532
Insurance provisions, see M.C.L.A. § 500.3114
Towing generally, see M.C.L.A. § 257.721

GENERAL PROVISIONS

§ 115.01 TOWING SERVICES; LICENSE REQUIRED.

No person shall engage in the business of towing disabled or wrecked motor vehicles within the city without first obtaining a license therefor in the manner prescribed in Chapter 110 of this code of ordinances.
(Prior Code, § 116.01) Penalty, see § 10.99

TAXICABS

§ 115.15 DEFINITION.

A ***TAXICAB*** shall have the same meaning defined in § 70.01 of this code of ordinances.
(Prior Code, § 115.01)

§ 115.16 RULES AND REGULATIONS GENERALLY.

The City Council shall be empowered to make any rules and regulations regarding the dress and conduct of drivers, the maintenance and marking of taxicabs, as may be necessary in the interest of providing safe and orderly service to passengers, and no person shall fail to comply with that rule or regulation. The City Council may require periodic reports to be submitted by operators and drivers in order to assist in the enforcement of those rules and regulations or the terms of this subchapter.
(Prior Code, § 115.02)

§ 115.17 LICENSE REQUIRED; APPLICATION.

(A) No person shall engage in the business of operating or causing to be operated any taxicab upon the streets, alleys or public ways of the city without having first obtained a license for each taxicab. No license shall be granted, except upon certification of the Chief of Police and upon approval of the City Council.

(B) Upon application made for any new taxicab license, as distinguished from any renewal thereof, the Council shall consider the question of whether public convenience and necessity require the operation of that taxicab. The Council shall consider the number of taxicabs operating in the city and whether the demands of the public require additional taxicab service; traffic conditions on the streets of the city and whether the additional taxicab service will result in a greater hazard to the public and any other relevant facts as the Council may deem advisable. The judgment of the Council on the question of public necessity and convenience shall be conclusive.
(Prior Code, § 115.15)

§ 115.18 INSURANCE REQUIREMENTS; CANCELLATION NOTICE.

(A) Before any license is issued, the applicant therefor shall furnish one or more policies of insurance, prepaid for at least the period of the license, issued by responsible insurance companies in compliance with the requirements of state law.

(B) Every insurance policy shall contain a clause obligating the insurer to give the City Clerk, by registered mail, at least ten days' written notice before the cancellation, expiration, lapse or other termination of that insurance.
(Prior Code, § 115.16)

§ 115.19 LICENSE TRANSFER.

(A) When the ownership of any taxicab shall change, whether by operation of law or otherwise, the taxicab license pertaining to that taxicab shall be automatically revoked. Any transfer, or attempt to transfer, of a taxicab license to any other person shall automatically revoke the license.

(B) (1) The owner of any licensed taxicab who desires to transfer that license to another vehicle owned by him or her shall make application to the City Clerk on forms provided therefor, and shall state under oath or affirmation those facts as may be required for, or applicable to, that transfer.

(2) Upon approval of the City Council, the transfer shall be granted.
(Prior Code, § 115.17) Penalty, see § 10.99

§ 115.20 AUTOMATIC REVOCATION; GROUNDS.

In addition to the grounds for suspension and revocation of licenses in Chapter 110 of this code of ordinances, the fact that the owner shall cease to operate any taxicab for a period of 30 days without having obtained permission for cessation of that operation from the city shall constitute an automatic revocation of the license for that taxicab.
(Prior Code, § 115.18)

§ 115.21 DRIVER PERMIT REQUIRED; TRANSFER.

(A) *Permit required.*

(1) No person shall drive a taxicab on the streets of the city without first having obtained a taxicab driver permit therefor.

(2) (a) No license shall be granted, except upon certification of the Chief of Police and unless a photograph and complete set of fingerprints of the applicant therefor are on file in the non-criminal identification file of the Police Department.

(b) Two photographic pictures of each applicant shall be furnished at the time of application.

(c) The size and form thereof shall be prescribed by the City Clerk.

(3) The license issued to a taxicab driver shall be conspicuously displayed on the inside of the taxicab operated by him or her so that it may be easily illuminated at night.
(Prior Code, § 115.30)

(B) *Transfer of driver permits*. No person having a taxicab driver permit shall allow any other person to use or attempt to use that permit, for any purpose. No person shall use or have in his or her possession while operating a taxicab in the city, any taxicab driver permit which has been issued to any other person.
(Prior Code, § 115.31)
Penalty, see § 10.99

§ 115.22 LOST ARTICLES.

Every driver of a taxicab shall search the interior of that taxicab at the termination of each trip, for any article of value which may have been left in the taxicab by a passenger. Any article found therein shall immediately be returned to the passenger owning it, if he or she be known; otherwise, it shall be deposited with the owner of the taxicab at the conclusion of the driver's tour of duty. A report of the finding of that article shall be made by the owner of the taxicab within 24 hours thereafter to the Chief of Police.
(Prior Code, § 115.45)

§ 115.23 PASSENGERS.

No driver or owner of a taxicab shall refuse or neglect to convey any orderly person or persons upon request by signal or telephone call, unless the taxicab is previously engaged. When a taxicab has been engaged by a passenger, no additional passengers shall be received therein, except with the express consent of the first passenger. No person other than passengers for hire, except employees or members of the immediate family of any person licensed hereunder to engage in the business of operating a taxicab, shall be transported therein.
(Prior Code, § 115.46) Penalty, see § 10.99

CHAPTER 116: TELECOMMUNICATIONS

Section

Metropolitan Extension

116.01 Purpose
116.02 Conflict
116.03 Definitions
116.04 Permit required
116.05 Permit issuance
116.06 Construction; engineering permit
116.07 Conduit or utility poles
116.08 Route maps
116.09 Repair of damage
116.10 Maintenance fee; establishment and payment
116.11 Existing fee; modification
116.12 Savings clause
116.13 Use of funds
116.14 Annual report
116.15 Operators; existing rights
116.16 Compliance
116.17 Enforcement powers
116.18 Authorized city officials

116.99 Penalty

METROPOLITAN EXTENSION

§ 116.01 PURPOSE.

The purpose of this subchapter are to regulate access to and ongoing use of public rights-of-way by telecommunications providers for their telecommunications facilities while protecting the public health, safety and welfare and exercising reasonable control of the public rights-of-way in compliance with the

Metropolitan Extension Telecommunication Rights-of-Way Oversight Act (Public Act 48 of 2002, being M.C.L.A. §§ 484.3101 et seq.) ("Act") and other applicable law, and to ensure that the city qualifies for distributions under the Act by modifying the fees charged to providers and complying with the Act. (Ord. 181, passed 10-28-2002)

§ 116.02 CONFLICT.

Nothing in this subchapter shall be construed in such a manner as to conflict with the Act or other applicable law.
(Ord. 181, passed 10-28-2002)

§ 116.03 DEFINITIONS.

(A) For the purpose of this subchapter, the following definitions shall apply unless the context clearly requires a different meaning.

ACT. The Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (Public Act 48 of 2002, being M.C.L.A. §§ 484.3101 et seq.), as amended from time to time.

CITY. The City of Wakefield.

CITY COUNCIL. The City Council of the City of Wakefield or its designee. This section does not authorize delegation of any decision of function that is required by law to be made by the City Council.

CITY MANAGER. The City Manager of his or her designee.

PERMIT. A non-exclusive permit issued pursuant to the Act and this subchapter to a telecommunications provider to use the public rights-of-way in the city for its telecommunications facilities.

(B) All other terms used in this subchapter shall have the same meaning as defined or as provided in the Act, including, without limitation, the following.

AUTHORITY. The Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority created pursuant to § 3 of the Act, being M.C.L.A. § 484.3103.

MPSC. The Michigan Public Service Commission in the Department of Consumer and Industry Services, and shall have the same meaning as the term "Commission" in the Act.

PERSON. An individual, corporation, partnership, association, governmental entity or any other legal entity.

PUBLIC RIGHT-OF-WAY.

(a) The area on, below, or above a public roadway, highway, street, alley, basement or waterway.

(b) ***PUBLIC RIGHT-OF-WAY*** does not include a federal, state or private right-of-way.

TELECOMMUNICATION FACILITIES or ***FACILITIES.*** The equipment or personal property, such as copper and fiber cables, lines, wires, switches, conduits, pipes and sheaths, which are used to or can generate, receive, transmit, carry, amplify or provide telecommunication services or signals. ***TELECOMMUNICATION FACILITIES OR FACILITIES*** do not include antennas, equipment shelters or houses, and any ancillary equipment and miscellaneous hardware used to provide federally licensed commercial mobile service as defined in § 332(d) of Part I of Title III of the Communications Act of 1934, Chapter 652, 48 Stat. 1064, 47 U.S.C. § 332 and further defined as commercial mobile radio service in 47 C.F.R. § 20.3, and service provided by any wireless, two-way communication device.

TELECOMMUNICATIONS PROVIDER, ***PROVIDER*** and ***TELECOMMUNICATIONS SERVICES.*** Those terms as defined in § 102 of the state's Telecommunications Act, Public Act 179 of 1991, being M.C.L.A. § 484.2102. ***TELECOMMUNICATION PROVIDER*** does not include a person or an affiliate of that person when providing a federally licensed commercial mobile radio service as defined in § 332(d) of Part I of the Communications act of 1934, Chapter 652, 48 Stat. 1064, 47 U.S.C. § 332, and further defined as commercial mobile radio service in 47 C.F.R. § 20.3, or service provided by any wireless, two-way communication device. For the purpose of the Act and this subchapter only, a ***PROVIDER*** also includes all of the following:

(a) A cable television operator that provides a telecommunications service;

(b) Except as otherwise provided by the Act, a person who owns telecommunication facilities within a public right-of-way; and

(c) A person providing broadband internet transport access service.
(Ord. 181, passed 10-28-2002)

§ 116.04 PERMIT REQUIRED.

(A) *Permit required.* Except as otherwise provided in the Act, a telecommunications provider using or seeking to use public rights-of-way in the city for its telecommunications facilities shall apply for and obtain a permit pursuant to this subchapter.

(B) *Application*. Telecommunications providers shall apply for a permit on an application form approved by the MPSC in accordance with § 6(1) of the Act, being M.C.L.A. § 484.3106(1). A Telecommunications provider shall file one copy with the City Manager, and one copy with the City Attorney. Applications shall be complete and include all information required by the Act, including, without limitation, a route map showing the location of the provider's existing and proposed facilities in accordance with § 6(5) of the Act, being M.C.L.A. § 484.3106(5).

(C) *Confidential information*. If a telecommunications provider claims that any portion of the route maps submitted by it as part of its application contain trade secret, proprietary or confidential information, which is exempt for the Freedom of Information Act, Public Act 442 of 1976, being M.C.L.A. §§ 15.231 to 15.246, pursuant to § 6(5) of the Act, the telecommunications provider shall prominently so indicate the face of each map.

(D) *Application fee*. Except as otherwise provided by the Act, the application shall be accompanied by a one-time non-refundable application fee to be established by resolution of the City Council.

(E) *Additional information*. The City Manager may request an application to submit such additional information which the City Manager deems reasonably necessary or relevant. The application shall comply with all such requests in compliance with reasonable deadlines for such additional information established by the City Manager. If the city and the applicant cannot agree on the requirement of additional information requested by the city, the city or the applicant shall notify the MPSC as provided in § 6(2) of the Act, being M.C.L.A. § 484.3106(2).

(F) *Previously issued permits*. Pursuant to § 5(1) of the Act, being M.C.L.A. § 484.3105(1), authorizations or I permits previously issued by the city under § 251 of the state's Telecommunications Act, Public Act 48 of 2002, being M.C.L.A. § 484.2251, and authorizations or permits issued by the city to telecommunications providers prior to the 1995 enactment of § 251 of the state's Michigan Telecommunications Act, but after 1985 shall satisfy the permit requirements of this subchapter.

(G) *Existing providers*.

(1) Pursuant to § 5(3) of the Act, being M.C.L.A. § 484.3105(3), within 180 days from 11-1-2002, the effective date of the Act, a telecommunications provider with facilities located in a public right-of-way in the city as of such date, that has not previously obtained authorization or a permit under § 251 of the state's Telecommunications Act, Public Act 48 of 2002, being M.C.L.A. § 484.2251, shall submit to the city an application for a permit in accordance with the requirements of this subchapter.

(2) Pursuant to § 5(3) of the Act, being M.C.L.A. § 484.3105(3), a telecommunications provider submitting an application under this subsection is not required to pay the application fee required under division (C) above.

(3) A provider under this division (G) shall be given up to an additional 180 days to submit the permit application if allowed be the Authority, as provided in § 5(4) of the Act, being M.C.L.A. § 484.3105(4).
(Ord. 181, passed 10-28-2002; Ord. 253, passed 2-9-2026)

§ 116.05 PERMIT ISSUANCE.

(A) *Approval or denial.* The Authority to approve or deny an application for a permit is hereby delegated to the City Manager. Pursuant to § 15(3) of the Act, being M.C.L.A. § 484.3115(3), the City Manager shall approve or deny an application for a permit within 45 days from the date a telecommunications provider files an application for a permit under § 116.04(B) of this chapter for access to a public right-of-way within the city. Pursuant to § 6(6) of the Act, being M.C.L.A. § 484.3106(6), the City Manager shall notify the MPSC when the City Manager has granted or denied a permit, including information regarding the date in which the application was filed and the date in which permit was granted or denied. The City Manager shall not unreasonably deny an application for a permit.

(B) *Form of permit.* If an application for permit is approved, the City Manager shall issue the permit in the form approved by the MPSC, with or without additional or different permit terms, in accordance with §§ 6(1), 6(2) and 15 of the Act, being M.C.L.A. §§ 484.3106 and 484.3115.

(C) *Conditions.* Pursuant to § 15(4) of the Act, being M.C.L.A. § 484.3115(4), the City Manager may impose conditions in the issuance of a permit, which conditions shall be limited to the telecommunications provider's access and usage of the public right-of-way.

(D) *Bond requirement.* Pursuant to § 15(3) of the Act, being M.C.L.A. § 484.3115(3), and without limitation on division (C) above, the City Manager may require that a bond be posted by the telecommunications provider as a condition of the permit. If a bond is required, it shall not exceed the reasonable cost to ensure that the public right-of-way is returned to its original condition during and after the telecommunications provider's access and use.
(Ord. 181, passed 10-28-2002)

§ 116.06 CONSTRUCTION; ENGINEERING PERMIT.

A telecommunications provider shall not commence construction upon, over, across or under the public rights-of-way in the city without first obtaining a construction or engineering permit as required under chapter the city code, as amended, for construction within the public rights-of-way. No fee shall be charged for such a construction or engineering permit.
(Ord. 181, passed 10-28-2002)

§ 116.07 CONDUIT OR UTILITY POLES.

Pursuant to § 4(3) of the Act, being M.C.L.A. § 484.3104(3), obtaining a permit or paying the fees required under this subchapter does not give a telecommunications provider a right to use conduit or utility poles.
(Ord. 181, passed 10-28-2002)

§ 116.08 ROUTE MAPS.

Pursuant to § 6(7) of the Act, being M.C.L.A. § 484.3106(7), a telecommunications provider shall, within 90 days after the substantial completion of construction of new telecommunications facilities in the city, submit route maps showing the location of the telecommunications facilities to both the MPSC and to the city. The route maps should be in paper format, although electronic formats are authorized, unless and until the Commission determines otherwise, in accordance with § 6(8) of the Act, being M.C.L.A. § 484.3106(8).
(Ord. 181, passed 10-28-2002)

§ 116.09 REPAIR OF DAMAGE.

Pursuant to § 15(5) of the Act, being M.C.L.A. § 484.3115(5), a telecommunications provider undertaking an excavation or construction or installing telecommunications facilities within a public right-of-way or temporarily obstructing a public right-of-way in the city, as authorized by a permit, shall promptly repair all damage done to the street surface and all installations under, over, below or within the public right-of-way and shall promptly restore the public right-of-way to its preexisting condition.
(Ord. 181, passed 10-28-2002)

§ 116.10 MAINTENANCE FEE; ESTABLISHMENT AND PAYMENT.

In addition to the non-refundable application fee paid to the city set forth in § 116.04(D) of this chapter, a telecommunications provider with telecommunications facilities in the city's public rights-of-way shall pay an annual maintenance fee to the Authority, pursuant to § 8 of the Act, being M.C.L.A. § 484.3108.
(Ord. 181, passed 10-28-2002)

§ 116.11 EXISTING FEE; MODIFICATION.

(A) In compliance with the requirements of § 13(1) of the Act, being M.C.L.A. § 484.3113(1), the city hereby modifies, to the extent necessary, any fees charged to telecommunications providers after 11-1-2002, the effective date of the Act, relating to access and usage of the public rights-of-way, to an amount not exceeding the amounts of fees and charges required under the Act, which shall be paid to

the Authority. In compliance with the requirements of § 13(4) of the Act, being M.C.L.A. § 484.3113(4), the city also hereby approves modification of the fees of providers with telecommunication facilities in public rights-of-way within the city's boundaries, so that those providers pay only those fees required under § 8 of the Act, being M.C.L.A. § 484.3108. The city shall provide each telecommunications provider affected by the fee with a copy of this chapter, in compliance with the requirement of § 13(4) of the Act, being M.C.L.A. § 484.3113(4).

(B) To the extent any fees are charged telecommunications providers in excess of the amounts permitted under the Act, or which are otherwise inconsistent with the Act, such imposition is hereby declared to be contrary to the city's policy and intent, and upon application by a provider or discovery by the city, shall be promptly refunded as having been charged in error.
(Ord. 181, passed 10-28-2002)

§ 116.12 SAVINGS CLAUSE.

(A) Pursuant to § 13(5) of the Act, being M.C.L.A. § 484.3115(5), if § 8 of the Act, being M.C.L.A. § 3108, is found to be invalid or unconstitutional, the modification of fees under § 116.11 of this chapter shall be void from the date the modification was made.

(B) The various parts, sentences, paragraphs, sections and clauses of this subchapter are hereby declared to be severable. If any part, sentence, paragraph, section or clause of this subchapter is adjudged unconstitutional or invalid by a court or administrative agency of competent jurisdiction, the unconstitutionality or invalidity shall not affect the constitutionality or validity of any remaining provisions of this subchapter.
(Ord. 181, passed 10-28-2002)

§ 116.13 USE OF FUNDS.

Pursuant to § 9(4) of the Act, being M.C.L.A. § 484.3109(4), all amounts received by the city from the Authority shall be used by the city solely for rights-of-way related purposes. In conformance with that requirement, all funds received by the city from the Authority shall be deposited into the Major Street Fund and/or the Local Street Fund maintained by the city under Public Act 51 of 1951, being M.C.L.A. §§ 247.651 et seq.
(Ord. 181, passed 10-28-2002)

§ 116.14 ANNUAL REPORT.

Pursuant to § 10(5) of the Act, being M.C.L.A. § 484.3110(5), the City Manager shall file an annual report with the Authority on the use and disposition of funds annually distributed by the Authority.
(Ord. 181, passed 10-28-2002)

§ 116.15 OPERATORS; EXISTING RIGHTS.

(A) Pursuant to § 13(6) of the Act, being M.C.L.A. § 484.3113(6), the city shall not hold a cable television operation in default or seek any remedy for its failure to satisfy an obligation, if any to pay after 11-1-2002, the effective date of the Act, a franchise fee or similar fee on that portion of gross revenues from charges the cable operator received for cable modem services provided through broadband internet transport access services.

(B) Pursuant to § 4(2) of the Act, being M.C.L.A. § 484.3104(2), except as expressly provided herein with respect to fees, this subchapter shall not affect any existing rights that a telecommunications provider or the city may have under a permit issued by the city or under a contract between the city and a telecommunications provider related to the use of the public rights-of-way.
(Ord. 181, passed 10-28-2002)

§ 116.16 COMPLIANCE.

(A) The city hereby declares that its policy and intent in adopting this subchapter is to fully comply with the requirements of the Act, and the provisions hereof should be construed in such a manner as to achieve that purpose.

(B) The city shall comply in all respects with the requirements of the Act, including, but not limited to, the following:

(1) Exempting certain route maps from the Freedom of Information Act, Public Act 422 of 1976, being M.C.L.A. §§ 15.231 to 15.246, as provided in § 116.04(C) of this chapter;

(2) Allowing certain previously issued permits to satisfy the permit requirements of this subchapter, in accordance with § 116.04(F) of this chapter;

(3) Allowing existing providers additional time in which to submit an application for a permit, and excusing such providers from the application fee, in accordance with § 116.04(G) of this chapter;

(4) Approving or denying an application for a permit within 45 days from the date a telecommunications provider files an application for a permit for access to and usage of a public right-of-way within the city, in accordance with § 116.05(A) of this chapter;

(5) Notifying the MPSC when the city has granted or denied a permit, in accordance with § 116.05(A) of this chapter;

(6) Not unreasonably denying an application for a permit, in accordance with § 116.05(A) of this chapter;

(7) Issuing a permit in the form approved by the MPSC, with or without additional or different permit terms, as provided in § 116.05(B) of this chapter;

(8) Limiting the conditions imposed on the issuance of a permit to the telecommunication provider's access and usage of the public right-of-way, in accordance with § 116.05(C) of this chapter;

(9) Not requiring a bond of a telecommunications provider which exceeds the reasonable cost to ensure that the public right-of-way is returned to its original condition during and after the telecommunication provider's access and use, in accordance with § 116.05(D) of this chapter;

(10) Not charging any telecommunications providers any additional fees for construction permits, in accordance with § 116.06 of this chapter;

(11) Providing each telecommunications provider affected by the city's right-of-way fees with a copy of this subchapter, in accordance with § 116.11 of this chapter;

(12) Submitting an annual report to the Authority, in accordance with § 116.14 of this chapter; and

(13) Not holding a cable television operator in default for a failure to pay certain franchise fees, in accordance with § 116.15(A) of this chapter.
(Ord. 181, passed 10-28-2002; Ord. 253, passed 2-9-2026)

§ 116.17 ENFORCEMENT POWERS.

Pursuant to § 15(2) of the Act, being M.C.L.A. § 484.3115(2), this subchapter shall not limit the city's right to review and approve a telecommunication provider's access to and ongoing use of a public right-of-way or limit the city's authority to ensure and protect the health, safety and welfare or the public.
(Ord. 181, passed 10-28-2002)

§ 116.18 AUTHORIZED CITY OFFICIALS.

The City Manager or his or her designee is hereby designated as the authorized city official to issue municipal civil infraction citations (directing alleged violators to appear in court) for violations under this subchapter as provided by the city code.
(Ord. 181, passed 10-28-2002)

§ 116.99 PENALTY.

(A) Any person violating any provision of this subchapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) A person who violates any provision of §§ 116.01 through 116.18 of this subchapter or the terms or conditions of a permit shall be a violation of the city code and subject to the penalties as prescribed by § 10.99 of this code of ordinances. Nothing in this division (B) shall be construed to limit the remedies available to the city in the event of a violation by a person of §§ 116.01 through 116.18 of this chapter or a permit.
(Ord. 181, passed 10-28-2002)

CHAPTER 117: CABLE TELEVISION

Section

117.01 Definitions
117.02 Purpose; interpretation
117.03 Rate regulations promulgated by FCC
117.04 Filing; additional information; burden of proof
117.05 Proprietary information
117.06 Public notice; initial review of rates
117.07 Tolling order
117.08 Public notice; hearing on basic rates following tolling of 30-day deadline
117.09 Staff or consultant report; written response
117.10 Rate decisions and orders
117.11 Refunds; notice
117.12 Written decisions; public notice
117.13 Rules and regulations
117.14 Failure to give notice
117.15 Additional hearings
117.16 Additional powers
117.17 Failure to comply; remedies

§ 117.01 DEFINITIONS.

(A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACT. The Communications Act of 1934, as amended (and specifically as amended by the Cable Television Consumer Protection and Competition Act of 1992, Pub. Law No. 102-385), and as may be amended from time to time.

ASSOCIATED EQUIPMENT. All equipment and services subject to regulation pursuant to 47 C.F.R. § 76.923.

BASIC CABLE SERVICE. BASIC SERVICE as defined in the FCC Rules, and any other cable television service which is subject to rate regulation by the city pursuant to the Act and the FCC Rules.

FCC. The Federal Communications Commission.

FCC RULES. All rules of the FCC promulgated from time to time pursuant to the Act.

INCREASE IN RATES. An increase in rates or a decrease in programming or customer services.

(B) All other words and phrases used in this chapter shall have the same meaning as defined in the Act and FCC Rules.
(Prior Code, § 99.01) (Ord. 156, passed 9-13-1993)

§ 117.02 PURPOSE; INTERPRETATION.

The purpose of this chapter is to:

(A) Adopt regulations consistent with the Act and the FCC Rules with respect to basic cable service rate regulation; and

(B) Prescribe procedures to provide a reasonable opportunity for consideration of the views of interested parties in connection with basic cable service rate regulation by the city. This chapter shall be implemented and interpreted consistent with the Act and FCC Rules.
(Prior Code, § 99.02) (Ord. 156, passed 9-13-1993)

§ 117.03 RATE REGULATIONS PROMULGATED BY FCC.

In connection with the regulation of rates for basic cable service and associated equipment, the city shall follow all FCC Rules.
(Prior Code, § 99.03) (Ord. 156, passed 9-13-1993)

§ 117.04 FILING; ADDITIONAL INFORMATION; BURDEN OF PROOF.

(A) A cable operator shall submit its schedule of rates for the basic service tier and associated equipment or a proposed increase in such rates in accordance with the Act and the FCC Rules. The cable operator shall include as part of its submission such information as is necessary to show that its schedule of rates or its proposed increase in rates complies with the Act and the FCC Rules. The cable operator

shall file ten copies of the schedule or proposed increase with the City Clerk. For purposes of this chapter, the filing of the cable operator shall be deemed to have been made when at least ten copies have been received by the City Clerk. The City Council may, by resolution or otherwise, adopt rules and regulations prescribing the information, data and calculations which must be included as part of the cable operator's filing of the schedule of rates or a proposed increase.

(B) In addition to information and data required by rules and regulations of the city pursuant to division (A) above, a cable operator shall provide all information requested by the City Manager in connection with the city's review and regulation of existing rates for the basic service tier and associated equipment or a proposed increase in these rates. The City Manager may establish deadlines for submission of the requested information and the cable operator shall comply with such deadlines.

(C) A cable operator has the burden of proving that its schedule of rates for the basic service tier and associated equipment or a proposed increase in such rates complies with the Act and the FCC Rules including, without limitation, 47 U.S.C. § 543 and 47 C.F.R. §§ 76.922 and 76.923.
(Prior Code, § 99.04) (Ord. 156, passed 9-13-1993)

§ 117.05 PROPRIETARY INFORMATION.

(A) If this chapter, any rules or regulations adopted by the city pursuant to § 117.04(A) of this chapter, or any request for information pursuant to § 117.04(B) of this chapter, requires the production of proprietary information, the cable operator shall produce the information. However, at the time the allegedly proprietary information is submitted, a cable operator may request that specific, identified portions of its response be treated as confidential and withheld from public disclosure. The request must state the reason why the information should be treated as proprietary and the facts that support those reasons. The request for confidentiality will be granted if the city determines that the preponderance of the evidence shows that non-disclosure is consistent with the provisions of the Freedom of Information Act, 5 U.S.C. § 552. The city shall place in a public file for inspection any decision that results in information being withheld. If the cable operator requests confidentiality and the request is denied, where the cable operator is proposing a rate increase, it may withdraw the proposal, in which case the allegedly proprietary information will be returned to it; or the cable operator may seek review within five working days of the denial in any appropriate forum. Release of the information will be stayed pending review.

(B) Any interested party may file a request to inspect material withheld as proprietary with the city. The city shall weigh the policy considerations favoring non-disclosure against the reasons cited for permitting inspection in light of the facts of the particular case. It will then promptly notify the requesting entity and the cable operator that submitted the information as to the disposition of the request. It may grant, deny or condition a request. The requesting party or the cable operator may seek review of the decision by filing an appeal with any appropriate forum. Disclosure will be stayed pending resolution of any appeal.

(C) The procedures set forth in this section shall be construed as analogous to and consistent with the rules of the FCC regarding requests for confidentiality including, without limitation, 47 C.F.R. § 0.459.
(Prior Code, § 99.05) (Ord. 156, passed 9-13-1993)

§ 117.06 PUBLIC NOTICE; INITIAL REVIEW OF RATES.

Upon the filing of ten copies of the schedule of rates or the proposed increase in rates pursuant to § 117.04(A) of this chapter, the City Clerk shall publish a public notice in a newspaper of general circulation in the city which shall state that the filing has been received by the City Clerk and (except those parts which may be withheld as proprietary) is available for public inspection and copying, and interested parties are encouraged to submit written comments on the filing to the City Clerk not later than seven days after the public notice is published. The City Clerk shall give notice to the cable operator of the date, time and place of the meeting at which the City Council shall first consider the schedule of rates or the proposed increase. This notice shall be mailed by first-class mail at least three days before the meeting. In addition, if a written staff or consultant's report on the schedule of rates or the proposed increase is prepared for consideration of the City Council, then the City Clerk shall mail a copy of the report by first class mail to the cable operator at least three days before the meeting at which the City Council shall first consider the schedule of rates or the proposed increase.
(Prior Code, § 99.06) (Ord. 156, passed 9-13-1993)

§ 117.07 TOLLING ORDER.

After a cable operator has filed its existing schedule of rates or a proposed increase in these rates, the existing schedule of rates will remain in effect or the proposed increase in rates will become effective after 30 days from the date of filing under § 117.04(A) of this chapter unless the City Council (or other properly authorized body or official) tolls the 30-day deadline pursuant to 47 C.F.R. § 76.933 by issuing a brief written order, by resolution or otherwise, within 30 days of the date of filing. The City Council may toll the 30-day deadline for an additional 90 days in cases not involving cost-of-service showings and for an additional 150 days in cases involving cost-of-service showings.
(Prior Code, § 99.07) (Ord. 156, passed 9-13-1993)

§ 117.08 PUBLIC NOTICE; HEARING ON BASIC CABLE SERVICE RATES FOLLOWING TOLLING OF 30-DAY DEADLINE.

If a written order has been issued pursuant to § 117.07 of this chapter and 47 C.F.R. § 76.933 to toll the effective date of existing rates for the basic service tier and associated equipment or a proposed increase in these rates, the cable operator shall submit to the city any additional information required or

requested pursuant to § 117.04 of this chapter. In addition, the City Council shall hold a public hearing to consider the comments of interested parties within the additional 90-day or 150-day period, as the case may be. The City Clerk shall publish a public notice of the public hearing in a newspaper of general circulation within the city which shall state: the date, time, and place at which the hearing shall be held; interested parties may appear in person, by agent, or by letter at such hearing to submit comments on or objections to the existing rates or the proposed increase in rates; and copies of the schedule of rates or the proposed increase in rates and related information (except those parts which may be withheld as proprietary) are available for inspection or copying from the office of the Clerk. The public notice shall be published not less than 15 days before the hearing. In addition, the City Clerk shall mail by first-class mail a copy of the public notice to the cable operator not less than 15 days before the hearing.
(Prior Code, § 99.08) (Ord. 156, passed 9-13-1993)

§ 117.09 STAFF OR CONSULTANT REPORT; WRITTEN RESPONSE.

Following the public hearing, the City Manager shall cause a report to be prepared for the City Council which shall (based on the filing of the cable operator, the comments or objections of interested parties, information requested from the cable operator and its response, staff or consultant's review and other appropriate information) include a recommendation for the decision of the City Council pursuant to § 117.10 of this chapter. The City Clerk shall mail a copy of the report to the cable operator by first class mail not less than 20 days before the City Council acts under § 117.10 of this chapter. The cable operator may file a written response to the report with the City Clerk. If at least ten copies of the response are filed by the cable operator with the City Clerk within ten days after the report is mailed to the cable operator, the City Clerk shall forward it to the City Council.
(Prior Code, § 99.09) (Ord. 156, passed 9-13-1993)

§ 117.10 RATE DECISIONS AND ORDERS.

The City Council shall issue a written order, by resolution or otherwise, which, in whole or in part, approves the existing rates for basic cable service and associated equipment or a proposed increase in such rates, denies the existing rates or proposed increase, orders a rate reduction, prescribes a reasonable rate, allows the existing rates or proposed increase to become effective subject to refund or orders other appropriate relief, in accordance with the FCC Rules. If the City Council issues an order allowing the existing rates or proposed increase to become effective subject to refund, it shall also direct the cable operator to maintain an accounting pursuant to 47 C.F.R. § 76.933. The order specified in this section shall be issued within 90 days of the tolling order under § 117.07 of this chapter in all cases not involving a cost-of-service showing. The order shall be issued within 150 days after the tolling order under § 117.07 of this chapter in all cases involving a cost-of-service showing.
(Prior Code, § 99.10) (Ord. 156, passed 9-13-1993)

§ 117.11 REFUNDS; NOTICE.

The City Council may order a refund to subscribers as provided in 47 C.F.R. § 76.942. Before the City Council orders any refund to subscribers, the City Clerk shall give at least seven days' written notice to the cable operator by first class mail of the date, time, and place at which the City Council shall consider issuing a refund order and shall provide an opportunity for the cable operator to comment. The cable operator may appear in person, by agent, or by letter at such time for the purpose of submitting comments to the City Council.
(Prior Code, § 99.11) (Ord. 156, passed 9-13-1993)

§ 117.12 WRITTEN DECISIONS; PUBLIC NOTICE.

Any order of the City Council pursuant to §§ 117.10 or 117.11 of this chapter shall be in writing, shall be elective upon adoption by the City Council and shall be deemed released to the public upon adoption. The Clerk shall publish a public notice of any such written order in a newspaper of general circulation within the city which shall summarize the written decision, and state that copies of the text of the written decision are available for inspection or copying from the office of the Clerk. In addition, the City Clerk shall mail a copy of the text of the written decision to the cable operator by first class mail.
(Prior Code, § 99.12) (Ord. 156, passed 9-13-1993)

§ 117.13 RULES AND REGULATIONS.

In addition to rules promulgated pursuant to § 117.04 of this chapter, the City Council may, by resolution or otherwise, adopt rules and regulations for basic cable service rate regulation proceedings (including, without limitation, the conduct of hearings), consistent with the Act and the FCC Rules.
(Prior Code, § 99.13) (Ord. 156, passed 9-13-1993)

§ 117.14 FAILURE TO GIVE NOTICE.

The failure of the City Clerk to give the notices or to mail copies of reports as required by this chapter shall not invalidate the decisions or proceedings of the City Council.
(Prior Code, § 99.14) (Ord. 156, passed 9-13-1993)

§ 117.15 ADDITIONAL HEARINGS.

In addition to the requirements of this chapter, the City Council may hold additional public hearings upon such reasonable notice as the City Council, in its sole discretion, shall prescribe.
(Prior Code, § 99.15) (Ord. 156, passed 9-13-1993)

§ 117.16 ADDITIONAL POWERS.

The city shall possess all powers conferred by the Act, the FCC Rules, the cable operator's franchise and all other applicable law. The powers exercised pursuant to the Act, the FCC Rules, and this chapter shall be in addition to powers conferred by law or otherwise. The city may take any action not prohibited by the Act and the FCC Rules to protect the public interest in connection with basic cable service rate regulation.
(Prior Code, § 99.16) (Ord. 156, passed 9-13-1993)

§ 117.17 FAILURE TO COMPLY; REMEDIES.

The city may pursue any and all legal and equitable remedies against the cable operator (including, without limitation, all remedies provided under a cable operator's franchise with the city) for failure to comply with the Act, the FCC Rules, any orders or determinations of the city pursuant to this chapter, any requirements of this chapter or any rules or regulations promulgated hereunder. Subject to applicable law, failure to comply with the Act, the FCC Rules, any orders or determinations of the city pursuant to this chapter, any requirements of this chapter, or any rules and regulations promulgated hereunder, shall also be sufficient grounds for revocation or denial of renewal of a cable operator's franchise.
(Prior Code, § 99.17) (Ord. 156, passed 9-13-1993)

CHAPTER 118: SHORT-TERM RENTALS

Section

118.01 Title and authority
118.02 State law compliance
118.03 Purpose
118.04 Definitions
118.05 Where STRs are allowed
118.06 License required; term; transfers
118.07 Applications and fees
118.08 Inspections; scope and frequency
118.09 Occupancy and parking; technical method
118.10 Operating standards
118.11 Moratorium trigger; review for caps
118.12 Enforcement; violations; revocation
118.13 Approvals and appeals
118.14 Relationship to other codes
118.15 Insurance requirements

118.99 Penalty

§ 118.01 TITLE AND AUTHORITY.

(A) This chapter shall be known as the "City of Wakefield Short-Term Rental Licensing Ordinance" and is adopted under the City Charter (licenses, health and safety, and police powers) and the city's Zoning Code (Title XV, Ch. 158), and Housing/Property Maintenance Codes (Title XV, Ch. 151), together with the city's adoption of the International Property Maintenance Code (IPMC).

(B) Nothing in this chapter shall modify, waive or supersede any requirement or definition established in Chapter 155 of this code of ordinances. In the event of a conflict, the Zoning Code shall control as to land-use permissions and this chapter shall control as to licensing and operational standards.

(C) Licensing of short-term rentals under this chapter is a regulatory function under the city's police powers and shall not constitute a zoning map or text amendment.
(Ord. 251, passed 12-22-2025)

§ 118.02 STATE LAW COMPLIANCE.

(A) This chapter is adopted pursuant to the state's Zoning Enabling Act, Public Act 110 of 2006, and specifically M.C.L.A. § 125.3204(5), which provides that a short-term rental is a residential use of property and shall not be prohibited solely because of the duration of occupancy.

(B) Regulation under this chapter is limited to the protection of the public health, safety and welfare and shall not be construed to prohibit short-term rentals in districts where residential use is otherwise permitted, consistent with M.C.L.A. § 125.3204(5) and related provisions of the state's Zoning Enabling Act.
(Ord. 251, passed 12-22-2025)

§ 118.03 PURPOSE.

(A) To protect public health, safety and welfare by:

(1) Requiring STR licenses and inspections;

(2) Setting clear occupancy and safety standards;

(3) Promoting neighborhood compatibility; and

(4) Assigning fees and enforcement processes.

(B) Licensing and inspection provisions under this chapter are regulatory in nature and not intended to generate revenue beyond the reasonable cost of administration and enforcement, consistent with M.C.L.A. § 141.91 and Bolt v. City of Lansing, 459 Mich 152 (1998).
(Ord. 251, passed 12-22-2025)

§ 118.04 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly requires a different meaning.

HABITABLE SPACE/BEDROOM/EGRESS. As defined and applied under the city code and the IPMC (latest adopted edition).

INVESTOR-OWNED STR. Any STR that is not owner-occupied.

LOCAL MAINTENANCE CONTACT. A person reachable 24/7 who can respond on-site within 60 minutes.

OWNER-OCCUPIED STR. The dwelling is the owner's principal residence.

SHORT-TERM RENTAL (STR). A dwelling or portion thereof offered for occupancy for fewer than 30 consecutive days.
(Ord. 251, passed 12-22-2025)

§ 118.05 WHERE STRS ARE ALLOWED.

(A) *General rule*. STRs are permitted in any zoning district where residential dwelling units are a permitted principal or accessory use. This includes, without limitation:

(1) R-1, Single-Family Residential: STRs within lawful single-family dwellings;

(2) R-2 Multi-Family Residential: STRs within lawful dwelling units (single- or multi-family);

(3) R-3 Rural Residential: STRs within lawful dwellings;

(4) C-1 Neighborhood Commercial and C-2 Downtown/Highway Commercial: STRs within lawful dwelling units permitted in these districts (e.g., upper-story apartments); and

(5) PUD: STRs where the approved plan authorizes residential dwelling units.

(B) *Districts without residential use*. STRs are prohibited where residential dwelling units are not permitted (e.g., industrial, open area or any district where a dwelling is not a lawful use).

(C) *No new land-use approvals created*. Licensing under this chapter does not legalize any dwelling or unit not otherwise lawful under Zoning, Building or Housing Codes.

(D) *Compliance with state law*. Short-term rentals are deemed a residential use under M.C.L.A. § 125.3204 and are permitted in all districts where dwellings are a lawful principal or accessory use. Nothing in this chapter authorizes a short-term rental in any structure or location otherwise prohibited by Zoning, Building or Housing Codes.

(E) *Relationship to Zoning Code*. For avoidance of doubt, any short-term rental authorized under this chapter must also comply with all dimensional, density and parking standards applicable to the underlying zoning district.
(Ord. 251, passed 12-22-2025)

§ 118.06 LICENSE REQUIRED; TERM; TRANSFERS.

A license issued by the City Clerk is required before advertising or operating an STR. Licenses run with the owner (not the land), are valid for three years and are non-transferable.
(Ord. 251, passed 12-22-2025)

§ 118.07 APPLICATIONS AND FEES.

(A) Initial application fee shall be established by resolution of the City Council.

(B) Renewal fee shall be established by resolution of the City Council.

(C) Inspection fee (each scheduled or complaint re-inspection) shall be established by resolution of the City Council.

(D) Application shall include: owner and local contact; site sketch showing parking; unit layout with bedroom dimensions; proposed maximum occupancy; egress window/door locations; smoke/CO devices; and acknowledgment of Good Neighbor Guide posting.

(E) Inspection revenues are dedicated to the Fire Department; application/license revenues to the General Fund-Community Promotion. All fees shall be set by Council resolution and shall not exceed the reasonable administrative and enforcement costs of the program. Fee amounts shall be periodically reviewed and adjusted by Council resolution to reflect actual administrative costs. The current fee schedule shall be publicly available on the city's website and in the office of the City Clerk.

(F) (1) For a period of 90 days following the effective date of this chapter, the city shall waive all initial STR application fees and initial inspection fees for any owner who submits a complete application during this window.

(2) The waiver applies only to:

(a) The initial application fee under division (A) above; and

(b) The initial life-safety inspection fee under division (C) above.

(3) (a) The waiver does not apply to re-inspection fees arising from failed inspections, complaint-driven inspections or renewal applications.

(b) Applications submitted after the 90-day period shall be subject to all standard fees in effect at the time of submittal.

(G) (1) The City Council may, by subsequent fee schedule adopted by resolution, adjust application, licensing, inspection and reinspection fees to reflect the reasonable administrative and enforcement costs of the STR program.

(2) Any fee adopted or amended by resolution under this subsection shall have the same force and effect as if set forth in this chapter, and shall be publicly posted on the city's website and available in the office of the City Clerk.
(Ord. 251, passed 12-22-2025; Ord. 253, passed 2-9-2026)

§ 118.08 INSPECTIONS; SCOPE AND FREQUENCY.

(A) *Timing*. Initial inspection prior to license; routine reinspection every three years; and six-month reinspection after any verified violation at initial/renewal or from a complaint. Initial inspections shall be completed within 30 days of a complete application, subject to staff capacity.

(B) *Authorized official*. Routine inspections may be conducted jointly with the Fire Department or other code enforcement officials authorized under city code. Upon satisfactory inspection, the city shall issue a certificate of compliance valid for the license term.

(C) *Scope (life-safety focused)*. Limited to health and safety conditions, including:

(1) *Smoke and CO detection*. Hard-wired or ten-year sealed battery devices per code: smoke alarms in each sleeping room, outside sleeping areas and on each story; CO alarms outside sleeping areas on each story with fuel-burning appliances or an attached garage;

(2) *Egress*. Two compliant exits (door or egress windows) from sleeping areas and the dwelling. Bedrooms must have an emergency escape and rescue opening to the outdoors;

(3) *Egress windows (where required)*. Openable from the inside without keys/tools; clear opening meeting adopted code; sill height not exceeding the adopted code maximum; window wells (if any) with proper size/ladder/steps as required;

(4) *Heating*. Permanent heat capable of maintaining not less than the adopted code minimum in habitable rooms (portable unvented devices prohibited);

(5) *Electrical*. No open splices/exposed live parts; required receptacles function; GFCI protection at kitchens, baths, laundry, exterior and other wet locations; service equipment in safe condition;

(6) *Stairs/guards/handrails*. Sound condition and properly configured;

(7) *Fire extinguisher*. At least one multi-purpose extinguisher (e.g., 2A:10B:C) mounted in a visible location on an egress path;

(8) *Address numbers*. Visible from the street, contrasting, of code-compliant size;

(9) *Sanitation and refuse*. Adequate trash storage and weekly removal; no accumulation;

(10) *General safety*. No obvious hazards (fuel-burning appliance clearances, dryer venting to exterior, water heater T&P discharge and the like);

(11) *Pressure release*. Pressure release valve on the hot water heater; and

(12) *Breaker box*. Recommend to go to breaker.

(D) *Records*. The inspector documents pass/fail items, lists corrective actions with deadlines and schedules a six-month follow-up if violations were found.
(Ord. 251, passed 12-22-2025)

§ 118.09 OCCUPANCY AND PARKING; TECHNICAL METHOD.

(A) *Maximum occupancy (people)*. The most restrictive of the following divisions (A)(1), (A)(2) and (A)(3) below.

(1) *Bedroom-based capacity*.

(a) A lawful bedroom must be a habitable room meeting minimum area, light/ventilation, ceiling height, egress and emergency escape standards.

(b) Per-bedroom count:

1. Up to two persons if the bedroom has greater than 70 square feet and supports two sleepers under the adopted housing/IPMC standards; and

2. Plus one additional person per bedroom for each additional 50 square feet above 120 square feet (example: 170 square foot bedroom = three persons; 220 square foot bedroom = four persons).

(c) Bunk rooms are treated as bedrooms and must still meet egress and safety standards.

(d) Occupancy calculations shall be determined consistent with the International Property Maintenance Code §§ 404.4.1 and 404.5.

(2) *Whole-unit habitable area check.* The combined habitable floor area must be adequate for the proposed number of occupants under the adopted housing/IPMC minimum area rules for living/dining/kitchen and sleeping spaces. (If the bedroom count suggests ten persons, but the living/dining/kitchen areas are undersized, occupancy is reduced accordingly.)

(3) *Parking-based cap (neighborhood fit).*

(a) Overnight occupancy may not exceed two adults for each off-street parking space that the property can accommodate without blocking a sidewalk, public right-of-way or another required access point. Minors are not counted toward the parking-based occupancy limit.

(b) The owner shall declare the number of off-street spaces available. The city's role is limited to visual confirmation that the declared spaces exist and do not obstruct sidewalks or rights-of-way. No measurements or capacity determinations are required.

(c) If lawful overnight on-street parking is available at the location and time of year, the STR may add two additional adults to the parking-based occupancy cap.

(d) During the city's winter overnight parking restriction period, no on-street parking may be counted and occupancy is based solely on off-street parking.

(B) *Vehicle limits.* Maximum one vehicle per bedroom, capped by the number of approved off-street spaces during winter restrictions (on-street winter parking is prohibited). Commercial vehicles, recreational vehicles and trailers shall not count as off-street parking spaces for occupancy calculation purposes.

(C) *Owner declaration.* The license shall state the approved maximum overnight occupants and maximum vehicles; both must be posted in the STR.
(Ord. 251, passed 12-22-2025)

§ 118.10 OPERATING STANDARDS.

(A) *Window placard (road-facing).* Post a durable placard, minimum 16-point font, visible from the street of address assignment showing: address; owner name; local maintenance contact (24/7 phone); license number; maximum occupants/vehicles; and trash day.

(B) *Good Neighbor Guide (conspicuously posted)*. Must include: quiet hours; winter parking rules; trash/recycling set-out; emergency (911) and non-emergency police/fire numbers; city website and Facebook; and a reminder to respect neighbors, property lines and snow removal operations.

(C) *Trash and nuisance*. Keep refuse in covered containers; set out and retrieve per city schedule; no outdoor storage of trash bags; no amplified outdoor sound during quiet hours.

(D) *Notifications*. Owner/local contact must be reachable 24/7 and respond on-site within 60 minutes to address violations or emergencies.

(E) *Record retention*. Owners shall maintain a record of all rental activity, including dates of occupancy and number of guests, for a period of three years and make such records available upon reasonable request by the city.
(Ord. 251, passed 12-22-2025)

§ 118.11 MORATORIUM TRIGGER; REVIEW FOR CAPS.

(A) The city does not cap STR licenses.

(B) When 105 STR licenses are issued or STRs reach 10% of the estimated housing stock, the City Manager shall issue a temporary moratorium on additional licenses.

(C) The Planning Commission shall promptly review data and recommend to the City Council whether to adopt a cap or lift the moratorium. Council has final authority.

(D) The City Manager shall issue written notice and publicly post the date and basis of any temporary moratorium imposed under this section.

(E) Any temporary moratorium imposed under this section shall automatically expire 90 days after issuance unless extended by the City Council following a public hearing and written findings supporting the extension.
(Ord. 251, passed 12-22-2025)

§ 118.12 ENFORCEMENT; VIOLATIONS; REVOCATION.

(A) *Revocation and re-application wait*. Upon revocation, the owner is ineligible to reapply for four months.

(B) *Re-inspection after violations*. Verified violations require proof of correction and a six-month follow-up inspection.

(C) *Separate offenses*. Each day that a violation continues shall constitute a separate and distinct offense for purposes of penalty and enforcement.
(Ord. 251, passed 12-22-2025)

§ 118.13 APPROVALS AND APPEALS.

(A) *Clerk approval*. The City Clerk reviews and approves complete applications meeting the chapter requirements.

(B) *Appeal to City Manager*. Owners disputing inspection findings may appeal in writing to the City Manager within ten business days of the inspection report. The City Manager shall review the record, may confer with the inspecting official and issue a written determination within 14 days. This administrative appeal process replaces the Construction Board of Appeals, otherwise referenced under state law, and shall constitute the city's final review within the administrative process.

(C) *Scope*. Appeals are limited to alleged errors in interpreting this chapter (not policy disagreements or discretionary judgment).

(D) *Appeal of the City Manager decision*. Inspection appeals of the City Manager's decision may be appealed to the Gogebic County Circuit Court pursuant to M.C.L.A. § 600.8301.
(Ord. 251, passed 12-22-2025)

§ 118.14 RELATIONSHIP TO OTHER CODES.

(A) *No waiver of law*. Licensing does not waive any requirement of the Zoning Code, Building Code, City Housing Code or IPMC.

(B) *Conflicts*. The most protective standard for health/safety controls.

(C) *Inspection scope*. Life-safety focused per this chapter; broader code violations identified may be referred for separate enforcement. The issuance of a license does not constitute a waiver of any other applicable law or standard.

(D) *Discrepancies*. In case of any discrepancy between this chapter and the city's Zoning Code, the provisions of the Zoning Code governing use, bulk and dimensional standards shall prevail, while this chapter shall govern licensing, inspection and operational requirements.
(Ord. 251, passed 12-22-2025)

§ 118.15 INSURANCE REQUIREMENTS.

(A) *Insurance required.* As a condition of issuance and renewal of a short-term rental license, the owner shall maintain a policy of general liability insurance covering the short-term rental use of the property.

(B) *Minimum coverage.* The insurance policy shall be issued by an insurer authorized to do business in the State of Michigan and shall provide coverage in such form and minimum amounts as established by City Council resolution or administrative policy adopted by the City Manager.

(C) *Proof of insurance.* Proof of insurance shall be submitted with the initial application, annually thereafter, and with each renewal application. The required insurance shall be maintained in continuous effect for the duration of the license term.

(D) *Enforcement.* Failure to maintain the required insurance or to timely provide proof of insurance shall constitute a violation of this chapter and shall be grounds for enforcement, including license suspension or revocation, in accordance with the enforcement provisions of this chapter.
(Ord. 255, passed 2-9-2026)

§ 118.99 PENALTY.

(A) Operating without a license or violating this chapter is a municipal civil infraction; remedies include fines, injunction, license suspension/revocation.

(B) Unless otherwise set by Council resolution, civil fines shall not exceed $250 for the first violation, $500 for the second and $1,000 for each subsequent violation within a 12-month period.
(Ord. 251, passed 12-22-2025)

TITLE XIII: GENERAL OFFENSES

Chapter

130. PROHIBITED ACTIVITY AND BEHAVIOR

CHAPTER 130: PROHIBITED ACTIVITY AND BEHAVIOR

Section

130.01 Disorderly conduct
130.02 Curfew for minors
130.03 Contributing to the delinquency of minor
130.04 Abandoned refrigerators
130.05 Electrical interference with radio, television reception

§ 130.01 DISORDERLY CONDUCT.

(A) For the purpose of this section, ***PUBLIC PLACE*** shall mean any street, alley, park, public building, any place of business or assembly open to or frequented by the public and any other place which is open to the public view or to which the public has access.

(B) No person shall:

(1) Commit an assault, or an assault and battery, on any person;

(2) Be intoxicated in a public place to a degree that the individual is unable to care for their own safety or the safety of others;

(3) Engage in any indecent, insulting, immoral or obscene conduct in any public place;

(4) Discharge any firearm, air rifle, air pistol or bow and arrow in the city, except when lawfully acting in the defense of persons or property or the enforcement of law or at a duly established range, the operation of which has been approved by the City Council;

(5) Fire, discharge, display or possess any fireworks, except of the type and under the conditions permitted by State Penal Code Chapter 39;

(6) Engage in peeping in the windows of an inhabited place;

(7) Engage in indecent exposure, as prohibited by state law;

(8) Make any immoral exhibition or indecent exposure of his or her person;

(9) Willfully destroy, remove, damage, alter or in any manner deface any property not his or her own, or any public school building, or any public building, bridge, fire hydrant, alarm box, street light, street sign, traffic-control device, railroad sign or signal, parking meter or shade tree belonging to the city or located in the public places of the city, or mark or post handbills on, or in any manner mar the walls of, any public building, or fence, tree or pole within the city, or destroy, take or meddle with any property belonging to the city, or remove the same from the building or place where it may be kept, placed or stored, without proper authority; or disturb, tamper with, disconnect or damage any city water meter without proper authority;

(10) Destroy, injure or in any manner deface any drinking fountain located in the city, or throw or deposit any substance therein, or in any manner pollute the water in the basin of any fountain or detach the cups or other parts of that drinking fountain;

(11) Engage in any disturbance, fight or quarrel in a public place;

(12) Jostle or roughly crowd persons in any street, alley, park or public building;

(13) Loiter on any street or sidewalk or in any park or public building or conduct himself or herself in any public place so as to obstruct the free and uninterrupted passage of the public;

(14) Play any ball game in any public street or sidewalk or otherwise obstruct traffic on any street or sidewalk by collecting in groups thereon, for any purpose;

(15) Engage in any act of prostitution;

(16) Knowingly attend, frequent, operate, or be an occupant of any place where prostitution or the unlicensed sale of alcoholic liquor is occurring in violation of state law;

(17) Engage in prostitution or the unlicensed sale of alcoholic liquor in violation of state law;

(18) Solicit or accost another person for the purpose of inducing the commission of an illegal act;

(19) Knowingly transport another person to a place for the purpose of enabling that person to engage in prostitution or the unlicensed sale of alcoholic liquor in violation of state law;

(20) Keep, maintain, or knowingly permit on any premises under their control any unlicensed gambling operation or unlicensed gaming device in violation of state law;

(21) Disturb the public peace and quiet by loud or boisterous conduct;

(22) Permit a place under one’s control to be used for ongoing disorderly, hazardous, or disruptive activity which unreasonably disturbs the public peace;

(23) Obstruct, resist, hinder or oppose any law enforcement officer in the discharge of his or her duties;

(24) Prowl about any alley or the private premises of any other person in the nighttime, without authority or the permission of the owner of those premises;

(25) Spit on any sidewalk or on the floor or seat of any public carrier, or on any floor, wall, seat or equipment of any place of public assemblage;

(26) Disturb any school, meeting or congregation lawfully assembled, whether religious, political or otherwise;

(27) Wrongfully throw or propel any snowball, missile or object from any moving automobile;

(28) Wrongfully throw or propel any snowball, missile or object toward any person or automobile;

(29) Summon, as a joke or prank or otherwise without any good reason therefor, by telephone or otherwise, law enforcement, fire, or emergency services to go to any address where the service called for is not needed.

(Prior Code, § 130.01) (Ord. 215, passed 1-27-2014; Ord. 253, passed 2-9-2026) Penalty, see § 10.99

§ 130.02 CURFEW FOR MINORS.

(A) *Loitering of minors prohibited.* It shall be unlawful for any minor to loiter, idle, wander, stroll or play in or be found upon the public streets, highways, roads, alleys, parks, public buildings, places of amusement and entertainment, vacant lots or any public places, after the hour of 10:00 p.m. on Sunday, Monday, Tuesday, Wednesday and Thursday of each week and after the hour of 12:00 a.m. on Friday and Saturday of each week, official city time, if that minor is under the age of 17 years; however, the provisions of this section do not apply to a minor accompanied by his or her parent, legal guardian or other adult person having the care and custody of that minor; nor where the minor is in the performance of an errand or duty directed by that parent, legal guardian or custodian, nor where the minor is returning home from any school dance or school entertainment or entertainment sponsored by a reputable organization; nor where the legal employment of that minor makes it necessary to be upon the streets, alleys or other public places during the night time after the specified hour.

(B) *Responsibility of parents*. It shall be unlawful for the parents, legal guardians or other persons having the care and custody of a minor under the age of 17 years to permit such to loiter, idle, wander, stroll or play in, or be found upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or any public place, between the hours prohibited in division (A) above unless there exists a reasonable necessity therefor.

(C) *Amusement places*. It shall be unlawful for any person, firm or corporation operating places of amusement and entertainment to permit any minors to enter or remain in those places of amusement and entertainment during the hours prohibited under this section; however, the provisions of this division (C) do not apply when the minor 18 accompanied by his or her parent, guardian or other adult person having the care and custody of the minor.

(D) *Warning*. A curfew warning whistle will sound at 9:45 p.m., one-quarter hour before the curfew hour of 10:00 p.m. Failure to sound that warning shall not excuse violation of this section.

(E) *Result of violation*. Any minor violating the provisions of division (A) above shall be deemed a delinquent or neglected child, as defined in the state statutes, and shall be brought before the juvenile court having jurisdiction over that minor. The minor shall be dealt with by the court as provided by law.
(Prior Code, § 130.02) Penalty, see § 10.99

§ 130.03 CONTRIBUTING TO THE DELINQUENCY OF MINOR.

It shall be unlawful for any person to encourage, contribute toward, cause or tend to cause any child under the age of 17 years to perform any acts or engage in any course of conduct which could place that child under the jurisdiction of the Juvenile Division of the probate court as set forth in § 2, Chapter 12A, of Public Act 288 of 1939, as added by Public Act 54 of 1944 (Extra Session), being M.C.L.A. § 712A.2, and all amendments thereto, regardless of whether or not the probate court actually takes jurisdiction over that child for any acts or course of conduct.
(Prior Code, § 130.03) Penalty, see § 10.99

§ 130.04 ABANDONED REFRIGERATORS.

No person shall have in his or her possession, either inside or outside of any building, structure or dwelling, in a place accessible to children, any abandoned, unattended or discarded icebox or refrigerator or any other similar air-tight container of any kind which has a snap latch or other locking device thereon, without first removing the snap latch or other locking device, or the doors, from that icebox, refrigerator or other similar container.
(Prior Code, § 130.04) Penalty, see § 10.99

§ 130.05 ELECTRICAL INTERFERENCE WITH RADIO, TELEVISION RECEPTION.

(A) It shall be unlawful for any person knowingly or wantonly to operate or cause to be operated, any machine, device, apparatus or instrument of any kind whatsoever within the corporate limits of the city between the hours of 6:00 a.m. and 12:00 midnight, the operation of which shall cause reasonably preventable electrical interference with radio or television reception, within the municipal limits. However, X-ray pictures, examinations or treatments may be made at any time if the machines or apparatus used therefor are properly equipped to avoid all unnecessary or reasonably preventable interference with radio or television reception and are not negligently operated.

(B) This section shall not be held or construed to embrace or cover the regulation of any transmitting, broadcasting or receiving instrument, apparatus or device used or useful in interstate commerce or the operation of which instrument, apparatus or device is licensed by or under the provisions of any act of the Congress of the United States.
(Prior Code, § 130.05) Penalty, see § 10.99

TITLE XV: LAND USAGE

Chapter

150. BUILDING REGULATIONS; CONSTRUCTION

151. BUILDING CODES

152. HOUSING AND DWELLING UNITS

153. MOBILE HOMES AND HOME PARKS

154. STREETS, SIDEWALKS AND PUBLIC PROPERTY

155. FORESTS

156. LAND DIVISION

157. SUBDIVISIONS

158. ZONING CODE

159. WIRELESS COMMUNICATION FACILITIES

CHAPTER 150: BUILDING REGULATIONS; CONSTRUCTION

Section

Dangerous Buildings

150.01 Maintaining dangerous building prohibited
150.02 Definition
150.03 Notice; contents; Hearing Officer
150.04 Hearing
150.05 Judicial review

House Moving

150.20 Permit required
150.21 Application; fees and deposits
150.22 Warning lights required
150.23 Insurance

Address Numbering

150.35 Title
150.36 Purpose
150.37 Scope
150.38 Definitions
150.39 Placement
150.40 Size
150.41 Visibility
150.42 Building permits and certificates of occupancy
150.43 Buildings under construction
150.44 Time for compliance
150.45 Relationship to Zoning Ordinance

Storage and Shipping Containers

150.60 Title and purpose
150.61 Authority

150.62 Scope
150.63 Definitions
150.64 Regulations and restrictions
150.65 Authorized enforcement personnel

150.99 Penalty

DANGEROUS BUILDINGS

§ 150.01 MAINTAINING DANGEROUS BUILDING PROHIBITED.

It is unlawful for any owner or agent thereof to keep or maintain any dwelling or part thereof which is a dangerous building, as defined in § 150.02 of this chapter, or which is in violation of Public Act 144 of 1992.
(Prior Code, § 150.50) Penalty, see § 150.99

§ 150.02 DEFINITION.

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

DANGEROUS BUILDING. Any building or structure which has any of the following defects or is in any of the following conditions:

(1) When any door, aisle, passageway, stairway or other means of exit does not conform to the approved Fire Code of the city;

(2) When any portion has been damaged by fire, wind, flood or by any other cause in a manner that the structural strength or stability is appreciably less than it was before that catastrophe and is less than the minimum requirements of the Building Code of the city for a new building or similar structure, purpose or location;

(3) When any portion or member or appurtenance is likely to fall or to become detached or dislodged or to collapse and thereby injure persons or damage property;

(4) When any portion has settled to an extent that walls or other structural portions have materially less resistance to winds than is required in the case of new construction by the Building Code of the city;

(5) When the building or structure or any part, because of dilapidation, deterioration, decay, faulty construction or because of the removal or movement of some portion of the ground necessary for the purpose of supporting that building or portion thereof, or for other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning is likely to fall or give way;

(6) When, for any reason, the building or structure or any portion is manifestly unsafe for the purpose for which it is used;

(7) When the building or structure has been so damaged by fire, wind or flood, or has become so dilapidated or deteriorated as to become an attractive nuisance to children who might play therein to their danger, or as to afford a harbor for vagrants, criminals or immoral persons, or as to enable persons to resort thereto for the purpose of committing a nuisance or unlawful or immoral acts;

(8) When a building or structure used or intended to be used for dwelling purposes, because of dilapidation, decay, damage or faulty construction or arrangement or otherwise, is unsanitary or unfit for human habitation or is in a condition that is likely to cause sickness or disease when so determined by the Health Officer, or is likely to work injury to the health, safety or general welfare of those living within; and

(9) When any building becomes vacant, dilapidated and open at door or windows leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.
(Prior Code, § 150.51)

§ 150.03 NOTICE; CONTENTS; HEARING OFFICER.

(A) When the whole or any part of any building or structure is found to be in a dangerous or unsafe condition, the enforcing agency shall issue a notice of the dangerous and unsafe condition.

(B) The notice shall be directed to each owner of or party in interest in the building in whose name the property appears on the last local tax assessment records.

(C) The notice shall specify the time and place of a hearing on the condition of the building or structure at which time and place the person to whom the notice is directed shall have the opportunity to show cause why the building or structure should not be ordered to be demolished or otherwise made safe.

(D) The Hearing Officer shall be appointed by the Mayor to serve at his or her pleasure. He or she shall be paid those fees as shall be fixed by resolution of the City Council. The enforcing agency shall file a copy of the notice of the dangerous and unsafe condition with the Hearing Officer.

(E) All notices shall be in writing and shall be served upon the person to whom they are directed personally, or in lieu of personal service may be mailed by certified mail, return receipt requested, addressed to that owner or party in interest at the address shown on the tax records, at least ten days before the date of the hearing described in the notice. If any person to whom a notice is directed is not personally served, in addition to mailing the notice, a copy thereof shall be posted upon a conspicuous part of the building or structure.
(Prior Code, § 150.52)

§ 150.04 HEARING.

(A) The Hearing Officer shall take testimony of the enforcing agency, the owner of the property and any interested party. The Hearing Officer shall render his or her decision either closing the proceedings or ordering the building to be demolished or otherwise made safe.

(B) If it is determined by the Hearing Officer that the building or structure should be demolished or otherwise made safe, he or she shall so order, fixing a time in the order for the owner, agent or lessee to comply therewith.

(C) If the owner, agent or lessee fails to appear or neglects or refuses to comply with the order, the Hearing Officer shall file a report of his or her findings and a copy of his or her order with the City Council and request that the necessary action be taken to demolish or otherwise make safe the building or structure. A copy of the findings and order of the Hearing Officer shall be served on the owner, agent or lessee in the manner prescribed in § 150.03 of this chapter.

(D) The Council shall fix a date for hearing, reviewing the findings and order of the Hearing Officer and shall give notice to the owner, agent or lessee in the manner prescribed in § 150.03 of this chapter of the time and place of the hearing. At the hearing the owner, agent or lessee shall be given the opportunity to show cause why the building should not be demolished or otherwise made safe and the Council shall either approve, disapprove or modify the order for the demolition or making safe of the building or structure.

(E) The cost of the demolition or making the building safe shall be a lien against the real property and shall be reported to the City Assessor who shall assess the cost against the property on which the building or structure is located.

(F) The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified of the amount of the cost by first class mail at the address shown on the records. If he or she fails to pay the same within 30 days after mailing by the Assessor of the notice of the amount thereof, the Assessor shall add the same to the next tax roll of the city and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes by the city.
(Prior Code, § 150.53)

§ 150.05 JUDICIAL REVIEW.

An owner aggrieved by any final decision or order of the City Council under § 150.04 of this chapter may appeal the decision or order to the circuit court by filing a petition for an order of superintending control within 20 days from the date of the decision.
(Prior Code, § 150.54)

HOUSE MOVING

§ 150.20 PERMIT REQUIRED.

No building shall be moved on or across any public street, walk, alley or other public place within the city by any person, firm or corporation, except upon a permit duly issued by the city.
(Prior Code, § 98.90) Penalty, see § 150.99

§ 150.21 APPLICATION; FEES AND DEPOSITS.

(A) Any person desiring to move any building within the city shall first obtain a permit, after application therefor, presented to the City Manager, upon a form to be used for that purpose.

(B) Before the permit shall be granted to any person, firm or corporation, the application shall designate or describe the building proposed to be moved, the route to be taken, and the time probably required for the moving. The City Manager may, upon the payment to the city of the fee and deposit hereinafter provided for, grant the permit sought for that purpose. Before issuance of the permit, a fee shall be deposited with the city by each applicant and the balance thereof shall be paid within 15 days after billing by the city. Fees to be charged shall be established by resolution of the City Council.

(C) There shall also be deposited with the city by the agent or agents or the person who is employed to do the actual moving and other related constructions, a fee to be established by resolution of the City Council in the nature of a performance bond to reimburse the city for any damage that might occur to any public structures in any street, alley or public place over which the building may be moved, and further, any damage to the sewer system in excavating, connecting to the sewer and otherwise in preparing the site for the building to be moved to.

(D) No permit to move any building within the city shall be granted unless the construction and proposed use of that building on the proposed new site shall conform to the requirements of the code and of Chapter 158 of this code of ordinances.
(Prior Code, § 98.91) (Ord. 253, passed 2-9-2026)

§ 150.22 WARNING LIGHTS REQUIRED.

On each and every night while a building remains on public streets or alleys of the city, from dusk to sunrise, the person to whom the permit shall be issued shall place and cause to be maintained at the center and at each end of the building red lights which lights shall be plainly visible during the period above mentioned.
(Prior Code, § 98.92)

§ 150.23 INSURANCE.

Any person seeking a permit for house moving shall provide satisfactory evidence of insurance in the minimum amount of $100,000 per person and $300,000 aggregate for liability and $1,000,000 for property damage coverage. These amounts shall apply unless the city's insurance carrier shall require a greater amount.
(Prior Code, § 98.93)

ADDRESS NUMBERING

§ 150.35 TITLE.

This subchapter shall be known as the "City of Wakefield Street Address Number Ordinance" (referred to herein as "this subchapter").
(Ord. 231, passed 11-25-2019)

§ 150.36 PURPOSE.

This subchapter is enacted to protect the health, safety and general welfare of the residents of the city by requiring the uniform placement, size and display of street address numbers for all buildings within the city so that each building or building unit, as applicable, can be readily and clearly identified and located by vehicles responding to emergencies and so as to reduce uncertainty as to the address of each building or building unit for other general purposes. Further, this subchapter is intended to prevent visual blight within the city by limiting address numbers to a size no larger than required to clearly identify and locate buildings, and to prevent the unregulated use of address numbers for commercial purposes or for other purposes not related to protection of the health, safety and general welfare of the residents of the city.
(Ord. 231, passed 11-25-2019)

§ 150.37 SCOPE.

(A) This subchapter provides standards for the placement, size and display of all street address numbers for buildings or building units within the city.

(B) It is not intended by this subchapter to repeal, abrogate, annul or in anyway impair or interfere with existing provisions of other laws or ordinances, except as specifically provided by this subchapter.

(C) All existing buildings and all buildings constructed in the future shall comply with the requirements of this subchapter.
(Ord. 231, passed 11-25-2019)

§ 150.38 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly requires a different meaning.

ADDRESS NUMBER. The number assigned by the city to a building or building unit in the city for purposes of identifying the address of the building or building unit. As used in this subchapter, ***ADDRESS NUMBERS*** does not include a number placed on or near a building for commercial or advertising purposes, such as a number included in the name of a business, even if that number and the address number are the same (e.g., the 504 Club, located at 504 Main Street). ***ADDRESS NUMBERS*** may be displayed by either Arabic numerals or script.

BUILDING UNITS. An individual dwelling unit, office, business or other portion of a building which is assigned its own address number.

ROADWAY. Includes public and private streets, roads, avenues, boulevards, parkways and other public or private roadways and rights-of-way, as applicable to the property in question.
(Ord. 231, passed 11-25-2019)

§ 150.39 PLACEMENT.

Address numbers for all residential dwelling units and non-residential principal buildings within the city shall be placed as follows.

(A) *Residential buildings.*

(1) A residential dwelling served by one driveway, located less than 110 feet from the closest roadway shall have its address number displayed on the front of the building (either on the front of the

dwelling unit or as close to the front door as is practicable) in a manner readily visible and clearly ascertainable from the abutting roadway or on a post located not more than ten feet from the roadway right-of-way or on a regulation United States Postal Service mailbox. The post or mailbox shall be located on the same side of the roadway as, and directly in front of, the dwelling unit. The address number on the post or mailbox shall be readily visible and clearly ascertainable from both directions from the abutting roadway.

(2) A residential dwelling unit that is located more than 110 feet from the closest roadway shall have its address number displayed on the front of the building (either on the front of the dwelling unit or as close to the front door as is practicable) in a manner readily visible and clearly ascertainable from the abutting roadway and on a post located not more than ten feet from the roadway right-of-way or on a regulation United States Postal Service mailbox. The post or mailbox shall be located on the same side of the roadway as, and directly in front of, the dwelling unit. The address number on the post or mailbox shall be readily visible and clearly ascertainable from both directions from the abutting roadway.

(3) Multi-family residential buildings shall have a building address sign on or at the front of the building that identifies the addresses of all dwelling units located within the building if the addresses of the individual dwelling units are not otherwise required by this subchapter to be displayed on the exterior of the building.

(B) *Non-residential buildings*.

(1) A principal building used primarily for business or other non-residential purposes shall have its address number displayed on the front of the building (either on the front entrance of the building or as close to the front door as is practicable), or on a sign directly in front of the building in a manner readily visible and clearly ascertainable from the abutting roadway.

(2) In addition to the address number displayed on or in the front of the building as required by division (B)(1) above, a non-residential building that is either located more than 110 feet from the closest roadway or located in a manner such that the address number on the front of the building is not readily visible and clearly ascertainable from the closest roadway (due to trees, vegetation topography or any other reason), shall also have its address number displayed on a post or mail box as provided by division (A)(2) above.

(3) If a place of business is located in a building common to two or more separate businesses, and the business has, in addition to its front or main entrance, a rear entrance not common to the other businesses and which leads to a hard-surfaced area upon which vehicular traffic may maneuver, the additional entrance shall be separately identified with the address number of the place of business. Further, a building containing two or more separate businesses or building units with separate addresses shall have a building address sign on or at the front of the building that identifies the addresses of all

building units located within the building if the addresses of the individual units are not otherwise required by this subchapter to be displayed on the exterior of the building.

(C) *Compliance; exception*. If due to the particular circumstances an address number cannot be placed in strict compliance with divisions (A) and (B) above, then the address number shall be located in a manner to be determined by the city's Fire Chief which complies as closely as possible with the purposes and intent of this subchapter and as required by the public health, safety and general welfare. (Ord. 231, passed 11-25-2019) Penalty, see § 150.99

§ 150.40 SIZE.

(A) *Residential buildings*.

(1) Address numbers displayed on the front of a residential building shall be at least three inches in height, or of such greater size as to permit them to be readily visible and clearly ascertainable from the abutting roadway.

(2) Address numbers displayed on a post or on a mail box as required by § 150.39(A)(2) of this chapter shall be at least three inches in height, with a maximum height of six inches.

(B) *Non-residential buildings*.

(1) Address numbers displayed on the front of a non-residential building or on a sign in front of the building shall be at least three in height, or of such greater size as to permit them to be readily visible and clearly ascertainable from the abutting roadway; provided that, the maximum height of the numbers shall not exceed 24 inches.

(2) Address numbers displayed on a post or on a mail box as required by § 150.39(B)(2) of this chapter shall be at least three inches in height, with a maximum height of six inches.
(Ord. 231, passed 11-25-2019) Penalty, see § 150.99

§ 150.41 VISIBILITY.

(A) The color of an address number shall be in contrast to the immediate background on which it is mounted (e.g., light on dark or dark on light).

(B) The address number shall be displayed in a manner that will permit the number to be clearly ascertainable during all hours of normal daylight.

(C) The visibility of the address number must be maintained in compliance with the requirements of this subchapter and so as not to become obscured by trees, vegetation, snow, parked cars, awnings, overhangs or other appurtenances or obstructions. The duty and responsibility of insuring compliance with this subchapter shall apply to both the owner and occupant of the particular residential building, non-residential building or building unit.
(Ord. 231, passed 11-25-2019) Penalty, see § 150.99

§ 150.42 BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY.

All applicants for building permits for new construction or alterations of existing structures shall be given a copy of the requirements for numbering the buildings and shall comply with the requirements of this subchapter before a building permit shall be issued. In addition, the issuance of a certificate of occupancy shall be conditioned upon compliance with the requirements of this subchapter. The address numbers required by this subchapter shall be permanently affixed at the time of any final inspection of a building.
(Ord. 231, passed 11-25-2019)

§ 150.43 BUILDINGS UNDER CONSTRUCTION.

Street address numbers shall be displayed so as to be clearly ascertainable from the abutting roadway at all premises where a building is under construction.
(Ord. 231, passed 11-25-2019) Penalty, see § 150.99

§ 150.44 TIME FOR COMPLIANCE.

For existing buildings, the requirements of this subchapter shall be complied with within six months from the effective date of this subchapter. For buildings not yet constructed, the requirements of this subchapter shall be complied with as provided by § 150.42 of this chapter.
(Ord. 231, passed 11-25-2019)

§ 150.45 RELATIONSHIP TO ZONING ORDINANCE.

(A) A number which qualifies as an address number within the meaning of this subchapter and which complies with the size and placement standards provided by this subchapter shall not be included for purposes of calculating sign area requirements should the city adopt a sign ordinance. Further, to the extent that there is a conflict between the provisions of this subchapter and provisions of the city's Zoning Ordinance regarding location or placement of an address number, the placement provisions of this subchapter shall control.

(B) A number which does not qualify as an address number within the meaning of this subchapter or which does not comply with the size and placement standards provided by this subchapter shall be regulated for all purposes as a sign under any future zoning ordinance.
(Ord. 231, passed 11-25-2019)

STORAGE AND SHIPPING CONTAINERS

§ 150.60 TITLE AND PURPOSE.

The title of this subchapter is the "City of Wakefield Storage Container Ordinance". The purpose of this subchapter is to regulate the use of storage containers in the city and to provide for enforcement procedures and penalties for violations of this subchapter, because their unauthorized use is a health and safety hazard and a public nuisance.
(Ord. 236, passed 12-28-2020)

§ 150.61 AUTHORITY.

This subchapter shall be read and facilitated in conjunctions with the state's Zoning and Enabling Act, being Public Act 110 of 2006, being M.C.L.A. §§ 125.3101 et seq., as amended.
(Ord. 236, passed 12-28-2020)

§ 150.62 SCOPE.

This subchapter shall apply to all districts, and all parcels less than 18 acres, in the city.
(Ord. 236, passed 12-28-2020)

§ 150.63 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly requires a different meaning.

ALL-WEATHER SURFACE. A surface that shall be built with one of the following: asphalt; concrete; chip seal; graded and compacted gravel; or other stabilized system.

STANDARD SIZE. The city recognizes one size, 20 feet length, eight feet eight inches or nine feet six inches in height, and eight feet in width.

STORAGE CONTAINER. A container prefabricated for the purpose of transporting freight or goods on a truck, railroad or ship, including cargo containers, shipping containers, storage units or other similar portable structures placed on private property and used for storage of items.

TEMPORARY PORTABLE STORAGE CONTAINER. Includes, but not limited to, moving "pods" or any other similar portable storage container, whether with or without wheels, and whether with or without a chassis.
(Ord. 236, passed 12-28-2020)

§ 150.64 REGULATIONS AND RESTRICTIONS.

(A) *General.*

(1) Storage containers count towards the accessory structure limit in all zone districts.

(2) A building permit is required for placement of storage containers on all parcels.

(3) Building Inspector and Zoning Administrator approval is required.

(4) Storage containers are forbidden in front yards or corner lots.

(5) Storage containers not of standard size require approval by the Planning Commission.

(6) Shipping containers shall be repainted in earth tones to foster and enhance the visual image and vernacular character of the city and neighborhood.

(7) Visual mitigation, acceptable to the Planning Commission, is required for storage containers on less than 18 acres. ***MITIGATION*** may include, but not limited to, painting, berming, fencing, siding or other means to reduce visibility and/or improve aesthetics.

(B) *Restrictions by districts.*

(1) *Residential districts (R-1, R-2, R-3).*

(a) Only one storage container shall be permitted per-parcel in all residential zone districts where a permitted dwelling is located or active or permitted construction of a dwelling unit is ongoing.

(b) Storage containers are not permitted on vacant parcels.

(c) No storage container is permitted on a vacant parcels.

(d) No storage containers shall be placed or located in a public utility easement, public right-of-way, alleyway or fire lane.

(e) A storage container shall not be located in a manner that would impede ingress, egress or emergency access.

(f) Setbacks shall be as set in Chapter 158 of this code of ordinances.

(g) This requires a special land use permit.

(2) *Commercial districts (C-1, C-2)*. The use of storage containers in Neighborhood Commercial (C-1) or Downtown and Highway Commercial (C-2) is prohibited.

(3) *Industrial districts (I)*.

(a) The use of storage containers are permissible in industrial districts (I); provided, they are not placed in a public utility easement, public right-of-way, alleyway or fire lane.

(b) A storage container shall not be located in a manner that would impede ingress, egress or emergency access.

(4) *Open area district (O)*.

(a) The use of storage containers are permissible in an open area district (O); provided, they are not placed in a public utility easement, public right-of-way, alleyway or fire lane.

(b) A storage container shall not be located in a manner that would impede ingress, egress or emergency access.

(c) This requires a special land use permit.

(C) *Vertical stacking*. Vertical stacking of storage containers and stacking of any other materials on top of or around any portable storage container shall be prohibited in all zones. An exception may be approved by the Planning Commission for those commercial businesses that have a valid business license to sell portable storage containers.

(D) *Condition, repair*.

(1) In all zones, portable storage containers must be kept in good repair, be secured against unauthorized entry, comply with health regulations and be stored on an all-weather surface.

(2) A storage container is not in a state of good repair when it is incapable of being moved intact, holes in the container exist due to damage or rust, or has been infested with vermin or other pests.

(3) Storage containers must be kept in good, non-flaking condition.

(E) *Temporary nature*. Storage containers may not be used for temporary or permanent dwelling, living quarters, camping or recreation purposes for any amount of time, in any zone.
(Ord. 236, passed 12-28-2020) Penalty, see § 150.99

§ 150.65 AUTHORIZED ENFORCEMENT PERSONNEL.

The following city officers and officials are authorized to enforce this subchapter:

(A) City Manager;

(B) City Building Inspector;

(C) City Blight Officer;

(D) County Sheriff's Department; and

(E) Any other person designated by the City Council.
(Ord. 236, passed 12-28-2020)

§ 150.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Whoever violates §§ 150.20 through 150.23 of this chapter shall, upon conviction, be fined $100.
(Prior Code, § 98.99)

(C) (1) *Municipal civil infraction*.

(a) Any person who violates any provision of §§ 150.35 through 150.45 of this chapter is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than $50, plus costs and other sanctions, for each violation (as authorized by §§ 10.35 through 10.43 of this code of ordinances.

(b) Repeat offenses under §§ 150.35 through 150.45 of this chapter shall be subject to increased fines as provided by this division (C).

1. As used in this division (C), a ***REPEAT OFFENSE*** means a second (or any subsequent) violation of the same requirement or provision of §§ 150.35 through 150.45 of this chapter:

a. Committed by a person within any 90-day period; and

b. For which the person admits responsibility or is determined to be responsible.

2. The increased fine for a repeat offense under §§ 150.35 through 150.45 of this chapter shall be as follows.

a. The fine for any offense which is a first repeat offense shall be not less than $100, plus costs.

b. The fine for any offense which is a second repeat offense, or any subsequent repeat offense, shall be not less than $200 each, plus costs.

(c) Each day on which any violation of §§ 150.35 through 150.45 of this chapter occurs or continues constitutes a separate offense subject to separate sanctions.

(d) The City Manager, his, her or their designee, or the Building Inspector is hereby designated as an authorized city official to issue municipal civil infraction citations for violations of §§ 150.35 through 150.45 of this chapter, as provided by §§ 10.35 through 10.43 of this code of ordinances. As used in §§ 150.35 through 150.45 of this chapter, a ***BUILDING INSPECTOR*** means the city official, employee, agent or other entity appointed by the City Council to perform the functions and tasks assigned by §§ 150.35 through 150.45 of this chapter to the a Building Inspector.

(e) In addition to any remedies available at law, the city may bring an action for an injunction or other process against any person to restrain, prevent or abate any violation of §§ 150.35 through 150.45 of this chapter.

(2) *Nuisance per se*. A violation of §§ 150.35 through 150.45 of this chapter constitutes a nuisance per se.

(3) *Remedies*. In addition to any other remedy available at law, the city may bring an action for an injunction or other process to restrain or prevent any violation of the provisions of §§ 150.35 through 150.45 of this chapter.

(D) Any violation of §§ 150.60 through 150.65 of this chapter may be separately, concurrently or together through §§ 10.35 through 10.43 or 10.99 of this code of ordinances.
(Ord. 231, passed 11-25-2019; Ord. 236, passed 12-28-2020)

CHAPTER 151: BUILDING CODES

Section

Construction Code

151.01 State Code enforcement
151.02 Agency designated

Electrical Code

151.15 Short title
151.16 Administration and enforcement
151.17 Scope
151.18 Licenses required
151.19 Use of licensee's name by another
151.20 Electrical standards
151.21 Permit for electrical work; fees
151.22 Requirements for electrical permits; plans and specifications
151.23 Inspections; fee

Plumbing Code

151.35 Adoption of State Plumbing Code and laws
151.36 Publication and distribution of Code
151.37 Plumbing Inspector
151.38 Fees
151.39 Expiration of permits

International Property Maintenance Code

151.50 Adoption of Code by reference
151.51 Changes and modifications

Cross-reference:

Dangerous Buildings, see §§ 150.01 through 150.05
Zoning Code, see Chapter 158

CONSTRUCTION CODE

§ 151.01 STATE CODE ENFORCEMENT.

Pursuant to Public Act 230 of 1972, being M.C.L.A. §§ 125.1501 et seq., the State Construction Code shall be enforced within the city by the city as authorized by § 9 of that Act.
(Prior Code, § 150.01)

§ 151.02 AGENCY DESIGNATED.

Pursuant to the provisions of Public Act 230 of 1972, as amended, being M.C.L.A. §§ 125.1501 et seq., the city's Building Official is designated as the enforcing agency to discharge the responsibilities of the city under Public Act 230 of 1972, as amended, being M.C.L.A. §§ 125.1501 et seq. The city assumes responsibility for the administration and enforcement of the Act throughout its corporate limits.
(Prior Code, § 150.02) (Ord. 152, passed 4-27-1992; Ord. 253, passed 2-9-2026)

ELECTRICAL CODE

§ 151.15 SHORT TITLE.

This subchapter shall be known as the "Electrical Code" and may be so cited.
(Prior Code, § 150.15)

§ 151.16 ADMINISTRATION AND ENFORCEMENT.

The administration and enforcement of this subchapter shall be the duty of the City Manager or someone by the City Manager duly authorized and under his or her control and direction.
(Prior Code, § 150.16)

§ 151.17 SCOPE.

(A) *Covered.* This subchapter covers the electrical conductors and equipment installed within or on public and private buildings and other premises, including yards, carnivals and parking lots, and

industrial substations; also the conductors that connect the installations to a supply of electricity and other outside conductors adjacent to the premises; also mobile homes and travel trailers.

(B) *Not covered*. This subchapter does not cover installations in mines, ships, railway cars, aircrafts, automotive equipment or the installations or equipment employed by a railway, electric or communication utility in the exercise of its function as a utility, and located outdoors or in buildings used exclusively for that purpose.

(C) *Statement of policy*. It is contemplated that the City Manager or that person as he or she shall appoint and authorize as assistant or agent, shall make inspection of electrical wiring and electrical work in all cases except those involving industrial, commercial, public or institutional buildings, which shall be inspected by an agent or employee of the state's Electrical Administrative Board, as provided in Public Act 217 of 1936, as amended.
(Prior Code, § 150.17)

§ 151.18 LICENSES REQUIRED.

(A) *Electrical contractor's license*. No individual shall engage in the business of electrical contracting in the city unless licensed as an electrical contractor or an independent electrical contractor by the state.

(B) *Journeyman electrician's license*. No individual shall practice as a journeyman electrician in the city unless licensed as a journeyman electrician by the state.

(C) *Supervision of work*. No individual, firm, partnership or corporation shall engage in the business of installing, repairing or altering electric conductors and equipment unless the electrical work performed in the course of that business is under the direct supervision of an electrical contractor, an independent electrical contractor or an electrical supervisor duly licensed by the state.
(Prior Code, § 150.18)

§ 151.19 USE OF LICENSEE'S NAME BY ANOTHER.

(A) No person who has an electrical contractor's license or an independent electrical contractor's license shall allow his or her name to be used by another person either for the purpose of obtaining permits, or for doing business or work under the license.

(B) Every person licensed shall notify the City Clerk of the address of his or her place of business, if any, and the name under which that business is carried on and shall give immediate notice to the Clerk of any change in either.
(Prior Code, § 150.19)

§ 151.20 ELECTRICAL STANDARDS.

The current edition of the National Electrical Code, as recommended by the National Fire Protection Association and approved by American Standards Association, and all subsequent editions thereof, as so approved, and all subsequent amendments thereto, shall be deemed the minimum safe and practical standard for the installation, alteration and use of electrical equipment in the city.
(Prior Code, § 150.20)

§ 151.21 PERMIT FOR ELECTRICAL WORK; FEES.

(A) *Issuance of permit*.

(1) No electrical work, unless excepted in this subchapter, shall be undertaken prior to the issuance of a permit therefor by the City Clerk or by the state's Electrical Administrative Board.

(2) A permit shall be issued to a licensed electrical contractor or an independent electrical contractor, except as provided in division (B) below.

(B) *Exceptions*.

(1) Any permit required by this subchapter may be issued to any person to do any work regulated by this code in a single-family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters in connection with that building; provided, the person is the bona fide owner of that dwelling and that the same will be occupied by that owner and that the owner shall personally purchase all material and perform all labor in connection therewith.

(2) No permit shall be required for minor repair work, which means electrical wiring not in excess of $50.

(C) *Applications for permits*.

(1) Applications for permit (except those made to the state's Electrical Administrative Board) shall be made on suitable forms provided by the City Clerk.

(2) The application shall be accompanied by fees in accordance with a schedule of fees.

(D) *Schedule of fees*. The City Council may from time to time by resolution provide for those permit fees as it may find to be required.
(Prior Code, § 150.21)

§ 151.22 REQUIREMENTS FOR ELECTRICAL PERMITS; PLANS AND SPECIFICATIONS.

No permit shall be issued until plans and specifications showing the proposed work in necessary detail have been submitted to the City Manager and the City Manager has determined from examination of those plans and specifications that they give assurance that the work will conform to the provisions this code. If a permit is denied, the applicant may submit revised plans and specifications on which a permit has been issued, amended plans and specifications shall be submitted and a supplementary permit, subject to the same conditions applicable to original application for permit, shall be issued to cover the change.
(Prior Code, § 150.22)

§ 151.23 INSPECTIONS; FEE.

(A) *Inspections*. It shall be the duty of the City Manager, or that person as he or she may authorize, to enforce the provisions of this code and to make the inspections and tests required thereunder, except in those cases where a permit is obtained from the state's Electrical Administrative Board.

(B) *Inspection fee*. There shall be charged and collected by the city, an inspection fee in an amount as may be determined by the City Council.

(C) *Right of entry*. The City Manager, or that person as the City Manager may authorize, and the Chiefs of the Fire and Police Departments shall, after proper identification, have the right to enter any premises for the purpose of inspecting any electric conductors and equipment at those times as may be reasonably necessary to protect the public safety and welfare.
(Prior Code, § 150.23)

PLUMBING CODE

§ 151.35 ADOPTION OF STATE PLUMBING CODE AND LAWS.

The latest edition of the Plumbing Code and statutes of the state, published under the title of "Plumbing Laws, Rules and Regulations of the State Plumbing Board of Michigan Pertaining to the Licensing of Plumbers, the Supervision and Inspection of Plumbing and the Adoption and Enforcement of Uniform Minimum Standards Governing the Construction, Installation and Inspection of Plumbing and Drainage", and all subsequent editions thereof, as approved by the state's Plumbing Board, and all subsequent amendments to the state statutes set forth therein, are hereby adopted by reference and made

a part of this subchapter with the same effect as if that Code, statutes, rules and regulations were repeated herein, word for word.
(Prior Code, § 150.35)

§ 151.36 PUBLICATION AND DISTRIBUTION OF CODE.

The Plumbing Code, herein adopted, shall be published by providing to the public in the office of the City Clerk printed copies in book form available for inspection by the public at all times, and the public is hereby notified that a complete copy or copies thereof are available for public use and inspection at the office of the City Clerk.
(Prior Code, § 150.36)

§ 151.37 PLUMBING INSPECTOR.

(A) The City Manager shall appoint a Plumbing Inspector, qualified as required by law, whose duty it shall be to enforce the provisions of this subchapter.

(B) This Inspector may be employed or retained upon the basis as shall appear to the City Manager most practicable and advantageous, and shall be responsible to the City Manager or to the person designated by the City Manager.
(Prior Code, § 150.37)

§ 151.38 FEES.

(A) Fees for licenses, registrations, permits and inspections shall be charged and collected in accordance with a schedule thereof fixed by the City Council by resolution from time to time.

(B) These fees shall be sufficient to pay for the cost of administration and inspections required by this subchapter.
(Prior Code, § 150.38)

§ 151.39 EXPIRATION OF PERMITS.

All permits issued under the provisions of this subchapter shall terminate on the expiration of one year from the date of issuance unless exercised within that period.
(Prior Code, § 150.39)

INTERNATIONAL PROPERTY MAINTENANCE CODE

§ 151.50 ADOPTION OF CODE BY REFERENCE.

(A) A certain document, three copies of which are on file in the office of the City Clerk, being marked and designated as the "International Property Maintenance Code," 2021 edition, and all future editions as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the city for regulating and governing the conditions and maintenance of all property, buildings, and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions, and terms of said Property Maintenance Code on file in the office of the City Clerk are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in § 151.51 of this chapter.

(B) This subchapter is enacted by the City Council under the authority vested in the Council by Public Act 279 of 1909, being M.C.L.A. §§ 117.1 et seq., as amended.
(Ord. 239, passed 3-28-2021; Ord. 253, passed 2-9-2026)

§ 151.51 CHANGES AND MODIFICATIONS.

The following sections are hereby adopted as though fully set forth at length herein with the insertions, additions, deletions and changes, if any, prescribed as follows:

(A) Section 101.1. Insert: City of Wakefield;

(B) Section 103.1. Insert: Code Enforcement Department;

(C) Section 302.4. Insert: Eight Inches (8');

(D) Section 304.14. Insert: April 15 to October 15;

(E) Section 602.3. Insert: October 1 to June 30; and

(F) Section 602.4. Insert: October 1 to June 30.
(Ord. 239, passed 3-28-2021)

CHAPTER 152: HOUSING AND DWELLING UNITS

Section

General Provisions

152.01 Purpose
152.02 Application of provisions
152.03 Definitions
152.04 Temporary dwellings
152.05 Compliance with certain provisions required
152.06 Keeping of animals or fowl prohibited
152.07 Sanitation of public areas and dwelling units
152.08 Rubbish and garbage disposal
152.09 Screens and storms
152.10 Plumbing and other supplied facilities
152.11 Extermination of pests

Rooming Houses

152.25 Compliance with provisions
152.26 Inspections
152.27 Minimum basic facilities, supplies and space
152.28 Responsibility for maintenance
152.29 Hotels and motels; application of provisions

Condemnation Procedure

152.40 Determination if dwelling should be condemned
152.41 Placarding
152.42 Vacation of dwelling; non-compliance
152.43 Placard removal
152.44 Order to demolish

Administration and Enforcement

152.55 Inspection authorized
152.56 Emergency action

152.57 Service of notice and orders
152.58 Hearings
152.59 Denial of permits and licenses
152.60 Amendments
152.61 Liens
152.62 Certificate for occupancy
152.63 Unlawful occupation; collection of rent non-recoverable
152.64 Summary eviction

GENERAL PROVISIONS

§ 152.01 PURPOSE.

The purpose of this chapter is to arrest, remedy and prevent the decay and deterioration of places of habitation by providing minimum requirements for places of habitation for the protection of the life, health, welfare, safety and property of the general public and the owners and occupants of places of habitation.
(Prior Code, § 151.01)

§ 152.02 APPLICATION OF PROVISIONS.

The provisions of this chapter shall apply to all dwellings; and to all persons, firms, partnerships, associations and corporations owning, occupying or having control or management of any building or premises used for dwelling purposes which are located within the city.
(Prior Code, § 151.02)

§ 152.03 DEFINITIONS.

(A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPROVED. Unless otherwise specified, shall mean accepted by the City Manager or the City Manager's authorized representative.

BASEMENT. A portion of a building located partly or wholly underground.

CLOSED. A built-in storage space which shall be easily accessible and of such dimensions as to be usable.

DWELLING. Any house, building or structure, shelter or portion thereof, which is wholly or partly used or intended to be used for living or sleeping by human occupants either permanently or transiently. Mobile homes, house trailers or other vehicles may be occupied or used as a ***DWELLING*** without being subject to the provisions of this chapter for ***DWELLINGS*** when located in a park or place designated for that purpose by the city.

DWELLING UNIT. Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

EXTERMINATION. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, trapping, fumigating or by any other pest elimination method approved by the City Manager or the Manager's authorized representative.

GARBAGE. The animal and vegetable waste resulting from the handling, preparation, cooking and the serving of food.

HABITABLE ROOM. A room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers, communicating corridors, closets and storage space.

HEALTH OFFICER. The City Manager or the Manager's authorized representative.

INFESTATION. The presence, within or around a dwelling, of any insects, rodents or other pests.

MULTIPLE DWELLING. Any dwelling containing more than two dwelling or rooming units.

OCCUPANT. Any person, more than one year of age, living, sleeping, cooking or eating in or having actual possession of a dwelling or rooming unit.

OPERATOR. Any person who has charge, care or control of a building, or part thereof, in which dwelling units or rooming units are let.

ORDINARY MINIMUM WINTER CONDITIONS. The temperature of 15°F.

OWNER.

(a) Any person who, alone or jointly or severally with others:

1. Shall have legal title or a purchaser's interest in a land contract to any dwelling or dwelling unit, building or premises with or without accompanying actual possession thereof; and

2. Shall have charge, care or control of any dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner.

(b) Any person thus representing the actual ***OWNER*** shall be bound to comply with the provisions of this chapter.

PERSON. Any individual, firm, corporation, association or partnership.

PLUMBING. All of the following supplies, facilities and equipment; gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, hot water heaters, catch basins, drains, vents and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.

PREMISES. Any lot or parcel of]and inclusive of the buildings and appurtenances thereto.

ROOMING HOUSE. Any dwelling or that part of any dwelling containing more than two rooming units or in which space is let by the owner or operator to three or more persons.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit used or intended for living and sleeping, but not for cooking purposes.

RUBBISH. Combustible and non-combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, leaves, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and all similar items not hereinbefore enumerated.

SUPPLIED. Paid for, furnished or provided by or under the control of the owner or operator.

(B) When the words ***DWELLING UNIT, ROOMING UNIT*** and ***PREMISES*** are used in this chapter, they shall be construed as though they were followed by the words ***OR ANY PART THEREOF***. (Prior Code, § 151.03)

§ 152.04 TEMPORARY DWELLINGS.

It shall be unlawful to erect or occupy any structure which is intended to be occupied in whole or in part as a temporary dwelling, unless it complies with all the provisions of this chapter. (Prior Code, § 151.04) Penalty, see § 10.99

§ 152.05 COMPLIANCE WITH CERTAIN PROVISIONS REQUIRED.

(A) *General*. No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living, sleeping, cooking or eating therein, which does not comply with the following requirements.

(1) *Kitchen sink*. Every dwelling unit shall contain a kitchen sink which is connected to a water and sewer system approved by the Health Officer.

(2) *Water closet, lavatory and bath*. Every dwelling unit shall contain a room or rooms which affords privacy to a person within that room and which are equipped with a flush water toilet, a lavatory basin and a bathtub or shower connected to a water and sewer system approved by the Health Officer.

(3) *Water connections*. Every sink, lavatory basin and bathtub or shower required under the provisions of this chapter and all supplied laundry facilities or supplied location for laundry facilities shall be connected with both hot and cold water lines. An adequate amount of water of at least 120°F shall be available at every required kitchen sink, lavatory basin, bathtub or shower and at supplied laundry facilities or supplied location for laundry facilities.

(4) *Garbage storage facilities*. Every dwelling unit shall be supplied with adequate garbage storage facilities, the location of which is approved by the Health Officer. It shall be the responsibility of the owner to supply those facilities or containers for all dwelling units in a dwelling containing two or more dwelling units. In all other cases, it shall be the responsibility of the occupant to furnish those facilities or containers. Approved garbage disposal facilities may be supplied to satisfy all or part of this requirement.

(5) *Rubbish storage containers*. Every dwelling shall be supplied with adequate rubbish storage containers, the location of which is approved by the Health Officer. It shall be the responsibility of the owner to supply those facilities or containers for rooming houses and dwellings containing two or more dwelling units. In all other cases, it shall be the responsibility of the occupants to furnish those containers.

(6) *Means of egress*. Every dwelling shall have two means of egress remote from each other. Every dwelling unit, apartment and rooming unit shall have safe and unobstructed means of egress leading to an open space that leads to a public street or alley as required by the laws of the state and the city.

(7) *Window light*. Every habitable room shall have at least one window or skylight opening directly to the outdoors. When walls or other portions of structures in residential areas face a window of any room and the light obstructing structures are located less than three feet from the window and extend to a level above that of the ceiling of the room, the window shall not be deemed to open directly to the outdoors.

(8) *Ventilation*. Every habitable room shall have a total window or skylight area of at least 10% of the total floor area of the room, and at least 45% of the window or skylight area shall be operable for adequate ventilation, except where there is some other service or method affording adequate ventilation approved by the Health Officer.

(9) *Bathroom light and ventilation*. Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms; except that, no window or skylight shall be required in adequately ventilated bathrooms and water closet compartments equipped with a fan exhaust system approved by the Electrical Inspector.

(10) *Heating facilities*. Every dwelling shall have heating facilities which are properly installed, are maintained in a safe and good working condition and capable of safely and adequately heating all inhabited rooms, bathrooms and water closet compartments, in every dwelling unit located therein to a temperature of at least 70°F, under ordinary minimum winter conditions.

(11) *Electrical service*. Every room shall contain at least one ceiling fixture, wall type lighting fixture or electrical outlet, or outlets, and in addition thereto, be provided with electrical outlets in sufficient number to adequately service the electrical devices and appliances located therein, without using unapproved wiring methods. Every outlet, switch and fixture shall be properly installed, shall be maintained in good and safe working condition and shall be connected to an adequate source of power. Cords to appliances and devices shall not run through doorways, door casings, holes in partitions or floors, under rugs or be fastened to wall bases. Cords to appliances and devices shall be installed or located in accordance with the requirements of the Electrical Code for the city. All electrical installations and repairs shall be made in a manner approved by the Electrical Inspector.

(12) *Public halls and stairways; lighting*. Every public hall and stairway in every multiple dwelling containing four or more dwelling or rooming units shall be adequately lighted at an times. Every public hall and stairway in structures used exclusively as dwellings and containing not more than three dwellings and rooming units shall be supplied with conveniently located light switches, controlling an adequate lighting system which may be turned on when needed.

(13) *Screens*.

(a) During that portion of the year when the Health Officer deems it necessary for protection against mosquitoes, flies and other insects, every door opening directly from a dwelling, dwelling unit, rooming unit or a public area to outdoor space shall be supplied with screens and a self closing device; and every window or other device which opens directly to outside space, used for ventilation, shall be supplied with screens.

(b) Every basement or cellar window used for ventilation, and every other opening to a basement which might provide entry for rodents shall be supplied with a screen or other device as will effectively preclude entry.

(c) All screens required under the provisions of this chapter shall be supplied by the owner.

(14) *Interior floors, walls and ceiling*. Every floor, wall and ceiling shall be weather-tight and rodent-proof, shall be capable of affording privacy, shall be constructed of an approved building material and shall be kept in good repair.

(15) *Building exterior*. Every foundation, roof and exterior wall shall be weather-tight and rodent-proof, shall be constructed of an approved building material and shall be kept in good repair.

(16) *Exterior openings*. Every window, exterior door and basement hatchway shall be weather-tight and rodent-proof and shall be kept in sound working condition and good repair.

(17) *Stairs and porches*. Every inside and outside stair, every porch and every appurtenance thereto shall be so constructed as to be capable of supporting the load that normal use may cause to be placed thereon and shall be kept in sound condition and good repair. Rails and balusters shall be provided at all porches and stairs when the safety of the user would require that protection and shall be kept in sound condition and good repair.

(18) *Plumbing*. All plumbing shall be properly installed and maintained in a safe and good sanitary working condition, free from defects, leaks and obstructions. All installations and repairs shall be made in a manner approved by the Plumbing Inspector.

(19) *Bathroom and kitchen floors*. Every water closet compartment, bathroom and kitchen floor surface shall be finished with approved non-absorbent materials so as to permit that floor to be easily kept in a clean and sanitary condition.

(20) *Supplied facilities*.

(a) Every supplied facility, piece of equipment or utility which is required under this chapter shall be so constructed or installed that it will function safely and effectively and shall be maintained in satisfactory condition.

(b) No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this chapter to be removed from or shut off from or discontinued in any occupied dwelling or dwelling unit let or occupied by him or her, except for temporary interruptions as may be necessary while actual repair or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the Health Officer.

(21) *Sanitation prerequisite*. No owner shall occupy or let to any other occupant any vacant dwelling, dwelling unit, rooming unit or premises, unless it is clean, sanitary and fit for human habitation as required by this chapter.

(22) *Living space*. Every dwelling and every dwelling unit shall contain at least 150 square feet of floor space for each additional occupant thereof.

(23) *Sleeping space*. In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one occupant, shall contain at least 50 square feet of floor space for each additional occupant thereof.

(24) *Closet; storage space*. Each dwelling unit shall have interior storage space of at least 50 cubic feet for the first bedroom and 20 cubic feet for each additional bedroom. The interior storage space shall be easily accessible and of such dimensions as to be usable. Shelf storage space in bedroom closets and built-in storage space located in the basement or utility room may be counted in the determination of this requirement.

(25) *Cooking; sleeping in same room.* Where more than two persons occupy any dwelling unit, food shall not be prepared or cooked in any room used for sleeping purposes.

(26) *Ceiling height*. Not less than one-half of the floor area of every habitable room shall have a ceiling height of at least seven feet; and the floor area of that part of any room where the ceiling height is less than four feet shall not be considered as part of the floor area in computing the total habitable floor area of the room for the purpose of determining the maximum permissible occupancy thereof.

(27) *Location of bath and second sleeping room.* No residence building or dwelling unit containing two or more sleeping rooms shall have the room arrangement that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room; nor shall the room arrangement be such that access to a sleeping room can be had only by going through another sleeping room or water closet compartment. No bathroom shall be so located that access thereto is solely through a kitchen.

(B) *Basement*. No basement shall be used as a habitable room or dwelling unit unless:

(1) The floors and walls are impervious to leakage of underground and surface water;

(2) The total window area in each room is equal to at least the minimum window area as required in division (A)(8) above; or

(3) The maximum open window area in each room is provided under division (A)(8) above, except where there is some other device affording adequate ventilation and approved by the Health Officer.

(Prior Code, § 151.15) Penalty, see § 10.99

§ 152.06 KEEPING OF ANIMALS OR FOWL PROHIBITED.

No horse, cow, calf, swine, sheep, goat, chicken, geese, ducks or rabbits shall be kept in any dwelling or part thereof.
(Prior Code, § 151.16) Penalty, see § 10.99

§ 152.07 SANITATION OF PUBLIC AREAS AND DWELLING UNITS.

(A) Every owner of a dwelling containing two or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.

(B) Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof which he occupies and controls.
(Prior Code, § 151.30) Penalty, see § 10.99

§ 152.08 RUBBISH AND GARBAGE DISPOSAL.

(A) Every occupant of a dwelling or dwelling unit shall dispose of all his or her rubbish in a clean and sanitary manner, by placing it in the rubbish containers required by § 152.05(A)(5) of this chapter.

(B) Every occupant of a dwelling unit shall dispose of all his or her garbage and any other organic waste which might provide food for rodents, in a clean and sanitary manner, by placing it in a garbage disposal facility or garbage storage container required by § 152.05(A)(4) of this chapter.
(Prior Code, § 151.31) Penalty, see § 10.99

§ 152.09 SCREENS AND STORMS.

Every owner of a rooming house or a dwelling containing two or more dwelling units shall be responsible for hanging all supplied screens, screen doors and windows. In all other cases, it shall be the responsibility of the occupant.
(Prior Code, § 151.32) Penalty, see § 10.99

§ 152.10 PLUMBING AND OTHER SUPPLIED FACILITIES.

Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition, and shall be responsible for the exercise of reasonable care in the proper use and operation of the plumbing as well as all other supplied facilities and pieces of equipment.
(Prior Code, § 151.33) Penalty, see § 10.99

§ 152.11 EXTERMINATION OF PESTS.

(A) The presence of insects, rodents or other pests within a dwelling, in such a degree of infestation as to constitute a general health hazard, is declared to be a violation of this code. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for the extermination whenever his or her dwelling unit is the only one infested.

(B) Notwithstanding the foregoing provisions of this section, when infestation is caused by failure of the owner to maintain a dwelling in a rat-proof or reasonably insect-proof condition, extermination shall be the responsibility of the owner. When an infestation exists in a rooming house, in two or more dwelling units in any dwelling or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.
(Prior Code, § 151.34) Penalty, see § 10.99

ROOMING HOUSES

§ 152.25 COMPLIANCE WITH PROVISIONS.

No person shall operate a rooming house, or shall occupy or let to another for occupancy any rooming unit in any rooming house, except in compliance with the provisions of each section of this chapter, except for the provisions of §§ 152.05(A)(1) through (A)(4) and 152.07 through 152.10 of this chapter.
(Prior Code, § 151.45) Penalty, see § 10.99

§ 152.26 INSPECTIONS.

When upon inspection of any rooming house, the Health Officer finds that conditions or practices exist which are in violation of any provision of this chapter, the Health Officer shall give notice in writing as provided in § 152.57 of this chapter, to the operator of the rooming house that unless those conditions or practices are corrected within a reasonable period of time, to be determined by the Health Officer, the rooming house permit shall be suspended. At the end of that period, the Health Officer shall reinspect the rooming house, and if he or she finds that those conditions or practices have not been corrected, he or she shall give notice in writing to the operator that the above order is then effective, and the operator shall immediately cease operation of the rooming house, and no person shall occupy for sleeping or living purposes any rooming unit therein.
(Prior Code, § 151.46) Penalty, see § 10.99

§ 152.27 MINIMUM BASIC FACILITIES, SUPPLIES AND SPACE.

(A) (1) At least one flush water closet, lavatory basin and bathtub or shower, properly connected to a water and sewer system approved by the Health Officer and in good working condition, shall be supplied for each eight persons or fraction thereof residing within a rooming house, including members of the operator's family whenever they share the use of those facilities; provided that, in a rooming house where rooms are let only to males, flush urinals may be substituted for not more than one-half of the required number of water closets. All facilities shall be on the same floor as the rooming units they serve and so located as to be accessible from a common hall or passageway to all persons sharing those facilities. Every lavatory basin and bathtub or shower shall be supplied with hot water of 120°F.

(2) Any rooming house where food is served shall comply with all applicable provisions of the city code.
(Prior Code, § 151.47)

(B) (1) The operator of every rooming house shall change supplied bed linens and towels therein at least once each week, and prior to letting of any rooms to any occupant.

(2) The operator shall be responsible for the maintenance of all supplied bed linen in a clean and sanitary manner.
(Prior Code, § 151.48)

(C) Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor area, and every room occupied for sleeping purposes by more than three persons shall contain at least 50 square feet of floor area for each occupant thereof.
(Prior Code, § 151.49)
Penalty, see § 10.99

§ 152.28 RESPONSIBILITY FOR MAINTENANCE.

The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors and ceilings, and for maintenance of a sanitary condition in every other part of the entire premises where the entire structure of building is leased or occupied by the operator.
(Prior Code, § 151.50) Penalty, see § 10.99

§ 152.29 HOTELS AND MOTELS; APPLICATION OF PROVISIONS.

The provisions of this chapter relative to rooming houses shall also apply to hotels and motels, except to the extent that any such provisions may be found in conflict with the laws of the state or with the lawful regulations of any state board or agency.
(Prior Code, § 151.51)

CONDEMNATION PROCEDURE

§ 152.40 DETERMINATION IF DWELLING SHOULD BE CONDEMNED.

(A) Any dwelling, dwelling unit or rooming unit shall be condemned and posted as unfit for human habitation by the Health Officer if the owner or his or her agent fails to comply with the violation notice prescribed under § 152.57 of this chapter and having any of the defects set forth in this section or which is in violation of Public Act 144 of 1992.

(B) Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the city.

(C) Those which have become or are so dilapidated, decayed, unsafe or unsanitary so as to work injury to the health, safety or general welfare of those living therein.

(D) Those having inadequate means of egress as required by § 152.05(A)(6) of this chapter.

(C) Those which have parts thereof which are so attached that they may fail and cause bodily injury.
(Prior Code, § 151.65)

§ 152.41 PLACARDING.

When a dwelling, dwelling unit or rooming unit has been condemned in accordance with § 152.40 of this chapter, the Health Officer shall post, in a conspicuous place, or places, a placard or placards bearing the words: "CONDEMNED AS UNFIT FOR HUMAN HABITATION."
(Prior Code, § 151.66)

§ 152.42 VACATION OF DWELLING; NON-COMPLIANCE.

(A) When it shall be found by the Health Officer that a dwelling, dwelling unit or rooming unit is unfit for human habitation, he or she shall order the dwelling, dwelling unit or rooming unit vacated within a reasonable time. A copy of that order shall be sent to the owner of the property, or his or her agent, if names and addresses, on diligent search, can be ascertained. The dwelling, dwelling unit or rooming unit so ordered to be vacated shall not again be occupied until a written statement shall have been secured from the Health Officer, showing that the dwelling, dwelling unit or rooming unit has been made to comply with this or any other existing law.
(Prior Code, § 151.67)

(B) In the event any owner or agent fails to comply with division (A) above, the Health Officer may cause the order to be enforced at the expense of the city, that expense to be recovered in an appropriate proceeding in either the district court or circuit court and after judgment, collection may be had as provided in § 152.61 of this chapter.
(Prior Code, § 151.68)

§ 152.43 PLACARD REMOVAL.

Any person removing a condemnation or vacate notice without authorization from the Health Officer shall be in violation of this code.
(Prior Code, § 151.69)

§ 152.44 ORDER TO DEMOLISH.

Any dwelling which is not repaired and rehabilitated within six months of the date on which it was "condemned as unfit for human habitation" may be ordered demolished and removed. If the owner or agent fails to comply with the order to demolish, the Health Officer shall notify the City Attorney, who shall then take any action as may be necessary to effectuate the purpose of this chapter.
(Prior Code, § 151.70)

ADMINISTRATION AND ENFORCEMENT

§ 152.55 INSPECTION AUTHORIZED.

The Health Officer is hereby authorized and directed to make inspections to determine the conditions of dwellings, dwelling units, rooming units and premises located within the city, in order that he or she may perform his or her duty of safeguarding the health and safety of the occupants of dwellings and of the general public. For the purpose of making those inspections, the Health Officer is hereby authorized according to law to enter, examine and survey at all reasonable times all dwellings, dwelling units, rooming units and premises. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his or her agent or employee, access to any part of that dwelling or dwelling unit, or its premises, at all reasonable times for the purpose of making those repairs or alterations as are necessary to effect compliance with the provisions of this chapter or any lawful order issued pursuant to the provisions of this chapter.
(Prior Code, § 151.80)

§ 152.56 EMERGENCY ACTION.

(A) When the Health Officer finds that an emergency exists which requires immediate action to protect the public health or public safety, he or she shall, without notice of hearing, issue an order reciting the existence of an emergency and requiring that the action be taken as he deems necessary to meet the emergency.

(B) Notwithstanding the other provisions of this chapter, the order shall be effective immediately.

(C) Any person to whom an order is directed shall comply therewith immediately.
(Prior Code, § 151.81)

§ 152.57 SERVICE OF NOTICE AND ORDERS.

(A) When the Health Officer determines there are reasonable grounds to believe that there has been a violation of any provisions of this chapter or of any amendment adopted pursuant thereto, he or she shall give notice of the alleged violation to the person or persons responsible therefor, as hereinafter provided.

(B) The notice shall:

(1) Be put in writing;

(2) Include a statement of the real estate sufficient for purposes of identification;

(3) Specifically set forth the violation and when clarification is necessary include the alterations or repairs necessary to comply with the requirements of this chapter;

(4) Specify a reasonable time for compliance;

(5) Include a complete statement of the rights of the violator to a hearing before the Health Officer and the manner in which appeal should be accomplished; and

(6) Be served upon the owner or his or her agent, as the case may require; provided that, the notice shall be deemed to be properly served upon that owner or agent, if he or she is served personally, or if a copy thereof is sent by certified mail return receipt, requested to his or her last known address, and if a copy thereof is posted in a conspicuous place in or about the dwelling affected by the notice; or if he or she is served with the notice by any other method authorized or required under the laws of the state.
(Prior Code, § 151.82)

§ 152.58 HEARINGS.

(A) *Requests for hearing.* Any person affected by any notice which has been issued in connection with the enforcement of any provision of this chapter may request and shall be granted a hearing before the Zoning Board of Appeals, as provided in Chapter 158 of this code of ordinances; provided, the person shall file in the office of the Health Officer a written petition requesting a hearing and setting forth a brief statement of the grounds therefor within ten days after the notice was served. Upon receipt of the petition, the Health Officer shall set a time and place for the hearing and shall give the petitioner written notice thereof. At the hearing, the petitioner shall be given an opportunity to be heard and to show why that notice should be modified or withdrawn. The hearing shall be commenced not later than ten days after the day on which the petition was filed; provided, upon application of the petitioner the Health Officer may postpone the date of the hearing for a reasonable time beyond that ten-day period if, in his or her judgment, the petitioner has submitted a good and sufficient reason for a postponement. If the violator does not appear for the hearing, the provisions of this chapter shall be enforced.

(B) *Hearings; actions of the Health Officer.* After the hearing, the Board of Appeals shall sustain, modify or withdraw the notice, depending upon its findings as to whether the provisions of this chapter have been complied with. If the Board of Appeals sustains or modifies the notice, it shall be deemed to be an order. Any notice served pursuant to § 152.57 of this chapter shall automatically become an order if a written petition for a hearing is not filed in the office of the Health Officer within ten days after that notice is served. After hearing in the case of any notice suspending any permit required by this chapter, when that notice has been sustained by the Board of Appeals, the permit shall be deemed to have been revoked. A permit which has been suspended by a notice shall be deemed to be automatically revoked if a petition for a hearing is not filed in the office of the Health Officer within ten days after that notice is served.

(C) *Hearing; records and court appeal.* The proceedings at the hearing, including the findings and decision of the Board of Appeals, shall be summarized, reduced to writing and entered as a matter of public record in the office of the Health Officer. The record shall also include a copy of every notice or order issued in connection with the matter. Any person aggrieved by the decision of the Board of Appeals may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of the state.
(Prior Code, § 151.83)

§ 152.59 DENIAL OF PERMITS AND LICENSES.

Any person who is denied any permit or license required by this chapter or any amendment thereto shall have the same rights as a violator and shall be entitled to a hearing before the Board of Appeals in the manner as prescribed under § 152.58(A) of this chapter.
(Prior Code, § 151.84)

§ 152.60 AMENDMENTS.

The Health Officer may make recommendations for changes or additions to this chapter to the City Attorney for his or her approval and then to the City Clerk, who shall present the proposed changes to the City Council for appropriate action.
(Prior Code, § 151.85)

§ 152.61 LIENS.

Every cost incurred by the city in vacating, demolishing or removing a dwelling pursuant to §§ 152.42(B) and 152.44 of this chapter and approved by the court upon the owner of a dwelling or of a structure on the same lot with a dwelling, or of a lot, shall be a lien upon the real property in relation to which the judgment is imposed from the time of filing of a certified copy of the cost or judgment in the office of the Register of Deeds of the county in which the dwelling is situated, subject only to taxes, assessments and water rates and to those mortgage and mechanics' liens as may exist thereon prior to the filing. The enforcing official, upon the entry of the judgment, forthwith shall file a copy of the judgment, which shall be indexed by the Register of Deeds in the index of mechanics' liens.
(Prior Code, § 151.86)

§ 152.62 CERTIFICATE FOR OCCUPANCY.

(A) No building hereafter constructed, or altered, to serve as a dwelling shall be occupied in whole or in part for human habitation until the issuance of a certificate by the Health Officer that the dwelling conforms in all respects to the requirements of this chapter.

(B) The certificate shall be issued within 15 days after written application thereof, if the dwelling on the date of the application conforms to the requirements of all provisions of the city code.
(Prior Code, § 151.87)

§ 152.63 UNLAWFUL OCCUPATION; COLLECTION OF RENT NON-RECOVERABLE.

If any building hereafter constructed, or altered, to serve as a dwelling be occupied in whole or in part for human habitation in violation of § 152.62 of this chapter, during the unlawful occupation, no rent shall be recoverable by the owner or lessor of those premises for that period, and no action or special proceedings shall be maintained for possession of those premises for non-payment of rent, and the premises shall be deemed unfit for human habitation and the Health Officer may cause the premises to be vacated.
(Prior Code, § 151.88)

§ 152.64 SUMMARY EVICTION.

If the occupant of a dwelling or dwelling unit fails to comply with the provisions of this chapter after due and proper notice from the Health Officer, the failure shall be deemed sufficient cause for the summary eviction of that tenant by the owner or the Health Officer and the cancellation of his or her lease.
(Prior Code, § 151.89)

CHAPTER 153: MOBILE HOMES AND HOME PARKS

Section

153.01 Definitions
153.02 State law compliance
153.03 Zoning area
153.04 Required conditions

§ 153.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

MOBILE HOME.

(1) A trailer or a single-family manufactured living unit which is transported to a site as one or more modules, and which is constructed so as to permit occupancy as a dwelling or sleeping place by one or more persons, and licensable as a ***TRAILER COACH*** under Public Act 300 of 1949, as amended, being M.C.L.A. §§ 257.74 and 257.923.

(2) ***MOBILE DOUBLE UNITS*** and ***MOBILE MODULAR HOMES*** are excluded from the above definition and may be installed within the zoned area; providing, they meet the following criteria.

(a) They are placed on privately owned lots.

(b) They are erected on permanent poured or cement block foundations or basements, with a minimum two-foot crawl space, if applicable.

(c) They conform to State and National Building, Electrical, Gas and Plumbing Codes.

(d) They be UL listed and in compliance with ANSI A119.1, Standard Codes.

(e) They be equipped with a minimum 100-amp electrical circuitry.

(f) They have wood, Masonite or metal siding with a minimum gauge of 3/8 interlocking.

(g) They have a composition or wood shingle roof with at least a 50 PSF load capacity.

(h) They comply to all other city or state building codes and a building permit is obtained prior to any construction.
(Prior Code, § 152.01)

§ 153.02 STATE LAW COMPLIANCE.

Each mobile home in the zoned area set forth in § 153.03 of this chapter must comply with all the terms and conditions of the state's Mobile Home Park Act, being Public Act 419 of 1976, being M.C.L.A. §§ 125.2301 et seq., as amended, and all other applicable laws regarding mobile homes and mobile home parks.
(Prior Code, § 152.02)

§ 153.03 ZONE AREA.

The zone area for mobile homes and mobile home parks shall be as defined in Chapter 158 of this code of ordinances.
(Prior Code, § 152.03)

§ 153.04 REQUIRED CONDITIONS.

(A) *Site dimensions.* No mobile home outside of a mobile home park will be permitted on a site which has an area of less than 7,000 square feet and the lot must be an average of at least 50 feet in width.

(B) *Front yard.* There shall be a front yard of at least 25 feet in depth.

(C) *Side yard.* There shall be two side yards, each of which shall be ten feet in width. In the case of a corner lot where the driveway is from the side street, the driveway shall be at least 20 feet in length so that cars may be parked entirely in the yard and not on the street.

(D) *Rear yard.* There shall be a rear yard of at least 20 feet in depth.

(E) *Off-street parking.* Off-street parking shall be provided at a ratio of one space for each mobile home dwelling unit.

(F) *Self-contained mobile homes*. Every mobile home must have self-contained water and sanitary facilities property connected to the city's water and sewer systems, where available, and can be no smaller than ten feet by 50 feet.

(G) *Building permit*. A building permit will be required for all mobile homes whether any construction is done on the site or not.

(H) *Plumbing*. All sanitary sewage facilities, including plumbing connections to each mobile home site, shall be constructed so that all facilities and lines are protected from freezing, with electrical tape installed at a depth of two feet and five watts per lineal foot of exposed pipe, and from bumping or creating any type of nuisance or health hazard.

(I) *Skirting*. Each mobile home must be skirted within 60 days after establishment on a lot, except that double wide or larger modules within this area must be installed upon permanent foundations. Skirting shall be a minimum thickness of 0.025-inch non-corrosive metal or material of equal strength and so constructed and attached to the mobile home so as to deter and prevent the entry of rodents, flies, bugs and other insects.
(Prior Code, § 152.04) Penalty, see § 10.99

CHAPTER 154: STREETS, SIDEWALKS AND PUBLIC PROPERTY

Section

General Provisions

154.01 Sidewalk obstructions; permit required
154.02 Trees, shrubs or bushes abutting sidewalks
154.03 Removal of encroachment
154.04 Temporary street closing
154.05 Ice and snow removal

Excavations and Openings

154.20 Definitions
154.21 Damage or obstruction during excavation prohibited
154.22 Permits and bonds
154.23 Street openings
154.24 Emergency openings
154.25 Backfilling
154.26 Utility poles
154.27 Maintenance of installations in streets
154.28 Curb cuts
154.29 Barricades and warning lights required
154.30 Shoring excavations

Sidewalks

154.45 Definitions
154.46 Construction of repair; permit required
154.47 Line and grade stakes
154.48 Sidewalk specifications
154.49 Permit revocation; stop work order

Overhanging Street Signs, Awnings and Encroachments

154.60 Encroachments deemed a nuisance
154.61 Overhanging signs

154.62 Combustible signs
154.63 Use of billboards
154.64 Unsightly signs
154.65 Bill posting
154.66 Nuisance abatement
154.67 Marquees; use of projecting structures; permit required

154.99 Penalty

GENERAL PROVISIONS

§ 154.01 SIDEWALK OBSTRUCTIONS; PERMIT REQUIRED.

(A) No person shall occupy any street with any materials or machinery incidental to the construction, demolition or repair of any building adjacent to that street, or for any other purpose, without first obtaining a permit from the City Clerk. No permit shall be granted until the applicant shall post a cash deposit and file a liability insurance policy as required by § 154.22 of this chapter.
(Prior Code, § 98.01)

(B) At least six feet of sidewalk space shall be kept clean and clear for the free passage of pedestrians and if the building operations are such that free passageway is impracticable, a temporary plank sidewalk with substantial railings or sidewalk shelter shall be provided around that obstruction.
(Prior Code, § 98.02)
Penalty, see § 154.99

§ 154.02 TREES, SHRUBS OR BUSHES ABUTTING SIDEWALKS.

No person shall permit the limbs or foliage of any trees or shrubs located on premises owned by him or her, or on the extension of the lawn adjacent to his or her premises to grow over or upon any sidewalk less than eight feet above the surface of that sidewalk.

(A) Every owner shall remove all dead, diseased or dangerous trees or broken or decayed limbs which constitute a menace to the safety of the public. All shrubs or bushes located on the triangle formed by two right-of-way lines at the intersection of two streets and extending for a distance of 25 feet each way from the intersection of the right-of-way lines on any corner lot, shall not be permitted to grow to a height of more than 30 inches above the sidewalk grade. Trees may be planted and maintained in this area; provided that, all branches are trimmed to maintain a clear vision for a vertical height of eight feet above the roadway surface.

(B) Any owner of property failing to trim any trees, shrubs or bushes in conformity with this section shall be notified by the Superintendent of Public Works to do so and the notice shall require trimming in conformity with this section within five days after the date of that notice. Upon the expiration of that period, the Superintendent may cause the trimming to be done and the cost thereof may be collected from the owner of the property in the manner specified in §§ 35.01 through 35.23 of this chapter.
(Prior Code, § 98.03) Penalty, see § 154.99

§ 154.03 REMOVAL OF ENCROACHMENT.

Encroachments and obstructions in the street may be removed and excavations refilled and the expense of that removal or refilling charged to the abutting land owner when made or permitted by him or her or suffered to remain by him or her, otherwise than in accordance with the terms and conditions of this chapter. The procedure for collection of those expenses shall be as prescribed in §§ 35.01 through 35.23 of this chapter. The City Council may, by resolution, permit the continuance of an existing encroachment. No resolution shall vest any permanent rights in the person owning or occupying the structure which encroaches upon the street.
(Prior Code, § 98.04)

§ 154.04 TEMPORARY STREET CLOSING.

The Superintendent of Public Works shall have authority to temporarily close any street, or portion thereof, when he or she shall deem the street to be unsafe or temporarily unsuitable for use for any reason. The Superintendent shall cause suitable barriers and signs to be erected on that street, indicating that the same is closed to public travel. When any street or portion thereof shall have been closed to public travel, no person shall drive any vehicle upon or over the street, except as the same may be necessary incidentally to any street repair or construction work being done in the area closed to public travel. No person shall move or interfere with any sign or barrier erected pursuant to this section without authority from the Superintendent.
(Prior Code, § 98.05) Penalty, see § 154.99

§ 154.05 ICE AND SNOW REMOVAL.

(A) *Placing ice and snow on street.* It shall be unlawful for any person to deposit any ice or snow upon any roadway, alley or sidewalk of the city.
(Prior Code, § 98.75)

(B) *Existence of deposit; presumption.* The existence of any deposit of snow or ice deposited by manual and/or artificial means in the traveled portion of any street or sidewalk or within any ditch or

gutter in any public street shall be prima facie evidence that the occupant of the abutting property closest thereto placed or deposited that ice and snow therein.
(Prior Code, § 98.76)

(C) *Placement of snow restricted.*

(1) It shall be unlawful to place snow along existing snow banks that it would extend more than 24 inches into the existing travelway.

(2) It shall be unlawful to place any snow on any other property without the annual written consent of the owner.
(Prior Code, § 98.77)

(D) *Snowplowing*. No person shall engage in the business of commercial snowplowing by means of any motor-operated plow in connection with snow removal from any street or sidewalk within the city without first obtaining a license therefor in the manner prescribed in Chapter 110 of this code of ordinances.
(Prior Code, § 98.78)
(Ord. passed 1-14-1980) Penalty, see § 154.99

EXCAVATIONS AND OPENINGS

§ 154.20 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

STREET. All of the land lying between property lines on either side of all streets, alleys and boulevards in the city, and includes lawn extensions and sidewalks and the area reserved therefor where the same are not yet constructed.

SUPERINTENDENT. The City Superintendent of Public Works.
(Prior Code, § 98.20)

§ 154.21 DAMAGE OR OBSTRUCTION DURING EXCAVATION PROHIBITED.

No person shall make any excavation in, or cause any damage to any street in the city, except under the conditions and in the manner permitted in this subchapter. No person shall place any article, thing

or obstruction in any street, except under the conditions and in the manner permitted in this subchapter, but this provision shall not be deemed to prohibit any temporary obstructions as may be incidental to the expeditious movement of articles and things to and from abutting premises, nor to the lawful parking of vehicles within the part of the street reserved for vehicular traffic.
(Prior Code, § 98.21) Penalty, see § 154.99

§ 154.22 PERMITS AND BONDS.

(A) Where permits are authorized in this subchapter, they shall be obtained upon application to the City Clerk upon those forms as he or she shall prescribe, and there shall be a charge to be established by resolution of the City Council for each permit. This permit shall be revocable by the Superintendent of Public Works for failure to comply with this subchapter, rules and regulations adopted pursuant hereto, and the lawful orders of the Superintendent or the Superintendent's duly authorized representative, and shall be valid only for the period of time endorsed thereon. Application for a permit under the provisions of this subchapter shall be deemed an agreement by the applicant to promptly complete the work permitted, observe all pertinent laws and regulations of the city in connection therewith, repair all damage done to the street surface and installations on, over or within that street, including trees, and protect and save harmless the city from all damages or actions at law that may arise or may be brought on account of injury to persons or property resulting from the work done under the permit or in connection therewith. Where liability insurance policies are required to be filed in making application for a permit, they shall be in those amounts as shall be specified by the City Manager, but not more than the following amounts:

(1) On account of injury to, or death of, any person in any one accident: $25,000;

(2) On account of any one accident resulting in injury to, or death of, more than one person: $50,000; and

(3) On account of damage to property in any one accident: $5,000.

(B) A duplicate executed copy or photostatic copy of the original of that insurance policy shall be filed with the City Clerk.

(C) Where cash deposits are required with the application for any permit hereunder, that deposit shall be in the amount established by resolution of the City Council, except as otherwise specified in this subchapter, and that deposit shall be used to defray all expenses to the city arising out of the granting of the permit and work done under the permit or in connection therewith. Three months after completion of the work done under the permit, any balance of the cash deposit shall be refunded. In any case where the deposit does not cover all costs and expenses of the city, the deficit shall be paid by the applicant.
(Prior Code, § 98.22) (Ord. 253, passed 2-9-2026)

§ 154.23 STREET OPENINGS.

No person shall make any excavation or opening in or under any street without first obtaining a written permit from the City Clerk. No permit shall be granted until the applicant shall post a cash deposit and file a liability insurance policy as required by § 154.22 of this chapter.
(Prior Code, § 98.23) Penalty, see § 154.99

§ 154.24 EMERGENCY OPENINGS.

The Superintendent of Public Works may, if the public safety requires immediate action, grant permission to make a necessary street opening in an emergency; provided, a permit shall be obtained on the following business day and the provisions of this subchapter shall be complied therewith.
(Prior Code, § 98.24)

§ 154.25 BACKFILLING.

(A) All trenches in a public street or other public place, except by special permission, shall be backfilled with approved granular material to within 12 inches of the surface.

(B) On main thoroughfares, this material shall contain one sack of cement per yard of fill.

(C) The remaining portion shall be filled with road gravel as specified by the Superintendent of Public Works.
(Prior Code, § 98.25) Penalty, see § 154.99

§ 154.26 UTILITY POLES.

(A) Utility poles may be placed in those streets as the Superintendent of Public Works shall prescribe and shall be located thereon in accordance with the directions of the Superintendent.

(B) The poles shall be removed or relocated as the Superintendent shall, from time to time, direct.
(Prior Code, § 98.26) Penalty, see § 154.99

§ 154.27 MAINTENANCE OF INSTALLATIONS IN STREETS.

Every owner of, and every person in control of, any estate hereafter maintaining a sidewalk vault, coal hole, manhole or any other excavation, or any post, pole, sign, awning, wire, pipe, conduit or other structure in, under, over or upon, any street which is adjacent or a part of his or her estate, shall do so

only on condition that maintenance shall be considered as an agreement on his or her part with the city to keep the same and the covers thereof, and any gas and electric boxes and tubes thereon, in good repair and condition at all times during his or her ownership or control thereof, and to indemnify and save harmless the city against all damages or actions at law that may arise or be brought by reason of that excavation or structure being under, over, in or upon the street, or being unfastened, out of repair or defective during that ownership or control.
(Prior Code, § 98.27) Penalty, see § 154.99

§ 154.28 CURB CUTS.

No opening in or through any curb of any street shall be made without first obtaining a written permit from the City Clerk. Curb cuts and sidewalk driveway crossings to provide access to private property shall comply with the following.

(A) No single curb cut shall exceed 25 feet, nor be less than ten feet at the street line, nor less than eight feet at the outside sidewalk line.

(B) The minimum distance between any curb cut and a public crosswalk shall be five feet.

(C) The minimum distance between curb cuts, except those serving residential property, shall be 25 feet.

(D) The maximum number of lineal feet of sidewalk driveway crossings permitted for any lot, parcel of land, business or enterprise, shall be 45% of the total abutting street frontage up to and including 200 lineal feet of street frontage plus 20% of the lineal feet of street frontage in excess of 200 feet.

(E) The necessary adjustments to utility poles, light standards, fire hydrants, catch basins, street or railway signs, signals or other public improvements or installations shall be accomplished without cost to the city.
(Prior Code, § 98.28) Penalty, see § 154.99

§ 154.29 BARRICADES AND WARNING LIGHTS REQUIRED.

All openings, excavations and obstructions shall be properly and substantially barricaded and railed off, and at night shall be provided with approved warning lights. Warning lights perpendicular to the flow of traffic shall not be more than three feet apart, and parallel to the flow of traffic not over 15 feet apart.
(Prior Code, § 98.29) Penalty, see § 154.99

§ 154.30 SHORING EXCAVATIONS.

All openings and excavations shall be properly and substantially sheeted and braced as a safeguard to workers and to prevent cave-ins or washouts which would tend to injure the thoroughfare or subsurface structure of the street.
(Prior Code, § 98.30) Penalty, see § 154.99

SIDEWALKS

§ 154.45 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

SIDEWALK. The portion of the street right-of-way designed for pedestrian travel.

SUPERINTENDENT. The City Superintendent of Public Works or his or her duly authorized assistant or deputy.
(Prior Code, § 98.40)

§ 154.46 CONSTRUCTION OF REPAIR; PERMIT REQUIRED.

No person shall construct, rebuild or repair any sidewalk, except in accordance with the line, grade, slope and specifications established by the Superintendent of Public Works, nor without first obtaining a written permit from the City Clerk, except sidewalk repairs of less than 50 square feet of sidewalk may be made without a permit. The written permit shall be prominently displayed on the construction site.
(Prior Code, § 98.41) Penalty, see § 154.99

§ 154.47 LINE AND GRADE STAKES.

The Superintendent of Public Works shall furnish line and grade stakes as may be necessary for proper control of the work, but this shall not relieve the owner of responsibility for making careful and accurate measurements in constructing the work to the lines furnished by the Superintendent. Where it is necessary to replace engineer's stakes disturbed or destroyed without fault on the part of the city or its employees, a charge established by resolution of the City Council per stake shall be paid.
(Prior Code, § 98.42) (Ord. 253, passed 2-9-2026) Penalty, see § 154.99

§ 154.48 SIDEWALK SPECIFICATIONS.

Sidewalks shall not be less than four inches in thickness and expansion paper shall be placed in the joints. All concrete used in sidewalk construction shall, 28 days after placement, be capable of resisting a pressure of 3,500 pounds per square inch without failure. The Superintendent may establish additional detailed specifications in addition hereto and not inconsistent herewith, which shall be on file in the Public Works Department.
(Prior Code, § 98.43) Penalty, see § 154.99

§ 154.49 PERMIT REVOCATION; STOP WORK ORDER.

The Superintendent of Public Works may suspend any permit issued under the terms of this subchapter for incompetency or failure to comply with the terms of this subchapter, or the rules, regulations, plans and specifications established by the Superintendent for the construction, reconstruction or repair of any sidewalk. The Superintendent may cause work to be stopped under any permit granted for the construction, reconstruction or repair of any sidewalk for any of the causes enumerated in this section, which stop order shall be effective until the next regular meeting of the City Council and, if confirmed by the Council at its next regular meeting, the stop order shall be permanent, and shall constitute a revocation of the permit.
(Prior Code, § 98.44)

OVERHANGING STREET SIGNS, AWNINGS AND ENCROACHMENTS

§ 154.60 ENCROACHMENTS DEEMED A NUISANCE.

Signs, awnings and other encroachments in, on or over the public streets of this city, unless duly authorized by the City Council, are and shall be nuisances and unlawful.
(Prior Code, § 98.55) Penalty, see § 154.99

§ 154.61 OVERHANGING SIGNS.

No person shall erect or maintain any sign over or across any street or sidewalk in the city unless it conforms to the following requirements.

(A) All overhanging signs shall be of non-combustible material, and shall not extend more than ten feet from the building line. They shall be erected at least 12 feet above the sidewalk or roadway as the case may be. All electrically lighted signs shall conform to the requirements of the International Fire Code.

(B) The design, construction and appearance of all overhanging signs, and the method of suspension shall be subject to the approval of the City Engineer.

(C) Nothing in this subchapter shall be construed to prohibit the stretching of banners across the streets of this city upon permission from the City Council. Any banners, when allowed to be erected, shall be at least 20 feet above the roadway.

(D) For the purpose of this subchapter, ***OVERHANGING SIGN*** shall be deemed to mean any projecting sign which is erected at an angle to the building, and shall not include flat signs which do not encroach above the street more than six inches.
(Prior Code, § 98.56) (Ord. 253, passed 2-9-2026) Penalty, see § 154.99

§ 154.62 COMBUSTIBLE SIGNS.

(A) Signs constructed of wood or non-combustible material may be placed on buildings; providing, they are securely fastened.

(B) Permits for the erection of signs of this nature must be obtained from the Building Inspector. These permits shall be revocable and no permits will be issued when the erection of that sign shall be deemed an added fire hazard.
(Prior Code, § 98.57) Penalty, see § 154.99

§ 154.63 USE OF BILLBOARDS.

Billboards, board fences or structures of any kind used for advertising purposes are hereby prohibited on the streets and sidewalks within the city, except those structures conforming to the provisions of this subchapter.
(Prior Code, § 98.58) Penalty, see § 154.99

§ 154.64 UNSIGHTLY SIGNS.

No signs, placards or posters of any nature shall be erected in or on the streets, sidewalks or private property of the city by any person which shall be unsightly, detrimental to the neighborhood, or dangerous to traffic.
(Prior Code, § 98.59) Penalty, see § 154.99

§ 154.65 BILL POSTING.

No signs, placards or posters of any nature shall be placed upon any telephone poles, electric light poles or standards or any other place in the streets of the city.
(Prior Code, § 98.60) Penalty, see § 154.99

§ 154.66 NUISANCE ABATEMENT.

The City Manager shall, when directed by the City Council, cause any nuisance to be abated and remove any overhanging signs, awnings and encroachments which have not been duly authorized.
(Prior Code, § 98.61)

§ 154.67 MARQUEES; USE OF PROJECTING STRUCTURES; PERMIT REQUIRED.

(A) No person shall erect or maintain any marquee, canopy, awning, clocks or other structure or object so it projects over or upon the limits of any street or alley without first obtaining a permit and filing a liability insurance policy as required by § 154.22 of this chapter.

(B) (1) Every liability insurance policy required by this section shall be maintained by the permittee permanently in force.

(2) Every insurance policy shall contain a clause obligating the insurer to give the City Clerk, by registered or certified mail, at least ten days' written notice before the cancellation, expiration, lapse or other termination of that insurance and the liability policy shall name the city as an additional named insured.

(C) (1) No permit shall be granted unless the proposed plans for the marquee or other structure shall be in conformity with the Building Code.

(2) In the event that the marquee or other structure shall thereafter be found unsafe or is not maintained in a sightly condition, or if the liability insurance policy covering that marquee or other structure is not maintained the marquee or other structure shall be deemed a street encroachment.

(3) The Superintendent of Public Works shall notify the permittee to remove or repair the marquee or other structure within ten days or to reinstate the insurance forthwith and upon failure of the permittee to comply with that notice, the encroachment shall be removed as provided in this chapter.

(D) No marquee or other structure shall be erected or maintained so as to be less than eight feet above the surface of the sidewalk.
(Prior Code, § 98.62) Penalty, see § 154.99

§ 154.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Any person in violation of § 154.05(A) of this chapter shall, upon conviction, be compelled to repay the city the moneys expended to remove the snow and ice from the traveled portion of the street or highway, and be punished by a fine not exceeding $500 and costs of prosecution and by imprisonment in the county jail for a period not to exceed 90 days, or both, in the discretion of the court.
(Prior Code, § 98.99)

CHAPTER 155: FORESTS

Section

155.01 Statutory authorization
155.02 Purpose
155.03 Definitions
155.04 Forestry Commission; powers and duties
155.05 Reports
155.06 Disposition of income

§ 155.01 STATUTORY AUTHORIZATION.

This chapter for the management of city forest lands is adopted pursuant to the authorization contained in state law, which states: "Any municipality may acquire by purchase, gift or devise, or may provide lands already in its possession, and use such lands for forestry purposes, either within or without the territorial limits of such municipality, and may carry on forestry on such lands. Any municipality may also receive and expend or hold in trust gifts, also receive and expend or hold in trust gifts of money or personality for forestry purposes."
(Prior Code, § 153.01) (Ord. 133, passed 7-29-1986)

§ 155.02 PURPOSE.

The purpose of this chapter is to provide a uniform basis for the preparation, implementation and administration of technically and economically sound forest practices for the city forest lands to:

(A) Generate a positive cash flow from the timber harvest operations consistent with the sustained yield growth capacity of the land and timber growing stock;

(B) Maintain or enhance the asset value of the lands by improving timber productivity through recognized forest management practices;

(C) Establish a system of permanent access roads serving all timber-producing areas;

(D) Maintain or improve the aesthetic and recreational use values of the forest consistent with benefit/cost relationships; and

(E) Protect the water resources found on the property.
(Prior Code, § 153.02) (Ord. 133, passed 7-29-1986)

§ 155.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

FOREST MANAGEMENT. The manipulation of the timber growing stock by various harvesting methods to provide a continuous production of harvest crops with the aim of achieving an approximate balance between net growth and harvest, either by annual or periodic intervals.

FORESTER. An individual possessing a Bachelor of Science degree in Forestry from a university accredited by the Society of American Foresters and having a minimum of two years' experience with the management of upper peninsula forest types.

STUMPAGE. Payment for the rights to cut standing trees attached to the soil or trees that have fallen, but contain merchantable timber.
(Prior Code, § 153.03) (Ord. 133, passed 7-29-1986)

§ 155.04 FORESTRY COMMISSION; POWERS AND DUTIES.

(A) The Mayor shall appoint a Forestry Commission for the city to consist of three members, only one of whom shall be a member of the City Council. The members of the Commission shall hold office for a term of four years and until their successors are appointed and have qualified. Any vacancies shall be filled by appointment of the Mayor.

(B) (1) It shall be the duty of the Forestry Commission to supervise and manage all lands of the municipality devoted to forestry and to provide for the performance of any labor therein by professional foresters and others as may be necessary for the proper care and maintenance of those lands as forest producing areas.

(2) The Forestry Commission shall adopt a plan of management prepared by a forester and updated periodically to account for changing forest conditions; and further to make reasonable rules and regulations concerning those lands and the sale of timber designated for harvest in the plan of management, and to expend money as may be appropriated or received for those purposes. It shall also be the duty of the Commission to offer for sale and sell timber stumpage, in any dollar amounts, as designated for harvest under the plan of management.
(Prior Code, § 153.15) (Ord. 133, passed 7-29-1986; Ord. 133-A, passed 2-22-1988)

§ 155.05 REPORTS.

(A) The Forestry Commission shall annually, at a time to be designated by the Mayor, make a report to the City Council showing the activities of the Commission and embracing a detailed statement of its receipts and expenditures during the preceding year.

(B) A separate account of all revenue and expense of all funds appropriated and/or invested to the Forestry Commission shall be kept by the Financial Officer of the city and these funds may be expended upon the warrant of two members of the Commission.
(Prior Code, § 153.16) (Ord. 133, passed 7-29-1986)

§ 155.06 DISPOSITION OF INCOME.

Any income from forest lands shall be paid into a special forestry fund of the city and any surplus moneys applied to city improvements are deemed appropriate by the City Council.
(Prior Code, § 153.17) (Ord. 133, passed 7-29-1986)

CHAPTER 156: LAND DIVISION

Section

156.01 Title
156.02 Purpose
156.03 Definitions
156.04 Prior approval requirement for land division
156.05 Application for land division approval
156.06 Procedure for review of applications for land division approval
156.07 Standards for approval of land divisions
156.08 Consequences of non-compliance with land division approval requirement

156.99 Penalty

§ 156.01 TITLE.

This chapter shall be known and cited as the "City of Wakefield Land Division Chapter".
(Prior Code, § 156.01) (Ord. 167, passed 10-27-1997)

§ 156.02 PURPOSE.

The purpose of this chapter is to carry out the provisions of the Land Division Act, being M.C.L.A. §§ 560.101 et seq. (Public Act 288 of 1967, as amended, formerly known as the Subdivision Control Act) to prevent the creation of parcels of property that do not comply with this chapter and said Act, to minimize potential boundary disputes, to further the orderly development of the community and layout and use of land, and to otherwise provide for the health, safety and welfare of the residents and property owners of the city establishing reasonable standards for prior review and approval of land divisions within the city.
(Prior Code, § 156.02) (Ord. 167, passed 10-27-1997)

§ 156.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPLICANT or ***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.

DIVIDED or ***DIVISION.*** The partitioning or splitting 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, that results in one or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of §§ 108 and 109 of the Land Division Act, being M.C.L.A. §§ 560.108 and 560.109. ***DIVIDED*** or ***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.

EXEMPT SPLIT or ***EXEMPT DIVISION.*** The partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his or her heirs, executors, administrators, legal representatives, successors or assigns, that does not result in one or more parcels of less than 40 acres or the equivalent.

FORTY ACRES OR THE EQUIVALENT. Either 40 acres, a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.

GOVERNING BODY. The City of Wakefield Council.

PARCEL. A continuous area or acreage of land which can be described as provided in the Land Division Act.

PARCEL PARENT or ***PARENT TRACT.*** A parcel or tract, respectively, lawfully in existence on 3-31-1997.

TRACT. Two or more parcels that share a common property line and are under the same ownership. (Prior Code, § 156.03) (Ord. 167, passed 10-27-1997)

§ 156.04 PRIOR APPROVAL REQUIREMENT FOR LAND DIVISION.

Land in the city shall not be divided without the prior review and approval of the City Assessor, or other official designated by the governing body in accordance with this chapter and the Land Division Act; provided that, the following shall be exempted from this requirement:

(A) A parcel proposed for subdivision through a recorded plat pursuant to the Land Division Act;

(B) A lot in a recorded plat proposed to be divided in accordance with the Land Division Act; and

(C) An exempt split as defined in § 156.03 of this chapter, or other partitioning or splitting that results in parcels of 20 acres or more, if each is not accessible and the parcel was in existence on 3-31-1997 or resulted from exempt splitting under the Land Division Act.
(Prior Code, § 156.04) (Ord. 167, passed 10-27-1997)

§ 156.05 APPLICATION FOR LAND DIVISION APPROVAL.

An applicant shall file all of the following with the City Assessor or other official designated by the governing body for review and approval of a proposed land division before making any division either by deed, land contract, leases for more than one year or for building development:

(A) A completed application on a form as provided by the City Assessor;

(B) Proof of fee ownership of the land proposed to be divided;

(C) (1) A parcel map drawn to scale of not less than one inch equals 200 feet including an accurate legal description of each proposed division, and showing the boundary lines, dimensions, the accessibility of each division from existing or proposed public roads for automobile traffic and public utilities, and compliance with the requirements of this chapter and the Land Division Act. An accurate legal description of all proposed divisions shall at all times be required; and

(2) If the City Assessor finds the parcel map to inadequately provide information about the size, simple nature of the divisions or the undeveloped character of the territory in which the proposed divisions are located, the City Assessor may require a survey map of the land proposed to be divided, prepared pursuant to the survey map requirements of Public Act 132 of 1970, being M.C.L.A. § 54.211, by a land surveyor licensed by the state.

(D) Proof that proposed new roads, public or private, and easements have been approved by the city, the County Road Commission or MDOT;

(E) The history and specifications of any previous divisions of land of which the proposed division was a part sufficient to establish that the parcel or tract to be divided was lawfully in existence as of 3-31-1997. Such history and specifications shall describe the parent parcel or tract of which the parcel or tract to be divided was a part as that parent parcel or tract existed on 3-31-1997. Such history and specifications shall also identify both the owner of the parent parcel or tract on 3-31-1997, and the owners on 3-31-1997, of parcels sharing common property lines with the parent parcel or tract on 3-31-1997;

(F) If a transfer of division rights is proposed, detailed information about the terms and availability of the proposed division rights transfer;

(G) Proof that all standards of the Land Division Act and this chapter have been met; and

(H) The fee that may from time to time be established by resolution of the governing body to cover the costs of review of the application and administration of this chapter and the Land Division Act. (Prior Code, § 156.05) (Ord. 167, passed 10-27-1997)

§ 156.06 PROCEDURE FOR REVIEW OF APPLICATIONS FOR LAND DIVISION APPROVAL.

(A) (1) Upon receipt of a completed land division application package, the City Assessor or other designated official shall approve, or disapprove the proposed land division within 45 days after receipt of the completed application package conforming to this chapter's requirements, and shall promptly notify the applicant of the decision and, if denied, the reasons for any denial.

(2) Any applicant aggrieved by the City Assessor of other designated official decision may, within 30 days of said decision, appeal the decision to the governing body, which shall consider and resolve such dispute by a major vote at its next regular meeting or session affording sufficient time for a ten-day written notice to the applicant of the time and date of said meeting and appellate hearing.

(B) The City Clerk or other designated official shall maintain an official record of all approved and accomplished land divisions or transfers.

(C) Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations or that same resulted in "buildable parcels".

(D) The city and its officers and employees shall not be liable for approving a land division if building permits for construction on the parcels are subsequently denied because of inadequate water supply, sewage disposal facilities, violation of the city zoning ordinance, being Chapter 158 of this code of ordinances, or otherwise, any notice of approval shall include a statement to this effect.
(Prior Code, § 156.06) (Ord. 167, passed 10-27-1997)

§ 156.07 STANDARDS FOR APPROVAL OF LAND DIVISIONS.

A proposed land division shall be approved if the proposed land division complies with all requirements of the Land Division Act and the criteria of this chapter, as set forth below.

(A) The maximum ratio shall be a depth of not more than four times the width. This four to one (4:1) maximum depth to width ratio applies to all parcels, regardless of size, with the exception of the remainder of the parent parcel or parent tract retained by the proprietor.

(B) The minimum permissible width shall be defined in the city zoning ordinance, being Chapter 158 of this code of ordinances.

(C) All such parcels shall contain a minimum area as provided for in the city zoning ordinance, being Chapter 158 of this code of ordinances.

(D) The proposed land division(s) must comply with all requirements of this chapter and the state's Land Division Act.

(E) All parcels created and remaining shall have existing adequate accessibility, or an area available therefor, for public utilities and emergency and other vehicles.

(F) Where accessibility is to be provided by a proposed new dedicated public or private road, proof that the city, the County Road Commission or State Department of Transportation has approved the proposed layout and construction design of the road and of utility easements and drainage facilities connected therewith.
(Prior Code, § 156.07) (Ord. 167, passed 10-27-1997)

§ 156.08 CONSEQUENCES OF NON-COMPLIANCE WITH LAND DIVISION APPROVAL REQUIREMENT.

Any parcel created in non-compliance with this chapter shall not be eligible for any building permits, or zoning appeals, such as special land use approval and site plan approval. In addition, any non-compliant land division shall not be recognized on the city tax roll as a land division. The city shall further have the authority to initiate injunctive or other relief to prevent any violation or continuance of any violation of this chapter. Violation of this chapter shall subject the violator to the penalties and enforcement actions set forth in § 156.99 of this chapter, and as provided by the Land Division Act and other applicable laws.
(Prior Code, § 156.08) (Ord. 167, passed 10-27-1997)

§ 156.99 PENALTY.

(A) Any person who violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor, as set forth in the Land Division Act. Said misdemeanor shall be punishable by a fine of not more than $1,000 or imprisonment for not to exceed 180 days or both. For each subsequent offense, the person shall be punished by a fine of not more than $1,000 or imprisonment for not to exceed one year, or both.

(B) Any person who violates any of the provisions of this chapter shall also be subject to civil action seeking invalidation of the land division and appropriate injunctive or other relief.
(Prior Code, § 156.99) (Ord. 167, passed 10-27-1997)

CHAPTER 157: SUBDIVISIONS

Section

General Provisions

157.01 Title
157.02 Purpose
157.03 Application
157.04 Definitions
157.05 Interpretation

Platting Procedure

157.20 Stages of preparation
157.21 Preliminary investigation
157.22 Preliminary plat
157.23 Final plat requirements

Administration

157.35 Fees
157.36 Variances

157.99 Penalty

Cross-reference:

Land Division, see Chapter 156

GENERAL PROVISIONS

§ 157.01 TITLE.

This chapter shall be known and may be cited as the “City Subdivision Regulations”. (Prior Code, § 154.01) (Ord. passed 2-14-1977)

§ 157.02 PURPOSE.

The purpose of this chapter 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 provide for the orderly growth and harmonious development of the community, consistent with orderly growth policies; achieve individual property lots of maximum utility and livability; and ensure adequate provisions for water, drainage, sanitary facilities and other health problems.
(Prior Code, § 154.02) (Ord. passed 2-14-1977)

§ 157.03 APPLICATION.

This chapter shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of this chapter, except for further dividing of lots.
(Prior Code, § 154.03) (Ord. passed 2-14-1977)

§ 157.04 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALLEY. A minor vehicular way used primarily to serve as an access way to the back or side of properties otherwise abutting on a street.

CUL-DE-SAC. A local street of short length, having one end open to traffic and being permanently terminated by a vehicular turnaround.

EASEMENT. A quantity of land, set aside or over which a liberty, privilege or advantage is granted by the owner to the public, a corporation or some particular person or part of the public for specific uses and purposes, and shall be designated a ***PUBLIC OR PRIVATE EASEMENT*** depending on the nature of the user.

FINAL PLAT. A map of all or part of a subdivision prepared and certified as to its accuracy by a registered engineer or land surveyor. These maps must meet the requirements of the Land Division Act of the state, as amended, and be suitable for recording by the County Register of Deeds.

GOVERNING BODY. The City Council.

IMPROVEMENTS. Street pavements, curbs, gutters, sidewalks, crosswalks, water mains, sanitary and storm sewers, street trees, street signs and other appropriate items.

LOCAL STREET. A street supplementary to a secondary street intended to serve the local needs of the neighborhood and of limited continuity used primarily as access to abutting residential properties.

LOT. A portion of a subdivision or other parcel of land intended as a unit for transfer of ownership or for development.

MAJOR STREET. As defined under Public Act 51 of 1951, being M.C.L.A. §§ 247.651 et seq., those streets of greatest general importance in each city and village. These streets form an integral network that provides continuity with the County Primary Road and State Trunk Line Systems to facilitate the demands of the traveling public. On the basis of the above, streets carrying relatively high traffic volumes locally in serving the requirements of motor vehicle transportation may be considered for addition to the ***MAJOR STREET SYSTEM***.

MARGINAL ACCESS STREET. A local street parallel and adjacent to a major street and which provides access to abutting properties and protection from through traffic.

MASTER PLAN. The Comprehensive Plan including graphic and written proposals indicating the general locations recommended for the streets, parks, schools, public buildings, zoning districts and all physical development of the city and includes any unit or part or parts thereof duly adopted by the Planning Commission and the City Council.

PLANNING COMMISSION. The Wakefield City Planning Commission.

PRELIMINARY PLAT. A map indicating the proposed layout of the subdivision in sufficient detail to provide adequate basis for review and to meet the requirements and procedures set forth in this chapter.

PUBLIC UTILITY. A firm, corporation or municipal authority providing gas, electricity, telephone, sewer, water or other services of a similar nature.

PUBLIC WALKWAY. A right-of-way dedicated for the purpose of a pedestrian access through residential areas, and located so as to connect to two or more streets, or a street and a public land parcel.

STREET. A right-of-way dedicated to pubic use, which provides vehicular and pedestrian access to adjacent properties whether designated as a street, highway, thoroughfare, parkway, road, avenue, land or however otherwise designated; and includes the land between the right-of-way lines whether improved or unimproved, and may comprise pavement, curbs and gutters, shoulders, sidewalks, parking areas, lawn areas and other areas within the right-of-way lines.

SUBDIVIDER. A person, firm, association, partnership, corporation or any legal combination of them or any other legal entity proceeding under these regulations to effect a subdivision of land for himself, herself or for another.

SUBDIVISION. The partitioning or dividing of a lot, tract or parcel of land into five or more lots, tracts or parcels of land; however the partitioning or dividing of lands into tracts or parcels of ten acres or more in area shall be exempted. ***SUBDIVISION*** includes resubdivision of vacated plats. Any lot or piece of land, the boundaries which have been fixed in a recorded plat, shall have been replatted pursuant to Subdivision Control Act of the state, as amended (Public Act 288 of 1967, as amended, being M.C.L.A. §§ 560.101 through 560.293).
(Prior Code, § 154.04) (Ord. passed 2-14-1977)

§ 157.05 INTERPRETATION.

The provisions of these regulations shall be held to be the minimum requirements adopted for the promotion and preservation of public health, safety and general welfare of the city. These regulations are not intended to repeal, abrogate, annul or in any manner interfere with existing regulations or laws of the city, nor to conflict with any statutes of the state or the county; except that, these regulations shall prevail in cases where these regulations impose a greater restriction than is provided by existing statutes, laws or regulations.
(Prior Code, § 154.05) (Ord. passed 2-14-1977)

PLATTING PROCEDURE

§ 157.20 STAGES OF PREPARATION.

The preparation of a subdivision for platting shall be carried out through three stages, including preliminary investigation, preliminary plat and final plat and in accordance with the procedure set forth in this subchapter.
(Prior Code, § 154.15) (Ord. passed 2-14-1977)

§ 157.21 PRELIMINARY INVESTIGATION.

(A) Prior to the preparation of a preliminary plat, the subdivider shall meet informally with the City Manager to investigate the procedures and standards of the city with references to these regulations and with the proposals of the Master Plan as they affect the area in which the proposed subdivision is located.

(B) The subdivider shall concern himself or herself with the following factors.

(1) The area for the proposed subdivision shall be properly zoned for the intended use.

(2) An investigation of adequacy of existing schools and the adequacy of public open spaces including parks and playgrounds to service the proposed subdivision shall be made by the subdivider.

(3) The relationship of the proposed subdivision with respect to the major street plans for widening of thoroughfares shall be investigated by the subdivider.

(4) Standards for sewage disposal, water supply and drainage of the city and health standards of the county and the state shall be investigated by the subdivider.
(Prior Code, § 154.16) (Ord. passed 2-14-1977)

§ 157.22 PRELIMINARY PLAT.

(A) *Filing*. Preliminary plats shall be submitted and filed for approval under the provisions of §§ 111 through 120 of the Subdivision Control Act, being M.C.L.A. §§ 560.111 through 560.120.

(1) Seven copies of the preliminary plat of the proposed subdivision, together with written application in triplicate, shall be submitted to the City Clerk.

(2) Submittal with the City Clerk shall be at least 20 days prior to the regular meeting of the Planning Commission (which meeting shall be considered as the date of filing) at which the subdivider will be scheduled to appear. The Planning Commission will act on the plat within 30 days after that meeting unless the subdivider agrees to an extension of time in writing.

(3) Four copies of the preliminary plat, where the proposed subdivision is adjacent to or containing a county highway, shall be submitted to the County Road Commission for approval.

(4) One copy of the preliminary plat, where the proposed subdivision is adjacent to or containing a state truckline or highway, shall be submitted to the State Highway Commissioner for approval.

(B) *Identification and description*. The preliminary plat shall include:

(1) Proposed name of subdivision;

(2) Location by section, town and range, or by other legal description;

(3) Names and addresses of subdivider and planner, designer, engineer or surveyor who designed the subdivision layout. The subdivider shall also indicate his or her interest in the land as to whether it is a land contract interest, or if he or she owns the property in fee;

(4) Scale of plat, one inch equals 100 feet as a minimum acceptable scale;

(5) Date; and

(6) North point.

(C) *Existing conditions*. The preliminary plat shall include:

(1) An overall area map showing the relationship of the subdivision to its surroundings shall be provided;

(2) Location of proposed subdivision in relation to schools, shopping, parks and other community facilities;

(3) Boundary lines of proposed subdivision, and section or corporation lines within or adjacent to the tract;

(4) Adjacent tracts of subdivided and unsubdivided land shown in relation to the tract being proposed for the subdivision;

(5) Location, widths and names of existing or prior platted streets and private streets, and public streets, and public easements within or adjacent to the tract being proposed for subdivision;

(6) Location of existing sewers, water mains, storm drains and other underground facilities within or adjacent to the tract being proposed for subdivision; and

(7) Topography drawn as contours with an interval of at least five feet, except as may otherwise be required for proper review of special grading or drainage problems. Topography is to be based on U.S.G.S. datum.

(D) *Proposed conditions*. The preliminary plat shall include:

(1) Layout of streets, indicating proposed street names, right-of-way widths and connections with adjoining platted streets and also the width and locations of alleys, easements and public walkways;

(2) Layout, numbers and dimensions of lots, including building setback lines showing dimensions;

(3) Indication of parcels of land intended to be dedicated or set aside for public use of property owners in the subdivision or lands set aside for future street connections to adjacent tracts; and

(4) The developer shall indicate to the City Council the proposed systems for sanitary sewage disposal, public water supply and storm drainage by submitting a copy of the plat showing the proposed installation without capacities and other engineering features.

(E) *Preliminary plat review by Planning Commission.*

(1) (a) The City Clerk shall receive and check for completeness, the preliminary plat and, if complete, place the proposal on the agenda of the next Planning Commission meeting.

(b) Should any important data be omitted, the City Clerk shall notify the subdivider of additional data required and delay further Planning Commission action until the required data is received.

(2) It shall be the duty of the City Clerk to send notice to the owners of the land immediately adjoining the property presented to be platted of the presentment of the plat and the time and place of the meeting of the Planning Commission not fewer than five days before the date fixed therefor.

(3) The Planning Commission shall review all details of the proposed subdivision within the framework of the various elements of the Master Plan and within the design standards of this chapter.

(4) Land requirements for public uses within the framework of the Master Plan shall be considered in the review of each preliminary plat submitted.

(5) Should the Planning Commission reject the plat, it shall record the reasons in the minutes of the meeting. A copy of the minutes shall be sent to the subdivider.

(6) (a) Should the approval be conditional approval, the subdivision layout shall not be forwarded to the City Council until those conditions have been satisfied by the developer.

(b) The revised layout shall follow the submittal procedure indicated under division (E)(1) above.

(7) Should the Planning Commission find that all conditions have been satisfactorily met, it shall give preliminary approval to the subdivider; the Chairperson shall make a notation to that effect on each copy of the preliminary plat, returning one copy to the subdivider, forwarding three copies to the City Council with recommendations for preliminary approval, on copy to the Assessor and retaining two copies for the Planning Commission files.

(F) *Preliminary plat review by the City Council.*

(1) The City Council will not review a preliminary plat until it has received the review recommendations, the City Council shall consider the plat at a meeting that the matter is placed on the regularly scheduled agenda.

(2) Should the City Council approve the preliminary plat, it shall be deemed to confer upon the subdivider the right to proceed with the preparation of a final plat.

(3) Preliminary approval shall not constitute approval of the final plat. It shall be deemed as approval of the layout submitted on the preliminary plat as a guide to the preparation of a final plat.

(4) All approvals made on the preliminary plat shall expire as provided in § 120 of the Subdivision Control Act, being M.C.L.A. § 560.120.
(Prior Code, § 154.17) (Ord. passed 2-14-1977)

§ 157.23 FINAL PLAT REQUIREMENTS.

(A) For every subdivision of land, there shall be a survey complying with requirements of §§ 125 and 126 of the Subdivision Control Act, being M.C.L.A. §§ 560.125 and 560.126.

(B) All final plats of subdivided land shall comply with the provisions of §§ 131 through 151 of the Subdivision Control Act, being M.C.L.A. §§ 560.131 through 560.151.

(C) The final plat shall be submitted with the procedure described in §§ 162 through 173 of the Subdivision Control Act, being M.C.L.A. §§ 560.162 through 560.173, and shall be accompanied by the recording fees.

(D) All streets, alleys, roads and highways, lots and outlots shown, or required to be shown on a plat shall comply with the requirements of §§ 181 though 186 of the Subdivision Control Act, being M.C.L.A. §§ 560.181 through 560.186, as a condition of approval of the final plat.
(Prior Code, § 154.18) (Ord. passed 2-14-1977)

ADMINISTRATION

§ 157.35 FEES.

Engineering fees, inspection fees, plat review fees, water and sewer connection charges and other applicable development charges may be provided for by resolution.
(Prior Code, § 154.30) (Ord. passed 2-14-1977)

§ 157.36 VARIANCES.

Any variances of this chapter will be considered by the City Council upon the recommendation of the Planning Commission.
(Prior Code, § 154.31) (Ord. passed 2-14-1977)

§ 157.99 PENALTY.

Any person, firm or corporation or anyone acting in behalf of that person, persons, firm or corporation violating any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine of not more than $500 and the costs of prosecution or in default of the payment thereof by imprisonment in the county jail for a period not to exceed 90 days, or both a fine and imprisonment in the discretion of the court. Each day that a violation is permitted to exist shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this chapter.
(Prior Code, § 154.99) (Ord. passed 2-14-1977)

CHAPTER 158: ZONING CODE

Section

General Provisions

158.001 Purpose
158.002 Interpretation of chapter
158.003 Definitions
158.004 Establishment of zone districts
158.005 Interpretation of district boundaries; zoning map

R-1 Single-Family Residential District

158.020 Purpose
158.021 Permitted uses
158.022 Accessory buildings
158.023 Dimensional requirements

R-2 Multi-Family Residential District

158.035 Purpose
158.036 Permitted uses
158.037 Dimensional requirements

R-3 Rural Residential District

158.050 Purpose
158.051 Principal uses
158.052 Required conditions
158.053 Height and area
158.054 Accessory uses
158.055 Uses subject to special conditions

C-1 Neighborhood Commercial District

158.070 Purpose
158.071 Permitted uses
158.072 Dimensional requirements

C-2 Downtown/Highway Commercial District

158.085 Purpose
158.086 Permitted uses
158.087 Permitted uses with conditional use permit
158.088 Dimensional requirements

I Industrial Districts

158.100 Purpose
158.101 Permitted uses
158.102 Permitted uses by conditional use permit
158.103 Prohibited uses
158.104 Requirement specifications

O Open Area District

158.115 Purpose
158.116 Permitted uses by conditional use permit
158.117 Signs

PUD Planned Unit Developments

158.130 Purpose
158.131 Permitted uses
158.132 Continuing applicability of information on approved site plans
158.133 Construction
158.134 Letter of credit
158.135 Preapplication conference
158.136 Site plan requirements
158.137 Administrative review procedure for site plan
158.138 Supplementary development standards and regulations
158.139 Standards for review
158.140 Amendments to site plans
158.141 Extension of time limits
158.142 As-built drawings
158.143 Performance guarantees
158.144 Violations

Home Occupations

158.155 Purpose
158.156 Performance standards

158.157 Permitted home occupations
158.158 Prohibited home occupations

Supplementary Regulations

158.170 Tiny houses
158.171 Recreational marijuana establishments
158.172 Medical marijuana establishments

Conditional Uses

158.190 Purpose
158.191 Procedures for making application
158.192 Cancellation of conditional use permit
158.193 Conditional uses

Off-Street Parking

158.205 Purpose
158.206 Definition
158.207 Parking space requirements
158.208 Location of parking area
158.209 Design and construction requirements
158.210 Increases in parking areas
158.211 Joint use of parking areas

Loading-Unloading Space Requirements

158.225 Purpose
158.226 Storage of refuse
158.227 Access to truck standing; loading and unloading space
158.228 Additional area to parking space

Storage of Vehicles, Equipment and Refuse

158.240 Purpose
158.241 Enforcement
158.242 Certain conditions prohibited
158.243 Notice of violation
158.244 Remedy
158.245 Appeal
158.246 Designations of other prohibitions

Fences and Obscuring Walls

158.260 Building permit required
158.261 Placement and height
158.262 Openings and construction requirements
158.263 Position of finished side
158.264 Swimming pools; required fencing and enclosures
158.265 Maintenance and repair; nuisance

Site Plan Review

158.280 Purpose
158.281 Uses requiring site plan review
158.282 Prohibitions prior to site plan approval
158.283 Preapplication conference; staff
158.284 Application for site plan approval
158.285 Information required with or on the site plan
158.286 Public hearing
158.287 Standards for site plan review
158.288 Planning Commission action
158.289 Expiration of site plan approval
158.290 Amendment of an approved site plan
158.291 Modifications of plan during construction
158.292 As-built drawings
158.293 Phasing of development
158.294 Inspection
158.295 Guarantees
158.296 Fees
158.297 Violations

Variances

158.315 Purpose
158.316 Conditions
158.317 Rules for granting of variance
158.318 Bond for compliance

Administration and Enforcement

158.330 Administrating authority; responsibilities
158.331 Zoning fees; when due

158.332 Site plan review fees; when due
158.333 Amendments
158.334 When violation a nuisance; inspection; correction
158.335 Enforcement procedure
158.336 Rights and remedies; scope
158.337 Appeal of Planning Commission and Zoning Board of Appeals decisions

158.999 Penalty

GENERAL PROVISIONS

§ 158.001 PURPOSE.

(A) (1) The purpose of this chapter is to establish minimum requirements for the promotion of public health, safety, morals and general welfare.

(2) Other provisions are intended to provide for adequate light, air and convenient access; to allow safety from fire and other dangers; to encourage the wise use of lands and other natural resources, within the jurisdiction, in accordance with their character, adaptability and suitability for particular purposes; to ensure social and economic stability, property values and the general character and trends of community development; and to ensure adequate population concentrations by regulating and limiting the height and bulk of erected structures.

(B) It is also the purpose of this chapter to adopt provisions for each designated zoning district that specifies the location, size, construction and/or use of structures and open spaces and safety and sanitary requirements within each district.
(Prior Code, § 155.001) (Ord. passed 8-27-1990)

§ 158.002 INTERPRETATION OF CHAPTER.

When interpretation is necessary because the permissions of this chapter, in respect to the listed permitted principal and accessory uses, are not or cannot be made either comprehensive, nor precise, enough to all applications of this chapter, the Planning Commission, City Council or Zoning Board of Appeals shall be permitted to interpret the intent of this chapter, noting those interpretations for future reference.
(Prior Code, § 155.002) (Ord. passed 8-27-1990)

§ 158.003 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY BUILDING. A subordinate building or structure on the same lot with the main building with the principle primary structure occupied or devoted exclusively to an accessory use. When an ***ACCESSORY BUILDING*** is attached to the main building in a substantial manner by a wall or roof, it shall be considered part of the main building.

ACCESSORY USE. A use subordinate to the main use on a lot and used for purposes customarily incidental to those of the main building, but not including their use for dwelling, residential, lodging or sleeping quarters for human beings.

ALLEY. Any dedicated public way, other than a street, providing a secondary means of access to property.

BASEMENT. A story having part, but no more than 75% of its height below the average level of the adjoining ground. A ***BASEMENT*** is counted as a story for the purposes of height regulations, if subdivided and used for business or dwelling purposes. (See ***CELLAR***.)

BOARDING HOUSE. A dwelling having one kitchen and used for the purposes of providing meals, lodging or both for pay or compensation of any kind, computed by the day, week, month or year to persons other than family members occupying those dwellings.

BUILDING. Any structure having a roof supported by columns or walls, used or intended to be used for shelter or enclosure of persons, animals and/or property. When that structure is divided into separate parts by one or more unpieced walls, each part is deemed a separate ***BUILDING***.

BUILDING (HEIGHT OF). The vertical measurement from the average elevation of the finished lot grade at the front of the building, to the highest point of the ceiling of the top story, in the case of a flat roof; to the deck line of a mansard roof; and to the average height between the plate and the ridge of a gable, hip or gambrel roof.

BUILDING PERMIT. A written authority issued by the Building Inspector in conformity with the provisions of the State Construction Code (Public Act 230 of 1972, being M.C.L.A. §§ 125.1501 et seq.).

CARPORT. Any structure or portion of a building or structure, other than an attached of detached garage, used for the shelter of self-propelled vehicles.

CELLAR. A story having greater than 75% of its height below the average level of the adjoining ground and not having any part thereof used for dwelling purposes. A ***CELLAR*** shall not be counted as a story for purposes of height measurement.

COMMERCIAL. A business operated primarily for profit or non-profit, including those of retail trade and professional, personal, technical and mechanical services.

CONDITIONAL USE PERMIT. A permit issued by the Planning Commission to an applicant not in accordance with the provisions of this chapter, but which use will not be detrimental to the surrounding area, along with being required to meet and maintain certain predefined criteria. The permit must be approved and issued by the Planning Commission prior to the issuance of a building permit by the Building Inspector.

COURT. An unopened space, other than a yard, that is bounded on at least two sides by a building. A ***COURT*** not extending to a street, front yard or rear yard is an outer court.

DWELLING. Any building, or portion thereof, which is designated or used exclusively as living quarters for families, but not including recreational vehicles, tents, portable buildings or basements.

(1) ***DUPLEX.*** An attached building designed for occupancy by two families living independently of each other.

(2) ***MULTIPLE-FAMILY.*** A building or portion thereof used or designated as a residence for five or more families living independently of each other, but not including hotels or motels.

(3) ***QUADPLEX.*** An attached building designed for occupancy by four families living independently of each other.

(4) ***SINGLE-FAMILY.*** A detached building designed for occupancy by one family.

(5) ***TRIPLEX.*** An attached building designed for occupancy by three families living independently of each other.

EGRESS ROOF ACCESS WINDOW. A skylight or roof windows designed and installed to satisfy the emergency escape and rescue opening requirements of the International Residential Code.

ESSENTIAL SERVICES. The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground, surface or overhead gas, electrical, steam or water transmission or distribution systems; collection, communication, supply or disposal system, including towers, poles, wires, call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith.

ESSENTIAL UTILITIES. Services required to sustain life including, but not limited to, electric, water, sanitary sewer and gas.

FAMILY. One or two persons, or parents, with their direct descendants and adopted children (and including the domestic employees thereof) together with not more than three persons not so related, living together in a room or rooms comprising a single housekeeping unit. Every additional group of two or more persons living in such housekeeping unit shall be considered a separate ***FAMILY*** for the purposes of this chapter.

FARMS. The keeping of horses, swine, cattle, sheep, goats, chickens, geese, ducks, turkeys, rabbits and other domestic animals other than house pets, shall be permitted in connection with the farm use as an accessory use of one-family residence established and existing on the premises where those animals, poultry or birds are to be kept.

FENCE. Any partition, structure, hedge or gate used as a dividing marker, barrier or enclosure.

FRONTAGE. All property on one side of a street between intersecting and intercepting streets, or between a street and railroad right-of-way, waterway, end of a dead-end street or city boundary measure along the street line. An intercepting street shall determine only the boundary of the ***FRONTAGE*** on the side of the street which it intercepts.

GARAGE.

(1) ***PRIVATE.*** A detached accessory building or portion of the main building for the parking or temporary storage of not more than three automobiles, including not more than one truck of a rated capacity not exceeding one ton, and having a maximum gross floor area of 1,200 square feet.

(2) ***PUBLIC.*** A space or structure other than a private garage for the storage, care, repair, refinishing or servicing of motor vehicles. However, a structure or room used slowly for the display and sale of those vehicles, in which they are not operated under their own power and, in connection with which there is no storage, repair, care, refinishing or servicing of vehicles other than those displayed for sale, shall not be considered a ***PUBLIC GARAGE***.

GROSS FLOOR AREA. The area included within the exterior walls of a building.

HOME OCCUPATION. Any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

INDUSTRIAL. A business operated primarily for profit or non-profit, including those of product manufacturing or conversion through the assembly of new or used products, or through the disposal or reclamation of salvaged materials, and including those businesses and service activities that are normal integral parts of an industrial enterprise.

JUNK. Any motor vehicle, machinery, appliances, product or merchandise with parts missing, or scrap metals or other scrap which cannot be used for the purpose for which the product was manufactured.

JUNK YARD. An area of more than 200 square feet, unless entirely within an enclosed building, used for storage, keeping or abandonment of junk, including scrap metals, other scrap metals or reclaimed materials, or for the dismantling, demolition or abandonment of automobiles or other vehicles, machinery or parts thereof.

LIVING SPACE. The area within a structure intended, designed, erected or used for human occupancy, but excluding any cellar or accessory use areas.

LOFT. Floor level located 40 inches above the main floor. Open to the main floor on one or more sides with a ceiling height of less than six feet eight inches and used for a living or sleeping space.

LOT. A parcel of land shown on a subdivision map, a record of survey map or a parcel described by metes and bounds, having an area for each main building as hereinafter in each zone.

LOT LINE.

(1) ***AREA.*** The total area within the lot lines of a lot.

(2) ***CORNER LOT.*** A lot situated at the intersection of two or more streets having an angle of intersection of not more than 135 degrees.

(3) ***DEPTH.*** The distance between the front and rear lot lines, measured in the average direction of the side lot lines.

(4) ***FRONT.*** In case of an interior lot, a line separating the lot from the street or place; and in case of a corner lot, a line separating the narrowest street frontage of a lot from the street.

(5) ***INTERIOR LOT.*** A lot other than a corner lot.

(6) ***REAR.*** A lot line which is opposite and most distant from the front line and, in the case of an irregular shaped lot, a line at least ten feet in length within the lot, parallel to and at maximum distance from the front lot line.

(7) ***SIDE.*** Any boundary line not a front or rear lot line.

(8) ***WIDTH.*** The distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.

MIXED USE. A mixed-use development is a real estate project with planned integration of some combination of retail, office, residential, hotel, recreation or other functions. It is pedestrian-oriented and contains elements of a live-work-play environment. It maximizes space usage, has amenities and architectural expression and tends to mitigate traffic and sprawl.

NON-CONFORMING STRUCTURE. A structure lawfully existing at time of adoption of this chapter, or any amendments thereto, which does not conform to the regulations of the district in which it has been located, and for which a certificate of occupancy has been issued and is in force.

NON-CONFORMING USE. A use which lawfully occupies a structure or land at the time of the adoption of this chapter, or any amendments thereto, which does not conform with the regulations of the district in which it is located, and for which a certificate of occupancy has been issued and is in force.

NUISANCE. An offensive, annoying, unpleasant or obnoxious thing or practice, a course or source of annoyance, especially a continuing or repeated invasion of any physical characteristics of a use of activity across a property line, which can be perceived by or affects a human being or his or her property adversely.

OFF-STREET PARKING. Applies to vehicles parking in all areas, except parking in garages and parking along streets or alleys.

PRINCIPLE PRIMARY DWELLING. Any building or portion thereof which is designated or used exclusively as living quarters not to include recreational vehicles, tents, portable buildings, basements or alike.

RECREATIONAL VEHICLE or ***RV.*** A vehicular type structure, primarily used as temporary living quarters for recreation, camping, or travel use, which has either its own motive power or is mounted on or drawn by another vehicle which is self-propelled. An ***RV*** is not a ***TRAILER COACH*** or a ***MANUFACTURED (MOBILE) HOME***. ***RECREATIONAL VEHICLE*** shall have the same meaning as defined in the Michigan Vehicle Code, Public Act 319 of 1975, being M.C.L.A. §§ 257.1601 et seq., as amended.

SITE PLAN REVIEW. A process conducted by the Planning Commission for the purpose of reviewing all plans for proposed developments in the city, except for single-family homes on single lots or parcels for the purpose of assuring compliance of all permitted uses with the provisions of this chapter.

SPECIAL CARE FACILITY. Any dwelling unit intended to be occupied (partially or entirely) for purposes of providing residential care for persons physically or mentally handicapped, mentally ill, drug or alcohol addicts and including any dwelling units used for similar occupants that are state licensed or state supported, but not including penal or correctional institutions, nor shall the conditions apply to any family related persons living within a single-family unit.

STORY. The portion of a building between one floor level and the floor level; next above it, or between the uppermost floor and the roof. Any ***STORY*** lying more than 50% by volume below the highest level of the adjoining ground, and any mezzanine, balcony or similar story having a floor area of less than 50% of the floor area immediately above it, (or where there is no story above, less than 50% of the floor area immediately below it) shall not be counted as a ***STORY*** in measuring the height of buildings under this chapter.

STORY (HALF). An uppermost story lying under a sloping roof, the usable floor area of which does not exceed 75% of the floor area of the story immediately below it, and not used, designed, arranged or intended to be used, in whole or in part, as an independent housekeeping unit or dwelling.

STREET. A dedicated and accepted public right-of-way for vehicular traffic, which is the primary means of access to abutting property.

STRUCTURE. Anything constructed or erected which requires location on the ground or attached to something having location on the ground, including fences, signs or billboards.

TINY HOUSE. A dwelling that is a minimum of 210 square feet or more in floor area, excluding lofts. A ***TINY HOUSE*** is considered a dwelling unit only when constructed in compliance with the State Construction Code or the Michigan Residential Code and permanently affixed to a foundation.

TINY HOUSE (MOBILE).

(1) A structure intended for separate independent living quarters for one household that meets the following conditions:

(a) It is licensed and registered with the state's Department of Motor Vehicles;

(b) It is towable by bumper hitch, frame towing hitch or fifth-wheel connection; and

(c) It may or may not move under its own power.

(2) A ***TINY HOUSE (MOBILE)*** shall be considered a ***RECREATIONAL VEHICLE*** unless placed on a permanent foundation and constructed to the State Construction Code.

TRAILER COACH/MANUFACTURED (MOBILE) HOMES. A structure transportable in one or more sections, which is built on a chassis and designated to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities and includes plumbing, heating, air-conditioning and electrical systems contained in the structure. ***MANUFACTURED (MOBILE) HOMES*** do not include ***RECREATIONAL VEHICLES*** (***RVs***). This definition shall be interpreted consistent with the Mobile Home Commission Act, Public Act 96 of 1987, being M.C.L.A. §§ 125.2301 et seq.

USE. The purpose for which land or buildings are arranged, designated or intended, or for which either land or buildings are, or may be, occupied or maintained.

YARD. An open space other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this chapter:

(1) ***FRONT.*** A yard extending across the full width of a lot; the depth of which is the distance between the front lot line (street right-of-way) and the main wall of the building.

(2) ***REAR.*** A yard extending across the full width of a lot between the most rear of the main building and the rear lot line. The depth of the required ***REAR YARD*** shall be measured from the nearest point of the main building to the nearest part of the side lot line. The first two feet of roof overhanging shall be excluded in determining the nearest part of the main building.

(3) ***SIDE.*** A yard, between the main building and the side lot line, extending from the front yard to the rear yard. The width of the required ***SIDE YARD*** shall be measured from the nearest point of the main building to the nearest part of the side lot line. The first two feet of roof overhang shall be excluded in determining the nearest part of the main building.

ZONING VARIANCE. A variation from the strict application of the provisions of this chapter, with as strict as possible adherence to the intent and purpose of the equal application of the law principle as is possible and additionally those variations specified in this chapter which can be granted by the Zoning Board of Appeals due to an unnecessary hardship (a variation of permitted use) or practical difficulties (a variation from a required dimensional or performance standard) due to unusual lot shape or size, or on-site natural characteristics as compared with other similarly zoned parcels in the district which it is located.
(Prior Code, § 155.003) (Ord. passed 8-27-1990; Ord. 248, passed 1-27-2025; Ord. 254, passed 2-9-2026)

§ 158.004 ESTABLISHMENT OF ZONE DISTRICTS.

For the purposes of this chapter, the city is hereby divided into eight classes of zone districts, known as:

(A) R-1, Single-Family Residential;

(B) R-2, Multi-Family Residential;

(C) R-3, Rural Residential;

(D) C-1, Neighborhood Commercial;

(E) C-2, Downtown/Highway Commercial;

(F) I, Industrial;

(G) O, Open Land; and

(H) PUD, Planned Unit Development.
(Prior Code, § 155.004) (Ord. passed 8-27-1990)

§ 158.005 INTERPRETATION OF DISTRICT BOUNDARIES; ZONING MAP.

The boundaries of those districts set forth in § 158.004 of this chapter are hereby established as shown on the map entitled "The Zoning Map of the City of Wakefield, Michigan, 1990", as amended, which accompanies and is made part of this chapter. Except where referenced on the map to a street line or other designated line by dimensions shown on the map, the district boundary lines follow lot lines or the center of streets or alleys as they existed at the time of the enactment of this chapter, but where a district line does not coincide with those lot lines or street or alley center lines, or where it is not designated by dimensions, it shall be deemed to be 40 feet back from the center of the nearest parallel street.
(Prior Code, § 155.005) (Ord. passed 8-27-1990)

R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

§ 158.020 PURPOSE.

The purpose of the regulation covering this district are to provide a stable and sound family residential environment with its appropriately related level of urban utilities, facilities and services. The essential difference between this and any other residential district is that a moderate density of urban type residential development will be permitted through the construction and occupancy of one-family structures on moderately sized lot areas. There is no intent to promote by these regulations for R-1 Districts any lower quality livability than that possible in any other residential district. All developed or undeveloped lots shall be seeded with grass, except by permission of the Planning Commission.
(Prior Code, § 155.015) (Ord. passed 8-27-1990)

§ 158.021 PERMITTED USES.

One-family residences, churches, schools, parks and accessory structures thereof, and providing, except for lots of record, if public water supply and public storm drainage systems are available or constructed, that appropriate connections are made thereto. Signs and billboards are prohibited in any R-1 District.
(Prior Code, § 155.016) (Ord. passed 8-27-1990)

§ 158.022 ACCESSORY BUILDINGS.

(A) Accessory buildings are permitted, but not prior to erection of the principal buildings.

(B) Accessory buildings shall not occupy more than 40% of rear yard, nor closer to any lot line than is required for this district.

(C) Accessory buildings, other than the principal garage, may not exceed 200 square feet each.

(D) No part of any front yard shall be used for any attached accessory building or garage, nor for the permanent parking of vehicles.
(Prior Code, § 155.017) (Ord. passed 8-27-1990; Ord. 175, passed 10-23-2000)

§ 158.023 DIMENSIONAL REQUIREMENTS.

(A) *Minimum dimensions*. The minimum dimensions set forth in this section for lot area, width and floor area, together with the maximum dimensions for lot coverage and building heights, shall be required for every structure and land use in this district, except as noted.

(B) *Minimum lot area*. No lots, except as otherwise established for specifically permitted uses, shall hereafter be subdivided to provide less than 5,600 square feet of lot area.

(C) *Minimum lot width*. Forty feet along a street upon which a lot fronts.

(D) *Maximum lot coverage*. All buildings, including accessory buildings, shall not cover more than 40% of the total lot area.

(E) *Maximum building height*. Two stories, but not to exceed 35 feet. Accessory buildings shall not exceed a height of 15 feet.

(F) *Minimum finished living space*. Minimum gross living space area per family shall not be less than 850 square feet of floor area on the first floor if one story, or 650 square feet of floor area on the first floor if two stories, but not less than 350 square feet of floor area on the second floor level, or a total of not less than 1,000 square feet of floor area, if a split-level single-family dwelling.

(G) *Minimum yard dimensions*.

(1) Front yard: 30 feet minimum setback from street;

(2) Side yard: five feet minimum for both interior and corner lots;

(3) Rear yard: not less than 30 feet; and

(4) Minimum lot depth: 140 feet.

(H) *Parking restrictions*. Parking of motor or recreational vehicles with greater than one-ton carrying capacity, boats or trailers shall be permitted to park in side and rear yard only.
(Prior Code, § 155.018) (Ord. passed 8-27-1990)

R-2 MULTI-FAMILY RESIDENTIAL DISTRICT

§ 158.035 PURPOSE.

The purpose of the regulations covering this district are to provide a stable and sound family residential environment with the highest type of neighborhood related urban utilities, facilities and services. The essential difference between this and other residential districts, is that a relatively high density of urban type residential developments will be permitted in a variety of multi-family dwelling structures on relatively small area per dwelling unit. There is no lower quality of livability than that possible in any other residential district. All developed or undeveloped lots shall be seeded with grass, except by permission of the Planning Commission.
(Prior Code, § 155.030) (Ord. passed 8-27-1990)

§ 158.036 PERMITTED USES.

Duplex, triplex, quadplex and multiple-family dwellings, churches, schools and parks, and accessory structures thereof, and providing public water supply and public storm and sanitary drainage systems are available or constructed, that appropriate connections are made thereto. Signs and billboards are prohibited in any R-2 District, except by the issuance of a conditional use permit by the Planning Commission.
(Prior Code, § 155.031) (Ord. passed 8-27-1990; Ord. 248, passed 1-27-2025)

§ 158.037 DIMENSIONAL REQUIREMENTS.

(A) *Minimum dimensions*. The minimum dimensions set forth in this section for lot area and width, the floor area, together with maximum dimensions for lot coverage and building heights shall be required for every structure and land use in this district, except as noted.

(B) *Minimum lot area*. For multiple-family dwellings, minimum lot areas are as follows:

(1) Lot size requirements for:

Unit Type	*Width (Lot)*	*Depth (Lot)*	*Area (Lot) Sq.Ft.*	*# Units*
Duplex	55 - 75	100 - 150	5,000 - 11,250	2
Triplex - stacked	40 - 65	100 - 150	4,000 - 9,750	3
Quadplex - stacked	55 - 75	100 - 150	5,000 - 11,250	4
Multiple-family	95 - 120	100 - 150	9,500 - 18,000, plus an additional 1,500 square feet of lot area per unit over 5 units	5 or more

(2) The term ***DWELLING UNIT STRUCTURE***, as used herein, shall be interpreted to include all of the dwelling units on a use parcel, which may, in order to accomplish a more desirable development, actually be contained in a number of physically separate, though functionally related buildings.

(C) *Minimum lot width*. Eighty feet for the first two dwelling units, and an additional 20 feet for each additional dwelling unit, up to and including structures containing four dwelling units, and an additional ten feet for each dwelling unit thereafter along the street upon which a lot fronts; with exceptions to be allowed for lots on curvilinear streets producing non-parallel side lot lines.

(D) *Maximum building height*. No structure shall exceed two stories of 35 feet.

(E) *Height*. Accessory buildings shall not exceed a height of 15 feet.

(F) *Minimum living space*. Minimum gross floor living space area per family shall not be less than 750 square feet of floor area.

(G) *Maximum lot coverage*. All buildings, including accessory buildings, shall not cover more than 40% of the total lot area.

(H) *Minimum yard dimensions*. Minimum yard dimensions for single structures containing two or more dwelling units are as follows.

(1) Front yard: front yard setbacks shall be at least 25 feet.

(2) Side yards: side yard setbacks shall be no less than ten feet.

(3) Rear yards: rear yards shall be no less than 20 feet.

(I) *Minimum specifications for group housing developments.*

(1) *Between principal buildings on the same lot or parcel.* Front-to-front, rear-to-rear or front-to-rear, the minimum horizontal distance shall be 50 feet for buildings on story in height. This distance shall be increased by not less than ten feet for every story added. The minimum distance between buildings may be increased on one side by not more than ten feet, if the distance on the other side is proportionately increased. If the buildings are staggered so as to permit free movement of air and allow ample sunlight to reach the ground, modifications may be permitted by the Planning Commission, if the planned development compensates by other space provisions.

(2) *Between end of buildings.*

(a) The distance shall not be less than 20 feet when neither building exceeds two stories and 30 feet if one or both buildings exceeds two stories.

(b) When the end of one building is opposite the long dimensions of an adjacent building, the minimum distance shall be 30 feet if both buildings are one story and 40 feet of at least one building is two or more stories.

(3) *Courts.* The width of any court shall be at least one and one-half times the height of the highest building adjacent to that court.

(4) *Play areas.*

(a) Play areas suitable for preschool children must be provided in all group housing developments.

(b) They shall be preferably located within sight of the dwelling units they serve.

(c) A minimum area of 40 square feet per dwelling unit shall be provided.

(5) *Site plan review.* In addition to all previous requirements of this section, all group housing projects must meet the requirements of §§ 158.280 through 158.297 of this chapter unless waived by a quorum majority of the Planning Commission.

(J) *Parking restrictions.* Parking of motor or recreational vehicles with greater than one-ton carrying capacity, boats or trailers shall be permitted to park in designated parking spaces only.

(K) *Off-street parking and loading and unloading requirements.* Must meet the requirements of §§ 158.205 through 158.211 and 158.225 through 158.228 of this chapter.

(L) *Snow storage*. On-site snow storage shall be provided for in the amount of 10% of the total required parking space. This storage amount shall be in addition to the required parking space.
(Prior Code, § 155.032) (Ord. passed 8-27-1990; Ord. 248, passed 1-27-2025)

R-3 RURAL RESIDENTIAL DISTRICT

§ 158.050 PURPOSE.

The purpose of this district is to provide for very low density one-family residences, while preserving the rural character of the district. There is no lower quality of livability than that possible in any other residential district. All developed or undeveloped lots shall be seeded with grass, except by permission of the Planning Commission.
(Prior Code, § 155.045) (Ord. passed 8-27-1990)

§ 158.051 PRINCIPAL USES.

Single-family residences and farms, multi-family dwellings and limited commercial also permitted with site plan review and approval. Signs and billboards are prohibited in any R-3 District, except by the issuance of a conditional use permit by the Planning Commission.
(Prior Code, § 155.046) (Ord. passed 8-27-1990)

§ 158.052 REQUIRED CONDITIONS.

(A) Municipal sanitary sewer and water service will not be provided.

(B) Sanitary sewer and water provisions are subject to approval by the county's Health Department.
(Prior Code, § 155.047) (Ord. passed 8-27-1990)

§ 158.053 HEIGHT AND AREA.

(A) *Maximum height*. Two stories, but not to exceed a height of 35 feet.

(B) *Front yard*. There shall be a front yard of at least 50 feet in depth.

(C) *Side yard*. There shall be two side yards, each of which will be at least 20 feet in depth.

(D) *Rear yard.* There shall be a rear yard of at least 50 feet in depth.

(E) *Lot area.* The minimum lot area shall be 108,900 square feet (two and one-half acres) and the minimum front lot line shall be 100 feet in length.

(F) *Floor area.* There shall be a minimum floor area of 850 square feet.
(Prior Code, § 155.048) (Ord. passed 8-27-1990)

§ 158.054 ACCESSORY USES.

No accessory building, including garages, shall be erected in any required front yard, shall not exceed 35 feet in height and shall be at least 20 feet from the side lot lines and 50 feet from the rear lot line.
(Prior Code, § 155.049) (Ord. passed 8-27-1990)

§ 158.055 USES SUBJECT TO SPECIAL CONDITIONS.

(A) An accessory building to be used as a private stable, barn, chicken coop or similar type building shall be no less than 100 feet from any lot line.

(B) The animals, poultry or birds shall be confined in a suitable fenced area, paddock or building.

(C) Stables, barns and other similar accessory buildings shall be kept clean and manure shall be treated and handled in a manner as to control odor and flies and shall be screened from view.

(D) All confinement areas, stables, barns and other similar accessory buildings shall, in all instances, be located in the rear yard.
(Prior Code, § 155.050) (Ord. passed 8-27-1990)

C-1 NEIGHBORHOOD COMMERCIAL DISTRICT

§ 158.070 PURPOSE.

The purpose of this district is to accommodate those retail sale and service facilities that are considered to be an indispensable function of residential neighborhoods. Commercial activities for neighborhood commercial are those which primarily offer goods and services which generally are

required by the family on a daily or less than weekly basis. In view of this primary purpose, it is important that the neighborhood shopping developments be built around family, food, household and automotive services. All developed and undeveloped lots shall be seeded with grass, except by permission of the Planning Commission.
(Prior Code, § 155.060) (Ord. passed 8-27-1990)

§ 158.071 PERMITTED USES.

The following types of commercial activities may be permitted:

(A) Establishments selling all kinds of foodstuffs for consumption off premises, including those which produce or manufacture foodstuffs exclusively for sale on the premises; however, no slaughtering or killing of poultry or animals shall be permitted;

(B) Services such as dry cleaning agencies, self-service laundries, shoe repair shops, beauty parlors and barber shops;

(C) Drug stores and apparel shops;

(D) Lunch counters, dairy bars, restaurants without dancing, entertainment and alcohol beverages, but excluding drive-in eating establishments;

(E) Offices for neighborhood related personal and business services; and

(F) Storage units that are contained in one or more buildings.
(Prior Code, § 155.061) (Ord. passed 8-27-1990; Ord. 174, passed 9-11-2000)

§ 158.072 DIMENSIONAL REQUIREMENTS.

The following dimensions shall be as follows, except where noted.

(A) *Minimum lot area.* 5,600 square feet.

(B) *Minimum lot width.* 40 feet.

(C) *Required yards.*

(1) *Front yard.* The minimum front yard setback shall be 30 feet.

(2) *Side yard.* The minimum side yard setback shall be five feet.

(3) *Rear yard*. The minimum rear yard setback shall be 30 feet.

(D) *Maximum building height*. Two stories, but not to exceed 35 feet.

(E) *Lighting*. Shall be installed and operated in a manner such that no illumination source shall create a nuisance to adjoining property owners.

(F) *Vehicular access*. Shall be so designed and located as to create a minimum interference with traffic on the surrounding public streets. No more than two driveways, each not to exceed 30 feet in width at the property line, shall be permitted on each street frontage of the property.

(G) *Off-street parking and loading and unloading requirements*. Must meet the requirements of §§ 158.205 through 158.211 and 158.225 through 158.228 of this chapter.

(H) *Snow storage*. On-site snow storage shall be provided for in the amount of 10% of the total required parking space. This storage shall be in addition to the required parking space.

(I) *Storage*. No vehicles, trailers or any other non-permanent structure may be used for storage of goods or equipment within this district, without permission of the Planning Commission.

(J) *Signs*. All signs to be located outside any building in a neighborhood commercial district shall conform to the following requirements.

(1) They shall be placed flat against the main building, or parallel to the building on a canopy and may face only public streets or parking areas which are a part of the development. No signs or billboards shall be placed on or over a lot or public right-of-way in a C-1 District, not occupied by the principal structure for which the sign is for, without detailed plans and specifications regarding height, size, construction materials, location and appearance, and the subsequent approval of the Planning Commission. Each individual sign shall be determined on an individual basis, with regard to the aforementioned criteria.

(2) They may not exceed in height, 20% of the building height, and a total area of all signs shall not exceed 30% of the area of the nearest building face with which the signs are parallel.

(3) Signs may be illuminated, but not flashing.

(4) One additional sign may be placed or attached to the building, but not extending over a public right-of-way, near one entrance on each street upon which the lot or parcel fronts. The sign shall convey only the identification of the permitted use, be located so view of traffic is not obstructed for pedestrians and motorists and may not exceed 25 square feet in area.

(5) Signs purely for traffic regulation and direction within the development may be utilized as required.
(Prior Code, § 155.062) (Ord. passed 8-27-1990)

C-2 DOWNTOWN/HIGHWAY COMMERCIAL DISTRICT

§ 158.085 PURPOSE.

This district is established for the purpose of accommodating the widest variety and highest concentration of retail and service establishments to be located in the major service centers of the city; and, further, to permit those additional uses which can be appropriately located in such a central area. This district provides major retail and service facilities to the people of the city, and extending to the immediately surrounding regions. All developed and undeveloped lots shall be seeded with grass, except by permission of the Planning Commission.
(Prior Code, § 155.075) (Ord. passed 8-27-1990)

§ 158.086 PERMITTED USES.

The following types of commercial activities may be permitted:

(A) Single and multiple retail establishments selling principally new merchandise;

(B) Personal and business services;

(C) Hotels and motels;

(D) Passenger terminals and information centers;

(E) Offices, banks, public buildings and public utility installations;

(F) Restaurants and drive-in businesses;

(G) Business, trade of public schools;

(H) Dancing and music studios;

(I) Sales and showrooms, including automobiles and recreational vehicles;

(J) Funeral homes and mortuaries;

(K) Commercial recreational facilities;

(L) Commercial or public parking lots;

(M) Automobile service and repair stations;

(N) Bars, taverns, nightclubs or inns;

(O) Household and family service businesses, including laundromats, dry cleaning establishments and similar establishments; and

(P) Mixed use development with residential units permitted on any level above the ground floor.
(Prior Code, § 155.076) (Ord. passed 8-27-1990; Ord. 248, passed 1-27-2025)

§ 158.087 PERMITTED USES WITH CONDITIONAL USE PERMIT.

The following types of commercial activities may be permitted with a conditional use permit:

(A) Manufacturing and processing establishments, selling at least 50% of the entire output at retail on the premises;

(B) The steam cleaning or physical modification of motor vehicles; and

(C) Residential dwelling units.
(Prior Code, § 155.077) (Ord. passed 8-27-1990; Ord. 248, passed 1-27-2025)

§ 158.088 DIMENSIONAL REQUIREMENTS.

The following minimum dimensions shall be as follows, except where noted.

(A) *Minimum lot area.* 5,600 square feet.

(B) *Minimum lot width.* 40 feet.

(C) *Required yards.*

(1) *Front yard.* The minimum front yard setback shall be 20 feet, with the exception of Sunday Lake Street, where there shall be no front yard required.

(2) *Side yard.* The minimum side yard setback shall be five feet.

(3) *Rear yard.* The minimum rear yard setback shall be 30 feet.

(D) *Maximum building height.* Two stories, but not to exceed 35 feet.

(E) *Lighting.* Shall be installed and operated in a manner such that no illumination source shall be a nuisance to adjoining property owners.

(F) *Vehicular access.* Shall be so designed and located as to create a minimum interference with traffic on the surrounding public streets. No more than two driveways, each a minimum of 18 feet, but not to exceed 30 feet in width at the property line, shall be permitted on each street frontage of the property. When off-street parking lots are adjacent, the Planning Commission has the discretion to require shared access to limit driveways and additional curb cuts. Shared parking may be applied when land uses have different parking demand patterns and are able to use the same parking spaces/areas throughout the day. Shared parking is most effective when these land uses have significantly different peak parking characteristics that vary by time of day, day of week and/or season of the year. In these situations, shared parking strategies will result in fewer total parking spaces needed when compared to the total number of spaces needed for each land use or business separately. The Planning Commission will require an agreement signed by affected landowners that addresses the shared parking arrangement and responsibilities for maintenance and snow removal.

(G) *Off-street parking and loading and unloading requirements.* Must meet the requirements of §§ 158.205 through 158.211 and 158.225 through 158.228 of this chapter.

(H) *Snow storage.* On-site snow storage shall be provided in the amount of 10% of the total required parking space. This storage amount shall be in addition to the required parking space.

(I) *Storage.* No vehicles, trailers or any other non-permanent structure may be used for storage of goods or equipment within this district, without permission of the Planning Commission. All temporary structures used for display and/or sale of goods or equipment shall first receive a permit from the City Clerk, prior to the erection of that structure.

(J) *Signs.* All signs to be located outside any building in a downtown/highway commercial district shall conform to the following requirements.

(1) They shall be placed flat against the main building, or parallel to the building on a canopy and may face only public streets or parking areas which are part of the development. No signs or billboards shall be placed on or over a lot or public right-of-way in a C-2 District, not occupied by the principal structure for which the sign is for, without detailed plans and specifications regarding height, size, construction materials, location and appearance, and the subsequent approval of the Planning

Commission. Each individual sign shall be determined on an individual basis, with regard to the aforementioned criteria.

(2) They may not exceed in height, 20% of the building height, and a total area of all signs shall not exceed 30% of the area of the nearest building face with which the signs are parallel.

(3) Signs may be illuminated, but not flashing.

(4) One additional sign may be placed free-standing or attached to the building but not extending over a public right-of-way, near one entrance on each street upon which the lot or parcel fronts. That sign shall convey only the identification of the permitted use, shall be located so that the view of traffic is not obstructed for pedestrians and motorists and may not exceed 25 square feet in area.

(5) Signs purely for traffic and direction within the development may be utilized as required, but may not exceed four square feet.

(K) *Building entrance*. All commercial buildings shall be required to have a front facing doors to ensure that primary building entrance is accessible and easy to locate from the street.
(Prior Code, § 155.078) (Ord. passed 8-27-1990; Ord. 248, passed 1-27-2025)

I INDUSTRIAL DISTRICTS

§ 158.100 PURPOSE.

This district is established for the purpose of encouraging within it the development of manufacturing, processing, storage and office establishments as one in which the principal use of land is for industrial activities wholly compatible with all other uses permitted in this district. In general, the permitted uses include those which are a type not requiring the customer to call at the place of business, but normally have contact by mail or agent. All developed or undeveloped lots shall be seeded with grass, except by permission of the Planning Commission.
(Prior Code, § 155.090) (Ord. passed 8-27-1990)

§ 158.101 PERMITTED USES.

In this district, no building, structure or land shall be used and no building or structure shall hereafter be erected, structurally altered or enlarged, except for the uses set forth in this section. All permitted uses require plans and specifications to be submitted in accordance with the site plan review:

(A) Any production, processing, cleaning, testing, repairing, storage and distribution of materials, goods, foodstuffs and products not involving a normal retail or service activity on the lot;

(B) Veterinary hospitals and kennels;

(C) Wholesale businesses or warehouses;

(D) Building supply and equipment stores and yards;

(E) Contractor's establishments not engaging in any retail activities on the site; and

(F) Accessory uses clearly related with the main use, such as:

(1) Restaurant or cafeteria facilities for employees;

(2) Caretaker's residence if situated upon a portion of main use lot; and

(3) Office facility.

(Prior Code, § 155.091) (Ord. passed 8-27-1990)

§ 158.102 PERMITTED USES BY CONDITIONAL USE PERMIT.

With plans and specifications submitted for site plan review and in accordance with all requirements mentioned within this section:

(A) Junk yards and salvage yards;

(B) Stone cutting and monuments; and

(C) Lumber mills.

(Prior Code, § 155.092) (Ord. passed 8-27-1990)

§ 158.103 PROHIBITED USES.

The following uses shall be prohibited:

(A) Dwelling units of any type;

(B) Abattoir or slaughterhouse;

(C) Blast, cupola or metal furnace;

(D) Boiler shops;

(E) Coke ovens or lime kilns;

(F) Fat rendering;

(G) The incineration, reduction or dumping of offal or garbage; and

(H) Manufacture of acetylene gas, asphalt or its products, asbestos, metal, bleaching powder, coal tar or its products, pulp or paper and petroleum or its products.
(Prior Code, § 155.093) (Ord. passed 8-27-1990)

§ 158.104 REQUIREMENT SPECIFICATIONS.

(A) *Building permit application requirements*. Any application for a building permit for a use located in this district shall be accompanied by:

(1) A plot or site plan of the gross property, showing the location of all present and proposed building drives, parking lots, waste disposal fields, screening fences or walls and other construction features on the lot as well as streets, alleys, highways, streams and other topographical features inside the lot and within 200 feet of the lot lines;

(2) Building, structural and site plans and specifications prepared by a registered architect, engineer or landscape architect;

(3) A description of the operations proposed in sufficient detail to indicate the effects of those operations on producing traffic congestion, noise, glare, air or water pollution, fire and safety hazards or the emission of any potentially harmful or obnoxious matter or radiation;

(4) Engineering and architectural plans for the pretreatment and disposal of sewage or industrial waste or any unusable by-product; and

(5) Engineering and architectural plans for the handling of any traffic congestion, noise, glare, air or water pollution, fire and safety hazards or the emissions of any potentially harmful or obnoxious matter or radiation.

(B) *Use requirements*.

(1) Activities in this district shall be carried on in completely enclosed buildings. Storage may be permitted out-of-doors; provided that, when within 100 feet of any other district, all storage shall be in a completely enclosed building or shall be effectively screened by a wall, fence or earth berm that shall be at least two feet above the highest point of stored material.

(2) Noise emanating from a use in this district shall not exceed 80 decibels at the boundaries of the lot. Short intermittent noise peaks (not to exceed one minute in length) may be expected, but not to exceed more than one noise peak per hour.

(3) Uses in this district shall be such that they:

(a) Emit no obnoxious, toxic or corrosive smoke, fumes or gases; except for those produces by internal combustion engines under design and operating conditions;

(b) Emit no odorous gases or other odorous matter in such quantities as to be offensive at or beyond any point on the boundary of the use parcel, provided that any process which may involve the creation or emission of any odors, shall be provided with a secondary safeguard system so that control will be maintained if the primary safeguard system should fail;

(c) Discharge into the air no dust or other particulate matter created by any industrial operation or emanating from any products stored prior to or subsequent to processing;

(d) Produce no heat, glare, noise or physical vibrations humanly perceptible at or beyond the boundary lines;

(e) Utilize all lighting in a manner which produces no glare on public streets or any other parcel;

(f) Produce no electromagnetic radiation or radioactive emissions injurious to human beings, animals or vegetation, or of any intensity that interferes with the lawful use of any other property;

(g) Do not engage in the production or storage of any material designed for use of any other property; and

(h) Do not engage in the production or storage of any material designed for use as an explosive, nor in the use of that material in production.

(C) *Minimum lot area.* 11,200 square feet.

(D) *Minimum lot width.* 80 feet, minimum lot width.

(E) *Yards*.

(1) *Front yards*. The minimum front yard setback shall be 30 feet.

(2) *Side and rear yards*. Side and rear yards shall be a minimum of 30 feet; except that, no structure shall be less than 80 feet from any residential district. Side and rear yards may be used for parking and loading/unloading; if they are, a strip 20 feet in width along streets and highways and adjacent to residential districts, shall be excepted and reserved as an open space or planting strip.

(F) *Maximum building height*. Two stories, but not exceed 35 feet. However, this may be exceeded, upon written approval by the state's Fire Marshal of an approved on-site fire protection system, to a maximum of four stories or 70 feet.

(G) *Lighting*. Shall be installed and operated in a manner that no illumination source shall create glare on any public street or become a nuisance to adjoining property owners.

(H) *Vehicular access*. Shall be so designed and located as to create a minimum interference with traffic on the surrounding public streets. No more than two driveways, each a minimum of 18 feet, not to exceed 30 feet in width at the property line, shall be permitted on each street frontage of the property. No motor vehicle driveway access to this district shall be through any other zoning district.

(I) *Off-street parking and loading and unloading requirements*. Must meet the requirements of §§ 158.205 through 158.211 and 158.225 through 158.228 of this chapter.

(J) *Snow storage*. On-site snow storage shall be provided for in the amount of 10% of the total required parking space. This storage amount shall be in addition to the required parking space.

(K) *Signs*. All signs to be located outside any building in an industrial district shall conform to the following requirements.

(1) They shall be placed flat against the main building, or parallel to the building on a canopy and may face only public streets or parking areas which are a part of the development. No signs or billboards shall be placed on or over a lot or public right-of-way in an industrial district, not occupied by the principal structure for which the sign is for, without detailed plans and specifications regarding height, size, construction materials, location and appearance and the subsequent approval of the Planning Commission. Each individual sign shall be determined on an individual basis, with regard to the aforementioned criteria.

(2) They may not exceed in height, 20% of the building height, and a total area of all signs shall not exceed 30% of the area of the nearest building face with which the signs are parallel. A sign perpendicular to the main building shall not exceed 40 square feet in area on each face.

(3) Signs may be illuminated, but not flashing.

(4) One additional sign may be placed free-standing or attached to the building, but not extending over a public right-of-way, near one entrance on each street which the lot or parcel fronts. That a sign shall convey only the identification of the permitted use, shall be located so that the view of traffic is not obstructed for pedestrians or motorists and may not exceed 25 feet in area.

(5) Signs purely for traffic regulation and direction within the development may be utilized as required, but may not exceed four square feet.
(Prior Code, § 155.094) (Ord. passed 8-27-1990)

O OPEN AREA DISTRICT

§ 158.115 PURPOSE.

(A) The primary intended use of this district is for agriculture, forestry, recreation, public land use or similar use and only buildings incidental thereto.

(B) All developed and undeveloped lots shall be seeded with grass, except by permission of the Planning Commission.
(Prior Code, § 155.105) (Ord. passed 8-27-1990)

§ 158.116 PERMITTED USES BY CONDITIONAL USE PERMIT.

Any modification, altering, excavating, erecting or razing of structures or the natural characteristics of the land shall require the acquisition of a conditional use permit before any modification, altering, excavating, erecting or razing can take place, with the exception of agricultural and forestry activities.
(Prior Code, § 155.106) (Ord. passed 8-27-1990)

§ 158.117 SIGNS.

No signs or billboards shall be placed on or over a lot or public right-of-way in an open land district, not occupied by the principal structure for which the sign is for, without detailed plans and specifications regarding height, size, construction materials, location and appearance, and the subsequent approval of the Planning Commission. Each individual sign shall be determined on an individual basis, with regard to the aforementioned criteria.
(Prior Code, § 155.107) (Ord. passed 8-27-1990)

PUD PLANNED UNIT DEVELOPMENTS

§ 158.130 PURPOSE.

The purpose of the Planned Unit Development (PUD) District is to provide for and accommodate special innovative types of land use development of a single or mixed land use and activity character that can be designed on a lot or parcel of land, and integrated into existing developments as harmoniously as possible. It can include such types of projects as cluster developments, cluster zoning, planned development communities and planned residential, commercial, industrial and public and semi-public developments.
(Prior Code, § 155.120) (Ord. passed 8-27-1990)

§ 158.131 PERMITTED USES.

(A) All principal permitted uses and, if approved, special uses as specified in each of the zoning districts included in this chapter.

(B) All accessory uses specified and customarily incidental to each of the permitted uses as specified in each of the zoning districts included in this chapter.
(Prior Code, § 155.121) (Ord. passed 8-27-1990)

§ 158.132 CONTINUING APPLICABILITY OF INFORMATION ON APPROVED SITE PLANS.

(A) The location of all uses and buildings, all uses and mixtures thereof, all yards and transition strips and all other information regarding uses of properties as shown on, or as a part of a site plan which is approved subsequent hereto, shall have the full force and permanence of this chapter.

(B) This information shall be the continuing obligation of any subsequent interests in a PUD District, or parts thereof, and shall not be changed or altered, except as approved through amendment or revision procedures as set forth in this chapter.

(C) The approved plans and any conditions attached thereto, shall control all subsequent planning and development.

(D) A parcel of land that has been approved as a PUD District shall, thereafter, be developed or used, except in accordance with the approved site plan and plats approved subsequent thereto.
(Prior Code, § 155.122) (Ord. passed 8-27-1990)

§ 158.133 CONSTRUCTION.

No construction, grading, tree removal, soil stripping or other site improvements or changes shall commence, and no permit shall be issued on a lot with, or under petition for a PUD District classification, under the requirements of this chapter have been met.
(Prior Code, § 155.123) (Ord. passed 8-27-1990)

§ 158.134 LETTER OF CREDIT.

A letter of credit shall be required of all developments and of all developments and of all phased developments on a per-phase basis. Cost levels to be used in setting bond amounts shall be based upon findings regarding estimated cost, as reported by the City Manager.
(Prior Code, § 155.124) (Ord. passed 8-27-1990)

§ 158.135 PREAPPLICATION CONFERENCE.

(A) An applicant for a PUD District may request a preapplication conference with the City Manager prior to filing an application for rezoning.

(B) The purpose of the conference shall be to inform the city and other officials of the concept of the proposed development and to provide the applicant with information regarding land development policies, procedures, standards and requirements of the city and other agencies. The applicant is encouraged to present schematic plans, site date and other information that will explain the proposed development.

(C) Statements made in the conference shall not be legally binding commitments.
(Prior Code, § 155.125) (Ord. passed 8-27-1990)

§ 158.136 SITE PLAN REQUIREMENTS.

(A) A site plan shall be submitted for approval for each phase of development. Preliminary site plans shall be submitted and reviewed in accordance with, and shall meet all provisions of the site plan review, herein.

(B) The Planning Commission may require the applicant to provide housing and commercial market analyses, traffic studies and other information necessary for the Commission to properly and adequately analyze a PUD District with respect to this requirement.

(C) To that end, an impact assessment may be required of the applicant and submitted to the Planning Commission concurrent with the site plan. This document shall be prepared in narrative form (with accompanying charts, graphs, maps and/or tables as may prove necessary). Topics to be addressed shall include community impacts (such as, additional traffic generated per 24-hour period, directional distribution of trips generated by proposed development, additional public services anticipated and the like) and environmental impacts (such as, soils on the site and any impact on these soils by the development).

(D) Measures to be used by the developer in mitigating any negative impacts likely to result from the proposed development should also be included in the impact assessment.
(Prior Code, § 155.125) (Ord. passed 8-27-1990)

§ 158.137 ADMINISTRATIVE REVIEW PROCEDURE FOR SITE PLAN.

(A) A petition for a rezoning to a PUD District shall be made by the owner of record of the subject parcel. The petitioner shall provide evidence of full ownership of all land in a PUD or execution of a binding sales agreement, prior to receiving a recommendation of approval of the petition and site plan by the Planning Commission. A binding option shall also satisfy the requirements of this subchapter.

(B) The application shall be filed with the office of the City Clerk, who shall transmit the application and the site plan to the Planning Commission. The application shall be filed at least two weeks prior to the next regular Planning Commission meeting, at which it will be considered.

(C) The Planning Commission shall schedule a public hearing on the application and site plan within 30 days of its appearance on the Planning Commission agenda at the next regular Planning Commission meeting.

(D) At the public hearing, the petitioner shall present evidence regarding adherence to all pertinent standards and requirements. To this end, evidence and expert opinion shall be submitted by the applicant in the form of maps, charts, reports, models and other materials, and/or in the form of testimony by experts who can clearly state the full nature and extent of the proposal. Materials shall be submitted in sufficient quantity for review by the Planning Commission and other city officials. Materials submitted shall include the required site plan and any complimentary sources of information necessary to satisfy the requirements detailed in § 158.139 of this chapter.

(E) The Planning Commission shall undertake a study of the application and site plan and shall conclude its findings within 60 days after the date of the public hearing. This report shall contain the Planning Commission's analysis of the application and site plan, findings regarding standards, suggested conditions of approval, if applicable, and its recommendations. Materials and information to be considered in this study and review process shall include input from other agencies as the City Manger, City Public Works Department and County Health Department.

(F) If the application and site plan are approved by the Planning Commission, the applicant and all owners of record, of all property included within the PUD shall sign a statement that the approved petition and area plan shall be binding upon the petitioner and owners of record, or his, her or their assigned agents and upon his, her or their heirs, successors and assigns.
(Prior Code, § 155.127) (Ord. passed 8-27-1990)

§ 158.138 SUPPLEMENTARY DEVELOPMENT STANDARDS AND REGULATIONS.

(A) *General.* The requirements set forth in this section expand upon and/or are in addition to the requirements detailed in the site plan review. They shall, in all cases, be adhered to by the developments in a PUD District.

(B) *District location and minimum size.*

(1) All developments in this district shall have tracts of land of at least the following acreage for the various predominant types of PUDs:

Commercial	5 acres
Industrial	10 acres
Residential	5 acres

(2) All developments in this district shall be restricted to sites having access to a hard-surfaced, year-round roadway which meets established city standards.

(C) *External and internal circulation and access.*

(1) Access points to a PUD commercial or industrial development shall be located no less than 500 feet apart, when measured parallel to the adjoining roadway; and, in no case, shall any point of ingress or egress be closer than 250 feet from either side lot line of the parcel.

(2) Each lot or principal building shall have an internal vehicular access from a public street or private street, approved by the Planning Commission and City Manager.

(3) Each lot or principal building shall have pedestrian access from a public or private sidewalk, where deemed necessary by the Planning Commission, as part of the site plan.

(4) As property is developed as a PUD District, a pathway system linking residential units with both on-site amenities (such as, recreation areas, shopping, places of employment and the like) and, unless it is demonstrated to the Planning Commission that such a system would be inappropriate or

unnecessary to the development, with adjoining parcels must be provided. The pathway system shall be so designed so as to be appropriate to non-motorized transport modes (such as, bicycles, walking and the like). The pathway should be no less than five feet in width and it shall be constructed of materials suited to walking and non-vehicular use.

(5) Standards of design and construction for public and private streets may be modified to adequately provide the service required. Right-of-way standards may also be modified, especially where the site plan provides for separation of pedestrian and vehicular traffic and adequate off-street parking facilities. Modifications of proposed public streets shall first be approved by the City Manager.

(6) Public and private streets shall be designed and constructed according to established standards for plat development and street construction of the City Council and approved by the City Manager; except that, those standards may be modified as provided in division (B)(4) above. If private streets are to be dedicated to a public agency in the future, the applicants shall first agree to bear the full expense of making the streets suitable for public acceptance by constructing them to the required standards.

(D) *Open space regulations.*

(1) An area constituting not less than 25% of the total land area of the parcel shall be designed as permanent open space. The required open space must be set aside by the developer in the form of an immovable conveyance, whereby the open space area must be developed according to the approved site plan and may never be changed to any other use. Further, this conveyance must provide that the open space is for the use and employment of the occupants of the district and the open space shall be considered as an integral component of the overall planned unit development. The developer shall provide for perpetual and mandatory maintenance of the open space, through the use of deed restrictions, which shall provide for participation in the maintenance cost by each occupant (be they residential, commercial or industrial) within the planned unit development.

(2) Buildings, parking lots, drives and similar improvements may be permitted in open space areas if related and necessary to the functions of the open space. Other buildings and improvements shall be prohibited therein.

(3) Open space areas shall be conveniently located in relation to the various building units and functions intended.

(4) Open space areas shall have minimum dimensions which are usable for the functions intended and which shall be maintained at those dimensions for the functions intended.

(5) The Planning Commission may require unique natural amenities as ravines, rock outcrops, wooded areas, tree or shrub specimens, unusual wildlife habitats, ponds, streams and the like be preserved as part of the open space system.

(E) *Landscaping and parking.*

(1) The off-street parking and loading requirements set forth under their respective sections, shall apply; except that, the number of spaces required may be reduced if approved by the Planning Commission, as part of the site plan. Any reductions shall be based upon specific findings that justify such a reduction.

(2) All required off-street parking shall adhere to the requirements detailed in the section regarding off-street parking, herein, and shall be screened from the adjoining roadways and landscaped through installation of landscaped earth berms at least three feet in height, when measured from a base elevation of the crown of the adjoining established curb elevation. Berms shall be constructed so as to provide a maximum slope of 33%. Each shall be planted in grass, with additional plantings (such as shrubs, trees and the like) to be selected pursuant to division (D)(3) above.

(3) Specific plant materials to be acceptable for use in a landscape are those of a quality acceptable to the Association of American Nurserymen and suited both to climatic conditions typical of the region. The developer shall ensure perpetual and mandatory maintenance and/or replacement of vegetative plantings pursuant to the landscape plan, through the use of deed restrictions, which shall provide for participation in the maintenance cost by the owners of the Planned Unit Development District.

(4) A landscaped strip, no less than 20 feet in width, shall be required when a free-standing physical structure containing a commercial office, industrial or other non-residential use is located adjacent to a residential use or zoning district. The strip shall be located between the two uses and shall be landscaped with trees and ground cover.

(F) *Utilities.*

(1) Each principal building shall be connected to a public water and sanitary sewer line approved by the city.

(2) All development will be required to provide fire hydrants, sufficient in number and location to provide adequate protection.

(3) Each site shall be provided with adequate storm drainage. Open drainage courses and storm water retention ponds may be required. All streets shall be provided with adequate storm drainage facilities.

(4) Electrical, telephone and cable television lines shall be placed underground. Surface mounted equipment for underground wires shall be shown on the final site plan and shall be screened from view.

(5) Standard sidewalks and/or a system of street lights shall be required of developments in the PUD District. Maintenance of either shall be ensured through implementation of a system of deed restrictions providing for participation in maintenance costs by all owners of the development.

(G) *Site design, layout and density criteria.*

(1) All density requirements shall be completed on a total area basis, using private driveways, designated open space and off-street parking areas, as well as actual building sites in the computations.

(2) Water areas (such as, streams, ponds, lakes and/or similar water bodies) may be included in density calculations as follows: when and where water areas, whether natural or proposed for construction by the applicant, 50% of the total water area may be included in density calculations.

(3) Residential areas may contain several different types of dwelling units, if it can be demonstrated to the satisfaction of the Planning Commission, that the proposed combination by type will not interfere with the reasonable platting of any area to be platted.

(4) The outdoor storage of goods and materials shall be prohibited in the Planned Unit Development District.

(H) *Legal mechanisms to ensure facility and open space maintenance.*

(1) Legal instruments setting forth the manner of permanent maintenance of common areas and facilities shall be submitted to the City Council and City Attorney for review before the Planning Commission approves a final plan or final plat as a part of a PUD.

(2) Where a homeowners association (HOA), an association of commercial establishments (ACE) and association of industrial establishments (AIE) or any other association is to be used to maintain common areas and facilities, the developer shall file a declaration of covenants and restrictions that will govern the specified association with the approved PUD site plan. The provisions shall include, but shall not be limited to, the following.

(a) A specified association shall be established before any building units in the PUD are sold.

(b) Membership in the association shall be mandatory for each building unit buyer and for any successive buyer and shall be so specified in the deed restrictions.

(c) Deed restrictions shall be permitted.

(d) The specified association shall be made responsible for liability.

(e) Building unit owners shall pay their prorated (pro rata) share of the costs and this requirement shall be specified in the deed restrictions. The method of collecting assessments levied by the specific association shall be specified in the deed restrictions.

(I) *Project phasing*.

(1) If the proposed development is to be constructed in phases, a narrative description of that phased process that describes all work to be done in each phase shall be submitted to the Planning Commission when the site plan and impact assessment are submitted.

(2) A phase shall be dependent upon subsequent phases for safe and convenient vehicular and pedestrian access, adequate utility services, open spaces and recreational facilities.

(3) The Planning Commission may require the development must be phased so that the development will generally balance the expenditures required by the public agencies to properly service the PUD development, so that serious overloading of utility services and community facilities will not result and that the various amenities and services necessary to provide a safe, convenient and healthful development environment will result from the completion of any one or combination of phases.

(4) The Planning Commission may require that land shown as open space on the approved PUD site plan, be held in reserve as part of the phase to be developed, in order to guarantee that density limits for the entire approved PUD will be exceeded when the subject phase is completed. The reserved land may be included in the development of subsequent phases if the density limits will not be exceeded upon completion of that phase, or if other land is similarly held in reserve.
(Prior Code, § 155.128) (Ord. passed 8-27-1990)

§ 158.139 STANDARDS FOR REVIEW.

(A) During the site plan review, the Planning Commission shall determine and shall provide evidence in its findings to the effect that the application, site plan and supplementary informational materials submitted by the applicant, meet the standards set forth in this section.

(B) The proposed development shall conform to the intent and all regulations and standards of a PUD District.

(C) The proposed development shall be adequately served by public facilities and services, such as highways, streets, sidewalks, street lights, police and fire protection, drainage courses, water and sanitary sewer facilities and refuse disposal; or that the persons or agencies responsible for the proposed development for the proposed development shall be able to properly provide those facilities and services.

(D) Common open spaces, other common properties and facilities, individual properties and all other elements of a PUD are so planned that they will achieve a unified open space and recreation area system, with open space and all other elements in appropriate locations, suitably related to each other, the site and surrounding lands.

(E) The applicant shall have made provisions to ensure the public and common areas will be or have been irrevocably committed by deed restrictions for that purpose. Provisions shall have been made to provide for financing of improvements shown on the plan for open space and other common areas, and that proper maintenance of those improvements is ensured through deed restriction.

(F) Traffic, to, form and within the site will not be hazardous or inconvenient to the project, or to the surrounding and adjacent areas. In applying this standard, the Planning Commission shall consider, among other things, convenient routes for pedestrian traffic, relationship of the proposed project to main thoroughfares and street intersections and the general character and intensity of the existing, planned, zoned and potential development of the surrounding and adjacent areas.

(G) The mix of housing and other building types and densities, and the mix of residential and non-residential uses shall be acceptable in terms of convenience, privacy, compatibility and similar measures.

(H) The Planning Commission shall determine, where applicable, that noise, odor, light or other external effects which are connected with the proposed use, will not adversely affect adjacent and surrounding land and uses.

(I) The proposed development shall create a minimum disturbance to natural features and land forms.

(J) (1) Streets shall generally parallel topographical contours, be properly spaced and be located and aligned in accordance with the intended function of each street.

(2) The property and each building shall have adequate success to public streets.

(3) The plans shall provide for logical extensions of public streets and shall provide suitable street connections to adjacent parcels, where applicable.

(K) (1) Pedestrian circulation shall be provided within the PUD site and shall interconnect all use areas where applicable.

(2) The pedestrian system shall provide for a logical extension of pedestrian ways outside the site and to the boundaries of the PUD, where applicable.
(Prior Code, § 155.129) (Ord. passed 8-27-1990)

§ 158.140 AMENDMENTS TO SITE PLANS.

Preliminary and final PUD site plans may be amended in accordance with the process detailed in the site plan review.
(Prior Code, § 155.130) (Ord. passed 8-27-1990)

§ 158.141 EXTENSION OF TIME LIMITS.

Time limits set forth in the site plan review may be extended upon showing good cause, and by written agreement between the applicant and the Planning Commission.
(Prior Code, § 155.131) (Ord. passed 8-27-1990)

§ 158.142 AS-BUILT DRAWINGS.

As-built drawings shall be provided in accordance with the site plan review as each PUD or phase of a PUD is completed.
(Prior Code, § 155.132) (Ord. passed 8-27-1990)

§ 158.143 PERFORMANCE GUARANTEES.

Performance guarantees shall be provided in accordance with the site plan review.
(Prior Code, § 155.133) (Ord. passed 8-27-1990)

§ 158.144 VIOLATIONS.

Violations shall be dealt with in the manner detailed in the site plan review.
(Prior Code, § 155.134) (Ord. passed 8-27-1990)

HOME OCCUPATIONS

§ 158.155 PURPOSE.

A ***HOME OCCUPATION*** is an accessory use of the main dwelling that shall constitute either entirely or partially the livelihood of a person living in the dwelling; provided, it comply with all applicable performance standards set forth in this subchapter.
(Prior Code, § 155.145) (Ord. passed 8-27-1990)

§ 158.156 PERFORMANCE STANDARDS.

(A) A home occupation must be conducted in compliance with the following standards and limitations.

(1) The occupation should not be the primary use of the dwelling. It should occupy no more than 25% of the gross floor area, except by special permit.

(2) The business does not change the residential character of the dwelling, be visible from the street, not result in outside storage unrelated to the use of the dwelling as a residence.

(3) It should have no signs visible from the street, except signs allowed under the local sign ordinance governing that particular residential area.

(4) It should not include the use of electrical or mechanical equipment that would change the fire rating of the structure, create visible or audible interference in radio and/or television receivers or cause fluctuations in line voltage outside the dwelling unit.

(5) It should have no more than one full-time employee on the premises which is not a resident of the premises, except by special permit.

(6) It should not create objectionable noises (zero dB above ambient at the property lines), noticeable vibrations or objectionable odor at the property lines.

(7) It should not generate sewage or water use in excess of what is normal in the residential district, in which it is located.

(8) It should not create vehicular nor pedestrian traffic, nor parking in excess of what is normal for the district in which it is located.

(9) Signage shall be limited to one non-illuminating name plate, measuring one foot by two feet in size, and shall be attached flush to the front of the building.

(10) Home occupation shall be registered with the City Clerk by an annual date each year and pay the annual fee for same as established by the City Council.

(B) An applicant shall apply with the City Clerk, pay the necessary fee and be approved by the Planning Commission prior to commencement of the home occupation.

(C) Any violation of any of the above conditions or failure to obtain a home occupation permit will result in revocation of approval to conduct that operation, subject to a fine by the County Sheriff if operations do not cease within seven calendar days of notification.
(Prior Code, § 155.146) (Ord. passed 8-27-1990)

§ 158.157 PERMITTED HOME OCCUPATIONS.

(A) The following are permitted home occupations; provided, they do not violate any of the provisions of the previous and that they are consistent with state and local licensing requirements:

(1) Beauty/barber shop, single chair;

(2) Bed and breakfast operation;

(3) Catering, home cooking and preserving;

(4) Child care;

(5) Computer programming and services;

(6) Contractor or decorator;

(7) Direct sale product distribution (for example, Amway, Avon, Mary Kay and the like);

(8) Taxidermy;

(9) Dressmaking, sewing and tailoring;

(10) Draftsman and graphic services;

(11) Flower arranging;

(12) Gardening, landscape maintenance;

(13) Home crafts such as model making, rug weaving, lapidary work, jewelry making, woodworking and upholstery;

(14) Individual musical instrument instruction; provided that, the instrument is not amplified;

(15) Interior designers;

(16) Janitorial and cleaning services;

(17) Laundry and ironing services;

(18) Locksmith;

(19) Mail order catalogue service;

(20) Office of minister, priest or rabbi;

(21) Tutoring or educational instruction;

(22) Telephone answering or solicitation work;

(23) Secretarial services;

(24) Small item repair service;

(25) Painting, sculpturing, photography or writing;

(26) Office of a sales representative or manufacturing representative; and

(27) Office of accountant, architect, consultant, counselor, engineer, real estate broker, investment/financial planner, land surveyor, lawyer or psychologist/psychiatrist.

(B) Other similar businesses, as approved by the Planning Commission, may be permitted. The above list is not exclusive.
(Prior Code, § 155.147) (Ord. passed 8-27-1990)

§ 158.158 PROHIBITED HOME OCCUPATIONS.

(A) The following are prohibited as home occupations:

(1) Amusement or dance parlor;

(2) Funeral home or chapel;

(3) Health salons or gyms;

(4) Kennel or other boarding of animals;

(5) Medical or dental clinic or hospital;

(6) Motor vehicle repair, parts sales, upholstery, sales or fleet storage;

(7) Nursing homes;

(8) Private clubs;

(9) Repair or testing of internal combustion engines;

(10) Restaurants;

(11) Taverns, bars, nightclubs; and

(12) Veterinary clinic or animal hospital.

(B) Other similar types of businesses are prohibited. The above list is not exclusive.

(C) Any proposed home occupation that is neither specifically permitted in § 158.157 of this chapter, nor specifically prohibited in this section shall be considered for approval or denial by the Planning Commission, upon consideration of the standards set forth in § 158.156 of this chapter. In many cases, determination whether a proposed use may be conducted in a dwelling will rest on the nature and extent of the particular operation, rather than its classification.
(Prior Code, § 155.148) (Ord. passed 8-27-1990)

SUPPLEMENTARY REGULATIONS

§ 158.170 TINY HOUSES.

(A) *Purpose*. The purpose of this section is to provide for and accommodate special and innovative types of housing development that promote affordable and sustainable housing options within the city. Construction and placement shall be limited to single family lots subject to regulations and standards set forth. This section seeks to create a diverse and inclusive housing market promoting social and economic equality and enhancing the overall quality of life for the residents of the city.

(B) *Accessory buildings*.

(1) Accessory buildings are permitted, but not prior to construction of the principle primary structure.

(2) Accessory building should not occupy more than 15% of the rear yard, nor closer to the lot line that is required in the applicable district.

(3) No part of any front yard shall be used for any accessory buildings, garages, nor for the permanent parking of vehicles.

(C) *Dimensional requirements*. The dwelling shall conform to the height, setbacks, lot coverage and other zoning requirements of the zoning district in which the site is located.

(D) *Prohibited districts*. Tiny houses shall be prohibited in the following zoning districts:

(1) R-2, Single-Family Residential District;

(2) C-1, Neighborhood Commercial District;

(3) I, Industrial District; and

(4) O, Open Area District.

(E) *Permitted by conditional use*. When, in its judgment, the public welfare will be substantially served and appropriate use of neighboring property will not be injured, the Planning Commission may approve or deny upon petition of an applicant the permitting a tiny home on a property with an existing principal primary residence.

(F) *Certificate of occupancy*. No building shall serve as a dwelling or be occupied in whole or in part for human habitation until the issuance of a certificate of occupancy is issued as prescribed in § 152.62 of this code of ordinances.

(G) *Building standards*. Building standards as identified in the International Residential Code (the most current version), in addition to State Building, Mechanical and Electrical Codes, shall apply to all tiny home construction.

(1) *Roofs*. Shall conform to the International Residential Code. Flat roofs shall be prohibited.

(2) *Foundation*. Dwelling shall be secured to a permanent foundation as approved by the city's Building Inspector and axels removed.

(3) *Mandatory connections*. All residential dwellings shall be connected to essential utilities and subjected to ready to serve charges.
(Ord. 248, passed 1-27-2025)

§ 158.171 RECREATIONAL MARIJUANA ESTABLISHMENTS.

(A) Marijuana establishments, as authorized by and defined in the state's Regulation and Taxation of Marijuana Act (the "Act"), are prohibited in all zoning districts, and shall not be permitted as home occupations under § 158.157 of this chapter.

(B) No use that constitutes or purports to be a marijuana grower, marijuana safety compliance facility, marijuana processor, marijuana micro-business, marijuana retailer, marijuana secure transporter or any other type of marijuana related business authorized by the Act, that was engaged in prior to the enactment of this section, shall be deemed to have been a legally established use under the provisions of the city ordinances; that use shall not be entitled to claim legal non-conforming status.

(C) Violations of this section are subject to the violations and penalties pursuant to § 158.999 of this chapter.

(D) This section does not supersede rights and obligations with respect to the transportation of marijuana by marijuana secure transporters through the city to the extent provided by the Act.
(Ord. 2019-227, passed 4-8-2019) Penalty, see § 158.999

§ 158.172 MEDICAL MARIJUANA ESTABLISHMENTS.

Subject to review and approval by the Planning Commission, medical marijuana dispensaries may be permitted in the C-2 Downtown/Highway Commercial District; provided that, they meet the conditions set forth in this section, all sections applicable to the C-2 District and all other provisions of this chapter.

(A) *Definitions*. For the purpose of this section, the following definitions shall apply unless the context clearly requires a different meaning.

DEBILITATING MEDICAL CONDITION. One or more of the following:

(a) Cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C, amyotrophic lateral sclerosis, Crohn's disease, agitation of Alzheimer's disease, nail-patella syndrome (NPS) or the treatment of these conditions;

(b) A chronic or debilitating disease or medical condition its treatment that produces one or more of the following: cachexia or wasting syndrome; severe and chronic pain; severe nausea; seizures, including, but not limited to, those characteristic of epilepsy; or severe and persistent muscle spasm, including, but not limited to, those characteristics of multiple sclerosis; and/or

(c) Any other medical condition or its treatment approved by the Department, as provided for in M.C.L.A. § 333.26425.

DEPARTMENT. The state's Department of Community Health.

DRUG PARAPHERNALIA. All equipment, products and materials of any kind, which is used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting,

manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body, a controlled substance as defined in § 7104 of the state's Public Health Code (M.C.L.A. § 333.7104), in violation of the laws of the state.

ENCLOSED, LOCKED FACILITY. A closet, room or other enclosed area equipped with locks or other security devices that permit access only by a registered primary caregiver or registered qualifying patient.

MARIJUANA. As defined in § 7106 of the Public Health Code, being M.C.L.A. § 333.7106.

MEDICAL MARIJUANA DISPENSARY. Any retail store, store front, office building or other structure or any type of mobile unit or entity that dispenses, facilitates, assists or provides, in any manner, marijuana or cannabis or any product containing marijuana or cannabis, and it also means the location where a primary caregiver assists a qualifying patient.

MEDICAL USE. The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition.

PHYSICIAN. An individual licensed as a physician under Part 170 of the Public Health Code, (M.C.L.A. §§ 333.17001 through 333.17084) or an osteopathic physician under Part 175 of the Public Health Code (M.C.L.A. §§ 333.17501 through 333.17556).

PRIMARY CAREGIVER. A person who is at least 21 years of age and who has agreed to assist with a patient's medical use of marijuana and who has never been, convicted of a felony involving illegal drugs.

QUALIFYING PATIENT. A person who has been diagnosed by a physician as having a debilitating medical condition.

REGISTRY IDENTIFICATION CARD. A document issued by the Department that identifies a person as a registered qualifying patient or registered primary caregiver.

(B) *Conditions and standards.*

(1) No use, which purports to have distributed marijuana prior to the enactment of this section, shall be deemed to have been a legally established use under the provisions of this chapter and such use shall not be entitled to claim legal non-conforming status.

(2) Medical marijuana dispensaries shall not be allowed as home occupations or in any other zoning district.

(3) A medical marijuana dispensary is only allowed if specifically authorized by a conditional use permit. A conditional use permit is a request to allow a use, under §§ 158.190 through 158.193 of this chapter; provided that, the use will not cause an adverse impact on adjacent property or properties in the area.

(4) No medical marijuana dispensary shall be located within 1,000 feet of any other medical marijuana dispensary or drug-free school zone and not within 1,000 feet of any of the following uses:

(a) Any church;

(b) Any school, public or private, having a curriculum including kindergarten or any one or more of the grades one through 12;

(c) Any residential zoned district or any residential use; and

(d) Any daycare.

(5) All activity related to a medical marijuana dispensary including, but not limited to, growing and dispensing shall be done indoors.

(6) The site of the dispensary shall abut a major thoroughfare right-of-way and all ingress and egress to and from the site shall be via that major thoroughfare.

(7) Medical marijuana dispensaries shall be operated in compliance with the provisions of the Department.

(8) Smoking or consumption of medical marijuana shall not be allowed on the site of the dispensary, except as provided in division (F)(6) below.

(9) No persons under the age of 18 shall be permitted in the dispensary at any time, except if a qualifying patient accompanied by his or her parent or guardian.

(10) No retail sales of drug paraphernalia are permitted at the dispensary.

(11) The dispensary shall be operated in compliance with regulations the city may issue regarding security measures, record keeping, proper identification for qualifying patients, delivery of medical marijuana by primary caregivers, storage of marijuana on the site, on-site cultivation and the maximum amount that may be dispensed in any single transaction. Such regulations may be modified from time to time, as the city deems appropriate.

(12) Each dispensary shall display in a manner legible and visible to its clientele:

(a) Notice that qualifying patients under the age of 18 are not allowed in the dispensary, except in the presence of his or her parent or guardian; and

(b) No consumption of medical marijuana shall occur within the vicinity of the dispensary.

(13) Only qualifying patients, parents or guardians of qualifying patients under 18 years of age, and the primary caregiver may be permitted to enter a medical marijuana dispensary for the purpose of obtaining medical marijuana.

(14) Medical marijuana dispensaries may only possess marijuana in accordance with the Medical Marijuana Act (M.C.L.A. §§ 333.26421 et seq.), Department regulations and city ordinances and regulations.

(C) *Civil forfeiture*. Any drug paraphernalia used, sold, possessed with intent to use or sell, or manufactured with intent to sell in violation of this section shall be seized and forfeited to the city. Any marijuana, a/k/a marijuana, sold or possessed with intent to sell in violation of this section shall be seized and forfeited to the city.

(D) *Compliance required*. Those individuals within the city who are "qualifying patients" or "primary caregivers", as those terms are used in the state's Medical Marijuana Act, shall comply with the requirements set forth herein for qualifying patients in division (E) below and for primary caregivers in division (F) below.

(E) *Requirements for qualifying patient*. A person within the city who has been issued and possesses a registry identification card as a qualifying patient shall comply with the following requirements.

(1) Consumption of marijuana shall not occur in any public place.

(2) Cultivation of marijuana shall only be allowed inside of an enclosed structure or building with walls and roof and secured with locks to prevent unintended or uninvited access and the marijuana must be kept in an enclosed, locked facility within said structure or building.

(F) *Requirements for primary caregiver*. A person within the city who has been issued and possesses a registry identification card as a primary caregiver shall comply with the following requirements.

(1) Cultivation of marijuana shall only be allowed inside of an enclosed structure or building with walls and roof and secured with locks to prevent unintended or uninvited access and the marijuana must be kept in an enclosed, locked facility within said structure or building.

(2) The location from which a primary caregiver provides services to a qualifying patient shall be under the control, through written lease, contract or deed, in favor of the primary caregiver.

(3) The location from which a primary caregiver grows, cultivates or otherwise provides services to a qualifying patient shall not be used by another primary caregiver, for that primary caregiver's services as allowed under the state's Medical Marijuana Act (M.C.L.A. §§ 333.26421 et seq).

(4) The location from which a primary caregiver provides services to a qualifying patient shah only occur as set forth in this chapter, including division (B) above.

(5) Cultivation/growing or distribution of marijuana shall not occur in connection with or at a location at which any other commodity, product or service is also available.

(6) No consumption of marijuana shall occur at a primary caregiver's location for cultivation/growing, or a primary caregiver's legal residence address, unless the primary caregiver is a qualifying patient and then such consumption shall only be by the qualifying patient/primary caregiver.
(Ord. 205, passed 4-11-2011) Penalty, see § 158.999

CONDITIONAL USES

§ 158.190 PURPOSE.

In order to make this chapter flexible to meet the changing trends in development and new technology, the authorization of special uses to be conducted upon approval of the Planning Commission is made. In this way, the chapter does not become a rigid document that cannot be altered, but serves as a guideline upon which the Planning Commission, with the approval of the City Council, may make enlightened judgments keeping developments within the general philosophy of this chapter. Land and structure uses not specifically mentioned in the foregoing text or possessing unique characteristics, are designated as conditional uses and, as such, may be authorized by the issuance of conditional use permits, with those conditions and safeguards attached in writing as may be deemed necessary for the protection of the public welfare.
(Prior Code, § 155.160) (Ord. passed 8-27-1990)

§ 158.191 PROCEDURES FOR MAKING APPLICATION.

(A) *Compliance.* The procedures set forth in this section shall be followed in application of conditional use permits.

(B) *Application submitted to the Planning Commission.* Applications shall be submitted through the City Clerk to the Planning Commission. Each application shall be accompanied by criteria approved by the Planning Commission.

(C) *Data required in application.* Application shall be made on a special form provided for that purpose, listing the following information:

(1) Site plan, plot plan or development plan of the total property involved, showing the location of all abutting streets, the location of all existing and proposed structures, the types of buildings and their uses; and

(2) Preliminary plans and specifications of the proposed development.

(D) *Review by the Planning Commission.* The Planning Commission shall review the application in accordance with the site plan review and the standards therein, and shall decide each application on the basis of whether or not the proposal will be harmonious with, and in accordance with, the general and specific objectives of this chapter.

(E) *Public hearing.* The Planning Commission shall, after adequate study and review of the application, hold a public hearing on the application after at least one publication in a newspaper of general circulation in the city, at least five days prior to the date of the hearing, indicating the time, place and subject of the hearing.

(F) *Issuance of conditional use permit.* The Planning Commission may issue a conditional use permit after conclusion of hearing procedures, and subsequent written agreement with the applicant concerning exact plans, specifications and conditions to be met by the applicant in accordance with the approved permit.

(G) *Financial guarantee requirements.* A financial guarantee acceptable to the City Council may be required.
(Prior Code, § 155.161) (Ord. passed 8-27-1990)

§ 158.192 CANCELLATION OF CONDITIONAL USE PERMIT.

The Planning Commission may cancel any conditional use permit when construction authorized by that permit has not commenced within 180 days of the date of issuance of the conditional use permit, construction has commenced within the 180 days, but is not proceeding progressively to completion or any of the conditions to be met by the applicant are violated.
(Prior Code, § 155.162) (Ord. passed 8-27-1990)

§ 158.193 CONDITIONAL USES.

(A) When, in its judgment, the public welfare will be substantially served and the appropriate use of the neighboring property will not be injured thereby, the Planning Commission in a specific case, after

due notice and public hearing, and subject to appropriate conditions and safeguards, determine and vary the application of the regulations of this chapter in harmony with their general purposes and intent by the issuance of either temporary or special permits as conditional uses for the land and structure uses set forth in this section.

(B) For temporary structures for dwelling purposes, including trailer coaches, subject to the following procedures and limitations.

(1) An application for a permit for the erection or movement of a temporary structure for dwelling purposes, including trailer coaches, shall be made to the Planning Commission on a special form used exclusively for that purpose and a fee submitted at the time of application in accordance with the established fee schedule of the City Council.

(2) The Planning Commission shall give ten days' notice by first class mail to the applicant and to all property owners within 300 feet of all property lines.

(3) The permit shall not be granted unless the Planning Commission finds adequate evidence showing that the proposed location will not be detrimental to property in the immediate vicinity, and that the proposed water supply and sanitary facilities have been approved by the county's Health Department, or that the occupants of the proposed structure will have the right to unlimited use of those facilities in a dwelling upon the same lot.

(4) The Planning Commission may impose any reasonable conditions deemed necessary to protect the public welfare. The violation of any such conditions shall automatically invalidate the permit. The permit issued shall clearly stet forth that the structure proposed is intended for temporary dwelling purposes and that the authorized structure is to be vacated upon expiration of a specific time limit, not to exceed six months. Upon delivery of the permit, the occupant shall certify in a space allotted for the purpose that he or she has full knowledge of the terms of the permit that can be invoked for violation. (Prior Code, § 155.163) (Ord. passed 8-27-1990)

OFF-STREET PARKING

§ 158.205 PURPOSE.

Parking spaces shall be provided and adequately maintained by each property owner in every zoning district for the off-street storage of motor vehicles for use by occupants, employees and patrons of each building or structure constructed, altered of enlarged after the effective date of this chapter.
(Prior Code, § 155.175) (Ord. passed 8-27-1990)

§ 158.206 DEFINITION.

FLOOR AREA, as applied to offices, merchandise or service types of uses, shall mean the gross floor area used or intended to be used for services, but excluding floor area so restricted that customers, patients, clients and the general public are denied access.
(Prior Code, § 155.176) (Ord. passed 8-27-1990)

§ 158.207 PARKING SPACE REQUIREMENTS.

Parking space for motor vehicles in all districts, in connection with every residential, institutional, recreational, instructional, cultural, commercial and industrial land use shall be provided in accordance with the provisions set forth in this section.

Auto courts, hotels, motels	1 space for each sleeping room, plus 2 spaces for operating personnel
Banks, business and professional offices	1 space for every 200 square feet of floor area
Dwelling	2 spaces for each dwelling unit or family in each building
Hospitals, sanitariums, nursing homes, homes for the aged	1 space for every 2 beds in a hospital and 1 space for every 4 beds in other uses, plus 1 space for every doctor and 1 space for every 2 employees
Industrial establishments	1 space for every 2 employees or 1 space for every 200 square feet of gross floor area, whichever provides the greater parking accommodation
Libraries, museums, post offices	1 space for every 800 square feet of floor area, plus 1 space for every 3 employees
Places of public assembly (churches, stadiums, theaters and the like)	1 space for every 4 seats, plus 1 space for every 2 employees
Restaurants, cafeterias	1 space for every 5 patron seats, plus 1 space for every 4 seats, plus 1 space for every 2 employees
Retail stores	
Clothing, furniture, appliance, automobiles, machinery sales, wholesale sales	1 space for every 800 square feet of floor area, plus 1 for every 2 employees
Supermarkets	1 space for every 200 square feet of floor area
Barber and beauty shops	2 spaces for every chair, plus 1 space for each employee

All other retail stores	1 space for every 400 square feet of floor area, plus 1 space for every 2 employees
Schools	1 space for every 2 employees, including administrators, teachers and support personnel

(Prior Code, § 155.177) (Ord. passed 8-27-1990)

§ 158.208 LOCATION OF PARKING AREA.

Off-street parking areas shall be located near the use they are intended to serve, as set forth in this section.

All residential districts	Parking requirements shall be on the same lot for any use in a residential district
Commercial uses	On the same lot or on immediate premises of the developed site; must be within 500 feet, measured from the nearest point of the parking lot to the nearest pedestrian entrance and exit to the building. For properties in Downtown Wakefield bounded by Harrison, Ascherman, Brotherton and Nunnemacher Streets shall be exempt from providing off-street parking. If off-street parking is provided, it shall be located behind the building, except if waived by the Planning Commission based on lot dimensions or other circumstances specific to that commercial use
Driveways and entrance/exit approaches	Shall be paved if the grade exceeds 8%
Public and quasi-public buildings	On the premises or within 500 feet, measured from the nearest point of the parking lot to the nearest pedestrian entrance and exit to the building

(Prior Code, § 158.178) (Ord. passed 8-27-1990; Ord. 248, passed 1-27-2025)

§ 158.209 DESIGN AND CONSTRUCTION REQUIREMENTS.

(A) The design and construction standards set forth in this section shall be followed in all off-street parking areas.

(B) A minimum of 280 square feet of surface shall be provided for vehicular parking, with each space being clearly designated and accessible separately from public street or highway. Except by

permission of the Planning Commission, the lot may be gravel, graded to specifications established be the City Council.

(C) Except for a parking space provided on residential lots, an access drive shall be provided, of not less than 20 feet wide.

(D) Except on R-1 lots, no parking lot shall be less than 1,000 square feet in area.

(E) Parking areas shall be surfaced with a material that will provide a durable and smooth surface and shall be graded and provided with adequate drainage facilities, all as approved by the City Manager.

(F) (1) When a parking area for four or more vehicles adjoins a residential area, a buffer strip shall be attractively landscaped or provided between the parking area and the adjoining property.

(2) The buffer strip shall be attractively landscaped or provided with vertical screening, not less than eight feet in height.

(G) Parking area located on a commercial zoned parcel shall be at least 20 feet from any residential zoned parcel.

(H) (1) If any parking area on a commercially zoned parcel is to be located in the yard adjacent to a residential zoned parcel, the parking area shall be screened either by an eight-foot fence or wall, or by evergreen shrubbery at least four feet in height at planting time, which is located in and for the full length of the area separating the parking area from the adjacent residential zoned parcel lot line.

(2) Spacing of shrubbery, as well as variety of shrubbery used, will be determined by the Planning Commission.

(I) Paved parking may be required if drainage or dust problems arise that constitute a public nuisance or a hazard to public health or safety.
(Prior Code, § 155.179) (Ord. passed 8-27-1990)

§ 158.210 INCREASES IN PARKING AREAS.

Any increase in effective capacity of any premises's use for which off-street parking is required shall be accompanied by the provision and maintenance of parking space in proper ratio to the increased ratio.
(Prior Code, § 155.180) (Ord. passed 8-27-1990)

§ 158.211 JOINT USE OF PARKING AREAS.

In situations where joint use of parking facilities by two or more uses is practicable and satisfactory to each of the uses intended to be served, joint use of parking facilities shall be approved by the Planning Commission.
(Prior Code, § 155.181) (Ord. passed 8-27-1990)

LOADING-UNLOADING SPACE REQUIREMENTS

§ 158.225 PURPOSE.

In order to prevent undue interference with public use of streets and alleys, every manufacturing storage, warehouse, department store, wholesale store, retail store, market, motel, hotel, hospital, laundry, dry cleaning, dairy, mortuary and other uses similarly and customarily receiving and distributing goods by motor vehicle, shall provide space on the premises for that number of vehicles that will be on the premises at the same time on an average day of full use. Every building, housing such a use, and having over 5,000 square feet of gross floor area, shall provide at least one truck standing, loading and unloading space on the premises, not less than 12 feet in width, 60 feet in length and 14 feet in height.
(Prior Code, § 155.195) (Ord. passed 8-27-1990)

§ 158.226 STORAGE OF REFUSE.

All space required for the accumulation and out-loading of garbage, trash, scrap, waste products and empty containers within residential or commercial districts, shall be provided entirely within a building or screened area.
(Prior Code, § 155.196) (Ord. passed 8-27-1990)

§ 158.227 ACCESS TO TRUCK STANDING, LOADING AND UNLOADING SPACE.

Access shall be provided directly from a public street or alley, or from any right-of-way that will not interfere with public convenience and that will permit orderly and safe movement of truck vehicles.
(Prior Code, § 155.197) (Ord. passed 8-27-1990)

§ 158.228 ADDITIONAL AREA TO PARKING SPACE.

Loading space as required under this subchapter shall be provided as an area additional to off-street parking space.
(Prior Code, § 155.198) (Ord. passed 8-27-1990)

STORAGE OF VEHICLES, EQUIPMENT AND REFUSE

§ 158.240 PURPOSE.

It is the intent of the City Council to protect the public health and safety and preserve property values through the regulation of abandoned vehicles, refuse, debris and public nuisances on private property.
(Prior Code, § 155.210) (Ord. passed 8-27-1990)

§ 158.241 ENFORCEMENT.

It shall be the duty of the Police Chief, and his or her proper officials and agents, to enforce the provisions of this subchapter.
(Prior Code, § 155.211) (Ord. passed 8-27-1990)

§ 158.242 CERTAIN CONDITIONS PROHIBITED.

(A) No inoperable or partially dismantled motor vehicles, or parts thereof, shall be parked, stored or permitted to remain on any premises in the city, except those parked or stored within an enclosed building.

(1) Provided, inoperable vehicles may be permitted to remain on private property for a period of not more than 30 days if the owner is repairing or about to have the vehicle repaired, but in no event shall the vehicle remain for a period to exceed 30 days.

(2) Provided, also, that, tires or parts of vehicles being removed, replaced or installed by the occupant working on his or her vehicle on private property, may be reasonably stored in an orderly manner on the premises, but for a period not to exceed 30 days. Parts or tires to be discarded shall be removed within one week after removal form the vehicle.

(B) The presence of an inoperable, dismantled or partially dismantled motor vehicle on private property contrary to the provisions of this subchapter, is hereby declared to be a public nuisance.

(C) No refuse or debris of any kind or nature that might constitute a hazard to health or safety, or substantially detract from the appearance of the immediate neighborhood, shall be stored on private property.

(D) Refuse and debris will be considered stored when it remains unmoved on private property for more than 30 days and creates a health and safety hazard, or substantially detract from the appearance of the immediate neighborhood.

(E) The presence of refuse and debris that creates a health or safety hazard, or substantially detract from the appearance of the immediate neighborhood, contrary to the provisions of this subchapter, is hereby declared to be a public nuisance.

(F) No person shall construct upon, excavate or cause another to construct upon or excavate any property without providing adequate safeguards for the general public in the form of signs, barricades, fences, barriers or any other device that will ensure protection of the general public.

(G) No person shall abandon a construction project or excavation in a manner that it would be likely to endanger the safety of the general public.

(H) The Police Chief, or his or her designated agent, will determine if the excavation is a safety hazard, but this will not exempt the person or agent in charge of construction or excavation from providing adequate protection, without the direction of the Police Chief or his or her designated agent.

(I) The violation of construction or excavation procedures, as described above, is hereby declared to be a public nuisance.

(J) All wood and/or log piles are prohibited from placement in front yards. Wood and/or log piles are permitted only in side or rear yards and shall be placed no closer than five feet from any lot line or public right-of-way.

(K) Any site that causes soil deposits to wash or blow on a sidewalk, street, highway or neighboring property, is hereby declared to be a public nuisance.
(Prior Code, § 155.212) (Ord. passed 8-27-1990) Penalty, see § 158.999

§ 158.243 NOTICE OF VIOLATION.

The city will notify, by certified mail, any person or agent deemed in violation of any of the provisions of this subchapter, containing a description of the violation, what must be done to correct the violation and a date specified for compliance with this subchapter.
(Prior Code, § 155.213) (Ord. passed 8-27-1990)

§ 158.244 REMEDY.

If the violation has not been corrected within the time specified in the notice, the city is authorized to take any corrective measures necessary to ensure compliance with the provisions of this subchapter, and charge the person or agent for the cost of remedy necessary to correct the violation of the provisions of this subchapter.
(Prior Code, § 155.214) (Ord. passed 8-27-1990)

§ 158.245 APPEAL.

Upon written request to the City Manager, exemption in writing may be made under special circumstances which would prohibit or make impractical the enforcement of any portion of this subchapter. The granting or rejection of this request will be at the discretion of the Planning Commission.
(Prior Code, § 155.215) (Ord. passed 8-27-1990)

§ 158.246 DESIGNATIONS OF OTHER PROHIBITIONS.

The City Manager shall have the power to designate as public nuisances other situations that would create hazards to health and public safety and prohibit them. These nuisances shall be subject to the penalties provided in this subchapter.
(Prior Code, § 155.216) (Ord. passed 8-27-1990)

FENCES AND OBSCURING WALLS

§ 158.260 BUILDING PERMIT REQUIRED.

No fence or obscuring wall shall hereafter be erected or altered within any district, without first obtaining a building permit from the Building Inspector.
(Prior Code, § 155.230) (Ord. passed 8-27-1990)

§ 158.261 PLACEMENT AND HEIGHT.

(A) *Front yard.* No fence shall be erected on the front lot line which exceeds 48 inches in height, or be placed within a distance of one foot form the inside sidewalk line and must be 50% more opaque. An access gate shall be installed not less than 36 inches wide.

(B) *Side yard.* No fence shall be erected on the side yard lot line which exceeds six feet in height; provided that, no fence exceeding 48 inches in height above the established grade shall be erected or maintained nearer the front property line than the front line of the main dwelling thereon.

(C) *Rear yard.* No fence shall be erected on the rear lot line which exceeds six feet in height.

(D) *Corner lots.* No fence over 48 inches in height above the established sidewalk grade shall be permitted within 20 feet of any such street intersection, so as not to interfere with traffic visibility and no fence shall be located nearer than one foot to the inside sidewalk line.

(E) *Minimum setback.* In all zoning districts, fences and other obstructing walls, other than front yard fences, must be set back a minimum of two feet from the property line.
(Prior Code, § 155.231) (Ord. passed 8-27-1990; Ord. 237, passed 5-24-2021) Penalty, see § 158.999

§ 158.262 OPENINGS AND CONSTRUCTION REQUIREMENTS.

(A) Those walls and screening barriers shall have no openings, except for pedestrian use, not to exceed four feet in width. All walls required in this subchapter shall be constructed of materials, approved by the Building Inspector, to be durable, weather-resistant, rust-proof and easily maintained.

(B) Masonry walls shall be erected on a concrete foundation which shall have a minimum depth of 48 inches below a grade approved by the Building Inspector and shall be no less than four inches wider than the width of the wall to be erected.

(C) (1) Masonry walls may be constructed with openings which do not, in any square section (height and width), exceed 20% of the surface.

(2) Where walls are so pierced, the openings shall be placed as to maintain the obscuring character required, and shall not reduce the minimum height requirement.

(3) The arrangement of the openings shall be reviewed by the Building Inspector.
(Prior Code, § 155.232) (Ord. passed 8-27-1990) Penalty, see § 158.999

§ 158.263 POSITION OF FINISHED SIDE.

(A) The finished side of any fence shall face away from the structure to be fenced in (the finished side shall face the neighbors).

(B) All cyclone fences shall have the finished edge on the top side.
(Prior Code, § 155.233) (Ord. passed 8-27-1990) Penalty, see § 158.999

§ 158.264 SWIMMING POOLS; REQUIRED FENCING AND ENCLOSURES.

Every person owning land on which there is located a swimming pool, spa, hot tub or similar device (below ground or above ground) which contains 24 inches or more of water in depth at any point, shall erect and maintain thereon a fence or enclosure approved by the Building Inspector surrounding the device sufficient to make such device inaccessible to small children. Such fence or enclosure, including the gates, shall not be less than four feet, nor greater than six feet, above grade. All gates shall be self-latching with latches placed no less than four feet above grade or otherwise made inaccessible from the outside to small children.
(Ord. 237, passed 5-24-2021) Penalty, see § 158.999

§ 158.265 MAINTENANCE AND REPAIR; NUISANCE.

(A) Fences must be maintained so as not to endanger life or property. The use of barbed wire, without permission from the Planning Commission, is expressly prohibited. Any fence which through lack of repair, type of construction or otherwise imperils life or property shall be deemed a nuisance. The Building Inspector shall notify the owner of the property upon which the fence is located, of the existence of such a nuisance and that the nuisance must be abated. Notice shall be sent by certified mail, specifying the work to be done and the deadline for the conditions of this subchapter to be met. All expenses thereof, shall be assessed to the owner for work conducted by the city if compliance of the notice is not met by the deadline.

(B) Any failure to comply with the requirements of this notice shall be punishable by those city authorities.
(Prior Code, § 155.234) (Ord. passed 8-27-1990) Penalty, see § 158.999

SITE PLAN REVIEW

§ 158.280 PURPOSE.

The purpose of the site plan review is to assure, at the time of developmental planning, compliance with city requirements, as well as the on- and off-site impacts of the proposed development in relation to storm drainage capacity and design, provisions of adequate water supply and sanitary wastewater disposal systems and other public utilities, accessibility to and circulation upon the site for vehicular and pedestrian traffic, off-street parking and loading/unloading and other site and structural design elements that would result in use and activity upon the lot or parcel, which may have an adverse effect upon the public health, safety and general welfare of the surrounding area, if not properly evaluated prior to development of construction.
(Prior Code, § 155.245) (Ord. passed 8-27-1990)

§ 158.281 USES REQUIRING SITE PLAN REVIEW.

(A) The land, building and structural uses set forth in this section require site plan review and approval;

(B) A building containing two or more dwelling units;

(C) Manufactured (mobile) home park;

(D) Any principal non-residential structure and/or addition thereto, permitted in any residential district and any principal building or structure and/or addition thereto, except single-family residences;

(E) Public utility buildings and structures;

(F) Any parking lot or addition thereto containing five or more parking spaces, when not a part of a development or use for which the site plan review and approval is required elsewhere in this chapter;

(G) All permitted principal and special uses in the following districts:

(1) C-1, Neighborhood Commercial;

(2) C-2, Downtown/Highway Commercial;

(3) I, Industrial;

(4) PUD, Planned Unit Development; and

(5) O, Open Land.

(H) Subdivisions;

(I) All special uses; and

(J) Any mineral or natural resource extraction operation.
(Prior Code, § 155.246) (Ord. passed 8-27-1990)

§ 158.282 PROHIBITIONS PRIOR TO SITE PLAN APPROVAL.

No grading, removal of vegetation, filling of land or construction shall commence for any development, for which site plan review and approval is required, until a site plan is approved and is in

effect. Any violation of this prohibition shall be subject to the legal and administrative procedures and penalties as established by the City Council.
(Prior Code, § 155.247) (Ord. passed 8-27-1990)

§ 158.283 PREAPPLICATION CONFERENCE; STAFF.

Prior to the submission of an application, a preapplication conference shall be held between the applicant and the City Manager to discuss the proposed development, submittal requirements and procedures, the requirements of this section and other applicable matters.
(Prior Code, § 155.248) (Ord. passed 8-27-1990)

§ 158.284 APPLICATION FOR SITE PLAN APPROVAL.

Any person having legal ownership interest in a lot, may apply for site plan approval, by filing completed forms, paying required fees and submitting four copies of the site plan to the City Clerk at least 15 days prior to the date of the Planning Commission meeting during which time the site is to receive its first formal review.
(Prior Code, § 155.249) (Ord. passed 8-27-1990)

§ 158.285 INFORMATION REQUIRED WITH OR ON THE SITE PLAN.

Each site plan submitted for review shall provide the following information:

(A) Scale, north arrow, name, date of plan, as well as any dates of revisions thereto;

(B) Name and address of property owner and applicant, as well as name and address of developer;

(C) The applicant's ownership interest in the property, and if the applicant is not the fee simple owner, a signed authorization from the owner of the application;

(D) Name and address of designer. A site plan may be prepared by the applicant. It is recommended, however, that it be prepared by a professional community planner, engineer, architect, landscape architect or land surveyor registered in the state;

(E) A vicinity map; legal description of the property; dimensions and lot area. Where a metes and bounds description is used, lot line angles or bearings shall be based upon a boundary survey prepared by a registered land surveyor and shall correlate with the legal description;

(F) Existing topography with minimum contour intervals of two feet; existing natural features such as trees, wooded areas, streams, marshes, ponds and other wetlands; clear indication of all natural features to remain and be removed. Groups of trees shall be shown on an approximate outline of the total vegetational canopy; individual deciduous and evergreen trees of six-inch diameter or larger, where not a part of a group of trees, shall be accurately located on the final site plan. A written report of the areas to be changed shall include their effect on the site and adjacent properties;

(G) Existing buildings, structures and other improvements, including drives, utility poles and towers, easements, pipelines, excavations, ditches with their elevations and drainage directions, bridges and culverts;

(H) General description of deed restrictions, protective covenants or other legal agreements or encumbrances upon the property;

(I) Owner, use and zoning classification of adjacent properties, location and outline of buildings, drives, parking lots and other improvements on adjacent properties;

(J) The method to be used to control any increase in effluent discharge to the air or any increase in noise level emanating from the site. A written description of any nuisance that would be created within the site, or external to the site, whether by dust, noise, fumes, vibration, smoke or lights, including how the nuisance shall be controlled;

(K) Existing public utilities on or serving the property/location and the size of water lines and hydrants; location, size and inverts of sanitary sewer and storm sewer lines; location of manholes and catch basins; location and size of well, septic tanks and drain fields, when required;

(L) Name and right-of-way of existing streets, private roads and/or recorded easements, including elevations at intersections with streets and drives of the proposed development;

(M) Zoning classification of the subject property; location of required yards; total ground floor area and percent of lot coverage; floor area ratio. In the case of residential units, the plan shall not have dwelling unit density, lot area per dwelling unit; and a schedule of the number, size and type of dwelling units;

(N) Grading plan, showing finished contours at a minimum interval of two feet and correlated with existing contours, so as to clearly indicate cut and fill required. All finished contour lines are to be connected to existing contour lines at or before the property lines;

(O) Location and exterior dimensions of proposed buildings and structures, with the location to be referenced to property lines, or lines to a common base point; distances between buildings, height in feet and number of stories; finished floor elevations; ground grade elevation; and all required setbacks;

(P) Location and alignment of all proposed streets and drives; rights-of-way, where applicable, and typical cross-section of same showing surface, base and sub-base materials and dimensions; location and typical details of curbs; turning lanes, with details; location, width, surface elevations and grades of all entries and exits and curve radii;

(Q) Location and dimensions of proposed parking lots; number of spaces in each lot; dimensions of space and aisles; drainage patterns of lots; typical cross-section of same showing surface, base and sub-base materials; angle of spaces. Include provision of snow storage area, representing 10% of total parking area;

(R) Location and size of proposed improvements of open space and recreation areas, and statement on proposed maintenance provisions for those areas;

(S) Location, width and surface of proposed sidewalks and pedestrian ways;

(T) Location and type of proposed screens and fences; height, typical elevation and vertical section of screens, showing materials and dimensions;

(U) Location of proposed outdoor trash container enclosures; size, typical elevation and vertical section of enclosures, showing material and dimensions;

(V) Location, type, size, area and height of proposed signs;

(W) Layout, size of lines, inverts, hydrants, drainage flow patterns, location of manholes and catch basins for proposed sanitary sewer, water and storm drainage utilities; location and size of retention ponds and degrees of slope of sides of ponds; calculations for size of storm drainage facilities; location of electricity and telephone poles and wires; location and size of surface mounted equipment for electricity and telephone services; location and size of underground tanks, where applicable; location and size of outdoor incinerators; location and size of wells, septic tanks and drainage fields, where applicable. Final engineering drawings for all site improvements such as, but not limited to, water, sanitary sewer and storm sewer systems; streets, drives and parking lots; retention ponds and other ponds or lakes; retaining walls; shall be submitted to and approved by the Planning Commission prior to approval of the final site plan. If on-site water and sewer facilities are to be used, a letter of approval of same, or a copy of the permit from the County Health Department, the State Department of Natural Resources or another appropriate agency shall be submitted to the Planning Commission prior to the Planning Commission's approval of the final site plan;

(X) Landscape plan showing location and size and name of plant materials;

(Y) Description of measures to be taken to control soil erosion and sedimentation during and after completion of grading and construction operations. Recommendations from those measures may be obtained from the County Drain Commissioner or Soil District office;

(Z) Location of proposed retaining walls, including dimensions and materials of same; fill materials; typical vertical sections; restoration of adjacent properties, where applicable;

(AA) Location, type, direction and intensity of outside lighting;

(BB) Right-of-way expansion, where applicable; reservation of dedication of rights-of-way to be clearly noted;

(CC) Location of underground transportation pipelines;

(DD) There shall be room allotted for an alternative tile field on each lot or parcel approved to have a septic tank;

(EE) Development and use of the land, buildings or structures shall not, in any way, increase surface water runoff to adjacent property owners;

(FF) The planned number of people to be housed and employed; visitors or patrons; and vehicular and pedestrian traffic flow; and

(GG) Loading/unloading and parking requirements shall correspond to the conditions listed in §§ 158.205 through 158.211 and 158.225 through 158.228 of this chapter, related to the proper zoning designation.
(Prior Code, § 155.250) (Ord. passed 8-27-1990)

§ 158.286 PUBLIC HEARING.

Prior to voting on a final site plan, the Planning Commission shall schedule and hold a public hearing, so as to facilitate public review and understanding of the development proposed. Notice of the date, time, location and subject matter of the public hearing shall be published in a newspaper of general circulation in the city, not less than eight days before the actual hearing date as established by the Planning Commission.
(Prior Code, § 155.251) (Ord. passed 8-27-1990)

§ 158.287 STANDARDS FOR SITE PLAN REVIEW.

In reviewing the site plan, the Planning Commission shall determine that the following standards are observed.

(A) All information has been required.

(B) The proposed development conforms to all regulations of the zoning district in which it is located.

(C) The applicant may legally apply for site plan review.

(D) The plan meets the requirements of the city for fire and police protection, water supply, sewage disposal or treatment, storm drainage and other public facilities and services.

(E) Soils not suited for development will be protected or altered in an acceptable manner.

(F) The proposed development will not cause erosion or sedimentation problems.

(G) The proposed development does not illegally impinge upon established flood plains, located on or near the subject property.

(H) The drainage plan for the proposed development is adequate to handle anticipated storm water runoff and will not cause undue runoff into neighborhood property, or the overloading of water courses in the area.

(I) The proposed development is coordinated with public improvements serving the subject property and with the other developments in the general vicinity.

(J) Outside lighting will not adversely affect adjacent or neighboring properties or traffic on adjacent streets.

(K) Outdoor storage of garbage and refuse is contained, screened from view and located so as not to be a nuisance to the subject property or neighboring properties.

(L) Grading or filling will improve the character of the property or the surrounding area and will not adversely affect the adjacent or neighboring properties.

(M) Vehicular and pedestrian traffic within the site, as well as to and from the site, are both convenient and safe.

(N) Parking layout will not adversely affect the flow of traffic within the site or impede access to and from the adjacent streets and adjacent properties, and that snow storage area has been provided to equal 10% of total parking area.

(O) The plan meets the required standards of other governmental agencies, where applicable, and that the approval of these agencies have been obtained.

(P) The plan provides for the proper continuation and expansion of existing public streets serving the site, where applicable.

(Q) All phased developments are to be constructed in a logical sequence, so that any individual phase will not depend, in any way, upon a subsequent phase of adequate access, public utility services, drainage or erosion control.

(R) When required, landscaping, fences and walls in pursuance of these objectives and same shall be provided and maintained as a continued maintenance of any use to which they are appurtenant.

(S) The Planning Commission shall have some latitude in specifying the walls, fences, greenbelts as they apply to a phased development, if the particular phase of development and construction work is far enough from adjacent properties so as not to require the screening and the like.

(T) The proposed site must be in accord with the spirit and purpose of this chapter and not be inconsistent with, or contrary to, the objectives sought to be accomplished by this chapter and principals of sound city and site planning.

(U) Adequate assurances have been received for the applicant so that clearing the site of topsoil, trees and other natural features before the commencement of building operations, will occur only in those areas approved for the construction of physical improvements. Areas to be left undisturbed during construction shall be so indicated on the site plan and shall be so identified on the ground, so as to be obvious to construction personnel.

(V) The development will not substantially affect the natural retention storage capacity of any water impoundment area or watercourse, thereby possibly increasing the magnitude and volume of flood at other locations or thereby possibly decreasing the volume of natural water supply at other locations.

(W) The soil and subsoil conditions are suitable for excavation and site preparation and the drainage is designed to prevent erosion and environmentally deleterious surface runoff.

(X) The development will not detrimentally affect or destroy natural features such as ponds, streams, wetlands, hillsides or wooded areas, but will preserve and incorporate those features into the development's site design.

(Y) The location of natural features and the site topography have been considered in the designing and siting of all physical improvements.

(Z) All loading/unloading requirements must be met.
(Prior Code, § 155.252) (Ord. passed 8-27-1990)

§ 158.288 PLANNING COMMISSION ACTION.

(A) The Planning Commission shall study the site plan and shall, within 60 days of the filing date upon which it appears on the Commission agenda (if the submitted application is complete), make its

recommendation to approve or reject the site plan. This time limit may be extended upon mutual agreement between the applicant and the Commission.

(B) The Commission may require such changes in the proposed site plan as are needed to gain approval. The Commission may attach reasonable conditions to its approval.

(C) The Commission shall include in its study of the site plan consultation with the City Manager and other governmental officials, departments and public utility companies that might have an interest in or be affected by the proposed development.

(D) Upon Commission approval of a site plan, the applicant, the owner of record or the legal representative thereof, the Commission Chairperson and one other member of the Commission shall each sign four copies of the approved site plan.

(E) The Commission shall transmit one signed copy of the plan and any conditions attached to the City Manager, and one copy each to the office of the City Clerk and the applicant. One signed copy shall be retained in the Planning Commission's files.

(F) The Planning Commission shall notify the applicant, in writing, of its recommendations and the reasons therefor, within ten days following the action.
(Prior Code, § 155.253) (Ord. passed 8-27-1990)

§ 158.289 EXPIRATION OF SITE PLAN APPROVAL.

(A) Approval of a site plan shall expire and be invalid, unless a building permit has been issued, within 180 days of the date of the Planning Commission approval of the site plan. Approval of a site plan shall expire and be invalid one year following the date of the Commission approval, unless construction has begun on the property and is being carried progressively to completion, in accordance with the approved site plan.

(B) Development shall, in any case, be completed within two years of the date of Commission approval of a site plan.

(C) (1) In the case of a phased development (such as in PUD Planned Unit Developments), individual site plans shall be submitted and approved for the initial phase and, in turn, for each subsequent phase of development.

(2) If the one-year development completion requirement stated above is not met, relative to the initial (or any succeeding) phase, the Commission shall not review and approve site plans for phases subsequent to the incomplete phase, unless sufficient cause of the delay can be demonstrated.

(D) If any approved site plan has expires as set forth herein, no permits for development or use of the subject property shall be issued, until all applicable requirements of this subchapter have been satisfied.
(Prior Code, § 155.254) (Ord. passed 8-27-1990)

§ 158.290 AMENDMENT OF AN APPROVED SITE PLAN.

(A) A development may request a change in an approved site plan. A change is an approved site plan which results in a major change, as defined in this subchapter, shall require an amendment. all amendments shall follow the procedures and conditions herein required for original plan submittal and review. A change which results in a minor change, as defined in this subchapter, shall require a revision by the Planning Commission to the approved plan.

(B) The Planning Commission shall have the authority to determine whether a requested change is major or minor, in accordance with this subchapter. The burden shall be on the applicant to show good cause for any requested change.

(C) A request for an amendment or a revision shall be made in writing to the Planning Commission and shall clearly state the reasons therefor. These reasons may be based upon considerations such as, changing social or economic conditions, potential improvements in layout or design features, unforeseen difficulties or advantages mutually affecting the interests of the city and the developer, such as, technical causes, site conditions, state or federal projections and installations and statutory revisions. The Planning Commission upon finding those reasons and requests reasonable and valid, shall so notify the applicant in writing. Following payment of the appropriate fee, the developer shall submit the required information to the Planning Commission for review.

(D) Changes to be considered major (such as, those for which an amendment is required) shall include on or more of the following. The following list is not exclusive:

(1) A change in the original concept of the development;

(2) A change in the original use or character of the development;

(3) A change in the type of dwelling units identified on the approved site plan;

(4) An increase in the number of units planned;

(5) An increase in non-residential floor area of over 5%;

(6) Rearrangement of lots, blocks and building tracts;

(7) A change in the character or function of any street;

(8) A reduction in the amount of land set aside as common space or the relocation of those areas; and

(9) An increase in building height.

(E) A developer may request Planning Commission approval of minor changes, as defined in this subchapter, and an approved site plan. The Commission shall notify other applicable agencies of its approval of those minor changes. The revised drawings, as approved, shall be signed by the petitioner and the owners of that property in question.

(F) Minor changes shall include the following and may be approved by the City Manager. The following list is not exclusive:

(1) A change in residential floor area;

(2) An increase in non-residential floor area of 5% or less; and

(3) Minor variations in layout of the building or site which do not constitute major changes. (Prior Code, § 155.255) (Ord. passed 8-27-1990)

§ 158.291 MODIFICATIONS OF PLAN DURING CONSTRUCTION.

All site improvements shall conform to the approved site plan, including engineering drawings approved by the Planning Commission. If the applicant makes any changes during construction in the development, in relation to the approved site plan, these changes shall be made at the applicant's risk, without any assurances that the Planning Commission or any other agency will approve the changes. The applicant may be required to correct the unapproved changes, so as to conform to the approved site plan. (Prior Code, § 155.256) (Ord. passed 8-27-1990)

§ 158.292 AS-BUILT DRAWINGS.

(A) The requirements set forth in this section shall prevail as-built drawings to the City Manager.

(B) The applicant shall provide as-built drawings of all sanitary sewer, water and storm sewer lines and all appurtenances which were installed on a site for which a final site plan was approved. The drawings shall be submitted to the Planning Commission and shall be approved after review by the City Manager, and prior to the release of any performance guarantee or part thereof covering those installations.

(C) The as-built drawings shall show, but shall not be limited to, such information as the exact size, type and location of pipes; location and size of manholes and catch basins; location and size of valves, fire hydrants, tees and crosses; depth and slopes of retention basins; and location and type of utility installations. The drawings shall show plan and profile views of all sanitary and storm sewer lines and plan views of all water lines.

(D) The as-built drawings shall show all work completed within a public right-of-way and public utility easements as actually installed and field verified by a professional engineer or a representative thereof. The drawing shall be identified as "as-built drawings" in the title block of each drawing and shall be signed and dated by the owner of the development or the owner's legal representative, and shall bear the seal of a professional community planner, engineer, architect, landscape architect or land surveyor.
(Prior Code, § 155.257) (Ord. passed 8-27-1990)

§ 158.293 PHASING OF DEVELOPMENT.

The applicant may divide the proposed development into two or more phases. In that case, each phase-specific site plan shall cover only that portion of the property involved. A final site plan shall be submitted for review and approval for each phase.
(Prior Code, § 155.258) (Ord. passed 8-27-1990)

§ 158.294 INSPECTION.

(A) The City Manager or a designee shall be responsible of inspecting for conformance with the approved final site plan.

(1) All subgrade improvements such as, sub-base installations for drives and parking lots and similar improvements shall be inspected and approved by appropriate agencies prior to covering.

(2) The applicant shall be responsible for requesting the necessary inspections.

(B) The City Manager shall obtain inspection assistance from the appropriate city official and consulting professional personnel where appropriate.

(C) The City Manager shall notify the Planning Commission in writing when a development, for which a final site plan is approved, has passed inspection with respect to the approved site plan.

(D) The City Manager shall notify the Planning Commission in writing when a development, for which a final site plan is approved, has failed inspection with respect to the approved sit plan, and shall

advise the Planning Commission of steps to be taken to achieve compliance. In that case, the City Manager shall periodically notify the Planning Commission of progress toward compliance with the approved site plan and when compliance is achieved.
(Prior Code, § 155.259) (Ord. passed 8-27-1990)

§ 158.295 GUARANTEES.

(A) Guarantees as required by the City Council shall be provided by the applicant to the office of the City Treasurer. The guarantee shall be provided after a final site plan is approved; the guarantee shall cover all aspects of site improvements shown on the approved final site plan, including buildings, streets, drives, parking lots, sidewalks, grading, required landscaping, required screens, storm drainage, exterior lighting and utilities for a period of one year after acceptance by the city.

(B) The applicant shall provide a cost estimate of the improvements to be covered by the guarantee and the estimate shall be verified as to the amount by the City Manager. The form of the guarantee must be approved by the City Attorney.

(C) If the applicant shall fail to provide any site improvements according to the approved plans within that time period specified in the guarantee, the Planning Commission shall have the authority to have that work completed. The City Treasurer, with the assistance of the Planning Commission, may reimburse the city for cost of the work, including administrative costs, by appropriating funds from the deposited security, or may require performance by the bonding company.

(D) The City Treasurer, with assistance of the Planning Commission, shall determine the means of rebating portions of the deposit in proportion to the amount of work completed on the required improvements. All required inspections for improvements, for which cash deposit is to be rebated, shall have been completed before any rebate shall be made.
(Prior Code, § 155.260) (Ord. passed 8-27-1990)

§ 158.296 FEES.

Fees for the review of site plans and inspections, as required by this subchapter, shall be established and may be amended by resolution of the City Council.
(Prior Code, § 155.261) (Ord. passed 8-27-1990)

§ 158.297 VIOLATIONS.

The approved site plan shall become part of the record of approval; and subsequent action relative to the site in question shall be consistent with the approved site plan, unless the pertinent administrative

body agrees to those changes, as are provided for in this subchapter. Any violations of the provisions of this subchapter, including any improvement not in conformance with the approved final site plan, shall be deemed a violation of this subchapter and subject to all penalties specified herein.
(Prior Code, § 155.262) (Ord. passed 8-27-1990)

VARIANCES

§ 158.315 PURPOSE.

The Zoning Board of Appeals shall have the power to authorize, upon an appeal, specific variations from those dimensional requirements as lot width and area regulations, building height and bulk regulations, yard width and depth regulations, setbacks and other provision requirements as off-street parking and loading space, as specified in this chapter, when all of the conditions in the following are satisfied.
(Prior Code, § 155.275) (Ord. passed 8-27-1990)

§ 158.316 CONDITIONS.

(A) The conditions set forth in this section shall constitute consideration for variance.

(B) Dimensional zoning requirements cannot be physically met by an existing lot due to narrowness, shallowness, irregular shape or topography or natural characteristics of the site that inhibit the lawful location of a structure or its accessory.

(C) The physical hardship is unique and not shared by neighboring properties in the same zone. If the Zoning Board of Appeals finds that the hardship is not unique, but common, amending the chapter or rezoning shall be pursued.

(D) The practical difficulty was not created by an action of the applicant and either existed at the time of adoption of the requirement from which the variance is requested, or is necessary as a result of a government action.

(E) The variance would not alter the essential character of the area or neighborhood.

(F) The conditions upon which the petition for variance is based would not be applicable to other property within the same zoned district.

(G) The purpose of the variance request is not based merely upon a desire to generate greater revenue out of the property.

(H) The variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood, in which the property is located.

(I) The variance will not impair an adequate supply of light or air to adjacent property, substantially increase the congestion in public streets, increase the danger of fire, endanger the public safety or substantially diminish or impair property values within the neighborhood.

(J) The variance is the minimum necessary to permit reasonable use of the land and building.
(Prior Code, § 155.276) (Ord. passed 8-27-1990)

§ 158.317 RULES FOR GRANTING OF VARIANCE.

(A) In addition to the foregoing conditions, the following rules shall be applied in the granting of variances.

(1) In granting a variance, the Zoning Board of Appeals shall specify, in writing, to the applicant, those conditions in connection with the granting that will, in its judgment, secure substantially the objectives of the regulation or provision to which that variance applies. The breach of any condition automatically invalidates the permit granted.

(2) Each variance granted under the provisions of this chapter shall become null and void, unless:

(a) The construction authorized by that variance or permit has been commenced within 90 days after the granting of the variance and is being carried progressively to completion; and

(b) The occupancy of land, premises or buildings authorized by the variance as taken place within one year after the variance was granted.

(3) No application for variance which has been denied wholly or in part by the Board, shall be resubmitted for a period of one year from the date of the last denial, except on the grounds of newly discovered evidence or proof of changed conditions, found upon inspection by the Board to be valid.

(B) Under all these circumstances, the only reduction or modification that shall be authorized, is that necessary to overcome the evidenced difficulty; or as specifically authorized in other sections of this chapter, but in no case, shall the requirements be reduced by more than 50%; except that, the Board may permit construction beyond the front yard setback where 60% of the buildings on the same block frontage do not meet the current standards, up to the average setback of all buildings, excluding accessory structures, on that block front.
(Prior Code, § 155.277) (Ord. passed 8-27-1990)

§ 158.318 BOND FOR COMPLIANCE.

In authorizing any variance, the Zoning Board of Appeals may require that a bond of ample sum, but not exceed $5,000, be furnished to insure compliance with the requirements, specifications and conditions imposed by the stipulated time. Any infraction or violation of the provisions of any variance shall cause the City Manager to proceed under provisions of the Zoning Board of Appeals to complete and ensure compliance.
(Prior Code, § 155.278) (Ord. passed 8-27-1990)

ADMINISTRATION AND ENFORCEMENT

§ 158.330 ADMINISTRATING AUTHORITY; RESPONSIBILITIES.

(A) The provisions of this chapter shall be administered by the City Planning Commission in accordance with the Michigan Planning Enabling Act, Public Act 33 of 2008, being M.C.L.A. §§ 125.3801 et seq., and the Michigan Zoning Enabling Act, Public Act 110 of 2006, being M.C.L.A. §§ 125.3101 et seq.

(B) (1) The Commission shall prepare, adopt, and maintain the city's Master Plan in accordance with the Michigan Planning Enabling Act.

(2) The Commission shall prepare and recommend zoning ordinance amendments and maintain the zoning map in accordance with the Michigan Zoning Enabling Act.

(3) The Commission shall advise the City Council concerning future amendments, changes, additions, or departures from this chapter.

(4) The Commission shall review proposed site plans, special land use requests, and planned unit developments (PUDs) as required by the Michigan Zoning Enabling Act and this chapter.

(5) A minimum of one regular public meeting shall be scheduled each month. Meetings may be cancelled in advance if there is no business to conduct.
(Prior Code, § 155.290) (Ord. passed 8-27-1990; Ord. 254, passed 2-9-2026)

§ 158.331 ZONING FEES; WHEN DUE.

(A) For each application for rezoning, variance request, conditional use or home occupation permit, a fee established by resolution of the City Council shall be paid to the City Clerk, which includes administrative and mailing costs. All advertising costs shall be the responsibility of the applicant.

(B) The required fee shall be paid in full at the time of application. No application shall be considered, or permit granted, by the Planning Commission until that fee is paid in full. No fees are refundable for any processing or partial processing of a development plan.
(Prior Code, § 158.291) (Ord. passed 8-27-1990; Ord. 169, passed 7-13-1998; Ord. 222, passed 4-10-2017; Ord. 253, passed 2-9-2026)

§ 158.332 SITE PLAN REVIEW FEES; WHEN DUE.

(A) For each application for site plan review, fees to be established by resolution of the City Council, which include advertising, administrative and mailing costs shall be paid to the City Clerk.

(B) The required fee shall be paid in full at the time of application for approval of the development plan. No development plan shall be considered by the Planning Commission until that fee is paid in full. No fees are refundable for any processing or partial processing of a development plan.
(Prior Code, § 155.292) (Ord. passed 8-27-1990; Ord. 253, passed 2-9-2026)

§ 158.333 AMENDMENTS.

Only the City Council may amend, supplement or change any of the regulations, provisions and boundaries stated in this chapter. The exception to this is that the Zoning Board of Appeals, upon proper application, may allow any permitted structure to be built within ten feet of any residential zoning district; provided, the contiguous property is being used for non-residential purposes. All zoning amendments shall be processed in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, being M.C.L.A. §§ 125.3101 et seq..
(Prior Code, § 155.293) (Ord. passed 8-27-1990; Ord. 254, passed 2-9-2026)

§ 158.334 WHEN VIOLATION A NUISANCE; INSPECTION; CORRECTION.

(A) *Violation a nuisance.* Buildings erected, altered, moved, razed or converted, or any other use of land or premises carried on in violation of any provision of this chapter, are declared to be a nuisance per se. Any and all building or land use activities considered possible violations of the chapter, observed by or communicated to Police or Fire Department employees, or to any city official, shall be reported to the City Manager.

(B) *Inspection of violation.* The City Manager shall inspect each alleged violation and shall order correction, in writing, of all conditions found in violation of this chapter.

(C) *Correction period.* All violations shall be corrected within a period of 30 days after the order to correct is issued, up to a maximum of six months, as permitted by the City Manager. A violation not corrected within this period shall be issued a zoning citation, remanding the violation to the local district court.
(Prior Code, § 155.294) (Ord. passed 8-27-1990)

§ 158.335 ENFORCEMENT PROCEDURE.

(A) In addition to the enforcement actions provided in this chapter, the additional enforcement procedures set forth in this section may be applicable in cases involving violations of provisions of the zoning code, approved special uses, approved planned unit developments, approved site plans or decisions of the Zoning Board of Appeals, Planning Commission, City Council, district court or circuit court relative to a particular land use development or activity approved under the provisions of this chapter.

(B) When a violation is initially determined by the City Manager, the Manager shall issue a "notice of zoning ordinance violation" to the owner and occupant of the lot or parcel upon which the zoning violation has occurred. This notice shall be issued on a special form for that purpose and shall at least include the following information pertinent to the violation:

(1) Date and location of each violation observed by the City Manager;

(2) Name and address of owner and occupant;

(3) Specific section of the zoning code which has been violated. If more than one violation, list each violation and each section violated; and

(4) Length of time allowed before prosecution of the violations.

(C) Failing compliance by owner and occupant by specified date in division (B) above, the City Manager shall issue a "second notice of zoning ordinance violation."

(D) Failure to comply with the procedures outlined in divisions (A) through (C) of this section shall then, upon recommendation of the City Manager, result in the issuance of a "notice of show-cause hearing" by the City Council for a special hearing by interested parties on the violations.

(E) Failure to comply with procedures described in this section shall then result in the issuance of a "show-cause hearing, finding and order" by the City Council. The show-cause hearing, finding and order form shall indicate the findings of fact about the violation by the City Council, the Council's conclusions and its order for compliance with this chapter, with respect to each violation.

(F) Failure to comply with the procedures established in this section may result in the issuance of a municipal civil infraction citation in accordance with § 10.99 of the city code and the Michigan Zoning Enabling Act.
(Prior Code, § 155.295) (Ord. passed 8-27-1990; Ord. 254, passed 2-9-2026)

§ 158.336 RIGHTS AND REMEDIES; SCOPE.

(A) The City Manager, Zoning Board of Appeals, Planning Commission, City Council or the City Attorney, and any other interested party, may institute injunction, mandamus, abatement or other appropriate proceedings to prevent, abate or remove any unlawful erection, maintenance or use. The rights and remedies herein provided are civil in nature and in addition to criminal remedies.

(B) The rights and remedies provided in this chapter are cumulative and are in addition to all other remedies provided by law. The court shall assess costs in a successful prosecution in an amount to compensate for all prosecution costs. All costs collected shall belong to the city and shall be deposited into the General Fund.
(Prior Code, § 155.296) (Ord. passed 8-27-1990)

§ 158.337 APPEAL OF PLANNING COMMISSION AND ZONING BOARD OF APPEALS DECISIONS.

A decision is defined as a written decision or the approval of minutes. All appeals of decisions of the Planning Commission shall be to the Zoning Board of Appeals and shall be commenced within 30 days of the decision of the Planning Commission. Appeals of decisions of the Zoning Board of Appeals must be filed within 30 days after the Zoning Board of Appeals issues its written decision or 21 days after the Zoning Board of Appeals approves the minutes of its decision, whichever comes first.
(Ord. 229, passed 11-11-2019)
Statutory reference:
Related provisions, see M.C.L.A. § 125.3606(3)

§ 158.999 PENALTY.

(A) Every person, corporation or firm who violates, disobeys, omits, neglects or refuses to comply with any provision of this chapter, or any permit, license or exception granted hereunder, or any lawful order of the City Manager, Zoning Board of Appeals, Planning Commission or the City Council issued in pursuance of this chapter shall be guilty of a misdemeanor. Upon issuance of a zoning citation, and conviction thereof, the violator shall be punished by a fine not to exceed $500, or by imprisonment not to exceed 90 days, or both. Every day during which a violation continues, shall be deemed a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the provisions of this chapter.

(B) Any person who violates a provision of § 158.178 of this chapter shall be guilty of a misdemeanor punishable by a fine not to exceed $500 and/or imprisonment in the county jail for a period not to exceed 90 days. Further, a person who violates the provisions of § 158.178 of this chapter, in addition to penalties set forth herein, shall be presumed to be operating a nuisance per se and shall be subject to suit or injunction to enjoin further conduct.
(Ord. passed 8-27-1990; Ord. 205, passed 4-11-2011)

CHAPTER 159: WIRELESS COMMUNICATION FACILITIES

Section

159.01 Title
159.02 Intent
159.03 Definitions
159.04 Applicability
159.05 Permitted locations
159.06 Development standards
159.07 Conditional use standards for residential areas
159.08 Application requirements
159.09 Public domain and confidentiality
159.10 Federal and FCC compliance
159.11 Standards and conditions
159.12 Decision making and recordkeeping
159.13 Appeals
159.14 Tower removal due to safety, legal violations or abandonment
159.15 Hold harmless and insurance requirements

159.99 Penalty

§ 159.01 TITLE.

This chapter shall be known and cited as the "City of Wakefield Wireless Communication Facilities Ordinance".
(Ord. 250, passed 8-25-2025)

§ 159.02 INTENT.

(A) It is the general purpose and intent of the city to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communication systems. However, it is the further purpose and intent of the city to provide for such authorization in a manner that will

retain the integrity of neighborhoods and the character, property values and aesthetic quality of the community at large. In fashioning and administering the provisions of this section, an attempt has been made to balance these potentially competing interests.

(B) Recognizing the number of providers authorized to establish and operate wireless communication services and coverage, it is the further purpose and intent of this section to:

(1) Provide reasonable, non-discriminatory regulation of towers and facilities;

(2) Encourage collocation and shared infrastructure;

(3) Prevent adverse visual, physical or aesthetic impacts;

(4) Comply with the Telecommunications Act of 1996, State Zoning Enabling Act (Public Act 110 of 2006) and applicable FCC rules; and

(5) Preserve the city's control over land use and rights-of-way. This chapter is also intended to provide a regulatory framework that accommodates the rapidly evolving nature of wireless technology, including emerging small wireless facilities, while preserving local control to the greatest extent permitted by law.
(Ord. 250, passed 8-25-2025)

§ 159.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly requires a different meaning.

ANTENNA. Any system of wires, poles, rods, reflecting discs or similar devices used to transmit or receive wireless signals.

COLLOCATION. The placement of antennas or related equipment on an existing structure or tower.

CAMOUFLAGED FACILITY. Human-made trees, clock towers, bell steeples, light poles and similar camouflaging designs that camouflage or conceal the presence of antennas or towers.

ELIGIBLE FACILITIES REQUEST. Any request for modification of an existing tower or base station that does not substantially change the physical dimensions.

FACILITY OPERATOR. The entity responsible for installing, maintaining and operating the wireless communication equipment and supporting structures (the cell tower) that provide wireless services.

PROPERTY OWNER. The individual or entity holding legal title (fee simple) to a property, whether a piece of land or a building.

SHOT CLOCK. Time limits established by the FCC within which a local authority must act on a wireless facility application.

SMALL WIRELESS FACILITY. As defined by 47 C.F.R. § 1.6002(l), a wireless facility that meets the specified size, location and power constraints.

SUBSTANTIAL CHANGE. As defined by the FCC, a change that increases the height of the tower by more than 10% or 20 feet, whichever is greater; adds more than four new equipment cabinets; or extends the site boundaries by more than 30 feet.

TELECOMMUNICATIONS TOWER (TOWER). Any structure used primarily for supporting antennas or other equipment for telecommunications.

WIRELESS FACILITY. Equipment or devices used to provide wireless communication, including antennas, control boxes, meters and cables.
(Ord. 250, passed 8-25-2025)

§ 159.04 APPLICABILITY.

(A) This chapter applies to the siting, construction, collocation, operation, modification and removal of all wireless facilities and telecommunications towers in the city, including, but not limited to, small wireless facilities, except where separately regulated under a distinct ordinance.

(B) Small wireless facilities located in the public rights-of-way shall be governed by a separate ordinance, which may establish standards consistent with Public Act 365 of 2018 (State Small Wireless Communications Facilities Deployment Act).
(Ord. 250, passed 8-25-2025)

§ 159.05 PERMITTED LOCATIONS.

(A) Permitted by right (subject to administrative site plan approval):

(1) Industrial (I) District; and

(2) C-2 Downtown/Highway Commercial (only with stealth/concealed design).

(B) Conditional use permit (CUP) required:

(1) R-1, R-2, R-3 Residential Districts (only if proven necessary); and

(2) Public/institutional property (schools, utility sites, municipal land).

(C) Prohibited locations:

(1) Within 1,500 feet of a designated historic resource or scenic corridor;

(2) Within 1,500 feet of any existing residence; and

(3) Within 3,000 feet of any school.

(D) Priority sitting. Priority for new facilities shall be given to sites in the following order:

(1) Collocation on existing towers;

(2) Utility or municipal properties in non-residential zones;

(3) Industrial-zoned parcels; and

(4) Commercial-zoned parcels using stealth design.

(Ord. 250, passed 8-25-2025)

§ 159.06 DEVELOPMENT STANDARDS.

(A) Height limits:

(1) Maximum 150 feet in industrial/commercial areas; and

(2) Maximum 60 feet in residential zones (with CUP).

(B) Setbacks:

(1) One and one-half times the total height of the cell structure, measured from grade to the highest vertical point of the structure; and

(2) May be reduced by engineering analysis of the fall zone.

(C) Design:

(1) Monopoles and concealed designs (e.g., faux trees, flagpoles) strongly encouraged;

(2) Must include six- to eight-foot opaque fencing and low-maintenance landscaping;

(3) Lighting only as required by the FAA;

(4) All communication towers shall be equipped with an anti-climb device to prevent unauthorized access;

(5) The use of guyed wires is strictly prohibited within residential districts;

(6) There shall not be displayed advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes;

(7) When the property adjoins any residentially zoned property, the developer shall plant two alternating rows of evergreen trees with a minimum height of five feet on 20-foot centers along the entire perimeter of the communication tower and related structures. In no case shall the evergreens be any closer than ten feet to any structure; and

(8) Equipment and noise.

(D) Enclosures must be screened.

(E) Generators/HVAC must not exceed 60 dBA at any property line; collocation required.

(F) Applicants must show good-faith effort to collocate on existing structures.

(G) New towers must support a minimum of three providers unless technically infeasible.
(Ord. 250, passed 8-25-2025)

§ 159.07 CONDITIONAL USE STANDARDS FOR RESIDENTIAL AREAS.

Towers may only be approved in residential districts if:

(A) No technically feasible non-residential location is available;

(B) The applicant demonstrates a significant gap in coverage (via RF propagation maps);

(C) The facility is designed to be minimally visible (stealth, camouflaged or low-profile);

(D) Visual simulations and photo renderings are provided; and

(E) The impact on property values and neighborhood character is mitigated.
(Ord. 250, passed 8-25-2025)

§ 159.08 APPLICATION REQUIREMENTS.

(A) The applicant shall submit a site plan that includes all the required information as specified in this code of ordinances and shall also provide the following supplementary information:

(1) Photo simulations;

(2) Statement of need and alternatives analysis:

(a) Proximity to major roads, population centers, interference zones, topography and the like;

(b) Areas of population concentration;

(c) Areas where signal interference has occurred due to tall buildings, masses of trees or other obstructions;

(d) Topography of proposed facility location in relation to other facilities with which the proposed facility is to operate; and

(e) Other specifically identified reasons creating the need for the facility.

(3) If the application is for a new wireless communications support structure, identification of possible alternative locations, designs or features, whether those alternatives were considered and, if so, a factual explanation of why those alternatives are not proposed;

(4) Written justification for height, location and design;

(5) Certification of RF emissions compliance per FCC rules;

(6) FAA clearance (if applicable);

(7) NEPA and § 106 clearance for historic and environmental impacts;

(8) Fall zone analysis certified by a licensed structural engineer;

(9) Financial assurance (bond, escrow or letter of credit) for removal; and

(10) Authorization for third-party technical review at applicant's expense.

(B) Applications proposing fully camouflaged designs and collocation in non-residential areas may be eligible for administrative expedited review at the Zoning Administrator's discretion.
(Ord. 250, passed 8-25-2025)

§ 159.09 PUBLIC DOMAIN AND CONFIDENTIALITY.

(A) As part of the application, the applicant must submit a map showing the locations and heights of existing and proposed wireless communication facilities within the city, as well as in surrounding areas that are relevant to potential collocation or to demonstrate the need for the proposed facility. The applicant must also disclose, on the same or a separate map, any facilities it currently uses or has the right to use, including the heights at which its antennas are or may be installed.

(B) All documents submitted to the city are subject to the state's Freedom of Information Act (M.C.L.A. §§ 15.231 et seq.) and are generally considered public records. However, information that qualifies as a trade secret or confidential commercial information - such that disclosure would result in a competitive disadvantage to the applicant - may be exempt from public disclosure under M.C.L.A. § 15.243(1)(g); provided, it is submitted in connection with the development of governmental policy.

(C) Applicants seeking confidentiality must clearly and prominently identify such information at the time of submission and provide a written request for non-disclosure. The city will treat such requests as a promise to maintain confidentiality to the extent permitted by law. Final determination as to whether the information qualifies for exemption will be made by the City Attorney, in accordance with applicable law.
(Ord. 250, passed 8-25-2025)

§ 159.10 FEDERAL AND FCC COMPLIANCE.

(A) Telecommunications Act of 1996 (47 U.S.C. § 332(c)(7)):

(1) The city may not prohibit or effectively prohibit personal wireless services;

(2) Decisions must not unreasonably discriminate among providers; and

(3) All denials must be in writing and based on substantial evidence in the record.

(B) FCC shot clocks (updated 2018):

(1) Sixty days for collocation (non-substantial change);

(2) Ninety days for collocation with substantial change; and

(3) One hundred fifty days for new towers.

(C) Spectrum Act - § 6409(a). The city must approve eligible modifications to existing facilities that do not constitute a substantial change, as defined by FCC.

(D) RF emissions. The city shall not regulate wireless facilities based on RF emissions where facilities comply with FCC standards.

(E) NEPA/NHPA compliance.

(1) Applicants must submit documentation for federal environmental and historic preservation compliance when required.

(2) The city will track deadlines upon receipt of a complete application and may extend timelines only with written agreement from the applicant.
(Ord. 250, passed 8-25-2025)

§ 159.11 STANDARDS AND CONDITIONS.

All applications for wireless communication facilities must comply and be reviewed in accordance with the following standards and conditions and, if approved, must be constructed and maintained in accordance with such standards and conditions. In addition, if the facility is approved, it must be constructed and maintained with any additional conditions imposed by the Planning Commission at its discretion.

(A) Facilities must be located and designed to be harmonious with the surrounding area. Among other things, all reasonable attempts must be made and thoroughly explored to utilize existing structures on which to place facilities (i.e., to utilize attached wireless communication facilities).

(B) Wireless communication facilities must comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions, as confirmed by the submission of a certification of compliance by the applicant’s licensed engineer.

(C) Applicants must demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs, which might result in lower heights.

(D) The proposal must be reviewed in conformity with the collocation requirements of this section.

(E) The maximum height of the new or modified support structure and antenna must be the minimum height demonstrated to be necessary for reasonable communication by the applicant (and by other entities to collocate on the structure). The accessory building contemplated to enclose such things as switching equipment must be limited to the maximum height for the accessory structures within the respective district.

(F) The setback of a new or materially modified support structure from any residential district must be at least the height of the highest point of any structure on the premises. The setback of the support structure from any existing or proposed rights-of-way or other publicly traveled streets must be no less than the height of the structure.

(G) Where the proposed new or materially modified support structure abuts a parcel of land zoned for a use other than residential, the minimum setback of the structure, and accessory structures, must be in accordance with the required setbacks for main or principal buildings as provided in §§ 159.05 and 159.06 of this chapter.

(H) There must be unobstructed access to the support structure, for operation, maintenance, repair, and inspection purposes, which may be provided through or over an easement. This access must have a width and location determined by such factors as:

(1) The location of adjacent thoroughfares and traffic and circulation within the site;

(2) Utilities needed to service the tower and any attendant facilities;

(3) The location of buildings and parking facilities;

(4) Proximity to residential districts and minimizing disturbance to the natural landscape; and

(5) The type of equipment that will be needed to access the site.

(I) The division of a parcel for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met.

(J) Where an attached wireless communication facility is proposed on the roof of a building, if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it must be designed, constructed, and maintained to be architecturally compatible with the principal building. The equipment

enclosure must be located within the principal building or an accessory building. If proposed as an accessory building, it must conform with all district requirements for principal buildings, including yard setbacks. For collocation facilities served by an accessory building, there should be a single, architecturally uniform accessory building for all providers.

(K) The design and appearance of the support structure and all accessory buildings must minimize distraction, reduce visibility, maximize aesthetic appearance and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition.

(L) The support system must be designed to support or be capable of supporting, the proposed equipment and be constructed in accordance with all applicable state construction codes and must include the submission of a soils report from a geotechnical engineer licensed in the state. This soils report must include soil borings and statements confirming the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission and State Aeronautics Commission must be noted.

(M) A maintenance plan, and any applicable maintenance agreement, must be presented and approved as part of the site plan for the proposed facility. Such a plan must be designed to ensure long-term, continuous maintenance to a reasonably prudent standard.

(N) The use of high-intensity (strobe) lighting on a wireless communication facility is prohibited and the use of other lighting is prohibited absent a demonstrated need.

(O) Applications made which do not include the signature of the licensed operator of a wireless communication service at the time of community processing may be tentatively approved, but must not receive final approval unless and until the application has been amended to include a signature on behalf of a licensed operator. A tentative approval is valid for 90 days. If, during a 90-day period, final approval is granted to authorize a wireless communication facility within two miles of the parcel on which a facility has been tentatively approved, such tentative approval must thereupon expire unless the applicant granted tentative approval demonstrates that it would not be feasible for it to collocate on the facility that has been newly granted final approval.

(P) The antenna and other attachments on a wireless communication facility must be designed and constructed to include the minimum attachments required to operate the facility as intended at the site, both in terms of number and size of such attachments and must be designed and constructed to maximize aesthetic quality.

(Q) All permitted facilities shall submit an annual compliance report including:

(1) RF emissions certification;

(2) Structural inspection by a licensed engineer;

(3) Proof of insurance; and

(4) Confirmation that financial assurance remains active and in effect.
(Ord. 250, passed 8-25-2025)

§ 159.12 DECISION MAKING AND RECORDKEEPING.

(A) The Planning Commission and/or City Council shall issue a written decision with findings of fact based on the submission of a complete application under the standards and conditions identified in §§ 159.08 and 159.10 of this chapter. Any denial shall reference specific standards and/or conditions not met and cite supporting evidence in the record.

(B) For any facility requiring Planning Commission approval, the city shall provide mailed and posted notice to property owners within 300 feet of the proposed site, and shall allow public comment at the relevant meeting.
(Ord. 250, passed 8-25-2025)

§ 159.13 APPEALS.

Any person aggrieved by a decision under this chapter may appeal to the City Council within 30 days of the decision. Appeals shall be governed by the city ordinance and state law.
(Ord. 250, passed 8-25-2025)

§ 159.14 TOWER REMOVAL DUE TO SAFETY, LEGAL VIOLATIONS OR ABANDONMENT.

A facility shall be deemed abandoned if no antennas have been in regular use for transmission or reception for 12 consecutive months, as confirmed by site inspection or lack of service records from the operator.

(A) *Removal requirements for abandoned towers.* Communication towers that are inactive or non-operational for 12 consecutive months shall be considered abandoned. The property owner or lessee shall remove the tower within 90 days of receiving written notice from the city.

(B) *Removal of unsafe or unlawful towers.*

(1) If a communication tower is determined by the Building Inspector to be structurally unsafe, poses an immediate danger or has been installed or maintained in violation of this chapter or other applicable laws, the following steps shall apply.

(a) *Immediate danger*. The owner or operator must remove the tower immediately upon written notice.

(b) *Non-emergency violations*. If the tower is unlawful or non-compliant, but does not pose an immediate danger, the owner must either:

1. Bring the tower into full compliance within seven days of written notice; or

2. Remove the tower within the same seven-day period.

(2) If the owner fails to comply within the designated timeframe, the city may remove the tower at the owner's expense. The city may place a lien on the property to recover all associated costs. If the charges are not paid within 30 days of billing, the lien shall be enforceable as a tax lien, pursuant to applicable state law.

(C) *Removal standards*. All communication towers removed under this section shall be taken down to the top of the footing and the site shall be restored to a clean and safe condition.

(D) *Financial assurance requirement*. As a condition of approval, all applicants shall provide financial assurance - such as a performance bond, escrow account or irrevocable letter of credit - in an amount sufficient to fully cover the cost of tower removal and site restoration. This financial instrument must remain in effect for the duration of the tower's presence on the property.
(Ord. 250, passed 8-25-2025)

§ 159.15 HOLD HARMLESS AND INSURANCE REQUIREMENTS.

Each applicant shall execute a hold harmless agreement with the city and provide proof of general liability insurance of no less than $2,000,000 per occurrence.
(Ord. 250, passed 8-25-2025)

§ 159.99 PENALTY.

(A) Violations of this chapter may be enforced through § 10.99 of this code of ordinances and/or as a municipal civil infraction pursuant to applicable law.

(B) The city may take any of the following enforcement actions, as appropriate to the nature and severity of the violation.

(1) *Civil infractions*. Violations may be prosecuted as municipal civil infractions, subject to the general penalty provisions of the city's Civil Infraction Ordinance. Civil fines, costs and other sanctions may be imposed in accordance with state law and the city code.

(2) *Misdemeanor enforcement under § 10.99 of this code of ordinances*. In cases where the violation is deemed willful, repeated or presents a serious risk to public health, safety or welfare, the city may pursue enforcement under § 10.99 of this code of ordinances, which may include misdemeanor penalties, fines or imprisonment as authorized.

(3) *Administrative actions*. The city may also take administrative actions, including, but not limited to:

(a) Revocation or suspension of permits;

(b) Issuance of stop work orders or cease and desist directives; and

(c) Withholding of future approvals until the violation is corrected.

(4) *Judicial remedies*. The city may seek injunctive relief or other appropriate remedies through the courts to compel compliance or prevent ongoing violations.

(C) Each day a violation continues shall constitute a separate and distinct offense.
(Ord. 250, passed 8-25-2025)

PARALLEL REFERENCES

References to Michigan Compiled Laws Annotated
References to Prior Code
References to Ordinances

REFERENCES TO MICHIGAN COMPILED LAWS ANNOTATED

M.C.L.A. Cites	*Code Section*
15.231 et seq.	159.09
15.231 to 15.246	116.04; 116.16
15.243(1)(g)	159.09
29.1	97.02
54.211	156.05
117.1 et seq.	151.50
117.3(k)	10.20
125.651 et seq.	31.16
125.1501 et seq.	151.01
125.1501 through 125.1531	151.02
125.2301 et seq.	153.02; 158.003
125.3101 et seq.	150.61; 158.330; 158.333; 158.335
125.3204	118.05
125.3204(5)	118.02
125.3606(3)	158.337
125.3801 et seq.	31.17; 158.330
141.91	118.03
141.101 through 141.138	50.27; 50.28
247.61 et seq.	91.04
247.62	91.04
247.651 et seq.	116.13; 157.04
247.659	72.45
256.531	Ch. 115
256.532	Ch. 115
257.55	72.28
257.74	153.01
257.75	71.01
257.217	Ch. 115
257.252a through 257.252f	71.46
257.301 et seq.	72.45
257.608	71.01
257.721	Ch. 115
257.923	153.01
257.951 through 257.954	70.01
324.8201 et seq.	72.26

M.C.L.A. Cites	*Code Section*
324.11501 et seq.	91.02
324.11505	91.02
324.81101 et seq.	72.46
324.81133(1)(f)	72.48
333.7104	158.172
333.7105	111.04
333.7106	158.172
333.17001 through 333.17084	158.172
333.17501 through 333.17556	158.172
333.26421 et seq.	112.03; 158.172
333.26425	158.172
333.27102 et seq.	112.03
333.27951 et seq.	112.03
333.27954(1)(e)	112.03
333.27954(2)(b)	112.03
436.1105	111.01; 111.04
436.1109	111.01; 111.04
484.2102	116.03
484.2251	116.04
484.3101 et seq.	116.01; 116.03; 116.04
484.3103	116.03
484.3104(2)	116.15
484.3104(3)	116.07
484.3105(1)	116.04
484.3105(3)	116.04
484.3105(4)	116.04
484.3106	116.05
484.3106(1)	116.04
484.3106(2)	116.04
484.3106(5)	116.04
484.3106(6)	116.05
484.3106(7)	116.08
484.3106(8)	116.08
484.3108	116.10; 116.11; 116.12
484.3109(4)	116.13
484.3110(5)	116.14
484.3113(1)	116.11
484.3113(4)	116.11
484.3113(6)	116.15
484.3115	116.05

M.C.L.A. Cites	*Code Section*
484.3115(2)	116.17
484.3115(3)	116.05
484.3115(4)	116.05
484.3115(5)	116.09; 116.12
500.3114	Ch. 115
560.101 through 560.293	157.04
560.101 et seq.	156.02
560.108	156.03
560.109	156.03
560.111 through 560.120	157.22
560.120	157.22
560.125	157.23
560.126	157.23
560.131 through 560.151	157.23
560.162 through 560.173	157.23
560.181 through 560.186	157.23
600.101 et seq.	10.36
600.8301	118.13
600.8701 et seq.	10.36
600.8705	10.38
600.8395	71.30
712A.2	130.03

REFERENCES TO PRIOR CODE

Prior Code	*2026 Code*
10.01	10.01
10.02	10.02
10.03	10.03
10.04	10.04
10.05	10.05
10.06	10.06
10.07	10.07
10.08	10.08
10.09	10.09
10.10	10.10
10.11	10.11
10.12	10.12
10.13	10.13
10.14	10.14
10.15	10.15
10.16	10.16
10.17	10.17
10.18	31.10
10.19	10.19
10.20	10.20
10.21	10.21
10.22	10.22
10.99	10.99
31.01	30.01
31.02	30.02
31.03	30.03
31.15	30.15
32.01	31.01
32.02	31.02
32.15	31.15
32.25	31.16
32.26	31.16

Prior Code	*2026 Code*
32.27	31.16
32.28	31.16
32.40	31.17
32.41	31.17
32.42	31.17
32.43	31.17
32.44	31.17
32.45	31.17
32.46	31.17
32.47	31.17
35.01	33.01
35.02	33.02
35.03	33.03
35.04	33.04
35.05	33.05
34.01	34.01
34.02	34.02
50.01	51.01
50.02	51.02
50.15	51.15
50.16	51.16
50.17	51.17
50.18	51.18
50.19	51.19
50.20	51.20

Prior Code	*2026 Code*
50.21	51.21
50.22	51.22
50.23	51.23
50.24	51.24
50.25	51.25
50.26	51.26
50.27	51.27
50.28	51.28
50.29	51.29
50.30	51.30
50.31	51.31
50.40	50.45
50.41	50.46
50.42	50.47
50.43	50.48
50.44	50.49
50.45	50.50
51.01	35.01
51.02	35.02
51.03	35.03
51.04	35.04
51.05	35.05
51.06	35.06
51.07	35.07
51.08	35.08
51.09	35.09
51.10	35.10
51.11	35.11
51.12	35.12
51.13	35.13
51.14	35.14
51.15	35.15
51.16	35.16
51.17	35.17
51.18	35.18
51.19	35.19
51.20	35.20
51.21	35.21
51.22	35.22

Prior Code	*2026 Code*
51.23	35.23
51.35	51.45
51.36	51.46
51.37	51.47
51.38	51.48
51.99	51.99
52.01	52.01
52.02	52.02
52.03	52.03
52.04	52.04
52.05	52.05
52.06	52.06
52.07	52.07
52.08	52.08
52.65	52.09
52.66	52.09
52.67	52.09
52.68	52.09
52.20	52.20
52.21	52.21
52.22	52.22
52.23	52.23
52.35	52.35
52.36	52.36
52.37	52.37
52.38	52.38
52.39	52.39
52.50	52.50
52.51	52.51
52.52	52.52
52.53	52.53
52.54	52.54
52.55	52.55
53.01	53.01
53.02	53.02
53.03	53.03
53.15	53.04
53.16	53.05; 53.99
53.30	53.06

Prior Code	*2026 Code*
53.31	53.07
53.45	53.20
53.46	53.21
53.47	53.22
53.48	53.23
53.49	53.24
53.50	53.25
54.01	50.01
54.02	50.02
54.03	50.03
54.04	50.04
54.05	50.05
54.15	50.20
54.16	50.21
54.17	50.22
54.18	50.23
54.19	50.24
54.20	50.25
54.21	50.26
54.22	50.27
54.23	50.28
54.24	50.29
54.25	50.25
70.01	70.01
70.02	70.02
70.03	70.03
70.04	70.04
70.05	70.05
70.99	70.99
71.01	71.01
71.99	71.99
72.01	71.30
72.02	71.31
72.03	71.32
72.04	71.33
72.05	71.34
72.06	71.99
73.01	72.01
73.02	72.02

Prior Code	*2026 Code*
73.03	72.03
73.04	72.04
73.05	72.05
73.06	72.06
73.07	72.07
73.08	72.08
73.09	72.09
73.10	72.10
73.11	72.11
73.12	72.12
73.25	72.25
73.26	72.26
73.27	72.27
73.28	72.28
73.29	72.29
73.30	72.30
73.31	72.31
73.99	72.99
90.01	91.01
90.02	91.01
90.03	91.01
90.04	91.01
91.01	90.01
91.02	90.02
91.03	90.03
91.04	90.04
91.05	90.05
91.06	90.06
91.07	90.07
91.08	90.08
91.09	90.09
91.20	90.25
91.21	90.26
91.22	90.28
91.23	90.29
91.24	90.30
91.99	90.99
92.01	92.15
92.02	92.16

Prior Code	*2026 Code*
92.03	92.17
92.04	92.18
92.15	92.18
92.16	92.18
92.17	92.19
92.18	92.19
92.19	92.19
92.30	92.20
92.31	92.21
92.32	92.22
92.33	92.23
92.45	92.01
92.46	92.02
92.47	92.03
92.48	92.04
93.01	93.01
93.02	93.02
93.03	93.03
93.15	93.15
93.16	93.16
93.17	93.17
93.18	93.18
93.19	93.19
94.01	96.01
94.02	96.02
94.03	96.03
94.04	96.04
94.05	96.05
94.99	96.99
95.01	91.20
95.02	91.21
95.03	91.22
95.04	91.23
95.40	91.02
95.41	91.02
95.42	91.02
96.01	91.03
96.02	91.03
96.15	91.04

Prior Code	*2026 Code*
96.16	91.04
96.17	91.04
96.18	91.04
96.19	91.04
96.20	91.04
96.30	91.05
96.31	91.05
97.01	94.01
97.02	94.02
97.03	94.03
97.04	94.04
97.05	94.05
97.06	94.06
97.07	94.07
98.01	154.01
98.02	154.01
98.03	154.02
98.04	154.03
98.05	154.04
98.75	154.05
98.76	154.05
98.77	154.05
98.78	154.05
98.20	154.20
98.21	154.21
98.22	154.22
98.23	154.23
98.24	154.24
98.25	154.25
98.26	154.26
98.27	154.27
98.28	154.28
98.29	154.29
98.30	154.30
98.40	154.45
98.41	154.46
98.42	154.47
98.43	154.48
98.44	154.49

Prior Code	*2026 Code*
98.55	154.60
98.56	154.61
98.57	154.62
98.58	154.63
98.59	154.64
98.60	154.65
98.61	154.66
98.62	154.67
98.90	150.20
98.91	150.21
98.92	150.22
98.93	150.23
98.99	150.99; 154.99
99.01	99.01
99.02	117.02
99.03	117.03
99.04	117.04
99.05	117.05
99.06	117.06
99.07	117.07
99.08	117.08
99.09	117.09
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99.14	117.14
99.15	117.15
99.16	117.16
99.17	117.17
110.01	110.01
110.02	110.02
110.03	110.03
110.04	110.04
110.05	110.05
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110.07	110.07
110.08	110.08

Prior Code	*2026 Code*
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110.10	110.10
110.11	110.11
110.12	110.12
110.13	110.13
110.14	110.14
110.15	110.15
110.16	110.16
110.17	110.17
110.18	110.18
111.01	111.01
111.02	111.02
111.03	111.02
111.04	111.03
111.15	111.04
111.16	111.04
111.99	111.99
112.01	112.01
112.02	112.01
112.03	112.01
112.15	112.02
112.16	112.02
112.17	112.02
113.01	113.01
113.02	113.02
113.03	113.03
113.04	113.04
113.05	113.05
113.06	113.06
113.07	113.07
113.08	113.08
113.09	113.09
113.10	113.10
114.01	114.01
114.02	114.02
114.03	114.03
114.15	114.15
114.16	114.16
114.17	114.17

Prior Code	*2026 Code*
114.18	114.18
114.19	114.19
114.20	114.20
114.21	114.21
114.35	114.35
114.36	114.36
114.37	114.37
114.38	114.38
114.39	114.39
115.01	115.15
115.02	115.16
115.15	115.17
115.16	115.18
115.17	115.19
115.18	115.20
115.30	115.21
115.31	115.21
115.45	115.22
115.46	115.23
116.01	115.01
130.01	130.01
130.02	130.02
130.03	130.03
130.04	130.04
130.05	130.05
150.01	151.01
150.02	151.02
150.15	151.15
150.16	151.16
150.17	151.17
150.18	151.18
150.19	151.19
150.20	151.20
150.21	151.21
150.22	151.22
150.23	151.23
150.35	151.35
150.36	151.36

Prior Code	*2026 Code*
150.37	151.37
150.38	151.38
150.39	151.39
150.50	150.01
150.51	150.02
150.52	150.03
150.53	150.04
150.54	150.05
151.01	152.01
151.02	152.02
151.03	152.03
151.04	152.04
151.15	152.05
151.16	152.06
151.30	152.07
151.31	152.08
151.32	152.09
151.33	152.10
151.34	152.11
151.45	152.25
151.46	152.26
151.47	152.27
151.48	152.27
151.49	152.27
151.50	152.28
151.51	152.29
151.65	152.40
151.66	152.41
151.67	152.42
151.68	152.42
151.69	152.43
151.70	152.44
151.80	152.55
151.81	152.56
151.82	152.57
151.83	152.58
151.84	152.59
151.85	152.60

Prior Code	*2026 Code*
151.86	152.61
151.87	152.62
151.88	152.63
151.89	152.64
152.01	153.01
152.02	153.02
152.03	153.03
152.04	153.04
153.01	155.01
153.02	155.02
153.03	155.03
153.15	155.04
153.16	155.05
153.17	155.06
156.01	156.01
156.02	156.02
156.03	156.03
156.04	156.04
156.05	156.05
156.06	156.06
156.07	156.07
156.08	156.08
156.99	156.99
154.01	157.01
154.02	157.02
154.03	157.03
154.04	157.04
154.05	157.05
154.15	157.20
154.16	157.21
154.17	157.22
154.18	157.23
154.30	157.35
154.31	157.36
154.99	157.99
155.001	158.001
155.002	158.002
155.003	158.003
155.004	158.004

Prior Code	*2026 Code*
155.005	158.005
155.015	158.020
155.016	158.021
155.017	158.022
155.018	158.023
155.030	158.035
155.031	158.036
155.032	158.037
155.045	158.050
155.046	158.051
155.047	158.052
155.048	158.053
155.049	158.054
155.050	158.055
155.060	158.070
155.061	158.071
155.062	158.072
155.075	158.085
155.076	158.086
155.077	158.087
155.078	158.088
155.090	158.100
155.091	158.101
155.092	158.102
155.093	158.103
155.094	158.104
155.105	158.115
155.106	158.116
155.107	158.117
155.120	158.130
155.121	158.131
155.122	158.132
155.123	158.133
155.124	158.134
155.125	158.135
155.125	158.136
155.127	158.137
155.128	158.138
155.129	158.139

Prior Code	*2026 Code*
155.130	158.140
155.131	158.141
155.132	158.142
155.133	158.143
155.134	158.144
155.145	158.155
155.146	158.156
155.147	158.157
155.148	158.158
155.160	158.190
155.161	158.191
155.162	158.192
155.163	158.193
155.175	158.205
155.176	158.206
155.177	158.207
158.178	158.208
155.179	158.209
155.180	158.210
155.181	158.211
155.195	158.225
155.196	158.226
155.197	158.227
155.198	158.228
155.210	158.240
155.211	158.241
155.212	158.242
155.213	158.243
155.214	158.244
155.215	158.245
155.216	158.246
155.230	158.260
155.231	158.261
155.232	158.262
155.233	158.263
155.234	158.265
155.245	158.280
155.246	158.281

Prior Code	*2026 Code*
155.247	158.282
155.248	158.283
155.249	158.284
155.250	158.285
155.251	158.286
155.252	158.287
155.253	158.288
155.254	158.289
155.255	158.290
155.256	158.291
155.257	158.292
155.258	158.293
155.259	158.294
155.260	158.295
155.261	158.296
155.262	158.297
155.275	158.315
155.276	158.316
155.277	158.317
155.278	158.318
155.290	158.330
158.291	158.331
155.292	158.332
155.293	158.333
155.294	158.334
155.295	158.335
155.296	158.336

REFERENCES TO ORDINANCES

Ord. No.	*Date Passed*	*Code Section*
173	- -	34.36
-	12-15-1975	72.25—72.31; 72.99
-	2-14-1977	157.01—157.05; 157.20—157.23; 157.35; 157.36; 157.99
-	6-26-1978	50.20—50.28
-	1-14-1980	154.05
-	2-25-1980	90.08; 90.99
-	3-14-1983	91.01
-	6-11-1984	114.03
-	8-12-1985	91.04
133	7-29-1986	155.01—155.06
134	3-23-1987	111.04; 111.99
-	4-27-1987	50.25
-	1-11-1988	50.20—50.28
133-A	2-22-1988	155.04
138	12-12-1988	51.45—51.48; 51.99
140	3-13-1989	90.09
141	6-12-1989	91.20—91.23
144	10-23-1989	71.01; 71.99
-	8-27-1990	158.001—158.005; 158.020—158.023; 158.035—158.037; 158.050—158.055; 158.070—158.072; 158.085—158.088; 158.100—158.104; 158.115—158.117; 158.130—158.144; 158.155—158.158; 158.190—158.193; 158.205—158.211; 158.225—158.228; 158.240—158.246; 158.260—158.263; 158.265; 158.280—158.297; 158.315—158.318; 158.330—158.336; 158.999
-	2-1-1991	50.25
152	4-27-1992	151.02
151	11-9-1992	50.45—50.50; 52.08
159	- -1993	114.16

Ord. No.	*Date Passed*	*Code Section*
150	1-5-1993	114.16
156	9-13-1993	99.01; 117.02—117.17
159	5-23-1994	114.16
161	7-25-1994	51.45; 51.99
163	2-13-1995	91.02
167	10-27-1997	156.01—156.08; 156.99
169	7-13-1998	158.330
174	9-11-2000	158.071
175	10-23-2000	158.022
181	10-28-2002	116.01—116.18; 116.99
186	6-14-2004	97.01—97.05
185	6-25-2004	34.35
188	6-28-2004	90.01
198	11-24-2008	72.45—72.49; 72.99
199	1-12-2009	90.05
201	11-9-2009	50.29
203	10-11-2010	10.99; 91.03; 91.23
205	4-11-2011	158.172; 158.999
211	8-13-2012	91.21; 91.23
214	11-11-2013	90.06; 90.10; 90.11
215	1-27-2014	130.01
219	10-12-2015	95.01—95.03; 95.99
221	4-10-2017	10.35—10.43
222	4-10-2017	158.330
225	12-10-2018	50.29
226	1-28-2019	112.03; 112.99
2019-227	4-8-2019	158.171
229	11-11-2019	158.337
230	11-11-2019	71.15; 71.99
232	11-11-2019	31.17
231	11-25-2019	150.35—150.45; 150.99
234	5-26-2020	34.15—34.22
236	12-28-2020	150.60—150.65; 150.99
239	3-28-2021	151.50; 151.51
237	5-24-2021	158.261; 158.264
240	3-28-2022	90.25—90.31; 90.99
247	12-23-2024	10.43
246	1-13-2025	53.05; 53.99

Ord. No.	*Date Passed*	*Code Section*
248	1-27-2025	158.003; 158.036; 158.037; 158.086—158.088; 158.170; 158.208
250	8-25-2025	159.01—159.15; 159.99
251	12-22-2025	118.01—118.14; 118.99
252	2-9-2026	Adopting Ordinance
253	2-9-2026	10.20; 10.23; 11.01—11.04; 30.02; 30.16; 31.15; 34.18; 34.20; 34.21; 50.23—50.25; 50.27; 50.28; 50.30; 50.47; 51.01; 51.02; 51.15; 51.16; 51.18—51.23; 51.27—51.31; 51.45—51.48; 51.99; 52.08; 53.24; 71.45; 71.46; 72.03; 72.05; 72.11; 91.23; 96.01—96.05; 96.99; 110.09; 110.12; 110.18; 114.16; 116.04; 116.16; 118.07; 130.01; 150.21; 151.02; 151.50; 154.22; 154.47; 154.61; 158.331; 158.332
254	2-9-2026	158.003; 158.330; 158.333; 158.335
255	2-9-2026	118.15

INDEX

INDEX

ABANDONED PROPERTY
- Abandoned and junked vehicles, 91.01
- Abandoned refrigerators, 130.04

ADDRESS NUMBERING
- Building permits and certificates of occupancy, 150.42
- Buildings under construction, 150.43
- Definitions, 150.38
- Penalty, 150.99
- Placement, 150.39
- Purpose, 150.36
- Relationship to Zoning Ordinance, 150.45
- Scope, 150.37
- Size, 150.40
- Time for compliance, 150.44
- Title, 150.35
- Visibility, 150.41

ADMINISTRATIVE MANUAL, 31.02

ALCOHOLIC BEVERAGES
- Definitions, 111.01
- Open house parties, 111.04
- Penalty, 111.99
- Possession in motor vehicle, 111.03
- Sales to, purchases by minors, 111.02

ALL-NIGHT PARKING, 71.15

AMUSEMENTS AND LEISURE
- Library
  - Construction of additional buildings, 93.03
  - Maintenance; library funds, 93.02
  - Use of library, 93.01

AMUSEMENTS AND LEISURE (Cont'd)
Marijuana businesses, 112.03
Penalty, 112.99
Teenage centers, 112.02
Traveling shows, 112.01

ANIMAL CONTROL
Baiting animals, 90.09
Birds and bird nests, 90.07
Cruelty to animals, 90.03
Dogs and Other Animals
Cruelty, mistreatment of animals, 90.31
Definitions, 90.25
Dogs running at large, 90.26
License required; license to be worn, 90.30
Rabies prevention, 90.29
Seizure, impoundment; procedure, 90.28
Vicious dogs prohibited, 90.27
Exemptions, 90.10
Exotic animals, 90.11
Goats and swine, 90.05
Grazing animals, 90.06
Keeping animals; running at large, 90.01
Penalty, 90.99
Poisoning animals, 90.04
Registration of animals, 90.02
Trapping animals, 90.08

BEER, see ALCOHOLIC BEVERAGES

BICYCLES
Application for registration, 72.03
Application of traffic regulations, 72.01
Bicycle impoundment, 72.11
Enforcement, 72.12
Inspection of bicycles required, 72.07
Issuance of registration, 72.04
Ownership; transfer, 72.06
Parking, 72.08
Penalty, 72.99

BICYCLES (Cont'd)
Registration required, 72.02
Registration tag, 72.05
Responsibility of parents or guardians, 72.10
Riding on sidewalks, 72.09

BID REJECTION, 34.02

BIRDS, see ANIMAL CONTROL

BLIGHT PREVENTION AND ELIMINATION
Causes of blight; conditions, 91.21
Definitions, 91.20
Enforcement; abatement, 91.23
Refuse and litter; depositing, 91.22

BUILDING REGULATIONS; CONSTRUCTION
Address Numbering
Building permits and certificates of occupancy, 150.42
Buildings under construction, 150.43
Definitions, 150.38
Placement, 150.39
Purpose, 150.36
Relationship to Zoning Ordinance, 150.45
Scope, 150.37
Size, 150.40
Time for compliance, 150.44
Title, 150.35
Visibility, 150.41
Dangerous Buildings
Definition, 150.02
Hearing, 150.04
Judicial review, 150.05
Maintaining dangerous building prohibited, 150.01
Notice; contents; Hearing Officer, 150.03
House Moving
Application; fees and deposits, 150.21
Insurance, 150.23
Permit required, 150.20
Warning lights required, 150.22

BUILDING REGULATIONS; CONSTRUCTION (Cont'd)
Penalty, 150.99
Storage and Shipping Containers
Authority, 150.61
Authorized enforcement personnel, 150.65
Definitions, 150.63
Regulations and restrictions, 150.64
Scope, 150.62
Title and purpose, 150.60

BUILDING SEWERS AND CONNECTIONS
Connection permit required; permit fee, 52.35
Costs/expenses of installation, connection of building sewer; indemnification, 52.36
Inspection of connection to public sewer, 52.38
Plans and specifications, 52.37
Responsibility of owner to bear cost of repairs, maintenance and replacement, 52.39

BUSINESS LICENSING
Approval of application; issuance, 110.10
Bonds; insurance, 110.09
Conditions for issuance, 110.07
Definition, 110.01
Display of invalid license, 110.14
Exemptions, 110.17
Individual licenses required for multiple businesses, 110.03
License application, 110.05
License duration; proration, 110.06
License exhibition, 110.13
License from city required for state-licensed businesses, 110.04
License renewal; late renewals and fees, 110.12
License required, 110.02
License transference; automatic revocation upon misuse, 110.15
Payment of fees, 110.11
Schedule established; fees, 110.18
Suspension or revocation, 110.16
Where certification required, 110.08

C-1 NEIGHBORHOOD COMMERCIAL DISTRICT
Dimensional requirements, 158.072
Permitted uses, 158.071
Purpose, 158.070

C-2 DOWNTOWN/HIGHWAY COMMERCIAL DISTRICT
Dimensional requirements, 158.088
Permitted uses, 158.086
Permitted uses with conditional use permit, 158.087
Purpose, 158.085

CABLE TELEVISION
Additional hearings, 117.15
Additional powers, 117.16
Definitions, 117.01
Failure to comply; remedies, 117.17
Failure to give notice, 117.14
Filing; additional information; burden of proof, 117.04
Proprietary information, 117.05
Public notice; hearing on basic rates following tolling of 30-day deadline, 117.08
Public notice; initial review of rates, 117.06
Purpose; interpretation, 117.02
Rate decisions and orders, 117.10
Rate regulations promulgated by FCC, 117.03
Refunds; notice, 117.11
Rules and regulations, 117.13
Staff or consultant report; written response, 117.09
Tolling order, 117.07
Written decisions; public notice, 117.12

CATS, see ANIMAL CONTROL

CEMETERIES
Cemetery Board; rules and regulations, 92.01
Funds and accounts, 92.04
Operation and Conduct
Burying ground; vacation, 92.17
Hours of operation, 92.20
Interment rules, 92.19
Lot decorations, 92.22
Lots to be exempt, 92.15
Mausoleum use, 92.18
Prohibited acts, 92.21
Property damage; city's financial responsibility, 92.16
Traffic control, 92.23
Record of ownership, 92.03
Supervision of cemetery, 92.02

CITY COUNCIL, see GOVERNING BODY AND OFFICIALS

CITY MANAGER, 30.15

CIVIL DEFENSE
City officials; powers and duties, 33.02
Civil Defense and Disaster Control Plan, 33.03
Definitions, 33.01
Suspension of conflicting ordinances, orders, rules and regulations, 33.04
Violation of regulations, 33.05

CODE CONSTRUCTION; GENERAL PENALTY
Application to future ordinances, 10.03
Approval of legal documents, 10.21
Captions, 10.04
Code maintenance and updating, 10.23
Contents of code, 10.19
Definitions, 10.05
Effective date of ordinances, 10.15
Errors and omissions, 10.10
General penalty, 10.99
Interpretation, 10.02

CODE CONSTRUCTION; GENERAL PENALTY (Cont'd)
Municipal Infractions
Applicability, 10.42
Authorized persons; civil infraction tickets, 10.41
Citations; contents, 10.39
Citations; issuance and service, 10.38
Definitions, 10.36
Infraction action; commencement, 10.37
Ordinances/provisions to be enforced, 10.43
Schedule of civil fines, costs, 10.40
Title, 10.35
Notification procedure, 10.22
Official time, 10.11
Ordinances repealed, 10.13
Ordinances unaffected, 10.14
Ordinances which amend or supplement code; publication and distribution of amendments, 10.17
Publication and distribution of code, 10.20
Reasonable time, 10.12
Reference to offices, 10.09
Reference to other sections, 10.08
Repeal or modification of ordinance, 10.16
Rules of interpretation, 10.06
Section histories; statutory references, 10.18
Severability, 10.07
Title of code, 10.01

CONSTRUCTION CODE
Agency designated, 151.02
State Code enforcement, 151.01

CONSTRUCTION GENERALLY, see BUILDING REGULATIONS; CONSTRUCTION

CRUELTY TO ANIMALS, 90.03

CURFEW FOR MINORS, 130.02

DANGEROUS BUILDINGS
Definition, 150.02
Hearing, 150.04
Judicial review, 150.05
Maintaining dangerous building prohibited, 150.01

DANGEROUS BUILDINGS (Cont'd)
Notice; contents; Hearing Officer, 150.03
Penalty, 150.99

DELINQUENCY OF MINOR, 130.03

DISORDERLY CONDUCT, 130.01

DOGS, see ANIMAL CONTROL

DWELLING UNITS AND HOUSING
Administration and Enforcement
Amendments, 152.60
Certificate for occupancy, 152.62
Denial of permits and licenses, 152.59
Emergency action, 152.56
Hearings, 152.58
Inspection authorized, 152.55
Liens, 152.61
Service of notice and orders, 152.57
Summary eviction, 152.64
Unlawful occupation; collection of rent non-recoverable, 152.63
Application of provisions, 152.02
Compliance with certain provisions required, 152.05
Condemnation Procedure
Determination if dwelling should be condemned, 152.40
Order to demolish, 152.44
Placard removal, 152.43
Placarding, 152.41
Vacation of dwelling; non-compliance, 152.42
Definitions, 152.03
Extermination of pests, 152.11
Keeping of animals or fowl prohibited, 152.06
Plumbing and other supplied facilities, 152.10
Purpose, 152.01
Rooming Houses
Compliance with provisions, 152.25
Hotels and motels; application of provisions, 152.29
Inspections, 152.26
Minimum basic facilities, supplies and space, 152.27
Responsibility for maintenance, 152.28

DWELLING UNITS AND HOUSING (Cont'd)
Rubbish and garbage disposal, 152.08
Sanitation of public areas and dwelling units, 152.07
Screens and storms, 152.09
Temporary dwellings, 152.04

ELECTRICAL CODE
Administration and enforcement, 151.16
Electrical standards, 151.20
Inspections; fee, 151.23
Licenses required, 151.18
Permit for electrical work; fees, 151.21
Requirements for electrical permits; plans and specifications, 151.22
Scope, 151.17
Short title, 151.15
Use of licensee's name by another, 151.19

ELECTRICAL INTERFERENCE WITH RADIO, TELEVISION RECEPTION, 130.05

EMERGENCY PREPAREDNESS, see CIVIL DEFENSE

ERRORS IN CODE, 10.10

EXCAVATIONS AND STREET OPENINGS
Backfilling, 154.25
Barricades and warning lights required, 154.29
Curb cuts, 154.28
Damage or obstruction during excavation prohibited, 154.21
Definitions, 154.20
Emergency openings, 154.24
Maintenance of installations in streets, 154.27
Permits and bonds, 154.22
Shoring excavations, 154.30
Street openings, 154.23
Utility poles, 154.26

EXOTIC ANIMALS, see ANIMAL CONTROL

FAIR HOUSING
Declaration of policy, 95.01
Definitions, 95.02
Penalty, 95.99
Prohibited acts, 95.03

FEE SCHEDULE AUTHORITY
Conflicts, 11.04
Establishment of fee schedule, 11.01
Incorporation by reference, 11.02
Periodic review, 11.03

FENCES AND OBSCURING WALLS
Building permit required, 158.260
Maintenance and repair; nuisance, 158.265
Openings and construction requirements, 158.262
Placement and height, 158.261
Position of finished side, 158.263
Swimming pools; required fencing and enclosures, 158.264

FINANCE AND REVENUE
Bid rejection, 34.02
Payment of moneys, 34.01

FIRE DEPARTMENT COST RECOVERY
Appeal procedure, 34.22
Billing and collection of cost, 34.21
Cost recovery charges, 34.18
Definitions, 34.17
Determination, 34.20
Exemptions, 34.19
Purpose, 34.16
Title, 34.15

FIRE HYDRANTS, see WATER

FORESTS
Definitions, 155.03
Disposition of income, 155.06
Forestry Commission; powers and duties, 155.04
Purpose, 155.02
Reports, 155.05
Statutory authorization, 155.01

GARBAGE AND RUBBISH
Definitions, 51.01
Non-compliance with rules, 51.02
Penalty, 51.99

GARBAGE AND RUBBISH (Cont'd)
Solid Waste; Collection and Delivery
Definitions, 51.45
Delivery of solid waste; tipping fee, 51.47
Determination of necessity, 51.46
Remedies, 51.48
Storage, Collection and Disposal
Accumulation of refuse, 51.19
Additional refuse preparation requirements, 51.21
City collection services confirmed and established, 51.15
Collection service, 51.24
Commercial and industrial users, 51.28
Conditions for service, 51.22
Definitions, 51.17
Disposal of refuse; prohibited in parks, 51.18
Dumpster rates, 51.31
Methods of collection, 51.29
Nuisances, 51.27
Rates and charges, 51.25
Refuse containers, 51.20
Removal of scattered refuse and unacceptable materials, 51.23
Rules for commercial and/or industrial rates, 51.30
Scope of service, 51.16
Separation of recyclable materials, 51.26

GENERAL PENALTY, 10.99

GOATS, see ANIMAL CONTROL

GOVERNING BODY AND OFFICIALS
City Manager, 30.15
Department heads, 30.01
Deputy City Manager, 30.16
Security bonds, 30.02
Vacancies, 30.03

GRAZING ANIMALS, 90.06

HAZARDOUS MATERIALS
Charge against person; cost recovery schedule; billing, 97.05
Definitions, 97.02
Duty to remove, clean up; failure, 97.03
Liability for expense, 97.04
Purpose, 97.01

HEALTH, SAFETY AND SANITATION; NUISANCES
Abandoned and junked vehicles, 91.01
Blight Prevention and Elimination
Causes of blight; conditions, 91.21
Definitions, 91.20
Enforcement; abatement, 91.23
Refuse and litter; depositing, 91.22
Noise control, 91.05
Nuisances; prohibited; enumeration, 91.03
Weeds and other noxious growths, 91.04
Yard clippings, 91.02

HOME OCCUPATIONS
Performance standards, 158.156
Permitted home occupations, 158.157
Prohibited home occupations, 158.158
Purpose, 158.155

HOTELS, see ROOMING HOUSES

HOUSE MOVING
Application; fees and deposits, 150.21
Insurance, 150.23
Penalty, 150.99
Permit required, 150.20
Warning lights required, 150.22

HOUSING COMMISSION, 31.16

HOUSING DISCRIMINATION
Declaration of policy, 95.01
Definitions, 95.02
Penalty, 95.99
Prohibited acts, 95.03

HOUSING GENERALLY, see DWELLING UNITS AND HOUSING

HYDRANTS, see WATER

I INDUSTRIAL DISTRICTS
Permitted uses, 158.101
Permitted uses by conditional use permit, 158.102
Prohibited uses, 158.103
Purpose, 158.100
Requirement specifications, 158.104

ICE AND SNOW REMOVAL, see STREETS, SIDEWALKS AND PUBLIC PROPERTY

INDUSTRIAL WASTE, see SEWERS

INFRACTIONS
Applicability, 10.42
Authorized persons; civil infraction tickets, 10.41
Citations; contents, 10.39
Citations; issuance and service, 10.38
Definitions, 10.36
Infraction action; commencement, 10.37
Ordinances/provisions to be enforced, 10.43
Schedule of civil fines, costs, 10.40
Title, 10.35

INTERNATIONAL FIRE CODE
Appeals, 96.05
Code adopted by reference, 96.01
Definition, 96.03
Enforcing authority, 96.02
Modifications, 96.04
Penalty, 96.99

INTERNATIONAL PROPERTY MAINTENANCE CODE
Adoption of Code by reference, 151.50
Changes and modifications, 151.51

JUNK DEALERS
Condition as nuisance, 113.02
Definition, 113.01
License application, 113.04
License fees; conditions, 113.05
License required, 113.03
Neighbor’s consent required for approval of location, 113.06

JUNK DEALERS (Cont'd)
Operation standards, 113.07
Property to be enclosed by fence, 113.08
Purchase restrictions, 113.09
Records to be kept, 113.10

LAND DIVISION
Application for land division approval, 156.05
Consequences of non-compliance with land division approval requirement, 156.08
Definitions, 156.03
Penalty, 156.99
Prior approval requirement for land division, 156.04
Procedure for review of applications for land division approval, 156.06
Purpose, 156.02
Standards for approval of land divisions, 156.07
Title, 156.01

LAW ENFORCEMENT SERVICES, 31.15

LIBRARY
Construction of additional buildings, 93.03
Library Board
Annual budget, 93.19
Establishment; Directors, 93.15
Officers, 93.16
Powers and duties, 93.17
Records to be kept, 93.18
Maintenance; library funds, 93.02
Use of library, 93.01

LIQUOR, see ALCOHOLIC BEVERAGES

LITTERING, see BLIGHT PREVENTION AND ELIMINATION

LIVESTOCK, see ANIMAL CONTROL

LOADING-UNLOADING SPACES
Access to truck standing; loading and unloading space, 158.227
Additional area to parking space, 158.228
Purpose, 158.225
Storage of refuse, 158.226

MANAGER OF CITY, 30.15

MARIJUANA ESTABLISHMENTS
Marijuana businesses, 112.03
Medical marijuana establishments, 158.172
Recreational marijuana establishments, 158.171

MEDICAL MARIJUANA, see MARIJUANA ESTABLISHMENTS

METROPOLITAN EXTENSION
Annual report, 116.14
Authorized city officials, 116.18
Compliance, 116.16
Conduit or utility poles, 116.07
Conflict, 116.02
Construction; engineering permit, 116.06
Definitions, 116.03
Enforcement powers, 116.17
Existing fee; modification, 116.11
Maintenance fee; establishment and payment, 116.10
Operators; existing rights, 116.15
Penalty, 116.99
Permit issuance, 116.05
Permit required, 116.04
Purpose, 116.01
Repair of damage, 116.09
Route maps, 116.08
Savings clause, 116.12
Use of funds, 116.13

MINORS
Contributing to the delinquency of minor, 130.03
Curfew for minors, 130.02

MOBILE HOMES AND HOME PARKS
Definitions, 153.01
Required conditions, 153.04
State law compliance, 153.02
Zoning area, 153.03

MOTELS, see ROOMING HOUSES

MOTOR VEHICLES, see TRAFFIC AND PARKING

MUNICIPAL INFRACTIONS
Applicability, 10.42
Authorized persons; civil infraction tickets, 10.41
Citations; contents, 10.39
Citations; issuance and service, 10.38
Definitions, 10.36
Infraction action; commencement, 10.37
Ordinances/provisions to be enforced, 10.43
Schedule of civil fines, costs, 10.40
Title, 10.35

NOISE CONTROL, 91.05

NOXIOUS GROWTHS AND WEEDS, 91.04

NUISANCES, see HEALTH, SAFETY AND SANITATION; NUISANCES

O OPEN AREA DISTRICT
Permitted uses by conditional use permit, 158.116
Purpose, 158.115
Signs, 158.117

OBSCURING WALLS AND FENCES
Building permit required, 158.260
Maintenance and repair; nuisance, 158.265
Openings and construction requirements, 158.262
Placement and height, 158.261
Position of finished side, 158.263
Swimming pools; required fencing and enclosures, 158.264

OFF-ROAD VEHICLES
Definitions, 72.45
Noise emission, 72.48
Notice of accident, 72.49
Penalty, 72.99
Statutory references included, 72.46
Use and operation generally, 72.47

OFF-STREET PARKING
Definition, 158.206
Design and construction requirements, 158.209
Increases in parking areas, 158.210
Joint use of parking areas, 158.211
Location of parking area, 158.208
Parking space requirements, 158.207
Purpose, 158.205

OFFICIAL TIME, 10.11

OMISSIONS IN CODE, 10.10

OPEN HOUSE PARTIES, 111.04

ORGANIZATIONS
Administrative Manual, 31.02
Compliance with regulations, 31.01
Housing Commission, 31.16
Law enforcement services, 31.15
Planning Commission, 31.17

PARKING AREAS, see OFF-STREET PARKING

PARKING VIOLATIONS BUREAU
Disposition of offenses, 71.33
Establishment, 71.30
Location; adoption of rules, 71.31
Notice of violation, 71.32
Violations procedure, 71.34

PEDDLERS AND SOLICITORS
Entering private premises; uninvited entry prohibited, 114.01
License required for vendors conducting business, 114.03
Peddlers and Vendors
Attracting attention of public by use of noise prohibited, 114.20
Certain areas prohibited for sale of merchandise, 114.19
Curb service prohibited, 114.18
Definition, 114.15
Exemptions, 114.21
Fixed stands prohibited, 114.17
License required, 114.16

PEDDLERS AND SOLICITORS (Cont'd)
Route salesperson; license required, 114.02
Solicitors
Definition, 114.35
Exemptions, 114.39
License application, 114.37
License fees, 114.38
License required, 114.36

PENALTY FOR CODE, 10.99

PLANNING COMMISSION, 31.17

PLATTING PROCEDURES, see SUBDIVISIONS

PLUMBING CODE
Adoption of State Plumbing Code and laws, 151.35
Expiration of permits, 151.39
Fees, 151.38
Plumbing Inspector, 151.37
Publication and distribution of Code, 151.36

POISONING ANIMALS, 90.04

PRIVATE SEWAGE DISPOSAL SYSTEM
Compliance with State and County Health Department, 52.21
Connecting building sewer to private sewage disposal system; compliance, 52.20
Connecting private sewage disposal system to public sewer, 52.23
Maintenance of private sewage disposal facilities, 52.22

PUBLIC IMPROVEMENTS
Special Assessment Projects; Procedure
Advisory petition, 35.02
Certificate of Assessor, 35.10
City Manager, 35.05
Confirmation or rejection of roll, 35.15
Contested assessments, 35.22
Contract authorized in lieu of special assessment procedure, 35.16
Correction and charges, 35.14
Definitions, 35.01
Due date; installment payments, 35.19

PUBLIC IMPROVEMENTS (Cont'd)
Special Assessment Projects; Procedure (Cont'd)
Hearing on roll, 35.11
Illegal or invalid assessments, 35.23
Initiatory resolution, 35.03
Lien created, 35.17
Lien to remain unimpaired, 35.18
Notice and publication, 35.20
Notice of hearing, 35.06
Objection to improvements, 35.13
Objections; filing; hearing, 35.12
Plans and specifications, 35.04
Public hearing; objections and charges, 35.07
Resolution of determination, 35.08
Single lot assessments, 35.21
Special assessment roll, 35.09

PUBLIC NUISANCES, see HEALTH, SAFETY AND SANITATION; NUISANCES

PUBLIC PARKS
Additional rules, 94.07
Animals, bicycles and motorcycles, 94.03
Ball games, 94.05
Injury to park property, 94.01
Intoxicating liquors, 94.06
Travel trailers, 94.04
Waste containers, 94.02

PUBLIC PROPERTY, see STREETS, SIDEWALKS AND PUBLIC PROPERTY

PUBLIC SEWERS, see SEWERS

PUD PLANNED UNIT DEVELOPMENTS
Administrative review procedure for site plan, 158.137
Amendments to site plans, 158.140
As-built drawings, 158.142
Construction, 158.133
Continuing applicability of information on approved site plans, 158.132
Extension of time limits, 158.141
Letter of credit, 158.134
Performance guarantees, 158.143

PUD PLANNED UNIT DEVELOPMENTS (Cont'd)
Permitted uses, 158.131
Preapplication conference, 158.135
Purpose, 158.130
Site plan requirements, 158.136
Standards for review, 158.139
Supplementary development standards and regulations, 158.138
Violations, 158.144

R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT
Accessory buildings, 158.022
Dimensional requirements, 158.023
Permitted uses, 158.021
Purpose, 158.020

R-2 MULTI-FAMILY RESIDENTIAL DISTRICT
Dimensional requirements, 158.037
Permitted uses, 158.036
Purpose, 158.035

R-3 RURAL RESIDENTIAL DISTRICT
Accessory uses, 158.054
Height and area, 158.053
Principal uses, 158.051
Purpose, 158.050
Required conditions, 158.052
Uses subject to special conditions, 158.055

RABIES, see ANIMAL CONTROL

REASONABLE TIME, 10.12

REFUSE, see GARBAGE AND RUBBISH

RIVERVIEW APARTMENTS; TAX EXEMPTION, 34.35

ROOMING HOUSES
Compliance with provisions, 152.25
Hotels and motels; application of provisions, 152.29
Inspections, 152.26
Minimum basic facilities, supplies and space, 152.27
Responsibility for maintenance, 152.28

RUBBISH, see GARBAGE AND RUBBISH

RUNNING AT LARGE, see ANIMAL CONTROL

SALESPERSONS, see PEDDLERS AND SOLICITORS

SECURITY BONDS, 30.02

SEVERABILITY, 10.07

SEWER RATES, 50.04

SEWERS
- Building Sewers and Connections
  - Connection permit required; permit fee, 52.35
  - Costs/expenses of installation, connection of building sewer; indemnification, 52.36
  - Inspection of connection to public sewer, 52.38
  - Plans and specifications, 52.37
  - Responsibility of owner to bear cost of repairs, maintenance and replacement, 52.39
- Damaging or tampering with city equipment or structures, 52.06
- Definitions, 52.01
- Deposit of objectionable waste prohibited, 52.02
- Discharge of untreated sewage into natural outlet, 52.03
- Enforcement; violations; liability; abatement, 52.09
- Private Sewage Disposal System
  - Compliance with State and County Health Department, 52.21
  - Connecting building sewer to private sewage disposal system; compliance, 52.20
  - Connecting private sewage disposal system to public sewer, 52.23
  - Maintenance of private sewage disposal facilities, 52.22
- Privies, septic tanks and other facilities, 52.04
- Responsibility by owner to install suitable toilet facilities, 52.05
- Right of entry for purpose of inspection, 52.07
- Sewer system evaluation study; facility plan; construction of wastewater collection, transportation and treatment system, 52.08
- Use of Public Sewers
  - Control manhole; measurements, tests and analyses, 52.54
  - Discharge of storm water and other unpolluted drainage, 52.50
  - Grease, oil and sand interceptors, 52.52
  - Industrial waste; special agreement, 52.55
  - Preliminary pretreatment; maintenance of facilities, 52.53
  - Prohibited discharges to public sewers, 52.51

SHIPPING AND STORAGE CONTAINERS
Authority, 150.61
Authorized enforcement personnel, 150.65
Definitions, 150.63
Penalty, 150.99
Regulations and restrictions, 150.64
Scope, 150.62
Title and purpose, 150.60

SHORING EXCAVATIONS, 154.30

SHORT-TERM RENTALS
Applications and fees, 118.07
Approvals and appeals, 118.13
Definitions, 118.04
Enforcement; violations; revocation, 118.12
Inspections; scope and frequency, 118.08
Insurance requirements, 118.15
License required; term; transfers, 118.06
Moratorium trigger; review for caps, 118.11
Occupancy and parking; technical method, 118.09
Operating standards, 118.10
Penalty, 118.99
Purpose, 118.03
Relationship to other codes, 118.14
State law compliance, 118.02
Title and authority, 118.01
Where STRs are allowed, 118.05

SIDEWALKS
Construction of repair; permit required, 154.46
Definitions, 154.45
Line and grade stakes, 154.47
Permit revocation; stop work order, 154.49
Sidewalk obstructions; permit required, 154.01
Sidewalk specifications, 154.48
Trees, shrubs or bushes abutting sidewalks, 154.02

SNOWMOBILES
Definitions, 72.25
Display of identification number, 72.27
Lights and brakes; warning flags, 72.29

SNOWMOBILES (Cont'd)
Notification of accident, 72.30
Operation of vehicles restricted, 72.28
Penalty, 72.99
Registration required; exception, 72.26
Revocation of provisions, 72.31

SOLICITORS AND PEDDLERS
Entering private premises; uninvited entry prohibited, 114.01
License required for vendors conducting business, 114.03
Peddlers and Vendors
Attracting attention of public by use of noise prohibited, 114.20
Certain areas prohibited for sale of merchandise, 114.19
Curb service prohibited, 114.18
Definition, 114.15
Exemptions, 114.21
Fixed stands prohibited, 114.17
License required, 114.16
Route salesperson; license required, 114.02
Solicitors
Definition, 114.35
Exemptions, 114.39
License application, 114.37
License fees, 114.38
License required, 114.36

SOLID WASTE, see GARBAGE AND RUBBISH

SPECIAL ASSESSMENT PROJECTS
Advisory petition, 35.02
Certificate of Assessor, 35.10
City Manager, 35.05
Confirmation or rejection of roll, 35.15
Contested assessments, 35.22
Contract authorized in lieu of special assessment procedure, 35.16
Correction and charges, 35.14
Definitions, 35.01
Due date; installment payments, 35.19
Hearing on roll, 35.11
Illegal or invalid assessments, 35.23
Initiatory resolution, 35.03

SPECIAL ASSESSMENT PROJECTS (Cont'd)
Lien created, 35.17
Lien to remain unimpaired, 35.18
Notice and publication, 35.20
Notice of hearing, 35.06
Objection to improvements, 35.13
Objections; filing; hearing, 35.12
Plans and specifications, 35.04
Public hearing; objections and charges, 35.07
Resolution of determination, 35.08
Single lot assessments, 35.21
Special assessment roll, 35.09

STORAGE
Storage and Shipping Containers
Authority, 150.61
Authorized enforcement personnel, 150.65
Definitions, 150.63
Penalty, 150.99
Regulations and restrictions, 150.64
Scope, 150.62
Title and purpose, 150.60
Storage of Vehicles, Equipment and Refuse
Appeal, 158.245
Certain conditions prohibited, 158.242
Designations of other prohibitions, 158.246
Enforcement, 158.241
Notice of violation, 158.243
Purpose, 158.240
Remedy, 158.244

STORM WATER, see SEWERS

STREETS, SIDEWALKS AND PUBLIC PROPERTY
Excavations and Openings
Backfilling, 154.25
Barricades and warning lights required, 154.29
Curb cuts, 154.28
Damage or obstruction during excavation prohibited, 154.21
Definitions, 154.20
Emergency openings, 154.24

STREETS, SIDEWALKS AND PUBLIC PROPERTY (Cont'd)
Excavations and Openings (Cont'd)
Maintenance of installations in streets, 154.27
Permits and bonds, 154.22
Shoring excavations, 154.30
Street openings, 154.23
Utility poles, 154.26
Ice and snow removal, 154.05
Overhanging Street Signs, Awnings and Encroachments
Bill posting, 154.65
Combustible signs, 154.62
Encroachments deemed a nuisance, 154.60
Marquees; use of projecting structures; permit required, 154.67
Nuisance abatement, 154.66
Overhanging signs, 154.61
Unsightly signs, 154.64
Use of billboards, 154.63
Penalty, 154.99
Removal of encroachment, 154.03
Sidewalk obstructions; permit required, 154.01
Sidewalks
Construction of repair; permit required, 154.46
Definitions, 154.45
Line and grade stakes, 154.47
Permit revocation; stop work order, 154.49
Sidewalk specifications, 154.48
Temporary street closing, 154.04
Trees, shrubs or bushes abutting sidewalks, 154.02

SUBDIVISIONS
Administration
Fees, 157.35
Variances, 157.36
Application, 157.03
Definitions, 157.04
Interpretation, 157.05
Penalty, 157.99
Platting Procedure
Final plat requirements, 157.23
Preliminary investigation, 157.21
Preliminary plat, 157.22
Stages of preparation, 157.20
Purpose, 157.02
Title, 157.01

SWIMMING POOLS, 158.264

SWINE, see ANIMAL CONTROL

TAXATION
- Riverview Apartments; tax exemption, 34.35
- Wakefield Development; tax exemption, 34.36

TAXICABS
- Automatic revocation; grounds, 115.20
- Definition, 115.15
- Driver permit required; transfer, 115.21
- Insurance requirements; cancellation notice, 115.18
- License required; application, 115.17
- License transfer, 115.19
- Lost articles, 115.22
- Passengers, 115.23
- Rules and regulations generally, 115.16

TEENAGE CENTERS, 112.02

TINY HOUSES, 158.170

TOWERS, see WIRELESS COMMUNICATION FACILITIES

TOWING SERVICES, 115.01

TRAFFIC AND PARKING
- Removal of Vehicles
  - Administrative removal of vehicles during winter parking restrictions, 71.46
  - Removal of vehicles in violation of traffic control orders, 71.45
- Traffic and Parking Rules
  - All-night parking from October 31 to April 1, 71.15
  - Penalty, 71.99
  - Truck traffic in certain areas prohibited, 71.01
- Uniform Traffic Code
  - Adoption of Code by reference, 70.01
  - Amendments to Code, 70.04
  - Availability of copies, 70.03
  - Penalty, 70.99
  - References in Code, 70.02
  - Traffic-control orders available for review, 70.05

TRASH, see GARBAGE AND RUBBISH

TRAVELING SHOWS, 112.01

TRUCKS, see TRAFFIC AND PARKING

UNIFORM TRAFFIC CODE
Adoption of Code by reference, 70.01
Amendments to Code, 70.04
Availability of copies, 70.03
Penalty, 70.99
References in Code, 70.02
Traffic-control orders available for review, 70.05

UNLOADING-LOADING SPACES
Access to truck standing; loading and unloading space, 158.227
Additional area to parking space, 158.228
Purpose, 158.225
Storage of refuse, 158.226

UTILITY RATES AND CHARGES
Basis of charges; free service prohibited, 50.02
City Utility Policies; Rates and Charges
Billing and collection procedure for water and sewer charges, 50.27
Billing for electrical service, 50.28
Charges for new and replacement electrical services; exception, 50.20
Delinquent accounts, 50.29
Deposit required for sewer flush, 50.23
Deposit required for water thaw, 50.24
Installation of sewer connections; responsibility of owner; indemnification, 50.22
Meter rates; inaccurate meters, 50.25
Rate schedule, 50.30
Water connection fee; meter installation fees, 50.21
Water leaks, 50.26
Definitions, 50.01
Payment for service by city, 50.05
Sewer rates, 50.04

UTILITY RATES AND CHARGES (Cont'd)
Special Assessment for Wastewater Collection, Transportation and Treatment System
Actions in assumpsit, 50.50
Collection and enforcement, 50.49
Initiation of the project, 50.45
Project area, 50.46
Project costs, 50.47
Special assessment collection, 50.48
Water rates, 50.03

VACANCIES IN OFFICE, 30.03

VEHICLES FOR HIRE
Taxicabs
Automatic revocation; grounds, 115.20
Definition, 115.15
Driver permit required; transfer, 115.21
Insurance requirements; cancellation notice, 115.18
License required; application, 115.17
License transfer, 115.19
Lost articles, 115.22
Passengers, 115.23
Rules and regulations generally, 115.16
Towing services, 115.01

VEHICLES, REMOVAL OF
Administrative removal of vehicles during winter parking restrictions, 71.46
Removal of vehicles in violation of traffic control orders, 71.45

VENDORS, see PEDDLERS AND SOLICITORS

VICIOUS ANIMALS, see ANIMAL CONTROL

WAKEFIELD DEVELOPMENT; TAX EXEMPTION, 34.36

WATER
Additional rules, 53.02
Cross-connections, 53.05
Definitions, 53.01
Hydrant use, 53.07
Injury to facilities, 53.03
Penalty, 53.99
Service connection; application, 53.04

WATER (Cont'd)
Turning on water service, 53.06
Water Meters
Access to meters, 53.21
Bill adjustment, 53.25
Failure of meter to register properly, 53.23
Inaccurate meters, 53.24
Premises to be metered; injuring or altering meters, 53.20
Reimbursement for damage, 53.22

WATER RATES, 50.03

WEEDS AND OTHER NOXIOUS GROWTHS, 91.04

WILD ANIMALS, see ANIMAL CONTROL

WINE, see ALCOHOLIC BEVERAGES

WIRELESS COMMUNICATION FACILITIES
Appeals, 159.13
Applicability, 159.04
Application requirements, 159.08
Conditional use standards for residential areas, 159.07
Decision making and recordkeeping, 159.12
Definitions, 159.03
Development standards, 159.06
Federal and FCC compliance, 159.10
Hold harmless and insurance requirements, 159.15
Intent, 159.02
Penalty, 159.99
Permitted locations, 159.05
Public domain and confidentiality, 159.09
Standards and conditions, 159.11
Title, 159.01
Tower removal due to safety, legal violations or abandonment, 159.14

YARD CLIPPINGS, 91.02

ZONING CODE
Administration and Enforcement
Administrating authority; responsibilities, 158.330
Amendments, 158.333

ZONING CODE (Cont'd)
Administration and Enforcement (Cont'd)
Appeal of Planning Commission and Zoning Board of Appeals decisions, 158.337
Enforcement procedure, 158.335
Rights and remedies; scope, 158.336
Site plan review fees; when due, 158.332
When violation a nuisance; inspection; correction, 158.334
Zoning fees; when due, 158.331
C-1 Neighborhood Commercial District
Dimensional requirements, 158.072
Permitted uses, 158.071
Purpose, 158.070
C-2 Downtown/Highway Commercial District
Dimensional requirements, 158.088
Permitted uses, 158.086
Permitted uses with conditional use permit, 158.087
Purpose, 158.085
Conditional Uses
Cancellation of conditional use permit, 158.192
Conditional uses, 158.193
Procedures for making application, 158.191
Purpose, 158.190
Definitions, 158.003
Establishment of zone districts, 158.004
Fences and Obscuring Walls
Building permit required, 158.260
Maintenance and repair; nuisance, 158.265
Openings and construction requirements, 158.262
Placement and height, 158.261
Position of finished side, 158.263
Swimming pools; required fencing and enclosures, 158.264
Home Occupations
Performance standards, 158.156
Permitted home occupations, 158.157
Prohibited home occupations, 158.158
Purpose, 158.155
I Industrial Districts
Permitted uses, 158.101
Permitted uses by conditional use permit, 158.102
Prohibited uses, 158.103
Purpose, 158.100
Requirement specifications, 158.104

ZONING CODE (Cont'd)
Interpretation of chapter, 158.002
Interpretation of district boundaries; zoning map, 158.005
Loading-Unloading Space Requirements
Access to truck standing; loading and unloading space, 158.227
Additional area to parking space, 158.228
Purpose, 158.225
Storage of refuse, 158.226
Off-Street Parking
Definition, 158.206
Design and construction requirements, 158.209
Increases in parking areas, 158.210
Joint use of parking areas, 158.211
Location of parking area, 158.208
Parking space requirements, 158.207
Purpose, 158.205
O Open Area District
Permitted uses by conditional use permit, 158.116
Purpose, 158.115
Signs, 158.117
Penalty, 158.999
PUD Planned Unit Developments
Administrative review procedure for site plan, 158.137
Amendments to site plans, 158.140
As-built drawings, 158.142
Construction, 158.133
Continuing applicability of information on approved site plans, 158.132
Extension of time limits, 158.141
Letter of credit, 158.134
Performance guarantees, 158.143
Permitted uses, 158.131
Preapplication conference, 158.135
Purpose, 158.130
Site plan requirements, 158.136
Standards for review, 158.139
Supplementary development standards and regulations, 158.138
Violations, 158.144
Purpose, 158.001
R-1 Single-Family Residential District
Accessory buildings, 158.022
Dimensional requirements, 158.023

ZONING CODE (Cont'd)
R-1 Single-Family Residential District (Cont'd)
Permitted uses, 158.021
Purpose, 158.020
R-2 Multi-Family Residential District
Dimensional requirements, 158.037
Permitted uses, 158.036
Purpose, 158.035
R-3 Rural Residential District
Accessory uses, 158.054
Height and area, 158.053
Principal uses, 158.051
Purpose, 158.050
Required conditions, 158.052
Uses subject to special conditions, 158.055
Site Plan Review
Amendment of an approved site plan, 158.290
Application for site plan approval, 158.284
As-built drawings, 158.292
Expiration of site plan approval, 158.289
Fees, 158.296
Guarantees, 158.295
Information required with or on the site plan, 158.285
Inspection, 158.294
Modifications of plan during construction, 158.291
Phasing of development, 158.293
Planning Commission action, 158.288
Preapplication conference; staff, 158.283
Prohibitions prior to site plan approval, 158.282
Public hearing, 158.286
Purpose, 158.280
Standards for site plan review, 158.287
Uses requiring site plan review, 158.281
Violations, 158.297
Storage of Vehicles, Equipment and Refuse
Appeal, 158.245
Certain conditions prohibited, 158.242
Designations of other prohibitions, 158.246
Enforcement, 158.241
Notice of violation, 158.243
Purpose, 158.240
Remedy, 158.244

ZONING CODE (Cont'd)
Supplementary Regulations
Medical marijuana establishments, 158.172
Recreational marijuana establishments, 158.171
Tiny houses, 158.170
Variances
Bond for compliance, 158.318
Conditions, 158.316
Purpose, 158.315
Rules for granting of variance, 158.317