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CHARTER

PREAMBLE

We, the people of the City of Bangor, County of Van Buren, State of Michigan, grateful to God for the blessings we enjoy of Freedom, Peace, Health, Safety, and Justice, and pursuant to the authority granted by the Constitution and the Laws of the State of Michigan, in order to procure the benefit of efficient self government, and to promote our common interest in, and to secure for posterity these same qualities do hereby ordain and established this Charter for the City of Bangor.

CHAPTER I. NAME AND BOUNDARIES

SECTION 1. NAMES AND BOUNDARIES.

The name of this organized City is “City of Bangor.” It is body corporate and embraces territory in the County of Van Buren, including that territory constituting the former Village of Bangor, together with such territory as may from time to time be attached thereto, and less such territory as may from time to time be detached therefrom, in accordance with law.

CHAPTER II. DEFINITIONS AND GENERAL PROVISIONS

SECTION 2.1 RECORDS TO BE PUBLIC.

(a) All records of the City shall be public, unless otherwise provided by law, shall be kept in City Offices, except when required for official reasons or for purposes of safekeeping to be elsewhere, and shall be available for inspection at all reasonable times.

(b) All papers, books, or other records of any matter required to be kept by any of the several departments of the municipal government, either by law or by the provisions of any ordinance, shall be deemed public records of such department.

SECTION 2.2 DEFINITIONS AND INTERPRETATIONS.

Except as otherwise specifically provided or indicated by the context of the Charter:

- (a) The word "City" shall be comprised of the City of Bangor;
- (b) The word "Council" shall be comprised of the Mayor and City Councilmen of the City of Bangor;
- (c) The word "Officer" shall include, but shall not be limited to the Mayor, the members of the Council, and, as hereinafter provided, the administrative officers, deputy administrative officers, and members of the City boards and commissions created by or pursuant to this Charter;
- (d) The word "Person" may extend and be applied to bodies politic and corporate and to partnerships and associations, as well as to individuals;
- (e) The words "printed" and "printing" shall include, engraving, stencil, duplicating, lithographing, typewriting, photostating, or any similar method;
- (f) Except in reference to signatures, the words "written" and "in writing" shall include hand written script, printing, typewriting, and teletype and telegraphic communications;
- (g) The words "publish" or "published" shall include publications of any matter, required to be published, in the manner provided by law or, where there is no applicable law, in one or more newspapers of general circulation in the City, qualified by law for the publication of legal notices, or, as an alternate therefor, shall be posted in at least three public places in each election precinct;
- (h) The words "public utility" shall include all common carriers in the public streets; water, sewage disposal, electric light and power, gas, telephone and telegraph lines and systems, garbage collection and disposal, refuse collection and disposal and reduction plants, transportation, and such other and different enterprises as the Council may, from time to time, determine or designate.
- (i) All words indicating the present tense shall not be limited to the time of the adoption of this Charter, but shall extend to and include the time of the happening of any event or requirement to which any provision of the Charter is applied;
- (j) The singular shall include the plural, the plural shall include the singular, the masculine gender shall extend to and include the feminine gender and the neuter;
- (k) "Mailing" shall mean from the U.S postal facility at Bangor, Michigan.

SECTION 2.3 OFFICIAL PERFORMANCE.

Whenever this Charter requires the performance of an act by an officer, the act may be performed by a deputy or by a subordinate, under the officer's direction, unless otherwise provided.

SECTION 2.4 QUORUM.

Except as otherwise expressly provided in this Charter, a quorum of any Board created by or under authority of this Charter shall consist of a majority of the number of its members as established by this Charter, or by and under the ordinance creating such commission or board. The concurring vote of a majority of which established number of members of each such board shall be necessary for official action by it.

SECTION 2.5 SUNDAY AND HOLIDAYS.

Whenever the date fixed by law or ordinance for the doing or completion of any acts falls on Sunday or a legal holiday, such act shall be done or completed on the next succeeding day which is not a Sunday, or a legal holiday.

SECTION 2.6 PENALTIES FOR VIOLATION OF CHARTER.

Any person or officer of the City Council 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 Dollars (\$500.00) or imprisonment for not more than ninety (90) days or both such fine and imprisonment, in 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.

SECTION 2.7 CHAPTER AND SECTION HEADINGS.

The chapter and section headings used in this Charter are for convenience only, and shall not be considered as part of this Charter

SECTION 2.8 AMENDMENTS.

This Charter may be amended at any time in the manner provided by law. Should two or more amendments adopted at the same election have conflicting provisions, the amendment receiving the largest affirmative vote shall prevail as to those provisions.

SECTION 2.9 SEVERABILITY OF CHARTER PROVISIONS.

If any provisions, section, or clause of this Charter, or the application thereof to any person or circumstances, shall be found to be invalid, such invalidity shall not affect any remaining portion or

application of the Charter, which can be given effect without the invalid portion or application, and, to this end, this Charter is declared to be severable.

SECTION 2.10 CITY LIABILITY.

The City shall not be liable to pay damages for injuries which arise out of government functions, 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 condition of or obstruction in any public place unless such person shall serve or cause to be served upon the Clerk, within sixty (60) days after the injury resulting in such damages shall have occurred, a notice in writing, which notice shall be set forth substantially the time and place of such injury, the manner in which it occurred, the extent of such damages as far as the same has become known, the names and addresses of witnesses known at the time by the claimant and statement that the person sustaining such damages intends to hold the City liable for such damages as may have been sustained by him.

The City shall not be liable for any damage to person or property arising out of any such injury unless there shall have been first presented to the Clerk a claim in writing and under oath setting forth particularly the time, place, nature and extent of such injury and the amount of damage's claimed by reason thereof. No person shall bring any action against the City for any such damages until such have been given reasonable opportunity to act thereon, either by allowing or by refusing to allow the claim.

It shall be a sufficient bar and answer in any Court to any action or proceeding for the collection of any demand or claim against the City under this section that the notice of injury and the verified proof of claim as in this section required were not presented and filed within the time and in the manner provided. This section shall not apply to claims arising out of the exercise of any proprietary function of the City.

SECTION 2.11 TRANSFER OF JURISDICTION.

(a) After the effective date of this Charter, the City shall be vested with all the property, moneys, contracts, rights, credits, effects and records, files, books and papers belonging to the Village of Bangor.

(b) No right or liability, either in favor or against the City of Bangor existing at the time this Charter becomes effective and no suit or prosecution of any character shall in any manner be effected by any change, resulting from the adoption of this Charter, but the same shall stand or proceed as if no change had been made. All just debts and liabilities of the City shall be paid in accordance with their purport and all fines and penalties imposed at the time of such change shall be collected.

CHAPTER III. MUNICIPAL POWERS**SECTION 3.1 GENERAL POWERS.**

(a) Unless otherwise provided or limited in this Charter the City and its officers shall possess and be vested with all the powers, privileges, and immunities, expressed or implied, which Cities are, or hereafter may be, permitted by law to exercise or to include in their Charters. The enumeration of particular powers, privileges, or immunities in this section or elsewhere in this Charter shall not be held to be exclusive.

(b) The City and its officers shall have power to manage and control its finances, rights, interests, buildings, and property to enter into contracts, to do any act to advance the interest, good government, and prosperity of the City and its inhabitants, to protect the public peace, health, safety, and general welfare, and to restrain and prevent crime and vice. In the exercise of such powers, the City may enact ordinances, rules, and regulations and take such other action as may be required, in a manner consistent with law. The power of the City shall include, but shall not be limited to, the following:

(1) To declare as a hazard or nuisance any act or condition, upon public or private property, or both, including, but not limited to the accumulation of rubbish and the growing of noxious weeds, which is, or may be dangerous to the health, safety, or welfare of the inhabitants of the City; to provide for the abatement thereof, and to provide that the cost of such abatement shall be charged as a special assessment against the real property on which the hazard or nuisance is located.

(2) To provide for the public welfare by:

A. Regulating trades, occupations, and amusements within the City, and prohibiting trades, occupations and amusements which are detrimental to the safety, health or welfare of its inhabitants.

B. Regulating the preparation, storage, transportation, and sale of foods, drugs, and beverages for human consumption.

C. Collection and disposing of garbage and rubbish.

D. Regulating and restricting the locations of oil and gasoline stations, in a manner consistent with law.

E. Licensing and regulating the number of vehicles, which carry persons or property for hire, fixing the rates of fare and determining the locations of stands for such vehicles.

E. Licensing and regulating billboards and advertising signs and locations thereof.

G. Regulating the construction, erection, alteration, equipment, repair, moving, removing, and demolition of buildings and structures and their appurtenance and service equipment.

H. Regulating the location, height and type of fences abutting public or between private properties.

I. Establishing zones within the City and regarding therein the use and occupancy of lands or structures; the height, area, size and location of buildings; the required open spaces for light and ventilation of buildings, and the density of population.

J. Regulating, limiting, and prohibiting the construction and use of buildings and lands in order to promote the public safety and to prevent fires.

K. Regulating and controlling the use of streams, waters, and water courses within the City in any manner consistent with the provisions of the law.

(3) To establish and reasonably control streets, alleys, bridges, and public places, and space above and beneath them, and the use thereof by:

A. Creating and vacating the same and acquiring and disposing of land, or any interest in land, required therefor, including any surplus land which may be incidental to or necessary for the purchase of land required.

B. Providing a plan of streets and alleys within and for a distance of not more than three miles beyond the limits of the City.

C. Requiring the owners of real property to build and maintain public sidewalks in the area of streets immediately adjacent to such property, and, upon the failure of any owner to do so, constructing and maintaining such sidewalks and assessing the cost thereof against such property as special assessment.

D. Compelling all persons to keep sidewalks which are in the area of streets immediately adjacent to the premises owned, controlled, or occupied by them, free from snow, ice, dirt, wood, weeds, shrubbery, or any other object which obstructs such sidewalks, or which makes the same hazardous or offensive to the public health or safety, and upon failure to do so, to cut and remove such weeds and such objects and to assess the cost thereof against such property as a special assessment.

E. Compelling all persons to care for the untraveled portions of streets lying between the traveled portion and the property line which abut upon premises owned, controlled, or occupied by them, and to keep the same free from weeds and from objects which are offensive or hazardous to public health and safety, and upon the failure to do so, cutting and removing such weeds and such objects and assessing the cost thereof against such property as a special assessment.

- F. Providing for the grade of streets and requiring public utility users of streets to conform there to with respect to their tracts or facilities located on, above, or under the streets or alleys, requiring railroads to keep their tracks and the street surface between the tracks, and for a distance of one and one-half feet on each side of them, in reasonable repair at all times.
- G. Regulating the speed of vehicles, trains and locomotives upon or across the streets within the provisions and limitations of law, and the stopping and parking of the same upon the streets and at street crossings.
- H. Providing for and regulating the lighting of streets and alleys, whether such lights be located on public or private property to the extent permitted by law.
- I. Preventing and abating the encumbering of streets and alleys or any part thereof.
- J. Regulating the location of buildings and structures and of trees and shrubbery at and near street corners and street, intersections with alleys and driveways, so as to provide for the public safety and welfare in the use of streets and alleys.
- K. Providing for and regulating the numbering of buildings upon property abutting streets and alleys and compelling the owners and occupants thereof to affix numbers thereto.
- L. Providing for and regulating the use by other than the owner, of property located on, above, or under the streets, alleys, and public places, in the operation of a utility, upon the payment of a reasonable compensation therefor to the owner thereof.
- M. Providing for the planting and general care and protection of trees and shrubbery within the streets and public places of the City and preventing the cutting of limbs and branches for the placing and maintenance of utility wires without the consent of the designated officers or agency of the City.
- N. Providing for the control over all trees, shrubs and plants in the public streets, highways, parks, or other public places in the City and all dead and diseased trees on private property which, in the judgment of a majority of the Council, may cause a spread of the disease, endangers life, or abutting property, and trees on private property overhanging the streets, sidewalks or public places, including the removal thereof and assessing the cost thereof against the abutting property as a special assessment.
- O. Prohibiting or regulating of the use, occupancy, sanitation, and parking of house trailers within the City, and the right of the City to so regulate any house trailer shall not be abrogated because of any detachment thereof from its wheels or because of placing it on, or attaching it to the ground by means of any temporary or permanent foundation or in any manner whatsoever.
- (4) To undertake any public work or make any public improvement or any repair or replacement thereof, either directly or by contract with public bodies or private persons; and to

participate in any public work or public improvement under any lawful plan by which the whole or partial support of such work or improvement is provided by another governmental unit or agency.

(5) To construct, provide, maintain, extend, operate, and improve:

A. Within the City; a City hall, City office buildings, community buildings, police stations, fire stations, civic auditoriums, public libraries, and polling places; and

B. Either within or without the corporate limits of the City or Van Buren County; Public Parks, recreation grounds and stadiums, municipal camps, public grounds, zoological gardens, museums, airports and landing fields, cemeteries, levees, embankments, and structures for flood control and other purposes relating to public health, safety, and welfare; electric lights and power plants and systems, public heating plants and systems, gas plants and systems, waterworks and water treatment plants and systems, sewage disposal plants and systems, storm sewers, garbage collection and disposal facilities, refuse and rubbish collection and disposal facilities, market house and market places, facilities for storage and parking of vehicles, hospitals, facilities for the landing of helicopters and air vehicles having like landing characteristics, and any other structure or facility which is devoted to or intended for public purposes within the scope of the powers of the City.

(6) To acquire by purchase, gift, condemnation, lease or otherwise, real and personal property, and interests in property, either within or without the corporation limits of the City or Van Buren County, for any public use or purpose within the scope of its powers, including, but not by way of limitation, the uses and purposes set forth in this section.

(7) To join with any municipal corporation or with any other unit or agency of government, whether local, state, or federal, or with any number of or combination thereof, by contract or otherwise, as may be permitted by law, in the ownership, operation, or performance, jointly, or by one or more on behalf of all, of any property, facility or service, which each would have the power to own, operate or perform separately.

CHAPTER IV. ELECTIONS

SECTION 4.1 QUALIFICATIONS OF ELECTORS.

The residents of the City having the qualifications of electors in the State of Michigan shall be electors of the City.

SECTION 4.2 ELECTION PROCEDURE.

The election of all City officers shall be on a nonpartisan basis. The general election statutes shall

apply to and control, as near as may be, all procedures relating to registration and City elections, except as such statutes relate to political parties or partisan procedure and except as otherwise provided in this Charter.

The Clerk shall give public notice of time and place of holding each City election and the officers to be elected and the questions to be voted upon, in the same manner as is required by statute for the giving of public notice of general elections in the State.

The polls at 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 Council to adjust these hours to local time.

SECTION 4.3 WARDS AND PRECINCTS.

The City of Bangor shall consist of one ward and one election precinct. The Council may by Resolution, from time to time, establish convenient precincts.

SECTION 4.4 REGULAR CITY ELECTIONS.

A regular City election shall be held on the first Monday in April of 1979 and annually thereafter.

SECTION 4.5 ELECTIVE OFFICERS AND TERMS OF OFFICE.

The elective officers of the City shall be a Mayor, six councilmen, all of whom shall be nominated and elected from the City at large.

At each regular City election two councilmen shall be elected to serve for a term of three years. A Mayor shall be elected at the regular election to serve for a term of three years.

The terms of office of Mayor and Councilmen shall commence on the Monday next following the regular City election at which they were elected.

SECTION 4.6 ELECTION COMMISSION.

The election commission is hereby created consisting of the City Clerk, as Chairman, the City Attorney, and a person appointed by the Council who shall not be a Councilman whose tenure of office is expiring at the next regular annual election. The members shall serve without compensation. The Commission shall appoint a Board of Election Inspectors for each precinct, and have charge of all activities and duties required of it for each precinct, 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 for election personnel shall be determined by the Council in advance. In and case where election procedure is in doubt the Election Commission shall prescribe the procedure to be followed.

SECTION 4.7 NOMINATIONS.

The method of nomination of all candidates for the City election shall be by petition. Such petitions of each candidate shall be signed by not less than thirty (30) nor more than sixty (60) registered electors of the City. No person shall sign his name to a greater number of petitions for any one office than there are persons to be elected to said office at the following City election. Where the signature of any individual appears on more petitions than he is so permitted to sign the signatures bearing the most recent date shall be invalid.

Nominating petitions for Candidates to be nominated at any regular City election, or to be elected at a special election shall not be circulated more than thirty (30) days prior to the last day for filing, and shall such petitions shall be filed with the Clerk before 4:00 o'clock in the afternoon on the 49th day preceding the regular City election or special election.

The Clerk shall, prior to every election, publish notice of the last day permitted for filing nomination petitions and of the number of persons to be elected to each office at least one week and not more than three weeks before such day.

SECTION 4.8 FORM OF PETITION.

The form of petitions shall be substantially as that required by the Michigan Election Law for the nomination of non-partisan judicial officers. A supply of official petition forms shall be provided and maintained by the City Clerk.

SECTION 4.9 APPROVAL OF PETITION.

The Clerk shall accept only nominating petitions which conform with the form provided and maintained by him, and which considered together, contain the required number of valid signatures for candidates having those qualifications required for the respective City offices by this Charter. All petitions shall be accompanied by the certificate of qualifications provided in Section 6.1 (a) which is signed by said person or by some other person having knowledge of his qualifications for holding the office named in the petition. The Clerk shall forthwith after filing of a petition notify in writing any candidate whose petition is then known not to meet requirements of this section, but the failure to so notify any candidate shall in no way prevent the final determination that the petition does not meet such requirements. Within three days after the last date for filing petitions the Clerk shall make his final determinations as to the validity and sufficiency of each nominating petition, and whether or not the candidate has the qualifications required for his respective City office by this Charter and shall write his determination thereof on the fact of the petition.

(a) The Clerk shall immediately notify, in writing, the candidate whose name appears thereon of his determinations. Such notice to any candidate whose petition is found invalid or insufficient or who is found not to be qualified shall be delivered by personal messenger or by Certified or Registered mail. Any candidate whose petition is so found in valid or insufficient shall be allowed to file supplementary or replacement petitions before four o'clock P.M. of the fifth day after the last filing date for filing original petitions; thereafter no further petitions may be filed.

(b) All nominating petitions filed shall be opened to public inspection in the office of the Clerk.

SECTION 4.10 FORM OF BALLOT.

(a) 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 to the provisions of statute, except that no party designation or emblem shall appear in regard to City officers. In all City elections, the names of qualified candidates or nominees for each office shall be listed under a separate heading and shall be rotated systematically in the manner prescribed by statute for rotation of names.

(b) If two or more candidates or nominees for the same office have the same or similar surnames, the Election Commission shall print the residence address under the names of each such candidate, or nominees on the ballots (or labels or slips to be placed on voting machines when used), provided that for any such candidate who is an incumbent of such office, the candidate shall be designated as "Incumbent". Except as provided in this section there shall be no supplementary identification of candidates on the ballot.

SECTION 4.11 THE VOTE.

If, at any City election, there shall be no choice between candidates by reason of two or more persons having received an equal number of votes, then the City Council shall name a date for the appearance of such persons before the said Council one week after said election for the purpose of determining the election of such candidates by lot as provided by statute.

SECTION 4.12 RECOUNT.

A recount of votes cast at any City election for any office or upon any proposition may be had in accordance with election statutes.

SECTION 4.13 SPECIAL ELECTIONS.

Special elections shall be held when called by resolution of the Council at least 49 days in advance

of such election, or when required by law. Any resolution calling a special City election shall set forth the purpose of such election. No more elections shall be called in any one year than permitted by statute.

CHAPTER V. ORGANIZATION OF GOVERNMENT

SECTION 5.1 MAYOR AND COUNCIL.

There shall be a Mayor and six Councilmen who shall be nominated and elected by the electors of the City at large. The Council shall be composed of seven members consisting of a Mayor and six Councilmen. The Mayor shall be the executive head of the City. The Council shall constitute the legislative body of the City and shall have power and authority, except as otherwise provided, in this Charter or by statute, to exercise all powers conferred upon or possessed by the City, and shall have the power and authority to adopt such laws, ordinances and resolutions as it shall deem proper in the exercise thereof.

SECTION 5.2 QUALIFICATIONS OF COUNCILMEN.

Members of the Council shall meet the eligibility requirements contained in Section 6.1 (a) of this Charter. The Council shall be the sole judge of the election and qualification of its own members, subject only to review by the Court.

SECTION 5.4 COMPENSATION FOR ELECTIVE OFFICERS.

The elective officers of the City shall be entitled to receive as full compensation for their services, the following annual salary to be paid quarterly:

- (a) The Mayor shall receive as remuneration of his services to the City the sum of \$600.00 per year.
- (b) The compensation of each councilman shall be the sum of \$480.00 per year.

Such compensation shall be paid quarterly and except as otherwise provided in this Charter shall constitute the only compensation which may be paid the Mayor and Councilmen for the discharge of any official duty for and on behalf of the City during their tenure of office. The Mayor and Councilmen may be reimbursed for expenses actually occurred by them on City business or in the interest of the City when such reimbursement is approved by the Council. The compensation of the Mayor and of the Councilmen may be changed by resolution of the City Council at least three months preceding any regular City election. This provision however shall not operate to change the compensation of any officer after his election in violation of constitutional provisions.

SECTION 5.5 THE MAYOR; DUTIES.

Under the provisions of this Charter, the Mayor shall in addition to any powers and duties otherwise provided by law, have powers and duties as follows:

- (a) He shall be the executive head of the City;
- (a) He shall have a voice and vote in all proceedings of the Council equal with that of the other members of the Council, but shall have no veto power;
- (c) He shall be the presiding officer of the Council;
- (d) He shall be the conservator of the peace and in emergencies may exercise within the City the powers conferred upon sheriffs to suppress riot and disorder, and shall have the authority to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances and regulations of the Council and the authority of the City government;
- (e) The Mayor shall execute or authenticate by his signature such instruments as this Charter or any statutes of the State of Michigan or the laws of the United States shall require;
- (f) He shall recommend to the Council for adoption such measures as he may deem necessary or expedient;
- (g) He shall have such other powers and perform such other duties as may be prescribed by law, this Charter, or as may be required of him, by ordinance or direction of the Council.

SECTION 5.6 ADMINISTRATIVE SERVICES.

The appointive administrative officers of the City shall be the City Manager, City Clerk, City Treasurer, City Assessor, City Attorney, Chief of Police, Fire Chief, Director of Public Works, Health Officer, and such additional administrative officers or departments as may be created by the Council as permitted by State Law. The Council may create additional administrative offices and departments, and may combine any administrative offices and departments, with the exception of Manager, Clerk and Treasurer in any manner it deems necessary or advisable for the proper and efficient operation of the City, to the extent permitted by State Law, and shall prescribe the functions of each office and department and the duties authorities and responsibilities of the officers of each department, except as otherwise provided in this Charter.

SECTION 5.7 APPOINTMENT OF OFFICERS.

Except as hereinafter provided, all administrative officers and department heads of the City Government whose office is subject to appointment, however made, shall be appointed by the City

Manager with the consent of the Council by an affirmative vote of not less than five (5) members of the Council.

SECTION 5.8 TERMS OF ADMINISTRATIVE OFFICERS.

The appointive administrative officers and the department heads, except the City Attorney, shall be responsible to the City Manager and shall serve at the discretion and pleasure of the City Manager (or an indefinite term and shall have their compensation fixed by the Council within budget allowances therefor).

SECTION 5.9 CITY CLERK.

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

(b) He shall keep a public record of all proceedings of the Council and shall authenticate the same by his signature.

(c) He shall certify by his signature all ordinances and resolutions enacted or adopted by the Council.

(d) He shall be custodian of all papers, documents, bonds and records pertaining to the City, unless the custody thereof is otherwise provided by law or this Charter.

(e) He shall be custodian of the City seal and shall affix it to documents and attest the same.

(f) Under authority of the Council, he shall sign or countersign all contracts, deeds, licenses, or other public documents, on behalf of the City and shall keep a record thereof.

(g) He shall publish and post all notices, proceedings and other matters required to be published or posted by law, this Charter, or ordinance.

(h) He shall be the chief election officer of the City.

(i) He shall perform such other duties as may be required of him by law, this Charter, the Mayor, City Manager and/or the ordinances and resolutions of the Council.

(j) He shall have the power to administer oaths of office.

SECTION 5.10 CITY TREASURER.

(a) The Treasurer shall have custody of all moneys, funds, and securities of the City, keep

accounts thereof, deposit same in the manner and in the places designated by the Council, and report the same forthwith in detail to the Council and City Manager. The system of accounts here provided for shall conform to such uniform system as may be required by law.

(b) Except as otherwise provided by this Charter or by ordinance, he shall collect all moneys of the City, including charges for water and sewer services. He shall receive from other officers and employees all moneys belonging to and receivable by the City that may be collected by them, and shall give receipts therefor.

(c) For the collection of taxes he shall have and shall exercise all of the power and immunities which are granted and reserved to him by this Charter and by law.

(d) He shall disburse all City funds in accordance with the provisions of law and this Charter, and shall sign or countersign all checks or warrants accordingly.

(e) He shall perform such other duties as may be prescribed for him by law, this Charter, the Mayor, the City Manager and or ordinances or resolutions of the Council.

SECTION 5.11 CITY ASSESSOR.

The Assessor shall possess all the powers vested in and shall be charged with the duties imposed upon assessing officers by statute. He shall prepare all regular and special assessment rolls in the manner prescribed by this Charter, or ordinance, or by statute. He shall perform such other duties as may be prescribed for him in this Charter or by the Council.

SECTION 5.12 CITY ATTORNEY.

(a) The Attorney shall be attorney and counsel for the City, and shall be responsible to the Council. He shall act as legal advisor to the Mayor, and be Attorney and Counsel for the Council and all of its members relating to their official duties. He shall give written opinions to any officer or department head or commission of the City when requested in writing by the Mayor, City Manager, the Council or Commission so to do, and shall file a copy of same with the City Clerk.

(b) He may be directed by the Council to prosecute ordinance violations and to represent the City in cases before Courts and other tribunals. He shall file with the Clerk copies of such records and files relating thereto as the Council may direct.

(c) He shall prepare or review all ordinances, regulations, contracts, bonds, and such other instruments as may be required by this Charter or by the Council, and shall promptly give his opinion as to the legality thereof.

(d) He shall attend such meetings of the Council, as requested by the Council.

(e) Upon recommendation of the Attorney, or upon its own initiative the Council may retain special legal counsel to handle any matter in which the City has an interest, or to assist in Counsel with the City Attorney therein.

SECTION 5.13 CHIEF OF POLICE.

The Chief of Police shall be the administrative head of the Police Department, and he shall be accountable and responsible to the City Manager for the performance of his duties. He shall perform all duties as may be prescribed for him by law, this Charter, the City Manager and/or ordinances or resolutions of the Council.

SECTION 5.14 FIRE CHIEF.

The Fire Chief shall be the administrative head of the Fire Department and he shall be accountable and responsible to the City Manager for the performance of his duties. He shall perform all duties as may be prescribed for him by law, this Charter, the City Manager and/or ordinances or resolutions of the Council.

SECTION 5.15 DIRECTOR OF PUBLIC WORKS.

The Director of Public Works shall be the administrative head of the Department of Public Works and he shall be accountable and responsible to the City Manager for the performance of his duties.

He shall be responsible for the maintenance, alterations, improvement and repair of streets, sidewalks, sewers, sewage disposal facilities, water mains, water facilities, and all other public grounds, buildings, facilities, and equipment which are not placed under the charge of some other department by this Charter, the Mayor and/or by the Council in accordance with the authority granted by this Charter.

He shall perform such other duties as may be prescribed by law, this Charter or as may be required of him by the Mayor or Council.

SECTION 5.16 PERSONNEL.

The full time personnel other than elected and appointive officers shall be deemed City employees.

SECTION 5.17 APPOINTIVE DEPARTMENT OFFICERS.

The head of each department shall have the power to hire, suspend, discharge or otherwise take

other appropriate disciplinary action against the employees of his department, with consent of the City Manager. An employee who has been discharged may within ten days thereafter petition the Council to hear the facts regarding such discharge, and in case the Council may in its sole discretion order a hearing and inquire into such facts, and may make such decision in the matter as it considers proper.

SECTION 5.18 DEPUTY ADMINISTRATIVE OFFICERS.

The administrative officers may recommend to the Council the appointment and/or termination of their respective deputies and may also recommend person or persons to such office. Such deputies as may be appointed by the Council shall in any case, possess all of the powers and authorities of their superior officers except as the same may be from time to time limited by their superior officers.

SECTION 5.19 PLANNING AND ZONING.

The Council shall maintain a City Planning Commission in accordance with and having the powers and duties granted by the provisions of statute relating to such commissions.

The Council shall maintain a Zoning Ordinance in accordance with the provisions of statute relating to such ordinances. Insofar as may be, such ordinance shall provide that Zoning be coordinated with the work of the City Planning Commission, and a Zoning Board of Appeals consisting of five members who shall be freeholders and of whom not less than one nor more than two shall be administrative officers. Insofar as practicable, said Zoning Board of Appeals shall coordinate its work with the Building and Safety Appeal Board as hereinafter provided.

SECTION 5.20 BUILDING AND SAFETY.

The Council shall maintain a building and safety ordinance in accordance with the provisions of statute relating to such ordinances and building and safety appeal board consisting of five members who shall be freeholders and whom not less than one or more than two shall be administrative officers. Insofar as practicable said board shall coordinate with the Zoning Board of Appeals as hereinabove provided.

SECTION 5.21 MAYOR PRO TEM.

(a) At the first meeting of the Council following each City election, the Council shall organize and elect one of its members to the office of Mayor Pro Tem.

(b) The Mayor Pro Tem shall act in the stead of the Mayor in the case of the Mayor's absence or disability to act. He shall succeed to the office of Mayor in the case of a vacancy in that office, thereby creating a vacancy in the office of Mayor Pro Tem. The Council shall fill any vacancy in the

Office of Mayor Pro Tem, but until such vacancy is filled, the Senior member of the Council from the standpoint of continuous service shall act as Mayor Pro Tem. As between persons of equal seniority, the person who received the highest number of votes at the time of his election shall act.

SECTION 5.22 CITY MANAGER; APPOINTMENT AND QUALIFICATIONS.

The Council shall appoint a City Manager within ninety days after any vacancy exists in such position. The City Manager shall hold office at the pleasure of a majority of the Council. He shall be selected solely on the basis of his executive and administrative qualifications with special reference to his training and experience. At the time of his appointment, he need not be a resident of the city or state, but during tenure of office he shall reside within the city.

SECTION 5.23 CITY MANAGER; FUNCTIONS AND DUTIES.

The City Manager shall be the chief administrative officer of the city government. His functions and duties shall be:

- (a) To be responsible to the Council for the efficient administration of all administrative departments of the city government except the department under the direction of the Attorney;
- (b) To see that all laws and ordinances are enforced;
- (c) To appoint with the consent of the Council, the heads of the several city departments whose appointments are not otherwise specified in this Charter, and to discharge such department heads without the consent of the Council, and to direct and supervise such department heads;
- (d) To give to the proper department or officials ample notice of the expiration or termination of any franchises, contracts or agreements;
- (e) 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;
- (f) To recommend an annual budget to the Council and 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;
- (g) To recommend to the Council for adoption such measures as he may deem necessary or expedient; and to attend Council meetings with the right to take part in discussions but not to vote;
- (h) To exercise and perform all administrative functions of the city that are not imposed by this Charter or ordinance upon some other official;

(i) To be responsible for the maintenance of a system of accounts of the city which shall conform to any uniform system required by law and by the Council and to generally accepted principles and procedures of governmental accounting;

(j) To perform such other duties as may be prescribed by this Charter or as may be required of him by ordinance or by direction of the Council.

SECTION 5.24 ACTING CITY MANAGER.

The Council may appoint or designate an Acting City Manager during the period of a vacancy in the office or during the absence of the City Manager from the city. Such Acting Manager shall, while he is in such office, have all the responsibilities, duties, functions and authority of the City Manager.

CHAPTER VI. GENERAL PROVISIONS REGARDING OFFICERS AND PERSONNEL OF THE CITY

SECTION 6.1 ELIGIBILITY FOR OFFICE AND EMPLOYMENT IN CITY.

(a) No person shall hold any elective office of the City unless he is a resident of the City of Bangor. No person shall hold any elective office unless he is qualified and registered elector of the City on the last day for filing the original petition for such office or prior to the time of his appointment to fill a vacancy.

No person shall be eligible for any elective or appointive office who is in default to the City, or who shall have been found guilty by a competent tribunal of the commission of a felony. The holding of office by any person who is in such default shall create a vacancy unless such default shall be eliminated within thirty days after written notice thereof has been served upon him by the council or unless such person shall in good faith be contesting the liability of such default.

No person shall be eligible for office at any regular or special election who is:

(1) An appointive officer.

(2) An elective officer whose term of office does not expire at 8:00 P.M. on the Monday next following the next regular election, unless he shall resign either as an appointive officer, or as an elective officer. Such resignation shall be in writing and filed with the Clerk at least 120 days before such next regular or special election.

(b) Each administrative officer and City employee, with the exception of the City Attorney and Health Officer, shall be a resident of the Bangor School District or become a resident of the Bangor

School District within 6 months from the date of his appointment. In case of difficulty in procuring suitable housing, the employee may apply to the Council for one 6 month extension. Failure to comply with this section within one year shall result in automatic dismissal. The City Manager shall become a resident of the City of Bangor within 6 months of his appointment.

(c) No elective official or administrative officer shall be allowed to hold more than one elected or appointed position in City government.

SECTION 6.2 VACANCIES IN OFFICE.

Any elective City office shall be declared vacant by the Council upon the occurrence of any of the following events before the expiration of the term of such office:

- (a) For any reason specified by law as creating a vacancy in office;
- (b) If no person is elected to, or qualified for, the office at the election at which such office is to be filled;
- (c) If the officer shall be found guilty by a court of competent jurisdiction of any act constituting a violation of this Charter;
- (d) If any officer ceases to have the qualifications for eligibility for such office required by this Charter;
- (e) If any officer shall absent himself continuously from the City for more than sixty days in any one calendar year without permission of the Council;
- (f) In the case of a member of the Council if he misses more than 25% of the meetings in one fiscal year. If a councilman shall miss more than three regular meetings in one fiscal year his compensation shall be docked on prorated basis.
- (g) If the officer is removed from office by the Council in accordance with the provisions of Section 6.13.

SECTION 6.3 VACANCIES IN BOARDS AND COMMISSIONS.

The office of any member of any Board or Commission created by this Charter shall be declared vacant by the Council:

- (a) For any reason specified by law as creating a vacancy in office;
- (b) If the officer shall be found guilty by a court of competent jurisdiction of an act constituting misconduct in office or violation of this Charter.

(c) If such officer shall miss more than two consecutive regular meetings of such Board or Commission, unless such absences shall be excused by such board or Commission at the time of such absence;

(d) If the officer is removed from office by the Council in accordance with the provisions of Section 6.13.

SECTION 6.4 RESIGNATIONS.

Resignations of elective officers and of members of Board and Commissions 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 appointive officers shall be made in writing to the appointing officer or body and shall be acted upon immediately.

SECTION 6.5 FILLING VACANCIES.

(a) If a vacancy occurs in any elective City office, the Council shall, within thirty (30) days after such vacancy occurs, appoint a person who possess the qualifications required of holders of said office to fill the vacancy until the next regular City election at which time the unexpired term of said vacancy shall be filled.

(b) If a vacancy occurs in any appointive office, it shall be filled in the manner provided for making the original appointment. In the case of members of Boards and Commissions appointed for a definite term such appointments shall be for the unexpired term. All such appointments shall be made within 30 days.

SECTION 6.6 TERM OF OFFICE CANNOT BE SHORTENED OR EXTENDED.

Except by procedures provided in this Charter, the terms of the elective officials of the City and of officers of the City appointed for a definite term shall not be shortened or extended.

SECTION 6.7 INCREASE OR DECREASE IN COMPENSATION.

The Council shall not grant or authorize extra compensation to any City officer, elective or appointive, or to any employee, agent, or contractor, after the service has been rendered. Nor shall the salary of any officer, elective or appointive be increased or decreased after his election or appointment during any fixed term for which he was elected or appointed, provided that the council is authorized to pay retroactively and negotiated pay raise for city employees from the date of commencement of labor negotiations to the date of contract settlement.

SECTION 6.8 OATH OF OFFICE.

Every officer, elected or appointed, before entering upon the duties of his office, shall take the oath of office prescribed by the Michigan Constitution and shall file the same with the Clerk, together with any bonds required by this Charter or by the Council.

In case of failure to comply with the provisions of this section within ten days from the date of his election or appointment, such officer shall be deemed to have declined the office and such office shall thereon be vacant, unless the Council shall, by resolution, extend the time in which such officer may qualify as set forth above.

SECTION 6.9 SURETY BONDS.

Except as otherwise provided in this Charter, the Council may require any officer or employee of the City to give a bond to be approved by the Council. Conditioned upon the faithful and proper performance of the duties of the officer or employment concerned, in such sums as the Council may determine. All such officers or employees who receive, distribute, or are responsible for City funds or in vestments shall be bonded. The resignation, removal, or discharge of any officer or employee, or appointment of another person to such office or employment, shall not exonerate such officer or employee or any sureties of such office or employee from any liability incurred by such officer, employee or sureties. All official bonds shall be corporate surety bonds and the premiums thereon shall be paid by the City. Bonds required by this section shall not be renewed upon the expiration of the terms for which issued, but, in each case, a new bond shall be furnished. No official bond shall be issued for a term exceeding three years, unless the term of the officers concerned exceeds three years. The bonds of all officers and employees shall be filed with the Clerk, except that the Clerk's bond (unless he is covered within the scope of a blanket surety bond) shall be filed with the Treasurer. The requirements of this section may be met by the purchase by the City of one or more blanket corporate surety bonds covering all or any group or groups of the officers and employees of the City. Any officer or employee who is covered by blanket surety bond need not be bonded individually for the purpose of qualifying for office.

SECTION 6.10 GIVING SURETY OR BEING AGENT FOR SURETY.

No officer, agent, or employee of the City shall become surety on the official bond of any City officer, agent, or employee, nor upon any bond or contract executed to or made with the City, nor except for himself or his immediate family, give or furnish any bail or recognizance in connection with any complaint or warrant charging violations of this Charter or of any ordinance of the City. No officer, agent, or employee of the City shall be the agent of any surety or insurer in connection with any license granted by the City or with respect to which the approval of the Council or any officer of the City is required.

SECTION 6.11 DELIVERY OF OFFICE AND ITS EFFECTS BY OFFICER TO HIS SUCCESSOR.

Whenever any officer or employee shall resign, or be removed from office, or the term of office for which he has been elected or appointed, has expired, he shall, on demand, deliver to his successor in the office or to his superior, all books, papers, moneys, and effects in his custody as such officer or employee, and which in any way they appertain to his office or employment. Any person violating this provision may be proceeded against in the same manner as public officers generally for a 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.

SECTION 6.12 NEPOTISM.

Unless the Council shall by unanimous vote, which vote shall be recorded as part of the official proceedings, determine that the best interests of the City shall be otherwise 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 spouse of any of them. All relationships shall include those arising from adoption. The disqualification for nepotism, as to elected City officials, shall be confined to a person working immediately under the supervision or control of a particular elected City official with whom he may be related by blood or marriage. The disqualification for nepotism, as to appointed official, shall be limited to a person holding employment in the same department or agency under which a relative is the appointed head. 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.

SECTION 6.13 REMOVALS FROM OFFICE.

Removals by the Council of elective or appointive officers or members of the Boards or Commissions may be made for any of the following reasons:

- (a) For any reason specified by law for removal of City officer by the Government;
- (b) For any act constituting a violation of this Charter;

(c) Such removals by the Council shall be made only after hearing of which such officer has been given notice by the Clerk at least ten days in advance, either personally or by sending the same by registered mail to his last address, or known place of residence according to the records of the City. Such notice shall include a copy of the charges against the officer. The hearing shall afford an opportunity to the officer, in person or by attorney, to be heard in his defense, to cross examine

witnesses and to present testimony. If such officer shall neglect to appear at such hearing and answer such charges, his failure to do so may be deemed cause for his removal. A majority vote of the members of the Council in office at the time, exclusive of any member whose removal may be being considered, shall be required for any such removal.

CHAPTER VII. PROCEDURES AND MISCELLANEOUS POWERS AND DUTIES

SECTION 7.1 CITY GOVERNING BODY.

The Mayor and six (6) Councilmen shall constitute the legislative and governing body of the City. They shall be elected from the City at large.

SECTION 7.2 POWERS, DUTIES, AND FUNCTIONS OF THE COUNCIL.

The Council shall determine all matters of Policy of the City and adopt ordinances and necessary rules and regulations to make the same effective. Further, the Council shall, subject to the limitations of law, raise revenues and make appropriations for the operation of City government, provide for the public peace and health and safety of persons and property, investigate municipal affairs and, when it deems necessary, any office or department of the City, and do and perform all acts required of it by this Charter. In the event of any investigation by the Council, any officer or employee of the City who shall fail or refuse to obey any summons, or to give any evidence pertaining to such investigation, subject to such exceptions as are permitted by law, shall upon conviction thereof, be guilty of a violation of this Charter.

SECTION 7.3 MEETINGS OF THE COUNCIL.

The Council shall provide by ordinance for the time and place of its regular meetings and shall hold at least two meetings in each month.

SECTION 7.4 SPECIAL MEETINGS.

Special meetings shall be called by the Clerk on the written request of the Mayor or any three members of the Council on at least twenty-four hours written notice to each member of the Council, served personally or left at his usual place of residence, and said written notice to each member of the Council shall designate the time, place, and purpose of such special meeting, but a special meeting may be held on shorter notice if all members of the Council are present or have waived notice thereof in writing, provided, however, that 18 hours prior to any meeting, a notice thereof shall be posted in the City Hall stating the date, time and place of the meeting. No notice posting shall be required where

2/3 of the council members decide that a delay would be detrimental to the efforts of the City to respond to a threat.

SECTION 7.5 BUSINESS OF 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. However, other than the enactment of an ordinance, any business which may lawfully come before a regular meeting may be transacted at a special meeting if all the members of the Council are present and consent thereto.

SECTION 7.6 MEETING TO BE PUBLIC.

All regular and special meetings of the Council shall be open to the public, and the rules of order of the Council shall provide that citizens shall have a reasonable opportunity to be heard.

SECTION 7.7 QUORUM: ADJOURNMENT OF MEETING.

Four members of the Council shall be a quorum for the transaction of business at all meetings of the Council, but, in the absence of a quorum, any number of members less than a quorum may adjourn any regular or special meeting to a later date. In the absence of a quorum, any number of members present less than a quorum may order the compulsory attendance of absent members at a Council meeting.

SECTION 7.8 RULES OF THE COUNCIL.

The Council shall determine its own rules and order of business, and shall keep a journal in the English language of all of its proceedings, which shall be signed by the Mayor and the Clerk. The vote upon the passage of all ordinances, and upon the adoption of all resolutions shall be by a "Yes" or "No" vote and entered upon the record, except that where the vote is unanimous, it shall only be necessary to so state. The people shall have access to the minutes and records of all regular and special meetings of the Council at all reasonable times.

SECTION 7.9 COMPULSORY ATTENDANCE AND CONDUCT OF MEETING.

Each member of the Council shall be required to attend all meetings of the Council unless excused in accordance with Section 6.2. The Council may order the attendance of its members at its meetings. The Council may order the attendance of other officers of the City at its meetings and may enforce such fines for non-attendance, as may, by ordinance, be prescribed. The refusal of any member of the Council, or other officer of the City to attend such meetings or to conduct himself in an orderly

manner thereat, shall be deemed a violation of this Charter. Any police officer designated by the presiding officer of the meeting shall serve as sergeant-at-arms of the Council in the enforcement of the provisions of this section.

SECTION 7.10 MEMBERS INTEREST IN QUESTION.

Except as otherwise provided in this Charter, a member of the Council shall not vote on any question in which he shall have a direct personal financial interest, other than as a citizen of the community, but on all other questions he shall vote unless excused therefrom by a vote of at least four members of the Council.

SECTION 7.11 PUBLIC HEALTH AND SAFETY.

The Council shall see that provision is made for the public peace and health, and for the safety of persons and property. Unless and until a board of health is established for the City by ordinance, the Council shall constitute the board of health of the City, and it and its officers shall possess all powers, privileges and immunities granted to boards of health by statute.

SECTION 7.12 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 for any license as it may deem proper.

SECTION 7.13 CEMETERY REGULATIONS.

The Council shall have the power to enact all ordinances deemed necessary for the establishment, maintenance, and protection of cemeteries, together with improvements thereon and appurtenances thereto, owned or hereafter acquired by the City either within or without its corporate limits. A plan for platting, sale and perpetual care of all lots, plots, and lands therein may be provided. All ordinances pertaining to public health and welfare in the regulation and protection of public cemeteries may apply equally to all cemeteries within the City belonging to, or under the control of any Church or religious society, or any corporation, company, association, or individual.

SECTION 7.14 TRUSTS.

The Council may, in its discretion, receive and hold any property in trust for park, cemetery, or other municipal purposes. Any trusts now existing for the benefit of the Village of Bangor shall be continued in full force in accordance with the *cy pres* doctrine.

CHAPTER VIII. CITY LEGISLATION**SECTION 8.1 LEGISLATIVE POWER.**

The Legislative power of the City is vested exclusively in the Council, except as otherwise prohibited by law.

SECTION 8.2 PRIOR VILLAGE LEGISLATION.

All valid ordinances, resolutions, rules and regulations of the City of Bangor which are not inconsistent with this Charter and which are in full force and effect at the time of the effective date of this Charter shall continue in full force and effect, until repealed or amended, according to Section 8.3 of this Charter. Those provisions of any valid ordinance, resolution, rule or regulation which are inconsistent with this Charter are hereby repealed.

SECTION 8.3 INTRODUCTION, CONSIDERATION AND STYLE OF ORDINANCE.

- (a) Each proposed ordinance shall be introduced in written form. The style of all ordinances passed by the Council shall be, "The City of Bangor Ordains."
- (b) Ordinances may be enacted by the affirmative vote of not less than four members of the Council.
- (c) Each Ordinance, after adoption, shall be identified by number, and by code Section number if and when said ordinances of the City are codified according to Section 8.3 (g) of this Charter.
- (d) An Ordinance or a part of an Ordinance may be repealed or amended only by an Ordinance passed in the manner provided in this Section. An Ordinance may be repealed by reference to its number only.
- (e) If a Section of an Ordinance is amended the Section shall be re-enacted and published at length. This requirement shall not apply to the schedules of stop streets, one-way streets, and of parking limitations contained in any traffic Ordinance or vehicular traffic regulating portion of the City's Ordinance code.
- (f) Each Ordinance shall be recorded by the Clerk forthwith in the Ordinance Book, and the enactment of such Ordinance and the effective date thereof shall be certified by him therein.
- (g) The Ordinances of the City may be set forth in code form as soon as practicable after the adoption of this Charter.

(h) No Ordinance shall be finally passed by the Council at the same meeting at which it is introduced.

SECTION 8.4 PUBLICATION OF ORDINANCES.

(a) Before an ordinance may become operative, it shall be published in at least one newspaper which is of general circulation in the City or as noted in the alternate method provided for in Section 2.2 (g) of this Charter. The effective date of an ordinance shall be stated therein, but shall not be less than ten (10) days after publication, unless it is declared by the affirmative vote of not less than five (5) members of the Council to be an emergency ordinance. The publication of an ordinance in full as part of the published proceedings of the Council shall constitute publication as required herein.

(b) All codes and other ordinance subject matter, which are or may be permitted by law to be adopted by reference shall be adopted and published in the manner permitted and required by law.

(c) In the event of the codification of the ordinances the deposit of a number of copies as provided by law, in the office of the Clerk available for public inspection and sale at cost, shall constitute publication thereof.

SECTION 8.5 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 dollars (\$500.00) or imprisonment for more than ninety (90) days, or both, in the discretion of the Court. Imprisonment for violations of ordinances may be in the City or County jail.

SECTION 8.6 INITIATIVE AND REFERENDUM.

An ordinance may be initiated by the electors of the City and a referendum on an ordinance may be had by them by the submission of a petition therefor as provided in this chapter.

SECTION 8.7 INITIATORY AND REFERENDARY PETITIONS.

An initiatory or a referendary petition shall be signed by not less than twenty (20) percent of the registered electors of the City as of the last general City or State election. Such petition may be the aggregate of two or more petition papers. Each signer of a petition shall sign his name, and shall place thereon after his signature, the date and his place of residence by street and number or Rural Route Number. To each petition paper there shall be attached a certificate by the circulator thereof, stating that each signature thereon is the genuine signature of the person whose name it purports to be, and that it was signed in the presence of the circulator. Each circulator shall be a resident elector of the

City. Such petitions shall be filed with the Clerk who shall, within fifteen days, canvass the signatures thereon to determine the sufficiency thereof. Any signature obtained more than thirty days before filing of such petition with the Clerk shall not be counted. If found to contain an insufficient number of signatures of registered voters of the City, or to be improper as to form or compliance with the requirements of this section, the Clerk shall notify forthwith the person filing such petition, and ten 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.

SECTION 8.8 COUNCIL PROCEDURES ON INITIATIVE OR REFERENDARY PETITIONS.

Upon receiving an initiatory or referendary petition from the Clerk the Council shall, either:

- (1) If it be an initiatory petition, adopt the ordinance as submitted in the petition within thirty days after receipt thereof, or determine to submit the proposal to the electors.
- (2) If it be a referendary petition, repeal the ordinance to which the petition refers within thirty days after receipt thereof or determine to submit the proposal to the electors.

SECTION 8.9 SAME — SUBMISSION TO 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 purpose, or, in the discretion of the Council, at a special election. The result shall be determined by a majority vote of electors voting thereon, except in cases where otherwise required by law.

SECTION 8.10 SAME — STATUS OF ORDINANCE ADOPTED.

An ordinance adopted by the electorate through initiatory proceedings may not be amended or repealed by the Council for a period of two years after the date of the election at which it was adopted. Should two or more ordinances, adopted at the same election have conflicting provisions, the one receiving the largest affirmative votes shall prevail as to those provisions.

SECTION 8.11 SAME — ORDINANCE SUSPENDED.

The certification by the Clerk of the sufficiency of a referendary petition within forty days after 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 the final determination of the electors thereon.

SECTION 8.12 RECALL.

Any elected official may be recalled from office by the electors of the City in the manner provided by statute. A vacancy created by such recall shall be filled in the manner prescribed by this Charter and by statute.

CHAPTER IX. GENERAL FINANCE**SECTION 9.1 FISCAL YEAR.**

The fiscal year and budget year of the City and of its agencies shall begin on the first day of July each year.

SECTION 9.2 BUDGET PROCEDURE.

On or before the first day in May of each year, each officer, department and board of the City shall submit to the City Manager an itemized estimate of its expected income, if any, and expenditures for the next fiscal year, for the department or activities under its control. The City Manager shall compile and review each budget request and shall then prepare his budgetary recommendations and submit them to the Council on June 1st.

SECTION 9.3 BUDGET DOCUMENT.

The Budget Document shall present a complete financial plan for the ensuing year. It shall include at least the following information:

- (a) A detailed Budget summary, showing the estimated receipts and expenditures of each fund and the total of all funds.
- (b) A detailed statement of the estimates of all proposed expenditures for each fund, itemized for each department and activity by objects of expenditure showing, in parallel columns, the expenditures for the preceding year.
- (c) Detailed statements of estimates of all anticipated income of the City from taxes and sources other than current taxes and borrowing, compared with the amounts received by the City from each of the same or similar sources for the last preceding year and for the current year.
- (d) A statement of the estimated financial condition of each City fund reflecting the estimated surplus or deficit in each such fund and showing all the transfers made from each such fund.

- (e) A statement of the bonded or the other indebtedness of the City showing the amount required in the ensuing year for retirement on the debt and necessary interest requirements.
- (f) A statement of outstanding delinquent taxes and delinquent special assessments which have been levied during the current and preceding fiscal years of the City and reasonable estimate of the amount expected to be collected during the next fiscal year of the City.
- (g) An estimate of the amount of money proposed to be raised by taxation and the amount to be raised from bond issues which together with the estimated income from other sources will be necessary to meet the proposed expenditures.
- (h) Such other information as may be required by the Council.

SECTION 9.4 BUDGET HEARING.

A public hearing on the budget proposal shall be held before its final adoption. Notice of the time and place of holding such hearing shall be published by the Clerk at least ten days in advance thereof. A copy of the proposed budget shall be on file and available to the public during office hours at the office of the Clerk for a period of not less than ten days prior to such public hearings. A copy of the proposed budget may be obtained by any qualified elector of the City from the City Clerk from the period between the publication of the notice of said hearing on the budget and the adoption thereof. Requests for a copy may be either written or oral and the Clerk shall either mail or hand a copy of the said proposed budget to the person requesting same within 24 hours of said request.

SECTION 9.5 ADOPTION OF THE BUDGET.

- (a) At a meeting held not later than the second regular meeting in June, the Council shall by resolution, adopt a budget for the next fiscal year and make appropriation of the money needed therefor. Such resolution shall designate the sum to be raised by taxation for the general purpose of the City and for the payments of principal and interest on its indebtedness. Failure to adopt such resolution within the time therein set shall not invalidate either the budget or the tax levy therefor.
- (b) Should the Council fail to adopt a budget for the next fiscal year by the closing of the meeting of the second Monday in June, the amounts appropriated for current operation for the current fiscal year shall be deemed appropriated for the ensuing fiscal year, on a month to month basis with all items pro-rated accordingly, until such time as the Council adopts a budget for the ensuing fiscal year.

SECTION 9.6 BUDGET CONTROL.

- (a) Except for purposes which are to be financed by the insurance of bonds or by special assessment, or for other purposes not 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.

(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 Mayor 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 annual budget appropriation which has not been encumbered at the end of the fiscal year shall revert to the general 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 purpose 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.

SECTION 9.7 COLLECTION AND DEPOSIT OF MONEYS.

The Council shall designate the depository or depositories of 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 law, except that personal surety bonds shall not be deemed proper security.

SECTION 9.8 INDEPENDENT AUDIT AND SYSTEM OF ACCOUNTING.

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 amounts shall be made by a qualified public accountant experienced in municipal accounting selected by the Council. An annual report of the City business shall be made available for distribution to the public by the City Mayor in such printed form as will disclose pertinent facts concerning the activities and finances of the City government. The Council shall provide the funds to defray the cost of the annual audit and report herein required in each annual budget of the City.

There shall be a uniform system of accounts and they shall be kept in such manner as to conform with the requirements of the laws of this State.

SECTION 9.9 MUNICIPAL BONDING POWER.

Subject to the applicable provisions of law, the Council may, by ordinance or resolution, authorize the borrowing of money for any purpose within the scope of powers vested in the City and permitted by law and may authorize the issuance of bonds or other evidence of indebtedness therefor. Such bonds or other evidences of indebtedness shall include but not be limited to the following types:

- (a) General obligation bonds which pledge the full faith, credit, and resources of the City for the payment of such obligations.
- (b) Notes issued in anticipation of the collection of taxes, but the proceeds of such notes may be spent only in accordance with appropriations as provided in Section 9.6.
- (c) In case of fire, flood, or other calamity, emergency loans due in not more than five years for the relief of inhabitants of the City and for the preservation of municipal property.
- (d) 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; such special assessment bonds may be an obligation of the special assessment district or districts alone, or maybe both an obligation of the special assessment district or districts and a general obligation of the City.
- (e) Mortgage bonds for the acquiring, owning, purchasing, constructing, improving, or operating of any public utility which the City is authorized by this Charter to acquire or operate. A sinking fund shall be created in the event of the issuance of such bonds, 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, unless serial bonds are issued of such a nature that no sinking fund is required.

(f) Bonds for the refunding of the funded indebtedness of the City.

(g) Revenue bonds as authorized by law which are secured only by the revenues from a public improvement or public utility and do not constitute a general obligation of the City.

(h) Bonds issued in anticipation of future payments from the Motor Vehicle Highway Fund or any other fund of the State which the City may be permitted by law to pledge for the payment of the principal and interest thereof.

SECTION 9.10 AUTHORIZATION OF ELECTORS REQUIRED.

(a) Except as provided in Section 9.10 (b) of this chapter, no bonds pledging the full faith and credit of the City shall be issued without the approval of a majority of the qualified electors voting thereon at any general or special election.

(b) The restriction of Section 9.10 (a) of this chapter shall not apply to general obligation bonds issued to pay for the City's portion of public improvements the remainder of which are to be financed by special assessments, tax anticipation notes issued under Section 9.9 (b) of this chapter, emergency bonds issued under Section 9.9 (c) of this chapter, special assessment bonds issued under Section 9.9 (d) of this chapter, refunding bonds issued under Section 9.9 (f) of this chapter, or to bonds, the issuance of which does not require a vote of electors by the provisions of State law.

SECTION 9.11 LIMITS OF BORROWING POWER.

(a) The net bonded indebtedness incurred for all public purposes shall not at any time exceed the maximum percentage permitted by statute, provided that in computing such bonded indebtedness there shall be excluded money borrowed in such a manner as not to constitute part of the bonded indebtedness under governing provisions of the State Law and this Charter.

(b) The amount of emergency loans which may be made under the provisions of Section 9.9 (c) may not exceed the maximum amount permitted by law, and such loan may be made even if it causes the indebtedness of the City to exceed the limit of the net indebtedness fixed in this Charter.

(c) No bonds shall be sold to obtain funds for any purpose other than that for which they were specifically authorized, and if such bonds are not sold within three years after authorization such authorization shall be null and void.

(d) The issuance of any bonds not requiring the approval of the electorate shall be subject to applicable requirements of law with reference to public notice in advance of authorization of such

issues, filing of petitions for a referendum on such insurance, holding of such referendum and other applicable procedural requirements.

SECTION 9.12 PREPARATION AND RECORD OF BONDS.

Each bond or other evidence of indebtedness shall contain on its face a statement specifying the purpose for which it is issued and it shall be unlawful for any officer of the City to use the proceeds thereof for any other purpose. Any officer who shall violate this provision shall be deemed guilty of a violation of this Charter, except that, whenever the proceeds of any bond issue or part thereof shall remain unexpended and unencumbered for the purpose for which said bond issue was made, the Council may authorize the use of said funds for the retirement of bonds of such issue or for any other purpose and in such manner as permitted by law. All bonds or 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 signature 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 or other designated officer. Upon the payment of any bond or other evidence of indebtedness, the same shall be cancelled.

SECTION 9.13 DEFERRED PAYMENT CONTRACTS.

The City may enter into installment contracts for the purpose of property or capital equipment. Each such contract shall not extend over a period greater than ten (10) years nor shall the total amounts of principal payable under all such contracts exceed a sum and manner permitted by law.

All such deferred payments shall be included in the budget for the year in which the installment is payable.

CHAPTER X. TAXATION

SECTION 10.1 POWER TO TAX — TAX LIMIT.

(a) The City shall have the power to assess taxes and to lay and collect taxes, rent, tolls, and excises, excepting and excise tax levied on or measured by income, which to be imposed must be first approved by a two-thirds (2/3) majority vote of the electors of the City voting on such proposition.

(b) The levy of taxes for municipal purposes in any year shall not exceed one and seven-tenths (1.7) percent of the assessed value of all real and personal property in the City.

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 statute.

SECTION 10.3 EXEMPTIONS.

No exemptions from taxation shall be allowed, except such as are expressly permitted by state law.

SECTION 10.4 TAX DAY.

Subject to the exception provided or permitted by statute, the taxable statute of persons and property shall be determined as of the thirty-first day of December, which shall be deemed the tax day. Assessments shall be 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.

SECTION 10.5 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 status 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 or his property; or does any other act tending to prejudice, or to render wholly or partly ineffectual the proceedings to collect such tax, he shall proceed to collect the same as a jeopardy assessment in the manner provided by law.

SECTION 10.6 PREPARATION OF THE ASSESSMENT ROLL.

(a) On or before the first Monday in March in each year, the Assessor shall prepare and certify an assessment roll of all property in the City. Such roll shall be prepared as required by the general property tax act. Value shall be estimated according to recognized methods of systematic assessment.

(b) On or before the first Monday in March the assessor shall give, by first class mail, a notice of any change from the previous year in the assessed value of any property or of the addition of any property to the roll to the owner as shown by such assessment roll. The failure to give any such notice or of the owner to receive it shall not in validate any such roll assessment thereon.

(c) Such roll may be divided into volumes, which the assessor shall identify by number, for the purpose of convenience in handling the assessment roll and for locating properties therein. The

attachment of any certificate or warrant required by this chapter to any volume of the roll, shall constitute the attachment thereof to the entire roll, provided the several volumes are identified in such certificate or warrant.

SECTION 10.7 BOARD OF REVIEW.

(a) A Board of Review is hereby created, composed of three freeholders of the City who have the qualification of holding elective City office as set forth in Section 6.1 (a) of this Charter and who during their term of office, shall not be City officers or employees or be nominees or candidates for elective City office. The appointment of members of such board shall be based upon their knowledge and experience in property valuation.

(b) The members of the Board of Review shall be appointed by the Council, according to Section 5.2 of this Charter, and may be removed for reasons of nonfeasance or misfeasance by the vote of five members of the Council. One member shall be appointed in the month of December of each year, for a term of three years, commencing on the following January first. The Council shall fix the compensation of the members of the board.

(c) The board shall, annually, on the first day of its meeting, elect one of its members chairman for the ensuing year. The Assessor shall be the Clerk of the board, and shall be entitled to be heard at the sessions, but shall have no vote on any proposition or question. A majority of the members of the board shall constitute a quorum.

SECTION 10.8 DUTIES AND FUNCTIONS OF THE BOARD OF REVIEW.

For the purpose of revising an correcting assessments, the Board of Review shall have the same powers and perform like duties in all respects as are conferred by law upon and required of boards of reviews in Townships, except as otherwise provided in this Charter. 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 deems just. In all cases the roll shall be reviewed according to the facts existing on the tax day and no change in the status of any property after that day shall be considered by the Board in making its decisions. Except as otherwise provided by law no person other than the Board of Review, shall make or authorize any change upon, or addition or corrections to, the assessment roll. It shall be the duty of the Assessor to keep a permanent record of all proceedings of the Board and to enter therein all resolutions and decisions of the Board.

SECTION 10.9 MEETING OF BOARD OF REVIEW.

The Board of Review shall meet in two sessions in each year at such place as shall be designated by the Council. The first session of the Board shall convene on the first Tuesday after the first Monday

in March of each year and shall be in session for one day and continue 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 Secretary of the Board, forthwith, shall give notice to the owners thereof according to the last assessment roll of the City by first class mail placed in the post office not later than midnight of the Thursday following the first meeting of the Board. The second session of the board shall convene on the second Monday of March of each year and shall continue in session or two days and as much longer as may be necessary. The Board shall remain in session during such hours as the Council may designate.

The Board of Review may examine under oath all person appearing before it respecting the assessment of property on the assessment roll. Any member of the board may administer the oath.

SECTION 10.10 NOTICE OF MEETING.

Notice of the time and place of the annual meetings of the Board of Review shall be published by the Assessor not less than two weeks prior to each session of the Board.

SECTION 10.11 ENDORSEMENT OF ROLL - VALIDITY.

After the Board shall have completed its review of the assessment roll, a majority of its members shall immediately 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 effect the validity of such roll. Upon the completion of said roll and from and after midnight following the last day of the 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 or 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.

SECTION 10.12 TAX LEVY CERTIFIED.

Within three days after the Council has adopted the budget and made the appropriations for the ensuing year, the Clerk shall certify to the assessor the total amount which the Council determines shall be raised by general ad valorem taxation, together with such other assessments and lawful charges and amounts which the Council requires to be assessed, reassessed, or charged upon the City tax roll against property or persons.

SECTION 10.13 CITY TAX ROLL.

After the Board of Review has completed its review of the assessment roll, 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 Section 10.12, the Assessor shall spread upon said tax roll the several amounts determined by the Council to be charged, assessed, or reassessed against persons or property. He shall also spread thereon the amounts of the general ad valorem City tax according to and in proportion to the several valuations set forth in said assessment roll. To avoid fractions in computation of any tax roll, the Assessor may add to the amount of the several taxes to be raised not more than the amount prescribed by law. Any excess created thereby on any tax roll shall belong to the City.

SECTION 10.14 TAX ROLL CERTIFIED FOR COLLECTIONS.

After spreading the taxes the Assessor shall certify the tax roll and attach his warrant thereto directing and requiring the Treasurer to collect prior to March first of the following year, from the several persons named in the tax roll and 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 statutory powers and immunities possessed by Township Treasurers for the collection of taxes. On or before June first the roll shall be delivered to the Treasurer for collection.

SECTION 10.15 TAX LIEN ON PROPERTY.

On July first the taxes thus assessed shall become 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 become a lien upon such property, for such amounts and for all interest and charges thereon and all personal taxes shall become a first lien on all personal property of such persons so assessed. Such lien shall take precedence over all OTHER claims, encumbrances, and liens to the extent provided by law and shall continue until such taxes, interest and charges are paid.

SECTION 10.16 TAX PAYMENT DUE; NOTIFICATION THEREOF.

(a) City taxes shall be due on July first of each year. The Treasurer shall not be required to call upon the person named in the City tax roll, nor to make personal demand for the payment of taxes, but he shall (1) publish, between June fifteenth and July first, notice of the time when said taxes will be due for collection and of the penalties and fees for the late payment thereof, and (2) mail a tax bill to each person named in said roll. In cases of multiple ownership of property only one bill need be mailed.

(b) Failure on the part of the Treasurer to publish said notice or mail such bills shall not invalidate the taxes on said tax roll.

SECTION 10.17 COLLECTION CHARGES ON LATE PAYMENT OF TAXES.

No penalty shall be charged for City taxes paid on or before the first day of August. The Council shall provide, by Ordinance, the tax payment scheduled for City taxes paid after the first day of August, and the amount of penalty, collection fee, or interest charges to be added thereafter. Such charges shall belong to the City and constitute a charge and shall be a lien against the property to which the taxes apply, collectible in the same manner as the taxes to which they are added.

SECTION 10.18 FAILURE OR REFUSAL TO PAY PERSONAL PROPERTY TAX.

If any person, firm or corporation shall neglect or refuse to pay any personal property tax assessed to him or them, the Treasurer shall collect the same by seizing the personal property of such person, firm, or corporation, to an amount sufficient to pay such tax, fees, and charges for subsequent sale, wherever the same may be found in the state, and from which seizure no property shall be exempt. He may sell the property seized to an amount sufficient to pay the taxes and all charges in accordance with statutory provisions. The Treasurer may, if otherwise unable to collect a tax on personal property, sue, in accordance with statute, the person, firm or corporation to whom it is assessed.

SECTION 10.19 COLLECTION OF DELINQUENT TAXES.

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 shall be returned to the County Treasurer in the manner and with like effect as provided by statute for returns by Township Treasurers of Township, School and County Taxes, and shall be declared delinquent as of March first of each year. Such returns shall include all the additional assessments, charges and fees hereinbefore provided which shall be added to the amount assessed in said tax roll against each property or person. The taxes thus returned shall be collected the same manner as other taxes returned to the County Treasurer are collected, in accordance with statute, and shall be and remain alien upon the property against which they are assessed until paid. If by change in statute or otherwise, the Treasurer of the County of Van Buren is no longer charged with the collection of delinquent real property taxes, such delinquent taxes shall be collected in the manner provided by statute for the collection of delinquent Township, School and County taxes.

SECTION 10.20 STATE, COUNTY AND SCHOOL TAXES.

For the purpose of assessing and collecting taxes for State, County, and School purposes, the City shall be considered the same as a Township, and all provisions of 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.

CHAPTER XI. SPECIAL ASSESSMENTS**SECTION 11.1 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 assessment, and what part, if any, shall be a general obligation of the City, and the number of installments in which assessments may be paid, and shall designate the districts or land and premises upon which special assessments shall be levied.

SECTION 11.2 DETAILED PROCEDURE TO BE FIXED BY ORDINANCE.

(a) The Council shall prescribe by general ordinance the complete special assessment procedure concerning the limitation of projects, plans and specifications, estimates of costs, notice of hearings, making and confirming assessment rolls in advance of starting the improvement, and the correction of errors therein, collection of special assessments, and any other matters concerning the making of improvements, assessments, and any other matters concerning the making of improvements by the special assessment method, subject to the provisions of this Charter.

(b) No special assessment roll shall be finally confirmed until after a public hearing has been held by the Council on the necessity of making of such public improvements; a publication of the notice of said hearing shall be made not less than seven days prior to the date of said hearing on necessity and notice of said hearing shall also be given by first class mail to the persons and in the manner provided in Act 162 of Public Acts of 1962, and provided further that no said special assessment roll shall be finally concerned until after a public hearing is held on the advisability of proceeding with any such public improvement and a review of the special assessment roll has been made at said public hearing, notice of same being given at least fifteen days before the date of hearing by publication of said notice and notice of said hearing given by first class mail to the person and in the manner provided in Act 192, Public Acts of 1962.

Statutory reference:

Special assessment hearings, see Public Act 162 of 1962, being M.C.L.A. §§ 211.721 through 211.745

Editor's note:

Public Act 192 of 1962, cited at the conclusion of this section is incorrect. The correct intended citation is Public Act 162 of 1962, being M.C.L.A. §§ 211.721 through 211.745.

SECTION 11.3 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 improvements, or in 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 in this chapter without a four-fifths (4/5ths) vote of the members-elect of the Council, entitled to vote thereon, provided that this section shall not apply to sidewalk construction.

SECTION 11.4 HAZARDS AND NUISANCES.

When any lot, building or structure within the City, because of accumulation of refuse or debris, the uncontrolled growing of weeds, or are 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, structure, the Council may, after investigation, give notice to the owner of the land upon which such hazard or nuisance exists, or 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 the expiration of the time limit in said notice, said owner has not complied with the requirements therefor 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, or under the direction of, 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.

SECTION 11.5 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 against the same, or as by a regular vote or proceeding might have been lawfully assessed thereon.

SECTION 11.6 SPECIAL ASSESSMENT ACCOUNTS.

Except as otherwise provided in this Charter, moneys raised by special assessment for any public improvement shall be credited to a special account and shall be used to pay for the costs of the improvement for which the assessment was levied and expenses incidental thereto and to repay any money borrowed therefore.

SECTION 11.7 FAILURE TO RECEIVE NOTICE.

Failure to receive any notice required to be sent by this chapter or by ordinance shall not invalidate any special assessment or special assessment roll.

CHAPTER XII. PURCHASES, CONTRACTS, LEASES**SECTION 12.1 CONTRACTING AUTHORITY OF COUNCIL.**

(a) The power to authorize the making of contracts on behalf of the City is vested in the Council and shall be exercised in accordance with the provisions of the law.

(b) All contracts, except as otherwise provided by ordinance, in accordance with the provisions of Section 12.2 hereof, shall be authorized by the Council and shall be signed on behalf of the City by the Mayor or the Clerk.

SECTION 12.2 PURCHASE AND SALE OF PERSONAL PROPERTY.

The Council shall establish, by ordinance, the procedures for the purchase and sale of personal property for the City. The ordinance shall provide the dollar limit within which purchase of personal property may be made without the necessity of securing competitive bids, and the dollar limit within which purchases may be made without the necessity of prior Council approval. No purchase of personal property shall be made unless a sufficient unencumbered appropriation balance is available therefor.

SECTION 12.3 LIMITATIONS ON CONTRACTUAL POWER.

(a) The Council shall have the power to enter into only such contract which by the terms thereof, will be fully executed within a period of ten years as permitted by law, unless such contract shall first receive the approval of a majority of the qualified electors voting thereon at a regular or special election. This qualification shall not apply to any contract for services with a public utility or one or more other governmental units, nor to contracts for debt secured by bonds or notes which are permitted to be issued by the City by law.

(b) The City shall not have power to purchase, sell, lease or dispose of any real estate unless:

(1) In case of sale, there shall be at least two published advertisements for bids prior to adoption of a resolution for sale or disposal.

(2) Such action is approved by the affirmative vote of five or more members of the Council, and unless,

(3) In the case of real estate owned by it, the resolution authorizing the sale, lease, or disposal thereof shall be completed in the manner in which it is finally passed and has remained on file with the Clerk for public inspection for twenty days before the final adoption or passage thereof.

(c) Except as provided by ordinance authorized by Section 12.2 of this chapter, each contract for construction of public improvements or for the purchase or sale of personal property shall be let after opportunity for competitive bidding. All bids shall be opened in public by the City Clerk or his authorized representative at the time designated in the notice of letting and shall be reported by him to the Council at its next meeting. The Council may reject any or all bids, if deemed advisable. If, after ample opportunity for competitive bidding, no bids are received or such bids as were received were not satisfactory to the Council, the Council may either endeavor to obtain new competitive bids or authorized the City Clerk or other proper official of the City to negotiate for a contract on the open market.

(d) Any contract or agreement which requires competitive bids as authorized by the City ordinance as required in Section 12.2 above shall, before execution be submitted to the City Attorney and his opinion obtained with respect to its form and legality. A copy of all contracts or agreements requiring such opinion shall be filed in the office of the Clerk together with a copy of the opinion.

(e) All contracts shall be in accordance with Section 6.7 of this Charter.

(f) No contract or purchase order shall be subdivided for the purpose of circumventing the dollar value limitations as set forth in said ordinance.

(g) No contract shall be amended after the same has been made, except upon the authority of the Council, provided that the purchasing officer may amend contracts for those purchases and sales made by him under authority of Section 12.2.

(h) No contract shall be made with any person, firm or corporation in default to the City.

SECTION 12.4 LICENSES REMAIN IN EFFECT.

All licenses granted by the City of Bangor 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.

CHAPTER XIII. MUNICIPAL OWNED UTILITIES**SECTION 13.1 GENERAL POWERS RESPECTING UTILITIES.**

Subject to the provisions of the Constitution and Statutes, the City shall have the power to acquire, own or operate any utility, within or without its corporate limits, including but no by way of limitation, public service facilities for supplying water, light, heat, power, sewage disposal, transportation and storage and parking of vehicles of the municipality and its inhabitants, and may sell and deliver water, light, heat, and power in an amount not exceeding the limitation set by the Constitution and Statutes; may provide sewage disposal service outside of its corporate limits in such amount as may be determined by the City Council; and may operate transportation lines outside the municipality within such limits as may be prescribed by law.

SECTION 13.2 MANAGEMENT OF MUNICIPALITY OWNED UTILITIES.

All municipally owned or operated utilities shall be administered as a regular department of the City Government under a Board or Commission and/or one or more department heads appointed under the provisions of Section 5.6 who shall serve at the pleasure and under the supervision of the Council and shall not be an independent board or commission.

SECTION 13.3 RATES.

The Council shall have the power to fix from time to time such just and reasonable rates as may be deemed advisable for supplying the inhabitants of the City and others with such public utility services as the City may provide. There shall be no discrimination in such rates within any classification of users thereof, nor shall free service be permitted, but higher rates may be charged outside the corporate limits of the City.

SECTION 13.4 UTILITY RATES AND CHARGES — COLLECTION.

The Council shall provide by ordinance for the collection of all public utility rates and charges of the City. Such ordinance shall provide at least:

(a) That the City as authorized by statute shall have as security for the collection of such utility rates and charges a lien upon the real property supplied by such utility, which lien shall become effective immediately upon the supplying of such utility service and shall be enforced in the manner provided in such ordinance.

(b) The terms and conditions under which utility services may be discontinued in case of delinquency in paying such rates or charge.

(c) With respect to the collection of rates charged for water the city shall have the powers granted to Cities in Act 178 of the Public Acts of 1939, as amended.

Statutory reference:

Municipal water and sewer service liens, see Public Act 178 of 1939, being M.C.L.A. §§ 123.161 through 123.167

SECTION 13.5 DISPOSAL OF UTILITY PLANTS AND PROPERTY.

Unless approved by a majority vote of the electors voting thereon at a regular or special election, the City shall not sell, exchange, lease or in any way dispose of any property, easements, equipment, privilege or asset belonging to and appertaining to any municipally owned public utility which is needed to continue operating such utility. All contracts, negotiations, licenses, grants, leases or other forms of transfer in violation of this section shall be void and of no effects as against the city. The restriction of this section shall not apply to the sale or exchange of any articles of machinery or equipment of any City owned public utility which are worn out or useless or which have been, or could with advantage to the service be, replaced by new and improved machinery or equipment, to the leasing of property not necessary for the operation of the utility, or to the exchange of property or easements for other needed property or easements. It is provided, however, that the provisions of this section shall not extend to vacation or abandonment of streets as streets as provided by statute.

SECTION 13.6 UTILITY FINANCES.

The rates and charges for any municipal public utility for the furnishing of water, light, heat, power, gas or sewage treatment and garbage disposal shall be so fixed as to at least meet all the costs of such utility including depreciation.

Transactions pertaining to the ownership and operation by the City of each public utility shall be recorded in a separate group of accounts under an appropriate fund caption, which accounts shall be classified in accordance with generally accepted utility accounting practice. Charges for all service furnished to, or rendered by, other City departments or agencies shall be recorded. An annual report shall be prepared to show fairly the financial position of each utility and the results of its operation, which report shall be available for inspection in the office of the Clerk.

CHAPTER XIV. PUBLIC UTILITY FRANCHISES

SECTION 14.1 FRANCHISES REMAIN IN EFFECT.

All franchises to which the Village of Bangor is a party when this Charter becomes effective, shall remain in full force and effect in accordance with their respective terms and conditions.

SECTION 14.2 GRANTING OF PUBLIC UTILITY FRANCHISES.

Public Utility Franchises and all renewals and extensions thereof and amendments thereto, shall be granted by ordinances only. No exclusive franchise shall ever be granted. No franchise shall be granted for a longer period than thirty years.

No franchise ordinance which is not subject to revocation at the will of the Council shall be enacted nor become operative until the same shall have first been referred to the people at a regular or special election and received the affirmative vote of three-fifths of the electors voting thereon. No such franchise ordinance shall be approved by the Council for referral to the electorate before thirty days after application therefor has been filed with the Council nor until a public hearing has been held thereon, nor until the grantee named therein had filed with the Clerk his unconditional acceptance of all terms of such franchise. No special election for such purpose shall be ordered unless the expense of holding such election, as determined by the Council shall have first been paid to the Treasurer by the grantee.

A franchise ordinance or renewal or extension thereof or amendment thereto which is subject to revocation at the will of the Council may be enacted by the Council without referral to the voters, but shall not be enacted unless it shall have been complete in the form in which it is finally enacted and shall have been on file in the office of the Clerk for public inspection for at least four weeks after publication of a notice that such ordinance is so placed on file.

SECTION 14.3 CONDITIONS OF PUBLIC UTILITY FRANCHISES.

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, but this enumeration shall not be exclusive or impair the right of the Council to insert in such franchise any provision within the powers of the City to impose or require;

- (a) To repeal the same for misuse, non-use or 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 the 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 successor.
- (d) To require continuous uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period thereof;
- (e) To use, control and regulate the use of its streets, alleys, bridges and other public places and space above and beneath them.

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

SECTION 14.4 REGULATION OF RATES.

All public utility franchises shall make provision therein for fixing rates, fares, and charges, and may provide for readjustments thereof at periodic intervals. The value of the property of the utility used as a basis for fixing such rates, fares, and charges shall in no event include a value predicated upon the franchise, goodwill or prosecutive profits.

SECTION 14.5 USE OF PUBLIC PLACES BY UTILITIES.

Every public utility whether it has a franchise or not shall pay such part of the cost of improvement or maintenance of streets, alleys, bridges and other public places as shall arise from its use thereof and shall protect and save the City harmless from all damages arising from said use. Every such public utility may be required by the City to permit joint use of its property and appurtenances located in the streets, alleys, and other public places of the City by the City and by other utilities insofar as such joint use may be reasonably practicable and upon payment of reasonable rental therefor.

In the absence of agreement and upon application by any public utility or the Council, the Council shall provide for arbitration if the terms and conditions of such joint use and the compensation to be paid therefor, the cost of said arbitration shall be at the expense of the utilities involved, and the arbitration award shall be final and binding on all parties thereto.

SECTION 14.6 REVOCABLE PERMITS.

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

CHAPTER XV. VIOLATION BUREAU

SECTION 15 ESTABLISHMENT OF VIOLATION BUREAU.

The Council shall have power and authority to establish by ordinance when authorized by statute, a traffic violations bureau for the handling only of violations of ordinances and regulations of the City or parts thereof as prescribed in the ordinance establishing such bureau. The creation of such bureau

by the Council shall not operate so as to deprive any person of a full and impartial hearing in Court should such person so choose.

CHAPTER XVI. 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 Bangor at a regular election to be held on Monday, April 3, 1978. This election shall be conducted by the officers charged with the conduct and supervision of elections under the existing governing statutes, and shall follow the election procedure and be canvassed in the matter provided for under the present form of government.

SECTION 16.2 FORM OF VOTING.

The form of ballot for the submission of this Charter shall be as follows: Instruction: A cross (X) in the square 9 before the word "Yes" is in favor of the proposed charter, and a cross (X) in the 9 before the word "No" is against the proposed charter. "Shall the City Charter proposed by the City Charter Commission be adopted?"

9 Yes

9 No

SECTION 16.3 THE EFFECTIVE DATE OF THIS CHARTER.

For all purposes not otherwise provided for herein this charter shall take effect on July 1, 1978:

SECTION 16.4 FIRST OFFICERS UNDER THE CHARTER.

Each member of the City Council whose term of office expires in 1979 shall continue in the office so held by him for the balance of the term of office to which he was elected and shall be a Councilman under this Charter. Two of the three Councilmen whose present term will expire in 1979 shall be elected for a term of three years. The winning candidate receiving the lowest number of votes shall be elected for a term of two years. In the 1980 election, two Councilmen shall be elected for a term of three years and the winning candidate receiving the lowest number of votes shall be elected for a term of one year. Thereafter the members of the Council shall be elected and shall qualify, assume, and hold offices to which they have been elected or appointed in accordance with this Charter. The

Mayor elected in the 1978 election shall continue in office so held by him until 1980. In the 1980 election, the Mayor shall be elected to a three year term.

SECTION 16.5 CONTINUATION OF ELECTIVE AND APPOINTED OFFICERS AND EMPLOYEES.

After the effective date of this Charter, all elective officers, appointive officers and employees as provided for in the statutes under which the City of Bangor operated prior to the effective date of this Charter, shall continue in that City office of employment which corresponds to the City office or employment which they held prior to the effective date of this Charter, as though they had been appointed or employed in the manner provided in this Charter, and they shall in all respect be subject to the provisions of this Charter.

SECTION 16.6 STATUS OF SCHEDULE CHAPTER.

The purpose of this schedule chapter is to inaugurate the government of the city under this charter and to accomplish the transition from a Home Rule City to a Home Rule City-City Manager form of government and it shall constitute a part of this charter only to the extent and for the time required to accomplish this end.

SECTION 16.7 PUBLICATION OF CHARTER.

This proposed Charter and amendments shall be published in the Bangor Advance on March 14, 1978, together with a notice of the election on the adoption of this Chapter.

RESOLUTION OF ADOPTION.

At a meeting of the Charter Commission of the City of Bangor held in the Council Chamber of the City of Bangor, the usual meeting place of the Charter Commission, on March 7, 1978, the following members of the Charter Commission were present: John Balzer, Janice A. Dzuibinski, Marilee Wiles, Rosemary Insidioso, Clark W. Dowell, William H. Waite, Richard Rosga, Absent: Joseph P. Distefano, Robert G. Chandler.

At such meeting, the following resolution was offered, seconded and adopted by the Charter Commission:

RESOLVED, That the Charter Commission of the City of Bangor does hereby adopt the foregoing instrument as the proposed Charter of the City of Bangor and the Chairman of this Commission is

hereby instructed to transmit the same to the Governor of the State of Michigan, accordance with the provisions of the statute, for his approval.

The vote on the adoption of said resolution was as follows:

Ayes: 7

Nays: 0

JOHN BALZER

John Balzer, Chairman of the Charter Commission of the City of Bangor

Countersigned by the following Commissioners:

JANICE A. DZUBNSKI

Janice A. Dzubnski, Secretary of the Charter Commission of the City of Bangor

MARLIEE WILES

ROSEMARY INSIDIOSO

WILLIAM H. WAITE

RICHARD ROSGA

CLARK W. DOWELL

All of the Commissioners having attested as to said resolution as above and also having attested the copy to be signed by the Governor, the meeting adjourned, subject to the call of the chairman.

I do hereby approve the above and foregoing charter of the City of Bangor.

Approved:

Governor of the State of Michigan

William G. Milliken, Lieutenant and Acting Governor

Dated: February 5, 1968

CITY OF BANGOR, MICHIGAN

CODE OF ORDINANCES

Contains 2007 S-9, current through
Ordinance 277, passed 4-16-07, and Ordinance 279, passed 1-8-07

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Cross-reference:

Definitions and general provisions, see Charter Chapter II

City legislation, see Charter Chapter VIII

Ordinance enforcement, see Chapter 35 of this code

§ 10.01 TITLE OF CODE.

This codification of ordinances by and for the municipality of Bangor shall be designated as the Code of Bangor and may be so cited.

§ 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.

§ 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.

§ 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.

§ 10.05 DEFINITIONS.

(A) *General rule.* Words and phrases shall be taken in their plain, or 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) *Terms defined.* 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 Bangor, 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.

COUNCIL. The Mayor and City Council of the city.

COUNTY. Van Buren County, Michigan.

MAILING. As mailed from the U.S postal facility at Bangor, 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. Includes but shall not be limited to the Mayor, the members of the Council, and, as provided in the charter, the administrative officers, deputy administrative officers, and members of the City boards and commissions created by or pursuant to this Charter or code of ordinances.

PERSON. Extends to and includes person, persons, firm, corporation, copartnership, trustee, lessee, or receiver, and bodies politic. 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.

PRINTED or **PRINTING.** Engraving, stencil, duplicating, lithographing, typewriting, photostating, or any similar method.

PUBLIC UTILITY. All common carriers in the public streets; water, sewage disposal, electric light and power, gas, telephone and telegraph lines and systems, garbage collection and disposal, refuse collection and disposal and reduction plants, transportation, and such other and different enterprises as the Council may, from time to time, determine or designate.

PUBLISH or **PUBLISHED.** Publications of any matter, required to be published, in the manner provided by law or, where there is no applicable law, in one or more newspapers of general circulation in the City, qualified by law for the publication of legal notices, or, as an alternate therefor, shall be posted in at least three public places in each election precinct.

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, including hand written script, printing, typewriting, and teletype and telegraphic communications.

YEAR. A calendar year, unless otherwise expressed.

§ 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 legislative body 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.

Cross-reference:

Definitions and interpretations, see Charter Section 2.2

§ 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.

§ 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.

§ 10.09 REFERENCE TO OFFICES.

Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of this 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.

§ 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.

§ 10.11 OFFICIAL TIME.

The official time, as established by applicable state or federal laws, shall be the official time within this municipality for the transaction of all municipal business.

§ 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 is Sunday, it shall be excluded.

§ 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.

§ 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.

§ 10.15 EFFECTIVE DATE OF ORDINANCES.

All ordinances passed by the legislative body 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.

§ 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.

§ 10.17 ORDINANCES WHICH AMEND OR SUPPLEMENT CODE.

(A) If the legislative body shall desire to amend any existing chapter or section of this code, the chapter or section shall be specifically repealed and a new chapter or section, containing the desired amendment, substituted in its place.

(B) Any ordinance which is proposed to add to the existing code a new chapter or section shall indicate, with reference to the arrangement of this code, the proper number of such chapter or section. In addition to such indication thereof as may appear in the text of the proposed ordinance, a caption or title shall be shown in concise form above the ordinance.

§ 10.18 SECTION HISTORIES; STATUTORY REFERENCES.

(A) As histories for the code sections, the specific number and passage date of the original ordinance, and the most recent three amending ordinances, if any, are listed following the text of the code section. Example: (Ord. 10, passed 5-13-60; Am. Ord. 15, passed 1-1-70; Am. Ord. 20, passed 1-1-80; Am. Ord. 25, passed 1-1-85)

(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. §§ 15.231 et seq.) (Ord. 10, passed 1-17-80; Am. Ord. 20, passed 1-1-85).

(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:

§ 39.01 PUBLIC RECORDS AVAILABLE.

This municipality shall make available to any person for inspection or copying all public records, unless otherwise exempted by state law.

Statutory reference:

*For provisions concerning the inspection of public records,
see Public Act 442 of 1976, being M.C.L.A. §§ 15.231
through 15.246*

§ 10.99 GENERAL PENALTY.

Any person, firm, or corporation who violates any provision of this code for which another penalty is not specifically provided shall, upon conviction, be subject to a fine not exceeding \$500 or imprisonment for not more than 90 days, or both fine and imprisonment. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

Statutory reference:

Violation of ordinances, maximum penalty authorized, see M.C.L.A. § 117.4i(k)

Cross-reference:

Authority of Council to provide punishment for violations, see Charter Section 8.5

CHAPTER 11: SCHEDULE OF RATES AND FEES

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§ 11.01 TITLE.

This chapter shall be titled "Schedule of Rates and Fees."
(Ord. 252, passed 8-21-00)

§ 11.02 INTERPRETATION.

This chapter shall be constructed as Chapter 11 under Title I, General Provisions of the City of Bangor, Michigan Code of Ordinances. This chapter shall control the establishment of various rates and fees for services; permits; penalties; payments; rates and fees for utilities, building and construction; offenses against city ordinances; and, other rates and fees as may, from time to time, be decided by majority vote of the City Council.
(Ord. 252, passed 8-21-00)

§ 11.03 SEVERABILITY.

If any provision or section of this chapter may later be 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 provisions or applications.
(Ord. 252, passed 8-21-00)

§ 11.04 REFERENCE TO OTHER SECTIONS.

This chapter, sections of this chapter, or any of the individual rates or fees as properly established by the City Council from time to time take precedence over other sections of this code. The City Council automatically amends affected sections of this code upon proper adoption, from time to time, of subsequent Schedule of Rates and Fees.

(Ord. 252, passed 8-21-00)

§ 11.05 GENERAL PROVISION.

(A) As permitted under the City Charter, § 3.1 General Powers of the City Council, the City Council is hereby authorized to establish various rates and fees for services; permits; penalties; payments; rates and fees for utilities, building and construction; offenses against city ordinances; and, other rates and fees as may, from time to time, be decided by majority vote of the City Council.

(B) The schedule of rates and fees may be amended individually or collectively by simple Council action brought by motion, supported and approved by majority vote of the City Council at any regularly scheduled meeting of the Council.

(C) The City Council, from time to time, may, in the same way as the schedule of rates and fees is amended, add additional rates and fees or categories with rates and fees as it may deem necessary and appropriate.

(Ord. 252, passed 8-21-00)

§ 11.06 PAYMENT OF RATES AND FEES.

(A) This chapter does not change to whom payments of rates and fees are made. Such direction is currently provided by the City Code of Ordinances or is a continuation of current practice and procedure. Further, this chapter does not change the time frame for payments as already established elsewhere in this Code of Ordinances or as is a continuation of existing practice or procedure.

(B) Non-payment of the full amount of rates and fees as established by the City Council shall carry its own offense and penalty in addition to the original rate or fee.

(C) Non-payment of the rate or fee within the prescribed time frame shall be assessed an additional delinquent payment fee. In all cases except where specifically covered by the water or sewer ordinances, the delinquent fee shall be established as part of the schedule and fees. Continued non-payment may result in the amount due, plus delinquencies and other charges, being placed as a lien against the offender's premises or property. The city may also seek remedy for non-payment or delinquent payments through legal action before the appropriate courts.

(D) Nothing in this section and chapter shall eliminate the authority of other sections of the Code of Ordinances for the city or Public Acts of the state to make delinquent payments a lien against the property or premises on which the rates or fees are assessed.
(Ord. 252, passed 8-21-00)

§ 11.07 SCHEDULE OF RATES AND FEES TO BE PUBLISHED.

Upon request, the city shall publish and make available to any resident person or resident business one copy of the adopted schedule for rates and fees without charge. The schedule shall be kept current and contain subsequent changes as properly adopted by the City Council.
(Ord. 252, passed 8-21-00)

**CHAPTER 12: MUNICIPAL CIVIL INFRACTION ACTIONS AND CITATIONS,
MUNICIPAL ORDINANCE VIOLATIONS BUREAU**

Section

- 12.01 Title
- 12.02 Interpretation
- 12.03 Severability
- 12.04 Reference to other sections
- 12.05 Definitions and terms
- 12.06 General provisions
- 12.07 Provisions to be published

§ 12.01 TITLE.

This chapter shall be titled “Municipal Civil Infraction Actions and Citations, Municipal Ordinance Violations Bureau.”
(Ord. 257, passed 2-5-01)

§ 12.02 INTERPRETATION.

This chapter shall be constructed as Chapter 12 under Title I, General Provisions of the City of Bangor, Michigan Code of Ordinances. This chapter shall provide the establishment of general penalties and sanctions for violations of the code of ordinances for the city, continuing violations, injunctive relief, and the establishment of a municipal ordinance violations bureau.
(Ord. 257, passed 2-5-01)

§ 12.03 SEVERABILITY.

If any provision or section of this chapter may later be 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 provisions or applications.
(Ord. 257, passed 2-5-01)

§ 12.04 REFERENCE TO OTHER SECTIONS.

This chapter, sections of this chapter, or any of the individual rates, fines or fees as properly established herein shall be the rates, fines and fees as established by the City Council from time to time amending and taking precedence over other sections of this code. The City Council automatically amends any affected sections of other ordinances and this code upon the proper adoption of this chapter. The proper adoption of this chapter specifically adds two subsections to the City Code of Ordinances under Title XIII, Chapter 130 “General Offenses Against the City.” They are 130.01(B)(3)(9) and (10) naming public urination and the riding of snowmobiles on public streets as offenses covered as municipal civil infractions and provides penalties and sanctions for same. (Ord. 257, passed 2-5-01)

§ 12.05 DEFINITIONS AND TERMS.

As used in this chapter:

ACT. Public Act 236 of 1961, as amended.

AUTHORIZED CITY OFFICIAL. A police officer, Code Enforcement Officer, Building Official or other personnel of the city authorized by these codified ordinances or any ordinances to issue municipal civil infraction citations or municipal ordinance violation notices.

BUREAU. The City of Bangor Municipal Ordinance Violations Bureau, as established by this chapter. Interchangeable with Municipal Civil Infractions Bureau.

CITY. The City of Bangor, a municipal corporation in Van Buren County in the State of Michigan.

MUNICIPAL CIVIL INFRACTION ACTION. A civil action in which the defendant is alleged to be responsible for a municipal civil infraction.

MUNICIPAL CIVIL INFRACTION CITATION or **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.

MUNICIPAL ORDINANCE VIOLATION NOTICE or **VIOLATION NOTICE.** A written notice, other than a citation, prepared by an authorized city official, directing a person to appear at the City Municipal Ordinance Violations Bureau and to pay the fine and costs, if any, prescribed for the violation by the schedule of civil fines adopted by the city, as authorized under §§ 8396 and 8707(6) of the Act.

(Ord. 257, passed 2-5-01)

§ 12.06 GENERAL PROVISIONS.

(A) *Commencement of municipal civil infraction actions.* A municipal civil infraction action may be commenced upon the issuance by an authorized city official of:

- (1) A municipal civil infraction citation directing the alleged violator to appear in court; or
- (2) Municipal ordinance violations notice directing the alleged violator to appear at the City Municipal Ordinance Violations Bureau.

(B) *Issuance and service of municipal civil infraction citations.* Municipal civil infraction citations shall be issued and served by authorized city officials as follows:

- (1) The time for appearance specified in a citation shall be within a reasonable time after the citation is issued.
- (2) The place for appearance specified in a citation shall be the location of the Municipal Ordinance Violations Bureau as identified in division (A)(2) of this section or a district court as identified in division (A)(1) of this section.
- (3) Each citation shall be numbered consecutively and shall be in a form approved by the State Court Administrator. The original citation shall be filed with the Bureau or district court depending upon the direction provided in the citation. Copies of the citation shall be retained by the city and issued to the alleged violator as provided by § 8705 of the Act.
- (4) A citation for a municipal civil infraction, signed by an authorized city official shall be treated as if it were made under oath and as if the violation alleged in the citation occurred in the presence of the official signing the complaint. The citation shall contain the following statement immediately above the date and signature of the official issuing the citation “I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge and belief.
- (5) 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 copy of a citation.
- (6) An authorized city official may issue a citation to a person if:
 - (a) Based upon the investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction.
 - (b) 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 such an infraction and if the Prosecuting Attorney or City Attorney approved in writing the issuance of the citation.

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

(a) Except as provided below by division (B)(7)(b)1. and 2., hereof, an authorized city official shall personally serve a copy of the citation upon the alleged violator.

(b) If the municipal civil infraction action involves:

1. 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 the 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; or

2. A vehicle or vehicles located on a parcel within the corporate limits and is improperly stored, junked or abandoned, improperly parked, is in an inoperable condition, without required tags or certification, or is otherwise in violation of a municipal civil infraction, 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 the 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.

(8) Sworn police officers of the city shall have general discretion as to whether or not to cite violations herein described and listed under this chapter or under the penal code. Non-sworn officials of the city shall cite such violations as a municipal civil infraction.

(C) Contents of municipal civil infraction citations.

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

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

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

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

(c) Deny responsibility for the municipal civil infraction by doing one of the following:

1. Deny responsibility for the municipal civil infraction before the Municipal Ordinance Violations Bureau, by mail, by representation, at or by time specified for appearance, or in person or by representation, requesting/resulting in the municipal civil infraction citation being forwarded as a misdemeanor before a court of competent jurisdiction.

a. Once a denial has been entered with the Municipal Ordinance Violations Bureau, the alleged violator must appear 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.

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

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

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

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

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

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

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

(5) The citation shall contain a notice in boldfaced 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 doubles the amount of the fine and/or is a misdemeanor and will result in entry of a default judgement against the alleged violator on the municipal civil infraction.

(D) *Municipal Ordinance Violations Bureau.*

(1) *Establishment.* The city establishes a Municipal Ordinance Violations Bureau, as authorized under § 8396 of the Act, to accept admissions of responsibility for municipal civil infractions in response to municipal ordinance violation notices issued and served by authorized city officials, and to collect and retain civil fines and costs as prescribed by these codified ordinances or any ordinance.

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(2) *Location, supervision, rules and regulations, employees.* The Bureau shall be located at city hall and shall be under the supervision and control of the Treasurer. The Treasurer, subject to the approval of the commission/council, shall adopt rules and regulations for the operation of the Bureau.

(a) In the absence of the Treasurer, the City Manager, City Clerk or the Ordinance Enforcement Officer shall have the authority to accept admissions of responsibility for municipal civil infractions in response to municipal ordinance violation notices issued and served by authorized city officials, and to collect and retain civil fines and costs as prescribed by these codified ordinances or any ordinance.

(b) The Treasurer shall apply the last adopted schedule of penalties and sanctions in effect at the time the municipal civil infraction notice was issued.

(3) *Disposition of violations.* The Bureau may dispose only of municipal civil infraction violations for which a fine has been scheduled and for which a municipal ordinance violation notice has been issued. The fact that a fine has been scheduled for a particular violation shall not entitle any person to dispose of the violation at the Bureau. Nothing in this section shall prevent or restrict the city from issuing a municipal civil infraction citation for any violation or from prosecuting any violation in a court of competent jurisdiction. No person shall be required to dispose of a municipal civil infraction violation at the Bureau, and may have the violation processed before a court of appropriate jurisdiction. The unwillingness of any person to dispose of any violation at the Bureau shall not prejudice the person or in any way diminish the person's rights, privileges and protection accorded by law.

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

(E) *Issuance and service of municipal ordinance violation notices.*

(1) *Contents.* Municipal ordinance violation notices shall be issued and served by authorized city officials under the same circumstances and upon the same persons as are provided for municipal civil infraction citations in division (B)(7)(b)1. and 2. of this section. In addition to any other information required by these codified ordinances or any other ordinance, the violation notice shall indicate the time by which the alleged violator must appear at the Bureau, the methods by which an appearance may be made, the address and telephone number of the Bureau, the hours during which the Bureau is open, the amount of the fine schedule for the alleged violation and the consequences for failure to appear and pay the required fine within the required time

(2) *Appearance, payment of fines and costs.* An alleged violator receiving a municipal ordinance violation notice shall appear at the Bureau and pay the specified fine and costs at or by the time specified for appearance in the municipal ordinance violation notice. An appearance may be made by mail, in person or by representation.

(3) *Procedure where admission of responsibility is not made or fine is not paid.* If an authorized city official issues and serves a municipal ordinance violation notice and if an admission of responsibility is not made and the civil fine and cost, if any, prescribed by the schedule of fines for the violation are not paid at the Bureau, a municipal civil infraction citation may be filed with the district court and a copy of the citation may be served by first class mail upon the alleged violator at the alleged violator's last known address. The citation filed with the court does not need to comply in all particulars with the requirements for citations as provided by §§ 8705 and 8709 of the Act, but shall consist of a sworn complaint containing the allegations stated in the municipal ordinance violation notice and shall fairly inform the alleged violator how to respond to the citation.

(F) *Civil penalties.*

(1) A schedule of civil fines payable to the Municipal Ordinance Violations Bureau for admissions of responsibility by persons served with municipal ordinance violation notices is hereby established by Charter and by ordinances of the City Code of Ordinances. The fines for the classes of municipal civil infractions are as follows:

Schedule of Municipal Civil Infraction Fines

(a) Municipal Civil Infraction as adopted by various ordinances in the City Code of Ordinances and Ordinance 252, Schedule of Rates and Fees, as herein amended and as published herein under division (F)(1)(g) below.

(b) A copy of the schedule, as amended from time to time, shall be posted at the Municipal Ordinance Violations Bureau.

(c) A separate offense shall be deemed committed each day or on which a violation or noncompliance occurs or continues, unless otherwise provided.

(d) Continuation of a violation shall be determined if the second repeat offense is committed within one year of the date of the first offense, a third repeat offense is committed within one year of the date of the second offense, and fourth repeat offense is committed within one year of the third offense.

(e) Payment/non-payment of any of the penalties and sanctions identified by this chapter within seven days (168 hours) or as specified in the citation shall increase by twice the amount the original penalty. Continued non-payment after an additional 168 hours shall constitute a misdemeanor authorizing the Police Department to obtain a warrant for arrest of the violating party.

(f) The fourth repeat offense as described in division (F)(1)(d) above is a misdemeanor punished by a fine in which, in addition to court costs charged, shall not exceed \$500 or imprisonment of not more than 93 days or both such fine and imprisonment, in discretion of the court.

(g) As published herein below, penalties and sanctions at time of adoption are:

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Property Maintenance	Offense Burning Leaves Grass/Weeds Mowing Snow removal (Businesses) Clean-up of Debris	1st Offense Warning \$75 \$75 \$75 + actual costs of removal + 10%	2nd Offense \$35 \$100 \$100 \$100 + actual costs of removal + 10%	3rd Offense \$90 \$125 \$125 \$125 + actual costs of removal + 10%
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Working Without A Permit	Building, Electrical and Mechanical 1st Offense 2nd Offense 3rd Offense	\$35 \$65 \$100
Yard Sale	Failure to get permit	\$10 each offense
Miscellaneous Traffic Citations City Code of Ordinances Chapter 71 § 71.39 for additional fines not affected by Ordinance #252 See below for § 71.39 penalties and sanctions	Handicap Parking Violation	\$50-Local/\$125-State
	Failure to Display Permit	\$5 1st Offense \$10 2nd Offense \$15 3rd Offense
	Parking in Clearview Parking Over Sidewalk Parking Wrong Side of Street Parking on Front Lawn Parking in a Non-space Semi-Tractor on Local Street/Alley Obstructing/Impeding flow of Traffic	1st Offense \$35 2nd Offense \$65 3rd Offense \$100
	Riding of Bikes and Skateboards in the downtown district	1st- \$20 2nd- Confiscate/Par. Call 3rd- Confiscate/Keep

<i>Uniform Traffic Code, Michigan Vehicle Code and as Established in the City Code of Ordinances Title VII and Chapter 74 and Ordinance 253</i>			
<i>Offense</i>	<i>1st Offense</i>	<i>2nd Offense</i>	<i>3rd Offense</i>
Parking too far from curb	\$25	\$50	\$75
Prohibited Parking (no signs necessary)			
a. In front of a drive	\$25	\$50	\$75
b. In an intersection	\$25	\$50	\$75
c. Within 15 feet of a fire hydrant	\$35	\$65	\$100

<i>Uniform Traffic Code, Michigan Vehicle Code and as Established in the City Code of Ordinances Title VII and Chapter 74 and Ordinance 253</i>			
<i>Offense</i>	<i>1st Offense</i>	<i>2nd Offense</i>	<i>3rd Offense</i>
d. On or over a painted crosswalk	\$25	\$50	\$75
e. Within 20 feet of a painted crosswalk	\$25	\$50	\$75
f. Within 30 feet of a traffic sign or signal	\$25	\$50	\$75
g. Within 50 feet of railroad crossing	\$25	\$50	\$75
h. Double parking	\$25	\$50	\$75
i. On a bridge	\$25	\$50	\$75
j. Within 300 feet of an accident	\$25	\$50	\$75
k. Blocking an emergency exit	\$25	\$50	\$75
l. Blocking a fire escape	\$25	\$50	\$75
In any signed zone prohibiting or limited parking	\$25	\$50	\$75
In any alley way	\$25	\$50	\$75
Parking for a prohibited purpose:			
a. Displaying a vehicle for sale	\$25	\$50	\$75
b. Working or repairing a vehicle	\$25	\$50	\$75
c. Displaying or advertising	\$25	\$50	\$75
Loading zone violation	\$25	\$50	\$75
Bicycle parking violation	\$5	\$10	\$15
Abandoned vehicle (plus towing storage and other actual costs) or vehicle without current tags and certification	\$25	\$50	\$75
Disabled/Junk Vehicles, failure to remove (plus towing, storage and other actual costs) or vehicle without current tags and certification	\$25	\$50	\$75
Parking in a Tow Away Zone	\$25	\$50	\$75
Parking overnight on/in restricted streets and lots	\$25	\$50	\$75
Parking in other prohibited zones	\$25	\$50	\$75
Between sidewalk and curb where driveway exists	\$25	\$50	\$75

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Loud Music, Car Radios Noise—General Offenses	Violations of Ord. 94 - Noise	1st Offense - \$45 2nd Offense - \$90 3rd Offense - \$135
Violations of Ordinance 130 Offenses Against City Regulations (As herein amended) 130.00 has been herein amended to add 130.01(B)(9) and (10) (9) Urinating in Public Place or Public View as defined under 130.01 (A) Definitions (10) Riding of Snow Mobiles on City Streets and Alleys other than Center to Charles to Walnut Streets Police Officer shall have the authority to determine whether offense may be cited as a Municipal Civil Infraction or as a violation of the Criminal Code Ordinance Officer and other authorized City Officials may only cite violations under the Municipal Civil Infraction	Offense contained in 130.01(B)3-10 May be cited as MCI or Criminal Code (3) Damaging Property (4) Disturbances, Fighting (5) Rough Crowding (6) General Trespass (7) Unlawful Assembly (8) Unlawful Standing, Congregating (9) Urinating in Public (10) Use of Snow Mobiles Offenses Contained in 130.02 May be cited as MCI or Criminal Code * Discharging Firearm Offense Contained in 130.03 May be cited as MCI or Criminal Code * Loitering Offense Contained in 130.04 May be cited as MCI or Criminal Code * Curfew Offense Contained in 130.05 May be cited as MCI or Criminal Code * Parental Responsibility	In addition to any amount for restitution or actual costs assessed for repair of damages and the fine defined below 1st Offense - \$45 2nd Offense - \$90 3rd Offense - \$135
Animals—General Offenses Barking Dogs, Nuisances	Violations of Ord. 90 - Animals	1st Offense - \$45 2nd Offense - \$90 3rd Offense - \$135
Processing Fee	Placement of delinquencies and nonpayments	\$25

Itinerant/Temporary Business - Hawkers and Peddlers Permits - Amending Title XI, Chapter 111 to establish classifications, fees, penalties and sanctions		
Locale of Requesting Party	Permit Limits and Fee	Offense/Violation
Local (49013 Zip Code) Local Charitable Organizations 501c3 or 501c6 Local Civic Service Organizations	1-10 days/\$5/day 10+days \$500 total May be reduced/waived by Clerk	1st Offense - \$50 2nd Offense - \$75 3rd Offense - \$100
Non-Local (Non 49013 Zip Code) Door-to-Door Residential or Commercial Peddling Civic/Service/Charitable Organizations	1-5 days - \$25/person/day 6 or more days - \$5/day/person May be reduced by half by Clerk	1st Offense - \$50 2nd Offense - \$75 3rd Offense - \$100

(G) *General code penalty; complicity.*

(1) *Application of section.* Unless a violation of these codified ordinances or any ordinance of the city is specifically designated in these codified ordinances or such ordinances as a municipal civil infraction, this section shall apply.

(2) *General penalty.* Whenever, in these codified ordinances, in any technical or other code adopted by reference in these codified ordinances, in any rule, regulation or order promulgated or made under authority of any provision of these codified ordinances, or under authority of any technical or other code adopted by reference in these codified ordinances, or under authority of state law, an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is otherwise provided, whosoever violates or fails to comply with any such provision shall be fined not more than \$500 or imprisoned not more than 93 days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues, unless otherwise provided.

(3) *Surcharges, equitable remedies.* The imposition of any penalty provided for in this section shall be in addition to any surcharge levied for a violation of or noncompliance with a provision of these codified ordinances, a provision of a technical or other code adopted by reference in these codified ordinances, or a rule, regulation or order promulgated or made under authority of either, or under authority of state law, and shall be in addition to any equitable remedy provided by a provision of these codified ordinances, a provision of a technical or other code adopted by reference in these codified ordinances, or a rule, regulation or order promulgated or made under authority of either, or provided by state law, or a rule, regulation or order promulgated or made under authority of state law, including the enforced removal of prohibited conditions.

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

(Ord. 257, passed 2-5-01)

§ 12.07 PROVISIONS TO BE PUBLISHED.

Upon request, the city shall publish and make available to any resident person or resident business one copy of the adopted penalties and sanctions as established by the City Charter, Ordinance 252 and other ordinances as adopted or may be adopted from time to time without charge. The penalties and sanctions shall be kept current and contain subsequent changes as properly adopted.

(Ord. 257, passed 2-5-01)

TITLE III: ADMINISTRATION

Chapter

30. CITY COUNCIL

31. CITY ADMINISTRATIVE BODIES

32. FINANCE AND TAXATION

33. PERSONNEL

34. CIVIL EMERGENCIES

35. ORDINANCE ENFORCEMENT

36. ETHICAL STANDARDS OF CONDUCT

37. TAX EXEMPTION

CHAPTER 30: CITY COUNCIL

Section

30.01 Regular Council meetings

§ 30.01 REGULAR COUNCIL MEETINGS.

The regular scheduled meetings of the City Council will be held at 14 Pine Street within the city on the first and third Mondays of each month, commencing at 7:00 p.m.

(Ord. 169, passed 6-8-87; Am. Ord. 212, passed 1-2-96)

Cross-reference:

For further provisions concerning the City Council, see Charter Sections 5.1, 5.2 and Charter

Chapter VII

Meetings of the Council, see Charter Section 7.3

CHAPTER 31: CITY ADMINISTRATIVE BODIES

Section

Arts Council

- 31.01 Establishment
- 31.02 Functions
- 31.03 Appointment and term
- 31.04 Organization
- 31.05 Absence from meetings; filling of vacancies
- 31.06 City assistance

Economic Development Corporation

- 31.20 Articles of incorporation adopted
- 31.21 Board of Directors; appointments
- 31.22 Removal from office
- 31.23 Disclosure of interest

Cross-reference:

City Tree Board, see § 98.30

ARTS COUNCIL

§ 31.01 ESTABLISHMENT.

There is hereby established a Council, composed of seven members, recommended biannually, to serve without compensation, representing as nearly as possible the various vocations and trades, social, ethnic, religious and age groups interested in the arts and in the future of the Bangor School District, Townships of Arlington, Bangor, Columbia and Geneva.

(Ord. 193, passed 4-22-91)

§ 31.02 FUNCTIONS.

The functions of the Bangor Arts and Crafts Council shall be as follows:

(A) To promote mutual understanding and respect among all citizens with regard to the arts.

(B) To advise the Bangor City Council concerning the initiation and direction of programs for the arts development which the Bangor Arts and Crafts Council may, from time to time, establish in order to provide exposure for citizens of all cultural and ethnic backgrounds to the arts.

(C) To disseminate information concerning the arts in the Bangor School District and Townships of Arlington, Bangor, Columbia and Geneva as well as the surrounding area.

(Ord. 193, passed 4-22-91)

§ 31.03 APPOINTMENT AND TERM.

(A) Arts Council members shall be recommended by the membership, which will then be presented by the City Manager to the Bangor City Council for final appointment. Each Arts and Crafts Council member shall serve for a term of two years, except the first term where three members shall serve three years. No member shall serve more than three consecutive terms, except that a member who has served one year or less of a term may serve for the ensuing three terms. A reappointment to

the Arts and Crafts Council may be made at the expiration of one year after the completion of three consecutive terms.

(B) Each member of the Board shall be a resident of the Bangor School District or the Townships of Arlington, Bangor, Columbia or Geneva during the term of office. At least four members of the Board shall be residents of the City of Bangor.

(Ord. 193, passed 4-22-91)

§ 31.04 ORGANIZATION.

The Arts and Crafts Council shall select the Chairman, Secretary and such other officers as they shall deem necessary. The Arts and Crafts Council shall establish its own rules and procedures not inconsistent with this subchapter.

(Ord. 193, passed 4-22-91)

§ 31.05 ABSENCE FROM MEETINGS; FILLING OF VACANCIES.

(A) Notwithstanding any of the provisions of this section, any member who absents himself from any three consecutive regular meetings of the Arts and Crafts Council, unless excused from attendance by consent of the Council, expressed by action of record in its official minutes, shall thereby

automatically forfeit his position or office as a member of said Arts and Crafts Council and the name of such person shall be automatically removed from the membership of the Council immediately after the adjournment of any such third consecutive meeting at which such member has not appeared. The Secretary of the Council shall thereupon promptly notify the removed member and the City Manager of the fact of such removal. The City Council thereupon shall appoint a new Arts and Crafts Council member, recommended by the membership to serve the remainder of the unexpired term of the member so removed.

(B) Vacancies occurring in the office of Arts and Crafts Council members, whether by expiration of term, moving from the area, or otherwise, shall be filled by appointment of the City Council with a recommendation from the membership. Such appointee shall serve for the remainder of the then current unexpired term of such office.

(Ord. 193, passed 4-22-91)

§ 31.06 CITY ASSISTANCE.

The city, through the City Manager's office, may provide the Bangor Arts and Crafts Council with assistance as may be deemed required by the City Manager.

(Ord. 193, passed 4-22-91)

ECONOMIC DEVELOPMENT CORPORATION

§ 31.20 ARTICLES OF INCORPORATION ADOPTED.

Articles of Incorporation dated and filed with the Bangor City Clerk on December 21, 1977, are hereby approved and accepted and incorporated by reference into this section, the same as if set forth in full herein.

(Ord. 126, passed 2-27-78)

Statutory reference:

Approval of application, see M.C.L.A. § 125.1604(1)

Economic Development Corporations Act, see M.C.L.A. §§ 125.1601 et seq.

§ 31.21 BOARD OF DIRECTORS; APPOINTMENTS.

(A) The Board of Directors of the Corporation shall consist of nine persons, not more than three of whom shall be officers or employees of the city and at least two of whom shall be representative of neighborhood residents likely to be affected by activities of the Corporation. The directors shall be appointed for terms of six years, except of the directors first appointed, four shall be appointed for six years, one for five years, one for four years, one for three years, one for two years, and one for one

year. Directors shall serve without salary, but may be reimbursed their actual expenses incurred in the performance of their official duties, and may receive a per diem of not more than \$ 50. The meetings of the Board of Directors shall be public.

(B) The Mayor, with the advice and consent of the City Council, shall appoint the members of the Board of Directors.

(C) Subsequent directors shall be appointed in the same manner as original appointments at the expiration of each director's term of office.

(D) A director whose term of office has expired shall continue to hold office until his successor has been appointed with the advice and consent of the City Council. A director may be reappointed with the advice and consent of the City Council to serve additional terms. If a vacancy is created by death or resignation, a successor shall be appointed with the advice and consent of the governing body within 30 days to hold office for the remainder of the term of office so vacated.

(M.C.L.A. § 125.1604(2) through (5)) (Ord. 126, passed 2-27-78)

§ 31.22 REMOVAL FROM OFFICE.

A Director may be removed from office for inefficiency, neglect of duty, or misconduct or malfeasance by a majority vote of the City Council.

(M.C.L.A. § 125.1604(6)) (Ord. 126, passed 2-27-78)

§ 31.23 DISCLOSURE OF INTEREST.

A director who has a direct interest in any matter before the Corporation shall disclose his interest prior to the Corporation taking any action with respect to the matter, which disclosure shall become a part of the record of the Corporation's official proceedings. The interested director shall further refrain from participation in the corporation's proceedings related to the matter.

(M.C.L.A. § 125.1604(7)) (Ord. 126, passed 2-27-78)

CHAPTER 32: FINANCE AND TAXATION

Section

Purchasing Procedures

- 32.01 Purchases by Council
- 32.02 Purchases by appointive administrative officers
- 32.03 Purchases by City Council
- 32.04 Purchases requiring competitive bids
- 32.05 Sales of property or services of the city to be authorized by Council

Property Taxes

- 32.15 When taxes due and payable
- 32.16 Collection fee for late payment
- 32.17 Uncollected taxes subject to interest
- 32.18 Taxes for state, county and school purposes

Cross-reference:

For general finance provisions, see Charter Chapter IX

For taxation provisions, see Charter Chapter X

For purchases, contracts, and leases, see Charter Chapter XII

PURCHASING PROCEDURES

§ 32.01 PURCHASES BY EMPLOYEES.

Any employee of the city may, upon authorization of the appointive administrative officer who is the head of the department of city government in which said employee is employed, expend an amount not to exceed \$50 for purchase of goods or services for the department in which he is employed, for any one contract.

(Ord. 68, passed 6-24-68)

§ 32.02 PURCHASES BY APPOINTIVE ADMINISTRATIVE OFFICERS.

(A) Any appointive administrative officer of the city may purchase goods or contract for services to be rendered to the city, for the Department of City Government under his general jurisdiction for any sum of money not to exceed \$250 for any one contract. This section shall not apply to the City Attorney, Building Inspector, Health Officer, or City Manager.

(B) The Fire Chief may expend funds as authorized in the Fire Protection Agreement existing between the City of Bangor and the Townships of Columbia, Geneva, Arlington and Bangor.

(C) Any purchase of goods or contract for services to be rendered to the city, in excess of \$50, shall be made only upon the authorization of the appointive administrative officer as hereinbefore provided, in writing, upon forms to be furnished by the city in the nature of purchase requisition forms or purchase orders, which forms shall be signed by the City Manager or City Clerk and shall be dated, directed to the person, firm or corporation from whom said purchase is to be made or by whom said service is to be performed, and shall describe the quantity, nature and price of said goods or services, and the terms of sale.

(D) In the absence of any administrative officer of the city, or in the event of his incapacity to perform his duties, the City Manager may authorize purchases of goods or services on behalf of the other appointive administrative officer. In the absence of both such persons or their concurrent disability or incapacity to perform their respective duties, such purchases of goods or services may be authorized by any two members of the City Council.

(Ord. 68, passed 6-24-68)

§ 32.03 PURCHASES BY CITY COUNCIL.

The City Council may, upon the terms above set forth, purchase goods or services for the city, for any sum up to \$1,000. Purchase requisitions for purchase of goods or services authorized by the Council may be signed by the City Clerk or Mayor, according to the Charter.

(Ord. 68, passed 6-24-68)

§ 32.04 PURCHASES REQUIRING COMPETITIVE BIDS.

(A) Any purchase of goods or services for the city for any sum in excess of \$5,000 shall be made only after competitive bids have been solicited and received for such purchase. Nothing in this section shall be construed to limit the right of the City Council to solicit and receive competitive bids for purchase of goods or services in any amount less than \$5,000.

(B) The City fully complies with Public Acts 167 and 168 of 1993 by virtue of § 12.2 of the City of Bangor Charter and by adoption of City of Bangor Ordinance No. 68 which was duly enacted by the

Bangor City Council on June 24, 1968.

(Ord. 68, passed 6-24-68; Am. Ord. 204, passed 4-18-94)

**§ 32.05 SALES OF PROPERTY OR SERVICES OF THE CITY TO BE AUTHORIZED
BY COUNCIL.**

Sales of personal property or services of the city shall be made upon the authorization of the City Council only.

(Ord. 68, passed 6-24-68)

PROPERTY TAXES

§ 32.15 WHEN TAXES DUE AND PAYABLE.

Taxes which are levied upon property both real and personal within the corporate limits of the city shall become due and payable to the City Treasurer on the first day of July of each year.

(Ord. 66, passed 6-10-68)

§ 32.16 COLLECTION FEE FOR LATE PAYMENT.

Taxes paid on or after September 17 of the current year and on or before the last day of February of the next following year upon which the roll was received by the City Treasurer shall be subject to payment of a 4% collection fee for late payment thereof, which fee shall belong to the city, and shall be a lien upon the property to which said taxes shall apply, and collected in the same manner as the taxes to which they are added.

(Ord. 66, passed 6-10-68; Am. Ord. 172, passed 6-22-87)

§ 32.17 UNCOLLECTED TAXES SUBJECT TO INTEREST.

All city taxes uncollected by the City Treasurer on the first day of March next following the date when the roll was received by him shall be subject to payment of interest at the rate of 1% per month from the date when due, to be levied and collected in the same manner as the charges set forth in § 32.16. Taxes and charges upon real property shall be returned to the County Treasurer for collection on the first day of March next following receipt of said roll.

(Ord. 66, passed 6-10-68; Am. Ord. 172, passed 6-22-87)

§ 32.18 TAXES FOR STATE, COUNTY AND SCHOOL PURPOSES.

Taxes levied and collectable by the city for state, county and school purposes, shall be payable on the date established for the collection of such taxes by the township treasurers of the County of Van Buren, and the Treasurer of the City of Bangor shall levy and collect together with such taxes the maximum amount which can be collected under the applicable state statutes by township treasurers as collection fees and charges for late payment, which such collection fees and charges shall belong to the City of Bangor.

(Ord. 66, passed 6-10-68)

CHAPTER 33: PERSONNEL

Section

Unemployment Compensation System

- 33.01 Establishment of system
- 33.02 Definitions
- 33.03 Employees covered; employees and persons not covered
- 33.04 Eligibility for benefits; disqualifications
- 33.05 Benefit rates

Cross-reference:

General provisions, see Charter Chapter VI

UNEMPLOYMENT COMPENSATION SYSTEM

§ 33.01 ESTABLISHMENT OF SYSTEM.

There is hereby established an unemployment compensation system and benefit plan for employees of the city to be administered by the Civil Service Board of the city.

(Ord. 103, passed 1-13-75)

§ 33.02 DEFINITIONS.

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

AVERAGE WEEKLY WAGE. With respect to a base period of employment, shall be the amount determined by dividing total wages paid by the city for credit weeks earned in the employment of the city by the number of such credit weeks chargeable to the city as employer.

BASE PERIOD. The period of 52 consecutive calendar weeks ending with the day immediately preceding the first day of an individual's benefit year.

BENEFIT YEAR. With respect to any individual, the term means the period of 52 consecutive calendar weeks beginning with the first calendar week with respect to which the individual, who does not already have a benefit year in effect, files a claim for benefits under this chapter provided that the individual has earned wages of at least \$25.01 in 14 or more calendar weeks within the base period. Each such week shall be a "Credit Week."

BENEFITS. The money payments payable to an eligible and qualified individual, as provided in this chapter, with respect to unemployment.

SECRETARY-EXAMINER. The Secretary-Examiner of the Civil Service Board.

UNEMPLOYED. An individual shall be deemed unemployed with respect to any week during which he performs no services and with respect to which no remuneration is payable to him, or with respect to any week of less than full time work if the remuneration payable to him is less than his weekly benefit rate.

WAGES. Remuneration paid for employment but the term shall not include any employee payment for life or health insurance pension, equipment allowance or similar payment.

(Ord. 103, passed 1-13-75)

§ 33.03 EMPLOYEES COVERED; EMPLOYEES AND PERSONS NOT COVERED.

(A) Except as provided by division (B) below, employees covered by this unemployment compensation system shall consist exclusively of the employees in the classified Civil Service of the City of Bangor as defined by the Charter and by the rules and regulations of the Civil Service Board.

(B) Employees not covered by this unemployment compensation system shall be:

(1) Employees in the unclassified service including but not limited to elected and appointed officials.

(2) Persons providing contractual service to the city as specialists, independent contractors or employees thereof.

(3) Employees who are or were at the time of their employment by the city, students enrolled on a regular basis in high school, college, graduate school or any other school in which their primary status is clearly that of a student or any persons hired as students.

(4) Seasonal, temporary, and part-time employees as defined by the rules of the Civil Service Board.

(5) Service performed by an individual where compensation is derived at least 50% from

federal funds received under a specific federal program for which an application was made and whose employment is terminated due to discontinuance of the federal funding.

(6) Service by a student under the age of 18 regularly attending either a public or private school below the college level, and the employment was part-time or within the vacation period of the school, or a part of the school curriculum.

(C) An employee shall not be eligible for benefits under the unemployment compensation system established by this chapter, if the unemployment shall result from:

(1) Retirement under any future retirement system covering city employees.

(2) Discharge or suspension for misconduct connected with one's work, for absence due to imprisonment, or for an act of assault, theft or sabotage connected with his work.

(3) Resignations, including resignations in lieu of discharge.

(4) Leaves of absence for any reason, whether voluntary or involuntary.

(5) Temporary separations made at the request of the employee.

(6) Participation or direct interest in a labor dispute including any strike, unauthorized work stoppages, or other concerted action.

(Ord. 103, passed 1-13-75)

§ 33.04 ELIGIBILITY FOR BENEFITS; DISQUALIFICATIONS.

(A) A claimant to be eligible for benefits in the manner prescribed by the Secretary-Examiner must further:

(1) Be able and available to perform full-time work which he is qualified to perform by past experience or training, and of a character generally similar to work for which he has earned wages; and

(2) Be in compliance with registration and reporting requirements; and

(3) Be seeking work.

(B) A claimant is disqualified from receiving benefits if the Secretary-Examiner finds that an individual is unemployed due to an ineligible termination or separation as specified in § 33.03(C), has left his work voluntarily or has accepted permanent full-time work with another employer, or has failed without just cause to apply for available suitable work or has failed to accept suitable work when offered or has failed when directed to return to his customary work.

(Ord. 103, passed 1-13-75)

§ 33.05 BENEFIT RATES.

Benefit payments shall begin with the effective date of unemployment and shall be calculated according to the following rules:

(A) The weekly benefit rate and amount of the weekly benefit payment shall be determined in accordance with all of the provisions as set forth in Section 27 of the Michigan Employment Security Act, being M.C.L.A. § 421.27, and as set forth in the MESA Weekly Benefit Rate Table in effect at the time an employee is laid off.

(B) The dependency class category of a laid off employee shall be determined as stipulated and provided by the Michigan Employment Security Act. A dependent shall be as defined by the Michigan Employment Security Act.

(C) Employees shall be entitled to three weeks of benefits for each four credit weeks earned working for the city up to a maximum of 26 weeks of benefits for 35 earned credit weeks, provided that the claimant has worked at least 35 weeks in the 52 weeks preceding the week in which the claimant applied for benefits. In case an individual is employed only by the city for 34 weeks out of the 52 weeks preceding the week in which the claimant applied for benefits, said employee shall be entitled to a maximum of 26 weeks of benefits. The minimum duration shall not be less than 10½ weeks if the claimant worked 14 weeks and earned at least \$25.01 in each week.

(D) Any change in the rate of regular benefits and their duration that would be mandatory to meet the requirements for equivalency with the Michigan Employment Security Act shall become effective on the same day to change the method of determination of amounts of benefit payments as provided in this section.

(Ord. 103, passed 1-13-75; Am. Ord. 105A, passed 11-10-75)

CHAPTER 34: CIVIL EMERGENCIES

Section

- 34.01 Intent and purpose
- 34.02 Definitions
- 34.03 Organization for emergency services
- 34.04 Emergency Services Coordinator and assistants
- 34.05 City Manager powers and duties
- 34.06 Volunteer citizens
- 34.07 Right of city employees
- 34.08 Governmental or private liability
- 34.09 Conflicting regulations
- 34.10 Violations

Statutory reference:

Emergency Management Act, see M.C.L.A. §§ 30.401 et seq.

§ 34.01 INTENT AND PURPOSE.

(A) It is the intent and purpose of this chapter to establish an organization that will insure the complete and efficient utilization of all municipal resources during periods of emergency and disaster.

(B) The City Office of Emergency Services will be the coordinating agency responsible for city wide emergency preparedness: it will provide the means through which the City Council and the City Manager may exercise the authority and discharge the responsibilities vested in them by this chapter and Public Act 390 of 1976, being M.C.L.A. §§ 30.410 through 30.420.

(C) This chapter will not relieve any elected officials or municipal departments of the normal responsibilities or authority given by general law or local ordinance, nor will it affect the work of the American Red Cross or other volunteer agencies organized for relief in a natural disaster.

(Ord. 144, passed 7-14-80)

§ 34.02 DEFINITIONS.

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

CITY MANAGER. The Chief Administrative official of the city.

COORDINATOR. A person appointed to coordinate emergency planning and services within the city or as prescribed in this chapter. In the absence of an appointed person, ***COORDINATOR*** shall mean the City Manager.

DISASTER. An occurrence or imminent threat of widespread or severe carnage, injury, or loss of life or property resulting from any natural or man-made cause, including but not limited to fire, flood, snow, ice or wind storm, wave action, oil spills, water contamination requiring emergency action to avert danger or damage, utility failure, hazardous, peacetime radiological incident, major transportation accident, hazardous materials incident, epidemic, air contamination, blight, drought, infestation, explosion, riot, or hostile military or paramilitary action, and includes similar occurrences resulting from terrorist activities, riots, or civil disorders.

DISTRICT COORDINATOR. The State Police District Emergency Management Division District Coordinator or his authorized representative.

EMERGENCY OPERATIONS PLAN. The City Emergency Operations Plan which has been prepared under § 34.04 of this chapter to coordinate disaster response and recovery within the city.

EMERGENCY SERVICES. Includes preparations for, and relief from, the effects of natural and man-made disasters as defined herein, and also includes civil defense.

EMERGENCY SERVICES FORCES. All disaster relief forces; all agencies of the municipal government, private and volunteer personnel, public officers and employees; and all other persons or groups of persons having duties or responsibilities under this chapter or pursuant to a lawful order or directive authorized by this chapter.

EMERGENCY SERVICES VOLUNTEERS. Any person duly registered and appointed by the coordinator and assigned to participate in the Emergency Services activity.

EMERGENCY SITUATION. Any situation confronting a community requiring emergency action of a lesser nature than a disaster, as defined above, to include, but not limited to, civil disturbance, labor strikes, visits by national or international dignitaries, and build-up activities prior to an actual disaster.

STATE OF DISASTER. A declaration by executive order or proclamation by the Governor under the provision of Public Act 390 of 1976, being M.C.L.A. §§ 30.410 through 30.420, which activates the disaster response and recovery aspects of state, and local interjurisdictional disaster emergency plans and authorizes the deployment and use of any forces to which the plan or plans apply.

STATE OF EMERGENCY. A declaration by the Mayor pursuant to this chapter which activates the disaster response and recovery aspects of the city emergency operations plan and authorizes the deployment and use of any municipal forces to which the plan applies.

(M.C.L.A. § 30.402) (Ord. 144, passed 7-14-80)

§ 34.03 ORGANIZATION FOR EMERGENCY SERVICES.

(A) The City Manager with the approval of the Council, is hereby authorized and directed to create an organization to prepare for community disasters utilizing to the fullest extent existing agencies within the municipality. The City Manager as executive head of the city government, shall be the director of the emergency services forces of the city and shall be responsible for their organization, administration and operation, working through the Coordinator.

(B) The organization for providing emergency services shall consist of the following:

(1) An Office of Emergency Services established within city government. The Office of Emergency Services shall have an administrative head appointed who will be known as the Coordinator, Office of the Emergency Services. Such assistants and other employees as are deemed necessary for the proper functioning of the organization will be employed.

(2) The employees, equipment and facilities of all municipal departments, boards, institutions and commissions suitable for, or adaptable to emergency services activities may be designated as part

of the total emergency services forces. Such designations shall be by the City Manager with the approval of the Council.

(C) All officers and employees of departments, commissions, boards, institutions and other agencies of the city government designated by the City Manager with the approval of the Council, as emergency service forces shall cooperate with the Emergency Services Coordinator in all matters pursuant to the provisions of this chapter.

(Ord. 144, passed 7-14-80)

§ 34.04 EMERGENCY SERVICES COORDINATOR AND ASSISTANTS.

(A) The City Manager, with the approval of the Council, shall appoint an Emergency Services Coordinator who shall be a person with the personal attributes, experience and training needed to coordinate the activities of the agencies, departments and individuals within the city to protect the public health and safety and welfare during emergency situations and disasters.

(B) Assistant Coordinators shall be designated to work with the Coordinator on emergency planning matters. Assistant Coordinators shall be selected and shall serve as follows:

(1) There shall be one such Assistant Coordinator appointed from each city department as designated by the department head, with the approval of the City Manager, as part of the emergency services forces.

(2) Assistant Coordinators shall assume the duties of the Coordinator whenever he is unavailable during disasters or emergency situations in the order of designation by the City Manager, acting upon the recommendation of the Coordinator.

(C) The Emergency Services Coordinator shall be responsible for the administration, planning, coordination and operation of all emergency preparedness activities in the city. He shall maintain liaison with county, state, and federal authorities and the authorities of adjacent and nearby political subdivisions so as to insure the most effective emergency operations.

(D) His duties shall include, but not be limited to the following:

(1) Development of the city emergency operation plan, and any other appropriate disaster plans for the immediate use of all the facilities, equipment, manpower, and other resources of the city for the purpose of minimizing or preventing damage to persons or property; and protecting and restoring to usefulness governmental services and public utilities necessary for the public health, safety, and general welfare.

(2) Coordinating the recruitment and training of volunteer personnel and agencies to augment the personnel and facilities of the city for emergency purposes.

(3) Through public information programs, educating the population as to actions necessary and required for the protection of persons and property in case of a disaster.

(4) Conducting practice alerts and exercises to insure the efficient operations of the city's emergency organization and to familiarize residents of the city with emergency regulations, procedures and operations.

(5) Coordinating the activity of all other public and private agencies engaged in any emergency or disaster relief programs.

(6) Negotiating with owners or persons in control of buildings or other property for the use of such buildings or property for emergency or disaster relief purposes, and designating suitable buildings as public shelters.

(7) Establishing and maintaining administrative control over a local radiological defense program, to include emergency preparations for both peacetime radiation incidents and international wartime disaster.

(8) Coordinating municipal emergency preparedness activities with those at the county level and adjacent municipalities.

(Ord. 144, passed 7-14-80)

§ 34.05 CITY MANAGER POWERS AND DUTIES.

(A) The City Manager may exercise the emergency power and authority as specified herein. Whenever a situation requires, or is likely to require, that the City Manager invoke such power and authority, he shall, as soon as reasonably expedient, convene the Council to perform its legislative and administrative duties as the situation demands, and shall report to that body relative to emergency activities. Nothing in this chapter is abridging or curtailing to the powers of the Council unless specifically provided herein.

(B) Under the following circumstances, the Mayor may declare a state of emergency exists in the city and may authorize the City Manager to or may assemble and utilize the emergency services forces in accordance with the city emergency operations plan, and he may prescribe the manner and conditions of the use of such emergency services forces:

(1) Whenever, on the basis of information received from authoritative sources, he feels that a large scale disaster or emergency situation in the city or state is imminent.

(2) During any period of disaster in the city or state and there after as long as he shall deem it necessary.

(C) Whenever the Mayor deems that any condition in the city is beyond the control of local public agencies, or has attained or threatens to attain the proportions of a major disaster, he may request the

governor to declare a state of disaster exists therein by instructing the Coordinator to contact the District Coordinator in accordance with Public Act 390 of 1976, § 14, being M.C.L.A. § 30.414.

(D) The City Manager, with the approval of the Council, is hereby empowered and has the authority:

(1) To appropriate and expend funds, make contracts, obtain and distribute equipment, materials, and supplies for disaster purposes.

(2) To provide for the health and safety of persons and property including emergency assistance to the victims of a disaster.

(3) To assign and make equipment available for duty, the employees, property, or equipment of the municipality relating to fire fighting; engineering; rescue; health; medical, and related services; police; transportation; construction; and similar items or services for disaster relief purposes within or without the physical limits of the municipality.

(4) In the event of a foreign attack upon this state, to waive procedures and formalities otherwise required by law pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of permanent and temporary workers, the utilization of volunteer workers, the rental of equipment, the purchase and distribution with or without compensation of supplies, materials, and facilities, and the appropriation and expenditure of public funds.

(E) The City Manager, with the approval of the Council, shall establish procedures for the succession of government during emergencies where officials are unavailable for exercising the powers and discharging the duties of their respective offices.

(F) The City Manager, with approval of the Council, may make regulations permitting the Coordinator to assemble and utilize the Emergency Services Forces and provide disaster relief aid as prescribed in divisions (B), (C) and (D) above.

(G) When obtaining formal approvals would result in delay of relief activity, the City Manager may, until the Council convenes, waive procedures and formalities otherwise pertaining to performing public works, entering into contracts, the incurring of obligation, the employment of temporary workers, the rental of equipment, the purchase and distribution of supplies, materials and facilities and expenditure of existing funds, and the Council is also empowered to waive any such procedures and formalities.

(Ord. 144, passed 7-14-80)

§ 34.06 VOLUNTEER CITIZENS.

(A) Each department, commission, board, or other agency of the city government may at any time appoint or authorize the appointment of volunteer citizens to augment the personnel of such city department, commission, board, or agency in time of emergency. Such individuals shall enroll as

Emergency Services Volunteers and shall be subject to the rules and regulations set forth by the respective department, commission, board, or agency head for such volunteers.

(B) The Coordinator may enlist volunteer citizens to form the personnel of an emergency service for which the city has no counterpart, or to temporarily augment personnel of the city engaged in emergency activities. The Coordinator shall maintain formal records of all such volunteers for workman's compensation purposes.

(Ord. 144, passed 7-14-80)

§ 34.07 RIGHT OF CITY EMPLOYEES.

City employees assigned to duty as a part of the emergency services forces pursuant to the provisions of this chapter shall retain all of the rights, privileges, and immunities of city employees, and shall receive the compensation incident to their employment.

(Ord. 144, passed 7-14-80)

§ 34.08 GOVERNMENTAL OR PRIVATE LIABILITY.

(A) This chapter is an exercise by the city of its governmental functions for the protection of the public health, safety and general welfare. As such neither the city nor agents and representatives of

the city, nor any individual, receiver, firm, partnership, corporation, association, nor trustee, nor any of the agents thereof acting in good faith carrying out, complying with, or attempting to comply with this chapter shall be liable for any damage sustained to persons or property as a result of said activity.

(B) Any person owning or controlling real estate or other premises who voluntarily and without compensation grants the city the right to inspect, designate and use the whole or any part of such real estate or premises for the purpose of sheltering persons during a disaster or during an authorized practice disaster exercise, shall not be civilly liable for the death of, or injury to, any person on or about such real estate or premises under such license, privilege or other permission, or for loss of, or damage to, the property of such person.

(Ord. 144, passed 7-14-80)

§ 34.09 CONFLICTING 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 other existing ordinances, orders, rules and regulations, insofar as the latter may be inconsistent therewith.

(Ord. 144, passed 7-14-80)

§ 34.10 VIOLATIONS.

It shall be unlawful for any person willfully to obstruct, hinder or delay any emergency services forces in the enforcement or accomplishment of any rule or regulation issued pursuant to this chapter, or to do any act forbidden by any rule or regulation issued pursuant to the authority contained in this chapter. It shall likewise be unlawful for any person to wear, carry or display any emblem, insignia or other means of identification as a member of the emergency services forces of the city unless authority to do so has been granted to such person by proper officials.

(Ord. 144, passed 7-14-80) Penalty, see § 10.99

CHAPTER 35: ORDINANCE ENFORCEMENT

Section

35.01 Officials granted authority to issue appearance citations

§ 35.01 OFFICIALS GRANTED AUTHORITY TO ISSUE APPEARANCE CITATIONS.

The Building Inspector, Building Official, Electrical Inspector, Zoning Administrator and code enforcement officers or their duly appointed representatives are hereby granted the authority to issue appearance citations for violations of the city construction and municipal codes or any other city ordinances.

(Ord. 206, passed 1-16-95)

Cross-reference:

Municipal civil infraction actions and citations, see Ch. 12

CHAPTER 36: ETHICAL STANDARDS OF CONDUCT

Section

- 36.01 Interpretation
- 36.02 Public policy declaration
- 36.03 Definitions
- 36.04 Standards of conduct
- 36.05 Prohibited acts
- 36.06 Exclusions
- 36.07 Integrity, reputation and the ability to enforce standards
- 36.08 Review process
- 36.09 Violations

§ 36.01 INTERPRETATION.

This chapter shall establish ethical standards of conduct for elected and appointed officials of the city whether compensated or not. The standards shall also apply to employees of the city whether administrative or appointive, whether compensated by the hour or by salary, and whether members of an employee group or not.

(Ord. 258, passed 1-7-02)

§ 36.02 PUBLIC POLICY DECLARATION.

It is hereby declared to be the standard of ethical service to the city that all officials and employees avoid conflicts between their private interests and those of the general public whom they serve. To enhance the faith of the people and to assure the integrity and impartiality of all officials and employees of the city, it is necessary that adequate guidelines be provided for separating their roles as private citizens from their roles as public servants. Elected and appointive office, whether compensated or not, and public employment is a public trust and any effort to realize personal gain through official conduct is a violation of that trust. The ethical standards established herein are intended to eliminate to the fullest extent possible violations of ethical conduct and to ensure that such are investigated and punished where applicable.

(Ord. 258, passed 1-7-02)

§ 36.03 DEFINITIONS.

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

AGREEMENT. An understanding between two or more persons or entities; a contract.

APPOINTED. Selected and installed in an office or position.

ASSOCIATED. The condition of being an owner, partner, member, part owner, employee, limited partner, stock holder, director, lender, borrower, or having a financial interest in.

BENEFICIARY. A person or entity receiving a benefit.

BUSINESS. Commercial or industrial enterprise or establishment, store, etc.; work, employment, profession of an individual or group; commerce.

CANDIDATE. Someone who seeks or who has been proposed for an office, position, or award.

CITY. The City of Bangor.

CITY EMPLOYEE. An employee of the city whether full or part-time, contract or hired.

CITY FUNDS. Any funds, money, or monetary rights owned by the city, or under city control in a fiduciary or representative capacity.

CITY OFFICER/OFFICIAL. An officer of the city; someone holding an official position of authority with the city; e.g. the Clerk, the Mayor, the Assessor, etc. whether the position is elective, appointive, administrative, contracted or hired and whether compensated or not as established by City Charter or City Ordinance which involves the exercise of a public power, trust or duty. This does not include a volunteer not appointed or elected to office.

CITY PERSONNEL. Individuals working for the city as employees for wages, salary or other agreed benefits.

CITY PROPERTY. Anything tangible or intangible including rights owned by the city or under the control of the city in fiduciary or representative capacity.

COMPENSATION. Money, property, thing of value or benefit conferred upon or received by any person or sought for any person in return for services rendered for or to be rendered to himself/herself or another.

CONFLICT OF INTEREST. An interest that competes with or is adverse to a legitimate interest of the city.

CONSIDERATION. Something given or promised in exchange for something else, tangible or intangible, including promises.

CONTRACTS. Agreements or mutual understandings supported by present or future consideration.

CONTRIBUTION. Money or aid given another.

COUNCIL. The City Council.

DECISION MAKING. Exercising public power to adopt laws, regulations or standards, render decisions, establish policy, determine questions of discretion.

DURING THE COURSE OF CITY BUSINESS. While planning, working on, reporting on, or carrying out the affairs of the city whether for compensation or not.

DUTY OF DUE CARE. Exercising power, trust, authority or decision making as a prudent person would exercise; not acting on a direct conflict of interest or a potential conflict of interest to self benefit or the benefit of another.

ELECTED. Chosen by the eligible voters of the city.

ELECTION FRAUD. A crime consisting of an intentional act which violates the election laws of the State of Michigan and which act is either designated as fraud by the relevant statute.

EMPLOYEE. A person working for the city for wages, salary, or other benefits and under the control and supervision of the city as to hours, work standards, and rules of work, etc.

EXCHANGE (v. t.). To give in return.

EXPECTATION. Looking forward to something; a looking forward as due.

FAVOR. An unfair partiality; an obliging act.

FAVOR (v. t.). To be partial to, to support; advocate; to help.

FINANCIAL GAIN. Increase in monetary or material wealth or earnings.

GAIN. An increase in power, advantage, wealth, possessions, earnings.

GIFT. Something given without recompense.

IMMEDIATE FAMILY. Spouse, child or step child, mother, father, step-parents, grand parents, step-grand parents, brothers, sisters, step-brothers or sisters, or in-laws of any kind.

INFLUENCE. The power of persons or things to influence others.

INTERFERE. To come between for some purpose; meddle; attempt to determine course or outcome without authority or legitimate purpose.

MEMBER. Any of the persons constituting an organization or group.

MORAL TURPITUDE. An act of baseness; vileness or depravity; conduct contrary to honesty, justice or good morals.

OFFICER/OFFICIAL. A person holding office, or position of authority in the city as may be described in the City Charter or by ordinance but not a volunteer not appointed or elected to a position.

OFFICIAL CONDUCT. Action or inaction by an officer or employee acting on behalf of the city.

OFFICIAL DUTY/OFFICIAL ACTION. A decision, action, recommendation, approval, disapproval or other action or failure to action which involves the use of power, trust, decision making, or authority, or with moral turpitude.

OTHER PERSONS/ANYONE ELSE. Members of one's immediate family or individual persons, or businesses, entities, associations, or groups.

PERSONAL GAIN. Advantage or increase in wealth, possessions, power or other benefits for an individual or on behalf of another individual.

POTENTIAL CONFLICT OF INTEREST. A situation whereby the interests of the city and the interests of someone else will, may, or might become in conflict in the ordinary course of events.

PROMISE. An agreement to do or not do something.

REWARD. Something given for something done.

RULES OF ETHICAL CONDUCT. The provisions of Ordinance 258.

SOLICIT. To ask or seek; often earnestly; to entice another to do something.

(Ord. 258, passed 1-7-02)

§ 36.04 STANDARDS OF CONDUCT.

The city's integrity rests solidly on the foundation of several general rules of ethical behavior. These rules form fundamental values to be understood and honored by all.

(A) *Principles.* The city expects its candidates, officers, officials and employees to be honest, to tell the truth, and to 'play by the rules.' The city expects its candidates, officers, officials and employees to be aware that the first small step taken that undermines ones integrity or the integrity of the city usually leads to another and another. In a short time, without having done anything major, integrity is compromised.

(B) *Honesty.* The city expects its candidates, officers, officials and employees to not misrepresent situations, to not steal from the city, not falsify records, or misuse city property, equipment, supplies or assets for personal gain or benefit or for the gain or benefit of others.

(C) *Fairness.* The city expects its candidates, officers, officials and employees to treat each other and everyone else with evenhandedness, fairness and sincerity.

(D) *Perception.* The city expects its candidates, officers, officials and employees to act in such a way as to create the perception that he, she, and the city is acting fairly, honestly, and evenhandedly without partiality, favoritism, or dishonesty. The city expects its candidates, officers, officials and employees to avoid the appearance of impropriety, that behavior which suggests he, she or the city is acting questionably.

(E) *Spirit of the law.* The city expects its candidates, officers, officials and employees to honor the spirit of the law as well as the letter of the law.

(F) *Direction and suggestion.* The city expects its candidates, officers, officials and employees to understand that no improper action is made proper because a higher officer, official, or employee might have directed or suggested the action.

(G) *Gray areas.* Recognizing that there are times when city candidates, officers, officials and employees confront situations where there are two or more legitimate points of view, where there is no clear right or wrong answer, and that past practices have given way to new practices. It is in these situations the city expects its candidates, officers, officials and employees to be particularly careful and give thorough examination and thought before taking action or making decisions.

(Ord. 258, passed 1-7-02)

§ 36.05 PROHIBITED ACTS.

The following acts, actions, inactions, and attempted acts and actions constitute a violation of the ethical standards of conduct for city officials, officers and employees. These include but are not

necessarily limited to these specific references but, rather, are intended as providing examples of actions and inactions that are prohibited by this chapter.

(A) *Gratuities.* No city officer, official or employee of the city shall solicit, accept or receive, directly or indirectly, any gift, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it can reasonably be inferred that the gift is intended to influence him or her in the performance of their official duty/duties or is intended as a reward for any official action on their part.

(B) *Preferential treatment.* No city officer, official or employee of the city shall use or attempt to use their official position to unreasonably secure, request or grant, any privileges, exemptions, advantages, contracts, or preferential treatment for themselves or others.

(C) *Use of information.*

(1) No city officer, official or employee of the city who acquires information in the course of their official duties, which information by law or policy is not available at the time to the general public, shall use such information to further the private interests of themselves or anyone else.

(2) No city officer, official or employee of the city shall obtain or use city records, documents, communications, or others written or electronic records of the city or those under the control of the city to further the private interests of themselves or anyone else.

(3) No city officer, official or employee of the city shall use their position to obtain information or records, which information or records by law or policy is not available at the time to the general public without requesting such information or records through the methods granted by the Freedom of Information Act.

(D) *Full Disclosure.* No city officer, official or employee of the city shall participate, as an agent or representative of the city, in approving or disapproving, voting, abstaining from voting, recommending or otherwise acting upon any matter in which he or she has a direct or indirect interest without disclosing the full nature and extent of their interest. Such a disclosure must be made before the time to perform their duty or concurrently with that performance. If the officer, official or employee is a member of a decision making or advisory body, the disclosure must be made to the Chairman and other members of the body on the official record. Otherwise, a disclosure would be appropriately addressed by an appointed officer or employee to the supervisory head of the organization, or by an elected officer to the general public.

(E) *Use of city property.* No city officer, official or employee of the city shall, directly or indirectly, make use of or permit others to make use of city property, equipment, vehicles, or supplies of any kind for purely personal gain.

(F) *Other prohibited conduct.* No city officer, official or employee of the City shall engage in any of the practices described below in list form. The following acts, actions, inactions, and attempted acts and actions constitute a violation of the ethical standards of conduct for city officials, officers and employees. These include but are not necessarily limited to these specific references but, rather, are intended as providing examples of actions and inactions that are prohibited by this chapter, if not the Charter and labor agreements. They include:

- (1) Impeding government efficiency or operation.
- (2) Affecting adversely the confidence of the public in the integrity of the City.
- (3) Interfering on behalf of an employee or a member of one's immediate family.
- (4) Divulging confidential information.
- (5) Misusing city personnel resources, property, funds or assets for personal gain or the gain of others.
- (6) Representing his or her individual opinion as that of the city.
- (7) Violating labor agreements between the city and its employees.
- (8) Violating policies adopted by the City Council.

(9) Engaging in a business transaction that cause the candidate, officer, official or employee to derive a personal gain.

(10) Engaging in employment or rendering services that are incompatible or in conflict with the discharge of his or her official duties.

(11) Offering a candidate, officer, official or employee of the city a gift, loan, contribution, reward or promise based on agreement, promise, or expectation that the vote, decision making or action of the candidate, officer, official or employee of the city would be influenced thereby.

(12) Engaging in an act, actions or other conduct contrary to honesty, justice or good morals; or an act or actions of moral turpitude.

(13) Acting on behalf of the city or on the behalf of the City Council when authority has not been specifically given.

(14) Making a city decision outside of the official channels.

(15) Soliciting support, financial or material, for city social, athletic, or recreational parties from individuals or firms that do business with the city or want to.

(16) Appearing before city bodies on behalf of a private interest.

(17) Participating in decision making affecting the interest of ones business or immediate family. The decision making may include monetary decisions, labor agreements, or other decisions that impact ones business and/or immediate family.

(18) Missing in attendance from three consecutive regularly called meetings at which the attendance of the city officer, or official is required and know as part of the duties of such city officer, or official.

(Ord. 258, passed 1-7-02)

§ 36.06 EXCLUSIONS.

This chapter is not intended to cover the following.

(A) This chapter shall not prohibit a city officer, official, candidate or employee from accepting minor gifts such as meals, awards, pens, pencils, and other token items valued at \$25 or less when the gift is extended during the course of city business and no return promise is made by the recipient.

(B) This chapter shall not prevent any officer, official or employee from accepting their regular compensation.

(C) This chapter does not prohibit the expression of views and opinions or communications of plans for future action, nor does it prohibit contributions to political parties or candidates as permitted by law.

(D) This chapter shall not apply to a city officer, official or employee who in the course of decision making discloses a direct or indirect conflict of interest or potential conflict of interest in any matter before the City Council, advisory board or commission and is permitted to continue participating in the decision making.

(E) This chapter shall not prohibit the City Manager, City Attorney and all law enforcement officials from exercising their usual power, control and discretion which are part of their duties.

(F) This chapter shall not prohibit the Mayor and City Council from making policy decisions, enacting legislation, and directing the affairs of the city in accordance with their legal powers and responsibilities as provided in the City Charter or state statutes.

(G) This chapter shall not be enforced to cause any person to be favored or discriminated against because of race, gender, age, handicap, religion, country of origin or political affiliation.

(Ord. 258, passed 1-7-02)

§ 36.07 INTEGRITY, REPUTATION AND THE ABILITY TO ENFORCE STANDARDS.

Preserving the integrity of the city is important to all officers, officials and employees of the city. Fairness, honesty, evenhandedness, and sincerity, a kind that transcends both the law and the values of individuals are achieved by observing an overriding set of ethical standards. Integrity is also preserved by recognizing, at times, complaints of questionable actions of city officers, officials and employees and others need to be handled with the same fairness, honesty, evenhandedness and sincerity. A city's reputation and its overall success are securely linked. The city reputation, obviously, is based on more than the collective reputations of its employees and officials. The city's reputation depends on how people perceive that the city, whatever the issue or set of circumstances, will act with integrity. Preserving the integrity of the city may result in official action to enforce and punish violations of the Ethical Standards of Conduct.

(A) *Controlling authorities.* All matters concerning the Ethical Standards of Conduct shall be directed to one of two controlling authorities depending upon employment status of the person or group involved. The request may be made by the individual or any city candidate, officer, official, or employee. There are two different controlling authorities depending upon whose request, act or action the controlling authority is reviewing.

(1) Requests to investigate or take action to enforce the Ethical Standards of Conduct regarding elected and appointed city officers and officials or candidates for elective or appointive office shall go to the Mayor, City Council and City Attorney. Should the request involve a member of the City Council, that member shall not be a part of the controlling authority.

(2) Requests to investigate or take action to enforce the Ethical Standards of Conduct regarding employees of the city shall go to the City Manager and City Attorney. Should the request involve the City Manager or the City Attorney, the Mayor shall name a replacement to serve on the controlling authority for that request.

(B) *Authority to render advisory opinions.* The above listed authorities may issue written advisory opinions, when deemed appropriate, interpreting the Ethical Standards of Conduct ordinance as set forth herein. Any city officer, official, or employee may seek guidance from the controlling authority upon written request on questions directly relating to the propriety of their conduct as officers, officials and employees. Each written request and advisory opinion shall be confidential unless released by the requester.

(C) *Authority to punish violations.* The above listed authorities shall take appropriate action upon any complaint, request for information, or otherwise resolve matters concerning the Ethical Standards

of Conduct ordinance. Except for direct references that may be provided by City Charter or labor agreements controlling any action either authority above may take or except as either may establish an action that either authority may take, both authorities are herein empowered to take and enforce actions, as they deem appropriate. The appropriate action to be taken in any individual case shall be at the sole discretion of the controlling authority involved which may include but is not necessarily limited to any of the following:

- (1) Referral of the matter to a higher authority.
- (2) Pursuing further investigation by the controlling authority.
- (3) Deeming no action to be required.
- (4) Pursuing such other course of action which is reasonable, just and appropriate under the circumstances.
- (5) Taking appropriate disciplinary action, including declaring a forfeiture of office and removal from office, appointed position or employment whether or not the removal of office is directly referenced by City Charter or by labor agreement but is referenced by this chapter.
 - (a) If the violation is for an offense also contained in the City Charter and is one which the Charter determines is punished by removal, the process for removal from office is the same as the process in the City Charter.

(b) If the violation is for an offense also contained in labor agreements between the city and its employees, then the process for removal is the same as contained in the labor agreements.

(c) If the violation is for an offense contained in this chapter and for which the controlling authority recommends the forfeiture and removal from office, whether elective, or appointive or from a position as an employee, then the process contained herein is the process that is followed.

(D) *Advisory opinions.* Any city candidate, officer, official, or employee of the city may seek advisory opinions. Advisory opinions may include guidance to any candidate, officer, official, or employee. Request for an advisory opinion shall be made in writing and provide as much detail as possible. The controlling authority may investigate as it deems appropriate and with regard to due process and the rights of individuals as established in State and Federal laws. The controlling authority may take as much time as it deems necessary before rendering its opinion provided that all attempts to satisfy the request in a timely manner are made. The controlling authority shall issue its advisory opinions in writing. The advisory opinion shall be confidential and shall not be released to anyone or any entity unless the person making the request releases the opinion.

(Ord. 258, passed 1-7-02)

§ 36.08 REVIEW PROCESS.

(A) *Determination to proceed.* The controlling authority shall first make a determination to proceed. Any city candidate, officer, official, or employee of the city may request that the controlling authority review, investigate and recommend action regarding alleged violations of the Ethical Standards of Conduct ordinance. Such requests shall be in writing. The controlling authority may decide to review, investigate and recommend action regarding alleged violations of the Ethical Standards of Conduct ordinance on their own determination or at the request of other persons. All decisions to review, investigate and recommend action shall first be made in writing.

(B) *Duty of due care.* The controlling authority shall be entitled to proceed as it deems necessary and appropriate. The controlling authority shall conduct itself in a manner so as to be thorough, complete and proceed in a reasonable and prudent manner protecting the rights of individuals.

(C) *Recommendation for punishment.* Any candidate, officer, official or employee, for whom the controlling authority recommends punishment, shall be entitled to a hearing before the controlling authority as herein determined.

(1) The controlling authority shall notify, in writing, the affected candidate, officer, official or employee of the charges that the controlling authority is basing its recommendation of punishment.

(2) The candidate, officer, official or employee shall have the opportunity to a hearing before the controlling authority.

(3) The candidate, officer, official or employee shall notify the controlling authority, in writing, that it wishes to be present at a hearing and whether or not legal counsel will attend as well as any witnesses the candidate, officer, official or employee plans to call.

(4) The hearing shall be scheduled within 30 days of the notification of the recommendation for punishment. The hearing shall be closed to the public unless the candidate, officer, official or employee selects to have the hearing open to the public.

(5) Minutes of the hearing shall be kept and held by the City Attorney for at least 12 months after which they may be destroyed.

(6) Following the hearing, the controlling authority shall decide to:

(a) Hold the recommendation for further review and investigation;

(b) Amend its previous recommendation and determine punishment;

(c) Reject its previous recommendation altogether and take new action or determine to take no punitive action; or

(d) Proceed with its previous recommendation and take punitive action.

(7) Any punitive action recommended by the controlling authority shall be forwarded to the City Council which shall vote on the recommendation for punitive action at its next regularly scheduled meeting of the City Council. At that meeting, the City Council, less any member for whom the punitive action is recommended, a majority of those members remaining shall vote to accept, to reject or to send the recommendation back to the controlling authority.

(8) If the recommendation of either the controlling authority, as in division (6)(a) above, or the City Council, as in division (7) above, is to result in further review and investigation of the controlling authority, the process in this section shall begin anew.

(9) If the recommendation of the controlling authority is accepted by the City Council, its effect is binding and immediate and the candidate, officer, official or employee has been deemed guilty of a violation of the Ethical Standards of Conduct ordinance offending all persons, the City Council, boards, and commissions, of the city.

(Ord. 258, passed 1-7-02)

§ 36.09 VIOLATIONS.

Punitive action recommended by the controlling authority and adopted by the City Council shall be findings of violations of this chapter whether or not a court of competent jurisdiction has also found a

violation of the chapter. While the City Council may find a person or persons guilty of misconduct and take punitive action against the guilty party, including removal of office, only a court of competent jurisdiction may convict a person for violations of this chapter. Every person convicted of a violation of this chapter, by a court of competent jurisdiction, shall be punished by a fine of not more than \$500 or by a sentence of not more than 93 days in jail, or both, at the discretion of the court.

(Ord. 258, passed 1-7-02)

CHAPTER 37: TAX EXEMPTION

Section

- 37.01 Preamble
- 37.02 Definitions
- 37.03 Class of housing developments
- 37.04 Establishment of annual service charge
- 37.05 Limitation on the payment of annual service charge
- 37.06 Contractual effect
- 37.07 Payment of service charge
- 37.08 Duration

§ 37.01 PREAMBLE.

(A) It is acknowledged that it is proper public purpose of the state and its political subdivisions to provide housing for its citizens of low income and to encourage the development of such housing by providing for a service charge in lieu of property taxes in accordance with the State Housing Development Authority Act of 1966 (Public Act 346 of 1966, as amended, M.C.L.A. §§ 125.1401 et seq., M.C.L.A. §§ 116.114(1) et seq.). The city is authorized by this Act to establish or change the service charge to be paid in lieu of taxes by any or all classes of housing exempt from taxation under

this Act at any amount it chooses not to exceed the taxes that would be paid but for this Act. It is further acknowledged that such housing for persons of low income is a public necessity, and as the city will be benefitted and improved by such housing, the encouragement of the same by providing certain real estate tax exemption for such housing is a valid public purpose; further, that the continuance of the provisions of this chapter for tax exemption and the service charge in lieu of taxes during the period contemplated in this chapter are essential to the determination of economic feasibility of housing developments which are constructed and financed in reliance on such exemption.

(B) The city acknowledges that Trinity Village Non-Profit Housing Corporation, a state non-profit corporation, with its offices located at 2140 Valley Street, Muskegon, Michigan 49444 (Sponsor) has offered subject to receipt of a reservation of low income housing tax credits ("LIHTC") from the State Housing Development Authority, and mortgage loan financing to sponsor a housing development identified as Trinity Village Bangor on certain property located at 333 Cemetery Road (Section 10, portion of Parcel 4-550) in the city to be constructed, owned and operated by a yet to be formed Michigan limited dividend housing association limited partnership and to serve persons of low income, and that sponsor has offered to pay the city on account of this housing development an annual service charge for public services in lieu of all taxes.

(Ord. 259, passed 1-7-02)

§ 37.02 DEFINITIONS.

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

ACT. The State Housing Development Authority Act, being Public Act 346 of 1966, of the State of Michigan, as amended.

ANNUAL SHELTER RENT. The total collections during an agreed annual period from all occupants of a housing development representing rent or occupancy charges, exclusive of charges for gas, electric, heat, or other utilities furnished to the occupants.

AUTHORITY. The Michigan State Housing Development Authority.

CODE. The Internal Revenue Service Code of 1986 as amended.

FAMILY HOUSING. Units constructed for families of low income whether they may also be elderly or handicapped as defined by the Authority and/or the Act.

HOUSING DEVELOPMENT. A development which contains a significant element of housing for persons of low income and such elements of other housing, commercial, recreational, industrial, communal, and educational facilities as the Authority determines improve the quality of the development as it relates to housing for persons of low income.

LOW INCOME PERSONS OR FAMILIES. The same as found in Section 15(a)(7) of the Act.

MORTGAGE LOAN. A loan to be made by the Authority to the sponsor for the construction of permanent financing of the housing development.

SPONSOR. Persons or entities which have applied to the Authority for a reservation for low income housing tax credits to develop and/or finance a housing development.

TAXES. Those ad valorem assessments levied against real and personal property in the city exclusive of special assessments which may be specifically authorized or voted upon in addition to the levied real and personal property taxes.

UTILITIES. Fuel, water, sanitary sewer service and/or electrical service which are paid by the housing development.

(Ord. 259, passed 1-7-02)

§ 37.03 CLASS OF HOUSING DEVELOPMENTS.

It is determined that the class of housing developments to which the tax exemption shall apply and for which a service charge shall be paid in lieu of taxes shall be for low income persons or families, which are financed or assisted pursuant to the Act.

(Ord. 259, passed 1-7-02)

§ 37.04 ESTABLISHMENT OF ANNUAL SERVICE CHARGE.

The housing development identified as Trinity Village Bangor and the property on which it is constructed shall be exempt from all property taxes from and after the commencement of construction. The city, acknowledging that the sponsor and the Authority have established the economic feasibility of the housing development in reliance upon the enactment and continuing effect of this chapter and the qualification of the housing development for exemption from all property taxes and a payment in lieu of taxes as established in this chapter, and in consideration of the sponsor's offer, subject to receipt of a reservation of low income housing tax credits from the Authority and a mortgage loan to cause the construction, ownership and operation of the housing development, agrees to accept payment of an annual service charge for public services in lieu of all property taxes. The annual service charge shall be equal to 10% of the difference between the annual shelter rents actually collected and utilities.

(Ord. 259, passed 1-7-02)

§ 37.05 LIMITATION ON THE PAYMENT OF ANNUAL SERVICE CHARGE.

Notwithstanding § 37.04, the service charge to be paid each year in lieu of property taxes for the part of the housing development which is tax exempt and which is occupied by other than low income persons or families shall be equal to the full amount of the taxes which would be paid on that portion of the housing development if the housing development were not exempt.

(Ord. 259, passed 1-7-02)

§ 37.06 CONTRACTUAL EFFECT.

Notwithstanding the provisions of Section 15(a)(5) of the Act, to the contrary, a contract between the city and the sponsor with the Authority as a third party beneficiary under the contract, to provide tax exemption and accept payments in lieu of taxes, as previously described, is effectuated by enactment of Ordinance 259.

(Ord. 259, passed 1-7-02)

§ 37.07 PAYMENT OF SERVICE CHARGE.

The service charge in lieu of taxes as determined under this chapter shall be payable in the same manner as general property taxes are payable to the city except that the annual payment shall be paid on or before February 14 of each year.

(Ord. 259, passed 1-7-02)

§ 37.08 DURATION.

This chapter shall remain in effect and shall not terminate so long as the mortgage loan remains outstanding and unpaid or the Authority has any interest in the property; provided that construction of the housing development commences within one year from the effective date of this chapter.

(Ord. 259, passed 1-7-02)

TITLE V: PUBLIC WORKS

Chapter

50. GARBAGE

51. SEWERS

52. WATER

53. PUBLIC IMPROVEMENTS

CHAPTER 50: GARBAGE

Section

General Provisions

- 50.01 Definitions
- 50.02 Burning or burying rubbish; depositing refuse
- 50.03 Accumulation; depositing in dump without license prohibited
- 50.04 Transporting garbage, rubbish or waste material; revocation of license
- 50.05 Refuse, garbage, etc. to be removed before vacating premises
- 50.06 Burning substances in dump prohibited

Collection Practices

- 50.20 Preparation of garbage
- 50.21 Collection of refuse
- 50.22 Collection charges

Administration and Enforcement

- 50.35 No duty to pick up industrial waste or garbage

50.36 Nuisance; abatement by city

50.37 Manner of collection and disposal; contracting

Cross Reference:

Trash and rubbish removal, see Ch. 99

GENERAL PROVISIONS

§ 50.01 DEFINITIONS.

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

BUILDERS' OR CONTRACTORS' REFUSE. All forms of refuse generated as a result of building construction, alterations or repairs made by any person, including but not limited to homeowners, renters, contractors or tradesmen.

DUMP. The approved municipal sanitary landfill and the approved municipal brush dump as shall from time to time be established by resolution of the City Council.

GARBAGE. Includes animal, fruit and vegetable waste materials resulting from the handling, preparation, cooking and consumption of foods.

GARBAGE, COMMERCIAL. Includes animal, fruit and vegetable waste materials resulting from the handling, preparation, cooking or consumption of foods in stores, markets, hotels, restaurants, and other places where food is stored, cooked, or consumed for and/or by the public.

HAZARDOUS REFUSE. Explosives, chemicals, radioactive materials, highly inflammable material, and any other material which is inherently dangerous or would constitute a serious hazard to the health, safety or well-being of the public.

JUNK. The accumulation of metal and/or parts of machines, appliances, in part or in whole, wood, brick, concrete blocks or slabs or any other material which makes an unsightly, hazardous, or unhealthy condition.

REFUSE. Includes all forms of disposable materials.

REFUSE COLLECTOR. The term shall apply to any person collecting refuse within the city, and within the municipal limits of any municipality with which the city may validly contract for the purpose of collecting of refuse from the residents of such municipality, whether such refuse collector

shall be a municipal employee, a firm or an individual engaged by a municipality under formal agreement or contract, or under franchise, to collect or dispose of some or all of the refuse of the residents of such municipality, or a firm of any individual hired by an individual resident or business establishment, to collect or dispose of some or all of the refuse of such individual or business establishment, or any employee of any person engaged in the disposition of refuse for such person, or any independent contractor contracting for the disposition of refuse of any resident.

RESIDENT. Any person maintaining a bona fide residence, whether owner or tenant occupied, including casual occupancy for vacation or recreational purposes, and whether such occupancy is for residential, commercial, manufacturing, municipal, professional, or religious purposes. The term shall also include similarly defined persons located in any municipality which shall validly contract with the city for disposition of its refuse in the city dump.

RUBBISH. Includes all ordinary dry wastes, such as paper cartons, rags, boxes, barrels, wood, excelsior, leather, tin cans, glass bottles and containers, broken dishes, crockery, tree limbs not to exceed three inches in diameter, and other miscellaneous material. Material classified as rubbish shall not exceed three feet in maximum dimension.

YARD WASTE. Grass clippings, yard trimmings, leaves and general yard and garden waste materials.

(Ord. 63, passed 11-13-67)

§ 50.02 BURNING OR BURYING RUBBISH; DEPOSITING REFUSE.

(A) No person shall throw any garbage or rubbish upon the ground or bury the same upon any premises, public or private, or burn the same in any manner which shall menace the public health, or cause a nuisance or smoke, ash or offensive odors, or constitute a fire hazard.

(B) No person, firm or corporation shall deposit or scatter refuse upon any public street, alley or public property in the city.

(Ord. 63, passed 11-13-67) Penalty, see § 10.99

Cross Reference:

Deposit of garbage, trash and rubbish, see § 99.09

§ 50.03 ACCUMULATION; DEPOSITING IN DUMP WITHOUT LICENSE PROHIBITED.

It shall be the duty of every owner, tenant, lessee, or occupant of any building, residential or commercial, having rubbish or waste material, to provide for and have, within the building or upon the property, storage containers of sufficient size to handle the accumulation of rubbish or refuse on the premises during the interval between public and private collections. In the case of collections not taken care of by the city, there shall be no undue accumulation of materials, and the buildings and the premises shall be in a clean and orderly condition.

(Ord. 63, passed 11-13-67) Penalty, see § 10.99

Cross Reference:

Deposit of garbage, trash and rubbish, see § 99.09

§ 50.04 TRANSPORTING GARBAGE, RUBBISH OR WASTE MATERIAL; REVOCATION OF LICENSE.

The transporting of all garbage, rubbish, or waste material through the streets, alleys or thoroughfares within the limits of the city shall be conducted in such manner as to create no nuisance, and shall comply with all ordinances of the city. Collection vehicles for garbage shall be of a type and construction approved by the Council. All collection vehicles shall be so designed that the wheel and axle loads when fully loaded shall not exceed the schedule of weights allowed by the laws of the State of Michigan, and the city.

(Ord. 63, passed 11-13-67) Penalty, see § 10.99

Cross Reference:

Collection and disposal, see § 99.11

§ 50.05 REFUSE, GARBAGE, ETC. TO BE REMOVED BEFORE VACATING PREMISES.

It shall be the duty of every person occupying or controlling any lot, building, structure of any kind or any portion thereof including apartments, to remove or cause to be removed therefrom before vacating the same all refuse, garbage, rubbish or litter.

(Ord. 63, passed 11-13-67) Penalty, see § 10.99

§ 50.06 BURNING SUBSTANCES IN DUMP PROHIBITED.

No person other than an employee of the city acting in the course of his employment may at any time burn any substance of any nature in the city dump.
(Ord. 63, passed 11-13-67) Penalty, see § 10.99

COLLECTION PRACTICES

§ 50.20 PREPARATION OF GARBAGE.

(A) All garbage other than commercial garbage shall be well drained and shall be wrapped in several thicknesses of paper, and placed in containers for pickup and disposal in the city dump.

(B) Garbage for disposal in the city dump from hotels, clubs, restaurants, institutions, and other establishments for group eating other than private residences, and garbage from markets, grocery stores, vegetable stands, bakeries, canneries, and other similar establishments shall be well drained and need not be wrapped.

(C) Ashes shall be placed in separate containers, and shall be cooled and kept as dry as possible.

(D) All other refuse shall be placed in a container or containers of the size hereinafter prescribed except refuse which cannot be placed in containers because of its size and shape, and refuse not so placed in containers shall be prepared as provided under division (E) below.

(E) Any refuse not required to be placed in an approved container will be prepared as follows:

(1) Bulk incinerator refuse shall be compressed and securely tied with non-metallic material in bundles not heavier than 60 pounds, nor more than three feet in length and more than 18 inches in diameter.

(2) Noncombustible refuse shall be compressed and securely tied in bundles not heavier than 60 pounds.

(F) Hazardous refuse shall not be disposed of inside of the city by any person, except upon a permit issued by the city, which permit shall specify the location and manner of disposal of such hazardous refuse.

(G) All containers of any description must be broken open and emptied before being placed in a refuse container with other refuse.

(Ord. 63, passed 11-13-67) Penalty, see § 10.99

Cross Reference:

Deposit of garbage, trash and rubbish, see § 99.09

Storage of trash and rubbish containers, see § 99.10

§ 50.21 COLLECTION OF REFUSE.

(A) It shall be unlawful for any person other than the refuse collectors or other authorized city officials, including police officers, acting within the scope of their official duties, to collect, handle, or interfere in any manner with garbage and refuse containers, receptacles, or bulk refuse placed in the streets, alleys, or other public places in the city.

(B) Refuse to be collected by the refuse collector shall include the following items:

(1) Waste materials resulting from the usual routine of housekeeping, tin cans, tinware, ashes, porcelain ware, bottles, glassware, earthen ware, and metallic substances ordinarily discarded by householders. Newspapers if tied in bundles; cardboard boxes, if collapsed and tied; rags, leather and rubber goods, wastepaper if bundled, excelsior, and other articles which are not ordinarily burned in home incinerators, and other items included in the definition of garbage, garbage commercial, or rubbish as set forth herein.

(2) Refuse not to be collected by the refuse collector shall include builders' or contractors' refuse; trade or manufacturing wastes; and yard wastes unless contained in containers for rubbish as defined herein.

(C) All refuse collected by the refuse collector shall be placed for collection properly bundled and in proper containers as defined by this chapter in plain view along the roadside readily accessible to the refuse collector and adjacent to the premises from which collected provided that in the case of business establishments such refuse may be set out in the alley adjacent to the premises from which collected, and provided further that such refuse collector may collect such refuse from business establishments from the inside of such premises.

(D) The City Council by resolution may itself or through the City Manager arrange dates and schedules for the public collection of refuse in the various sections of the city by the refuse collector, which collection shall be at least once per week, and in the case of commercial garbage may be on a schedule agreed upon by and between the commercial establishment and the city.

(E) No owner, tenant, lessee, or occupant shall permit refuse to stand along the roadside awaiting collection for a continuous period in excess of 24 hours, and such owner, tenant, lessee or occupant shall promptly remove empty containers so placed for collection after the same have been emptied by the refuse collector.

(F) No owner, tenant, lessee or occupant shall put out garbage or set out garbage containers along any roadside or alley except in the place and on the days for collection provided for in this chapter or resolutions passed under the authority of this chapter.

(Ord. 63, passed 11-13-67) Penalty, see § 10.99

Cross Reference:

Collection of trash and rubbish, see § 99.07

Collection of trash and rubbish, see § 99.11

Compulsory removal and payment of service, see § 99.12

§ 50.22 COLLECTION CHARGES.

Charges for the collection of refuse under this chapter may be billed in such a manner as is established by resolution of the City Council. Such charge may be assessed and collected as a part of the annual millage assessment of the city, including such additional millage as may be permitted by the statutes of the State of Michigan, or may be paid from the general fund of the city without additional millage, or may be levied as a service charge collected in such manner as may be determined by the resolution of the City Council, or may be collected by a private hauler under the regulations established by the City Council for the city. No license shall be issued for depositing of refuse in the city dump without a charge being made for the issuance of such license, and such charge shall be commensurate with the nature of the refuse deposited therein, and the frequency and the volume of the refuse so deposited. Any collection fee assessed hereunder by the city may be billed on the city water bill. (Ord. 63, passed 11-13-67) Penalty, see § 10.99

Cross Reference:

Compulsory removal and payment for service, see § 99.12

Cost for trash and rubbish collection, § 99.08

ADMINISTRATION AND ENFORCEMENT**§ 50.35 NO DUTY TO PICK UP INDUSTRIAL WASTE OR GARBAGE.**

There shall be no duty upon the city to pick up industrial waste or garbage. (Ord. 63, passed 11-13-67)

§ 50.36 NUISANCE; ABATEMENT BY CITY.

If the owner or person in charge of any premises, after ten days' notice to him given by the city, shall neglect or refuse to abate any nuisance arising from violation of the provisions of this chapter, the city may enter upon such private premises and abate such nuisance by removal of litter, rubbish, junk, trash, garbage, refuse and the cleaning of the private premises. The cost of abating such condition plus an additional cost of 15% for overhead and other expenses will constitute a lien upon a private premises which shall be charged to the occupant or owner thereof, as the case may be. If such charge is not paid within 60 days after the bill for such charges is rendered, such charge may be collected as a single assessment against the premises in the manner provided by law, or any manner authorized for the collection of debts owed to the city.

(Ord. 63, passed 11-13-67)

Cross Reference:

Compulsory removal and payment for service, see § 99.12

§ 50.37 MANNER OF COLLECTION AND DISPOSAL; CONTRACTING.

(A) The city may, by resolution of the City Council, determine the manner of operation of the collection and disposal of refuse, including operation of such collection and disposal by employees of the city, and under its direct supervision and control; and including further operation by a duly licensed garbage and refuse collector by contract or franchise.

(B) If the city does not collect the refuse within its city limits it may advertise and contract with an independent contractor or grant a franchise to an independent franchisee for the collection of rubbish and garbage. This contract shall be for a duration not to exceed two years, and shall be upon such terms and conditions as the City Council may designate, within the limitations established by this chapter. The city shall duly advertise for the awarding of the contract for the collection of garbage and refuse and shall have the right to accept or reject any and all offers to contract. Bids for the contract for refuse collection shall be sealed proposals and such bids shall be opened at a public hearing after public notice. The city shall have the right to require such independent contractor to post a sufficient performance bond for the protection of the city in the event that the independent contractor forfeits or defaults his contract with the city.

(Ord. 63, passed 11-13-67)

Cross Reference:

Schedule of rates and fees to be published, see § 99.13

Trash and rubbish collection, see § 99.07

Trash and rubbish collection and disposal, see § 99.11

CHAPTER 51: SEWERS

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GENERAL PROVISIONS**§ 51.01 DEFINITIONS.**

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

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

BUILDING DRAIN. That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of 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.

COMBINED SEWER. A sewer receiving both surface runoff and sewage.

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

INDUSTRIAL WASTES. The liquid wastes from industrial processes as distinguished from sanitary sewage.

INSPECTOR. The person or persons duly authorized by the city, through its City Council, to inspect and approve the installation of building sewers and their connection to the public sewer system.

NATURAL OUTLET. Any outlet into a watercourse, pond, ditch, lake or other body of 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 preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than ½-inch in any dimension.

PUBLIC SEWER. A sewer in which all owners of abutting properties have equal rights, and 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. A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

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.

SEWER. A pipe or conduit for carrying sewage.

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

SUPERINTENDENT. The Superintendent of the Municipal Sewage Works of the city, or his authorized deputy, agent or representative.

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

WATERCOURSE. A channel in which a flow of water occurs, either continuously or intermittently.

(Ord. 49, passed 3-25-63)

§ 51.02 UNLAWFUL DEPOSITS.

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner upon 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.

(Ord. 49, passed 3-25-63) Penalty, see § 10.99

§ 51.03 DISCHARGES TO NATURAL OUTLETS.

It shall be unlawful to discharge to any natural outlet 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 subsequent provisions of this chapter.

(Ord. 49, passed 3-25-63) Penalty, see § 10.99

§ 51.04 PRIVIES AND SEPTIC TANKS.

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facilities intended or used for the disposal of sewage.

(Ord. 49, passed 3-25-63) Penalty, see § 10.99

§ 51.05 PRIVATE SEWAGE DISPOSAL SYSTEMS.

(A) Where a public sanitary or combined sewer is not available under the provisions of § 51.40, the building sewer shall be connected to a private sewage disposal system complying with all recommendations of the Michigan State Board of Health.

(B) At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in § 51.40, the property shall be connected to the public sewer system in compliance to the terms of this chapter.

(C) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.

(D) No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the local Health Officer.

(Ord. 49, passed 3-25-63; Am. Ord. 55, passed 2-10-64) Penalty, see § 10.99

§ 51.06 TAMPERING WITH OR DAMAGING SEWER EQUIPMENT.

No 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 works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

(Ord. 49, passed 3-25-63)

BUILDING SEWERS AND CONNECTIONS

§ 51.20 PERMIT REQUIRED; FEE.

(A) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City Clerk and Superintendent.

(B) There shall be two classes of building sewer permits: for residential and commercial service, and for service to establishments producing industrial waste. In either case the owner or his agent shall make application on a special form furnished by the city. The permit applications shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Inspector. A permit and inspection fee of \$5 for a residential or commercial building sewer permit and \$15 for an industrial building sewer permit shall be paid to the City Clerk at the time the application is filed. Provided, however, that such fees shall not be charged for such permits or inspections if the service connection into the public sewer system is completed prior to December 31, 1965.

(Ord. 49, passed 3-25-63) Penalty, see § 10.99

§ 51.21 COSTS TO BE BORNE BY OWNER.

All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner or the person installing the building sewer for said owner shall indemnify said city from any loss or damage that may directly or indirectly be occasioned by said installation.

(Ord. 49, passed 3-25-63) Penalty, see § 10.99

§ 51.22 SEPARATE SEWER FOR EACH BUILDING; OLD SEWERS.

(A) A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear of the building through an adjoining alley, courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(B) Old building sewers or portions thereof may be used in connection with new buildings only when they are found on examination and test by the Inspector to meet all requirements of this chapter. (Ord. 49, passed 3-25-63) Penalty, see § 10.99

§ 51.23 MATERIAL SPECIFICATIONS; JOINTS.

(A) The building sewer shall be cast iron soil pipe, ASTM specification (designation A-74) or equal; vitrified clay sewer pipe ASTM specification (designation C-13) or equal; cement asbestos pipe, such as Johns-Manville "Transite Building Sewer Pipe" with "Ring-Tite Coupling" or "K & M Building Sewer Pipe" with K & M "Fludi-Tite" Couplings or their equivalent. Any part of the building sewer that is located within ten feet of a water service pipe shall be constructed of cast iron soil pipe with leaded joints. If installed in filled or unstable ground, the building sewer shall be of cast iron soil pipe, except that vitrified clay pipe may be accepted if laid on a suitable improved bed or cradle as approved by the Inspector.

(B) All joints and connections shall be made gas tight and water tight. Vitrified clay sewer pipe shall be fitted with factory made Resilient Compression Joints meeting the ASTM "Specifications for Vitrified Clay Pipe Joints Having Resilient Properties" (Designation C-425).

(C) Before joining the pipe in the trench, the bell and spigot surfaces shall be wiped free of dirt or other foreign matter. A lubricant or sealer, as recommended by the pipe manufacturer, shall be applied to the bell and spigot mating surfaces just before they are joined together.

(D) The top or one side of the spigot end shall be positioned into the bell end of the pipe previously laid and shall then be shoved home to compress the joint and to assure a tight fit between the interfaces.

(E) Joints for extra heavy cast iron soil pipe shall be made by inserting a roll of hemp or jute and thoroughly caulking it into place and then following with pure molten lead well caulked, not less than one inch deep. No paint, varnish or putty will be allowed in the joints until they have been tested and approved. Other jointing materials and methods may be used only by approval of the Inspector.

(F) Plastic pipe that conforms to the Plumbing Code adopted by the State of Michigan, and its amendments, may be used as an alternative to cast iron soil pipe prescribed by division (A) above. The city hereby adopts by reference all changes and amendments of the state plumbing code insofar as they shall affect plastic pipe specifications and installation requirements. (Ord. 49, passed 3-25-63; Am. Ord. 55, passed 2-10-64; Am. Ord. 95, passed 12-26-73)

§ 51.24 SIZE AND SLOPE OF BUILDING SEWERS.

(A) The size and slope of the building sewers shall be subject to the approval of the Inspector,

but in no event shall the diameter be less than four inches. The slope of such four-inch pipe shall not be less than c-inch per foot. A slope of ¼-inch per foot shall be used wherever practical.

(B) Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor. The depth shall be sufficient to afford protection from frost. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Inspector. Pipe laying and back fill shall be performed in accordance with ASTM specification (Designation C-12) except that no back fill shall be placed until the work has been inspected by the Inspector or his representative.

(C) In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drains shall be lifted by approved artificial means and discharged to the building sewer. No water operated sewage ejector shall be used.
(Ord. 49, passed 3-25-63; Am. Ord. 55, passed 2-10-64) Penalty, see § 10.99

§ 51.25 CONNECTION TO PUBLIC SEWER; INSPECTIONS.

(A) The connection of the building sewer into the public sewer shall be made at the “Y” branch designated for that property, if such branch is available at a suitable location. Any connection not made at the designated “Y” branch in the main sewer shall be made only as directed by the Inspector.

(B) The applicant for the building sewer permit shall notify the Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Inspector or his representative.
(Ord. 49, passed 3-25-63) Penalty, see § 10.99

§ 51.26 EXCAVATIONS TO BE GUARDED.

All excavations for building sewer installations shall be adequately guarded with barricades and lights, so as to protect the property disturbed in the course of the work, and shall be restored in a manner satisfactory to the city.
(Ord. 49, passed 3-25-63) Penalty, see § 10.99

§ 51.27 MAINTENANCE.

Any section of this chapter relating to duties and obligations of persons in respect to installation and connection of building drains, building sewers, and public sewers shall apply also to maintenance of such building drain and building sewer. When requested by any person who owns lands upon which such building sewer is located to determine whether said building sewer is in good repair, the city, at

its discretion, may excavate the land of the owner for the purpose of so determining. Charges for such excavation and the manner of collecting same shall be directed by the City Council by resolution. (Ord. 73, passed 5-11-70)

PUBLIC SEWER USE

§ 51.40 SEWER CONNECTION REQUIRED.

The owner of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes situated within the city and abutting any street, alley or right-of-way in which there is now located or may in the future be located a public sewer or combined sewer of the city, is hereby required at his own expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within 90 days after date of official notice to do so, provided that the public sewer is within 100 feet of the property line.

(Ord. 49, passed 3-25-63) Penalty, see § 10.99

§ 51.41 DISCHARGES OF UNPOLLUTED WATERS.

(A) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, sub-surface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer; provided, however, that this provision shall not apply to those properties on the south side of Monroe Street between Division Street and Shepard Street.

(B) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged upon approval of the Superintendent, to a storm sewer, combined sewer or natural outlet.

(Ord. 49, passed 3-25-63; Am. Ord. 55, passed 2-10-64) Penalty, see § 10.99

§ 51.42 PROHIBITED DISCHARGES.

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 water or waste which may contain more than 25 parts per million, by weight, of soluble oils.
- (D) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
- (E) Any garbage that has not been properly shredded.
- (F) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.
- (G) Any waters or wastes having a pH lower than 5.5 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
- (H) 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 in the receiving waters of the sewage treatment plant.
- (I) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage disposal plant.
- (J) Any noxious or malodorous gas or substance capable of creating a public nuisance.
(Ord. 49, passed 3-25-63) Penalty, see § 10.99

§ 51.43 GREASE, OIL AND SAND INTERCEPTORS.

- (A) Grease, oil, and sand interceptors shall be provided at the owner's expense when, in the opinion of the Inspector, they are necessary for the proper handling of liquid wastes, containing grease in excessive amount, or any flammable wastes, sand, and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection.
- (B) Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, water tight, and equipped with easily removable covers which when bolted in place shall be gas tight and water tight.
- (C) Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.
(Ord. 49, passed 3-25-63) Penalty, see § 10.99

§ 51.44 DISCHARGES SUBJECT TO REVIEW AND APPROVAL OF SUPERINTENDENT.

The admission into the public sewers of any waters or wastes having a five day Biochemical Oxygen Demand greater than 250 parts per million by weight, or containing more than 300 parts per million by weight of suspended solids, or containing any quantity of substances having the characteristics described in § 51.42, or having an average daily flow greater than 2% of the average daily sewage flow of the city, shall be subject to the review and approval of the Superintendent. When necessary in the opinion of the Superintendent, the owner shall provide at his expense such preliminary treatment as may be necessary to reduce the Biochemical Oxygen Demand to 250 parts per million and the suspended solids to 300 parts per million by weight, or reduce objectionable characteristics or constituents to within the maximum limits provided for in § 51.42 or control the quantities and rates of discharge of such waters or wastes. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and of the Michigan State Board of Health, and no construction of such facilities shall be commenced until said approval is obtained in writing.

(Ord. 49, passed 3-25-63)

§ 51.45 PRELIMINARY TREATMENT FACILITIES.

Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation, by the owner at his expense.

(Ord. 49, passed 3-25-63) Penalty, see § 10.99

§ 51.46 CONTROL MANHOLES.

When required by the Superintendent, the owner of any property served by a building sewer, carrying industrial wastes, shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

(Ord. 49, passed 3-25-63) Penalty, see § 10.99

§ 51.47 MEASUREMENTS, TESTS AND ANALYSES.

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in §§ 51.42 and 51.44 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 § 51.46 or upon suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

(Ord. 49, passed 3-25-63)

§ 51.48 SPECIAL AGREEMENTS.

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 payment therefor by the industrial concern.

(Ord. 49, passed 3-25-63)

RATES AND CHARGES**§ 51.60 CONNECTION CHARGE.**

There shall be a charge of \$35 paid to the city by the owner of the premises to which the sewer service is to be rendered, or by someone in his behalf, for the privilege of connecting the sewer from the premises into the city sewer system, which sum of \$35 shall be paid in advance to the City Clerk before such connection is made. The city shall thereupon cut into the city sewer system and run the necessary pipe from the system to the property line of the premises to be serviced.

(Ord. 22, passed 12-11-50) Penalty, see § 10.99

§ 51.61 BENEFIT CHARGE.

There shall be charged to each owner of improved property for which sewer is available a benefit charge of \$60 per year per sewer tap, to be billed at the rate of \$5 per month. Payment may be made in advance, at the option of the owner, subject to the following definitions and exceptions:

(A) The term ***IMPROVED PROPERTY*** is hereby defined to be those lands on which buildings have been erected, except such buildings as are used solely for warehouses or storage space and are not connected to the sewer system.

(B) Owners of unimproved land shall be charged a standby charge of \$1 per month per sewer tap. Such charges shall accrue and become due and payable when the lands are improved and a connection to the system is made.

(Ord. 50, passed 4-22-63; Am. Ord. 56, passed 6-22-64)

§ 51.62 SEWER SERVICE RATES.

(A) The sewage service rates shall be charged to all buildings or premises having any connection with the system or served by the system, as follows:

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(1) Consumption charge, based on the quantity of water used, shall be \$1.25 per 100 cubic feet.

(2) The service charge shall be as follows:

<i>SERVICE CHARGE</i>	
<i>Meter Size</i>	<i>Charge</i>
eO	\$ 4.90
1O	9.50
2O	26.00
3O	46.90
4O	76.80

(3) Rural charges are 300% of city rate.

(B) For customers with one meter serving more than one family, (apartments, mobile homes, etc.) or multi-use establishment (commercial or otherwise) a minimum of 75% of a eO meter charge will be billed for each unit plus commodity charges. The summary of the meter charges for each unit in no event will be less than the meter charge for the individual water meter size installed.

(C) The foregoing charges will be billed monthly based upon quarterly meter readings.

(D) In the event a lot, parcel of real estate, or building, discharging sanitary waste, or other liquid into the public sewer system of the city, either directly or indirectly, is not a user of water supplied by the city and the water used thereon or therein is not measured by the city water meter or by a meter acceptable to the city, then the amount of water used shall be otherwise measured or determined by the city in order to determine the rate or charge provided for in this chapter, or the owner, or other interested party, at his own expense, may install and maintain a water meter or other water or sewage measuring device acceptable to the City Council for such purpose, and the quantity of water used, as measured by the meter, shall be used to determine the sewage service charge and it shall be charged an amount determined by the sewage service rates as herein set forth.

(E) The rates and charges may be billed to the tenant or tenants occupying the properties served, if requested by the owner, but such billing shall in no manner relieve the owner from liability for the nonpayment of rates and charges.

(Ord. 50, passed 4-22-63; Am. Ord. 143, passed 7-14-80; Am. Ord. 171, passed 7-13-87; Am. Ord. 174, passed 10-13-87; Am. Ord. 213, passed 8-5-96)

§ 51.63 DUE DATES AND BILLING POLICY; DISCONTINUANCE OF SERVICE.

(A) The sewer system benefit charge of \$5 per month shall be due on the twenty-fifth day of each month. If such charges are not paid by the third day of the second month following the original billing, then water services to such premises shall be discontinued without notice until such time as the over due bill is paid in full. There shall be a late payment penalty of \$10 assessed against the owner or residents of the premises having a bill not paid by the third day of the second month following the original billing. (Ord. 78, passed 10-26-70; Am. Ord. 112, passed 9-27-76; Am. Ord. 120, passed 8-8-77)

(B) Bills for sewer service rates shall be sent by the city by the fifteenth of each month for the previous month and shall be due by the twenty-fifth of each month. Water shall be turned off if bills are not paid by the third of the second month following the month in which the bills are due. (Ord. 110, passed 8-23-76; Am. Ord. 121, passed 8-8-77)

(C) In addition to other remedies provided, the city shall have the right to shut off and discontinue the water supply to any premises for nonpayment of the sewer charges when due. Bills shall be sent by the city on the fifteenth day of each month, and shall be due on the twenty-fifth day of each month. If such charges are not paid by the third day of the second month following the month in which due then services to such premises shall be discontinued.

(1) Water services so discontinued shall not be restored until all sums then due and owing shall be paid, plus a turn off fee of \$15 and a turn on fee of \$15. Said turn off and turn on fee shall be included in the sums due whether or not service is physically discontinued to the premises. (This fee shall be known as a delinquent fee.)

(2) A maintenance turn off fee of \$7.50 and a maintenance turn on fee of \$7.50 will be charged when made during working hours. Water services so discontinued shall not be restored until all maintenance fees due and owing shall be paid. (Ord. 50, passed 4-22-63; Am. Ord. 181, passed 3-28-88)

(D) There shall be charged the sum of \$25 for an after working hours water turn off or turn on requested by an owner or occupant of a premises. (Ord. 120, passed 8-8-77; Am. Ord. 166, passed 8-11-86)

§ 51.64 DELINQUENT CHARGES A LIEN ON PREMISES.

The charges for sewer services which are under the provisions of Public Act 94 of 1933, § 21, as amended, being M.C.L.A. § 141.121, are made a lien on all premises served thereby unless notice is given that a tenant is responsible, are hereby recognized to constitute such lien whenever such charge against any piece of property shall be delinquent for six months or more, the city official or officials in charge of collection thereof shall certify annually on March 1 of each year to the tax

assessing officer of the city the fact that such delinquency exists, whereupon such charge shall be by him entered upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced in the same manner as general city taxes against such premises are collected and the lien thereof and for. Provided however, where a notice is given that a tenant is responsible for such charges and services as provided by M.C.L.A. § 141.21, no further service shall be rendered to such premises until a cash deposit of not less than one full year's service rate shall have been made as a security for the payment of such charges and service.

(Ord. 50, passed 4-22-63; Am. Ord. 181, passed 3-28-88)

§ 51.65 RATES FOR INSPECTION AND REPAIR OF SEWER.

(A) If according to a resident or property owner a public sewer becomes plugged or is in need of other services and the city is requested by the resident or property owner to inspect or repair the public sewer, the property owner or city resident thereby agrees to allow the city to dig on private property. Further, the owner or city resident agrees to pay the following fees to the city if upon investigation any problems occurring in connection with the sewer are found to be located on the homeowner's or resident's property.

(B) The minimum charge shall be \$50. The minimum charge shall encompass two man-hours of labor and the use of equipment from the time it leaves the shop where it is stored to the time it is returned to the same shop.

(C) Rates for labor and equipment over the minimum time as herein above described shall be charged according to the equipment rate schedule C of the Department of State Highways of the State of Michigan according to the current schedule as used by the Department.

(D) The above charges for labor and equipment are hereby made a lien on all premises served thereby, in accordance with the provisions of Public Act 94 of 1933, § 21, as amended, being M.C.L.A. § 141.121, unless notice is given that a tenant is responsible, and whenever any such charge against any piece of property shall be delinquent for six months, the city officials in charge of the collection thereof shall certify to the tax assessing officer of the city the fact of said delinquency, thereupon such charge shall be entered upon the next tax roll as a charge against such premises, and shall be collected and a lien thereof enforced in the same manner as general city taxes against such premises are collected and a lien thereof enforced. Provided, however, that where notice is given that a tenant is responsible for such charges and services as provided by Sec. 21 of Act 94, supra, no further service shall be rendered said premises until a cash deposit of not less than the amount due shall have been made as security for payment of such charges and services.

(Ord. 77, passed 10-12-70)

ADMINISTRATION AND ENFORCEMENT**§ 51.75 CITY COUNCIL TO MANAGE AND CONTROL.**

The complete sewage disposal system of the city shall be and remain under the management, supervision and control of the City Council, who may employ or designate such person or persons, in such capacity or capacities, as it seems advisable, to carry on the efficient management and operation of the system. The City Council may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient management and operation of the system.
(Ord. 50, passed 4-22-63)

§ 51.76 RIGHT OF ENTRY OF CITY OFFICIALS.

The Superintendent, Inspector, and other duly authorized employees of the city 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.
(Ord. 49, passed 3-25-63)

§ 51.77 VIOLATIONS.

(A) Any person found to be violating any provisions of this chapter except § 51.06 shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(B) Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss or damage occasioned the city by reason of such violation.
(Ord. 49, passed 3-25-63)

CHAPTER 52: WATER

Section

General Provisions

- 52.01 Sale of water from municipal water plant
- 52.02 Private connection to municipal water system
- 52.03 Cross connections with public water supply

Water Service Rates and Charges

- 52.15 Water service rates
- 52.16 Billing
- 52.17 Delinquent charges a lien on premises
- 52.18 Discontinuance of service
- 52.19 No free service

Private Water Wells

- 52.30 Drilling or digging of wells; permit required; application
- 52.31 Existing water supply wells
- 52.32 Issuance of permit; restrictions
- 52.33 Potable water protection
- 52.34 Metering requirements
- 52.35 Right of entry of city officials
- 52.36 Fees and charges
- 52.37 Collection of fees; service disconnection
- 52.38 Public nuisance
- 52.39 Discontinuance of water well or water source

*GENERAL PROVISIONS***§ 52.01 SALE OF WATER FROM MUNICIPAL WATER PLANT.**

(A) All services supplied with water from the municipal water system shall be supplied only through meters furnished by the city.

(B) All meters hereafter installed as required hereby shall be furnished by the city, and shall remain the property of the city regardless of the ownership of the place of installation.

(C) All meters shall be sealed in position by an authorized agent of the city, and any persons not so authorized who shall wilfully break such a seal, or otherwise tamper with any meter in connection with the services, shall be deemed guilty of a misdemeanor and punished as provided in § 10.99.

(D) The City Council shall, from time to time, as the Council shall deem necessary, by resolution, set and determine the rates to be charged the users of water under this chapter and shall, in addition thereto, prescribe the periods at which the water meters shall be read and statements issued to the users. In the event any consumer of water shall fail, refuse or neglect to pay the water bill as rendered to him within 30 days from its issuance by the City Clerk, the Council may order such service discontinued and the meter removed from the premises.

(Ord. 2, passed 3-31-41) Penalty, see § 10.99

§ 52.02 PRIVATE CONNECTION TO MUNICIPAL WATER SYSTEM.

(A) Connecting or supplying lines from private property or buildings thereon to the municipal water system of the city shall be inserted and kept in good repair at the expense of the owner of the property or building, and shall not be inserted or connected with the main or distribution pipe of the municipal water system until a permit therefor shall be obtained from the city. All such connecting or supply lines shall be constructed and connected in the manner and of such materials as shall be prescribed or permitted by the ordinances of this city and the statutes of the State of Michigan and the regulations of any department of Health of the State of Michigan or any of its political subdivisions binding within the city.

(B) When requested by the owner of lands or buildings to determine whether the connecting or supplying lines are in good repair, the city, at its discretion may excavate the land of the owner for the purpose of so determining. Charges for such excavation and the manner of collecting same shall be directed by the City Council by resolution.

(C) When it shall appear to the Director of Public Works that the connecting or supplying lines to any private property or buildings are not in good repair, and that as a result thereof unmetered water is escaping therefrom, the Director shall notify such owner, in writing or by first class mail, of such fact, and shall in like manner inform such owner of his obligation hereunder to repair the line. Should the owner fail or neglect to restore the lines to good repair, within three days, the city, at its option,

may stop the flow of water from the main or distribution pipes into such connecting or supplying lines until such repairs are made, or, may excavate the lands of the owner and make such repairs, and charge therefor in such amounts and in such manner and may collect same in such manner as the City Council may determine by resolution. Nothing herein contained shall prevent the city from stopping the flow of water into any such connecting or supplying lines for normal maintenance purposes, or in any emergency which endangers the supply of water for the city, without notice.

(D) Excavation of private property whether done by the city or others for the purpose of repair of connecting or supplying lines shall be conducted in conformity with the provisions of § 97.01 of this code. The City Council may by resolution empower an officer of the city to consent to such excavation for said purpose.

(Ord. 72, passed 4-13-70) Penalty, see § 10.99

§ 52.03 CROSS CONNECTIONS WITH PUBLIC WATER SUPPLY.

(A) It shall be the duty of the Public Works 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 reinspections based on potential health hazards involved shall be as established by the city and as approved by the Michigan Department of Public Health.

(B) The representative of the Public Works Department shall have the right to enter at any reasonable time any property served by a connection to the public water supply system of the city for the purpose of inspecting the piping 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 connections.

(C) 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 has been eliminated in compliance with the provisions of this section.

(D) 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."

(E) This section does not supersede the state plumbing code and applicable city ordinances, but is supplementary to them.

(Ord. 91, passed 3-12-73) Penalty, see § 10.99

WATER SERVICE RATES AND CHARGES**§ 52.15 WATER SERVICE RATES.**

(A) The rates to be charged for water service furnished by the system shall be as follows:

- (1) Consumption charge, for quantity of water used, \$1.52 per 100 cubic feet.
- (2) Service charge as follows:

<i>Meter Size</i>	<i>Charges</i>
eO	\$ 7.90
1O	17.00
2O	49.85
3O	91.75
4O	157.60

- (3) Rural charges are 150% of city rate.

(B) For customers with one meter serving more than one family, (apartments, mobile homes, etc.) or multi-use establishment (commercial or otherwise) a minimum of 75% of a eO meter charge will be billed for each unit plus commodity charges. The summary of the meter charges for each unit in no event will be less than the meter charge for the individual water meter size installed.

(C) For miscellaneous services for which, in the judgment of the City Council a special rate should be established, such rates shall be fixed and established by the City Council.
(Ord. 85, passed 4-10-72; Am. Ord. 148, passed 5-11-81; Am. Ord. 166, passed 8-11-86; Am. Ord. 170, passed 7-13-87)

§ 52.16 BILLING.

Water service charges shall be billed monthly based upon quarterly meter readings.
(Ord. 85, passed 4-10-72; Am. Ord. 148, passed 5-11-81; Am. Ord. 166, passed 8-11-86; Am. Ord. 170, passed 7-13-87)

§ 52.17 DELINQUENT CHARGES A LIEN ON PREMISES.

The charges for water services which are under the provisions of Public Act 94 of 1933, § 21,

as amended, being M.C.L.A. § 141.121, are made a lien on all premises served thereby unless notice is given that a tenant is responsible, are hereby recognized to constitute such lien whenever such charge against any piece of property shall be delinquent for six months or more, the city official or officials in charge of collection thereof shall certify annually on March 1 of each year to the tax assessing officer of the city the fact that such delinquency exists, whereupon such charge shall be by him entered upon the next tax roll as a charge against the premises and shall be collected and the lien thereof enforced in the same manner as general city taxes against such premises are collected and the lien thereof enforced: provided however, where a notice is given that a tenant is responsible for such charges and services as provided by M.C.L.A. § 141.21, no further service shall be rendered to such premises until a cash deposit of \$150 shall have been made as a security for the payment of such charges and service. (Ord. 85, passed 4-10-72; Am. Ord. 166, passed 8-11-86; Am. Ord. 170, passed 7-13-87; Am. Ord. 180, passed 3-28-88)

§ 52.18 DISCONTINUANCE OF SERVICE.

(A) In addition to other remedies provided, the city shall have the right to shut off and discontinue the water supply to any premises for nonpayment of the water charges when due. Bills shall be sent by the city on the fifteenth day of each month, and shall be due on the twenty-fifth day of each month. If such charges are not paid by the third day of the second month following the month in which due then services to such premises shall be discontinued.

(B) Water services so discontinued shall not be restored until all sums then due and owing shall be paid plus a turn off fee of \$15 and a turn on fee of \$15.

(C) The turn off and turn on fee shall be included in the sums due whether or not service is physically discontinued to the premises. (This fee shall be known as a delinquent fee).

(D) A maintenance turn off fee of \$7.50 and a maintenance turn on fee of \$7.50 will be charged when made during working hours. Water services so discontinued shall not be restored until all maintenance fees due and owing shall be paid.

(Ord. 85, passed 4-10-72; Am. Ord. 166, passed 8-11-86; Am. Ord. 170, passed 7-13-87; Am. Ord. 180, passed 3-28-88)

(E) There shall be charged the sum of \$25 for an after working hours water turn off or turn on requested by an owner or occupant of a premises. (Ord. 120, passed 8-8-77; Am. Ord. 166, passed 8-11-86)

§ 52.19 NO FREE SERVICE.

No free service shall be furnished by the system to any person, firm or corporation, public or private, or to any public agency or instrumentality.

(Ord. 85, passed 4-10-72)

PRIVATE WATER WELLS**§ 52.30 DRILLING OR DIGGING OF WELLS; PERMIT REQUIRED; APPLICATION.**

(A) No person, firm or corporation shall hereafter dig or drill within the limits of the city a water well for the purpose of supplying residential potable water within the city.

(B) No person, firm or corporation shall dig or drill a water well within the city for any other purpose excepting on application to the city and receiving a permit therefor.

(C) No such private water well water shall be sold or distributed for the use of others nor shall the water be distributed to any person, firm, or corporation off of the premises on which the well is situated.

(D) Any person, firm, or corporation desiring to dig or drill a water well within the city shall make written application therefor; which application shall specify the name of the owner of the premises whereon the well would be situated, the property address and description of said premises, the specific location of the well upon the premises, a description of the well to be drilled or dug, purpose or purposes to which the water drawn therefrom will be used, location and nature of all water supply lines which are capable of being connected to the well, and the specific reason for the use of the water supplied by the well in lieu of water available from the city's water supply system.

(Ord. 175, passed 1-11-88) Penalty, see § 10.99

§ 52.31 EXISTING WATER SUPPLY WELLS.

No existing water supply well within the city shall be expanded or altered in use hereafter, nor shall further or additional connections be made to such a well except upon application for and securing a permit as provided under this section. The City Council may issue permits for wells for commercial and industrial users when the water produced by the wells is substantially consumed upon the premises or retained there and not returned to the public sanitary sewage disposal system following its use on the premises or upon other premises where the purpose of the well is to provide irrigation water which would be consumed upon the premises and not returned to the sanitary sewer system and where the irrigation wells are not connected to the water supply system of the premises which would return to the public sanitary sewer system or in like circumstances as the Council shall deem appropriate.

(Ord. 175, passed 1-11-88) Penalty, see § 10.99

§ 52.32 ISSUANCE OF PERMIT; RESTRICTIONS.

(A) No permit shall be issued for the digging or drilling of the well until same has been approved by the City Council. The City Council shall not approve the permit until a written report has been

received from the Department of Public Works which indicates the well is not in conflict with the city water system or any other provisions of this subchapter.

(B) Any permit issued following approval by the City Council shall state any limitations or restrictions deemed proper or appropriate for the use of the water wells proposed by the City Council.

(C) Permits issued hereunder for the digging or drilling of a well shall expire six months after the date of issuance thereof unless the well digging or drilling project is then actively ongoing and in such event shall continue so long as the activity shall continue and shall expire upon the completion of drilling or the termination of the activity. Further, any permits issued prior to the effective date hereof shall be subject to this time limitation, said six-month period shall commence upon the effective day of this subchapter.

(Ord. 175, passed 1-11-88)

§ 52.33 POTABLE WATER PROTECTION.

(A) Any water outlet which is or which could be used for potable or domestic purposes and which is not supplied by the public water supply system must be labeled in a conspicuous manner as follows: "WATER UNSAFE FOR DRINKING."

(B) Any water outlet which is, or which could be used for potable or domestic purposes and which is not supplied by the public water system shall be tested annually for coliform bacteria and nitrates, at the expense of the owner of the source. The testing shall be conducted by and through the Van Buren County Health Department or equivalent State of Michigan Agency or certified laboratory to determine the quality of the water issuing therefrom.

(C) In the event that any such water outlet is found upon testing of division (B) above to be contaminated (found unfit for human consumption due to biological or other contamination) it shall be immediately removed from use and shall not thereafter be returned to use, until it is demonstrated that the water is free from said contaminants.

(D) The owner and/or operator of any such water supply outlet shall deliver to the Public Works Department a copy of the test report required in division (B) above upon receipt and failure to annually file said report shall be a violation hereof. A copy of test report shall also be filed with the Van Buren County Health Department.

(Ord. 175, passed 1-11-88) Penalty, see § 10.99

§ 52.34 METERING REQUIREMENTS.

(A) Any water well or other water supply or source not a part of the city water supply system which is or is capable of being connected to the sanitary sewage disposal system of the city shall be equipped with a city water meter installed by the city at the owner's expense.

(B) All of the connections and installation facilities shall be installed at the expense of the property owner or water well or water supply system owner if other than the property owner in accordance with such regulations as the Department of Public Works shall establish.

(C) The meter shall be read as though the same were connected to the city water supply system for the purpose of establishing sewer system fees and charges as though the water had been supplied from the city water supply system.

(D) Each private well or water supply shall be inspected at least annually by the city to determine the integrity of the system from the water supply to the meter and to assure that same is maintained as installed.

(E) Any water well or other water supply source in existence as of the effective date hereof which is equipped with a water meter owned by the premises owner or proprietor shall be subject to testing and verification of the accuracy of the meter. The property owner shall have the meter tested and verified for its accuracy and shall provide a copy of the report to the Department of Public Works for testing and verification at the owner's expense. Any such private meter shall be tested and certified annually.

(Ord. 175, passed 1-11-88) Penalty, see § 10.99

§ 52.35 RIGHT OF ENTRY OF CITY OFFICIALS.

Representatives of the Water Department or Department of Public Works shall have the right to enter at any reasonable time any property served by a private water well or system for the purpose of inspecting the piping system thereof for cross connections. On request, the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. Refusal of such information shall be deemed as evidence that the water supply system is connected and serving the public sanitary sewage disposal system. The Water Department is hereby authorized and directed to disconnect the water service after reasonable notice to any property wherein the connection is in violation of this subchapter and to take such other precautionary measures as are deemed reasonably necessary to eliminate any danger of contamination of the public water supply system and/or sanitary sewage disposal system.

(Ord. 175, passed 1-11-88) Penalty, see § 10.99

§ 52.36 FEES AND CHARGES.

In addition to the usage fees for the sewer system set forth in § 52.34(C), the following fees and charges shall apply to all private wells and other water supply systems within the city:

(A) Permit application fees: \$25

(B) Installation and inspection fee: \$90

(C) Monthly meter rental: \$4.90

(D) Annual inspection fee: \$25

(E) Disconnect fee: \$300

(F) Reconnection fee: \$400

(G) Private meter testing and certification fee: \$50
(Ord. 175, passed 1-11-88)

§ 52.37 COLLECTION OF FEES; SERVICE DISCONNECTION.

(A) In the event that sewer systems fees and charges and the fees and charges provided for in § 52.36 are not paid by the third of the second month following the month in which they are due, then the city shall disconnect the premises from the city sanitary sewage disposal system and the cost of disconnection shall be added to the sums then due in fees and charges.

(B) Prior to the reconnection of services, the owner and operator of the well or water system shall pay all delinquent charges and a reconnection charge and shall further place with the city a security deposit in an amount equal to the disconnection and reconnection charges, plus the estimated sewer system fees and charges and other monthly fees and charges sufficient to cover a period of three months in advance.

(C) The security deposit shall be retained by the city for a period of 18 months and for as many months thereafter as the billings shall be delinquent for the premises after the date of the security deposit. At the expiration of the period, the city shall return the security deposit to the person making the deposit, without interest. It shall be the responsibility of the person making the deposit to notify the city of any change in address after the date of making the same.

(D) Charges for services hereunder shall be a lien upon all premises served thereby and whenever any such charge against any piece of property shall be delinquent for six months, the city official or officials in charge of collection thereof shall certify annually on March 1 of each year to the tax assessing officer of the city the facts of such delinquency whereupon the charge shall be by him entered upon the next tax roll as a charge against the premises and shall be collected as a lien therefor and enforced in the same manner as the general city taxes against such premises are collected in a lien thereof and the lien therefor enforced.

(E) In addition to other remedies, the city shall have the authority to collect in an action at law all charges, fees and services hereunder against the owner of the premises.
(Ord. 175, passed 1-11-88)

§ 52.38 PUBLIC NUISANCE.

The operation, maintenance, digging or drilling of a water well within the city other than in conformance with this subchapter and any plumbing installed thereto not in accordance with this subchapter and rules and regulations adopted pursuant hereto shall constitute a public nuisance and the Public Works Department shall cause connection of same with the city systems to be shut off and to be kept shut off until the same is brought into compliance with this subchapter and the rules and regulations thereunder.

(Ord. 175, passed 1-11-88)]

§ 52.39 DISCONTINUANCE OF WATER WELL OR WATER SOURCE.

In the event the use of a water well or water source is discontinued the water well or water source must be properly capped and sealed. Failure to do so shall be a violation hereof.

(Ord. 175, passed 1-11-88) Penalty, see § 10.99

CHAPTER 53: PUBLIC IMPROVEMENTS

Section

Special Assessment Procedure

- 53.01 Title
- 53.02 Definitions
- 53.03 Authority for assessment
- 53.04 Initiation of projects; reconsideration
- 53.05 Report to be filed with Council; determination on project; notice of hearing
- 53.06 Hearing on necessity
- 53.07 Deviation from plans and specifications; limitations on preliminary expenses
- 53.08 Special assessment roll; Assessor to file
- 53.09 Meeting to review special assessment roll
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- 53.18 Reassessment for benefits
- 53.19 Combination of projects
- 53.20 Deferred payments of special assessments
- 53.21 Hazards and nuisances
- 53.22 Additional procedures

Statutory reference:

Special assessments, see M.C.L.A. §§ 211.741 et seq.

Cross-reference:

Special assessments, see Charter Chapter XI

*SPECIAL ASSESSMENT PROCEDURE***§ 53.01 TITLE.**

This chapter shall be known and may be cited as the “Special Assessment Ordinance” of the City of Bangor, Michigan.
(Ord. 82, passed 1-10-72)

§ 53.02 DEFINITIONS.

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

COST. When referring to the cost of any local public improvement shall include the cost of services, plans, condemnation, spreading of rolls, notices, advertising, financing, construction and legal fees and all other costs incident to the making of such improvement, the special assessments therefor and the financing thereof.

LOCAL PUBLIC IMPROVEMENT. Any public improvement which is of such a nature as to benefit especially any real property or properties within a district in the vicinity of such improvement.
(Ord. 82, passed 1-10-72)

§ 53.03 AUTHORITY FOR ASSESSMENT.

The whole cost or any part thereof of any local public improvement may be defrayed by special assessment upon the lands specially benefited by the improvement in the manner hereinafter provided.
(Ord. 82, passed 1-10-72)

§ 53.04 INITIATION OF PROJECTS; RECONSIDERATION.

(A) Proceedings for the making of local public improvements within the city, the tentative necessity thereof, and the determination that the whole or any part of the expense thereof shall be defrayed by special assessment upon the property especially benefited, provided that all special assessments levied shall be in proportion to the benefits derived from the improvements, may be commenced by resolution of the Council, with or without a petition.

(B) Local public improvements may be initiated by petition signed by property owners whose aggregate property in the proposed district was assessed for not less than 60% of the total assessed value of the privately-owned real property located therein, as shown by the last preceding general tax records of the city. Such petition shall contain a brief description of the property owned by the

respective signatories thereof and if it shall appear that the petition is signed by at least 60% as aforesaid the Clerk shall certify same to the Council. The petition shall be addressed to the Council and filed with the Clerk and shall in no event be considered directory but is advisory only.

(C) In the event that the Council shall fail to make any public improvement petitioned for under the provisions of division (B) above during the calendar year during which any petition is filed, such petition shall be reconsidered by the Council prior to the first day of March of the succeeding calendar year for the purpose of determining whether such improvement should be made during such calendar year.

(Ord. 82, passed 1-10-72)

§ 53.05 REPORT TO BE FILED WITH COUNCIL; DETERMINATION ON PROJECT; NOTICE OF HEARING.

(A) Before the Council shall consider the making of any local public improvement, the same shall be referred by resolution to the City Manager directing him to cause to be prepared a report which shall include necessary plans, profiles, specifications and detailed estimates of cost, an estimate of the life of the improvements, a description of the assessment district or districts, and such other pertinent information as will permit the Council to decide the cost, extent and necessity of the improvement proposed and what part or proportion there should be paid by special assessments upon the property especially benefited and what part, if any, should be paid by the city at large. The Council shall not finally determine to proceed with the making of any local improvement until such report of the City Manager has been filed, nor until after a hearing has been held by the Council for the purpose of hearing objections to the making of such improvement.

(B) After the City Manager has presented the report required in division (A) above for making any local public improvement as requested in the resolution of the Council, and the Council has reviewed said report, a resolution may be passed tentatively determining the necessity of the improvement, setting forth the nature thereof, prescribing what part or proportion of the cost of such improvement shall be paid by special assessment upon the property especially benefited determined of benefits received by affected properties, and what part, if any, shall be paid by the city at large; designating the limit of the special assessment district to be affected, designated whether to be assessed according to frontage or other benefits, placing the complete information on file in the office of the City Clerk, where the same may be found for examination, and directing the City Clerk to give notice of public hearing on the proposed improvement, at which time and place opportunity will be given interested persons to be heard. Such notice shall be given by one publication in a newspaper published or circulated within the city and by first class mail addressed to each owner of or person in interest in property to be assessed as shown by the last general tax assessment roll of the city, and said publication and mailing to be made at least 15 days prior to the date of the hearing. The hearing required by this section may be held at any regular, adjourned, or special meeting of the Council.

(C) The notice of hearing shall include a statement that appearance and protest at the hearing in the special assessment proceeding is required in order to appeal the amount of the special assessment

to the state tax tribunal and shall describe the manner in which an appearance and protest shall be made.

(D) An owner or party in interest, or his agent may appear in person at the hearing to protest the special assessment or shall be permitted to file his appearance or protest by letter and his personal appearance shall not be required.

Statutory reference:

City to maintain records of protesting parties, see M.C.L.A. § 211.741(4)
(Ord. 82, passed 1-10-72)

§ 53.06 HEARING ON NECESSITY.

At the public hearing on the proposed improvement, all persons interested shall be given an opportunity to be heard, after which the Council may modify the scope of the local public improvement in such a manner as they shall deem to be in the best interest of the city as a whole; provided, that if the amount of work is increased or additions are made to the district, then another hearing shall be held pursuant to notice prescribed in § 53.05. If the determination of the Council shall be to proceed with the improvement, a resolution shall be passed approving the necessary profiles, plans, specifications, assessment district and detailed estimates of cost, and directing the Assessor to prepare a special assessment roll in accordance with the Council's determination and report the same to the Council for confirmation.

(Ord. 82, passed 1-10-72)

§ 53.07 DEVIATION FROM PLANS AND SPECIFICATIONS; LIMITATIONS ON PRELIMINARY EXPENSES.

(A) No deviation from original plans or specifications as adopted shall be permitted by any officer or employee of the city without authority of the Council by resolution. A copy of the resolution authorizing such changes or deviation shall be certified by the City Clerk and attached to the original plans and specifications on file in his office.

(B) The Council shall specify the provisions and procedures for financing a local public improvement. No contract or expenditure, except for the cost of preparing necessary profiles, plans, specifications and estimates of cost, shall be made for the improvement, nor shall any improvement be commenced until the special assessment roll, to defray the costs of the same, shall have been made and confirmed.

(Ord. 82, passed 1-10-72)

§ 53.08 SPECIAL ASSESSMENT ROLL; ASSESSOR TO FILE.

(A) The Assessor shall make a special assessment roll of all lots and parcels of land within the designated district benefited by the proposed improvement and assess to each lot or parcel of land the

proportionate amount benefited thereby. The amount spread in each case shall be based upon the detailed estimate of the City Clerk as approved by the Council.

(B) When the Assessor shall have completed such assessment roll he shall file the same with the City Clerk for presentation to the Council for review and certification by it.
(Ord. 82, passed 1-10-72)

§ 53.09 MEETING TO REVIEW SPECIAL ASSESSMENT ROLL.

(A) Upon receipt of such special assessment roll, the City Council, by resolution, shall accept such assessment roll and order it to be filed in the office of the City Clerk for public examination, shall fix the time and place the Council will meet to review such special assessment roll and direct the City Clerk to give notice of a public hearing for the purpose of affording an opportunity for interested persons to be heard. Such notice shall be given by one publication in a newspaper published or circulated within the city and by first class mail addressed to each owner of or person in interest in property to be assessed as shown by the last general tax assessment roll of the city, said publication and mailing to be made at least 15 full days prior to the date of the hearing.

(B) The hearing required by this section may be held at any regular, adjourned or special meeting of the Council. At this meeting, all interested persons or parties shall present in writing their objections, if any, to the assessments against them. The Assessor shall be present at every meeting of the Council at which a special assessment is to be reviewed.

(C) The notice of hearing shall include a statement that appearance and protest at the hearing in the special assessment proceeding is required in order to appeal the amount of the special assessment to the state tax tribunal and shall describe the manner in which an appearance and protest shall be made.

(D) An owner or party in interest, or his agent may appear in person at the hearing to protest the special assessment or shall be permitted to file his appearance or protest by letter and his personal appearance shall not be required.

Statutory reference:

City to maintain records of protesting parties, see M.C.L.A. § 211.741(4)
(Ord. 82, passed 1-10-72)

§ 53.10 CHANGES AND CORRECTIONS IN ASSESSMENT ROLL.

The City Council shall meet at the time and place designated for the review of such special assessment roll, and at such meeting, or a proper adjournment thereof, shall consider all objections thereto submitted in writing. The Council may correct said roll as to any special assessment or description of any lot or parcel of land or other errors appearing therein; or it may, by resolution, annul such assessment roll and direct that new proceedings be instituted. The same proceedings shall

be followed in making a new roll as in the making of the original roll. If, after hearing all objections and making a record of such changes as the Council deems justified, the Council determines that it is satisfied with the special assessment roll and that assessments are in proportion to benefits received, it shall thereupon pass a resolution reciting such determinations, confirming such roll, placing it on file in the office of the City Clerk and directing the City Clerk to attach his warrant to a certified copy thereof within ten days therein commanding the Assessor to spread and the Treasurer to collect the various sums and amounts appearing thereon as directed by the Council. Such roll shall have the date of confirmation endorsed thereon and shall from that date be final and conclusive for the purpose of the improvement to which it applies, subject only to adjustment to conform to the actual cost of the improvement, as provided in § 53.14.

(Ord. 82, passed 1-10-72)

§ 53.11 OBJECTION TO ASSESSMENT.

If at, or prior to, the final confirmation of any special assessments, more than 50% of the number of owners of privately owned real property, to be assessed for an 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 not be made by proceedings delineated by this chapter without a four-fifths vote of the members elect of the Council entitled to vote therein provided that this section shall not apply to sidewalk construction.

(Ord. 82, passed 1-10-72)

§ 53.12 DUE DATE; PARTIAL PAYMENTS.

(A) All special assessments, except such installments thereof as the City Council shall make payable at a future time as provided in this chapter, shall be due and payable upon confirmation of the special assessment roll.

(B) The Council may provide for the payment of special assessments in annual installments. Such annual installments shall not exceed 30 in number, the first installment being due upon confirmation of the roll or on such date as the Council may determine and deferred installments being due annually thereafter, or in the discretion of the Council, may be spread upon and made a part of each annual city tax roll thereafter until all are paid. Interest shall be charged on all deferred installments at a rate not to exceed 7% per annum, or such other rate of interest as permitted by applicable state statute, commencing on the due date of the first installment and payable on the due date of each subsequent installment; the full amount of all or any deferred installments, with interest accrued thereon to the date of payment, may be paid in advance of the due date thereof. If the full assessment or the first installment thereof shall be due upon confirmation, each property owner shall have 60 days from the date of confirmation to pay the full amount of said assessment, or the full amount of any installments thereof, without interest or penalty. Following said 60-day period, the assessment or first installment thereof shall, if unpaid, be considered as delinquent and the same penalties shall be collected on such unpaid assessments or first installments thereof as are provided in the City charter to be collected on

delinquent general city taxes. Deferred installments shall be collected without penalty until 60 days after the due date thereof, after which time such installments shall be considered as delinquent and such penalties on said installments shall be collected as are provided in the City Charter to be collected on delinquent general city taxes. After the Council has confirmed the roll, the City Treasurer shall notify by mail each property owner on said roll that said roll has been filed, stating the amount assessed and the terms of payment. Failure on the part of the City Treasurer to give said notice or of such owner to receive said notice shall not invalidate any special assessment roll of the city or any assessment thereon, no excuse the payment of interest or penalties.

(Ord. 82, passed 1-10-72)

§ 53.13 DELINQUENT SPECIAL ASSESSMENTS; CREATION OF LIEN.

(A) Any assessment, or part thereof, remaining unpaid on the first Monday of March following the date when the same became delinquent shall be reported as unpaid by the Treasurer to the Council. Any such delinquent assessment, together with all accrued interest shall be transferred and reassessed on the next annual city tax roll in a column headed "Special Assessments" with a penalty of 4% upon such total amount added thereto, and when so transferred and reassessed upon said tax roll shall be collected in all respects as provided for the collection of city taxes.

(B) Special assessments and all interest penalties and charges thereon from the date of confirmation of the roll shall become a debt to the city from the persons to whom they are assessed, and, until paid, shall be and remain a lien upon the property assessed, of the same character and effect as the lien created by general law for state and county taxes and by the City Charter for city taxes, and the lands upon which the same are a lien shall be subject to sale therefor the same as are lands upon which delinquent city taxes constitute a lien.

(Ord. 82, passed 1-10-72)

§ 53.14 ADDITIONAL ASSESSMENTS; REFUNDS.

The City Clerk shall, within 60 days after the completion of each local or special public improvement, compile the actual cost thereof and certify the same to the Assessor who shall adjust the special assessment roll to correspond therewith. Should the assessment prove larger than necessary by 5%, or less, the same shall be reported to the Council which may place the excess in the city treasury or make a refund thereof pro rata according to the assessment. If the assessment exceeds the amount necessary by more than 5% the entire excess shall be credited to owners of property as shown by the city assessment roll upon which such assessment has been levied, pro rata according to the assessment, provided, however, that no refunds of special assessments may be made which impair, or contravene the provision of any outstanding obligation or bond secured in whole or part by such special assessments. When any special assessment roll shall prove insufficient to meet the cost of the improvement for which it was made, the Council may make an additional pro rata assessment, but the total amount assessed against any one parcel of land shall not exceed the benefits received by the lot or parcel of land.

(Ord. 82, passed 1-10-72)

§ 53.15 COLLECTION OF SPECIAL ASSESSMENTS.

In the event bonds are issued in anticipation of the collection of special assessments as hereinbefore provided, all collections on each special assessment roll or combination of rolls shall be set in a separate fund for the payment of the principal and interest on the bonds so issued in anticipation of the payment of such special assessments and shall be used for no other purpose.
(Ord. 82, passed 1-10-72)

§ 53.16 SPECIAL ASSESSMENT ACCOUNTS.

Moneys raised by special assessment to pay the cost of any local improvements shall be held in a special fund to pay such cost or to repay any money borrowed therefor. Each special assessment account must be used only for the improvement project for which the assessment was levied, expenses incidental thereto, including the repayment of the principal and interest on money borrowed therefor, and to refund excessive assessments, if refunds be authorized.
(Ord. 82, passed 1-10-72)

§ 53.17 CONTESTED AMOUNTS.

No suits or action of any kind shall be constituted or maintained for the purpose of contesting or enjoining the collection of any special assessment unless within 30 days after the confirmation of the special assessment roll, written notice is given to the Council of intention to file such suit or action, stating the grounds on which it has claimed such assessment is illegal, and unless such suit or action shall be commenced within 60 days, after confirmation of the roll. However, an owner or any person having an interest in the real property may file a written appeal of the special assessment with the state tax tribunal within 30 days after the confirmation of the special assessment roll if that special assessment was protested at the hearing held for the purposes of confirming the roll.
(M.C.L.A. § 211.746) (Ord. 82, passed 1-10-72)

§ 53.18 REASSESSMENT FOR BENEFITS.

Whenever the City Council shall deem any special assessment invalid or defective for any reason whatever, or if any court of competent jurisdiction shall have adjudged such assessment to be illegal for any reason whatever, in whole or in part, the Council shall have power to cause a new assessment to be made for the same purpose for which the former assessment was made, whether the improvement or any part thereof has been completed and whether any part of the assessment has been collected or not. All proceedings on such reassessment and for the collection thereof shall be made in the manner as provided for the original assessment. If any portion of the original assessment shall have been collected and not refunded, it shall be applied upon the reassessment and the reassessment shall to that extent be deemed satisfied. If more than the amount reassessed shall have been collected, the balance shall be refunded to the person making such payment.
(Ord. 82, passed 1-10-72)

§ 53.19 COMBINATION OF PROJECTS.

The City Council may combine several districts into one project for the purpose of effecting a saving in the costs; provided, however, that for each district there shall be established separate funds and accounts to cover the cost of the same.

(Ord. 82, passed 1-10-72)

§ 53.20 DEFERRED PAYMENTS OF SPECIAL ASSESSMENTS.

The Council may provide for the deferred payment of special assessments from persons who, in the opinion of the Council and Assessor, by reason of poverty are unable to contribute toward the cost thereof. In all such cases, as a condition to the granting of such deferred payments, the city shall require mortgage security on the real property of the beneficiary payable on or before his death, or, in any event, on the sale or transfer of the property.

(Ord. 82, passed 1-10-72)

§ 53.21 HAZARDS AND NUISANCES.

When any lot, building, or structure within the city, because of the 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 those of them residing or habitually growing 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 the owner of the building or structure itself, specifying the nature of the hazard or nuisance, and requiring such owner to alter, repair, tear down, or remove same promptly and within a time to be specified by the Council, which shall be commensurate with the nature of the hazard or nuisance. If, at the expiration of the time limit in the notice, 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 Council may order such a hazard or nuisance abated by the proper department or agency of the city which is qualified to do the work required, and the costs of such abatement, assessed against the lot, premises or description or real property upon which said hazard or nuisance was located.

(Ord. 82, passed 1-10-72)

Cross-reference:

Weed and grass tax on general assessment roll, see § 95.03

§ 53.22 ADDITIONAL PROCEDURES.

In any case where the provisions of this chapter may prove to be insufficient to carry out fully the making of any special assessment, the City Council shall provide by ordinance any additional steps or procedures required.

(Ord. 82, passed 1-10-72)

TITLE VII: TRAFFIC CODE

Chapter

70. GENERAL PROVISIONS

71. PARKING REGULATIONS

72. BICYCLES

73. TRAFFIC SCHEDULES

74. PARKING SCHEDULES

CHAPTER 70: GENERAL PROVISIONS

Section

70.01 Michigan Vehicle Code adopted

70.02 School bus regulations

§ 70.01 UNIFORM TRAFFIC CODE ADOPTED.

(A) The Michigan Vehicle Code, Public Act 300 of 1949, being M.C.L.A. §§ 257.1 to 257.923, and all future amendments and revisions to the Michigan Vehicle Code when they are effective in this state are incorporated and adopted by reference. Copies of the code are available in the office of the City Clerk.

(B) For the purposes of this section, references in the Michigan Vehicle Code to a “local authorities” shall mean the City of Bangor.

(C) The penalties provided by the Michigan Vehicle Code are adopted by reference, provided, however, that the city may not enforce any provision of the Michigan Vehicle Code for which the maximum period of imprisonment is greater than 93 days.

(Ord. 62, passed 7-11-66; Am. Ord. 71, passed 12-9-69; Am. Ord. 186, passed 4-10-89; Am. Ord. 256, passed 2-5-01; Am. Ord. 264, passed 11-4-02; Am. Ord. 273, passed 3-21-05; Am. Ord. 274, passed 3-21-05)

§ 70.02 SCHOOL BUS REGULATIONS.

(A) The driver of a vehicle overtaking or meeting a school bus which has stopped and is displaying two alternatively flashing red lights located at the same level shall bring the vehicle to a full stop not less than ten feet from the school bus and shall not proceed until the school bus resumes motion or the visual signals are no longer activated.

(B) The driver of the school bus, before resuming motion, shall deactivate flashing lights and permit stopped traffic to proceed and shall, when resuming motion, proceed in a manner which will allow congested traffic to dispense by keeping the bus as near to the right side of the road as can be done with safety.

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(C) A school bus driver shall not stop the bus for the purpose of receiving or discharging passengers unless the bus is completely visible in its stopped position to approaching or overtaking drivers of vehicles for a distance of at least 500 feet.

(D) Passengers crossing the road upon being discharged from a school bus shall cross in front of the stopped school bus.

(E) The driver of a vehicle on a highway that has been divided into two roadways by leaving an intervening space, by a physical barrier, or by clearly indicated dividing sections constructed so as to impede vehicular traffic need not stop upon meeting a school bus which has stopped across the dividing space, barrier or section.

(Ord. 158, passed 8-8-83) Penalty, see § 10.99

CHAPTER 71: PARKING REGULATIONS

Section

General Provisions

- 71.01 Authority of Police Chief
- 71.02 Municipal parking lot regulations
- 71.03 Overnight parking prohibited

Parking Violations Bureau

- 71.35 Establishment of Bureau; office
- 71.36 Violations not disposed of by Bureau
- 71.37 Violations settled only at request of violator
- 71.38 Traffic ticket or notice of violation
- 71.39 Schedule of violations

GENERAL PROVISIONS

§ 71.01 AUTHORITY OF POLICE CHIEF.

(A) The Police Chief is hereby authorized to erect traffic signs limiting the time during which a vehicle may be parked upon any street or upon any portion of a street; and the Police Chief is further authorized to erect appropriate signs preventing the parking of vehicles upon any street or portion of a street during certain specified periods of the night or day, such periods to be indicated on the signs. When such signs have been erected, no person shall park a vehicle longer than the maximum time designated on such sign, nor upon any street or a portion of a street where parking is prohibited as indicated on the sign.

(B) In any proceeding, for violation of the provisions of this chapter or any rule or regulation adopted by the Police Chief pursuant to the provisions thereof, the registration or license plate displayed on such motor vehicle shall constitute in evidence a prima facie presumption that the owner of such motor vehicle was the person who parked or placed or operated such motor vehicle at the point where such violation occurred.

(Ord. 12, passed 3-31-41) Penalty, see § 10.99

§ 71.02 MUNICIPAL PARKING LOT REGULATIONS.

(A) The municipal parking lots now or hereafter acquired or established by the city shall be under the supervision of the Chief of Police.

(B) It shall be unlawful to park any vehicle in any municipal parking lot in violation of any ordinance; or to so park contrary to the rules established by the City Council for the use of such park or in any place or manner other than that designated by the custodian thereof. No commercial or freight carrying vehicle or trailer shall be parked in a city parking lot.

(C) It shall be unlawful to park any car in a municipal parking lot for a period of longer than 12 hours in any one day.

(D) All municipal parking lots shall be closed for all vehicle and pedestrian traffic and any other use or purpose between the hours of 8:00 p.m. and 6:00 a.m.
(Ord. 164, passed 9-23-85) Penalty, see § 10.99

§ 71.03 OVERNIGHT PARKING PROHIBITED.

(A) No vehicle shall be parked on any street or streets within the city between the hours of 12:00 midnight and 7:00 a.m., except on M-43 between Division Street and Center Street. No vehicle shall be parked on M-43 between Division Street and Center Street within the city between the hours of 2:30 a.m. and 7:00 a.m.

(B) The Police Department, and all members thereof assigned to traffic duty, are hereby authorized to remove and tow away, or have removed and towed away by commercial towing service, any car or other vehicle illegally parked in any place where such parked vehicle violates the provisions of this section. Cars so towed away for illegal parking shall be stored in a safe place and shall be restored to the owner or operator of such car upon payment of a fee of \$15 within 24 hours after the time such car was removed, plus \$3 for each additional 24 hours or fraction thereof.
(Ord. 87, passed 6-12-72)

PARKING VIOLATIONS BUREAU**§ 71.35 ESTABLISHMENT OF BUREAU; OFFICE.**

(A) Pursuant to Public Act 154 of 1968, § 8395, being M.C.L.A. § 600.8395, a Parking Violations Bureau, for the purpose of handling alleged parking violations within the city, is hereby established. The Parking Violations Bureau shall be under the supervision and control of the City Treasurer.

(B) The city hereby establishes the city hall as the location of the Parking Violations Bureau and hereby appoints the City Treasurer to administer the Bureau.
(Ord. 141, passed 7-14-80)

§ 71.36 VIOLATIONS NOT DISPOSED OF BY BUREAU.

Violations not scheduled in § 71.39 shall not be disposed of by the Parking Violations Bureau. The fact that a particular violation is scheduled shall not entitle the alleged to disposition of the violation at the Bureau, and in any case, the person in charge of such Bureau may refuse to dispose of such violation in which case any person having knowledge of the fact may make a sworn complaint before any court having jurisdiction of the offense as provided by law.
(Ord. 141, passed 7-14-80)

§ 71.37 VIOLATIONS SETTLED ONLY AT REQUEST OF VIOLATOR.

No violation may be settled at the Parking Violations Bureau except at the specific request of 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 denies having committed the offense and in no case shall the person who is in charge of the Bureau determine, or attempt to determine the truth or falsity of any fact or matter relating to such alleged violation. No person shall be required to dispose of a parking violation at the Parking Violations Bureau and all persons shall be entitled to have any such violation processed before a court having jurisdiction thereof if they so desire. The unwillingness of any person to dispose of any violation at the Parking Violations Bureau shall not prejudice him or in any way diminish the rights, privileges and protection accorded to him by law.
(Ord. 141, passed 7-14-80)

§ 71.38 TRAFFIC TICKET OR NOTICE OF VIOLATION.

(A) The issuance of traffic ticket or notice of violation by a police officer of the city shall be deemed an allegation of a parking violation.

(B) Such traffic ticket or notice of violation shall indicate the length of time in which the person to whom the same was issued must respond before the Parking Violation 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 such a person fails to respond within the time limit.
(Ord. 141, passed 7-14-80)

§ 71.39 SCHEDULE OF VIOLATIONS.

(A) *Uniform Traffic Code Violations.*

<i>Offense</i>	<i>Penalty</i>
Parking too far from curb	\$ 20
Obstructing traffic	25
Prohibited parking (signs unnecessary)	20
(a) on sidewalk	20
(b) in front of drive	20
(c) within intersection	20
(d) within 15 feet of hydrant	35
(e) on crosswalk	20
(f) within 20 feet of crosswalk	20
(g) within 30 feet of traffic sign or signal	20
(h) within 50 feet of railroad crossing	20
(i) double parking	20
(j) on bridge	20
(k) within 300 feet of accident	20
(l) blocking emergency exit	35
(m) blocking fire escape	35
In prohibited zone (signs required)	20
In alley	20
Parking for prohibited purpose	
(a) displaying vehicle for sale	15
(b) working or repairing vehicle	15
(c) displaying advertising	15
Wrong side of roadway	20
Loading zone violation	20
Bicycle parking violation	5
Handicap zone	50

Parking Regulations

(B) *Additional offenses; ordinance and penalty variations.*

<i>Offense</i>	<i>1st</i>	<i>2nd</i>	<i>3rd and subsequent</i>
Abandoned vehicle (plus towing and storage charge)	\$ 20	\$ 25	\$ 30
Disabled vehicle, failure to move	20	25	30
Tow away zone	20	25	30
All night parking	20	25	30
In prohibited zone	20	25	30
Between sidewalk and curb private property	20	25	30

After 48 hours, if not paid, prices are doubled.
(Ord. 141, passed 7-14-80; Am. Ord. 227, passed 4-8-97)

CHAPTER 72: BICYCLES

Section

Operating Regulations

- 72.01 Application of regulations
- 72.02 Riders to obey traffic laws
- 72.03 Obedience to traffic-control devices required; exceptions
- 72.04 Manner of riding
- 72.05 Riding on roadways and bicycle paths
- 72.06 Riding on sidewalks
- 72.07 Clinging to other vehicles
- 72.08 Speed
- 72.09 Emerging from alley or driveway
- 72.10 Parking
- 72.11 Equipment on bicycles

Bicycle Licensing

- 72.25 License required
- 72.26 Application; fee
- 72.27 Issuance; grounds for denial
- 72.28 Records to be kept; license stickers
- 72.29 Duty of persons buying or selling bicycles

- 72.98 Violations by underage persons; impoundment

Cross-reference:

Use of skateboards, roller skates and similar devices, see § 97.02

*OPERATING REGULATIONS***§ 72.01 APPLICATION OF REGULATIONS.**

(A) The provision of this chapter applicable to bicycles shall apply whenever a bicycle is operated upon any street or upon any public path set aside for the exclusive use of bicycles, subject to those exceptions stated herein.

(B) The provisions of this chapter applicable to bicycles shall apply whenever a bicycle is operated upon any street or upon any public path set aside for the exclusive use of bicycles, subject to those exceptions stated herein.

(Ord. 136, passed 8-27-79)

§ 72.02 RIDERS TO OBEY TRAFFIC LAWS.

Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the state laws declaring rules of the road applicable to the vehicles or by the traffic ordinances of this city applicable to the driver of a vehicle, except as to special regulations in this chapter and except as to those provisions of laws and ordinances which by their nature can have no application.

(Ord. 136, passed 8-27-79) Penalty, see § 10.99

§ 72.03 OBEDIENCE TO TRAFFIC-CONTROL DEVICES REQUIRED; EXCEPTIONS.

(A) Any person operating a bicycle shall obey the instructions of official traffic-control signals, signs, and other control devices applicable to vehicles, unless otherwise directed by a police officer.

(B) When signs are erected on any sidewalk or street which prohibits the riding of bicycles thereon by any person, no person shall disobey such signs.

(C) Whenever authorized signs are erected indicating that no right or left or U turn is permitted, no person operating a bicycle shall disobey the direction of any such sign, except where such person dismounts from the bicycle to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians.

(Ord. 136, passed 8-27-79) Penalty, see § 10.99

§ 72.04 MANNER OF RIDING.

(A) A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto, and such person shall not carry more persons at one time than the number for which it is designed and equipped.

(B) Every person operating a bicycle, motorcycle, or motor driven cycle upon a roadway shall not ride more than two abreast except on paths or parts of road ways set aside for the exclusive use of such vehicles.

(C) No person operating a bicycle, motorcycle or motor driven cycle shall carry any package, bundle, or article which prevents the driver from keeping both hands upon the handle bars of said vehicle. (Ord. 136, passed 8-27-79) Penalty, see § 10.99

§ 72.05 RIDING ON ROADWAYS AND BICYCLE PATHS.

(A) Every person operating a bicycle, a motorcycle or motor driven cycle upon a roadway shall ride as near to the right hand side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(B) No person operating a motor driven cycle, a motorcycle or bicycle shall pass between lines of traffic, but may pass on the left of traffic moving in his direction in the case of a two-way street, or on the left or right of traffic in the case of a one-way street, in an unoccupied land.

(C) Whenever a usable path for bicycles has been provided adjacent to a roadway bicycle riders shall use such path and shall not use the roadway. (Ord. 136, passed 8-27-79) Penalty, see § 10.99

§ 72.06 RIDING ON SIDEWALKS.

(A) No person, except a child of 13 years of age or less, shall ride a bicycle upon any sidewalk. No person shall ride a bicycle upon any sidewalk or roadway when traffic devices or signs are posted prohibiting the riding of bicycle upon a sidewalk, he shall yield the right-of-way to any pedestrian and shall give an audible signal a reasonable distance before overtaking and passing such pedestrian. No person shall ride a bicycle from a sidewalk to a roadway or from a roadway to a sidewalk, but shall stop and alight before crossing the curblin, except when such rider is traveling on a driveway.

(B) Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian. (Ord. 136, passed 8-27-79) Penalty, see § 10.99

§ 72.07 CLINGING TO OTHER VEHICLES.

No person riding upon any bicycle, motorcycle, coasters, roller skates, sleds or toy vehicle shall attach the same or himself to any vehicle upon a roadway. (Ord. 136, passed 8-27-79) Penalty, see § 10.99

§ 72.08 SPEED.

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

(Ord. 136, passed 8-27-79)- Penalty, see § 10.99

§ 72.09 EMERGING FROM ALLEY OR DRIVEWAY.

The operator of a bicycle emerging from an alley, driveway, or building, shall upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on the sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway.

(Ord. 136, passed 8-27-79) Penalty, see § 10.99

§ 72.10 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 a curb, in such manner as to afford the least obstruction to pedestrian traffic.

(Ord. 136, passed 8-27-79) Penalty, see § 10.99

Cross-reference:

Disposition of violations through Parking Violations Bureau, see §§ 71.35 through 71.39

§ 72.11 EQUIPMENT ON BICYCLES.

(A) Every bicycle when used at night time shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear which shall be visible from all distances from 50 feet to 300 feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

(B) No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least 100 feet, except that such vehicle shall not be equipped with nor shall any person, use upon such vehicles, any siren or whistle.

(C) Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

(Ord. 136, passed 8-27-79) Penalty, see § 10.99

BICYCLE LICENSING**§ 72.25 LICENSE REQUIRED.**

No person shall ride or propel upon any roadway, sidewalk or alley, or upon any public path set aside for the use of bicycles unless such bicycle has been licensed and license sticker is attached thereto as provided herein; provided however, that no license shall be required for a bicycle having wheels less than 20 inches in diameter; and provided further that the provisions of this section shall not apply to any bicycle owner or rider from another city or community who has complied with its bicycle license ordinance, if any.

(Ord. 136, passed 8-27-79) Penalty, see § 10.99

§ 72.26 APPLICATION; FEE.

Application for a bicycle license shall be made annually to the Chief of Police upon a form provided for that purpose. An annual license fee of \$1 shall accompany each application for a license.

(Ord. 136, passed 8-27-79; Am. Ord. 228, passed 4-8-97)

§ 72.27 ISSUANCE; GROUNDS FOR DENIAL.

(A) The Chief of Police, upon receiving proper application therefor, is authorized to issue an annual license for any bicycle which license shall be effective until the next succeeding first day of May.

(B) The Chief of Police shall not issue a license for any bicycle when he knows, or has reasonable grounds to believe, that the applicant is not the owner or entitled to the possession of such bicycle.

(C) The Chief of Police shall refuse a license for any bicycle which he determines is in unsafe condition.

(Ord. 136, passed 8-27-79)

§ 72.28 RECORDS TO BE KEPT; LICENSE STICKERS.

(A) The Chief of Police shall keep a record of each bicycle license issued, as follows: Number and date thereof, name of licensee, and the number on the frame of the bicycle. He shall also keep a record of all bicycle license fees collected by him.

(B) The Chief of Police upon issuing a bicycle license shall also issue a suitable license sticker bearing the license number assigned to the bicycle, the name of the city, and the year it is issued.

(C) Such license sticker shall be firmly attached to the rear mudguard or frame of the bicycle for which it is issued in such a position as to be plainly visible from the rear.

(D) No persons shall remove a license sticker from a bicycle during the period for which it is unused except when the bicycle is dismantled, or when it is no longer operated in the city.
(Ord. 136, passed 8-27-79) Penalty, see § 10.99

§ 72.29 DUTY OF PERSONS BUYING OR SELLING BICYCLES.

(A) Every person engaged in either the business of buying or selling new and/or secondhand bicycles shall, without fail, make and file monthly reports to the Police Department listing every bicycle purchased or sold during the preceding month, giving the name and address of the person from whom purchased or to whom sold, a description of such bicycle by name or make, the frame number and the number of the license sticker, if any, found thereon. It shall be unlawful for any person engaged in the business of buying secondhand bicycles to purchase any secondhand bicycle from a minor under 17 years of age without the written consent of his or her parents.

(B) It shall be the duty of every person who sells or transfers ownership of any bicycle, to report such sale or transfer by returning to the Police Department the registration card issued to such person as licensee thereof, together with the name and address of the person to whom the bicycle was sold or transferred, and such report shall be made within five days of the date of said sale or transfer. It shall be the duty of the purchaser or transferee of such bicycle to apply for a transfer of registration therefor within five days of the sale or transfer.

(Ord. 136, passed 8-27-79) Penalty, see § 10.99

§ 72.98 VIOLATIONS BY UNDERAGE PERSONS; IMPOUNDMENT.

In the event of the violation of any of the provisions of this chapter or any of the provisions of law for the operation of bicycles by any person under the age of 17 years, any police officer of the city or the sheriff of the County of Van Buren, if the violation shall have occurred in his presence, shall immediately upon such violation take into his possession and impound the bicycle of the offender, and shall immediately and in any event within 24 hours conduct a hearing as to the matter of such violation, and if he shall find such violation to have occurred, he shall make a notation thereof upon his official blotter and shall give an impounding receipt to the owner or operator of the bicycle showing the terms of the impounding, and shall impound the bicycle for the following periods;

(A) For the first violation - 10 days

(B) For the second violation - 20 days

(C) For the third violation - 30 days.

(Ord. 136, passed 8-27-79)

CHAPTER 73: TRAFFIC SCHEDULES

Schedule

- I. Stop streets
- II. Yield right-of-way streets

SCHEDULE I. STOP STREETS.

The streets and parts of streets described in the schedule below are hereby declared to be stop streets.

(1) Every sign erected pursuant to this schedule shall have the word “stop” in letters clearly legible for a distance of at least 100 feet. Every sign shall be located as near as practicable to the nearest liens of the crosswalk on the near side of the intersection, or, if there be none, then at the nearest line of the roadway.

(2) When such stop signs are erected, as herein provided, every driver of a vehicle shall stop such vehicle at such sign before entering the intersection, and shall not proceed until such traffic as there may be has cleared sufficiently to permit safe passage.

<i>Street</i>	<i>At Intersection With</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Alexander Avenue	Washington Street	154	1-10-83
Alexander Avenue	Monroe Street (M-43)	154	1-10-83
Alexander Avenue	Arlington Street	154	1-10-83
Apple Blossom Drive	Monroe Street (M-43)	154	1-10-83
Arlington Apartments driveway	Arlington Street	154	1-10-83
Arlington Street	Center Street	154	1-10-83
Arlington Street	Walnut Street	249	9-20-99
Bangor Street	Third Street	154	1-10-83

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<i>Street</i>	<i>At Intersection With</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Bangor Street	Second Street	154	1-10-83
Bangor Street	First Street	154	1-10-83
Bangor Street	Center Street	154	1-10-83
Cass Street	Lincoln Avenue	154	1-10-83
Cass Street	Alexander Avenue	154	1-10-83
Cass Street	Morrison Avenue	154	1-10-83
Cass Street	Division Avenue	154	1-10-83
Cass Street	Walnut Street	154	1-10-83
Cass Street	Center Street	154	1-10-83
Cass Street	Monroe Street (M-43)	154	1-10-83
Cemetery Road	Center Street	154	1-10-83
Center Street	Monroe Street (M-43)	154	1-10-83
Center Street	Arlington Street	154	1-10-83
Charles Street	Center Street	154	1-10-83
Charles Street	Walnut Street	154	1-10-83
Charles Street	Railroad Street	154	1-10-83
Charles Street	Division Avenue	154	1-10-83
Chase Street	Arlington Street	154	1-10-83
Chase Street	Douglass Street	154	1-10-83
Chase Street	Cass Street	154	1-10-83
Cherry Street	Lincoln Avenue	154	1-10-83
Cherry Street	Union Street	154	1-10-83
Church Street	Union Street	154	1-10-83
Clark Street	Cass Street	154	1-10-83
County Meadows Apartments Driveway	Arlington Street	154	1-10-83

<i>Street</i>	<i>At Intersection With</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Division Avenue	Arlington Street	154	1-10-83
Division Avenue	Monroe Street (M-43)	154	1-10-83
Douglass Street	Randolph Street	154	1-10-83
Douglass Street	Center Street	154	1-10-83
Douglass Street	Walnut Street	154	1-10-83
Douglass Street	Division Avenue	154	1-10-83
Exchange Street	Center Street	154	1-10-83
First Street	North Street	154	1-10-83
First Street	High Street	154	1-10-83
First Street	Bangor Street	154	1-10-83
First Street	Main Street	154	1-10-83
Hamilton Avenue	Union Street	154	1-10-83
Hamilton Avenue	Monroe Street (M-43)	154	1-10-83
Hamilton Avenue	Joy Street	154	1-10-83
Hamilton Avenue	Cass Street	154	1-10-83
Hastings Court	Center Street	154	1-10-83
High Street	Center Street	154	1-10-83
Industrial Park Road	60th Street	154	1-10-83
Joy Street	Division Avenue	154	1-10-83
Joy Street	Morrison Avenue	154	1-10-83
Joy Street	Alexander Avenue	154	1-10-83
Joy Street	Lincoln Avenue	154	1-10-83
Kalamazoo Street	Hastings Street	154	1-10-83
Lafler Street	Monroe Street (M-43)	154	1-10-83
Lincoln Avenue	Monroe Street (M-43)	154	1-10-83
Main Street	Second Street	154	1-10-83

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<i>Street</i>	<i>At Intersection With</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Main Street	Third Street	154	1-10-83
Maple Street	Arlington Street	154	1-10-83
Maple Street	Douglass Street	154	1-10-83
Maple Street	Cass Street	154	1-10-83
Maple Street	Charles Street	154	1-10-83
Mill Race Road	Hamilton Avenue	154	1-10-83
Mill Street	Main Street	154	1-10-83
Mill Street	Bangor Street	154	1-10-83
Monroe Street	M-43	154	1-10-83
Morrison Avenue	Douglass Street	154	1-10-83
Morrison Avenue	Monroe Street (M-43)	154	1-10-83
North Street	Center Street	154	1-10-83
North Street	Greenhouse Road	154	1-10-83
Oliver Street	Monroe Street	154	1-10-83
Oliver Street	Douglass Street	154	1-10-83
Oliver Street	Arlington Street	154	1-10-83
Park Road	Arlington Street	154	1-10-83
Pine Street	Exchange Street	154	1-10-83
Pine Street	Center Street	154	1-10-83
Prospect Court	Arlington Street	154	1-10-83
Railroad Street	Cass Street	154	1-10-83
Railroad Street	Monroe Street (M-43)	154	1-10-83
Randolph Street	Monroe Street (M-43)	154	1-10-83
Second Street	High Street	154	1-10-83
Second Street	North Street	154	1-10-83

<i>Street</i>	<i>At Intersection With</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Slaughter House Road	Monroe Street (M-43)	154	1-10-83
Third Street	Main Street (southbound traffic only)	154	1-10-83
Third Street	North Street	154	1-10-83
Third Street	High Street	154	1-10-83
Union Street	Lincoln Avenue	154	1-10-83
Union Street	Alexander Avenue	154	1-10-83
Union Street	Division Avenue	154	1-10-83
Union Street	Railroad Street	154	1-10-83
Union Street	Walnut Street	154	1-10-83
Walnut Street	Monroe Street (M-43)	154	1-10-83
Washington Street	Hamilton Avenue	154	1-10-83
Washington Street	Lincoln Avenue	154	1-10-83

Penalty, see § 10.99

SCHEDULE II. SPEED LIMITS ON CURVES.

The maximum speed a vehicle may travel around curves designated in this schedule shall be as indicated.

<i>Street</i>	<i>Location</i>	<i>Speed Limit (m.p.h.)</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Arlington Street	At Park Road to Division Street	15	154	1-10-83
Exchange Street	At Center Street to Pine Street	10	154	1-10-83
Greenhouse Road	At High Street to northwest city limits	10	154	1-10-83
Hastings Court	At Kalamazoo Street	10	154	1-10-83
Hastings Street	At Kalamazoo Street	10	154	1-10-83
High Street	At Hastings Street	10	154	1-10-83
Kalamazoo Street	At Hastings Court	10	154	1-10-83
Lincoln Avenue	At Union Street	10	154	1-10-83
Monroe Street	At Lafler Street	10	154	1-10-83
Old South Haven Road	At Lincoln Avenue	10	154	1-10-83
Railroad Street	At Monroe Street to Mill Street	10	154	1-10-83

Penalty, see § 10.99
(Ord. 61, passed 3-14-66)

CHAPTER 74: PARKING SCHEDULES

Schedule

- I. Parking prohibited
- II. (Reserved)
- III. Parallel parking
- IV. Parking time limited
- V. Handicapped parking
- VI. Parking meter zones

SCHEDULE I. PARKING PROHIBITED.

(A) There shall be no parking at any time in the following locations:

<i>Street</i>	<i>Side</i>	<i>Location</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Alexander Street	Both	Between Joy Street and Arlington Street (except in spaces marked as a legal parking space)	253	8-20-01
Alexander Street	Both	Between Washington Street and Monroe Street (except in spaces marked as a legal parking space)	253	8-20-01
Alexander Street	East	Between Monroe Street and Washington Street	263	11-4-02
Alexander Street	West	Between Joy Street and Monroe Street	263	11-4-02
Arlington Street	North	Between Clark Street and Walnut Street	61	3-14-66
Center Street	Both	On east and west sides (except in spaces marked as a legal parking space)	263	11-4-02
Division Street	Both	Between Douglas Street and Arlington Street	263	11-4-02

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<i>Street</i>	<i>Side</i>	<i>Location</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Division Street	Both	Between Joy Street and Arlington Street	253	8-20-01
Hamilton Street	Both	Between Cass Street and Joy Street (except in spaces marked as a legal parking space)	253	8-20-01
Hamilton Street	East	Between Monroe Street and Washington Street	263	11-4-02
Hamilton Street	West	Between Joy Street and Monroe Street	263	11-4-02
Hamilton Street	North	Between Monroe Street and Main Street (except in spaces marked as a legal parking space)	253	8-20-01
Monroe Street	Both	Westerly from Division Street to a point 200 feet west of Morrison Street Intersection,	196	6-1-92
Monroe Street	Both	Easterly from Walnut Street to a point 400 feet east of Center Street Intersection	196	6-1-92
Monroe Street	North	Westerly from Railroad Street to Division Street	196	6-1-92
Monroe Street	South	From Morrison Street to Division Street	173	7-27-87
Morrison Street	Both	Between Douglas Street and Joy Street (except in spaces marked as a legal parking space)	253	8-20-01
Morrison Street	Both	North of Monroe Street (except in spaces marked as a legal parking space)	253	8-20-01

<i>Street</i>	<i>Side</i>	<i>Location</i>	<i>Ord. No.</i>	<i>Date Passed</i>

<i>Street</i>	<i>Side</i>	<i>Location</i>	<i>Ord. No.</i>	<i>Date Passed</i>
North Center Street	West	From Pine Street to Monroe Street	61	3-14-66

<i>Street</i>	<i>Side</i>	<i>Location</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Second Street	Both	Between the flume bridge and spillway bridge	61	3-14-66

<i>Street</i>	<i>Side</i>	<i>Location</i>	<i>Ord. No.</i>	<i>Date Passed</i>
State truckline highway M-43	North	From Lincoln Street, east to Railroad Street and from Walnut Street, east to 350 feet east of Center Street	203	2-22-94

<i>Street</i>	<i>Side</i>	<i>Location</i>	<i>Ord. No.</i>	<i>Date Passed</i>
State truckline highway M-43	South	From Lincoln Street, east to Division Street, and from Walnut Street, east to 350 feet east of Center Street	203	2-22-94

<i>Street</i>	<i>Side</i>	<i>Location</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Walnut Street	East	From M-43 to Cass Street	123	9-12-77

(B) Parking shall be allowed on city streets where they are designated and marked (painted) as legal parking spaces.

(Ord. 253, passed 8-20-01; Am. Ord. 263, 11-4-02) Penalty, see § 10.99

Cross-reference:

Disposition of violations through Parking Violations Bureau, see §§ 71.35 through 71.39

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SCHEDULE II. (RESERVED)

SCHEDULE III. PARALLEL PARKING.

No person shall stand or park a vehicle in the following locations other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right hand wheels of the vehicle within 12 inches of the curb or edge of the roadway.

<i>Street</i>	<i>Location</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Center Street	Between Charles and Pine Streets	29	1-10-55
Monroe Street	North side, within a distance of 200 feet from the east line of the Chesapeake and Ohio Railway right-of-way	21	6-26-50
Monroe Street	South side, within a distance of 200 feet from the west line of the Chesapeake and Ohio Railway right-of-way	21	6-26-50
Railroad Street	East and west side	229	4-8-97

Penalty, see § 10.99

Cross-reference:

Disposition of violations through Parking Violations Bureau, see §§ 71.35 through 71.39

SCHEDULE IV. PARKING TIME LIMITED.

Parking in the following locations shall be restricted as indicated:

<i>Street</i>	<i>Location</i>	<i>Restriction</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Division Street	East side between Monroe Street and the alley	15-minute parking only	123	9-12-77
Division Street	East side, south from Monroe Street 73.1 feet	One-hour parking only	173	7-27-87
Division Street	West side, beginning 31.3 feet south of Monroe Street and ending 94.6 feet south of Monroe Street	One-hour parking only	173	7-27-87
Walnut Street	West side, from Monroe Street to Charles Street	15-minute parking permitted	123	9-12-77
Walnut Street	From Cass Street north to Charles Street	Parking permitted on Sundays	123	9-12-77

Penalty, see § 10.99

Cross-reference:

Disposition of violations through Parking Violations Bureau, see §§ 71.35 through 71.39

SCHEDULE V. HANDICAPPED PARKING.

The following locations shall be designated as parking for the handicapped:

<i>Street</i>	<i>Side</i>	<i>Location</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Charles Street & Railroad Street	Northeast Corner	One of 18 spaces in parking lot	253	8-20-01
Division Street		One of 11 spaces in the police station/library parking lot	253	8-20-01
Division Street	East	The first parking space on south side of Monroe (in front of City Hall)	253	8-20-01
Division Street	West	The first parking space south of Monroe (in front of the library)	253	8-20-01
Division Street	West	The first 31.3 feet south of Monroe	173	7-27-87
Monroe Street	North	Two of 48 spaces in the Kalvan/ Tourtellotte parking lot	253	8-20-01
Railroad Street			229	4-8-97
Railroad Street	West	The first parking space south of Monroe (next to the corner business)	253	8-20-01
Walnut Street & Charles Street	Northwest Corner	Two of 18 spaces. One space shall meet the ADA passenger loading requirements as a van accessible space	253	8-20-01

Penalty, see § 10.99

Cross-reference:

Disposition of violations through Parking Violations Bureau, see §§ 71.35 through 71.39

TITLE IX: GENERAL REGULATIONS

Chapter

- 90. ANIMALS**
- 91. CEMETERIES AND PARKS**
- 92. FAIR HOUSING**
- 93. FIRE PREVENTION**
- 94. NOISE**
- 95. NUISANCES**
- 96. OUTDOOR STORAGE OF VEHICLES
AND EQUIPMENT**
- 97. STREETS AND SIDEWALKS**
- 98. TREES**
- 99. TRASH AND RUBBISH REMOVAL**
- 100. HAZARDOUS MATERIALS RELEASE**
- 101. EMERGENCY RESPONSE AND COST RECOVERY**
- 102. TRAPPING OF ANIMALS AND REPTILES ON CITY
PROPERTY**

Section

General Provisions
CHAPTER 90: ANIMALS

- 90.01 Unlawful to keep ferocious animals
- 90.02 Permit required to keep certain animals; application for permit
- 90.03 Issuance of permit; contents
- 90.04 Use of horses

Dogs

- 90.15 Definitions
- 90.16 Licensing and inoculation required
- 90.17 Running at large prohibited
- 90.18 Barking dogs
- 90.19 Dangerous and potentially dangerous dogs
- 90.20 Cruelty to dogs prohibited
- 90.21 Common law liability
- 90.22 Records of violations
- 90.23 Raising of dogs for sale - kennel

Cross-reference:

Additional animal regulations, see Ch. 102

GENERAL PROVISIONS

§ 90.01 UNLAWFUL TO KEEP FEROCIOUS ANIMALS.

It shall be unlawful to keep or maintain an animal or animals of a ferocious nature (*ferae naturae*) within the city limits.

(Ord. 79, passed 7-26-71) Penalty, see § 10.99

§ 90.02 PERMIT REQUIRED TO KEEP CERTAIN ANIMALS; APPLICATION FOR PERMIT.

(A) It shall be unlawful to keep or maintain any of the following animals within the city limits prior to obtaining a permit from the City Council authorizing the keeping and maintenance of the same: swine,

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poultry, horses, ponies, cattle, sheep, goats, rabbits or any other animal not kept or maintained within the dwelling of the owner.

(B) Any person desiring to obtain a permit shall make his application to the Council particularly stating the following:

- (1) The number and type of animals to be maintained.
- (2) That proper sanitation facilities are available.
- (3) That such animals are located at least 50 feet from the owners nearest property line.

(C) This section shall not apply to the keeping of dogs or cats.
(Ord. 79, passed 7-26-71) Penalty, see § 10.99

§ 90.03 ISSUANCE OF PERMIT; CONTENTS.

If it shall appear to the City Council that it will not be detrimental to the health, safety and welfare of the inhabitants of the city, the Council shall grant a permit to the person applying therefor. Such permit shall state the type, number and specific place such animals are to be kept. Further, no permit shall be issued unless it shall be shown that proper sanitation facilities exist. To be proper such facilities must be sufficient to dispose of waste and excrement generated by the animal or animals in such manner that other residents of the city are not offended by the odor normally associated with such waste and excrement, and further that such waste is disposed of in such a manner that the health, safety and welfare of other city residents is not endangered thereby. Further no permit shall be issued unless it shall be shown that the animal or animals shall be located on the owner's property at such place at least 50 feet from the owners nearest property line and that surrounding and abutting land owners and city residents are not offended by the odor and noise commonly associated with the type of animals or animal being kept and maintained.

(Ord. 79, passed 7-26-71)

§ 90.04 USE OF HORSES.

(A) It shall be unlawful for any person to allow horses to use or be used upon any public property including sidewalks and parks. This section shall not be construed to limit the riding of horses on public roads and roadways.

(B) It shall be unlawful for any person to allow horses to use or be used upon private property within the city limits other than that owned by the owner of the animal or a member of his household, in such a manner as to create a nuisance.

(Ord. 79, passed 7-26-71) Penalty, see § 10.99

DOGS

§ 90.15 DEFINITIONS.

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

NOT UNDER REASONABLE CONTROL. A dog shall be deemed to be not under reasonable control when such dog, not being upon the premises of its owner, is not with or under the control of its owner, his agent or some member of the owner's family, or when such dog commits damage to the person or property of anyone other than its owner, except when in the defense of its owner, his family or property.

OWN. To have a right of property in a dog; to keep or harbor a dog or to have a dog in one's care or possession; and to permit a dog to remain in or about any premises of a person for a period of five days or more.

OWNING AND RAISING OF DOGS. It shall be deemed to be illegal to own or harbor more than three dogs at any one address. In the event of puppies being born, the owner will be given up to three months to give away any puppies being born at a residence, which would bring the total of dogs to above the three allowed. At no time are puppies to be put outside so barking and yelping would disturb the neighbors.

REASONABLE CONTROL. A dog shall be deemed to be under reasonable control when such dog is on the premises of its owner and is with and under the control of its owner, his agent or some member of the owner's family.
(Ord. 142, passed 7-14-80; Am. Ord. 230, passed 4-8-97)

§ 90.16 LICENSING AND INOCULATION REQUIRED.

(A) It shall be unlawful for any person to own any dog over the age of six months, within the city, that does not at all times wear a collar with a license tag attached thereto as provided for by the laws of the State of Michigan. Application for such license shall be accompanied by proof (of inoculation) of the dog for rabies within the year preceding the date of application.

(B) A certificate of inoculation in such form shall be presented on demand at any time to the dog officer or any official of the Health Department or Police Department.

(C) It shall be unlawful for any person except the owner or the authorized agent of such owner to remove any licenses or inoculation tag from a dog.
(Ord. 142, passed 7-14-80) Penalty, see § 10.99

§ 90.17 RUNNING AT LARGE PROHIBITED.

It shall be unlawful for the owner of any dog in the city to allow such dog to stray beyond the premises of such owner unless under reasonable control, or for the owner of any female dog to permit said female to go beyond the premises of such owner when she is in heat unless such dog is held properly in leash. Further, it shall be unlawful for the owner of any dog not to have such dog under reasonable control at all times.

(Ord. 142, passed 7-14-80) Penalty, see § 10.99

§ 90.18 BARKING DOGS.

It shall be unlawful for any person to own a dog in the city which by loud and frequent barking, howling, yelping, growling or other noise, causes serious annoyance to any of the people of the city.

(Ord. 142, passed 7-14-80) Penalty, see § 10.99

§ 90.19 DANGEROUS AND POTENTIALLY DANGEROUS DOGS.

(A) It shall be unlawful for any person in the city to own a fierce or vicious dog, or a dog that has been bitten by any animal known to have been afflicted with rabies. A person who shall have in his possession a dog which has contacted rabies or has been subject to the same or which is suspected of having rabies, or which has bitten any person, shall upon demand of the Dog Officer, Health Officer or any Police Officer of the city, produce and surrender such dog to such officer to be held for observation as hereinafter provided. It shall be the duty of any person owning a dog which has been attacked or bitten by another dog or animal showing symptoms of rabies, or which has bitten any person or any other dog suspected of having rabies, to immediately notify the Dog Officer or Police Department and the Health Department, that such person has such a dog in his possession.

(B) Whenever a dog is reported to have bitten any person, it shall thereupon be the duty of the Dog Officer to seize such animal and confine the same for a period of at least ten days, for the purpose of ascertaining whether such dog is afflicted with rabies. The Dog Officer may notify in writing, the person owning or possessing any dog, for the purpose of ascertaining whether such dog is afflicted with rabies, and it shall thereupon be the duty of such owner, to accomplish the confinement of such dog within 12 hours after receiving such notice from the Dog Officer, for said period of ten days, for the purpose of ascertaining whether such dog is afflicted with rabies. If the dog is afflicted with rabies it shall be destroyed under the direction of the Dog Officer. If the dog is not afflicted, it may be returned to its owner hereinafter provided. In the event any such animal is confined under the provisions of this section, the owner thereof shall be liable for any fees and costs which accrued because of the detention of the dog.

(Ord. 142, passed 7-14-80) Penalty, see § 10.99

§ 90.20 CRUELTY TO DOGS PROHIBITED.

No person owning or harboring any dog, or any other person shall treat a dog in a cruel or inhumane manner, or wilfully or negligently cause or permit any dog to suffer unnecessary torture or pain.

(Ord. 142, passed 7-14-80) Penalty, see § 10.99

§ 90.21 COMMON LAW LIABILITY.

Nothing in this subchapter's content shall be construed as limiting the common law liability of the owner of a dog for damages committed by the dog.

(Ord. 142, passed 7-14-80)

§ 90.22 RECORDS OF VIOLATIONS.

In all prosecutions for violation of this subchapter the records of the County Treasurer's Office showing the owner and the license number to whom any license was issued, and the license tag affixed to the collar or harness of the dog showing a corresponding number shall be prima facie evidence of ownership of any dog.

(Ord. 142, passed 7-14-80)

§ 90.23 RAISING OF DOGS FOR SALE - KENNEL.

It shall be deemed to be illegal to raise dogs for sale in any residential district within the city. This activity would be considered a business and must be in a business district or acquire a Special Use Permit. No kennels or selling of dogs is permitted in a residential district.

(Ord. 230, passed 4-8-97) Penalty, see § 10.99

Section

General Provisions
CHAPTER 91: CEMETERIES AND PARKS

- 91.01 Closing hours
- 91.02 Alcoholic beverages prohibited in Charles Park

Arlington Hill Cemetery

- 91.15 Rules and regulations established
- 91.16 Definitions
- 91.17 Sale, transfer or assignment of burial units
- 91.18 Interments and disinterments
- 91.19 Perpetual care; exceptions
- 91.20 Perpetual care funds
- 91.21 Markers, stones and monuments
- 91.22 Plantings on burial units
- 91.23 Modifications and amendments

- 91.99 Penalty

GENERAL PROVISIONS

§ 91.01 CLOSING HOURS.

Unless otherwise provided, the public parks and cemetery of the city shall be opened to the public only between sunrise in the morning and 10:00 p.m. of each day, except for the Lion's Park which shall be open from sunrise in the morning until 11:00 p.m. nightly. Planned activities under direct supervision of city personnel or sanctioned by the City Council may be exempt from the closing hours. No person, except those in charge of the parks and cemetery, shall enter or be therein while such parks and cemetery are closed to the public.
(Ord. 208, passed 6-19-95) Penalty, see § 10.99

§ 91.02 ALCOHOLIC BEVERAGES PROHIBITED IN CHARLES PARK.

No alcoholic beverages shall be allowed in Charles Park.
(Ord. 124, passed 10-10-77) Penalty, see § 10.99

ARLINGTON HILL CEMETERY**§ 91.15 RULES AND REGULATIONS ESTABLISHED.**

For the mutual protection of every plot purchaser, this subchapter hereby establishes the rules and regulations for the city owned and operated cemetery known as Arlington Hill Cemetery, and all owners and visitors within the cemetery, and all plots sold shall be subject to such rules and regulations, amendments or alterations as shall be adopted by the City Council or by the Cemetery Committee from time to time.
(Ord. 58, passed 2-8-65)

§ 91.16 DEFINITIONS.

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

BURIAL UNIT. A lot or any portion thereof.

CEMETERY. The Arlington Hill Cemetery, owned and operated by the city, and where appropriate to the context, the word shall include the officials in charge of the cemetery.

CEMETERY COMMITTEE. Each year the City Manager shall appoint three members of the City Council to act as the Cemetery Committee. It shall be their duty to supervise the expenditures of the cemetery fund and see that the terms of this subchapter are properly executed.

INTERMENT. The permanent disposition of the remains of a deceased person by cremation and interment or burial.

MONUMENT. A tombstone, marker or headstone of granite or other approved stone, which shall extend above the surface of the ground.

OWNER. Any person or persons owning or possessing the privilege, license or right of interment in any burial space.
(Ord. 58, passed 2-8-65)

§ 91.17 SALE, TRANSFER OR ASSIGNMENT OF BURIAL UNITS.

(A) All burial units shall be sold through the office of the City Clerk and according to the map of the cemetery and at prices fixed by the City Council. Full payment for the burial unit and perpetual care for same must be made before a burial permit will be issued. The City Clerk shall maintain a record of all burial units sold and a record of all burials on same. All revenues derived from the sale of burial units or other sources whatever in connection therewith shall be used to maintain and improve the cemetery.

(B) No transfer or assignment of a burial unit shall be valid without first submitting to the City Clerk a conveyance by the owner of burial privileges, his heirs or administrators. A new conveyance will then be issued by the City Clerk. For this service a fee of \$1.50 shall be charged.

(C) All conveyances shall be limited to the right of interment only, of the grantee and his spouse and their children and such other person as may be requested by the grantee, but not in excess of the burial spaces conveyed in the conveyance. In the event of the death of the grantee and in the absence of any specific disposition thereof in the owner's last will and testament, the right of burial in any remaining spaces shall descend in regular line of succession to the heirs at law of the owner. (Ord. 58, passed 2-8-65)

§ 91.18 INTERMENTS AND DISINTERMENTS.

(A) *Notice.* The sexton shall have the right to insist upon at least 24 hours notice prior to any interment and 48 hours notice prior to any disinterment.

(B) *Holidays.* No interment or disinterment service shall be permitted on any of the following holidays: New Year's Day, Decoration Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas Day or when any of the above mentioned falls or is legally observed on a Saturday or Monday.

(C) *Application for interment.* Written application for interment and opening of burial space must be made at the City Clerk's office, and no interment will be permitted until all charges have been paid.

(D) *Location of interment space.* When instructions regarding the location of interment space in a plot cannot be obtained, or are indefinite, or for any reason the interment space cannot be open where specified, the Sexton may, in his discretion, open it in such location in the plot as he deems best and proper, so as not to delay the funeral; and the cemetery shall not be liable in damages for any error so made.

(E) *Interment of cremated remains.* Cremated remains shall be interred in an urn or receptacle made of material of standard specifications.

(F) *Burial boxes.* Burial boxes four feet in length or over shall be classed as adult size.

(G) *Concrete box.* Every earth interment shall be made enclosed in a concrete box or box of acceptable metal.

(Ord. 58, passed 2-8-65) Penalty, see § 10.99

§ 91.19 PERPETUAL CARE; EXCEPTIONS.

(A) The term *PERPETUAL CARE* used in reference to burial units shall be held to mean the cutting of grass upon said burial units at reasonable intervals, the raking and cleaning of the burials units at reasonable intervals, the pruning of shrubs and trees, meaning and intending the general preservation of the burial units, ground, walks, roadways, boundaries and structures, other than the structures hereinafter exempted or excepted: to the end that said grounds shall remain and be reasonably cared for as cemetery grounds.

(B) The term *PERPETUAL CARE* shall in no way be construed as meaning the maintenance, repair or replacement of any grave stones or monumental structures or memorials placed or erected on burial units, nor the planting or cost of flowers or ornamental plants, nor the sprinkling of said burial units with water, nor the maintenance or doing of any special or unusual work in the cemetery, nor does it mean the reconstruction of any marble, granite or concrete work on any burial unit in the cemetery or other buildings or structures, made necessary by injuries caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, riots, insurrections, or by the order of any military or civil authority, whether the damage be direct or collateral, other than herein provided for.

(Ord. 58, passed 2-8-65)

§ 91.20 PERPETUAL CARE FUNDS.

All funds paid for perpetual care shall be placed by the City Clerk to the credit of a fund known as the Perpetual Care Fund, to be administered by the City Council, and to be held in trust and invested by the City Council as provided by law, and the interest thereon shall be used for the care and maintenance of the burial units entitled to perpetual care.

(Ord. 58, passed 2-8-65)

§ 91.21 MARKERS, STONES AND MONUMENTS.

(A) All mausoleums, monuments, headstones, memorials and mementos to be erected or placed in the cemetery shall be of recognized durable construction. All foundations for the setting and placing of the foregoing shall be erected by the city upon such type and size as shall be specified by the Cemetery Committee, the cost and expense thereof to be borne by the owner of the burial unit and paid in advance in accord with the prices established by the City Council.

(B) All memorials or headstones in Section K shall be placed on the west end of the plot facing east. All memorials or headstones in Sections J and M shall be placed on the east end of the plot facing west.

(Ord. 58, passed 2-8-65)

§ 91.22 PLANTINGS ON BURIAL UNITS.

(A) All trees planted on or removed from any burial unit shall be done under the supervision of the sexton. All plantings other than annual or perennial flowers must be approved by the Cemetery Committee as to the selection of varieties and arrangement.

(B) No fence, railing, coping, wall, hedge or enclosure of any kind or nature shall be placed or erected around or on any burial unit.

(C) All excavating, grading or removal of rubbish shall be under the supervision of the sexton, and no burial unit or drive may be graded or altered from the general plan of the cemetery without first obtaining the consent of the Cemetery Committee.

(D) If any monument, effigy or other structure placed upon any burial unit shall be determined to be improper or offensive by the Cemetery Committee, it shall be the duty and right of the City Council to order same removed if not done so by the owner after proper notification.

(Ord. 58, passed 2-8-65) Penalty, see § 10.99

§ 91.23 MODIFICATIONS AND AMENDMENTS.

(A) Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The City Council, therefor, reserves the right, without notice, to make exceptions, suspensions or modifications in any of these rules and regulations when, in its judgment, the same appears advisable, and such temporary exceptions, suspension or modification shall in no way be construed as affecting the general application of such rule.

(B) The City Council may, and hereby expressly reserves the right, at any time or times, to adopt new rules and regulations, or to amend, alter and/or sentence in these rules and regulations.

(Ord. 58, passed 2-8-65)

Section

- 92.01 Statement of fact and policy
- 92.02 Discrimination prohibited **CHAPTER 92: FAIR HOUSING**
- 92.03 Exemption

§ 92.01 STATEMENT OF FACT AND POLICY.

It is hereby found that the population of the city consists of people of many races, colors, religions, ancestries and national origins, and that discrimination in housing violates the public policy of the city and that such discrimination in housing is injurious to the public health, safety and general welfare of the city and its inhabitants.
(Ord. 130, passed 9-11-78)

§ 92.02 DISCRIMINATION PROHIBITED.

No owner of real property, lessee, sublessee, real estate broker or salesman, lender, financial institution, builder, advertiser, or agent of any of the foregoing, shall discriminate against any other person because of the religion, race, color, or national origin of such other person or because of the religion, race, color or national origin of the friends or associates of such other person, in regard to the sale, rental of, or dealings concerning real property located in the city.
(Ord. 130, passed 9-11-78) Penalty, see § 10.99

§ 92.03 EXEMPTION.

(A) The provisions of this chapter shall not apply to the rental of a room or rooms to three or less persons in a single dwelling unit, the remainder of which dwelling unit is occupied by the owner or member of his immediate family, or a lessee of the entire dwelling unit or members of his immediate family.

(B) Nothing in this chapter shall require an owner to offer property to the public at large before selling or renting it, nor shall the chapter be deemed to prohibit owners from giving preference to prospective tenants or buyers for any reason other than race or color or national origin.
(Ord. 130, passed 9-11-78)

Section

- 93.01 Fire prevention code adopted; amendments
- 93.02 Establishment of **CHAPTER 93: FIRE PREVENTION**
- 93.03 Open burning of rubbish or paper goods
- 93.04 Location restrictions

- 93.99 Penalty

§ 93.01 FIRE PREVENTION CODE ADOPTED; AMENDMENTS.

(A) The BOCA National Fire Prevention Code, 1999 Edition, and subsequent editions as they are published by the Building Officials Code Administrators International, Inc. be and are hereby adopted as the Fire Prevention Code for the city for the control of buildings, structures and premises as herein provided; and each and all and subsequent regulations, provisions, penalties, conditions and terms of the BOCA National Fire Prevention Code are hereby referred to, adopted and make a part hereof, as if fully set out in this section, with additions, deletions, and changes, if any, prescribed in divisions (B) or (C) of this section or other sections of this chapter.

(B) The BOCA National Fire Prevention Code is amended and changed in the following respect:

(1) Section F101.1 Insert: City of Bangor.

(2) Table F-107.2.3 Insert: All permits, permit fees, inspection fees shall be bought and paid for according to the jurisdiction in charge of these permits, permit fees and inspection fees.

(C) Other provisions included in this chapter are included under § 93.05, General Provisions. (Ord. 200, passed 4-19-93; Am. Ord. 220, passed 3-3-97; Am. Ord. 254, passed 1-2-01)

§ 93.02 ESTABLISHMENT OF LIMITS.

The limits referred to in Section F-3003.2 of the BOCA National Fire Prevention Code/1996 in which the storage of explosive materials is prohibited are hereby established as follows: All limits established by the jurisdiction in charge of explosive storage limits. (Ord. 200, passed 4-19-93; Am. Ord. 220, passed 3-3-97)

§ 93.03 OPEN BURNING OF RUBBISH OR PAPER GOODS.

(A) It shall be unlawful to light or maintain any fire in any section of the city within 15 feet to any building or structure or flammable material other than that to be burned as to cause a fire hazard.

(B) The term *FIRE*, as used in this section, shall not be construed to mean or include a fire in a furnace, stove, boiler, home grill or home barbecue pit, fireplace, or incinerators properly licensed by county, state or federal statute, provided any approved fire may be extinguished by fire or city personnel at the discretion of the fire or city personnel. The term *FIRE*, as used in this section, shall not apply to approved camp fire and recreational fires which are contained and monitored.

(C) It shall be unlawful to burn grass, weeds, open land, rubbish, wood, lumber, paper goods, cardboard, brush or leaves anywhere in the city. However, wood, lumber, brush, paper, paper goods and cardboard may be burned under the following conditions:

(1) Prior approval of the Fire Chief for the ABB Fire District whom shall approve the site or area of the proposed burn, the method of the proposed burn; the type of incinerator including size, height, and cover; the location of the incinerator; the materials proposed to be burned, the time and any other criteria or conditions which the Fire Chief shall deem appropriate.

(2) The Fire Chief and/or the ABB Fire District are authorized to establish any rules, time limits, fees, penalties, application and approval process or other conditions in implementing § 93.03(C)(1) as deemed necessary and appropriate for the prevention of fires within the city and within rules and regulations of the BOCA National Fire Prevention Code as adopted and amended by the city.

(3) No fire of any sort shall be approved by the Fire Chief of the ABB Fire District if it is built or allowed to be burned within one foot of any paved or improved street or alleyway in the city.

(4) No fire shall be built or allowed to be burned in any park land owned by the city except those for the cooking of foods for picnics, reunions, outings and other such occasions. Such fires shall be in acceptable grills burning wood, charcoal or other usual and customary materials as the fire source. Such fires shall be in acceptable grills burning wood, charcoal or other usual and customary materials as the fire source. Such fires shall not need prior approval from the Fire Chief.

(5) Contractor fires for debris or heat require prior approval from the Fire Chief for the ABB Fire District.

(6) The ABB Fire District may approve and conduct fire training fires in the city.

(D) No burning of grass, weeds, open land, or leaves shall be allowed under any condition in any B-1 or B-2 zoned sections of the city unless they are burned in proper incinerators licensed under county, state or federal statute. However, fires defined under division (B) of this section are allowed. (Ord. 128, passed 9-11-78; Am. Ord. 254, passed 1-2-01) Penalty, see § 93.99

§ 93.04 LOCATION RESTRICTIONS.

No person, firm, or corporation shall set an open fire, or permit the setting of such fire, at any time in the following areas of the city:

(A) Blocks 1, 2, and 3 of Cross' Addition to the city; and

(B) Lots 10 to 27, inclusive, Lots 33 to 40, inclusive, Lots 44 to 60, inclusive, all in the assessor's plat of the city.

(Ord 36, passed 2-1-57) Penalty, see § 93.99

§ 93.99 PENALTY.

Violations of any portion of this chapter are subject to Title I, Chapter 10 and Chapter 11 of the Code of Ordinances for the city, or as established specifically herein below:

(A) Violations of this chapter shall warrant increasing penalties as herein established:

First Offense: Verbal or written warning.

Second Offense: \$35 fine payable to the city.

Third Offense: \$90 fine payable to the city.

Fourth Offense and repeating offenses: A fine not to exceed \$500 or imprisonment not more than 90 days, or both fine and imprisonment.

(B) A separate offense shall be deemed committed upon each day during which a violation occurs.

(C) Both division (A) and (B) above are city penalties. The Fire Chief of the ABB Fire District may add additional penalties.

(Ord. 254, passed 1-2-01)

Cross-reference:

Authority of City Council to provide punishment for violations, see Charter § 8.5.

Statutory reference:

Violation of ordinances, maximum penalty authorized, see M.C.L.A. § 117.4i(k).

Section

94.01	Definitions
94.02	Unnecessary noise prohibited
94.03	Bells and chimes
94.04	Noise from radios, televisions and similar devices
94.05	Animal noises
94.06	Noises from mufflers, trucks and exhausts
94.07	Noise from construction projects and power tools
94.08	Sound amplifiers
94.09	Warning signals
94.10	Emergency work
94.11	Standards for determination of violation

CHAPTER 94: NOISE

§ 94.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. All technical terms, unless the context otherwise requires, shall be defined in accordance with the *American National Standards Institute Publication S.1.1-1960*, as revised in 1971, published by the American Standards Institute, 1430 Broadway, New York, N.Y. 10018.

COMMERCIAL DISTRICT.

- (1) (a) An area where offices, clinics and the facilities needed to serve them are located;
- (b) An area with local shopping and service establishment;
- (c) A tourist oriented area where hotels, motels, and gasoline stations are located;
- (d) A business strip along a main street containing offices, retail businesses, and commercial enterprises;
- (e) Other commercial enterprises and activities which do not involve the manufacturing, processing or fabrication of any commodity.

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(2) **COMMERCIAL DISTRICT** shall include but not be limited to any parcel of land zoned commercial under the zoning ordinance of the city.

COMMERCIAL PURPOSE. The use, operation, or maintenance of any sound amplifying equipment for the purpose of advertising any business, any goods, or any services, or for the purpose of attracting the attention of the public to, or advertising for or soliciting the patronage of customers to or for any performance, show, entertainment, exhibition, or event, or for the purpose of demonstrating any such sound equipment.

CONSTRUCTION ACTIVITIES. Any and all activity incidental to the erection, demolition, assembling, altering, installing or equipping of buildings, structures, roads or appurtenances thereto, including land clearing, grading, excavating and filling.

CONTINUOUS NOISE. A steady, fluctuating, or impulsive noise which exists, essentially without interruption, for a period of ten minutes or more, with an accumulation of an hour or more over a period of eight hours.

DEVICE. Any mechanism which is intended to produce or which actually produces sound when operated or handled.

DYNAMIC BRAKING DEVICE. A device used primarily on trucks for the conversion of the motor from an internal combustion engine to an air compressor for the purpose of breaking without the use of wheel brakes.

EMERGENCY WORK. Work made necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from an imminent exposure to danger or potential danger.

FLUCTUATING NOISE. The sound pressure level of a fluctuating noise which varies more than 6 dB(A) during the period of observation when measured with the slow meter characteristic of a sound level meter.

INDUSTRIAL DISTRICT. An area in which enterprises and activities which involve the manufacturing, processing or fabrication of any commodity are located. **INDUSTRIAL DISTRICT** shall include but not be limited to any parcel of land zoned as an industrial district under the zoning ordinance of the city.

MOTOR VEHICLE. Any vehicle such as, but not limited to, a passenger vehicle, truck, truck-trailer, trailer or semi-trailer propelled or drawn by mechanical power, and shall include motorcycles, snowmobiles, minibikes, go-carts, and any other vehicle which is self-propelled.

RESIDENTIAL DISTRICT. An area of single or multiple family dwellings and shall include areas where multiple unit dwellings, high rise apartments and high density residential districts are located. **RESIDENTIAL DISTRICT** shall also include, but is not limited to, hospitals, nursing homes, homes for the aged, schools, courts and similar institutional facilities.

SOUND LEVEL METER. An instrument or apparatus including a microphone, an amplifier, an output meter, and weighting networks for the measurement of sound pressure. The output meter reads sound pressure level when properly calibrated, and the instrument is of type 2 or better, as specified in the *American National Standards Institute Publication S 1.4-1971*.
(Ord. 160, passed 9-26-83)

§ 94.02 UNNECESSARY NOISE PROHIBITED.

It shall be unlawful for any person to willfully make or continue, or cause to be made or continued, any unnecessary noise within the city.
(Ord. 160, passed 9-26-83) Penalty, see § 10.99

§ 94.03 BELLS AND CHIMES.

It shall be unlawful for any person to use, operate, cause or permit to be sounded any bell or chime or any device for the production or reproduction of the sounds of bells or chimes, from any church, clock or school, between the hours of 10:00 p.m. of one day and 7:00 a.m. of the following day.
(Ord. 160, passed 9-26-83) Penalty, see § 10.99

§ 94.04 NOISE FROM RADIOS, TELEVISIONS AND SIMILAR DEVICES.

(A) It shall be unlawful for any person to use, operate or permit to be played any radio receiving set, musical instrument, television, phonograph, drum or other machine or device for the production or reproduction of sound in such a manner as to cause to be made or continued any unnecessary noise as heard without measurement that would disturb the peace, quiet, and comfort of neighboring residents or any reasonable person of normal sensitiveness residing in the area.

(B) The operation of any such set, instrument, television, phonograph, machine or device at any time in such a manner as to be plainly audible at either the property line, or 25 feet in the case of a vehicle on public rights-of-way, shall be prima facie evidence of a violation of this section.

(C) This section shall not apply to any person who is participating in a school band or in a parade for which a permit has been issued by the city.
(Ord. 160, passed 9-26-83) Penalty, see § 10.99

§ 94.05 ANIMAL NOISES.

No person shall keep or maintain or permit the keeping of, on any premises owned, occupied or controlled by such person, any animal or bird otherwise permitted to be kept, which by frequent or

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habitual howling, barking, meowing, squawking, or other noise unreasonably disturbs the peace and quiet of any neighborhood or causes discomfort or annoyance to any person.
(Ord. 160, passed 9-26-83) Penalty, see § 10.99

§ 94.06 NOISES FROM MUFFLERS, TRUCKS AND EXHAUST.

(A) *Mufflers.* No person shall discharge into the open air the exhaust of any steam engine, stationary internal combustion engine, air compressor equipment, motorboat, motor vehicle, or other power device, which is not equipped with an adequate muffler in constant operation and properly maintained to prevent any unnecessary noise, and no such muffler or exhaust system shall be modified or used with a cutoff, bypass, or similar device.

(B) *Trucks.* No person shall load any garbage, trash on compactor truck, or any other truck, whereby the loading, unloading or handling of boxes, crates, equipment or other objects is conducted within a residential district nor within 300 feet of any hotel or motel between the hours of 10:00 p.m. and 7:00 a.m.

(C) *Maximum permissible sound pressure levels.*

(1) The maximum permissible sound pressure levels of any continuous source of sound shall be as herein established for the time period and district listed in the table below. This includes, but is not limited to, sound from such activities as production, processing, cleaning, servicing, testing, operating, or repairing either vehicles, materials, goods, products or devices. Sound pressure levels shall be measured at the approximate location of the property line or the boundary of the public way, at a height of at least four feet above the immediate surrounding surface, on a sound level meter of standard design and operated on the "A" weighting network.

<i>District</i>	<i>Sound Pressure Level Limit - dB(A)</i>	
	<i>7:00 a.m. - 10:00 p.m.</i>	<i>10:00 p.m. - 7:00 a.m.</i>
Residential	55	50
Commercial	60	55
Industrial	80	75

(2) When a noise source can be identified and its noise measured in more than one district, the sound pressure level limits of the most restrictive district shall apply.

(3) The sound pressure level limits, and provisions hereof, applicable to commercial districts shall also apply to any parcel of land zoned agricultural district under the zoning ordinance of the city.

(4) The provisions of this section shall not apply to motor vehicles operating on public rights-of-way; any bell or chime or any device for the production or reproduction of the sound of bells or chimes from any church, clock or school; the loading of any trucks; domestic power equipment and commercial power equipment.

(Ord. 160, passed 9-26-83) Penalty, see § 10.99

§ 94.07 NOISE FROM CONSTRUCTION PROJECTS AND POWER TOOLS.

(A) Construction projects shall be subject to the maximum permissible noise level specified for industrial districts for the periods within which construction is to be completed pursuant to any applicable building permit. Construction activities directly connected with the abatement of an emergency are excluded from the provisions of this section.

(B) No person shall operate or permit to be operated on private property or on the public way within any residential or commercial district(s) any power equipment rated five horsepower or less and used for home or building repair or grounds maintenance between the hours of 10:00 p.m. of one day and 7:00 a.m. of the next day or operate or permit to be operated between the hours of 7:00 a.m. and 10:00 p.m. any such power equipment which emits a noise sound pressure level in excess of 80 decibels in the "A" weighting network dB(A). Such power equipment shall include, but not be limited to, lawn mowers, garden tools, snow removal equipment, electric or chain saws or any other power equipment used for home or building repair or grounds maintenance. Noise sound pressure levels shall be measured at a distance of 25 feet from the noise source.

(C) No person shall operate on any property within a residential or commercial district or on any public way within a residential or commercial district, any power equipment rated more than five horsepower, excluding construction equipment used for construction activities, such as but not limited to, chain saws, pavement breakers, log chippers, riding tractors, powered hand tools, between the hours of 10:00 p.m. of one day and 7:00 a.m. of the next day or within residential, commercial or industrial noise districts between the hours of 7:00 a.m. and 10:00 p.m. which emits a noise level in excess of 88 decibels, in the "A" weighting network dB(A). Noise sound pressure levels shall be measured at a distance of 25 feet from the noise source.

(Ord. 160, passed 9-26-83) Penalty, see § 10.99

§ 94.08 SOUND AMPLIFIERS.

The commercial and noncommercial use of sound amplifying equipment shall be subject to the following regulations:

(A) The sound amplifying equipment shall be operated only between the hours of 7:30 a.m. and 6:00 p.m. of each day.

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(B) The maximum sound emanating from sound amplifying equipment shall not exceed the sound pressure levels established in § 94.06 as measured at least 25 feet from the noise source.

(C) In any event, the intensity of sound shall be so controlled that it will not be unreasonably loud, raucous, annoying, disturbing or a nuisance to any person or persons.

(D) The provisions of this section shall not apply to any bell or chime or any device for the production or reproduction of the sound of bells or chimes from any church, clock or school.
(Ord. 160, passed 9-26-83) Penalty, see § 10.99

§ 94.09 WARNING SIGNALS.

No person shall sound any horn or signaling device on any truck, automobile, motorcycle, or other vehicle on any street or highway within this municipality, except as a danger warning, and then only for a reasonable period of time.

(Ord. 160, passed 9-26-83) Penalty, see § 10.99

§ 94.10 EMERGENCY WORK.

Noise caused in the performance of emergency work for the immediate safety, health or welfare of the community or individuals of the community, or to restore property to a safe condition following a public calamity shall not be subject to the provisions of this chapter.

(Ord. 160, passed 9-26-83)

§ 94.11 STANDARDS FOR DETERMINATION OF VIOLATION.

It shall be unlawful for any person to wilfully make or continue, or cause to be made or continued, any loud, unnecessary, or unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area. The standards which shall be considered in determining whether a violation of the provisions of this section exists shall include, but not be limited to, the following:

- (A) The volume of the noise;
- (B) The intensity of the noise;
- (C) Whether the nature of the noise is usual or unusual;
- (D) Whether the origin of the noise is natural or unnatural;
- (E) The volume and intensity of the background noise, if any;

- (F) The proximity of the noise to residential sleeping facilities;
 - (G) The nature and zoning of the area within which the noise emanates;
 - (H) The density of the inhabitation of the area within which the noise emanates;
 - (I) The time of the day or night the noise occurs;
 - (J) The duration of the noise;
 - (K) Whether the noise is recurrent, intermittent, or constant; and
 - (L) Whether the noise is produced by a commercial or noncommercial activity.
- (Ord. 160, passed 9-26-83)

Section

Weeds and Other Natural Growth

- 95.01 Duty to cut down weeds
- 95.02 Notice to cut down weeds
- 95.03 Weed and grass tax on general assessment roll

Outdoor Furnaces

- 95.15 Purpose
- 95.16 Definition
- 95.17 Existing outdoor furnaces
- 95.18 Banned installation and operation in city
- 95.19 Enforcement
- 95.20 Violation, declaration of nuisance

- 95.99 Penalty

WEEDS AND OTHER NATURAL GROWTH

§ 95.01 DUTY TO CUT DOWN WEEDS.

It shall be the duty of every landowner owning land within the city, to cut down, or cause to be cut down and destroyed, all noxious weeds and grasses, growing thereon before the first day of June in each year. For the purpose of this chapter, **NOXIOUS WEEDS** shall include Canada thistle, dodders, mustard, wild carrots, bindweed, sow thistle, ragweed, poison ivy, poison oak, poison sumac and such other plants as in the opinion of the City Council, are regarded as a common nuisance. (Ord. 137, passed 2-25-80; Am. Ord. 163, passed 9-9-85) Penalty, see § 10.99

§ 95.02 NOTICE TO CUT DOWN WEEDS.

Prior to the fifteenth of May in each year, the City Clerk shall post three printed notices, in each of three conspicuous places within the city limits, and publish same once each week for two consecutive

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weeks in a newspaper published and circulated within the city, giving notice of the necessity for complying with this chapter. The notice shall be substantially as follows:

“TO ANY OWNER OF LAND SITUATED WITHIN THE CITY OF BANGOR,
VAN BUREN COUNTY, MICHIGAN.

Notice is hereby given that all noxious weeds and grasses growing on any land within the limits of the City of Bangor must be cut down, removed or destroyed on or before the first day of June, 19 ___ to prevent such weeds and grasses from going to seed or becoming a traffic or fire hazard.

Failure to comply with this notice on or before the above mentioned date shall make any land owner so failing liable for the costs of cutting or destroying said noxious weeds and grasses by said City, said cost to be billed against land owner, and, if not paid by March first of the following year, such costs together with interest at 9 percent, shall be levied against the property and collected in the same manner as city taxes. All such charges for weed cutting and destruction shall be and remain a lien against the land upon which the weeds were cut and destroyed until paid.”

(Ord. 137, passed 2-25-80; Am. Ord. 163, passed 9-9-85)

§ 95.03 WEED AND GRASS TAX ON GENERAL ASSESSMENT ROLL.

It shall be the duty of the City Treasurer to certify to the City Assessor prior to March 10 of each year the amount due for grass and weed cutting together with interest at 9% against each delinquent parcel of land in the city, and the City Assessor shall cause these amounts to be assessed against each such parcel of land as a weed and grass tax on the general assessment roll for that year.

(Ord. 137, passed 2-25-80; Am. Ord. 163, passed 9-9-85)

Cross-reference:

Taxation, see §§ 32.15 through 32.18

OUTDOOR FURNACES

§ 95.15 PURPOSE.

It is the purpose of this subchapter to ban the construction and operation of outdoor furnaces within the limits of the City of Bangor for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity of the city and its inhabitants. It is generally recognized that the types of fuel used, and the scale and duration of the burning by such furnaces create noxious and hazardous smoke, soot, fumes, odors, air pollution, particles, and other products of combustion that can be detrimental to citizens' health, and can deprive neighboring residents of the enjoyment of their property or premises. It is generally recognized that these units are designed for long burn times between loading and typically have chimney heights less than ten feet. It is generally recognized that the designed

restricted airflow, low operating temperatures, lack of emission controls, and large fuel loads frequently result in excessive smoke. Under some conditions, smoke can cause both acute and chronic health problems to other residents if they are exposed to the smoke.
(Ord. 277, passed 4-16-07)

§ 95.16 DEFINITION.

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

FREE-STANDING OUTDOOR FURNACE shall mean, but is not limited to, any device, appliance, equipment, apparatus, or structure, which shall include but is not limited to those devices referred to as outdoor furnaces, outdoor boilers, and outdoor stoves. A device shall be defined as a ***FREE-STANDING OUTDOOR FURNACE*** if it:

- (1) Is designed, intended and/or used to provide hot water heat and/or hot water to any associated structure;
- (2) Operates by burning wood or any other solid fuel including but not limited to coal, paper pellets, and agricultural products; and
- (3) Is not located within the structure to be heated.

(Ord. 277, passed 4-16-07)

§ 95.17 EXISTING OUTDOOR FURNACES.

(A) All existing outdoor furnaces must be registered within 30 days of the enactment of this subchapter.

(B) If an existing outdoor furnace is not operated for 12 consecutive months, it may not be used again and must be dismantled or otherwise be removed from the property.

(C) No new or replacement of existing outdoor furnace shall be installed or put into use.
(Ord. 277, passed 4-16-07)

§ 95.18 BANNED INSTALLATION AND OPERATION IN CITY.

(A) It shall be unlawful to install or operate a free-standing wood burning furnace, and to cause or permit the installation or operation of a free-standing wood burning furnace, within the City of Bangor.

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(B) Nothing contained herein shall authorize any installation that is a public or private nuisance, regardless of compliance herewith.

(C) This subchapter shall not be a defense to any civil claims.

(D) This section shall not apply to any free-standing wood burning furnace that was installed, connected, and operating as of the effective date of this section. However, this section shall not be deemed as specific authorization for the use of any pre-existing free-standing wood burning furnace and shall not be deemed to bar, limit, or otherwise affect the rights of any person to take private or legal action regarding damage or nuisance caused by the use of a free-standing wood burning furnace. (Ord. 277, passed 4-16-07)

§ 95.19 ENFORCEMENT.

Before commencing prosecution under this subchapter, the enforcement officer (City Manager, Building Official or Code Enforcement Officer, or other such person authorized to enforce ordinances and codes on behalf of the city), shall give notice to the person charged with violating this subchapter. Such notice shall be in writing, and shall be served upon said person or, at the option of the enforcement officer, by posting a copy of this notice on the land or attaching a copy of the notice to the building or structure. In addition, a copy of the notice shall be sent by first-class mail to the owner of the land, building, or structure at the owner's last known address. The notice shall specify that failure to remedy the violation within ten days of the date of personal service or 12 days from the date of mailing shall result in the issuance of a municipal civil infraction citation. (Ord. 277, passed 4-16-07)

§ 95.20 VIOLATION, DECLARATION OF NUISANCE.

Any free-standing wood burning furnace installed or operated in violation of this section is hereby declared to be a nuisance *per se*. (Ord. 277, passed 4-16-07)

§ 95.99 PENALTY.

(A) Any person, firm, or corporation who violates any provision of this chapter for which another penalty is not specifically provided shall, upon conviction, be subject to a fine not exceeding \$500 or imprisonment for not more than 90 days, or both fine and imprisonment. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

(B) Failure to comply with the requirements of §§ 95.15 *et seq.* shall constitute a municipal civil infraction, which shall be processed in accordance with M.C.L.A. § 600.8701. The assessment and

collection of fines and costs shall be in accordance with M.C.L.A. §§ 600.8701 *et seq.* Each day's continued violation shall constitute a separate and distinct offense.

(1) Any person violating §§ 95.15 *et seq.* shall be deemed to have committed a civil infraction, subject to the payment of civil fines of \$75 plus costs, for the first violation.

(2) Any repeat offense shall be subject to increased fines as follows:

(a) First repeated offense shall be no less than \$150 plus costs.

(b) A fine for any second repeated offense or any subsequent repeated offense shall be no less than \$250 plus costs.

(Ord. 277, passed 4-16-07)

Statutory reference:

Violation of ordinances, maximum penalty authorized, see M.C.L.A. § 117.4i(k)

Cross-reference:

Authority of Council to provide punishment for violations, see Charter Section 8.5

Section

96.01 Definitions

96.02 **CHAPTER 96. OUTDOOR STORAGE OF VEHICLES AND EQUIPMENT**

96.03 Impoundment procedures; notice of violation

§ 96.01 DEFINITIONS.

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

INOPERABLE MACHINERY AND EQUIPMENT. Such machinery or equipment which by reason of dismantling, disrepair, or any other cause, is incapable of functioning as it was intended to function, and being dismantled or partially dismantled when some part or parts which are ordinarily a component of such machinery or equipment has or have been removed or is missing.

INOPERABLE MOTOR VEHICLE. A vehicle, which, by reason of dismantling, disrepair, or any other cause, is incapable of being propelled under its own power, and any motor vehicle which has a main component part missing or unattached shall be construed as being dismantled or partially dismantled.

(Ord. 67, passed 6-23-69)

§ 96.02 PARKING OR STORING CERTAIN ITEMS ON LANDS WITHIN THE CITY.

No person, firm or corporation shall park or store on any lands within the city, any dismantled, partially dismantled or inoperable motor vehicle, machinery or equipment or any part thereof, except as the same may be permitted under the pertinent provisions of other ordinances of the city, unless said dismantled, partially dismantled or inoperable motor vehicle, machinery or equipment, or parts thereof, shall be kept in a wholly enclosed garage or structure. Provided, that any person in whose name such motor vehicle, machinery, or equipment is registered, may store the same on any lands belonging to the owner or rented by him, for a period of not to exceed 48 hours. Provided, further, that this chapter shall not be construed as to permit the parking or placing of such motor vehicle, machinery, or equipment on any street area in the city.

(Ord. 67, passed 6-23-69) Penalty, see § 10.99

§ 96.03 IMPOUNDMENT PROCEDURES; NOTICE OF VIOLATION.

(A) In addition to the penalty provided in § 10.99, the city, through its Police Department is hereby authorized to remove or cause to be removed, any such inoperable, dismantled or partially dismantled vehicle, machinery, or equipment, from the premises where found, and impound the same and sell the same in the same manner and upon like notice as provided by statutes of the State of Michigan for disposal of repossessed collateral upon default under security agreement. Proceeds of such sale shall be applied first to the reasonable expenses of the city for giving of notice, taking, holding, preparing for sale and selling of such vehicle, machinery or equipment, and the balance if any, paid to the owner thereof. Any deficit arising from such sale shall be paid by the owner of the premises from which such vehicle, machinery or equipment is removed, within 30 days of notice of such deficit served upon such owner by first class mail. Should such owner fail or neglect to pay such deficit, the Chief of the Department of Police shall notify the City Assessor who shall assess the amount of such deficit upon the land of such owner of such premises, to be collected and paid to the City Treasurer in the same manner as city taxes, and paid by such Treasurer upon collection thereof to the general fund of the city.

(B) At least ten days prior to arrest for violation hereof or taking and impounding of property held in violation hereof, the Chief of Police shall notify or cause to be notified of any alleged violation hereof, the occupant, if any, of the premises where such property kept in violation of this chapter shall be found, the owner of the land upon which said property shall be found as appears upon the last tax roll of the city, and the owner of the property kept in violation hereof if the identity of such owner can be determined upon reasonable inquiry of such occupant and owner of such lands. Such notice shall be given by first class mail addressed to such occupant at the address of the land where such property is kept, to the owner of such land at the address shown upon the tax rolls of the city, and to the owner of such property at such address if any as may be determined upon such inquiry, and shall send to each occupant or owner with such notice a copy of this chapter.
(Ord. 67, passed 6-23-69)

Section

General Provisions

CHAPTER 97: STREETS AND SIDEWALKS

- 97.01 Obstructions prohibited
- 97.02 Use of skateboards, roller skates and similar devices

Removal of Debris, Snow and Ice From Sidewalks

- 97.10 Title
- 97.11 Responsibility for sidewalks adjacent to buildings in the central business district
- 97.12 Removal from private property and placement within right-of-way
- 97.13 Notification of violation
- 97.14 Removal by city; assessment of cost and delinquent assessment
- 97.15 No additional duty of enforcement
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Driveway, Sidewalk and Curb Requirements

- 97.30 Purposes
- 97.31 Definitions
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- 97.50 Definitions
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Design Standards for Infrastructure Development

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GENERAL PROVISIONS**§ 97.01 OBSTRUCTIONS PROHIBITED.**

(A) It shall not be lawful for any person to erect, place or construct, or cause to be erected, placed or constructed, any wooden or board sign, or awning across or over any sidewalk or any part thereof, supported by any post, placed in or on any sidewalk or outside the same, in any street or alley, within the city.

(B) It shall not be lawful for any persons to obstruct the full, clear and free passage of the entire width of the sidewalk or any street, with anything whatsoever. Merchants and others may occupy the sidewalks immediately in front of their respective places of business to the extent of three feet, for the purpose of displaying their goods, wares and merchandise.

(C) It shall not be lawful for any person to hang, or cause to be hung, any awning within six and one half feet to the sidewalk, and no goods or articles shall be permitted to hang from such awning and reaching within said distance of the sidewalk.

(D) It shall not be lawful for any person to move or cause to be moved or aid or assist in moving, any building into, along or across any sidewalk, street or alley of the city, without first obtaining permission from the City Council, and then only under the direction or supervision of the Street Commissioner.

(E) It shall not be lawful for any person to erect or place, or cause to be erected or placed, any encumbrances, encroachments or obstructions upon any street or alley of the city, which shall in any manner obstruct or prevent the full and free passage of the entire space of such street or alley; and it shall not be lawful for any person to make any excavation in, or remove any sod, earth, stone, sand or gravel, or otherwise injure or disturb any street, alley, or sidewalk, or aid, or procure the same to be done without first obtaining the consent of the City Council and then under the direction and supervision of the Street Commissioner.

(Ord. 8, passed 3-31-41) Penalty, see § 10.99

§ 97.02 USE OF SKATEBOARDS, ROLLER SKATES AND SIMILAR DEVICES.

(A) *Title.* This section shall be known and may be cited as the “Skateboard Ordinance.”

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

(1) ***CENTRAL BUSINESS DISTRICT.*** Includes sidewalks adjacent to State Trunkline M-43, commonly known as Monroe Street, in the city, from Center Street, also known as C.R. 681 to Alexander Street, located in the city, also Railroad/Second Street from M-43 North to Main Street, and Railroad Street South to Charles Street.

(2) ***ROLLER SKATES, IN-LINE SKATES, SKATE BOARDS, COASTERS and SCOOTERS.*** Recreational devices with wheels that are propelled by body energy.

(C) *Prohibited acts.*

(1) It shall be unlawful to ride or use or operate in any fashion, roller skates, in-line skates, skateboards, coasters, scooters and any other similar device within the Central Business District of the city.

(2) It shall be unlawful to ride or use or operate in any fashion, roller skates, in-line skates, skateboards, coasters, scooters and any other similar device on or in any state or county highway or municipally owned parking lot, as well as other areas posted strictly prohibiting the use thereof, except when properly entered into and/or registered to participate in an event authorized by the city. (Ord. 207, passed 6-19-95; Am. Ord. 210, passed 11-6-95) Penalty, see § 10.99

REMOVAL OF DEBRIS, SNOW AND ICE FROM SIDEWALKS

§ 97.10 TITLE.

This subchapter shall be known and may be cited as the “Removal of Debris, Snow and Ice From Sidewalks Ordinance.”

(Ord. 209, passed 11-20-95; Am. Ord. 218, passed 2-3-97)

§ 97.11 RESPONSIBILITY FOR SIDEWALKS ADJACENT TO BUILDINGS IN THE CENTRAL BUSINESS DISTRICT.

It shall be a violation of this subchapter, and shall constitute a public nuisance for any person, firm or corporation that owns a business within the Central Business District to permit or suffer to remain on the public sidewalk adjacent to it's place of business or service, any debris, snow and/or ice which

is hazardous to pedestrians and as so designated by Exhibit "A", attached to Ordinance No. 218, passed February 3, 1997.

(Ord. 209, passed 11-20-95; Am. Ord. 218, passed 2-3-97) Penalty, see § 97.99

§ 97.12 REMOVAL FROM PRIVATE PROPERTY AND PLACEMENT WITHIN RIGHT-OF-WAY.

It shall be a violation of this subchapter for any person, firm or corporation in removing snow or ice from private property, to deposit the same on any sidewalk or on the roadway portion of any street. Snow may be deposited at the curb line or gutter pan where available. In other areas the snow or ice that is removed from the sidewalk may be deposited at the curb lawn edge adjacent to the roadway surface, and in any other area specifically designated by the Department of Public Works. All debris required to be removed under this subchapter including, but not limited to paper, foodstuffs, and metals are to be placed in waste receptacles and removed entirely from the sidewalk areas.

(Ord. 209, passed 11-20-95; Am. Ord. 218, passed 2-3-97) Penalty, see § 97.99

§ 97.13 NOTIFICATION OF VIOLATION.

Whenever a police or code enforcement officer, or other individual authorized by the City Manager to enforce this subchapter determines there is a violation thereof, the enforcing individual shall notify the person, firm or corporation in writing of the violation.

(Ord. 209, passed 11-20-95; Am. Ord. 218, passed 2-3-97)

§ 97.14 REMOVAL BY CITY; ASSESSMENT OF COST AND DELINQUENT ASSESSMENT.

(A) In case any person shall neglect or refuse to remove debris, snow and/or ice within 48 hours after having been notified to do so in accordance with § 97.13, hereinbefore set forth, the City Manager may, if the presence of debris, snow and/or ice shall be a hazard to pedestrians or motor vehicles, cause the same to be removed. The expenses of such removal may be recovered, by appropriate civil remedies, from the person, firm or corporation who neglected or refused to remove the debris, snow and/or ice, or the expenses of such removal may be billed against the land owner, and, if not paid by March 1st of the following year, such cost together with interest at 9% shall be levied against the property and collected in the same manner as city taxes. All such charges for the removal of the debris, snow and/or ice shall be and remain a lien against the land until paid.

(B) It shall be the duty of the City Treasurer to certify to the City Assessor prior to March 10 of each year the amount due for debris, snow and/or ice removal, together with interest at 9% against each delinquent parcel of land in the city, and the City Assessor shall cause these amounts to be assessed against each such parcel of land as debris, snow and/or ice tax on the general assessment roll for that year.

(Ord. 209, passed 11-20-95; Am. Ord. 218, passed 2-3-97)

§ 97.15 NO ADDITIONAL DUTY OF ENFORCEMENT.

Nothing in this subchapter shall create any additional duty of the city, it's Police department, it's Police or Code Enforcement Officers, or other individuals authorized to enforce this subchapter, to remove debris, snow and/or ice, or to inspect public sidewalks for debris, snow and/or ice.
(Ord. 209, passed 11-20-95; Am. Ord. 218, passed 2-3-97)

§ 97.16 CIVIL LIABILITY.

If any owner or occupant of any lot or premises adjacent to public sidewalks shall fail or neglect to remove any ice or snow from any sidewalk in front of or adjacent to such lot and premises in accordance with the requirements of this subchapter, he/she shall be liable to the city for the amount of all damages which shall be recovered against the city for any accident or injury occurring by reason of such neglect and the city may sue the abutting property owner to recoup the claim it may have had to pay on account of said failure or neglect.
(Ord. 218, passed 2-3-97)

DRIVEWAY, SIDEWALK AND CURB REQUIREMENTS

§ 97.30 PURPOSES.

For the purpose of protecting the public health, safety and general welfare, for the enhancement of the visual environment of the city and for the improvement of residential uses in the city, the parking, storage or leaving unattended of any motor vehicle, truck, off-road or all terrain vehicle, trailer, portable living quarters or similar property in any front yard in any area not approved as an improved driveway in the city, is hereby declared to be a nuisance and is prohibited.
(Ord. 194, passed 8-26-91)

§ 97.31 DEFINITIONS.

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

APPROACH. That portion of a driveway which lies wholly within a public right-of-way between the curb line and sidewalk over which vehicles may be driven in entering or leaving a private drive.

CROSSWALK. A specially paved or marked path for pedestrians crossing a street or road.

CURB CUTS. Specifically designed relief areas in the street curb to allow for vehicle traffic.

FRONT YARD. That area measured by the full width of the front lot line to a depth measured from such lot line to the first supporting member of the structure. On corner lots the front yard shall be the area measured by the lot lines of each street to a depth measured from such lot line to the first supporting member of the structure including the main projections of the usual steps, entrance ways, unenclosed balconies or open roofless porches. The “front yard” of any vacant lot shall not be less in depth than either adjacent property, containing a structure.

IMPROVED DRIVEWAY. A private road of ingress or egress uniformly surrounded with concrete, asphalt or brick, or uniformly surfaced with macadam, gravel or cinder not less than six inches thick in compacted depth.

SIDEWALK. That portion of a street between the curb or lateral lines and the right-of-way lines which is intended for the use of pedestrians.

SIDEWALK DRIVEWAY CROSSINGS. Those areas of the sidewalk constructed within the limits of the driveway to support vehicle traffic.
(Ord. 194, passed 8-26-91)

§ 97.32 PERMIT REQUIRED FOR CONSTRUCTION OR REPAIR.

Curb cuts, driveways, and sidewalk driveway crossings to provide access to private property shall require a written permit from the city, prior to any construction, repair or replacement. Each property shall have a designated driveway, approved by the city. Improved driveways shall meet the minimum standards described herein.
(Ord. 194, passed 8-26-91) Penalty, see § 10.99

§ 97.33 CONSTRUCTION AND SPECIFICATIONS.

(A) All curbs and gutters built, constructed and repaired in the right-of-way of the city shall be built, constructed and repaired in accordance with specifications prepared by the city.

(B) Curb cuts, driveways and sidewalk driveway crossings to provide access to private property shall comply with the following:

- (1) No single curb cut shall be less than ten feet.
- (2) No curb cut for residential driveway shall exceed 20 feet and the maximum width of driveway at the sidewalk shall not exceed 16 feet.
- (3) Maximum allowable width at property line shall not exceed 25% of the lineal foot frontage.
- (4) The minimum distance between curb cut and a public crosswalk shall be five feet.

(5) The minimum distance between curb cuts, except those serving residential property, shall be 25 feet.

(6) The necessary adjustments or alterations 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.

(Ord. 194, passed 8-26-91) Penalty, see § 10.99

§ 97.34 VARIANCE.

(A) The owner or occupant of a parcel seeking to construct curbs, gutters, curb cuts, driveways, sidewalks, driveway crossings and because of the configuration and location of the lot and the adjoining street are unable to meet the specific specifications set forth in § 97.33 may apply in writing to the Superintendent of Public Works for a written variance from the strict application of said specifications. Said application shall be in writing, shall describe the property, shall describe the proposed curb cut, driveway, sidewalk driveway, crossing and/or approach and shall state specifically why the strict application of the specifications of § 97.33 cannot be accommodated because of lot layout, configuration or location of adjoining properties or obstacles. If the Superintendent of Public works shall find that the strict application of the specifications of § 97.33 cannot be met in any reasonable manner without reference to the cost thereof, he may grant such owner a variance from the strict application of the specifications. The variance shall be the minimum variance from the stated specifications as will accommodate the specific layout or configuration obstacles presented.

(B) In the event such variance is denied, the owner or occupant may appeal the decision of the Superintendent of Public Works to the City Council. The appeal shall be in writing and shall be delivered to the City Clerk within 14 days after the date of decision of the Superintendent of Public works. The appeal shall be signed by the person requesting such relief. The City Council shall hear the appeal at a regular or special meeting not more than 21 days after the date that the appeal is filed with the City Clerk. The applicant for appeal shall be given written notice of the appeal hearing. The city may so affirm the decision of the Superintendent of Public Works, may grant the relief sought by the appellant or may partially grant such relief on such terms and conditions as shall reasonably accomplish the objectives of this subchapter.

(Ord. 194, passed 8-26-91)

§ 97.35 PROHIBITED ACTS.

(A) No property owner or occupant shall hereafter construct, replace or repair a driveway or a driveway approach except in accordance with the terms of this subchapter.

(B) No person shall place, park or store a motor vehicle in any front yard of a residential premises to which this chapter applies.

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(C) No owner or person having charge, custody, control or use of any premises shall park or store, or permit the parking or storage of, any motor vehicle or other item of property described in § 97.30 in any front yard of a residential premises in the city.

(D) No property owner or occupant shall permit vehicle passage over or travel on any sidewalk area not clearly identified as the driveway.

(E) No owner or possessor of any premises within the city shall hereafter construct, replace or repair any driveway, approach, curb cut or sidewalk driveway crossing without securing a permit from the city therefor, prior to such undertaking.

(F) Any person who shall violate the provisions of this chapter shall be guilty of a misdemeanor and punished in accordance with the provisions therefor.
(Ord. 194, passed 8-26-91) Penalty, see § 10.99

§ 97.36 ENFORCEMENT.

(A) The city shall have general supervision and control of all sidewalks and driveway approaches and the construction, reconstruction, replacement and repair thereof, including inspection. It shall be their duty and they are hereby authorized to enforce the provisions of this subchapter whenever they may deem such enforcement necessary to the public health and safety.

(B) All sidewalks and driveway approaches except crosswalks in the city shall be constructed, maintained and repaired by the owner of lands improved thereby in the manner prescribed by this section, provided that in case of failure of any such owner to comply with the provisions of this section, the city may construct, reconstruct, replace, repair or cause to be constructed, reconstructed, replaced or repaired such sidewalks and driveway approaches or either or any of them and assess the entire cost thereof against such owner and against the land improved thereby. The cost shall be a charge and lien against the land improved thereby until payment has been made.
(Ord. 194, passed 8-26-91)

PARADES AND MOTORCADES**§ 97.50 DEFINITIONS.**

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

MOTORCADE. An organized procession containing 25 or more vehicles, except funeral processions, upon any public street, sidewalk or alley.

PARADE. Any march or procession consisting of people, animals or vehicles, or combination thereof, except funeral processions, upon any public street, sidewalk or alley, which does not comply with normal and usual traffic regulations or controls.

(Ord. 83, passed 3-28-72; Am. Ord. 226, passed 4-8-97)

§ 97.51 INTERFERENCE WITH PARADE OR MOTORCADE.

No person shall knowingly join or participate in any parade or motorcade conducted under permit from the office of the City Clerk or the Michigan Department of Transportation in violation of any of the terms of said permit, nor knowingly join or participate in any permitted parade or motorcade without the consent and over the objection of the permittee, nor in any manner interfere with its progress or orderly conduct.

(Ord. 83, passed 3-28-72; Am. Ord. 218, passed 2-3-97) Penalty, see § 10.99

§ 97.52 PERMIT REQUIRED; APPLICATION.

(A) It shall be unlawful for any person to conduct a parade or motorcade in or upon any public street, sidewalk or alley in the city or knowingly participate in any such parade or motorcade unless and until a permit to conduct such parade or motorcade has been obtained from the City Clerk or, as hereinafter provided, from the City Council or Michigan Department of Transportation.

(B) Any person who wants to conduct a parade or motorcade shall apply to the City Clerk for a permit at least 30 days in advance of the date of the proposed parade or motorcade. The City Clerk shall at the next meeting of the City Council, seek their approval of the permit, and if applicable then apply to the Michigan Department of Transportation for their permit to close the street for the parade. The application should be in writing and in order that adequate arrangements may be made for the proper policing of the parade or motorcade, the application shall contain the following information:

(1) The name of the applicant, the sponsoring organization, the parade or motorcade chairman and the addresses and telephone numbers of each.

(2) The purpose of the parade or motorcade, the date when it is proposed to be conducted, the location of the assembly area, the location of the disbanding area, route to be traveled and the approximate time when the parade or motorcade will assemble, start and terminate.

(3) Such other information as the City Council may deem reasonably necessary.

(Ord. 83, passed 3-28-72; Am. Ord. 218, passed 2-3-97)

§ 97.53 ISSUANCE OR DENIAL OF PERMIT.

(A) The City Clerk shall issue a parade or motorcade permit conditioned upon the applicant's written agreement to comply with the terms of such permit unless the Clerk finds that:

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(1) The time, route and size of the parade or motorcade will disrupt to an unreasonable extent the movement of other traffic.

(2) The parade or motorcade is of a size or nature that requires the diversion of so great a number of police officers of the city to properly police the line of movement and the areas deny.

(3) Such a parade or motorcade will interfere with another parade or motorcade for which a permit has been issued.

(B) The City Clerk shall deny an application for a parade or motorcade permit and notify the applicant of such denial where:

(1) The city makes any finding contrary to the findings required to be made for the issuance of a permit.

(2) The information contained in the application is found to be false or nonexistent in any material detail.

(3) The applicant refuses to agree to abide by or comply with all conditions of the permit.

(C) No permit shall be issued authorizing the conduct of a parade or motorcade which the city finds is proposed to be held for the sole purpose of advertising any product goods, wares, merchandise, or events and is designed to be held purely for private profit.
(Ord. 83, passed 3-28-72; Am. Ord. 218, passed 2-3-97)

§ 97.54 CONTENTS OF PERMIT.

(A) In each permit the City Clerk shall specify:

(1) The assembly area and time therefor;

(2) The starting time;

(3) The minimum and maximum speeds;

(4) The route of the parade or motorcade;

(5) What portions of streets to be traveled by be occupied by such parade or motorcade;

(6) The maximum number of platoons or units and the maximum and minimum intervals of space to be maintained between the units of such parade or motorcade;

(7) The maximum length of such parade or motorcade in miles or fractions thereof;

(8) The disbanding area, and disbanding time;

(9) The number of persons required to monitor the parade or motorcade;

(10) The number and type of vehicles, if any;

(11) The material and maximum size of any sign, banner placard or carrying device therefor;

(12) The materials used in the construction of floats used in any parade shall be of fire retardant materials and shall be subject to such requirements concerning fire safety as may be determined by the Fire Chief.

(13) That permittee advise all participants in the parade or motorcade either orally or by written notice, of the terms and conditions of the permit, prior to the commencement of such parade or motorcade.

(14) That the amplification of sound permitted to be emitted from sound trucks, or bull horns, be fixed and not variable;

(15) That the parade or motorcade continue to move at a fixed rate of speed and that any willful delay or willful stopping of the parade or motorcade, except when reasonably required for the safe and orderly conduct of the parade or motorcade, shall constitute a violation of the permit, and;

(16) Such other requirements as are found by the city to be reasonably necessary for the protection of persons or property.

(B) All conditions of the permit shall be complied with so far as reasonably practicable.
(Ord. 83, passed 3-28-72; Am. Ord. 218, passed 2-3-97)

§ 97.55 APPEAL PROCEDURE.

In the event an application is not filed within the required time, as specified in § 97.52, the applicant may request a waiver of such requirement by the City Council at its next regular meeting or at a special meeting which may be called prior thereto by the City Council to consider such matter, and the City Council, if it finds unusual circumstances and in the exercise of its sound discretion, may waive such requirement.

(Ord. 83, passed 3-28-72; Am. Ord. 218, passed 2-3-97)

§ 97.56 OFFICIALS TO BE NOTIFIED.

Immediately upon the granting of a permit for a motorcade by the City Council and/or Michigan Department of Transportation, the City Clerk shall send a copy thereof to the following:

(A) Police Chief.

(B) Director of Public Works.

(C) Fire Chief.

(Ord. 83, passed 3-28-72; Am. Ord. 218, passed 2-3-97)

§ 97.57 REVOCATION OF PERMIT.

Any permit for a parade or motorcade issued pursuant to this subchapter may be summarily revoked by the city at any time when by reason of disaster, public calamity, riot or other emergency, the city determines that the safety of the public or property requires such revocation. Notice of such action revoking a permit shall be delivered in writing to the permittee by personal service or by certified mail.

(Ord. 83, passed 3-28-72; Am. Ord. 218, passed 2-3-97)

DESIGN STANDARDS FOR INFRASTRUCTURE DEVELOPMENT

§ 97.70 STREETS.

(A) All streets and appurtenances thereto shall be constructed in accordance with this subchapter, the city standards and as otherwise approved by City Council.

(B) The minimum width of pavement exclusive of curb and gutter shall be as follows:

Pavement Width Standards

Street Type	Pavement Width
Major Street	44 feet
Industrial Service	32 feet
Multi-family	32 feet
Local Residential	26 feet
Industrial Cul-de-sac	63 feet (radius)
Residential Cul-de-sac	38 feet (radius)
Boulevard	As determined by Council

(C) *Grades.* Grades shall be not less than one-half percent nor more than six percent.

(D) *Geometrics.* Standards for vertical and horizontal street curves and sight distances are as follows:

(1) Centerline radius shall be not less than 475 feet for major street, 300 feet for interior residential collector streets, and 100 feet for local streets.

(2) Vertical curves shall be provided where the grade break exceeds one-half percent for major streets and one percent for local streets.

(3) The minimum length of vertical sight distance shall be 500 feet, measured from three and one-half feet eye height and height of object at one-half feet. Minimum horizontal distance shall be three and one-half feet. Minimum horizontal sight distance shall be 300 feet for major streets and 100 feet for local streets except where speed limits or other conditions may dictate greater lengths.

(4) Tangent length between reverse curves shall not be less than 100 feet.

(5) The centerline of pavement shall coincide with the centerline of the right-of-way, except for irregular right-of-way widths.

(E) *Intersections.* Streets shall be laid out so as to intersect as nearly as possible to 90 degrees. Curved local streets, when intersecting a major or collector street shall do so with a centerline tangent length of at least 50 feet, measured from the major street right of way line. Where a local street intersects a major street, the local street shall be widened as may be required to provide for turning movements. A widening may be required on major streets between approaches if the distance between intersecting local streets is less than 250 feet. A widening of the major street will be required on the opposite side if the conditions so indicate.

(F) *Curb and gutter.* Major and industrial streets shall have concrete curb and gutter. Local streets shall have a two foot wide bituminous wedge curb. Minimum curb radius shall be 25 feet for local intersections, and 35 feet at intersections involving major streets, subject to review and approval of the City Council.

(G) The maximum length for a residential cul-de-sac street shall be 500 feet. The maximum length for other cul-de-sac streets may exceed 500 feet subject to review and approval of the Council.

(H) Minimum cross section for local residential streets shall be six inches of aggregate base material with bituminous surface of at least two and one-half inches placed in two lifts. Subgrade shall be adequately drained. A suitable granular sub-base shall be provided. Bituminous materials shall meet the Michigan Department of Transportation requirements for 1100L for leveling courses and 1100T for surface courses. Major and industrial streets will be subject to higher strength requirements, as conditions may dictate, and as approved by Council.

(I) Width of street right-of-way shall conform to the following minimum requirements:

Right-of-way Width Standards

Street Type	Right of Way Width
Major Street	100 feet
Industrial Service	66 feet
All residential streets	66 feet
Industrial Cul-de-sac	75 feet (radius)

Right-of-way Width Standards

Street Type	Right of Way Width
Residential Cul-de-sac	60 feet (radius)
Boulevard	As determined by Council

(J) *Location and arrangement.*

(1) Local residential streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.

(2) The proposed subdivision shall conform to the various elements of the city's Land Use Plan and shall be considered in relation to the existing and planned major streets, and such parts shall be platted and the locations and width indicated on such plan.

(3) The street layout shall provide for the continuation of streets in the adjoining subdivisions or of the proper projection of streets when adjoining property is not subdivided.

(4) Should any proposed subdivision border on or contain an existing or proposed major street, the Council may require marginal access streets, reverse frontage or such other treatment as may be necessary for adequate protection for residential properties and to afford separation and reduction of traffic hazards.

(5) Should a proposed subdivision border on or contain a railroad, the Council may require the location of streets approximately parallel to and on each side of such right of way at distances suitable for the development of an appropriate use of the intervening land, such as for parks in residential districts. Such distances shall be determined with due consideration of the minimum distance required for approach grades to future grade separation.

(6) Half streets are prohibited, except where absolutely essential to the reasonable development of the subdivision or site condominium project and where the Council finds that it is practical to require the dedication of the other half when the adjoining property is developed. Wherever there exists, adjacent to the tract to be subdivided, a dedicated or platted and recorded half street, the other half shall be platted.

(7) Whenever the area to be subdivided is to utilize existing street frontage, such street shall be suitably improved.

(8) A subdivision or an extension of an existing subdivision shall be platted so as to provide sufficient access streets.

(9) On-street parking of vehicles will generally be prohibited on both sides of major street types and on at least one side or all local street types.
(Ord. 215, passed 11-4-96) Penalty, see § 97.99

§ 97.71 SIDEWALKS.

(A) Sidewalks are required when necessary to facilitate safe and convenient travel to and from a pedestrian generator such as an existing or proposed school, park, institution, work place, neighborhood commercial area, or developed residential neighborhood.

(B) Concrete sidewalks shall be not less than five feet in width and not less than four inches in thickness and not less than six inches in thickness in driveways. The location for sidewalks shall be in the right-of-way one foot from the right-of-way line.
(Ord. 215, passed 11-4-96) Penalty, see § 97.99

§ 97.72 UTILITIES.

(A) *Underground wiring.* The proprietor shall make arrangements for all lines for telephone, electric, television and other similar services distributed by wire or cable, to be placed underground entirely throughout a subdivided area, except for major thoroughfare rights-of-way. Conduit or cables shall be placed within private easements provided to such service companies by the proprietor or within dedicated public ways. All transformer boxes and similar devices shall be located so as not to be unsightly or hazardous to the public. Overhead lines may be permitted only upon approval of Council at the time of final approval of the Preliminary Plat or final approval of the Final Development Plan where it is determined that overhead lines will not constitute a detriment to the health, safety, general welfare, and character of the subdivision. All such facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission. All drainage and underground utility installation which traverse privately owned property shall be protected by easements granted by the proprietor.

(B) *Water supply.* A public water supply system, including water mains, fire hydrants and required water system appurtenances shall be provided by proprietor. The system shall be constructed to adequately serve all lots shown on the plat for domestic use and fire protection in accordance with the regulations in this subchapter and as otherwise approved by Council.

(1) Water mains shall be at least six inches in diameter. Larger sizes may be required in certain locations to provide adequate flows and pressure at fire flow or other peak demand.

(2) A 3/4 inch diameter service lead with curb box shall be installed to the property line. With the curb box installed at the right-of-way or as approved by the city's Public Works Department.

(3) The water main system shall be looped by connecting to at least two outside sources. If only one source is available, adequate provisions shall be made for future looping connections.

(4) Fire hydrants in residential subdivisions or site condominium developments not more than 500 feet apart and situated such that all portions of buildings are within 250 feet of any fire hydrant. The proprietor shall install hydrant signs on ground-installed sign posts three feet behind (opposite the street side) all fire hydrants.

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(5) Valves shall be placed at all intersections and such that no more than 20 dwelling units may be isolated. Valve spacing shall not exceed 1,000 feet.

(6) Dead end water mains serving cul-de-sacs and other short street designs shall not exceed 500 feet in length. Where the length exceeds 500 feet, provisions for looping shall be provided as required herein.

(7) No connections to existing water main shall be made until pressure and bacteriological tests of the new main have been successfully completed and approved by the city.

(8) A note must be included on the plans stating that all work shall be in accordance with the city construction standards.

(C) *Storm drainage.* An adequate storm drainage system, including necessary retention facilities, storm sewers, catch basins, manholes, culverts, bridges and other appurtenances shall be provided by the proprietor in accordance with the regulations in this subchapter and as otherwise approved by this Council.

(1) The design of the storm drainage system shall include the retention of runoff within the development. Sufficient capacity shall be provided in the storm sewer system for upstream drainage.

(2) The subdivider shall submit hydrologic and hydraulic calculations, along with a topography map, to support the storm drainage plan. A lot grading plan with proposed lot elevations including each lot corner, the building finish grade and top of our elevations shall also be submitted.

(3) All facilities for the conveyance for storm runoff shall be designed using a design frequency of at least ten years and the "rational method" of computing runoff. The initial time to the first catch basin or inlet incorporated in the formula for rainfall intensity shall be 15 minutes. The coefficient of runoff shall be as follows:

Paved Areas	0.9
Single	0.25 - 0.40
Multiple family residential	0.5 - 0.8
Cultivated and woods	0.1
Commercial/Industrial	0.6 - 0.9

(4) Minimum storm sewer velocity shall be two and one-half feet per second.

(5) Retention basin volume shall be designed using a design frequency of 100 years. Size shall allow for an outlet rate no greater than the theoretical undeveloped discharge rate, or for percolation if there is no suitable outlet.

(6) Maximum basin depth should not be greater than the depth to the historic high water table minus two feet; and two feet of freeboard shall be provided.

(7) Storm drainage retention areas can have a negative affect on existing and proposed development. To the extent possible, the retention area must be designed to minimize the impact on adjacent development. Retention areas shall be screened from neighboring development and adjacent thoroughfares with shrubbery and landscaping. Appropriate fencing of all retention areas shall be required.

(8) All storm drainage structures shall be four feet in diameter, or larger as may be necessary. Where appropriate, two foot diameter catch basins may be allowed opposite four foot structures.

(9) All four foot diameter structures shall be of the dry-well type.

(10) Flood computations shall be provided as may be required by the Michigan Department of Environmental Quality.

(11) Storm sewers shall be at least 12 inches in diameter.

(13) Catch basins shall be located as follows:

(a) At or within five feet of the end of radius.

(b) At all low points.

(c) No more than 150 feet of street drainage will be allowed to flow around a corner.

(d) A relief basin will be required at the highest end of a radius where drainage is required to cross an intersection longitudinally.

(e) At intermediate points so that surface drainage flow will not exceed 300 feet. No more that 500 feet of street drainage shall drain into one basin (from two directions).

(14) Manholes will be required at all junctions, deflections and grade changes, opposite catch basins for storm sewers 42 inches or smaller and as otherwise may be required by the city.

(15) All storm sewers shall be placed within road or street rights-of-way where possible. Basements shall be provided for off site storm drainage systems.

(16) If off site storm sewers are part of the development, work will commence at the outlet and work within the site shall not start until the off site storm system has been installed to within the site.

(17) Adequate soil erosion and sedimentation control measures shall be provided.

(18) A note shall be included on the plans stating that all work shall be in accordance with the city construction standards.

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(1) Decorative street lighting poles are required at all intersections, curves, cul-de-sacs and dead-end streets in residential development projects.

(2) The street layout plan shall indicate proposed lighting pole locations.

(3) The proprietor shall be responsible for all costs for the installation of street lighting system.

(4) A street lighting plan shall be provided by the appropriate utility, subject to approval by the Council.

(5) The developer shall be responsible for the installation of the lighting, where appropriate.

(E) Sanitary sewers. The proprietor shall provide the subdivision with a complete public sanitary sewer system to provide basement service to all lots including all appurtenances, as requires by this chapter and as otherwise approved by the City Council.

(1) Where sanitary sewer depth is minimal or too shallow for providing gravity service to basements, basement grades shall be shown for existing and proposed houses or a note stating that no basements will be served, or a description of the method of serving basements, shall be included on the plans. (This includes a sanitary lift station which shall be provided by the proprietor.)

(2) Sanitary sewers shall be at least eight inches in diameter. Larger sizes may be required at certain locations.

(3) If sanitary sewers exist, all appropriate fees shall be paid prior to final plat approval.

(4) A six-inch diameter service lead shall be provided for each lot. Each lead shall be extended to the lot line or to the interior easement line, in case of easement is adjacent to the street right-of-way, and shall be installed in accordance with the construction standards.

(5) Six-inch diameter property line service lead risers shall be installed to within a depth of three feet of the elevation of the adjoining street.

(6) Maximum manhole spacing shall be 400 feet or as approved by the city's Public Works Department.

(7) The proprietor's engineer shall provide the Basis of Design as required by the Michigan Department of Environment Quality.

(8) Manholes shall be placed at the end of every run receiving two or more connections, at intersections, at deflections in the sewer, at grade changes and at terminus runs of the sewer. Dead-end sewers shall be designated as follows: "To facilitate future construction only; no house leads allowed until a terminus manhole is constructed."

(9) An easement shall be designated on the plan for each run of public sewer not in a public right of way. The minimum easement width shall generally be 20 feet.

(10) At utility crossings a minimum clearance of 18 inches, measured from the outside of the pipe to the outside of the pipe is required.

(11) When the sanitary sewer is parallel to a water main, a minimum horizontal clearance of ten feet, measured from the outside of the pipe to the outside of the pipe is required.

(12) Connection to an existing sanitary sewer will be permitted only after all required sewer tests have been successfully completed and approved by the city's Department of Public Works.

(13) A note must be included on the plans stating that all work shall be in accordance with the city construction standards.
(Ord. 215, passed 11-4-96) Penalty, see § 97.99

§ 97.73 BLOCKS.

Blocks in subdivisions shall conform to the following standards:

(A) *Sizes.*

(1) The maximum length for a block is 1,400 feet, except where, in the opinion of the Council, conditions may justify a greater distance.

(2) Widths of blocks shall be determined by the condition of the layout and shall be suited to the intended layout. Generally, a block shall be so designed as to provide two tiers of lots.

(B) *Public walkways.*

(1) Location of public walkways or crosswalks may be required by the Council to obtain satisfactory pedestrian access to public or private facilities such as, but not limited to, schools and parks.

(2) Public walkways shall be at least 12 feet wide and shall be in the nature of an easement for this purpose.

(C) *Easements.*

(1) Location of utility line easements shall be provided along the rear of side lot lines as necessary for utility lines. Easements shall give access to every lot, park or public grounds. Such easements shall be a total of not less than 12 feet wide, six feet from each parcel.

(2) Recommendations on the proposed layout of telephone and electric company easements shall be sought from all the utility companies serving the area. The proprietor shall submit copies of the approved Preliminary Plat or the Final Development Plan to all the appropriate utilities.

(3) Easements three feet in width shall be provided where needed along side lot lines so as to provide for street light dropouts. Prior to the approval of the Final Plat for a subdivision or the Final Development Plan for a site condominium project a statement shall be obtained from the appropriate utility indicating that easements have been provided along specific lots. A notation shall be made on the Final Plat or Development Plan indicating the following: "The side lot lines between lots...(indicate lot numbers).. are subject to street light dropout rights granted to the ...(utility). . company." (Ord. 215, passed 11-4-96) Penalty, see § 97.99

§ 97.74 LOTS.

Lots in subdivisions shall conform to the following standards:

(A) *Size and shape.*

(1) The lot size, width, depth and shape in a subdivision proposed for residential use shall be appropriate for the location and type of development contemplated.

(2) Lot areas and widths shall conform to at least the minimum requirements of the Zoning Ordinance for the district in which the subdivision or site condominium project is proposed.

(3) Building set-back lines shall conform to at least the minimum requirements of the Zoning Ordinance.

(4) Corner lots shall be platted at least 20 feet wider than the minimum width permitted by the Zoning Ordinance in order to permit conformity with set-back lines or side-lotted streets.

(5) Excessive lot depth in relation to width shall be avoided. A depth-to-width ratio of three-to-one (3 to 1) shall normally be considered the maximum.

(B) *Arrangement.*

(1) Every lot shall front or abut on a public street.

(2) Side lot lines shall be as nearly as possible at right angles or radial to the street lines.

(3) Residential lots abutting major thoroughfares or collector streets, shall be platted or designed with reverse frontage lots, or with side lot lines parallel to these streets. Lots which back or side into such features as freeways, major streets, shopping centers and industrial properties shall incorporate in the lot depth or width for buffering purposes and additional 20 feet.

(4) Lots shall have a front-to-front relationship across all streets, where possible.
(Ord. 215, passed 11-4-96) Penalty, see § 97.99

§ 97.75 NATURAL FEATURES AND AMENITIES.

(A) Existing features which would add value to residential development or to the city as a whole, such as trees, natural groves, historic spots, and similar irreplaceable assets, shall be preserved in the design of the development. The preservation of drainage and natural stream channels must be considered by the proprietor, and provision of adequate barriers, where appropriate, shall be required.

(B) The proprietor is encouraged to provide landscaping, trees, and shrubbery within the proposed subdivision. Trees and other shrubbery may be provided by the proprietor within public rights-of-way. A recommendation on any proposed public street landscaping program by the proprietor shall be formulated by the city's Department of Public Works for consideration by the Council.

(C) Where necessary to provide an adequate buffer from adjacent business or industrial land uses and adjacent major thoroughfares, tree planting, berming and similar natural screening/barrier requirements may be required.
(Ord. 215, passed 11-4-96) Penalty, see § 97.99

§ 97.99 PENALTY.

(A) Any person violating any of the provisions of §§ 97.10 through 97.15 shall be subject to a fine of not more than \$100 and not less than \$25. The court in its sound discretion may also order that restitution be made to the city for any expense it may have incurred in removing the debris, snow and/or ice. (Ord. 218, passed 2-3-97)

(B) A person who violates §§ 97.70 through 97.75 shall be subject to a fine of not less than \$100, or imprisonment for not more than 90 days, or to both such fine and imprisonment, in the discretion of the Court. (Ord. 215, passed 11-4-96)

Section

General Provisions
CHAPTER 98: TREES

98.01 Definitions

Tree Planting and Care

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- 98.11 Spacing; distance from curbs, sidewalks, street corners and fireplugs
- 98.12 Planting in vicinity of utility lines or wires
- 98.13 Public tree care
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GENERAL PROVISIONS

§ 98.01 DEFINITIONS.

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

STREET TREES. Trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the city, or to which the public has free access as a park. (Ord. 138, passed 2-11-80)

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TREES PLANTING AND CARE

§ 98.10 STREET TREE SPECIES TO BE PLANTED.

The following list constitutes the official street tree species for the city. No species other than those included in this list may be planted as street trees, without written permission of the City Tree Board.

<i>Small Trees</i>	<i>Medium Trees</i>	
Apricot Coffeetree Crabapple Flowering Goldenraintree Hawthorne Pear, Bradford Redbud Soapberry Lilac, Jap. Tree Peach Flowering Plum, Purpleleaf Serviceberry	Ash, Green Redbud Hackberry Honeylocust Linden or Basswood Mulberry, Red Oak, Red Oak, English Pagodatree, Japanese Pecan Birch, River Osageorange Persimmon Poplar, White Sassafras	Coffeetree Kentucky Maple, Sugar Oak, Bur Sycamore Cottonwood

(Ord. 138, passed 2-11-80)

§ 98.11 SPACING; DISTANCE FROM CURBS, SIDEWALKS, STREET CORNERS AND FIREPLUGS.

(A) The spacing of street trees will be in accordance with the three species size classes listed in § 98.10 of this chapter, and no trees may be planted closer together than the following: small trees, 30 feet; medium trees, 40 feet; and large trees, 50 feet; except in special planting designed or approved by a landscape architect.

(B) The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes listed in § 98.10, and no trees may be planted closer to any curb or sidewalk than the following: small trees, two feet; medium trees, three feet; and large trees, four feet.

(C) No street tree shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersecting curbs or curblines. No street trees shall be planted closer than ten feet of any fireplugs.

(Ord. 138, passed 2-11-80) Penalty, see § 10.99

§ 98.12 PLANTING IN VICINITY OF UTILITY LINES OR WIRES.

No street trees other than those species listed as small trees in § 98.10 may be planted under or within ten lateral feet of any overhead utility wire, or over or within five lateral feet of any underground water line, sewer line, transmission line or other utility.

(Ord. 138, passed 2-11-80) Penalty, see § 10.99

§ 98.13 PUBLIC TREE CARE.

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

(B) The City Tree Board may remove or cause or order to be removed, any tree or part thereof, which in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. This section does not prohibit the planting of street trees by adjacent property owners providing that the selection and location of the trees is in accordance with §§ 98.10 through 98.12 of this chapter.

(Ord. 138, passed 2-11-80)

§ 98.14 TREE TOPPING.

It shall be unlawful as a normal practice for any person, firm, or city department to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this chapter at the determination of the City Tree Board.

(Ord. 138, passed 2-11-80) Penalty, see § 10.99

§ 98.15 PRUNING AND CORNER CLEARANCE.

Every owner of any tree overhanging any street or right-of-way within the city shall prune the

branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The city shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic-control device or sign.
(Ord. 138, passed 2-11-80) Penalty, see § 10.99

§ 98.16 DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY.

The city shall have the right to cause the removal of any dead or diseased trees on private property within the city, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the city. The City Tree Board will notify in writing the owners of such trees. Removal shall be done by the owners at their own expense within 60 days after the date of service of notice. In the event of failure of owners to comply with such provisions, the city shall have the authority to remove such trees and charge the cost of removal on the owners' property tax notice.
(Ord. 138, passed 2-11-80)

§ 98.17 REMOVAL OF STUMPS.

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.
(Ord. 138, passed 2-11-80)

ADMINISTRATION AND ENFORCEMENT

§ 98.30 CITY TREE BOARD; REVIEW OF ACTIONS BY CITY COUNCIL.

(A) There is hereby created and established a City Tree Board which shall consist of five members, citizens and residents of this city, who shall be appointed by the Mayor with the approval of the City Council.

(B) The term of the five persons to be appointed by the Mayor shall be three years except that the term of two of the members appointed to the first board shall be only one year and the term of two members of the first board shall be for two years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term.

(C) Members of the Board shall serve without compensation.

(D) It shall be the responsibility of the Board to study, investigate, counsel and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the City Council and upon their acceptance and approval shall constitute the official comprehensive city tree plan for the city. The Board when requested by the City Council shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of its work.

(E) The Board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

(F) The City Council shall have the right to review the conduct, acts and decisions of the City Tree Board. Any person may appeal from any ruling or order of the City Tree Board to the City Council who may hear the matter and make final decision.
(Ord. 138, passed 2-11-80)

§ 98.31 ARBORIST LICENSE AND BOND.

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees within the city without first applying for and procuring a license. The license fee shall be \$25 annually in advance; provided, however, that no license shall be required of any public service company or city employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$50,000 for bodily injury and \$100,000 property damage indemnifying the city or any person injured or damaged resulting from the pursuit of such endeavors as herein described.
(Ord. 138, passed 2-11-80)

§ 98.32 INTERFERENCE WITH CITY TREE BOARD.

It shall be unlawful for any person to prevent, delay, or interfere with the City Tree Board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any street trees, park trees, or trees on private grounds, as authorized in this chapter
(Ord. 138, passed 2-11-80) Penalty, see § 98.99

Section

99.01	Title
99.02	Interpretation
99.03	Severability
99.04	Reference to other sections
99.05	General provisions
99.06	Purpose
99.07	Collection
99.08	Cost for collection
99.09	Deposit of garbage, trash and rubbish
99.10	Storage of containers
99.11	Collection and disposal
99.12	Compulsory removal and payment for service
99.13	Schedule of rates and fees to be published

CHAPTER 99: TRASH AND RUBBISH REMOVAL

§ 99.01 TITLE.

This chapter shall be titled “Trash and Rubbish Removal.”
(Ord. 250, passed 9-18-00)

§ 99.02 INTERPRETATION.

This chapter shall be constructed as Chapter 99, under Title IX, General Regulations of the City Code of Ordinances. This chapter shall control the removal of household trash and rubbish; the placement of containers; the contracting for services; penalties; payments; rates and fees for services; and, collection of delinquent payments as may, from time to time, be decided by majority vote of the City Council.
(Ord. 250, passed 9-18-00)

§ 99.03 SEVERABILITY.

If any provision or section of this chapter may later be 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 provisions or applications.
(Ord. 250, passed 9-18-00)

§ 99.04 REFERENCE TO OTHER SECTIONS.

This chapter, sections of this chapter, or any of the individual rates or fees as properly established by the City Council from time to time take precedence over other sections of this code. The City Council automatically amends affected sections of this code upon proper adoption, from time to time, of subsequent schedule of rates and fees.

(Ord. 250, passed 9-18-00)

§ 99.05 GENERAL PROVISIONS.

(A) As permitted under the City Charter, § 3.1 General Powers of the City Council, the City Council is hereby authorized to establish general regulations and various rates and fees for services; penalties; payments; rates and fees for services; and, collection of delinquent payments as may, from time to time, be decided by majority vote of the City Council.

(B) As permitted under the City Charter, §§ 12.1 and 12.3, the City Council is hereby authorized to establish regulations governing trash and rubbish removal within the city and to enter into contracts for services. The regulations and contracts may be amended individually or collectively by simple Council action brought by motion, supported and approved by majority vote of the City Council at any regularly scheduled meeting of the Council.

(Ord. 250, passed 9-18-00)

Cross-reference:

Garbage regulations, see Ch. 50

§ 99.06 PURPOSE.

The purpose and intention of this chapter is to provide for a system of collection and removal of trash and rubbish from residential properties within the city.

(Ord. 250, passed 9-18-00)

§ 99.07 COLLECTION.

For the purpose of systematically and, in a sanitary manner, collecting, removing and disposing of residential trash and rubbish, the City Manager, with the knowledge and approval of the City Council, is hereby authorized to hire such persons, firms, businesses, partnerships or corporations or in the alternative to enter into contracts with hire such persons, firms, businesses, partnerships or corporations for the purposes. In the event of contract, the agreement shall be in writing, signed by the parties as designated by the City Council and the original or copy thereof shall be kept by the City Clerk and available for public inspection.

(Ord. 250, passed 9-18-00)

Cross-reference:

Collection of refuse, see § 50.21

Manner of collection and disposal; contracting, see § 50.37

§ 99.08 COST FOR COLLECTION.

(A) The cost for the collection, removal and disposal of residential trash and rubbish shall be paid for the general fund from an account so designated and the costs shall be levied to all covered properties in a manner and amount so determined by the City Council from time to time by majority Council action.

(B) The cost for the collection, removal and disposal of residential trash and rubbish shall be paid from the fees charged for the same on the billing of water and sewer service. The City Council under City Charter § 3.1 and §§ 12.1 and 12.3 may establish rates to cover all the costs of collection and disposal, administrative costs born by the city in providing such costs, and the costs of collection of delinquent payments all as provided herein, by other chapters and sections of the City Code of Ordinances, and as provided by law.

(Ord. 250, passed 9-18-00)

Cross-reference:

Garbage collection charges, see § 50.22

§ 99.09 DEPOSIT OF GARBAGE, TRASH AND RUBBISH.

(A) From and after the passage and taking effect of this chapter, it shall be unlawful for any person to burn household garbage, trash or rubbish within the city limits. Wood and paper may be burned in an incinerator that has been approved by the Fire Department and it shall be unlawful for persons to place household garbage, trash or rubbish along any public way, street, sidewalk, alley or other public property unless the same shall be placed in an enclosed roll-away-waste-cart, container or other suitable vessel which shall be water tight, covered and suitable for handling by the persons, firms businesses, partnerships or corporations engaged by the city to collect, remove and dispose of residential household trash and rubbish.

(B) Each owner, occupant, tenant or leasee using or occupying any building, house, structure, or grounds within the corporate limits of the city where garbage, trash and rubbish accumulates, shall provide water-tight containers or use the containers provided by the city's contracted service should they be available.

(C) It shall be responsibility of each owner, occupant, tenant or leasee using or occupying any building, house, structure, or grounds within the corporate limits of the city where garbage, trash and rubbish is to be collected and removed by the city's contracted service to place the container along the street or roadway so that it can be accessed by the contracted service.

(D) The placement of containers shall at no time restrict the flow of traffic on streets, sidewalks or driveways within the corporation limits of the city.

(E) It shall be unlawful for any owner, occupant, tenant or leasee using or occupying any building, house, structure or grounds within the corporate limits of the city to utilize the trash containers or receptacles of any other owner, occupant, tenant or leasee for the disposal of their own trash or rubbish. (Ord. 250, passed 9-18-00)

Cross-reference:

Accumulation of garbage, see § 50.03

Burning or burying rubbish; depositing refuse, see § 50.02

Preparation of garbage, see § 50.20

§ 99.10 STORAGE OF CONTAINERS.

From and after the passage and taking effect of this chapter, it shall be unlawful for any person to leave their containers along any public way, street, alley, sidewalk or other public property. Containers used for the disposing of the trash and rubbish shall be kept on the property's side or rear yards, in garages, car ports homes, or other structures not in open view in front yards. It shall be unlawful for persons to leave their containers along public ways except for the day of trash removal and the evening before trash removal.

(Ord. 250, passed 9-18-00)

Cross-reference:

Preparation of garbage, see § 50.20

§ 99.11 COLLECTION AND DISPOSAL.

The city through its private contract hauler will pick up, transport, and dispose of all garbage, trash and rubbish, from all one-family and two-family dwelling units in the city. Additionally, three and four unit dwelling units may be served provided those owners request and agree to make payment for those properties. Such pickups shall be at least once each week. The day, holiday policy, inclement weather or other emergency provisions shall be determined in the contract with the private hauler engaged by the city.

(Ord. 250, passed 9-18-00)

Cross-reference:

Collection of refuse, see § 50.21

Manner of collection and disposal; contracting, see § 50.37

§ 99.12 COMPULSORY REMOVAL AND PAYMENT FOR SERVICE.

(A) From and after the passage and taking effect of this chapter, it shall be compulsory for every one-family and two-family dwelling unit in the city, except those as are owned and operated by the City Housing Commission, to participate in the city provided trash and rubbish removal service. Each dwelling unit shall be billed for this compulsory service at rates and fees as established from time to time by majority vote of the City Council.

(B) Non-payment of the full amount of rates and fees as established by the City Council shall carry its own offense and penalty in addition to the original rate or fee.

(C) Non-payment of the rate or fee within the prescribed time frame shall be assessed an additional delinquent payment fee. In all cases except where specifically covered by other ordinances, the delinquent fee shall result in the amount due, plus delinquencies and other charges, being placed as a lien against the offender's premises or property. The city may also seek remedy for non-payment or delinquent payments through legal action before the appropriate courts.

(D) Nothing in this section and chapter shall eliminate the authority of other sections of the City Code of Ordinances or Public Acts of the State of Michigan to make delinquent payments a lien against the property or premises on which the rates or fees are assessed.

(Ord. 250, passed 9-18-00)

Cross-reference:

Collection charges, see § 50.22

Collection of refuse, see § 50.21

Nuisance; abatement by city, see § 50.36

§ 99.13 SCHEDULE OF RATES AND FEES TO BE PUBLISHED.

Upon request, the city shall publish and make available to any resident person or resident business one copy of the adopted Schedule for Rates and Fees without charge. The Schedule shall be kept current and contain subsequent changes as properly adopted by the City Council.

(Ord. 250, passed 9-18-00)

Cross-reference:

Collection charges, see § 50.22

CHAPTER 100: HAZARDOUS MATERIALS RELEASE

Section

- 100.01 Title
- 100.02 Purpose
- 100.03 Definitions
- 100.04 Charge imposed upon responsible party
- 100.05 Costs determination
- 100.06 Billing procedure
- 100.07 Other remedies

§ 100.01 TITLE.

This chapter shall be known as the Hazardous Materials Release Chapter.
(Ord. 255, passed 5-21-01)

§ 100.02 PURPOSE.

In order to protect the city and the A.B.B. Joint Fire Board for expenses resulting from the utilization of its Fire Board's resources in responding to a release involving hazardous materials; the city authorizes the imposition of charges to recover reasonable and actual costs incurred by the Fire Board in responding to calls for assistance in connection with a hazardous materials release.
(Ord. 255, passed 5-21-01)

§ 100.03 DEFINITIONS.

The following terms or phrases shall be defined to mean:

FIRE BOARD. The joint fire administrative board established by the Townships of Arlington and Bangor and the City of Bangor for the purpose of operating and administering the Fire Department pursuant to the Urban Cooperation Act, Public Act 7 of the Public Acts of 1967 Extra Session, as amended.

FIRE CHIEF. The chief operational and administrative officer of the Fire Department, or in his/her absence, the senior fire officer in charge of the scene of a hazardous materials incident.

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FIRE DEPARTMENT. The Fire Department created by the establishment of the joint Fire Board referred to as the A.B.B. Fire District and commonly referred to as the Fire District, the Fire Board, and the Bangor Community Fire Department. Such Fire Department was established in 1999 by the Townships of Arlington and Bangor and the City of Bangor under the provisions of the Urban Cooperation Act, Public Act 7 of the Public Acts of 1967 Extra Session, as amended.

HAZARDOUS SUBSTANCE OR MATERIALS. For the purpose of this chapter, hazardous substances and/or materials include but are not necessarily limited to, a chemical that is a combustible liquid, a flammable gas, an explosive, a flammable or organic peroxide, an oxidizer, a pyrophoric, an unstable reactive or water reactive substance, petroleum and/or petroleum by-products, a flammable solid, a poisonous or infectious material, a radioactive material, a corrosive, or any other material that may be defined as hazardous by the U.S. Department of Transportation or by the laws of the state.

RELEASE. A release shall be any spilling, leaking, pumping, pouring, emitting, emptying, discharging, ejecting, dumping, or disposing of a substance or material into the environment.

RESPONSIBLE PARTY. A responsible party is any individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity, or any legal entity that is responsible for a release of a hazardous material, either actual or threatened, or as an owner, tenant, occupant, or party in control of the property, onto which or from which hazardous material is released or the owner, possessor or party in control of the hazardous substance immediately prior to the release. (Ord. 255, passed 5-21-01)

§ 100.04 CHARGE IMPOSED UPON RESPONSIBLE PARTY.

When the Fire Department responds to a call for assistance in connection with a hazardous materials release, actual costs incurred by it in responding to and mitigating such incident shall be imposed upon the responsible party, including, but not limited to:

(A) A fee at the prevailing rate for the Fire Department apparatus required, in the opinion of the officer in command, to respond and be present and/or to stand by at the scene of a hazardous materials incident. For each hour or fraction thereof that the apparatus is used or is required at the site by the officer in command, an additional hourly or fraction of an hourly sum shall be charged.

(B) All personnel related costs incurred by the Fire Department as a result of responding to and mitigating a hazardous materials incident. Such costs may include, but are not limited to, wages, salaries, fringe benefits, insurance, and other costs which may be a part of the Fire District's allowed usual and customary established for full time, part-time and paid-on-call firefighters and other personnel whether incurred at regular or overtime rates. Such personnel related charges shall commence at the time the Fire Department is dispatched to the hazardous materials incident and shall continue until all personnel have concluded hazardous material incident related responsibilities.

(C) Other expenses incurred by the Fire Department in responding to and mitigating a hazardous materials incident, including, but not limited to, rental or purchase of machinery, equipment, labor, consultants, legal and engineering fees, and replacement costs related to disposable personal protection equipment, extinguishing agents, supplies, water purchased from municipal water systems, charges for emergency response teams of other governmental agencies, meals, refreshments for personnel working the scene of a hazardous materials incident and all like and similar incidental costs arising from the response and mitigation.

(D) Any and all charges to the Fire Department imposed by any local, state or federal entities related to the hazardous materials incident.

(E) The cost of repair or replacement of any apparatus, equipment, protective clothing, or materials damaged, destroyed, consumed as a result of the response and mitigation activities.

(F) Costs incurred in accounting for all hazardous material incident related expenditures to include billing and collections costs to include actual attorney fees incurred and all related costs associated with collection of the expenditures including court costs, witness fees, and expert fees incurred in support thereof.

(Ord. 255, passed 5-21-01)

§ 100.05 COSTS DETERMINATION.

The foregoing described costs shall be determined in accordance with a policy established by the Fire Board. Where applicable, the costs shall be the actual expense to the Fire Department. With respect to apparatus use charges, the Fire Board shall establish a use charge for each separate piece of apparatus. The use charges shall from time to time be established by further resolution of the Fire Board. In the event of a hazardous material release, the most current prevailing apparatus charge schedule shall be applied.

(Ord. 255, passed 5-21-01)

§ 100.06 BILLING PROCEDURE.

Following conclusion of a hazardous materials incident, if special Hazmat actions were required or a spill of greater than 55 gallons occurred, then the Fire Chief shall submit a detailed listing of all known expenses to the Fire Board Treasurer. The Fire Board Treasurer shall prepare an invoice to the responsible party for payment. The Treasurer's invoice shall demand full payment within 30 days of billing. Any additional expense that becomes known to the Fire Chief following the transmittal of the bill to the responsible party, shall be billed in the same manner on a subsequent bill to the responsible party. Any amounts due that remain unpaid 30 days after the date of billing shall have imposed a late charge thereon at the maximum rate permitted by law until said account shall be paid in full.

(Ord. 255, passed 5-21-01)

§ 100.07 OTHER REMEDIES.

In addition to the foregoing, the Fire Board and/or the Townships of Arlington and Bangor and the City of Bangor may individually or jointly pursue any other remedy or may institute an appropriate action or proceeding in a court of competent jurisdiction to collect the charges imposed under this chapter. The charges imposed under this chapter does not limit the liability of the responsible party or parties under any other local ordinance, or state or federal law, rule, regulation that may include, but not be limited to, the cleanup of contaminated sites resulting from any hazardous materials release. (Ord. 255, passed 5-21-01)

CHAPTER 101: EMERGENCY RESPONSE AND COST RECOVERY

Section

- 101.01 Purpose
- 101.02 Definitions
- 101.03 Presumptions
- 101.04 Charges imposed upon responsible party
- 101.05 Costs determination
- 101.06 Billing procedure
- 101.07 Other remedies
- 101.08 Cost recovery schedule

§ 101.01 PURPOSE.

In order to protect the city from extraordinary expenses resulting from the utilization of city resources in response to certain public safety or fire emergency incidents and demands for services; the city authorizes the imposition of charges to recover reasonable and actual costs incurred by the city in responding to such incidents.

(Ord. 260, passed 6-17-02)

§ 101.02 DEFINITIONS.

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

ASSESSABLE COSTS. Those costs for services incurred by the city in connection with a response to a public safety incident, emergency assistance, excessive requests for emergency assistance, false alarms, or requested service. Included, but not necessarily limited, are costs of the actual labor and material costs of the city (including, without limitation, employee wages, fringe benefits, administrative overhead, costs of equipment, costs of equipment operation, cost of materials, costs of transportation, costs of material disposal and costs of contracted labor) whether or not the services are provided by the city or by a third party on behalf of the city; service charges and interest; attorney's fees, litigation costs, charges, fines or penalties to the city imposed by any court or state or federal governmental entities.

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BOMB THREATS. The verbal or written threat of a bomb or other explosive device which if discharged as threatened would violate a federal, state or local law.

CHARGE AGAINST PERSON. The costs of an emergency response shall be a charge against the person liable for the costs under this chapter. The charge constitutes a debt of that person and is collectible by the city for incurring those costs in the same manner as in the case of an obligation under a contract, expressed or implied.

COST RECOVERY SCHEDULE. The city council shall from time to time adopt resolutions that set forth a schedule of the costs incurred in making an emergency response. It shall be presumed that the costs listed in this schedule are the true costs incurred by the city and represent the "costs of an emergency response or requested service." This schedule shall be available to the public from either the City Clerk or the Police Department.

EMERGENCY ASSISTANCE. Any request for emergency medical, public safety, police, fire, and civil defense services defined herein.

EXCESSIVE REQUESTS FOR EMERGENCY ASSISTANCE. Any request for emergency assistance made to a particular location or premises if such location or premises has requested emergency assistance more than three times in the preceding 30 days.

EXTRA SERVICES, SPECIAL SERVICES. Services provided by the Police Department or individual officers of the department that are specifically identified in the cost recovery schedule. These are automatically adopted as part of Ordinance 257 titled "Municipal Civil Infraction Actions and Citations." (See Chapter 12 of this Code)

FALSE ALARMS. Any automated or manual devices designed to request or summon emergency assistance which device is activated intentionally or otherwise, in absence of an actual need for emergency assistance. The most senior person responding to a false alarm shall make the determination that there was no actual need for emergency assistance. Provided, however, a false alarm shall not be deemed to have occurred if (1) caused by an act of God, i.e. lightning storm, (2) it originates from a motor vehicle alarm system or (3) has not occurred more frequently than three times in a calendar year.

HAZARDOUS MATERIALS RELEASE. A release shall be any spilling, leaking, pumping, pouring, emitting, emptying, discharging, ejecting, dumping, or disposing of a substance or material into the environment.

HAZARDOUS SUBSTANCES OR MATERIALS. For the purpose of this chapter, hazardous substances and/or materials include but are not necessarily limited to, a chemical that is a combustible liquid, a flammable gas, an explosive, a flammable or organic peroxide, an oxidizer, a pyrophoric, an unstable reactive or water reactive substance, petroleum and/or petroleum by-products, a flammable solid, a poisonous or infectious material, a radioactive material, a corrosive, or any other material that may be defined as hazardous by the U.S. Department of Transportation or by the laws of the state.

ILLEGAL FIRE. A fire set or determined to be set in violation of a federal, state or local law and shall include an arson fire and a fire set in violation of a "noburning" ban, order, or ordinance. An illegal fire does not include an unintentional fire or a fire caused by an act of God, i.e. lightning storm.

MOTOR VEHICLE. Any self propelled or towed vehicle designed or used on the public streets, roads, and highways and for the purpose hereof all trailers or appurtenances attached to any motor vehicle.

POLICE CHIEF. The chief operational and administrative officer of the Police Department, or in his or her absence, the senior police officer in charge at the time of response.

POLICE DEPARTMENT. The Police Department created by the Charter and the City Council.

PUBLIC SAFETY OR EMERGENCY INCIDENT. Including (1) excessive requests for emergency assistance, (2) a false alarm, (3) a hazardous material incident, emergency or release, (4) an illegal fire, (5) bomb threats, (6) threats to oneself or others, or (7) utility line failure.

PUBLIC WORKS DEPARTMENT. The department created by the Charter and the City Council.

PUBLIC WORKS DIRECTOR. The head of the Public Works Department.

RESPONSIBLE PARTY. A responsible party is any individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity, or any legal entity that is responsible for a release of a hazardous material, either actual or threatened, or as an owner, tenant, occupant, or party in control of the property, onto which or from which hazardous material is released or the owner, possessor or party in control of the hazardous substance immediately prior to the said release.

RESPONSIBLE PARTY, EXTRA SERVICES. Any persons, individual, business or other entity that requests, requires or is provided extra services or special services specifically identified in the Cost Recovery Schedule.

RESPONSIBLE PARTY, UNDER THE INFLUENCE. Any person is liable for the costs of an emergency response if that person, while under the influence of intoxicating liquor or a controlled substance, or a combination of intoxicating liquor and a controlled substance, proximately causes any incident resulting in an emergency response.

THREATS TO ONESELF OR OTHERS. Verbal or written threat of physical harm to oneself or another or another's property which if carried out would be a violation of federal, state or local law.

UTILITY LINE FAILURE. The disabling of any transmission or service line, cable, conduit, pipeline, wire or the like used to provide, collect or transport natural gas or communication or electronic signals (including, but not limited to, telephone, computer, cable television and stereo signals or electronic impulses) if the owner or party responsible for the maintenance of such utility line does not respond within one hour to a request to correct or repair such failure.
(Ord. 260, passed 6-17-02)

§ 101.03 PRESUMPTIONS.

(A) For the purpose of this chapter, the city shall pursue cost recovery fees for emergency response, extra services, or special services requested, provided or otherwise demanded of an individual, business, or other entity rather than the city and its population as a whole. A list of such services are defined herein and in § 101.08.

(B) For the purpose of this chapter, a person is under the influence of an intoxicating liquor or a controlled substance, or the combination of an intoxicating liquor and a controlled substance, when his or her physical or mental abilities are impaired to a degree that he or she no longer has the ability to operate a motor vehicle with the caution characteristic of a sober person of ordinary prudence. Further, it shall be presumed that a person was operating a motor vehicle while under the influence of an intoxicating liquor if a chemical analysis of his or her blood, urine or breath indicates that the amount of alcohol in his or her blood was in excess of the state's legally established limits for impaired or driving.

(Ord. 260, passed 6-17-02)

§ 101.04 CHARGES IMPOSED UPON RESPONSIBLE PARTY.

When the city responds to a call for emergency assistance in connection with a situation as described in § 101.02, ***ASSESSABLE COSTS***, actual costs incurred by it in responding to and mitigating such incident shall be imposed upon the responsible party, including, but not limited to:

(A) A fee at the prevailing rate for the equipment, materials, supplies, apparatus, and other items required, in the opinion of the officer in command, to respond and be present and/or to stand by at the scene of the emergency response. For each hour or fraction thereof that the equipment, materials, supplies, apparatus, and other items is used or is required at the site by the officer in command, an additional hourly or fraction of an hourly sum shall be charged.

(B) All personnel related costs incurred by the Police Department or the Public Works Department as a result of responding to and mitigating an emergency response or demands for services. Such costs may include, but are not limited to, wages, salaries, fringe benefits, insurance, and other costs which may be a part of the city's allowed usual and customary established for full time and part-time personnel

whether incurred at regular or overtime rates. Such personnel related charges shall commence at the time city personnel is dispatched to the emergency incident and shall continue until all personnel have concluded their related responsibilities.

(C) Other expenses incurred by the city in responding to and mitigating an emergency incident, including, but not limited to, rental or purchase of machinery, equipment, labor, consultants, legal and engineering fees, and replacement costs related to disposable personal protection equipment, extinguishing agents, supplies, charges for emergency response teams of other governmental agencies, meals, refreshments for personnel working the scene of an emergency incident and all like and similar incidental costs arising from said emergency response and mitigation.

(D) Any and all charges to the city imposed by any local, state or federal entities related to the emergency response incident or service provided.

(E) The cost of repair or replacement of any apparatus, equipment, protective clothing, or materials damaged, destroyed, consumed as a result of the response and mitigation activities.

(F) Costs incurred in accounting for all hazardous material incident related expenditures to include billing and collections costs to include actual attorney fees incurred and all related costs associated with collection of said expenditures including court costs, witness fees, and expert fees incurred in support thereof.

(Ord. 260, passed 6-17-02)

§ 101.05 COSTS DETERMINATION.

The foregoing described costs shall be determined in accordance with a resolution established by the City Council. Where applicable, the costs shall be the actual expense to the Police and Public Works Department. With respect to apparatus use charges, the City Council shall establish a use charge for each separate piece of apparatus. Said use charges shall from time to time be established by further resolution of the City Council. In the event of an emergency response, the most current prevailing apparatus charge schedule shall be applied.

(Ord. 260, passed 6-17-02)

§ 101.06 BILLING PROCEDURE.

Following conclusion of an emergency response incident meeting the requirements of this chapter, the Police Chief or the Chief's agent or the Public Works Director or the Public Works Director's agent shall submit a detailed listing of all known expenses to the City Treasurer. The Treasurer shall prepare an invoice to the responsible party for payment. The Treasurer's invoice shall demand full payment within 30 days of billing. Any additional expense that becomes known following the transmittal of the

bill to the responsible party shall be billed in the same manner on a subsequent bill to the responsible party. Any amounts due that remain unpaid 30 days after the date of billing shall have imposed a late charge thereon at the maximum rate permitted by law until said account shall be paid in full.
(Ord. 260, passed 6-17-02)

§ 101.07 OTHER REMEDIES.

Any failure by the responsible person for the costs of an emergency response, to pay the bill within 30 days of service shall be considered in default. In case of default, the city may commence civil suit to recover the costs plus any additional costs or expenses allowed by law. In addition to the foregoing, the city may pursue any other remedy or may institute an appropriate action or proceeding in a court of competent jurisdiction to collect the charges imposed under this chapter together with costs and attorney fees.

(Ord. 260, passed 6-17-02)

§ 101.08 COST RECOVERY SCHEDULE.

<i>Service</i>	<i>Fee</i>
OUIL/DUIL	\$300
Blood/Urine Draws	\$150
Vehicle Inspections	\$50
Gun Permits /Gun Inspections	\$5
Police Reports (1-6 pages)	\$6
Police Reports (7 plus pages)	\$8
False Alarms (after 3rd false alarm) (City)	\$50
Video Tapes	\$50
Personal Background Checks	\$35
Personnel Rate (at time)	Actual Regular or Overtime Rate
Vehicle and Apparatus (at time)	Actual Rate allowed by MDOT

Service (Cont'd)

Fee (Cont'd)

Administrative Overhead

10% of Personnel Rate

Benefits, Health and Employment
Costs

35% of Personnel Rate

(Ord. 260, passed 6-17-02)

CHAPTER 102: TRAPPING OF ANIMALS AND REPTILES ON CITY PROPERTY

Section

- 102.01 Unlawful to trap without a permit
- 102.02 Exclusions
- 102.03 Issuance of permit
- 102.04 Permitted areas
- 102.05 Permit fee
- 102.06 Prohibited activities with trapping

- 102.99 Penalty

Cross-reference:

Additional animal regulations, see Ch. 90

§ 102.01 UNLAWFUL TO TRAP WITHOUT A PERMIT.

It shall be unlawful for any person(s) to trap any animals and reptiles on any city-owned property without a permit authorized by the City Council and issued by the City of Bangor.
(Ord. 279, passed 1-8-07) Penalty, see § 102.99

§ 102.02 EXCLUSIONS.

(A) This chapter shall not pertain to 'live' traps persons place on property they own within the City of Bangor. A permit shall not be needed for the placement of said 'live' traps by persons on property they own in the City of Bangor. Nothing in this chapter shall be interpreted as meaning persons may or may not need to obtain permits from other governmental or regulating agencies before they place 'live' traps on property they own in the City of Bangor.

(B) Nothing in this chapter shall be interpreted to mean that a person granted a permit to trap on city-owned properties may or may not also need to obtain permits from other state or county agencies.

(C) Nothing in this chapter shall be interpreted as relieving any person granted a permit to trap on city-owned property or allowed to 'live' trap on property they own in the city from any and all liability which may result from their actions.
(Ord. 279, passed 1-8-07)

§ 102.03 ISSUANCE OF PERMIT.

(A) The Clerk or the City Manager shall present to the City Council requests from individuals to trap on any city-owned property within the corporate limits of the City. The request shall include at least the following information:

- (1) The name(s) of the person(s) requesting a permit.
- (2) The address(es) of the person(s) requesting the permit.
- (3) The telephone number(s) of the person(s) requesting the permit.
- (4) A map showing the boundaries of the area the person(s) is requesting to trap.
- (5) A beginning and ending date the person(s) are requesting permission to trap.
- (6) A copy of a valid state issued license to the person(s) for trapping said animals.
- (7) The time of day the person is requesting permission to trap.
- (8) References from other private or public property owners addressing the responsibility and character of the person(s) requesting permission to trap.
- (9) Other information as may be deemed necessary or pertinent.
- (10) The number of traps, location of traps and the color code of traps shall be indicated.
- (11) A copy of a valid pictured driver's license or other forms of pictured identification of the person(s) requesting permission to trap.
- (12) Names of each person(s) involved in the trapping process whether helping paddle a boat, set traps, carry gear, and the like are to be listed and expected to request and be issued a permit.

(B) The City Council is authorized to make the sole decision on each request to trap.

(C) The City Council reserves the right to grant any or no requests to trap any animal or reptile. Permission granted to trap one species does not mean a person(s) may be granted a permit to trap another species.

(D) The City Council reserves the right to consider background checks on the individual(s) requesting permission to trap.

(E) The City Council reserves the right to immediately revoke any issued permit for any violation of the regulations either established by the State of Michigan or the City of Bangor committed by the permit holder or his or her agents, partners, drivers, boat operators, and the like. Violation of any city ordinance or regulations may constitute a violation for which a permit may be revoked. If a permit is revoked for such violation, no permit fees shall be refunded.

(Ord. 279, passed 1-8-07)

§ 102.04 PERMITTED AREAS.

The City Council may consider authorizing the Clerk to issue permits to trap animals only on the following city-owned properties:

(A) City-owned lands on which the wastewater treatment lagoons are situated.

(B) City-owned lands along Maple Creek from the wastewater treatment lagoons to M-43.

(C) City-owned lands along the Boyer Drain or other County Drains within the corporate limits of the city.

(D) City lands along the Black River west of Hamilton Street.

(E) City millpond land between the Second Street and N. Center Street. These include all millpond lands, excluding the river channel and up to the 12-foot high water mark.

(F) City millpond lands extending east of N. Center Street to the city limits. These include all millpond lands, excluding the river channel and up to the 12-foot high water mark.

(G) Other city-owned properties not mentioned above including but not limited to water system well sites, vacant parcels the city may own from time to time, other 'park' parcels and city-owned rights-of-way.

(H) The city reserves the right to add or detract from this list of lands as the City Council may increase or decrease its holdings.

(Ord. 279, passed 1-8-07)

§ 102.05 PERMIT FEE.

(A) The initial fee established at the time of the adoption of Ord. 279 is as follows: An individual permit for the established season or for up to 30 calendar days - \$ 50.00

(B) Ordinance 252 authorizes the City Council to establish rates and fees from time to time, as it deems necessary and appropriate.

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(C) The fee may be waived if the trapping of animals is deemed to eliminate a damaging or threatening nuisance to city assets, such as the wastewater lagoons.
(Ord. 279, passed 1-8-07)

§ 102.06 PROHIBITED ACTIVITIES WITH TRAPPING.

Persons granted permission to trap shall conform with all pertinent trapping laws established by the State of Michigan and all City of Bangor codes and ordinances. Additionally:

(A) Permit holders may only use canoes, kayaks, row-boats or john-boats powered by human power with oars or poles. No personal powered watercraft commonly known as jet skis or other such craft may be used. No trolling motors may power craft.

(B) Permit holders do not have permission to park in other than designated places.

(C) Permit holders shall not engage in trapping activities before 5:00 a.m. or after 10:00 p.m.

(D) Permit holders are not authorized by the granting of said permit to access any private property.

(E) The issuance of a permit by the City of Bangor shall not be deemed to bar, limit, or otherwise affect the rights of any person to take private or legal action regarding damage or nuisance caused by the permit holder.

(F) The issuance of a permit shall not be a defense to any civil claims.
(Ord. 279, passed 1-8-07) Penalty, see § 102.99

§ 102.99 PENALTY.

(A) Violations of any portion of this chapter are a municipal civil infraction outlined in Title 1, Chapter 12 of the Code of Ordinances for the City of Bangor. Once established by this chapter, the penalties are subject to Chapter 12 of Title 1 and may be amended from time to time by the City Council, as it deems necessary and appropriate.

(B) Violations of this chapter shall warrant increasing penalties as herein established:

(1) First offense: \$50 payable to the City of Bangor.

(2) Second offense: \$90 fine payable to the City of Bangor.

(3) Third offense: \$ 120 fine payable to the City of Bangor.

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(4) Fourth and repeating offenses: A fine not to exceed \$500 or imprisonment not more than 90 days, or both fine and imprisonment.

(C) A separate offense shall be deemed committed upon each day during which a violation occurs.
(Ord. 279, passed 1-8-07)

TITLE XI: BUSINESS REGULATIONS

Chapter

110. GARAGE SALES

111. PEDDLERS

112. POOL ROOMS AND BOWLING ALLEYS

113. PUBLIC DANCES AND DANCE HALLS

114. TAXICABS

115. OFFENSIVE BUSINESSES

116. TELECOMMUNICATIONS

CHAPTER 110: GARAGE SALES

Section

- 110.01 Definitions
- 110.02 License required
- 110.03 Information to be filed
- 110.04 Exemptions

§ 110.01 DEFINITIONS.

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

GARAGE SALES. All sales in an area zoned residential entitled “garage sale,” “lawn sale,” “attic sale,” “rummage sale,” “flea market sale,” or any similar casual sale of tangible personal property which is advertised by any means whereby the public at large is or can be made aware of the sale.

GOODS. Any goods, warehouse merchandise or other property capable of being the object of a sale regulated hereunder.
(Ord. 105, passed 5-27-75)

§ 110.02 LICENSE REQUIRED.

(A) It shall be unlawful for any person to conduct a garage sale in the city without first filing with the clerk the information hereinafter specified and obtaining from such clerk a license to do so, to be known as a “Garage Sales License.” The fee for such license shall be \$10.

(B) Such license shall be issued to any one person only once within a 12-month period and no such license shall be issued for more than seven consecutive calendar days.

(C) Each license issued under this chapter must be prominently displayed on the premises upon which the garage sale is conducted throughout the entire period of the licensed sale.
(Ord. 105, passed 5-27-75; Am. Ord. 165, passed 8-11-86) Penalty, see § 10.99

§ 110.03 INFORMATION TO BE FILED.

The information to be filed with the City Clerk pursuant to this chapter shall be as follows:

- (A) Name of person, firm, group, corporation, association, or organization conducting the sale.
- (B) Name of owner of the property on which the sale is to be conducted and consent of owner if applicant is other than the owner.
- (C) Location at which sale is to be conducted.
- (D) Number of days of sale.
- (E) Date, nature of any past sale.
- (F) Relationship or connection applicant may have had with any other person, firm, group, organization, association, or corporation conducting the sale and the date or dates of such sale.
(Ord. 105, passed 5-27-75)

§ 110.04 EXEMPTIONS.

- (A) The provisions of this chapter shall not apply to or affect the following persons or sales:
 - (1) Persons selling goods pursuant to an order to process of a court of competent jurisdiction.
 - (2) Persons acting in accordance with their powers and duties as public officials.
 - (3) Any person selling or advertising for sale an item or items of personal property which are specifically named or described in the advertisement and which separate items do not exceed five in number.
- (B) A non-profit charitable, religious, or community service organization shall be exempt from the seven-day license period limitation and shall be required to obtain a license, which license shall be issued for a period of not to exceed 30 days. No license fee shall be levied for said license. Such license shall be issued only once with a 12-month period.
(Ord. 105, passed 5-27-75)

CHAPTER 111: PEDDLERS

Section

- 111.01 Definition
- 111.02 License required; fee
- 111.03 Exemptions
- 111.04 Violations

§ 111.01 DEFINITION.

HAWKERS, PEDDLERS and *TRANSIENT TRADERS* for the purpose of and as used in this chapter, shall be construed to mean and include any person who shall go about from place to place within the city in any manner whatsoever, or who shall from any stand, cart, vehicle or other device in or upon any street, highway, sidewalk, or in or upon any open place or places or space or public building or other place within the city, sell, offer for sale, solicit orders for any goods, wares, merchandise or refreshment, or any kind of property or thing whatsoever, to any person not a dealer therein. Any persons or persons who shall go about from house to house, or place to place, and sell or offer to sell, any article or trade or commerce to be delivered then or in the future shall be deemed to be a *HAWKER, PEDDLER, or TRANSIENT TRADER* within the meaning of this chapter.
(Ord. 5, passed 3-31-41)

§ 111.02 LICENSE REQUIRED; FEE.

(A) No hawker, peddler, or transient trader, shall sell, offer for sale, or solicit orders for by sample or otherwise, any goods, wares, merchandise, refreshments, or any kind of property or thing whatsoever within the city without first having paid for and obtained from the City Clerk a license to do so.

(B) The rates to be charged and collected by the City Clerk for any license issued to a hawker, or peddler, or transient trader, shall be in accordance with § 12.06.

(C) No license shall be issued for a longer period than one year from the date of issue.
(Ord. 5, passed 3-31-41; Am. Ord. 257, passed 2-5-01) Penalty, see § 10.99

§ 111.03 EXEMPTIONS.

(A) The provisions of this chapter shall not apply to any farmer or gardener selling or offering for sale the produce of his own farm or garden.

(B) The City Council shall, by resolution, have the authority to declare nonprofit clubs and organizations exempted from this chapter.
(Ord. 5, passed 3-31-41; Am. Ord. 94, passed 10-9-73; Am. Ord. 115, passed 12-27-76; Am. Ord. 127, passed 6-12-78)

§ 111.04 VIOLATIONS.

Every person who shall in any manner engage in doing or transacting the business of a hawker, peddler, or transient trader as in this chapter defined, without first having procured and paid for a license as required by this chapter, or who shall continue such business after the time limit in the license obtained therefor shall have expired, shall be subject to the punishment provided in § 10.99.
(Ord. 5, passed 3-31-41)

CHAPTER 112: POOL ROOMS AND BOWLING ALLEYS

Section

- 112.01 Permit required
- 112.02 Application and fee
- 112.03 Issuance of permit
- 112.04 Renewal
- 112.05 Revocation of permit
- 112.06 Operating hours

§ 112.01 PERMIT REQUIRED.

No public billiard or pool room, or bowling alley, shall be established, maintained or conducted in any place within the city by any person, persons, or corporation without first obtaining a permit to operate such place from the City Council. No person shall be granted a permit under the provisions of this chapter who is under 21 years of age and who has not resided with the State of Michigan for a period of at least one year immediately prior to the application for such permit; nor shall any such permit be granted to any person who has been convicted of any crime involving moral turpitude, nor to any person whose general reputation in any community in which he ever resided during the five years last preceding such application is that of a gambler, bootlegger, cheat or promoter of vice or immorality.

(Ord. 20, passed 5-23-49) Penalty, see § 10.99

§ 112.02 APPLICATION AND FEE.

Any person desiring to open or establish any of the places mentioned in § 112.01 shall first make application thereof to the City Clerk, setting forth in such application his age, and correct name, post office address and residence, the length of time he has resided within this state, and where, and his place of residence for the past five years immediately before the time of such application, whether or not he has ever been convicted of any crime involving moral turpitude; and giving reference in such application to at least five reputable citizens of the community wherein he has resided within this state, and the written recommendations of at least two such reputable citizens of such community representing his moral character. Every such application shall be accompanied by a fee of \$5 per table for a billiard or pool room, and \$5 per alley for a bowling alley, payable to the City Treasurer for the use of the city upon issuing of the license to the applicant; and the applicant shall specify in such

application the nature of his business and the exact location of the place thereof for which he requests a permit. In the event the applicant for such permit is a corporation authorized to do business in this state, the application shall be made by the agent of such corporation who will have principal charge of the place proposed to be established, and such applications shall contain all of the statements and furnish all the facts and recommendations in respect of such agent as are required in the case of a private individual herein. Such permit to a corporation shall be revocable upon the occurrence of a change in the agent so managing such place, and a new permit may be required by the City Council before any new agent shall take charge of such place for such corporation. In case of a partnership, each active partner in such business shall join in the application for such permit, and shall furnish all of the information and recommendations required of an individual applicant.
(Ord. 20, passed 5-23-49)

§ 112.03 ISSUANCE OF PERMIT.

The City Council receiving such application, if presented in due form, shall pass upon the same at its next regular meeting or at any special meeting called for such purpose, or at any adjournment thereof, and if satisfied that such applicant possesses the qualification herein prescribed, shall grant such permit for the term of one year. All such permits shall be in such form as the City Council may prescribe, but shall contain the name, address, place of business and the class of such business so permitted to the holder, and the date of expiration of such permit, and shall be authenticated by the signature of the City Clerk.
(Ord. 20, passed 5-23-49)

§ 112.04 RENEWAL.

Any permit issued in accordance with this chapter may be renewed for an additional year upon the same terms and subject to the same requirements as provided herein for an original permit. Whenever the holder of such permit desires to effect a change of place of doing business he shall notify the City Council and make application for a permit for such new place in the same manner as in the first instance, excepting that proof of good character may be dispensed with by the City Council. No permit issued pursuant to this chapter shall be assignable or transferable, nor shall any person excepting the person to which it was issued be permitted to do business thereunder either directly or indirectly.
(Ord. 20, passed 5-23-49)

§ 112.05 REVOCATION OF PERMIT.

(A) Every such license shall be revoked for any of the following causes:

(1) That intoxicating liquors are either sold or drunk on the premises, or that persons under the influence of intoxicating liquors are permitted to frequent, be in, or remain on the premises;

(2) That gambling in any form is permitted in or about the premises;

(3) That such places are frequented habitually by persons of low repute, or that the place is conducted in such a manner as to be generally reputed in the immediate vicinity thereof to be immoral and a menace to the morals and good citizenship of the community;

(4) That such place or places are being operated in violation of any of the provisions of this chapter.

(B) In any of the foregoing cases the City Council shall revoke the license and give notice of such revocation to the holder. For the purpose of enforcing these provisions for revocation the City Council may act on its own initiative, or on complaint of any resident. When such revocation is sought, the City Clerk shall give a written notice to the licensee personally, or by leaving the same with his agent or employee at his place of business, in which notice shall be stated the charges made against him for which revocation of his license is sought; the time and place at which he may appear to defend against such charges, which time shall be not sooner than three full days from serving of the notice. For such hearing the City Council may subpoena witnesses in the same manner as court. Such hearing need not follow the strict legal requirements of court trials. If, after an impartial and unbiased investigation, the City Council is convinced that the charges have been sustained, it shall revoke the license. If the City Council shall determine that such license shall be revoked, the City Clerk shall personally notify the licensee, or his agent or employee in charge of his place, in writing, and the license shall be revoked from and after midnight of said day.

(Ord. 20, passed 5-23-49)

§ 112.06 OPERATING HOURS.

No such public billiard or pool room shall be operated in the city after the hour of 12:00 midnight on weekdays, except as to Saturday and Sunday nights, in which cases the billiard or pool room may remain open until 2:00 a.m. on Sunday and 2:00 a.m. on Monday. This section shall not apply to any place operated as a bowling alley.

(Ord. 20, passed 5-23-49; Am. Ord. 101, passed 11-12-74) Penalty, see § 10.99

CHAPTER 113: PUBLIC DANCES AND DANCE HALLS

Section

- 113.01 Definitions
- 113.02 Application of regulations
- 113.03 Licenses and permit required
- 113.04 Investigation by city prior to issuance of license
- 113.05 Display of license
- 113.06 Disorderly conduct; closing hours
- 113.07 Suspension or revocation of license

§ 113.01 DEFINITIONS.

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

PUBLIC DANCE. Any dance to which admission may be had by payment of a fee, or by purchase, possession, or presentation of a ticket or token, obtained for money or any valuable thing, or in which a charge is made for caring for clothing or any other property: or to any dance to which the public generally may gain admission with or without payment of a fee.

PUBLIC DANCE HALL. Any room, place or space in which a public dance or public ball shall be held.

(Ord. 81, passed 9-27-71)

§ 113.02 APPLICATION OF REGULATIONS.

The provisions of this chapter having to do with public dances, shall not apply to dances given in private homes or by an organized fraternal or other society or association, where the attendance is restricted to the members of the fraternal society, organization or association, or by any school or church in the city.

(Ord. 81, passed 9-27-71)

§ 113.03 LICENSES AND PERMIT REQUIRED.

(A) It shall be unlawful to hold any public dance, in any hall within the city until the hall in which the same may be held, shall first be duly licensed for that purpose, as hereinafter provided. The owner of such hall shall apply to the City Clerk for a license for the hall, which application shall be on a form which shall be furnished by the City Clerk, and before any license is granted, said application shall be approved by the City Clerk. Upon approval of said application, the applicant shall pay to the City Clerk the yearly license fee of \$5. Upon approval of the application, the City Clerk shall issue a license as hereinbefore provided.

(B) It shall be unlawful for any person, persons, firm or corporation to hold or conduct or advertise any public dance, unless the person, persons, firm or corporation shall have first procured a public dance license, which shall be issued as herein provided. Any person, persons, firm or corporation applying for a public dance license shall make application on a form which shall be furnished by the City Clerk, which application shall set forth the dates on which the dances are to be held, and the street and number, or name of the hall or building in which the dances are to be held. Before any license is granted, the application shall be approved by the City Clerk. No public dance license shall be transferred from one person, persons, firm or corporation to another; nor from one location to another, unless the same shall be duly authorized by the City Clerk, or some duly authorized city official appointed by the City Clerk.

(C) It shall be unlawful for any person, persons, firm or corporation, to hold any public dance in any place, other than a licensed hall, without having first obtained a permit from the City Clerk therefor, and no person, society, or corporation, failing to enforce upon such dances the requirements laid down by statute or ordinance upon public dance halls shall be granted a second permit within six months from the date of such failure or neglect on the part of the manager, or proprietor, or person in charge, of any hall used for public dances, to secure and require the proper license permit for such dance, and shall subject such person, persons, firm or corporation to the penalty for a violation of this chapter.

(Ord. 81, passed 9-27-71) Penalty, see § 10.99

§ 113.04 INVESTIGATION BY CITY PRIOR TO ISSUANCE OF LICENSE.

No license for a public dance hall, nor for a public dance, shall be issued until the City Clerk, or some duly authorized city official appointed by the City Clerk, shall investigate said hall in which the public dance is to be held, and determine that such hall complies with and conforms to all ordinances and health and fire regulations of the city, and that the hall is properly ventilated and supplied with adequate toilet conveniences for each sex, and is a safe, sanitary, and proper place for the purpose for which it is to be used.

(Ord. 81, passed 9-27-71) Penalty, see § 10.99

§ 113.05 DISPLAY OF LICENSE.

Any licensee under the provisions of this section shall display the license in a conspicuous place in the license hall, or hall where the licensed public dance is held.
(Ord. 81, passed 9-27-71) Penalty, see § 10.99

§ 113.06 DISORDERLY CONDUCT; CLOSING HOURS.

(A) No disorderly or immoral conduct shall be permitted in any public dance. The operator of any public dance shall provide sufficient supervisory personnel to prohibit any disorderly conduct or immoral conduct on the part of the participants. The City Clerk, any member of the Police Department, or any other person duly authorized by the City Clerk for that purpose, may enter any public dance for inspection purposes.

(B) All public dances shall be closed on Sunday and on or before the hour of 2:00 a.m. on any week day and remain closed until 7:00 a.m., the following day.
(Ord. 81, passed 9-27-71) Penalty, see § 10.99

§ 113.07 SUSPENSION OR REVOCATION OF LICENSE.

Any license issued under the provisions of this chapter may be suspended or revoked by the City Clerk and City Council for disorderly or immoral conduct, or for the violation of any of the provisions set forth in any ordinance, law or regulation affecting public dance halls or public dances.
(Ord. 81, passed 9-27-71)

Cross-reference:

Disorderly conduct, see § 130.01

CHAPTER 114: TAXICABS

Section

- 114.01 License required
- 114.02 Application
- 114.03 Hearing
- 114.04 Issuance; insurance requirements and license fee
- 114.05 Termination of license
- 114.06 Driver regulations
- 114.07 Motor vehicle regulations
- 114.08 Rules of operation

§ 114.01 LICENSE REQUIRED.

No person, firm or corporation shall cause to be used or kept for use on the streets or alleys of the city, or on or about railroad and bus stations or stops or other public places in the city, any conveyance or vehicle for the transportation of passengers for hire or solicit by himself or others the rental of same on said streets, alleys, railroad and bus stations or stops in the city except as hereinafter provided. Any person, firm or corporation desiring to operate any conveyance or vehicle for the transportation of passengers for hire shall make application with a statement signed by at least three citizens, residents of the city, that the applicant is a person of good moral character and in their opinion is a fit and competent person to be licensed by the city to carry passengers for hire.
(Ord. 156, passed 1-24-83) Penalty, see § 10.99

§ 114.02 APPLICATION.

Every such application shall contain the following information:

- (A) The name and address of the applicant.
- (B) A statement of the previous experience of the applicant in the taxi cab business, or in any related business.
- (C) The number of vehicles proposed to be operated as taxicabs and the description of every such vehicle.

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(D) The proposed location of the office and taxi stand of the applicant.

(E) The proposed hours of service.

(F) The proposed schedule of rates or fares for carrying passengers.

(G) Evidence of public liability insurance, or of ability to procure the same if the license should be granted, sufficient to meet the requirements of § 114.04.

(H) A statement of the general plan of operation of the proposed taxi business including the method of dispatching taxicabs to be employed, and whether or not two-way radio equipment will be used.

(I) A statement demonstrating that the public interest, convenience and necessity requires the issuance of such license.
(Ord. 156, passed 1-24-83)

§ 114.03 HEARING.

Upon the filing of any such application with the City Clerk, a date shall be set for hearing thereon before the City Council. Written notice of the time and place of such hearing shall be mailed to the applicant and to all other holders of licenses issued under the provisions of this chapter at least three days before the date set for such hearing. Any person interested may appear and be heard at such hearing in support of or in opposition to the issuance of a license on the terms proposed by the applicant. The Council may examine the applicant and any other person or persons in order to determine whether or not the public interest, convenience and necessity require the issuance of the license applied for. If the Council shall find that the public interest, convenience and necessity require the issuance of such license, it shall by motion or resolution order the City Clerk to issue such license, subject to any conditions the Council may deem appropriate, including the submission and approval of the policy of liability insurance provided for by § 114.04. Provided, however, that any of the following reasons shall be sufficient for the denial by the Council of any such application:

(A) That the application does not contain the information required by this chapter.

(B) That any statement contained in the application is false.

(C) That the applicant is not a fit or desirable person to receive such a license, or that the applicant has, at some prior time, had a taxicab license revoked for cause.

(D) That any of the vehicles described in the application is inadequate or unsafe for use for taxicab purposes.

(E) That the proposed location of the taxicab stand would be such as to congest or interfere with traffic on any public street or that such proposed location would violate any zoning regulation of the city.

(F) That the proposed hours of service and general plan of operation would not sufficiently satisfy the requirements of the public interests, convenience and necessity.

(G) That a sufficient number of taxicabs is already adequately serving the city and that the public interests, convenience and necessity do not require the issuance of a license for additional taxicab service.

(Ord. 156, passed 1-24-83)

§ 114.04 ISSUANCE; INSURANCE REQUIREMENTS AND LICENSE FEE.

(A) If the application is approved by the City Council, the City Clerk is hereby authorized and directed to issue a license to the applicant after the applicant shall deposit with the Clerk an indemnity policy issued by some company authorized to transact business in this state. Such policy is to protect the applicant from all liabilities on account of claims for injuries by passengers carried caused by or resulting from the negligent operation, maintenance, or use of any of the motor vehicles licensed as taxicabs, or for loss or damage to person or property of others in at least the following minimum amounts:

(1) Not less than \$100,000 on any one person.

(2) Not less than \$300,000 for any one accident.

(3) Not less than \$1,000,000 for injury or damage or loss to baggage and effects of passengers.

(B) In any event, the amount of required insurance shall not be less than that required for any licensed vehicle under the Financial Responsibility Provision of the Motor Vehicle Code. The form and sufficiency of such guarantee insurance shall be approved by the City Council.

(C) There shall be charged and collected for the use of the city, a license fee under the provisions of this chapter in the amount of \$50 for the initial taxicab license and \$35 for each additional taxicab license thereafter. The above described license shall not be transferable from one taxicab to another.

(D) It shall be unlawful for any licensee to operate for hire any motor vehicle other than the one described in the guarantee policy deposited with the City Clerk.

(E) Upon the request of the licensee the city may assign to such licensee certain exclusive parking areas on the public streets of the city such spaces or areas to be determined and designated by the City Council, and such licensee shall pay the city for the use thereof the sum of \$35 for each such parking

space. The rights and privileges granted for such parking facilities shall run concurrently with the license for the vehicle or vehicles of the licensee and shall expire at the same time and under the same circumstances as the license granted for the operation of the vehicle or vehicles for which the spaces or areas might be assigned.

(Ord. 156, passed 1-24-83) Penalty, see § 10.99

§ 114.05 TERMINATION OF LICENSE.

No license granted under the provisions of this chapter shall be issued and renewed on a license year basis beginning July 1 and ending June 30 until it shall be terminated in one of the following ways:

(A) Any such license shall terminate automatically upon the termination or cancellation of the policy of insurance or surety bond provided for by § 114.04 unless a new policy shall be submitted and approved within ten days from such termination or cancellation.

(B) Any such license may be revoked by the City Council if it shall find that the licensee has continuously failed to comply with the terms and provisions of such license or has continuously failed to obey any of the provisions of this chapter. Such licensee shall be entitled to a hearing after reasonable notice and upon a written specification of the grounds for such proposed termination.
(Ord. 156, passed 1-24-83)

§ 114.06 DRIVER REGULATIONS.

(A) The driver of any taxicab must be at least 18 years of age and possess a valid Michigan Chauffeurs license.

(B) The licensee shall procure numbered badges which shall be registered by the City Clerk and it shall be unlawful for any person to solicit for himself or any other person, firm or corporation within the city without having said badge conspicuously displayed on his person.

(C) All drivers of taxicabs shall be neat, clean and courteous at all times. Drivers shall open the doors for passengers and shall handle baggage when necessary. Passengers shall ride in the rear seats, and may not sit in the front seat with the driver unless the rear seat is filled.
(Ord. 156, passed 1-24-83) Penalty, see § 10.99

§ 114.07 MOTOR VEHICLE REGULATIONS.

All taxicabs shall be maintained in safe operating condition and shall be kept clean at all times. The Police Department is authorized and directed by the City Manager to make proper inspection of

each taxicab operating in the city at least once each year to determine their fitness for operating as a taxicab. The annual inspection for safety purposes is an added condition to a renewal of the license. (Ord. 156, passed 1-24-83) Penalty, see § 10.99

§ 114.08 RULES OF OPERATION.

(A) It shall be unlawful for any licensee to operate for hire any motor vehicle unless the rate table or schedule of charges, together with the numbered badge above mentioned is conspicuously displayed therein.

(B) The driver of any taxicab shall collect from all passengers, without deviation or discrimination, the fare approved by the City Council, according to the terms of the license under which such taxicab is operated.

(C) It shall be unlawful for any person to refuse to pay the legal fare after having hired a taxicab with intent to defraud the person from whom it is hired of the value of such services.

(D) The driver of any taxicab shall transport any passenger engaging the same safely and expeditiously to his destination in the most direct and accessible route. No driver shall refuse or neglect to convey any orderly person or persons, upon request, unless previously engaged. (Ord. 156, passed 1-24-83) Penalty, see § 10.99

CHAPTER 115: OFFENSIVE BUSINESSES

Section

115.01 Assigned place of operation to be obtained from city

§ 115.01 ASSIGNED PLACE OF OPERATION TO BE OBTAINED FROM CITY.

(A) It shall be unlawful for any person, persons, firm, corporation, partnership, association, or individual to exercise any trade or employment offensive to the inhabitants of the city or dangerous to the health thereof, without first having obtained from the City Council an assigned place where such trade or employment may be carried on.

(B) Any persons, firm, corporation, partnership, association or individual who shall conduct or cause to be conducted, any trade or employment, offensive to the inhabitants of the city, or dangerous to the public health thereof, without having received an assignment by the City Council as provided in division (A) above, or who shall conduct such trade or employment in a place other than that assigned by the City Council, or who shall conduct such trade or employment after such assignment shall be revoked by the City Council, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished as provided in § 10.99.

(Ord. 9, passed 3-31-41) Penalty, see § 10.99

CHAPTER 116: TELECOMMUNICATIONS

Section

- 116.01 Purpose
- 116.02 Terms defined
- 116.03 Permit required
- 116.04 Issuance of permit
- 116.05 Construction/engineering permit
- 116.06 Conduit or utility poles
- 116.07 Route maps
- 116.08 Repair of damage
- 116.09 Establishment and payment of maintenance fee
- 116.10 Modification of existing fees
- 116.11 Savings clause
- 116.12 Use of funds
- 116.13 Annual report
- 116.14 Cable television operators
- 116.15 Existing rights
- 116.16 Compliance
- 116.17 Reservation of police powers
- 116.18 Authorized city officials

- 116.99 Penalty

§ 116.01 PURPOSE.

(A) The purposes of this chapter are to regulate access to and ongoing use of public rights-of-way by telecommunications providers for their telecommunications facilities while protecting the public health, safety, and welfare and exercising reasonable control of the public rights-of-way in compliance with the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (Public Act No. 48 of 2002) (“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.

(B) Nothing in this chapter shall be construed in such a manner as to conflict with the Act or other applicable law.
(Ord. 262, passed 10-21-02)

§ 116.02 TERMS DEFINED.

(A) The terms used in this chapter shall have the following meanings:

ACT. The Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (Public Act No. 48 of 2002), as amended from time to time.

CITY. The City of Bangor.

CITY COUNCIL. The City Council of the city or its designee. This section does not authorize delegation of any decision or function that is required by law to be made by the City Council.

CITY MANAGER. The City Manager or his or her designee.

PERMIT. A non-exclusive permit issued pursuant to the Act and this chapter 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 chapter 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 Section 3 of the Act.

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. The area on, below, or above a public roadway, highway, street, alley, easement or waterway. Public right-of-way does not include a federal, state, or private right-of-way.

TELECOMMUNICATION FACILITIES 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, supporting structures for antennas, equipment shelters or houses, and any ancillary equipment and miscellaneous hardware used to provide federally licensed commercial mobile service as defined in Section 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 CFR 20.3, and service provided by any wireless, two-way communication device.

TELECOMMUNICATIONS PROVIDER, PROVIDER and **TELECOMMUNICATIONS SERVICES.** Those terms as defined in Section 102 of the Michigan Telecommunications Act, Public Act No. 179 of 1991, being M.C.L.A. § 484.2102. **TELECOMMUNICATIONS PROVIDER** does not include a person or an affiliate of that person when providing a federally licensed commercial mobile radio service as defined in Section 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 CFR 20.3, or service provided by any wireless, two-way communication device. For the purpose of the Act and this chapter 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 located within a public right-of-way.
 - (c) A person providing broadband internet transport access service.
- (Ord. 262, passed 10-21-02)

§ 116.03 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 chapter.

(B) *Application.* Telecommunications providers shall apply for a permit on an application form approved by the MPSC in accordance with Section 6(1) of the Act. A telecommunications provider shall file one copy of the application with the City Clerk, one copy with the City Manager, and one copy with the City Attorney. Upon receipt, the City Clerk shall make three copies of the application and distribute a copy to the necessary and appropriate state agencies or bodies. Applications shall be complete and include all information required by the Act, including without limitation a route map showing the location of the provider's existing and proposed facilities in accordance with Section 6(5) of the Act.

(C) *Confidential information.* If a telecommunications provider claims that any portion of the route maps submitted by it as part of its application contain trade secret, proprietary, or confidential information, which is exempt from the Freedom of Information Act, Public Act No. 442 of 1976, being M.C.L.A. §§ 15.231 to 15.246, pursuant to Section 6(5) of the Act, the telecommunications provider shall prominently so indicate on the face of each map.

(D) *Application fee.* Except as otherwise provided by the Act, the application shall be accompanied by a one-time non-refundable application fee in the amount of \$500.

(E) *Additional information.* The City Manager may request an applicant to submit such additional information which the City Manager deems reasonably necessary or relevant. The applicant shall comply with all such requests in compliance with reasonable deadlines for such additional information established by the City Manager. If the city and the applicant cannot agree on the requirement of additional information requested by the city, the city or the applicant shall notify the MPSC as provided in Section 6(2) of the Act.

(F) *Previously issued permits.* Pursuant to Section 5(1) of the Act, authorizations or permits previously issued by the city under Section 251 of the Michigan Telecommunications Act, Public Act No. 179 of 1991, being M.C.L.A. § 484.2251, and authorizations or permits issued by the city to telecommunications providers prior to the 1995 enactment of Section 251 of the Michigan Telecommunications Act but after 1985 shall satisfy the permit requirements of this chapter.

(G) *Existing providers.* Pursuant to Section 5(3) of the Act, within 180 days from November 1, 2002, the effective date of the Act, a telecommunications provider with facilities located in a public right-of-way in the city as of such date, that has not previously obtained authorization or a permit under Section 251 of the Michigan Telecommunications Act, Public Act No. 179 of 1991, being M.C.L.A. § 484.2251, shall submit to the city an application for a permit in accordance with the requirements of this chapter. Pursuant to Section 5(3) of the Act, a telecommunications provider submitting an application under this division is not required to pay the \$500 application fee required under division (D) above. A provider under this division shall be given up to an additional 180 days to submit the permit application if allowed by the Authority, as provided in Section 5(4) of the Act. (Ord. 262, passed 10-21-02)

§ 116.04 ISSUANCE OF PERMIT.

(A) *Approval or denial.* The authority to approve or deny an application for a permit is hereby delegated to the City Manager. Pursuant to Section 15(3) of the Act, 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 § 116.03(B) of this chapter for access to a public right-of-way within the city. Pursuant to Section 6(6) of the Act, the City Manager shall notify the MPSC when the City Manager has granted or denied a permit, including information regarding the date on which the application was filed and the date on which 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 Sections 6(1), 6(2) and 15 of the Act.

(C) *Conditions.* Pursuant to Section 15(4) of the Act, the City Manager may impose conditions on the issuance of a permit, which conditions shall be limited to the telecommunications provider's access and usage of the public right-of-way.

(D) *Bond requirement.* Pursuant to Section 15(3) of the Act, 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. 262, passed 10-21-02)

§ 116.05 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 12 of this code, as amended, for construction within the public rights-of-way. No fee shall be charged for such a construction or engineering permit.
(Ord. 262, passed 10-21-02)

§ 116.06 CONDUIT OR UTILITY POLES.

Pursuant to Section 4(3) of the Act, obtaining a permit or paying the fees required under the Act or under this chapter does not give a telecommunications provider a right to use conduit or utility poles.
(Ord. 262, passed 10-21-02)

§ 116.07 ROUTE MAPS.

Pursuant to Section 6(7) of the Act, 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 or electronic format, unless and until the MPSC determines otherwise, in accordance with Section 6(8) of the Act.
(Ord. 262, passed 10-21-02)

§ 116.08 REPAIR OF DAMAGE.

Pursuant to Section 15(5) of the Act, 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. 262, passed 10-21-02)

§ 116.09 ESTABLISHMENT AND PAYMENT OF MAINTENANCE FEE.

In addition to the non-refundable application fee paid to the city set forth in § 116.03(D) above, a telecommunications provider with telecommunications facilities in the city's public rights-of-way shall pay an annual maintenance fee to the Authority pursuant to Section 8 of the Act.
(Ord. 262, passed 10-21-02)

§ 116.10 MODIFICATION OF EXISTING FEES.

In compliance with the requirements of Section 13(1) of the Act, the city hereby modifies, to the extent necessary, any fees charged to telecommunications providers after November 1, 2002, the effective date of the Act, relating to access and usage of the public rights-of-way, to an amount not exceeding the amounts of fees and charges required under the Act, which shall be paid to the Authority. In compliance with the requirements of Section 13(4) of the Act, the city also hereby approves modification of the fees of providers with telecommunication facilities in public rights-of-way within the city's boundaries, so that those providers pay only those fees required under Section 8 of the Act. The city shall provide each telecommunications provider affected by the fee with a copy of this chapter, in compliance with the requirement of Section 13(4) of the Act. 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. 262, passed 10-21-02)

§ 116.11 SAVINGS CLAUSE.

Pursuant to Section 13(5) of the Act, if Section 8 of the Act is found to be invalid or unconstitutional, the modification of fees under § 116.10 above shall be void from the date the modification was made.
(Ord. 262, passed 10-21-02)

§ 116.12 USE OF FUNDS.

Pursuant to Section 10(4) of the Act, all amounts received by the city from the Authority shall be used by the city solely for rights-of-way related purposes. In conformance with that requirement, all funds received by the city from the Authority shall be deposited into the Major Street Fund and/or the Local Street Fund maintained by the city under Public Act No. 51 of 1951.
(Ord. 262, passed 10-21-02)

§ 116.13 ANNUAL REPORT.

Pursuant to Section 10(5) of the Act, the City Manager shall file an annual report with the Authority on the use and disposition of funds annually distributed by the Authority.
(Ord. 262, passed 10-21-02)

§ 116.14 CABLE TELEVISION OPERATORS.

Pursuant to Section 13(6) of the Act, the city shall not hold a cable television operator in default or seek any remedy for its failure to satisfy an obligation, if any, to pay after November 1, 2002, the effective date of this Act, a franchise fee or similar fee on that portion of gross revenues from charges the cable operator received for cable modem services provided through broadband internet transport access services.
(Ord. 262, passed 10-21-02)

§ 116.15 EXISTING RIGHTS.

Pursuant to Section 4(2) of the Act, except as expressly provided herein with respect to fees, this chapter 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. 262, passed 10-21-02)

§ 116.16 COMPLIANCE.

The city hereby declares that its policy and intent in adopting this chapter is to fully comply with the requirements of the Act, and the provisions hereof should be construed in such a manner as to achieve that purpose. The city shall comply in all respects with the requirements of the Act, including but not limited to the following:

(A) Exempting certain route maps from the Freedom of Information Act, Public Act No. 442 of 1976, being M.C.L.A. §§ 15.231 to 15.246, as provided in § 116.03(C) of this chapter;

(B) Allowing certain previously issued permits to satisfy the permit requirements hereof, in accordance with § 116.03(F) of this chapter;

(C) Allowing existing providers additional time in which to submit an application for a permit, and excusing such providers from the \$500 application fee, in accordance with § 116.03(G) of this chapter;

(D) 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 § 116.04(A) of this chapter;

(E) Notifying the MPSC when the city has granted or denied a permit, in accordance with § 116.04(A) of this chapter;

(F) Not unreasonably denying an application for a permit, in accordance with § 116.04(A) of this chapter;

(G) Issuing a permit in the form approved by the MPSC, with or without additional or different permit terms, as provided in § 116.04(B) of this chapter;

(H) Limiting the conditions imposed on the issuance of a permit to the telecommunications provider's access and usage of the public right-of-way, in accordance with § 116.04(C) of this chapter;

(I) 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 § 116.04(D) of this chapter;

(J) Not charging any telecommunications providers any additional fees for construction or engineering permits, in accordance with § 116.05 of this chapter;

(K) Providing each telecommunications provider affected by the city's right-of-way fees with a copy of this chapter, in accordance with § 116.10 of this chapter;

(L) Submitting an annual report to the Authority, in accordance with § 116.13 of this chapter; and

(M) Not holding a cable television operator in default for a failure to pay certain franchise fees, in accordance with § 116.14 of this chapter.

(Ord. 262, passed 10-21-02)

§ 116.17 RESERVATION OF POLICE POWERS.

Pursuant to Section 15(2) of the Act, this chapter shall not limit the city's right to review and approve a telecommunication provider's access to and ongoing use of a public right-of-way or limit the city's authority to ensure and protect the health, safety, and welfare of the public.
(Ord. 262, passed 10-21-02)

§ 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 at the Municipal Chapter Violations Bureau for violations under this chapter as provided by the city code.
(Ord. 262, passed 10-21-02)

§ 116.99 PENALTY.

A person who violates any provision of this chapter or the terms or conditions of a permit is responsible for a municipal civil infraction, and shall be subject to the local civil infraction fines as set forth in § 12.06 of this code. Nothing in this section shall be construed to limit the remedies available to the city in the event of a violation by a person of this chapter or a permit.
(Ord. 262, passed 10-21-02)

TITLE XIII: GENERAL OFFENSES

Chapter

**130.OFFENSES AGAINST CITY
REGULATIONS**

CHAPTER 130: OFFENSES AGAINST CITY REGULATIONS

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- 130.02 Discharging firearms
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- 130.15 Applicable statutory definitions
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- 130.99 Penalty

GENERAL PROVISIONS**§ 130.01 DISORDERLY CONDUCT.**

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) **PUBLIC PLACE.** A street, alley, park, public building or any place of business, grounds, parking lot, area or assembly in the city which is open to or frequented by the public.

(2) **PUBLIC VIEW.** Within the plain view of persons who are in or upon a public place.

(B) *Actions prohibited.* No person shall do any of the following:

(1) *Violations of statute.* Violate any criminal statute of the state of Michigan, the violation of which shall constitute a violation of this code of ordinances as if the state law provisions were set forth in full as ordinances of the city.

(2) *Prowling.* Loiter or prowl in a place within the city, at a time or in a manner not usual for law abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity.

(a) Among the circumstances which may be considered in determining alarm is the fact that the person takes flight upon appearance of a police officer, refuses to identify himself or endeavors to conceal himself or any object.

(b) Unless flight by the person or other circumstances makes it impracticable, a police officer shall, prior to any arrest for an offense under this division, allow the person an opportunity to dispel any alarm which would otherwise be warranted by requesting him to identify himself and explain his presence and conduct.

(c) No person shall be convicted of an offense under this provision if the police officer did not comply with the preceding section, or if it appears at trial that the explanation given by the person, if believed by the police officer at the time, would have dispelled the alarm.

(3) *Damaging property.*

(a) Willfully destroy, damage or in any manner deface any property not his or her own; or any public school building or part, equipment or furnishings thereof or therein; or any public or private building or part, equipment, or furnishings thereof or therein; or any bridge, fire hydrant, alarm box, street light, street sign, parking meter or shade tree belonging to the city or located in a public place in the city.

(b) Mark or post handbills on, or in any manner mar, the walls of a public building, or any fence, tree or pole in a public place within the city; or

(c) 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 authority from City Council or another authorized official custodian of such property.

(4) *Disturbances; fighting.* Engage in any disturbance, fight or quarrel, so as to irritate or disturb a reasonable person, in a public place.

(5) *Rough crowding.* Jostle or roughly crowd persons in a public place;

(6) *General trespass.* Knowingly or willfully enter upon the real property of another without the consent of the owner, lessee or other person rightfully in charge or in possession if:

(a) The premises are fenced or enclosed in a manner to exclude intruders; or

(b) Notice to stay off or leave the premises is personally communicated to the person by the owner, lessee or person rightfully in charge or in possession thereof; or

(c) Notice against trespass is given by posting the premises in a conspicuous manner.

(7) *Unlawful assemblies.* Collect or stand in crowds, or arrange, encourage or abet the collecting of persons in crowds in any public place for illegal or mischievous purposes.

(8) *Unlawful standing, congregating.* Individually, or with others stand, loiter, stroll or collect in a group or crowd without reasonable cause, and to the annoyance, inconvenience or interference of others in any place in the city, public or private.

(9) *Public urination.* Urinating in public place or public view as defined under division (A).

(10) *Snowmobiles.* Riding snowmobiles on city streets and alleys other than Center to Charles to Walnut Streets.

(Ord. 168, passed 3-9-87; Am. Ord. 257, passed 2-5-01) Penalty, see § 10.99

Cross-reference:

Disorderly conduct in public dance halls, see § 113.06

§ 130.02 DISCHARGING FIREARMS.

(A) Except for public law-enforcing officers in the performance of their duties, no person shall discharge firearms and weapons within the corporate limits of the city.

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Bangor - General Offenses

(B) Except for public law-enforcing officers in the performance of their duties, no person shall discharge BB guns, bow-and-arrows, pellet guns, slingshots and paintball guns on city-owned property and lands within the City of Bangor corporation limits, or on lands not owned by the person discharging said propellants.

(C) This provision does not apply to other city employees in specific act of protecting the wastewater lagoons from damage by animals if such employees have been granted a nuisance permit from the appropriate and authorized state office.

(D) Persons allowed to discharge propellants such as BB guns, bow-and-arrows, pellet guns, slingshots and paintball guns on property they own in the City of Bangor must be of legal age to do so or must be under the direct supervision of a “family-related” (by blood or marriage) adult or legal guardian.

(E) Nothing in this section shall be interpreted to mean that a person allowed to discharge propellants such as BB guns, bow-and-arrows, pellet guns, slingshots and paintball guns on property he or she owns in the City of Bangor may or may not also need to obtain permits from other governmental or regulating agencies.

(F) Nothing in this section shall be interpreted as relieving any person allowed to discharge propellants such as BB guns, bow-and-arrows, pellet guns, slingshots and paintball guns on property he or she owns in the City of Bangor from any and all liability which may result from his or her actions in discharging of propellants.

(G) Violations of any portion of this section are subject to Title I, Chapter 10 and Chapter 11 of the Code of ordinances for the City of Bangor, or as established specifically herein below.

(1) Violations of this section shall warrant increasing penalties as herein established:

(a) First offense: \$75 payable to the City of Bangor

(b) Second offense: \$100 fine payable to the City of Bangor

(c) Third offense: \$125 fine payable to the City of Bangor

(d) Fourth and repeating offenses: A fine not to exceed \$500 or imprisonment not more than 90 days, or both fine and imprisonment.

(2) A separate offense shall be deemed committed upon each incident of which a violation occurs.

(Ord. 33, passed 2-11-57; Am. Ord. 278, passed 1-22-07) Penalty, see § 10.99

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§ 130.03 LOITERING.

(A) *Title.* This section shall be known and may be cited as the “Loitering Ordinance.”

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

(1) **LOITERING.** Remaining idle in essentially one location and shall include the concept of spending time idly, loafing, or walking about aimlessly, and shall also include the colloquial expression, “Hanging Around.”

(2) **PUBLIC PLACE.** A street, alley, park, public building or any place of business, grounds, parking lot, area or assembly in the city which is open to or frequented by the public.

(C) *Prohibited acts.* No person shall, after being duly warned, loiter in a public place or place open to the general public in such a manner as to:

(1) Create or cause to be created, a danger of a breach of peace;

(2) Hinder or obstruct the free passage of pedestrians or vehicular traffic;

(3) Obstruct, molest, or interfere with a person to cause them fear for their safety;

(4) Disturb the comfort and repose of a person acting lawfully by such action as making unsolicited remarks of an offensive, disgusting, threatening, or insulting nature or which are calculated to annoy or disturb the person to whom made or in whose hearing they are made.

(D) *Order to leave.* Whenever such action or activity enumerated in division (C) above is taking place in a public place or place open to the general public, any police officer may order the person so acting, to cease and leave the premises or place.

(Ord. 197, passed 8-3-92) Penalty, see § 10.99

§ 130.04 CURFEW.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) **GUARDIAN.** Any person other than a parent, who has legal guardianship of a minor.

(2) **MINOR.** Any person under the age of 18.

(3) **PARENT.** The natural or adoptive parent of a minor.

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(4) **PUBLIC PLACE.** Any street, alley, highway, sidewalk, park, playground or place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose. A public place shall include but not be limited to any store, shop, restaurant, tavern, bowling alley, cafe, theater, drug store, pool room, shopping center and any other place devoted to amusement or entertainment of the general public. It shall also include the front or immediate area of the above.

(B) *Curfew for minors.* It shall be unlawful for any minor to remain, idle, wander, stroll or play in any public place either on foot or to cruise about without a set destination in any vehicle in, about or upon any place in the city between the hours of 10:00 p.m. and 7:00 a.m., Sunday through Thursday, and between the hours of 12:00 p.m. and 6:00 a.m. Friday through Saturday, unless accompanied by a parent, guardian, custodian or other adult person having custody or control of such minor or unless the minor is on an emergency errand or specific business or activity directed or permitted by his parent, guardian or other adult person having the care and custody of the minor or where the presence of such minor is connected with or required by some legitimate employment, trade, profession or occupation, or where such minor is participating in, going to, or returning from a lawful athletic, educational, entertainment, religious or social event, or interstate travel.

(C) *Responsibility of owners of public places.* It shall be unlawful for any person, firm or corporation operating or having charge of any public place including but not limited to places of amusement or entertainment, to knowingly permit or suffer the presence of minors under the age of 18 between the hours of 11:00 p.m. and 6:00 a.m.

(D) *Parents' responsibility.* It shall be unlawful for the parent, guardian or other adult person having custody or control of any minor under the age of 18 to suffer or permit or by inefficient control to allow such person to be on the streets or sidewalks or on or in any public property or public place within the City between the hours of 10:00 p.m. and 6:00 a.m. However, the provisions of this section do not apply to a minor accompanied by his parent, guardian, custodian or other adult person having the care, custody or control of the minor, or if the minor is on an emergency errand or specific business or activity directed by his parent, guardian, custodian or other adult having the care and custody of the minor, or if the parent, guardian or other adult person herein has made a missing person notification to the Police Department, or where such minor is participating in, going to, or returning from a lawful athletic, educational, entertainment, religious or social event, or interstate travel.

(E) *Special functions.* Any minor attending a special function or entertainment of any church, school, club, or other organization that requires such minor to be out at a later hour than that called for in division (B) above, shall be exempt from the provisions of division (B) above provided the church, school, club or other organization shall register in advance with the Chief of Police or his designate to have the minors stay out to this late hour. The registrant shall state the time the function or entertainment shall end, and the minors who attend the function shall be required to be in their homes or usual place of abode within one half hour after the function is ended.

(F) *Procedures.*

(1) Any police officer upon finding a minor in violation of this section shall ascertain the name and address of such minor and warn the minor that he is in violation of curfew and shall direct the minor to proceed at once to his or her home or usual place of abode. The police officer shall report such action to the parents, guardian, or person having custody or control of such minor.

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(2) If such minor refuses to heed such warning or direction by any police officer or refuses to give such police officer his correct name and address, or if the minor has been warned on a previous occasion that he or she is in violation of curfew, he or she shall be taken to the Police Department and the parent, guardian or other adult person having the care and custody of such minor shall be notified to come and take charge of the minor. If the parent, guardian or other adult person above cannot be located or fails to come and take charge of the minor, the minor shall be released to the juvenile authorities.

(G) Any minor violating the provisions of this section shall be dealt with in accordance with the Juvenile Court law and procedure. Any parent, guardian, or other adult person having the care and custody of a minor violating this section shall, after having been previously notified under division (F) above, be punished as provided in § 10.99.

(Ord. 159, passed 9-26-83) Penalty, see § 10.99

§ 130.05 PARENTAL RESPONSIBILITY

(A) *Purpose.* The ordinance is declared necessary for the preservation of the public peace, health, safety and welfare of the people of the City of Bangor and is intended to address situations where parents have failed to act responsibly in the supervision of their minor children to the detriment of the general public.

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

DELINQUENT ACTS. Those acts which violate the laws of the United States, the statutes of the state or ordinances of the City which would cause or tend to cause the minor to come under the jurisdiction of the juvenile division of the Probate Court as defined by MCLA § 712A.2.

HABITUAL OFFENDER. One who commits two or more criminal acts or a combination of four or more criminal acts and/or moving traffic violations within a twelve month period.

MINOR. Any person under the age of 18 years residing with a parent.

PARENT. Mother, father, legal guardian and any person having the care or custody of a minor, or any person acting in the parents' stead who have custody or control over the minor.

(C) *Parental duties.*

(1) It is the continuous duty of the parents of any minor to exercise reasonable control to prevent the minor from committing any delinquent act.

(2) Included (without limitation) in this continuous duty of responsible parental control are the following obligations:

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(a) Know the Curfew Ordinance of the City of Bangor and to require the minor to observe the curfew ordinance.

(b) Require the minor to attend regular school sessions and to prohibit the minor or to forbid the minor to be absent from class without parental or school permission.

(c) Arrange proper supervision for the minor when the parent is absent.

(d) Take the necessary precautions to prevent the minor from maliciously or willfully destroying real, personal or mixed property which belongs to the City of Bangor, or is located in the City of Bangor.

(e) Forbid the minor from keeping stolen property, illegal firearms or illegal drugs, or associating with known juvenile delinquents.

(f) Seek help from appropriate governmental authorities or private agencies in handling or controlling the minor, when necessary.

(D) *Notification to parents and record of notification.*

(1) Whenever a minor is arrested or detained for the commission of any delinquent act within the City of Bangor, the parent shall be immediately notified by the Bangor City Police Department, advising the parent of such arrest or detention, the reason therefore, and the parent's responsibility under this section.

(2) A record of such notifications shall be kept by the Bangor Police Department.

(E) *Parental violation and penalty.*

(1) If a minor commits a delinquent act, the parent shall be guilty of a violation of this section if it is proven that any act, word or non-performance of parental duty by the parent encouraged, contributed toward or tended to cause the commission of the delinquent act by the minor.

(2) Upon the first conviction of a violation of this section, the parent shall be subject to a fine of not less than \$75.00 dollars nor more than \$100.00 dollars.

(3) Upon the second conviction of a violation of this section, the parent shall be subject to a fine of not less than \$100.00 dollars, nor more than \$500.00 dollars and in addition, shall be sentenced to probation with the condition that the parent participate in, through completion, a court-approved, community-based treatment program (such as parenting skills, family services, employment training, etc.), or in the discretion of the court, be imprisoned for a period of not less than 15 days nor more than 30 days.

(4) Upon the third or subsequent violation and conviction, the parent shall be subject to a fine of not less than \$250.00 dollars nor more than \$500.00 dollars, and in the discretion of the court, imprisoned for a period of not less than 15 days nor more than 90 days.
(Ord. 236, passed 2-16-98)

ALCOHOLIC BEVERAGES OFFENSES

§ 130.15 APPLICABLE STATUTORY DEFINITIONS.

The following words and phrases used in this subchapter, from the Michigan Liquor Control Act, being M.C.L.A. §§ 436.1 et seq., shall be construed as defined in this section, unless the context shall otherwise require:

ALCOHOL. The product of distillation of fermented liquid, whether rectified or diluted with water or not, whatever may be the origin thereof. It does not mean ethyl and/or industrial alcohol, diluted or not, that has been denatured or otherwise rendered unfit for beverage purposes.

ALCOHOLIC LIQUOR. Any spirituous, vinous, malt or fermented liquor, liquids and compounds, whether or not medicated, proprietary, patented, and by whatever name called, containing ½ of 1% or more of alcohol by volume which are fit for use for beverage purposes. The commission shall define and classify ***ALCOHOLIC LIQUOR*** according to alcoholic content as belonging to one of the varieties hereinafter defined.

BEER. Any beverage obtained by alcoholic fermentation of an infusion or decoction of barley, malt, hops, and/or other cereal in potable water.

BRANDY. An alcoholic liquor as defined in 27 CFR 5.22.

MIXED SPIRIT DRINK. A drink produced and packaged or sold by a mixed spirit drink manufacturer or an outside seller of mixed spirit drink which contains 10% or less of alcohol by volume consisting of distilled spirits mixed with nonalcoholic beverages or flavoring or coloring materials and which may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, or preservatives.

MIXED WINE DRINK. A drink or similar product marked as a wine cooler and containing less than 7% alcohol by volume, consisting of wine and plain, sparkling, or carbonated water, and containing one or more of the following:

- (1) Nonalcoholic beverages;
- (2) Flavoring;

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- (3) Coloring materials;
- (4) Fruit juices;
- (5) Fruit adjuncts;
- (6) Sugar;
- (7) Carbon dioxide; or
- (8) Preservatives

SACRAMENTAL WINE. Wine containing not more than 24% alcohol by volume which is used for sacramental purposes.

SPIRITS. Any beverage which contains alcohol obtained by distillation mixed with potable water and other substances, or both, in solution and includes wine containing an alcoholic content of more than 21% by volume, except sacramental wine and mixed spirit drinks.

WINE. The product made by normal alcoholic fermentation of the juice of sound, ripe grapes, or any other fruit with the usual cellar treatment, and containing not more than 21% of alcohol by volume, including fermented fruit juices other than grapes and mixed wine drinks.
(Ord. 145, passed 10-14-80)

§ 130.16 MINORS PURCHASING, POSSESSING OR TRANSPORTING ALCOHOLIC BEVERAGES PROHIBITED.

No person under the age of 21 years shall purchase or knowingly possess or transport or have under his control in any motor vehicle, boat, or other conveyance, any alcoholic liquor, unless the person is employed by a licensee under the laws of the State of Michigan and is so possessing, transporting or having such alcoholic liquor under his control during regular working hours and in the course of his employment.
(Ord. 145, passed 10-14-80) Penalty, see § 10.99

§ 130.17 FURNISHING ALCOHOLIC BEVERAGES TO OR PROCURING FOR MINORS PROHIBITED.

(A) No person shall wilfully give or furnish any alcoholic liquor or beverage to a minor except upon authority of and pursuant to a prescription of a duly licensed physician or in conjunction with established religious practices.

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(B) It shall be unlawful to give, loan or otherwise furnish to any minor a birth certificate or other document evidencing age or identity for the purpose of assisting any minor to obtain beer, wine or any other alcoholic beverage. The possession and use of such document shall be prima facia evidence that such document was furnished to such minor for the purpose of assisting in the purchase or procurement of such alcoholic beverage.

(Ord. 145, passed 10-14-80) Penalty, see § 10.99

§ 130.18 MISREPRESENTING AGE PROHIBITED.

No person under the age of 21 years shall by any documentary evidence falsely represent himself or any other person to be 21 years of age or over for the purpose of purchasing or attempting to purchase any alcoholic liquor; nor shall any person under the age of 21 give other false information regarding his age or the age of another person selling alcoholic liquor, for the purpose of securing a sale thereof to himself or any other person under the age of 21 years.

(Ord. 145, passed 10-14-80) Penalty, see § 10.99

§ 130.19 PUBLIC CONSUMPTION; OPEN CONTAINERS.

No alcoholic liquor shall be consumed on or in any public highway, street, alley, sidewalk, waterway, park, cemetery, parking lot, school grounds, place of amusement or recreation, or any other public place within the city; and any person who shall be found in or upon any such public place having in his possession an open receptacle or container containing any alcoholic beverage shall be deemed guilty of a violation of this section.

(Ord. 145, passed 10-14-80) Penalty, see § 10.99

§ 130.20 ALCOHOLIC BEVERAGES ON SCHOOL PROPERTY.

No person shall possess or consume any alcoholic beverage on any parking lot, playground, playfield or grounds of a public, private, or parochial school, without the expressed permission of the administration of such educational institution.

(Ord. 145, passed 10-14-80) Penalty, see § 10.99

GRAFFITI

§130.30 TITLE. §§ 130.30 through 130.99 shall be known and may be cited as the City of Bangor Anti-Graffiti Abatement Ordinance.

(Ord. 237, passed 3-2-98)

§130.31 DEFINITIONS.

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

GRAFFITI. Any unauthorized inscription, word, figure, symbol, drawing, design, painting, or other defacement that is written, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to or on any surface of property within the boundaries of the city by or with, but not limited to, any of the following: felt tip marker, paint stick or graffiti stick, or graffiti implement.

GRAFFITI IMPLEMENT. An aerosol paint container, felt tip marker, gum label, paint stick or graffiti stick, etching tool, or any other device capable of scarring or leaving a visible mark on glass, metal, wood, stone, brick, concrete or any other surface.

AEROSOL PAINT CONTAINER. Any aerosol container which is adapted or made for the purpose of applying spray paint, or other substance capable of defacing property.

FELT TIP MARKER. Any indelible marker or similar implement with a tip which, at its broadest width is greater than one-eighth of an inch, containing ink or other pigmented liquid which is not water-soluble.

PAINT STICK OR GRAFFITI STICK. Any device containing a solid form of paint, chalk, wax, epoxy, or other similar substance capable of being applied to a surface by pressure, and upon application, of leaving a mark at least one-eighth of an inch in width.
(Ord. 237, passed 3-2-98)

§ 130.32 POSSESSION OF GRAFFITI IMPLEMENT BY MINORS.

(A) It is unlawful for any person under the age of 18 years to have in his or her possession any graffiti implement with unlawful intent while on any public property or on any private property, other than the minor's home.

(B) The provisions of this section shall not apply to the possession of felt tip markers by minors attending, or traveling to or from school at which the minor is enrolled, if the minor is participating in a class at a school which formally requires the possession of felt tip markers.

(C) The provisions of this section shall not apply to persons under the age of 18 years who require any graffiti implements in the course of lawful employment or for other lawful uses with written proof of the same from an employer, parent, or guardian.
(Ord. 237, passed 3-2-98)

§130.33 INJURING, REMOVING PROPERTY OF ANOTHER

(A) It shall be unlawful for any person to willfully, maliciously, wantonly, negligently, or otherwise 1999 S-2

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injure, deface, destroy, alter, or remove real or personal property of another by any means without the consent of the owner.

(B) It shall be unlawful for any person to paint, inscribe, write or scrape messages, words, numbers, symbols, or any other type of picture upon a house, building, structure or other property of another without expressed consent of the owner, or to willfully and maliciously destroy or injure any appurtenance to such house, building, structure or property, including lawns, shrubs, trees, pools, signage, gardens, and mail receptacles.

(C) It shall be unlawful for any person to use any paint, spray paint, pigment or similar means to injure, deface or destroy the house, building, structure or other property of another, including the making of any drawing inscription, design, scribbling, motto, picture, pictograph or other markings, commonly referred to as graffiti.

(D) It shall be the duty of the owner of any house, building, structure, or other property marked or defaced as defined in this section to remove or paint over such markings so as to minimize the addition of further markings and other blight upon the property. The presence of such markings upon any house, building, structure or other property within the limits of the city is hereby declared to be a public nuisance. Any owner removing markings pursuant to this subchapter shall be entitled to restitution on an amount determined by the court for the cost of removing those markings, such restitution to be paid by any person convicted under this section of making those markings.

(Ord. 237, passed 3-2-98)

§ 130.34 REMOVAL OF GRAFFITI BY PERPETRATOR.

(A) Any person applying graffiti within the boundaries of the city shall have the duty to remove same immediately.

(B) Any person applying graffiti shall be responsible for the removal or payment of same.

(C) Failure of any person to remove graffiti or pay for its removal shall constitute an additional violation of this subchapter. Where graffiti is applied by an unemancipated minor, the parent(s) or legal guardian(s) shall also be responsible for such removal or for the payment therefor, pursuant to M.C.L. 600.2913 and as otherwise provided by this subchapter and by law.

(Ord. 237, passed 3-2-98)

§ 130.35 NOTICE TO PROPERTY OWNER OF GRAFFITI NUISANCE.

It is the duty of the city of Bangor to give notice of any violation of this subchapter. Notice shall be given by any one of the following methods: personal service, written notice, and/or posting.

(A) *Personal service.* Personal notice must be made to the property owner(s) or agent in violation

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of this subchapter as shown on the city tax assessment rolls for said property. The property owner then shall have up to seven days to either appeal the notice, or remove, or paint over any markings.

(B) *Written notice.* Notice in writing shall be by either certified or registered mail to every person shown on the tax assessment rolls for said property. The property owner shall have up to seven days to either appeal the notice or remove or paint over any markings.

The written notice shall read substantially as follows:

Name and address
Tax roll number
Date

Notice of provisions of
The Graffiti Abatement Ordinance

According to the assessment records of this city, you appear to be the owner of the above described property which is subject to the graffiti abatement ordinance of the city of Bangor.

Notice is hereby given in accordance with the aforementioned ordinance provisions that it is the responsibility of the owner of property within the city to remove or paint over all drawings, inscriptions, designs, scribbles, mottoes, pictures, pictographs, or other markings commonly referred to as graffiti.

In the event of failure to comply with this notice on or before the date mentioned, in accordance with the above code provisions, the city shall cause the graffiti or other markings to be removed or painted over. The expense incurred by the city, together with a ten percent administrative charge, will be levied and collected against such property in the manner provided by law.

You have the right to appeal the city's notice by contacting the city of Bangor hearing officer at 257 W. Monroe Street, Bangor, Michigan, 49013, in writing, of your desire to appeal, within seven days of the date of this notice. You will be notified of the time and place of the hearing.

City of Bangor

(C) *Posting.* When service cannot be made by either of the above methods, and after diligent efforts to locate the whereabouts of the owner and/or agent, the city shall do the following:

- (1) Mail the written notice as set forth in § 130.35 to the owner(s) by first class us mail, postage prepaid.
- (2) Post a copy of said written notice as set forth in § 130.35 on a conspicuous part of the property in violation.

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The property then shall have up to seven days to either appeal the notice or remove or paint over any markings.

(Ord. 237, passed 3-2-98)

§ 130.36 OPPORTUNITY FOR HEARING AND EXTENSIONS FOR REMOVAL.

(A) Any property owner(s) notified may contact the Bangor city hall hearing officer, within seven days from the date of the notice and request a hearing to show cause why the notice was incorrect.

(B) The hearing officer shall be the code enforcement officer who will:

(1) Provide the property owner(s) with an opportunity to be heard regarding the dispute concerning the graffiti

(2) Hear such evidence as the property owner(s) may have regarding the dispute.

(3) Review the notice, perform such additional investigation of the matter as may be determined to be warranted, and correct any errors. Such hearings shall be informal and the decision of the hearing officer shall be final.

(C) The code enforcement officer, or his or her designee, may extend the time period allotted for the removal of the graffiti if the code enforcement officer determines that compliance within the time specified would place an undue burden on the property owner(s).

(Ord. 237, passed 3-2-98)

§ 130.37 REMOVAL OF GRAFFITI BY CITY.

Upon the failure, neglect, or refusal of any owner so notified to properly paint over or remove any graffiti within seven days after receipt of said notice provided for in § 130.35, or within seven days after the date of such notice in the event of the same is returned to the city because of the inability of the post office to deliver, provided the same was properly addressed to the last known address of such owner, the department of public works and its authorized representatives are hereby empowered to enter upon the property for the purpose of accomplishing abatement of the nuisance by removal or elimination of such graffiti by the city.

(Ord. 237, passed 3-2-98)

§ 130.38 COSTS OF GRAFFITI REMOVAL.

(A) Whenever the department of public works or its authorized representatives enters upon any parcel of land in order to accomplish abatement of such an existing nuisance, pursuant to the provisions of this subchapter, the director of the department of public works is authorized and directed to keep an

accurate account of all expenses incurred, and based upon same issue a certificate determining and certifying the reasonable cost involved for such work with respect to each parcel of property. The superintendent is also authorized to add to such costs a ten percent administrative charge or a \$100.00 service charge, whichever is greater, to cover the expense of administering the work performed, overhead, and other contingent expenses. Within ten days after receipt of the certificate, the city treasurer shall forward a statement of the total charges assessed on each parcel of the property to the owner as shown by the last current assessment or tax roll, and that assessment shall be payable to the city treasurer within 30 days from the date the statement was forwarded.

(B) If not paid within the prescribed 30 day period, the statement shall be filed with the city assessor and shall then be assessed against the land in question and become a lien on such property as provided by law. The amount charged may be discharged at any time by the payment of the amount specified in the statement, together with interest at the rate of six percent per year compiled from the time of filing said certificate with the City assessor. The amount shall be a debt of the person to whom assessed until paid and, in case of delinquency, may be enforced as delinquent City property taxes or by a suit against such person.

(Ord. 237, passed 3-2-98)

§ 130.99 PENALTY.

Any person or anyone acting on behalf of said person who shall violate any provision of this subchapter and code hereby adopted, or who shall fail to comply with any of the requirements, shall be guilty of a misdemeanor and shall upon conviction be subject to a fine of not more than \$100.00. Each day that a violation of this subchapter is continued or permitted to exist without compliance shall constitute a separate offense punishable upon conviction in the manner prescribed in this section.

(Ord. 237, passed 3-2-98)

TITLE XV: LAND USAGE

Chapter

150. BUILDING REGULATIONS

151. DOWNTOWN DEVELOPMENT

152. PLANNING

153. SUBDIVISIONS

154. ZONING

155. LAND DIVISION

156. CONDOMINIUMS

157. CERTIFICATES OF OCCUPANCY

158. WELLHEAD PROTECTION OVERLAY ZONE

CHAPTER 150: BUILDING REGULATIONS

Section

General Provisions

- 150.01 Purpose
- 150.02 Electric Code adopted
- 150.03 Codes adopted; amendments
- 150.04 Enforcing agent for State Construction Code Act
- 150.05 Housing Commission
- 150.06 Construction of fall out shelters
- 150.07 International Mechanical Code adopted

Building Authority

- 150.35 Name
- 150.36 Purpose
- 150.37 Number, terms and appointment
- 150.38 Compensation
- 150.39 Powers and duties
- 150.40 Amendment to articles of incorporation

GENERAL PROVISIONS

§ 150.01 PURPOSE.

The purpose of this section shall be to adopt the State Construction Codes which have adopted the International Code Council Codes as the codes in effect and administered in the City of Bangor. These codes include the 2003 codes titled as follows: International Building Code, Vol. 1 and 2; International Existing Buildings Code; International Fire Code; International Fuel Gas Code; International Mechanical Code; International Plumbing Code; International Property Maintenance Code; the International Electrical Code, and the International Residential Code, Vol. 1 and 2. These codes establish minimum regulations for construction and maintenance of new and existing buildings, residential structures and property within the City of Bangor that are essential to ensure safe and sanitary construction, occupation and maintenance of said structures and property.
(Ord. 199, passed 4-19-93; Am. Ord. 222, passed 3-3-97; Am. Ord. 275, passed 3-21-05)

§ 150.02 ELECTRIC CODE ADOPTED.

The *National Electric Code of 1996* as amended, as rules governing the installation, replacement, alteration, relocation and use of electrical systems or material shall be those rules contained in the National Electric Code, current edition as published by the National Fire Protection Association. The National Electric Code of 1996 as amended, is hereby incorporated by reference and is available from the National Fire Protection Association, Battermarch Park, Quincy, Mass. 02269, and also being on file in the office of the City Clerk.

(Ord. 201, passed 4-19-93; Am. Ord. 225, passed 3-3-97)

§ 150.03 CODES ADOPTED; AMENDMENTS.

(A) *Building and Property Maintenance Code Adopted, Amendments and Revisions Adopted.* The City of Bangor adopts the 2003 State Construction Codes which adopt the International Code Council (ICC) Codes known as the International Building Code, Vol. 1 and 2; International Existing Buildings Code; International Fire Code; International Fuel Gas Code; International Mechanical Code; International Plumbing Code; International Property Maintenance Code; and the International Residential Code, Vol. 1 and 2 pursuant to Public Act 230 of 1972, being M.C.L.A. §§ 125.1501 through 125.1531. Future amendments and revisions when they are promulgated and effective are incorporated and adopted by reference.

(B) *References in Codes.*

(1) References in the codes (Section 101.1) to a "governmental unit" or "name of jurisdiction" shall mean the City of Bangor.

(2) References in the codes (Section 103.6, Section 106.6.2 and Section 1612.3) to a "schedule of fees and rates" for fees, permits, penalties, etc. shall mean those adopted from time to time by the City Council as per § 10.99 of the Codified Ordinances, Ordinance 252, Rates and Fees; Ordinance 257 Municipal Civil Infractions; and Ordinance 263, Weeds and Grasses.

(3) References in the codes (Section 303.14) to a "beginning and ending date" for screens to be in place and operable shall mean between May 1 and October 31.

(4) References in the codes (Section 602.3) to a "beginning and ending date" for maintaining a temperature shall mean between October 1 and April 30.

(5) References in the codes (Section 602.4) to a "beginning and ending date" for maintaining a temperature shall mean between October 1 and April 30.

(6) References in the codes (Section 1612.3) to a "date" of the FEMA Flood Insurance Map in effect in the city shall mean the date of latest map (1989).

(7) References in the codes (Section 3409.2) to a "date" of applicability of codes beginning with the first adoption of codes by the municipality shall mean October 23, 1961.

(8) References in the codes (303.2(1)) to a "design criteria" shall mean snow load - C3, basic wind speeds - 90; seismic design – B; weathering probability – severe; frost line depth – per building inspector; termite infestation – moderate to heavy; decay probability – slight to moderate; winter design temperature – 5; and flood hazard – FEMA FIRM 1989.

(9) References in the codes to "location" where a copy of the codes shall be available to viewing shall mean Bangor City Hall, 257 West Monroe Street, Bangor, MI, 49013 by arrangement with the Building Inspector and/or City Clerk.

(10) References in the codes to those authorized to enforce the codes shall mean those identified by the City Council as per §§ 11.01 through 11.07, Rates and Fees; §§ 12.01 through 12.07, Municipal Civil Infractions; and this chapter. These are generally identified as the person or persons holding title as the Building Inspector, the Mechanical Inspector, the Electrical Inspector, the Code Enforcement Officer, the Chief of Police and the City Manager.

(11) References to the Property Maintenance Code in brief means the Code:

(a) Provides for the maintenance of property, structures and equipment located in the city.

(b) Provides notice to owners, occupants or other responsible parties of violations and requirements to correct violations.

(c) Provides for the appointments and outlines the duties and responsibilities of enforcement officials.

(d) Authorizes closing of structures that are not fit for occupancy, the posting of notice of closing and prohibits occupancy of such structures.

(e) Authorizes the building inspector to take emergency action when there is a dangerous condition.

(f) Upon notice by the building inspector, requires owners or persons in control of unsafe or unsanitary structures to repair or remove the structure; allows the city to remove such structure in the event that the owner or person in control fails to do so; and authorizes the city to place a lien upon the property to recover costs of demolition.

(g) Designates a board of appeals and provides the procedures for an appeal of a decision or order of the building inspector.

(h) Requires owners of property to maintain the exterior of such property:

1. In a safe, sanitary and clean condition;
2. Graded to prevent erosion or accumulation of water;
3. By keeping sidewalks in good repair;
4. Free of weeds or plant growth over eight inches in height;
5. By preventing discharge of smoke, odor or gases to adjacent properties;
6. In good repair, including exterior surfaces and structures;
7. By limiting or prohibiting unregistered vehicles;
8. By prohibiting outside storage of vehicles in disrepair;
9. By requiring display of house number;
10. By maintaining windows and screens, and doors in good repair and operable

condition.

11. Requires owners to maintain the interior of structures, including interior surfaces and structural members;

12. Requires owners and occupants to keep exteriors and interiors neat and clean, free of accumulation of garbage or rubbish, except in approved containers;

13. Requires owners and occupants to keep property free of rodents;

14. Requires adequate interior and exterior lighting by windows and and/or artificial lighting;

15. Requires adequate ventilation by windows or mechanical exhaust systems;

16. Provides for minimum dimensions of rooms in dwellings and lodging units, egress from bedrooms, accessibility to bathrooms and provides maximum numbers of occupants in a dwelling unit;

17. Requires owners to provide and maintain adequate plumbing, including required bathroom and drinking facilities for dwelling and lodging units;

18. Requires adequate sanitary water supply system for all plumbing fixtures and

specifies location and operation of water heaters;

19. Requires all plumbing fixtures to be connected to public sanitary sewer or other approved private sewer system;

20. Prohibits storm drainage that creates a public nuisance;

21. Requires owners to install adequate mechanical facilities and maintain the facilities in good working order, including:

i. Heating facilities in dwelling and indoor spaces;

ii. Fireplaces and stoves

iii. Cooking facilities

22. Requires owners to maintain electrical systems in compliance with the specifications of the code and the state electrical code, free of hazards and requires laundry and bathroom receptacles to be grounded.

23. Requires owners to be responsible for fire safety by:

i. Providing and maintaining unobstructed and adequate means of egress/exit from any building.

ii. Providing and maintaining barriers to resist movement of smoke in certain circumstances.

iii. Providing and maintaining handrails for stairs with more than four steps and on porches or decks of greater than 30 inches above adjoining grade.

iv. Providing and maintaining proper signage of floor numbers and exits for certain buildings.

v. Providing and maintain an emergency exit from sleeping rooms.

vi. Prohibiting storage of combustibles, explosives or hazardous materials except in accordance with fire codes.

vii. Installing and maintaining required fire suppression systems.

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viii. Installing and maintaining fire doors and fire resistant materials as required.

ix. Installing and maintaining smoke detectors in sleeping areas in residences and group homes.

(C) *Copy available.* A complete copy of the codes are available to the public at the office of the Clerk for inspection.

(D) *Penalty.* The penalties provided by the codes are found in the codes as well as § 10.99. (Ord. 198, passed 4-19-93; Am. Ord. 221, passed 3-3-97; Am. Ord. 275, passed 3-21-05)

§ 150.04 ENFORCING AGENT FOR STATE CONSTRUCTION CODE ACT.

Pursuant to the provisions of Public Act 230 of 1972, § 9, being M.C.L.A. § 125.1509, the Building Inspector of the city is hereby designated as the enforcing agency to discharge the responsibilities of the city under Public Act 230 of 1972, being M.C.L.A. §§ 125.1501 through 125.1531. The city hereby assumes responsibility for the administration and enforcement of said Act throughout its corporate limits. (Ord. 100, passed 11-12-74)

§ 150.05 HOUSING COMMISSION.

(A) Pursuant to Public Act 18 of 1933 (Extra Session), being M.C.L.A. §§ 125.651 et seq., a commission is hereby created in and for the city to be known as the “Bangor Housing Commission.”

(B) The Mayor is hereby directed to appoint the members of the Housing Commission. (Ord. 80, passed 9-13-71)

§ 150.06 CONSTRUCTION OF FALL OUT SHELTERS.

(A) The building of fall out shelters and/or bomb shelters is determined to be in the public interest and welfare.

(B) All persons who build or construct fall out shelters or bomb shelters shall in the event of construction obtain a permit for same from the city and such permit shall be given free of charge provided the construction is approved by the Building Inspector.

(C) The Clerk shall transmit all information received regarding fall out shelters or bomb shelters, to the Director of Civil Defense within ten days from date received. (Ord. 47, passed 10-23-61)

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Building Regulations

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§ 150.07 INTERNATIONAL MECHANICAL CODE ADOPTED.

(A) Certain documents, three copies of which are on file in the office of the City Clerk, being marked and designated as the *International Mechanical Code*, including Appendix Chapters [Appendix

A and Appendix B], as published by the International Code Council, be and is hereby adopted as the code of the city for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems in the city and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such *International Mechanical Code, 1996 edition*, published by the International Code Council, 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 section.

(B) The following sections are hereby revised:

- (1) Section 101.1. Insert: City of Bangor.
- (2) Section 106.5.2. Insert: As set in Appendix B.
- (3) Section 106.5.3. Insert: 50% and 75%.
- (4) Section 108.4. Insert: Misdemeanor - \$500.00 - 90 days.
- (5) Section 108.5. Insert: \$50.00 and \$500.00
- (6) Chapter 16, Codes. Insert: BNBC-96 and BNFPC-96.

(C) The International Mechanical Code 1996 edition is hereby amended by adopting the 1997 Supplement, three copies of which are on file in the office of the City Clerk.
(Ord. 224, passed 3-3-97; Am. Ord. 231, passed 5-5-97)

(D) Pursuant to the provision of the Michigan Mechanical Code, in accordance with Section 9 of Act 230, P.A. 1972, as amended, the Mechanical Official of the city is hereby designated as the enforcing agency to discharge the responsibility of the city under Act 230, P.A. 1972, as amended, State of Michigan. The city assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.
(Ord. 223, passed 3-3-97; Am. Ord. 238, passed 10-19-98)

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BUILDING AUTHORITY

§ 150.35 NAME.

(A) The name of the authority shall be “Bangor Building Authority.”

(B) The name of the unit incorporating the authority is the “City of Bangor.”
(Ord. 152, passed 11-23-81)

§ 150.36 PURPOSE.

The purpose for which the Building Authority is incorporated is to provide for an authority to acquire, furnish, equip, own, improve, enlarge, operate, and/or maintain a building or buildings, automobile parking lots or structures, recreational facilities, stadium and the necessary site or sites therefor together with appurtenant properties and facilities necessary or convenient for the effective use thereof, for use for any legitimate public purpose of the city, to authorize the execution of contracts pertaining to such property and the use thereof, to provide for the issuance of revenue bonds by such authority, and to provide other powers, rights and duties of the authority, including those for the disposal of its property.

(Ord. 152, passed 11-23-81)

§ 150.37 NUMBER, TERMS AND APPOINTMENT.

The following shall be members of the Building Authority: The City Manager and City Assessor shall be ex-officio members. There shall be five other persons, residents of the city, appointed by the Mayor as follows: One of the members shall be appointed for a term of five years; one of the members shall be appointed for a term of four years; one of the members shall be appointed for a term of three years; one of the members shall be appointed for a term of two years; one of the members shall be appointed for a term of one year. Their successors shall be, in all cases, appointed for a term corresponding to the term of the member who is being replaced or succeeded, and all appointments to fill vacancies shall be for the unexpired term provided that the members of the City Council shall not be eligible for membership or appointment to the Bangor Building Authority Commission.

(Ord. 152, passed 11-23-81)

§ 150.38 COMPENSATION.

The members of the Building Authority shall receive no compensation for their services on the Authority. The Authority shall select one of its members as a Chairman and one as a Secretary to record the proceedings of its meetings.

(Ord. 152, passed 11-23-81)

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Building Regulations

§ 150.39 POWERS AND DUTIES.

(A) The Building Authority shall be a body corporate, with power to sue and be sued in any court of this state. It shall possess all the powers necessary to carry out the purpose of its incorporation and those incidental thereto. Enumeration of any powers shall not be construed as a limitation upon such general powers. The Building Authority and the city shall have power to enter into contract or contracts whereby the Authority will acquire property contemplated by the terms of its purpose and Public Act 31

of 1948 (First Extra Session), as amended, being M.C.L.A. §§ 123.951 through 123.964, and lease the same to the city for a period not to exceed 50 years. The consideration specified in such contract for such use shall be subject to increase by the Authority if necessary in order to provide funds to meet its obligations. Any rental obligation or consideration applicable to the city under such contract, shall not be considered as indebtedness of the city within the meaning of any statutory or charter debt limitation of the city. With the consent of the Authority as contained in the contract or otherwise secured, any incorporating unit or units to which the property is leased, may sublease the property or any part thereof to any one or more persons, firms or corporations or may contract for the use of the property or any part thereof by any one or more persons, firms or corporations, where the sublease or contract benefits and serves a legitimate public purpose of the lessor. Any sublease or contract may extend for a period not to exceed 50 years and is not a franchise or grant within the meaning of any statutory or charter provision.

(B) The acquisition of any stadium with appurtenant properties and facilities by any authority and the contracting for the lease thereof by any incorporating unit or units, for the purpose of providing facilities for sports, recreational and other activities and events, with or without admission charges, and furnishing facilities for use or enjoyment by the public and to induce sports and entertainment organizations whether amateur or professional to utilize the facilities for games, contests, and other performances and attractions and thus to increase business activity and employment, constitutes a benefit to and a legitimate public purpose of the Authority and the city. Where any stadium with appurtenant properties and facilities is acquired by the Authority and leased to any incorporating unit or units, the subleasing thereof to, or the contracting for the use thereof by, any sports, entertainment or similar organization or any owner and, if necessary, the league or association to hold, conduct or produce games, contests and other performances and attractions in such stadium, with or without admission charges, constitutes a benefit to and a legitimate public purpose of the city.

(C) The Authority may acquire property by purchase, construction, leased gift, devise or condemnation, and for the purpose of condemnation it may proceed under the provisions of Public Act 149 of 1911, as now or hereafter amended, being M.C.L.A. §§ 213.21 through 213.41, or any other appropriate statute. The City Council by a majority vote of the members thereof may transfer any real property except cemetery owned by the city to the Building Authority established herein.

(D) For the purpose of acquiring, improving, and/or enlarging any such building or buildings, automobile parking lots or structures, recreational facilities, stadiums, and the necessary site or sites therefor together with appurtenant properties and facilities necessary or convenient for the effective use thereof, and furnishing and equipping the same, the Authority may issue self-liquidating revenue bonds in accordance with and subject to, the provisions of Public Act 94 of 1933, as now or hereafter

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amended, being M.C.L.A. §§ 141.101 through 141.138, except that the bonds may be either serial bonds or term bonds or any combination thereof as shall be determined by the Authority. Such bonds shall be payable solely from the revenues of such property, which revenues shall be deemed to include payments made under any lease or other contract for the use of such property. Where and to the extent that the bonds are payable from revenues derived from payments to be made pursuant to any lease or other contract obligations, the bonds shall be deemed to be issued in anticipation of contract obligations and such obligations shall be deemed to be contract obligations in anticipation of which bonds are issued, within the meaning of Section 6 or Article 9 of the constitution. No such bonds shall be issued unless the property whose revenues are pledged has been leased by the Authority for a period extending beyond the last maturity of the bonds. For the purposes of Section 33 of said Act, being M.C.L.A. § 141.133, the limits of the authority shall be deemed to coincide with those of the city. If a sufficient referendum petition shall be filed as provided in the section requesting a referendum upon the question of the issuance of revenue bonds by the Authority then such question may be submitted by the Commission of the Authority at any general or special election to be held within the city. All property owned by the Authority shall be exempt from taxation by the state or any taxing unit therein. When all bonds issued pursuant to the provisions of this subchapter shall have been retired, then the Authority shall convey the title to the property acquired hereunder to the city in accordance with the provisions therefor contained in the Articles of Incorporation or, if there be no such provisions, then in accordance with the directions of the City Council, or according to any agreement adopted by the respective governing body of the incorporating unit or units. The powers herein granted shall be in addition to those granted by any statute or charter.

(Ord. 152, passed 11-23-81)

§ 150.40 AMENDMENT TO ARTICLES OF INCORPORATION.

(A) Amendments may be made to the Articles of Incorporation if adopted by the City Council, provided, that no such amendment shall impair the obligations of any bonds or other contract.

(B) Each amendment shall be adopted, executed and published, and certified, printed copies filed in the same manner as provided in Public Act 31 of 1948 (First Extra Session), as amended, being M.C.L.A. §§ 123.951 through 123.964.

(C) The Authority shall adopt by-laws to govern the conduct of its business. The by-laws may be amended from time to time by the Authority.

(Ord. 152, passed 11-23-81)

CHAPTER 151: DOWNTOWN DEVELOPMENT

Section

Tax Increment Financing and Development Plan

- 151.01 Findings
- 151.02 Public purpose
- 151.03 Approval and adoption of plan
- 151.04 Preparation of assessment rolls
- 151.05 Establishment of project fund
- 151.06 Payment of tax increments to Authority
- 151.07 Use of moneys in project fund
- 151.08 Annual report
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Downtown Development Authority

- 151.20 Creation of Authority; articles of incorporation
- 151.21 Name
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- 151.23 Directors and management
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- 151.27 Assets and financing
- 151.28 Effective date
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- 151.31 By-laws

TAX INCREMENT FINANCING AND DEVELOPMENT PLAN**§ 151.01 FINDINGS.**

(A) The development plan included in the Tax Increment Financing and Development Plan meets the requirements set forth in Public Act 197 of 1975, § 17(2), being M.C.L.A. § 125.1667(2), and the tax increment financing plan meets the requirements set forth in Public Act 197 of 1975, § 14(2), being M.C.L.A. § 125.1664(2).

(B) The proposed method of financing the development is feasible and the Downtown Development Authority has the ability to arrange the financing.

(C) The development is reasonable and necessary to carry out the purposes of Public Act 197 of 1975, as amended, being M.C.L.A. §§ 125.1651 through 125.1680.

(D) The land included within the development area to be acquired is reasonably necessary to carry out the purposes of the Act in an efficient and economically satisfactory manner.

(E) The development plan is in reasonable accord with the master plan of the city.

(F) Public services, such as fire and police protection and utilities, are or will be adequate to service the development area.

(G) Changes in zoning, streets, street levels, intersections, and utilities, to the extent required by the plan, are reasonably necessary for the project and for the city.
(Ord. 191, passed 7-23-90)

§ 151.02 PUBLIC PURPOSE.

The City Council hereby determines that the plan constitutes a public purpose. The City Council hereby determines that it is in the best interests of the public to halt property value deterioration, increase property tax valuation, eliminate the causes of the deterioration in property values, and to promote growth in the Downtown District to proceed with the plan.
(Ord. 191, passed 7-23-90)

§ 151.03 APPROVAL AND ADOPTION OF PLAN.

The plan, as revised to provide for the development area, that is identical with the D.D.A. district, (description as revised will be identical to the D.D.A. district), a copy of which is on file with the City Clerk and on which she shall note the date of approval by this chapter, is hereby approved and adopted. The duration of the plan shall be as provided in the plan, except as it may be extended by

subsequent amendment of the plan pursuant to Public Act 197 of 1975, as amended, being M.C.L.A. §§ 125.1651 through 125.1680. A copy of the plan and all amendments thereto shall be maintained on file in the City Clerk's office.
(Ord. 191, passed 7-23-90)

§ 151.04 PREPARATION OF ASSESSMENT ROLLS.

(A) Within 60 days of the publication of Ordinance 191, the City Assessor shall prepare the initial base year assessment roll. The base year assessment roll shall list each taxing jurisdiction in the Development Area of the Downtown District on the effective date of Ordinance 191, the initial assessed value of each parcel of property within the Development Area, and the amount of tax revenue derived by each taxing jurisdiction from ad valorem taxes on the property in the Authority jurisdiction.

(B) The City Assessor shall transmit copies of the base year assessment roll to the City Treasurer, County Treasurer, the Authority and each taxing jurisdiction, together with a notice that the base year assessment roll had been prepared in accordance with this subchapter and the tax increment financing plan contained in the plan approved by this subchapter.

(C) Each year within 15 days following the final equalization of property in the Downtown District, the City Assessor shall prepare the tax increment assessment roll. The tax increment assessment roll shall show the information required in the base year assessment roll and, in addition, the amount by which the current assessed value as finally equalized for all taxable property in the Downtown District exceeds the assessed value of the property as shown on the base year assessment roll (the "captured assessed value.") Copies of the annual tax increment assessment roll shall be transmitted by the Assessor to the same persons as the base year assessment roll, together with a notice that it has been prepared in accordance with this subchapter and the plan.

(Ord. 191, passed 7-23-90)

§ 151.05 ESTABLISHMENT OF PROJECT FUND.

The Treasurer of the Authority shall establish a separate fund which shall be kept in a depository bank account or accounts in a bank or banks approved by the Treasurer of the City, to be designated Downtown Development Authority Project Fund. All moneys received by the Authority pursuant to the plan shall be deposited in the project fund. All moneys in the project fund and earnings thereon shall be used only in accordance with the plan.

(Ord. 191, passed 7-23-90)

§ 151.06 PAYMENT OF TAX INCREMENTS TO AUTHORITY.

The City Treasurer and the County Treasurer shall, as ad valorem taxes are collected on the property in the Downtown District, pay that proportion of the taxes, except for penalties and collection

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fees, that the captured assessed value bears to the initial assessed value to the Treasurer of the Authority for deposit in the project fund. The payments shall be made on the date or dates on which the City Treasurer and the County Treasurer are required to remit taxes to each of the taxing jurisdictions. (Ord. 191, passed 7-23-90)

§ 151.07 USE OF MONEY IN PROJECT FUND.

The moneys credited to the project fund and on hand therein from time to time shall be used annually in the following manner and following order of priority:

(A) First, to pay into the debt retirement fund, or funds for all outstanding series of bonds issued pursuant to the plan an amount equal to the interest and principal coming due (in the case of principal whether by maturity or mandatory redemption) prior to the next collection of taxes, less any credit for sums on hand in the debt retirement fund.

(B) Second, to establish a reserve account for payment of principal of and interest on bonds issued pursuant to the plan to the extent required by any resolution authorizing bonds.

(C) Third, to pay the administrative, auditing and operating costs of the Authority and the city pertaining to the Downtown District, including planning and promotion, to the extent provided in the annual budget of the Authority.

(D) Fourth, to repay amounts advanced by the city for project costs, including costs of preliminary plans, and fees for other professional services.

(E) Fifth, to pay the cost of completing the remaining public improvements as set forth in the Development Plan to the extent those costs are not financed from other sources. (Ord. 191, passed 7-23-90)

§ 151.08 ANNUAL REPORT.

Within 90 days after the end of each fiscal year, the Authority shall submit to the City Council, with copies to each taxing jurisdiction, a report on the status of the project fund. The report shall include the amount and source of revenue in the account, the amount and purpose of expenditures from the account, the amount of principal and interest on any outstanding indebtedness, the amount in any bond reserve account, the initial assessed value of the Downtown District, the captured assessed value of the Downtown District and the amount of captured assessed value retained by the Authority, the tax increments received and the amount of any surplus from the prior year, and any additional information requested by the City Council or deemed appropriate by the Authority. The Secretary of the Authority

shall cause a copy of the report to be published once in full in a newspaper of general circulation in the city.

(Ord. 191, passed 7-23-90)

§ 151.09 REFUND OF SURPLUS TAX INCREMENTS.

Any surplus money in the project fund at the end of a year, as shown by the annual report of the Authority, shall be paid by the Authority to the City Treasurer or the County Treasurer, as shown by the annual report of the Authority, as the case may be, and rebated by each to the appropriate taxing jurisdiction.

(Ord. 191, passed 7-23-90)

DOWNTOWN DEVELOPMENT AUTHORITY

§ 151.20 CREATION OF AUTHORITY; ARTICLES OF INCORPORATION.

The Articles of Incorporation are signed and acknowledged by the city for the purpose of forming a corporation for the purposes of operating a Downtown Development Authority for the city pursuant to the provisions of Public Act 197 of 1975, as amended, being M.C.L.A. §§ 125.1651 through 125.1680.

(Ord. 133, passed --79)

§ 151.21 NAME.

The name of the corporation is the Downtown Development Authority of the City of Bangor.

(Ord. 133, passed --79)

§ 151.22 PURPOSE.

The corporation is organized with reference to Public Act 197 of 1975, as amended, being M.C.L.A. §§ 125.1651 through 125.1680. Its purpose will be to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; and to authorize the use of tax increment financing and to accomplish the foregoing by the following means:

- (A) Prepare an analysis of economic changes taking place in the downtown district.

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(B) Study and analyze the impact of metropolitan growth upon the downtown district.

(C) Plan and propose the construction, renovation, repair, remodeling, rehabilitation, restoration, reservation, or reconstruction of a public facility, an existing building, or a multiple-family dwelling unit which may be necessary or appropriate to the execution of a plan which, in the opinion of the board, aids in the economic growth of the downtown district.

(D) Develop long range plans, in cooperation with the agency which is chiefly responsible for planning in the municipality, designed to halt the deterioration of property values in the downtown district and to promote the economic growth of the downtown district, and take such steps as may be necessary to persuade property owners to implement the plans to the fullest extent possible.

(E) Implement any plan of development in the downtown district necessary to achieve the purposes of this subchapter, in accordance with the powers of the Authority as granted by this subchapter.

(F) Make and enter into contracts necessary or incidental to the exercise of its powers and the performance of its duties.

(G) Acquire by purchase or otherwise, on terms and conditions and in a manner the Authority deems proper or own, convey, or otherwise dispose of, or lease as lessor or lessee, land and other property, real or personal, or rights or interests therein, which the authority determines is reasonably necessary to achieve the purposes of this subchapter, and to grant or acquire licenses, easements, and options with respect thereto.

(H) Improve land and construct, reconstruct, rehabilitate, restore and preserve, equip, improve, maintain, repair, and operate any building, including multiple-family dwellings, and any necessary or desirable appurtenances thereto, within the downtown district for the use, in whole or in part, of any public or private person or corporation, or a combination thereof.

(I) Fix, charge, and collect fees, rents, and charges for the use of any building or property under its control or any part thereof, or facility therein, and pledge the fees, rents, and charges for the payment of revenue bonds issued by the Authority.

(J) Lease any building or property under its control, or any part thereof.

(K) Accept grants and donations of property, labor, or other things of value from a public or private source.

(L) Acquire and construct public facilities.

(M) Provide financial assistance, advisory services and reimbursement of certain expenses to persons displaced from real property or deprived of certain rights in real property pursuant to Public Act 227 of 1972, being M.C.L.A. §§ 213.321 through 213.332.

(N) To receive property taken by the city under its power of eminent domain for use in an approved development on terms and conditions that it deems appropriate and as necessary for public purposes and for the benefit of the public.

(O) The activities of the Authority shall be financed from one or more of the following sources:

(1) Donations to the Authority for the performance of its functions.

(2) Proceeds of a tax imposed and funds received from tax anticipation notes.

(3) Moneys borrowed and to be repaid as authorized.

(4) Revenues from any property, building, or facility owned, leased, licensed, or operated by the Authority or under its control, subject to the limitations imposed upon the Authority by trusts or other agreements.

(5) Proceeds of a tax increment financing plan, established pursuant to Public Act 197 of 1975, as amended, being M.C.L.A. §§ 125.1651 through 125.1680.

(P) The Authority with the approval of the City Council may levy an ad valorem tax on the real and tangible personal property not exempt by law and as finally equalized in the downtown district. The tax shall not be more than 2 mills. The tax shall be collected by the city. The city shall collect the tax at the same time and in the same manner as it collects its other ad valorem taxes. The tax shall be paid to the City Treasurer and credited to the general fund of the Authority for purposes of financing only the operation of the Authority. The city may at the request of the Authority, borrow money and issue its notes therefor pursuant to Public Act 202 of 1943, as amended, being M.C.L.A. §§ 131.1 et seq., in anticipation of collection of the ad valorem tax authorized in this section.

(Q) The Authority may borrow money and issue its negotiable revenue bonds therefor pursuant to Public Act 94 of 1933, as amended, being M.C.L.A. §§ 141.101 through 141.138. Revenue bonds issued by the Authority shall not, except as hereinafter provided, be deemed a debt of the municipality or the state. The city by majority vote of the members of City Council may pledge its full faith and credit to support the Authority's revenue bonds.

(R) When the Authority determines that it is necessary for the achievement of its purposes, the Authority shall prepare and submit a tax increment financing plan to the City Council. The plan shall be pursuant to Public Act 197 of 1975, as amended, being M.C.L.A. §§ 125.1651 through 125.1680.

(S) The city may by resolution of City Council authorize, issue and sell general obligation bonds subject to the limitations herein set forth to finance the development program of the tax increment financing plan and shall pledge its full faith and credit for the repayment of the bonds. The bonds shall mature in not more than 30 years and shall be subject to Act No. 202 of the Public Acts of 1943, as amended, and Public Act 197 of 1975, as amended, being M.C.L.A. §§ 125.1651 through 125.1680.

(T) Carry on any activity for the purpose above stated, either directly or as agent for or with public authorities, or in whole or in part through or by means of public authorities, individuals, corporations or other organizations.

(U) In general, and subject to such limitations and conditions as are or may be prescribed by law, to exercise such other powers which now are or hereafter may be conferred by law upon a corporation organized pursuant to Public Act 197 of 1975, as amended, being M.C.L.A. §§ 125.1651 through 125.1680.

(Ord. 133, passed - -79)

§ 151.23 DIRECTORS AND MANAGEMENT.

The business and affairs of the Corporation shall be under the supervision and control of a Board of Directors except as otherwise provided by statute, by the Articles of Incorporation or by the by-laws.

(A) The Board of Directors of the Downtown Development Authority (Board) shall consist of nine members. These members shall be the Mayor or the Mayor's designee as long as that person is a qualified elector residing in the City of Bangor, one member of the City Council and seven other persons appointed by the Mayor with the approval of a majority of the City Council members at a regularly called meeting of the City Council where a quorum exists. If the Mayor chooses to appoint a designee in his or her place, that designee shall serve in a non-voting capacity. At least five of the members shall be persons having an interest in property within the Downtown Development Authority district. One member shall be a resident of the district if the district has 100 or more residents. Employees of the City of Bangor may be appointed as resource persons adding background and technical information but shall have no vote in matters before the Board. All members of the Board shall serve without compensation. The Mayor nor the Council member who serve on the Board shall not be compensated for their service even though they may be compensated for their service as Mayor or as a Council member. Except for the Mayor's designee and employees of the city, all members shall have the full rights of membership on the Board and may move, support or otherwise vote on all motions and matters before the Board. The Mayor shall serve for the term for which he was elected Mayor. The Mayor's designee shall terminate with the term of the Mayor selecting him or her. The term of the Council member appointed as a member of the Board shall terminate with the term to which he or she was elected. The term of other members shall be for designated terms of four years or until his or her replacements are appointed. Members of the first Board of Directors shall be appointed for staggering terms with two being appointed for one year, two being appointed for two years, two being appointed for three years, and the remaining members appointed for four years. Members of the Board of Directors, except for the Mayor and the Council member appointed to serve on the Board may be removed in accordance with Ordinance 258 - Ethical Standards of Conduct (codified herein as Chapter 36) or for violations of the City Charter. Vacancies occurring otherwise than through expiration of term shall be filled for the unexpired term by the Mayor with the approval of a majority of the City Council members at a regularly called meeting of the City Council where a quorum exists.

(B) Before assuming the duties of office, a member shall qualify by taking and subscribing to the constitutional oath of office.

(C) The Board shall adopt rules governing its procedure and the holding of regular meetings may be held when called in the manner provided in the rules of the Board. Meetings of the Board shall be open to the public.

(D) Pursuant to notice and an opportunity to be heard, a member of the Board may be removed for cause by the City Council. Removal of a member is subject to review by the circuit court.

(E) All expense items of the Authority shall be publicized monthly and the financial records shall always be open to the public.

(F) A director who has a direct interest in any matter before the Corporation shall disclose his interest prior to the Corporation taking any action with respect to the matter, which disclosure shall become a part of the record of the Corporation's official proceedings and the interested director shall further refrain from participation in the corporation's proceedings relating to the matter.

(Ord. 133, passed --79; Am. Ord. 185, passed 2-13-89; Am. Ord. 269, passed 6-21-04)

§ 151.24 OFFICERS.

(A) The officers of the Corporation shall consist of a Director, Secretary and Treasurer.

(B) The Board may employ and fix the compensation of a Director, subject to approval of the City Council. The Director shall serve at the pleasure of the Board. A member of the Board is not eligible to hold the position of Director. Before entering upon the duties of his office, the Director shall take and subscribe to the constitutional oath, and furnish bond, by posting a bond in the penal sum determined in the ordinance establishing the authority payable to the Authority for use and benefit of the Authority, approved by the Board and filed with the City Clerk. The premium on the bond shall be deemed an operating expense of the Authority, payable from funds available to the Authority for expenses of operation. The Director shall be the Chief Executive Officer of the Authority. Subject to the approval of the Board, the Director shall supervise, and be responsible for, the preparation of plans and the performance of the functions of the Authority in the manner authorized by this subchapter. The Director shall attend the meetings of the Board, and shall render to the Board and to the City Council a regular report covering the activities and financial condition of the Authority. If the Director is absent or disabled, the Board may designate a qualified person as acting director to perform the duties of the office. Before entering upon the duties of his office, the acting director shall take and subscribe to the oath, and furnish bond, as required of the Director. The Director shall furnish the Board with information or reports governing the operation of the Authority as the Board requires.

(C) The Board may employ and fix the compensation of a Treasurer, who shall keep the financial records of the Authority and who, together with the Director, shall approve all vouchers for the expenditure of funds of the Authority. The Treasurer shall perform such other duties as may be delegated by the Board and shall furnish bond in an amount as prescribed by the Board.

(D) The Board may employ and fix the compensation of a Secretary, who shall maintain custody of the official seal of records, books, documents, or other papers not required to be maintained by the

Treasurer. The Secretary shall attend meetings of the Board and keep a record of its proceedings, and shall perform such other duties delegated by the Board.

(E) The Board may retain legal counsel to advise the Board in the propel performance of its duties. The legal counsel shall represent the authority in actions brought by or against the Authority.

(F) The Board may employ other personnel deemed necessary by the Board.
(Ord. 133, passed --79)

§ 151.25 OFFICE.

Location of the first registered office is:

City Hall
257 West Monroe Street
Bangor, Michigan
(Ord. 133, passed --79)

§ 151.26 AGENT.

The first resident agent is the City Manager.
(Ord. 133, passed --79)

§ 151.27 ASSETS AND FINANCING.

The corporation will be financed from donations, gifts, grants and devises, either solicited or unsolicited obtained from public authorities, individuals, corporations and other organizations, by earnings from its activities, borrowings and issuance of its bonds.
(Ord. 133, passed --79)

§ 151.28 EFFECTIVE DATE.

The corporation shall become effective 30 days after adoption of an ordinance by the City Council authorizing this incorporation, its publication and its final approval as provided by law. The terms of the corporation existence are perpetual.
(Ord. 133, passed --79)

§ 151.29 EARNINGS; DISSOLUTION.

(A) No part of the net earnings of the corporation shall inure to the benefit of any member, trustee, officer or director of the corporation, or any private individual (except that reasonable compensation may be paid for services rendered to or for the corporation affecting one or more of its purposes) and no member, trustee, officer or director of the corporation or any private individual shall be entitled to share in the distribution of any of the corporate assets or dissolution of the corporation. No part of the earnings shall be used for, nor shall the corporation engage in the carrying on of propaganda, or otherwise attempting, to influence legislation, and the corporation shall not participate in or intervene in (including the publication or distribution of statements) any political campaign on behalf of any candidate for public office.

(B) Upon dissolution of the corporation or the winding up of its affairs, all property and assets of the corporation shall be distributed exclusively to the city or its successor.

(Ord. 133, passed --79)

§ 151.30 PUBLICATION.

The Articles of Incorporation shall be published in the Bangor Advance in accordance with the provisions of Public Act 197 of 1975, as amended, being M.C.L.A. §§ 125.1651 through 125.1680.

(Ord. 133, passed --79)

§ 151.31 BY-LAWS.

The initial by-laws of the Corporation shall be adopted by its Board of Directors by majority vote, and approved by the City Council by ordinance. The Board may amend or repeal by-laws or adopt new by-laws subject to the approval of the City Council by ordinance. The by-laws are subject to the approval of the City Council by ordinance. The by-laws may contain any provision for the regulation and management of the affairs of the Corporation not inconsistent with law or the Articles of Incorporation.

(Ord. 133, passed --79)

CHAPTER 152: PLANNING

Section

Master Plan; Subdivisions

- 152.01 Duty of Planning Commission to adopt Master Plan
- 152.02 Surveys and studies
- 152.03 Adoption of plan; hearing
- 152.04 Approval of Planning Commission for development
- 152.05 Public works projects to be referred to Planning Commission
- 152.06 Publicity and education
- 152.07 Plats to be filed with Planning Commission; adoption of subdivision regulations
- 152.08 Planning Commission to approve, modify or disapprove plats

Planning Commission

- 152.20 Creation
- 152.21 Members
- 152.22 Officers, meetings and rules
- 152.23 Employees and consultants
- 152.24 Planning Commission to have powers of Zoning Commission

MASTER PLAN; SUBDIVISIONS

§ 152.01 DUTY OF PLANNING COMMISSION TO ADOPT MASTER PLAN.

It shall be the function and duty of the Planning Commission to make and adopt a master plan for the physical development of the municipality, including any areas outside of its boundaries which, in the Commission's judgement, bear relation to the planning of such municipality. Such plan, with the accompanying maps, plats, charts, and descriptive matter shall show the Commission's recommendations for the development of the territory, including, among other things, the general location, character, and extent of streets, viaducts, subways, bridges, waterways, water fronts, boulevards, parkways, play grounds and open spaces, the general location of public buildings and other public property, and the general location and extent of public utilities and terminals, whether publicly or privately owned or operated, for water, light, sanitation, transportation, communication, power, and

other purposes; also the removal, relocation, widening, narrowing, vacating abandonment, change of use or extension of any of the foregoing ways, grounds, open spaces, buildings, property, utilities or terminals; (the general location, character, layout and extent of community centers and neighborhood units; and the general character, extent and layout of the replanning and redevelopment of blighted districts and slum areas) as well as a zoning plan for the control of the height, area, bulk, location, and use of buildings and premises. As the work of making the whole master plan progresses, the Commission may from time to time adopt and publish a part or parts thereof, any such part to cover one or more major sections or divisions of the municipality or one or more of the aforesaid or other functional matters to be included in the plan. The Commission may from time to time amend, extend, or add to the plan. (Ord. 46, passed 1-9-61)

§ 152.02 SURVEYS AND STUDIES.

In the preparation of such plan the Planning Commission shall make careful and comprehensive surveys and studies of present conditions and future growth of the municipality and with due regard to its relation to the neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the municipality and its environs which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development including, among other things, adequate provision for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds, and the adequate provision of public utilities and other public requirements. (Ord. 46, passed 1-9-61)

§ 152.03 ADOPTION OF PLAN; HEARING.

The Planning Commission may adopt the plan as a whole by a single resolution or may by successive resolutions adopt successive parts of the plan, said parts corresponding with major geographical sections or divisions of the municipality or with functional subdivision of the subject matter of the plan, and may adopt any amendment or extension thereof or addition thereto. Before the adoption of the plan or any such part, amendment, extension, or addition the commission shall hold at least one public hearing thereon, notice of the time and place of which shall be given, not less than 15 days prior to such hearing, by one publication in a newspaper of general circulation in the municipality and in the official gazette, if any, of the municipality, and by registered United States mail to each public utility company and to each railroad within the geographical sections or divisions of the municipality. The adoption of the plan or any such part or amendment or extension or addition shall be by resolution of the Commission carried by the affirmative votes of not less than six members of the Commission. The resolution shall refer expressly to the maps and descriptive and other matter intended by the Commission to form the whole or part of the plan, and the action taken shall be

recorded on the map and plan and descriptive matter by the identifying signature of the Chairman and/or Secretary of the Commission. An attested copy of the plan or part thereof shall be certified to Council and to the County Register of Deeds.
(Ord. 46, passed 1-9-61)

§ 152.04 APPROVAL OF PLANNING COMMISSION FOR DEVELOPMENT.

Whenever the Planning Commission shall have adopted the master plan of the municipality or of one or more major sections or districts thereof no street, square, park, or other public way, ground, or open space, or public building or structure shall be constructed or authorized in the municipality or in such planned section and district until the location, character, and extent thereof shall have been submitted to and approved by the Commission. Provided, that in case of disapproval the Commission shall have communicated its reasons to the Council, which shall have the power to overrule such disapproval by a recorded vote of not less than two-thirds of its entire membership. If the public way, ground, space, building structure, or utility is one the authorization of financing of which does not under the law or charter provisions governing the same, fall within the province of the City Council, then the submission to the Planning Commission shall be by the Board, Commission, or body having such jurisdiction, and the Planning Commission's disapproval may be overruled by the Board, Commission, or body by a vote of not less than two-thirds of its membership. The failure of the Commission to act within 60 days from and after the date of official submission to the Commission shall be deemed approval. For the purpose of furthering the desirable future development of the city under the master plan the Planning Commission, after the Commission shall have adopted a master plan, shall prepare coordinated and comprehensive programs of public structures and improvements. The Commission shall annually prepare such a program for the ensuing six years, which program shall show those public structures and improvements, in the general order of their priority, which in the Commission's judgement will be needed or desirable and can be undertaken within the six-year period. The above comprehensive coordinated programs shall be based upon the requirements of the community for all types of public improvements, and, to that end, each agency or department of such municipality concerned with such improvements shall upon request furnish the Commission with lists, plans and estimates of time and cost of public structures and improvements within the purview of such department.
(Ord. 46, passed 1-9-61)

§ 152.05 PUBLIC WORKS PROJECTS TO BE REFERRED TO PLANNING COMMISSION.

Whenever the City Council shall have ordered the opening, widening or extension of any street, avenue or boulevard, or whenever the Council shall have ordered that proceedings be instituted for the acquisition or enlargement of any park, playground, play field or other public open space, such resolution shall not be rescinded until after the matter has been referred back to the Planning Commission for a report and until after a public hearing shall have been held. The Council shall have

power to overrule the recommendation of the Planning Commission by a vote of not less than two-thirds of its entire membership.
(Ord. 46, passed 1-9-61)

§ 152.06 PUBLICITY AND EDUCATION.

The Planning Commission shall have the power to promote public interest in and understanding of the plan and to that end may publish and distribute copies of the plan or of any report and may employ such other means of publicity and education as it may determine. Members of the Commission, when duly authorized by the Commission, may attend city planning conferences or meetings of city planning institutes, or hearings upon pending city planning legislation, and the Commission may, by resolution spread upon its minutes, pay the reasonable traveling expenses incident to such attendance. The Commission shall, from time to time recommend to the appropriate public officials programs for public structures and improvements and for the financing thereof. It shall be part of its duties to consult and advise with public officials and agencies, public utility companies, civic, educational, professional, and other organizations, and with citizens with relation to the protecting or carrying out the plan. The Commission shall have the right to accept and use gifts for the exercise of its functions. All public officials shall, upon request, furnish to the Commission, within a reasonable time, such available information as it may require for its work. The Commission, its members, officers, and employees, in the performance of their functions, may enter upon any land and make examinations and surveys and place and maintain necessary monuments, and marks thereon. In general, the Commission shall have such powers as may be necessary to enable to fulfill its functions, promote municipal planning, or carry out the purposes of this subchapter.
(Ord. 46, passed 1-9-61)

§ 152.07 PLATS TO BE FILED WITH PLANNING COMMISSION; ADOPTION OF SUBDIVISION REGULATIONS.

(A) Whenever the Planning Commission shall have adopted that sort of a master plan relating to the major street system of the territory within its subdivision, jurisdiction or part thereof, and shall have filed a certified copy of such plan in the office of the County Register of Deeds, then no plat of a subdivision of land within such territory or part shall be filed or recorded until it shall have been approved by such Planning Commission and such approval entered in writing on the plat by the Chairman or Secretary of the Commission.

(B) Before exercising the powers referred to in division (A) above, the Planning Commission shall adopt regulations governing the subdivision of land within its jurisdiction. Such regulations may provide for the proper arrangement of streets in relation to other existing or planned streets and to the master plan, for adequate and convenient open spaces for traffic, utilities, access of fire-fighting apparatus, recreation, light and air, and for the avoidance of congestion of population, including minimum width and area of lots.

(C) Such regulations may include provisions as to the extent to which streets and other ways shall be graded and improved and to which water and sewer and other utility mains, piping, or other facilities shall be installed as a condition precedent to the approval of the plat. The regulations or practice of the Commission may provide for a tentative approval of the plat previous to such installation; but any such tentative approval shall be revocable and shall not be entered on the plat. In lieu of the completion of such improvements and utilities prior to the final approval of the plat, the Commission may accept a bond with surety to secure to the municipality the actual construction and installation of such improvements of such improvements or utilities at a time and according to specifications fixed by or in accordance with the regulations of the Commission. The city is hereby granted the power to enforce such bond by all appropriate legal and equitable remedies.

(D) All such regulations shall be published as provided by law for the publication of ordinances, and before adoption, a public hearing shall be held thereon. A copy thereof shall be certified by the Commission to the recorders of the counties in which the city and territory are located.
(Ord. 46, passed 1-9-61)

§ 152.08 PLANNING COMMISSION TO APPROVE, MODIFY OR DISAPPROVE PLATS.

The Planning Commission shall approve, modify or disapprove a plat within 60 days after the submission thereof to it; otherwise such plat shall be deemed to have been approved, and a certificate to that effect shall be issued by the Commission on demand. The applicant for the Commission's approval may waive this requirement and consent to an extension of such period. The grounds of disapproval of any plat shall be stated upon the records of the Commission. Any plat submitted to the Commission shall contain the name and address of a person to whom notice of a hearing shall be sent and no plat shall be acted on by the Commission without affording a hearing thereon. Notice shall be sent to the address by registered mail of the time and place of such hearing not less than five days before the date fixed therefor. Similar notice shall be mailed to the owners of land immediately adjoining the platted land, as their names appear upon the plats in the County Auditors office and their addresses appear in the directory of the city or on the tax records of the city or county. Every plat approved by the Commission shall, by virtue of such approval, be deemed to be an amendment of or an addition to or a detail of the municipal plan and a part thereof. Approval of a plat shall not be deemed to constitute or effect an acceptance by the public of any street or other open space shown upon the plat. The Planning Commission may, from time to time, recommend to Council amendments of the zoning ordinance or map or additions thereto to conform to the Commission's recommendations for the zoning regulation of the territory comprised within approval subdivisions. The Commission shall have the power to agree with the applicant upon use, height, area or bulk requirements of restrictions governing buildings and premises within the subdivision, provided such requirements or restrictions do not authorize the violation of the then effective zoning ordinance of the city. Such requirements or restrictions shall be stated upon the plat prior to the approval and recording thereof and shall have the same force of law and be enforceable in the same manner and with the same sanctions and penalties and subject to the same power of amendment or repeal as though set out as a part of the zoning ordinance or map of the city.
(Ord. 46, passed 1-9-61)

PLANNING COMMISSION**§ 152.20 CREATION.**

A planning commission is hereby created which shall be designated City Planning Commission. (Ord. 46, passed 1-9-61)

Cross-reference:

Traffic Code available in office of Planning Commission, see § 70.01

§ 152.21 MEMBERS.

The Planning Commission shall consist of nine members. These members shall be the Mayor or the Mayor's designee as long as that person is a qualified elector residing in the City of Bangor, one member of the City Council, and seven other persons appointed by the Mayor with the approval of a majority of the City Council members at a regularly called meeting of the City Council where a quorum exists. Persons appointed shall represent in so far as possible, different professions or occupations and shall be qualified electors of the City of Bangor. Employees of the City of Bangor shall not be appointed. Such persons may serve as resource persons adding background and technical information but shall have no vote in matters before the Planning Commission. All members of the Commission shall serve without compensation. The Mayor nor the Council member who serve on the Planning Commission shall not be compensated for their service even though they may be compensated for their service as Mayor or as a Council Member. Excluding the Mayor and the one member of the City Council, the appointed members shall hold no other municipal office except one of the members may also be appointed to the Zoning Board of Appeals. All members shall have the full rights of membership on the Planning Commission and may move, support or otherwise vote on all motions and matters before the Planning Commission. The Mayor shall serve for the term for which he was elected Mayor. The Mayor's designee shall terminate with the term of the Mayor selecting him or her. The term of the Council member appointed as a member of the Planning Commission shall terminate with the term to which he or she was elected. The term of other members shall be for designated terms of three years or until his or her replacements are appointed. Members of the first Planning Commission shall be appointed for staggering terms with two being appointed for one year, two being appointed for two years and the remaining three members appointed for three years. Members of the Planning Commission except for the Mayor and the Council member appointed to serve on the Planning Commission may be removed in accordance with Ordinance 258 - Ethical Standards of Conduct (codified herein as Chapter 36) or for violations of the City Charter. Vacancies occurring otherwise than through expiration of term shall be filled for the unexpired term by the Mayor with the approval of a majority of the City Council members at a regularly called meeting of the City Council where a quorum exists.

(Ord. 46, passed 1-9-61; Am. Ord. 268, passed 6-21-04)

§ 152.22 OFFICERS, MEETINGS AND RULES.

The Planning Commission shall elect its Chairperson from among the appointed members and create and fill such other of its offices as it may determine. The term of the Chairperson shall be one year, with eligibility for reelection. The Commission shall hold at least one regular meeting in each month. It 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.

(Ord. 46, passed 1-9-61)

§ 152.23 EMPLOYEES AND CONSULTANTS.

The Planning Commission may appoint such 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 employees of the city. The Commission may also contract with city planners, engineers, architects, and other consultants for such 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 accommodations necessary for the Commission's work.

(Ord. 46, passed 1-9-61)

§ 152.24 PLANNING COMMISSION TO HAVE POWERS OF ZONING COMMISSION.

The Planning Commission shall have all powers heretofore granted by law to the Zoning Commission of the city and, from and after the creation of a Planning Commission in the city, all powers and records of the Zoning Commission shall be transferred to the Planning Commission.

(Ord. 46, passed 1-9-61)

CHAPTER 153: SUBDIVISIONS

Section

153.01 Adoption by reference

§ 153.01 ADOPTION BY REFERENCE.

The subdivision code of the city, as adopted by Ordinance 90, passed 12-26-72, is hereby adopted by reference and made a part of this code as fully as if set out at length herein.
(Ord. 90, passed 12-26-72)

CHAPTER 154: ZONING

Section

General Provisions

- 154.001 Title
- 154.002 Intent and purpose
- 154.003 Rules
- 154.004 Interpretation
- 154.005 Separability
- 154.006 Scope of regulations
- 154.007 Use and bulk regulations
- 154.008 Lot area and dimension
- 154.009 Number of buildings on a zoning lot
- 154.010 Accessory buildings
- 154.011 Temporary buildings
- 154.012 Existing special uses
- 154.013 Site plan review and approval
- 154.014 Definitions
- 154.015 Minimum dwelling unit width for single family detached units
- 154.016 Mobile home standards

Nonconformities

- 154.030 Continuance of use
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- 154.032 Change of nonconforming use
- 154.033 Termination and removal on nonconformities
- 154.034 Repair and alterations
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Zoning Map and Districts

- 154.050 Map
- 154.051 District boundaries
- 154.052 Zoning of public ways
- 154.053 R-1 One-family Residence District
- 154.054 R-2 One & Two family Residence District
- 154.055 R-3 General Residence District

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- 154.056 R-4 Mobile Home District
- 154.057 B-1 Retail and Limited Service Business District
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Signs

- 154.070 General standards
- 154.071 Permitted signs - all districts
- 154.072 Permitted signs - residential districts
- 154.073 Permitted signs - business districts
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Off-street Parking and Loading

- 154.080 Purpose
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Planned Unit Development

- 154.160 Purpose
- 154.161 Provisions
- 154.162 Procedure
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Wireless Communications

- 154.180 Title
- 154.181 Definitions
- 154.182 Purpose and intent
- 154.183 Facilities and services

Enforcement

- 154.195 Public nuisance per se

- 154.999 Penalty

Cross-reference:

Wellhead Protection Overlay Zone, see Ch. 158

GENERAL PROVISIONS**§ 154.001 TITLE.**

City of Bangor Zoning Ordinance.
(Ord. 205, passed 1-16-95)

§ 154.002 INTENT AND PURPOSE.

This chapter is adopted for the following purposes:

(A) To promote and protect the public health, safety, morals, comfort and general welfare of the people.

(B) To divide the city into zones or districts, restricting and regulating therein the location, erection, construction, reconstruction, alteration and use of buildings, structures and land for residence, business, manufacturing and other specified uses.

(C) To provide for the gradual elimination of non-conforming uses of land, buildings and structures which are adversely affecting the character and value of desirable development in each district.

(D) And to prescribe the penalties for the violation of the provisions of this chapter or any amendments thereto.
(Ord. 205, passed 1-16-95)

§ 154.003 RULES.

In the construction of this chapter, the rules and definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise.

(A) Words used in the present tense shall include the future.

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

(C) The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for".

(D) The word "shall" is mandatory.

(E) The word "may" is permissive.
(Ord. 205, passed 1-16-95)

§ 154.004 INTERPRETATION.

(A) *Minimum requirements.* The provisions herein shall be held to the minimum requirements for the promotion, of public health, morals and welfare.

(B) *Relationship with other laws.* When the conditions imposed by any provision herein upon the use of land or buildings or upon the bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provisions herein or any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive (or which impose higher standards or requirements) shall govern.

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(C) *Effect of existing agreements.* The ordinance is not intended to abrogate any easement, covenant or another private agreement, provided that where the regulations of the ordinance are more restrictive, (or impose higher standards or requirements) than such easements, covenants or other private agreements, the requirements herein shall govern.
(Ord. 205, passed 1-16-95)

§ 154.005 SEPARABILITY.

It is hereby declared to be the intention of the city that the several provisions of this chapter are separable in accordance with the following:

(A) If any court of competent jurisdiction shall adjudge any provision of this chapter to be invalid, such judgement shall not affect any other provisions not specifically included in said judgement.

(B) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this chapter to a particular property, building or other structure, such judgement shall not affect the application of said provisions to any other property, building or structure not specifically included in said judgement.
(Ord. 205, passed 1-16-95)

§ 154.006 SCOPE OF REGULATIONS.

(A) *Change in structures or use.* Except as may otherwise be provided, all buildings erected hereafter, all uses of land or buildings established hereafter, all structural alterations or relocation of existing buildings occurring hereafter, and all enlargements of or additions to existing uses occurring hereafter, shall be subject to all regulations herein which are applicable to the zoning district in which such buildings, uses or land shall be located.

(B) *Non-conforming buildings, structures and uses.* Any lawful building, structure or use existing at the time of the enactment of the zoning ordinance may be continued, even though such building, structure or use does not conform to the provisions herein for the district in which it is located and whenever a district shall be changed hereafter, then the existing lawful use may be continued, subject to the provisions in §§ 154.030 through 154.036.

(C) *Building permits.* There a building permit for a building or structure has been issued in accordance with law, prior to the effective date of the ordinance, and provided that construction is begun within 90 days of such effective date and diligently prosecuted to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit was issued, and further may, upon completion be occupied under a certificate of occupancy by the use for which originally designated - subject thereafter to the provisions of §§ 154.030 through 154.036.
(Ord. 205, passed 1-16-95)

§ 154.007 USE AND BULK REGULATIONS.

(A) *Use.* No building, structure or land shall hereafter be used or occupied and no building or part thereof or other structure shall be erected, raised, moved, reconstructed, extended, enlarged or altered except in conformity with regulations herein specified for the district in which it is located, except as authorized by a pre-existing section of this ordinance.

(B) *Bulk.* All new buildings and structures shall conform to the building regulations established herein for the district in which each building shall be located, except the parapet walls, chimneys, cooling towers, elevator bulkheads, fire towers, stacks and necessary mechanical appurtenances shall be permitted to exceed the maximum height provisions when erected in accordance with all other ordinances of the city.

(C) *Permitted obstructions in required yards.* The following shall not be considered to be obstructions when located in the required yards as specified.

(1) *In all yards:*

(a) Open terraces not over four feet above the average level of the adjoining ground, but not including permanently roofed-over terrace or porch.

(b) Awnings and canopies but not projecting more than ten feet and at least seven feet above the average level of the adjoining ground.

(c) Steps, four feet or less above grade, which are necessary for access to a permitted building or for access to a zoning lot from a street or alley;

(d) Chimneys projecting 18 inches or less into the yard;

(e) Arbors, trellises, flag poles, fountains, sculptures, plant boxes and other similar ornamental objects;

(f) Fences and walls not exceeding four feet in height above natural grade level in front yards and not exceeding six feet in height in side and rear yards.

(2) *In front yards.* One story suspended bay windows projecting three feet or less into the yards; and overhanging eaves and gutters projecting three feet or less into the yard;

(3) *In rear yards.* Enclosed, attached or detached off-street parking spaces, open off-street parking spaces, accessory shed, tool rooms and similar buildings or structures for domestic or agricultural storages; balconies, breezeways and open porches; one story bay windows projecting three feet or less into the yard; overhanging eaves and gutters projecting three feet or less into the yard. In any residential district, no accessory building shall be nearer than five feet to the side lot line nor nearer than five feet to the rear lot line no nearer than ten feet to any principal building unattached.

(4) *In side yards.* Overhanging eaves and gutters projecting into the yard for a distance not exceeding 40 percent of the required yard width, but in no case exceeding two feet.

(D) *Vision clearance - corner lots.* No building or structure hereafter erected and no planting or other obstruction to the vision of drivers or motor vehicles shall be located:

(1) In any residential district exceeding a height of three feet above the street grade within 25 feet of the intersecting street lines bordering corner lots; and

(2) In any manufacturing district within 12 feet of the intersecting street lines bordering a corner lot, provided that this regulation shall not apply to that part of building above the first floor.

(E) *Exception for existing developments.*

(1) Where 40 percent or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have observed (within a variation of five feet or less) a front yard greater in depth than required herein, new buildings shall not be erected closer to the street than the average front yard so established by the existing building.

(2) Where 40 percent or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have not observed a front yard as herein required, then;

(a) Where a building is to be erected within 100 feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the closest front corners of the two existing buildings.

(b) Where a building is to be erected within 100 feet of an existing building on one side only, it may be erected as close to the street as the existing building.
(Ord. 205, passed 1-16-95) Penalty, see § 154.999

§ 154.008 LOT AREA AND DIMENSION.

(A) *Contiguous parcels.* When two or more parcels of land, one or both of which lack adequate area and dimension to qualify for a permitted use under the requirements of the use district in which they are located are contiguous and are held in one ownership, they shall be used as one zoning lot for such use.

(B) *Lot area and lot frontage restrictions - exemptions.* Lot area and lot frontage restrictions shall not apply to any lots or parcels of land which are part of a recorded plat, and at the time of the adoption of this chapter such plats disclose lot areas or lot frontages of less than those governed by the terms of this chapter.
(Ord. 205, passed 1-16-95)

§ 154.009 NUMBER OF BUILDINGS ON A ZONING LOT.

Except in the case of a planned development, not more than one principal detached residential building, shall be located on a residential lot, nor shall a principal detached residential building be located on the same zoning lot with any other principal building.

(Ord. 205, passed 1-16-95) Penalty, see § 154.999

§ 154.010 ACCESSORY BUILDINGS.

(A) *Location.* When a side yard is required, no part of an accessory building shall be located closer than three feet to the side lot line along such side yard. When a rear yard is required, no part of an accessory building shall be located closer than three feet to the rear lot line or to those portions of the side lot lines abutting such required rear yard.

(B) *Percentage of required rear yard occupied.* No accessory building or buildings shall occupy more than 40 percent of the area of a required yard.

(C) *Height of accessory buildings in required rear yards.* No accessory building or portion thereof located in a required rear yard shall exceed 15 feet in height.

(D) *On reversed corner lots.* On a reversed corner lot in a residential district, no accessory building or portion thereof in a required rear yard shall be closer to the side lot line abutting the street than the required front yard on the adjacent lot to the rear. Further, in the above instance, no such accessory building shall be located within three feet of any part of a rear lot line which coincides with a side lot line or portion thereof or property in a residential district.

(Ord. 205, passed 1-16-95) Penalty, see § 154.999

§ 154.011 TEMPORARY BUILDINGS.

(A) A temporary real estate office may be allowed in conjunction with a new housing development, limited to the selling or renting of new units in such development, but in no case to be in operation for more than one year following completion of construction of said housing development.

(B) Temporary buildings for construction purposes may be allowed in any district for a period not to exceed the completion date of such construction.

(Ord. 205, passed 1-16-95) Penalty, see § 154.999

§ 154.012 EXISTING SPECIAL USES.

Where a use is classified as a special use and exists as a permitted use at the date of the adoption of this chapter, it shall be considered a legal use as a special use, without further action of the City Council, the Zoning Administrator, the Board of Appeals or the Planning Commission.

(Ord. 205, passed 1-16-95)

§ 154.013 SITE PLAN REVIEW AND APPROVAL.

(A) A site plan review procedure is hereby established for the city. The purpose of a site plan review is to determine compliance with the provisions set forth herein and to promote the orderly development of the city, the stability of land values and investments in the general welfare, and to help prevent impairment or depreciation of land values and development by the erection of structures or additions or alterations thereto without proper attention to sitting and appearance.

(B) The following provisions in this section shall apply to all uses requiring site plan review by this chapter, including without limitation, multiple family developments, mobile home parks, cluster commercial developments and industrial developments, single family subdivisions and planned unit developments.

(C) A site plan must be approved by the City Council after having received recommendations from the City Planning Commission, Zoning Administrator, Police Chief, Fire Chief, City Manger, and any other municipal department as the City Manager may deem appropriate as to it's (its) conformance to proper development standards and regulations and it's (its) effect on adjacent property or on the city as a whole. Professional review by approved architect, planner or engineer may be obtained by the city. The cost of review will be passed along to the applicant. Approved plans shall regulate the development on said premises, unless modified in the same manner as the plans were originally approved.

(D) The following provisions in this section shall apply to all site plan review procedures, unless otherwise provided in this chapter. The procedures of this section shall be minimum requirements, and additional procedures may be required by the City Planning Commission, City Council, and/or City Manager.

(1) *General procedure.*

(a) Whenever a site plan review is required by the provisions of this chapter, 15 copies of the site plan to scale, including all items required together therewith, shall be submitted to the City Clerk's office two weeks before a regularly scheduled Planning Commission meeting.

(b) The City Clerk shall then immediately transmit, copies of the site plan to the Planning Commission and other appropriate bodies as herein before designated for review and comment. Bodies receiving plans for review shall submit their findings to the City Clerk within 14 days of receipt thereof.

(c) Then upon receipt of the comments from the Planning Commission and appropriate bodies, the City Clerk shall submit same to the City Manager for submission to the City Council for action at its next regularly scheduled meeting.

(2) *Required information for review.* The following information shall accompany all plans submitted for review:

(a) A legal description of the property under consideration.

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(b) A map indicating the gross land area of the development, the present zoning classification thereof, and the zoning classification and land use of the area surrounding the proposed development, including the location of structures and other improvements.

(c) The names and addresses of the architect, planner, designer, or engineer responsible for the preparation of the site plan.

(d) Drawings or sketches of the exterior and elevations, and/or perspective drawings of the building or structures under consideration.

(3) *Site plan requirements.*

(a) The following information shall be included on the site plan:

1. A scale of not less than 1" = 20', if the subject property is less than three acres, and 1" = 100' if it is three acres or more.
2. Date, north point, and scale.
3. The dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties.
4. The siting of all structures on the subject property and abutting properties.
5. The location of each proposed structure in the development area, the use or uses to be contained therein, the number of stories, gross building areas, distances between structures and lot lines, setback lines, and approximate location of vehicular entrances and loading points.
6. The location of all existing and proposed drives and parking areas with the number of parking and/or loading spaces provided.
7. All pedestrian walks, malls and open areas for parks and recreation.
8. Location and height of all walls, fences and screen planting, including a general plan for the landscaping of the development and the method by which landscaping is to be accomplished and be maintained.
9. The location and right-of-way widths of all abutting streets.
10. Types of surfacing, such as paving, turfing or gravel to be used at the various locations.
11. A grading plan of the area.
12. Size and location of proposed sewer and water lines and connections.

13. The number of proposed units (for multiple family developments).

14. Such other information as may be required by the Planning Commission and City Manager to assist in the consideration of the proposed development.

15. Drainage of storm water onto adjacent property or into a city street is not allowed. On-site storm drainage may be discharged to an existing storm sewer or natural drainage course, depending upon capacity and review and approval.

(b) Maximum surface run for storm water shall be less than 300 feet.

(c) On-site retention and/or recharge basins are required where existing systems lack sufficient capacity or where no positive discharge is available. Such basins shall be designed to fully contain three inches of rainfall at the designed imperviousness without benefit of percolation within the basin. The percentage of impervious area shall be delineated in the site plan ("imperviousness of soil is the inability of water to percolate or soak into or drain through the soil).

(d) On-site basins should include one foot of freeboard above the maximum water level. The bottom of the basin must be above the ground water table and in a natural pervious soil. Fencing may be required depending on the size and depth of the basin.

(4) *Site plan review criteria.* In order that building, open space and landscaping will be in harmony with other structures and improvements in the area, and to assure that no undesirable health, safety, noise and traffic conditions will result from the development, the Planning Commission shall, in making its recommendations to the City Council, determine whether the site plan meets the following criteria:

(a) The vehicular transportation system shall provide for circulation throughout the site and for efficient ingress and egress to all parts of the site by fire and safety equipment.

(b) Pedestrian walkways shall be provided as deemed necessary by the Planning Commission for separating pedestrian and vehicular traffic.

(c) Recreation and open space areas shall be provided in all multiple family residential developments.

(d) The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, yard space, density and all other requirements as set forth in the city Zoning Ordinance, unless otherwise provided in this chapter.

(e) The requirements for greenbelt, fencing, and walks, and other protective barriers shall be complied with as provided in the Zoning Ordinance of the city and as deemed appropriate by the Planning Commission.

(f) The site plan shall provide for adequate storage space for the use therein, including, where necessary, storage space for recreational vehicles.

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(g) Security measures shall be provided as deemed necessary by the Police Chief for resident protection in all multiple family residential developments.

(h) Fire protection measure shall be provided as deemed necessary by the Fire Chief in conformance with all applicable laws of the State of Michigan for the protection of residents and/or occupants of the structures.

(i) The site plan shall comply with all requirements of the applicable zoning district, unless otherwise provided in this chapter.

(5) *Planning Commission recommendation.*

(a) The site plan shall be reviewed by the Planning Commission and other appropriate bodies as heretofore designated with a recommendation for its approval or disapproval and any conditions the Planning Commission or other appropriate bodies feel should be imposed, using the standards described in division (D)(4) of this section.

(b) Conditions or changes stipulated by the Planning Commission shall be recorded in the minutes of the meeting and made available to the applicant in writing. Three copies of an approved site plan, with or without changes, shall contain the signatures of the Chairman of the Planning Commission, Zoning Administrator and the applicant. Of the three copies signed, one shall be kept on file by the Planning Commission, one retained by the Zoning Administrator and one returned to the applicant.

(6) *City Council actions.* The City Council shall have the function and power to approve or disapprove subject to compliance with such modifications and conditions as may be deemed necessary to carry out the purpose of these regulations and other ordinances or resolutions of the city.

(7) *Building permit revocation.* The building permit may be revoked in any case where the conditions of such permit have not been or are not being complied with, in which case the City Council shall give the permittee notice of intention to revoke such permit at least ten days prior to review of the permit by the Council. After conclusion of such review the City Council may revoke such permit if it feels that a violation in fact exists and has not been remedied prior to such hearing.

(8) *Site changes.* Any structure, use, for field change added subsequent to the initial site plan approval must be approved by the City Council after recommendation from the City Planning Commission. Incidental and minor variations of the approved site plan with the written approval of the Building Inspector and City Manager shall not invalidate prior site plan approval.

(9) *Phased construction.* Where phases or staged construction is contemplated for the development of a project, the site plan submitted must show the inter-relationship of the proposed project to the future stages, including the following:

(a) Relationship and identification of future structures, roadways, drainage, water, and sewer.

- (b) Pedestrian and vehicular circulation.
- (c) Time schedule for completion of the various phases of the proposed construction.
- (d) Temporary facilities or construction of same as required to facilitate the staged development.

(10) *Schedule of fees.* Upon the filing of an application for a zoning approval, special use permit, variance, or rezoning, an administrative fee shall accompany said application. The City Council shall determine and set a schedule of fees to be charged. Fees shall be collected prior to the processing of any requested approval, permit, variance, appeals, rezoning, etc. (Ord. 205, passed 1-16-95; Am. Ord. 234, passed 12-1-97)

§ 154.014 DEFINITIONS.

ACCESSORY BUILDING OR USE.

- (1) An ***ACCESSORY BUILDING OR USE*** is one which:
 - (a) Is subordinate to and serves a principal building or principal use;
 - (b) Is subordinate in area, extent or purpose to the principal building or principal use served;
 - (c) Contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served; and
 - (d) Is located on the same zoning lot as the principal building or principal use served with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same zoning lot with the building or use served.
- (2) An ***ACCESSORY USE*** includes, but is not limited to, the following:
 - (a) A children's playhouse, garden house and private greenhouse;
 - (b) A shed, garage or building for domestic storage;
 - (c) Incinerators, incidental to residential use;
 - (d) Storage of merchandise normally carried in stock on the same lot with any retail service of business use, unless such storage is excluded by the district regulations
 - (e) Storage of goods used in or produced by manufacturing activities on the same lot or parcel of ground with such activities unless such storage is excluded by the district regulations;

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- (f) A non-paying guest house or rooms for guests with in an **ACCESSORY BUILDING** provided such facilities are used for the occasional housing of guests of the occupants of the principal building and not for permanent occupancy by others as housekeeping units;
- (g) Servant's quarters comprising part of an accessory garage and solely for occupancy by a servant or household employee (and his or her family) of the occupants of the principal dwelling;
- (h) Swimming pool, private for use by the occupant and his guests;
- (i) Off-street motor car parking areas, and loading facilities;
- (j) Sign (other than advertising signs) as permitted and regulated in each district incorporated herein;
- (k) Carports;
- (l) Public utility facilities - telephone, electric, gas, water and sewer lines, their supports and incidental equipment.

ACREAGE. Any tract or parcel of land having an area of one acre or more which has not heretofore been subdivided or platted.

ADULT FOSTER CARE FACILITY. A residential structure licensed to provide room, board and supervised care, but not without continuous nursing care for unrelated adults over the age of 17, in accordance with Public Act 218, 1979, as amended, and the Adult Foster Care Administrative rules as administered by the Michigan Department of Social Services. The following four types of Adult Foster Care Homes are provided for by these rules:

- (1) Adult Foster Care Home is a private residence for six or fewer adults.
- (2) Adult Foster Care Small Group Home is a residence for 12 or fewer adults.
- (3) Adult Foster Care Large Group Facility is a residence for 13 to 20 adults.
- (4) Congregate Care is housing constructed for the exclusive use of an individual 55 years of age or older, or for a couple where at least one of the individuals is over the age of 55.

AGRICULTURE. All the processes of planting, growing, harvesting of crops in the open and the raising and feeding of livestock and poultry; including farming, farm buildings and farm dwellings, truck gardens, flower gardens, apiaries, aviaries, mushroom growing, nurseries, orchards, forestry, dairying, greenhouses and commercial vegetables.

ALLEY. A public way, not more than 30 feet wide, which affords only a secondary means of access to abutting property.

ALTERATION, STRUCTURAL. Any change which would tend to prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams or girders.

APARTMENT. A room or suite of rooms in a multiple-family structure which is arranged, designed, used or intended to be used as a single housekeeping unit.

APARTMENT HOTEL. See *HOTEL, APARTMENT.*

AUTOMOBILE LAUNDRY (AUTOMATIC). A building or portion thereof containing facilities for washing automobiles as a commercial enterprise.

AUTOMOBILE REPAIR, MAJOR. Engine rebuilding or major recondition of worn or damaged motor vehicles or trailers; collision service including body, frame or fender straightening or repair, and painting of vehicles.

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AUTOMOBILE REPAIR, MINOR. Incidental repair, replacement of parts and motor service to automobiles, but not including any operation specified under ***AUTOMOBILE REPAIR, MAJOR.***

AUTOMOBILE SERVICE STATION. A place where gasoline, stored only in underground tanks, kerosene, lubricating oil or grease for operation of automobiles, are offered for sale directly to the public, on the premises, and including minor accessories and the servicing of automobiles, but not including major automobile repairs; and including the washing of automobiles where no chain conveyor, blower or steamcleaning device is employed. When the dispensing sale or offering for sale of motor fuels or oils is incidental to the conduct of a public garage, the premises shall be classified as a public garage. Automobile service stations shall not include sale or storage of automobiles or trailers (new or used).

AUTOMOBILE AND MOBILE HOME AREA. An open area, other than a street used for the display of new or used automobiles or mobile homes.

AUTOMOBILE WRECKING YARD. Any place where three or more motor vehicles, not in running condition or parts thereof, are stored in the open and are not being restored to operation or any land, building or structure used for wrecking or storing of such motor vehicles or parts thereof and including the commercial salvaging of any other goods, articles or merchandise.

AWNING. A rooflike cover, temporary in nature, which projects from the wall of a building or overhangs the public way.

BANKS AND FINANCIAL INSTITUTIONS. Commercial banks, currency exchanges, savings and loans associations, brokerage offices and other similar financial institutions, and including loan offices, finance companies and pawn shops.

BASEMENT. A story partly or wholly underground. Where more than one-half of its height is above the established curb level or above the average level of the adjoining ground where the curb level has not been established, a basement shall be counted as a story for the purpose of height measurement.

BEDROOM. Any room other than a living room, dining room, kitchen, bathroom or utility room for the purpose of this chapter, shall be considered a bedroom.

BOARD OF APPEALS. The Board of Appeals of the City of Bangor.

BOARDING HOUSE. A building other than a hotel or restaurant where meals are provided for compensation to three but no more than 12 persons, who are not members of the keeper's family.

BORROW PIT. Any place or premises where dirt, soil, gravel or other material is removed by excavation or otherwise below the grade of surrounding land for any purpose other than that necessary and incidental to grading or to building construction or operation on the premises.

BUILDABLE AREA. The space remaining on a zoning lot after the minimum open space requirements have been complied with.

BUILDING.

(1) Any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are no communicating doors, windows or openings; and which is designed or intended for the shelter, enclosure or protection of persons, animals or chattels.

(2) Any structure with interior areas not normally accessible for human use, such as gas holders, oil tanks, water tanks, grain elevators, coal bunkers, oil cracking towers and other similar structures are not considered as buildings.

BUILDING, COMPLETELY ENCLOSED. A building separated on all sides from the adjacent open space or from other buildings or other structures by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.

BUILDING, DETACHED. A building surrounded by open space on the same zoning lot.

BUILDING HEIGHT. The vertical distance measured from the sidewalk level or its equivalent established grade opposite the middle of the front of the building to the highest elevation of the roof in the case of a slant or flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge of a gable, hip or gambrel roof; provided that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building.

BUILDING LINE. The line nearest the front of and across a zoning lot, establishing the minimum open space to be provided between the front line of a building or structure and the street right-of-way line.

BUILDING, NON CONFORMING. Any building which does not conform to the regulations herein prescribing the required yards, coverage, height and setbacks, minimum required spacing between building on a single lot, and minimum required useable open space for the district in which the building is located.

BUILDING PERMIT. A permit issued by the Building Official of the city for the construction, alteration, removal or demolition of a building or structure within the city.

BUILDING PRINCIPAL. A nonaccessory building in which the principal use of the zoning lot on which it is located is conducted.

BUILDING SETBACK LINE. A line parallel to the street line at a distance from it, regulated by the front yard requirements set up herein.

BULK. The term used to indicate the size and setbacks of buildings or structures and location of same with respect to one another and includes the following:

- (1) Size and height of buildings;

- (2) Location of exterior walls at all levels in relation to lot lines, street, or other building;
- (3) All open spaces allocated to the building;
- (4) Amount of lot area per dwelling unit;
- (5) Required parking areas.

BUS LOT. Any lot or land area used for the storage or layover of passenger busses or motor coaches.

BUSINESS AND PROFESSIONAL OFFICE. The office of an engineer, doctor, dentist, attorney, real estate broker, insurance broker, architect, or other similar professional person and any office used primarily for accounting, correspondence, research, editing or administration.

CARPORT. A roofed-over area attached and/or detached to the principal building for vehicle storage, which may be open on three sides, if attached or four sides if detached.

CELLAR. A story have more than one-half of its height below the curb level or below the highest level of the adjoining ground. A cellar shall not be counted as a story for the purpose of height measurement.

CLINIC OR MEDICAL HEALTH CENTER. A medical center or medical clinic is an establishment where three or more licensed doctors of medicine engage in the practice of medicine, operating on a group or individual basis, with pooled facilities such as coordinated laboratory, x-ray and allied departments, for the diagnosis and treatment of humans which need not but may include a drug prescription counter (not a drug store) for the dispensing of drugs and pharmaceutical products to the patients of the said organization. In addition to the above, the medical center or medical clinic may include the space for the practice of dentistry.

CLUB OR LODGE, PRIVATE. A non-profit association of persons who are bona fide members paying annual dues, which owns, hires or leases a building or portion thereof, the use of such premises being restricted to members and their guests.

CLUSTER SUBDIVISION. A land subdivision with a majority of the individual building sites abutting directly on parks or other common open space.

CURB LEVEL. The level of the established curb in front of the building measured at the center of such front. Where a building faces on more than one street, the **CURB LEVEL** shall be the average of the levels of the curbs at the center of the front of each street. Where no curb elevation has been established, the mean level of land immediately adjacent to the building shall be considered the **CURB LEVEL**.

DAY NURSERY. A building or portion thereof used for the daytime care of preschool children.

DECIBEL. A unit of measurement of the intensity (loudness) of sound. Sound level meters which are employed to measure the intensity of sound are calibrated in **DECIBELS**.

DWELLING. A building or portion thereof, but not including house trailer or mobile home, designed or used exclusively for residential occupancy, including one-family dwelling units, two-family dwelling units, and multiple family dwelling units, but not including hotels, motels, boarding or lodging houses.

DWELLING UNIT. One or more rooms in a residential structure, which are arranged, designed, used or intended to be used by one family, plus not more than four lodgers for living or sleeping purposes, and which includes complete kitchen facilities permanently installed.

DWELLING, ATTACHED. A dwelling which is entirely surrounded by open space and is not connected to any other dwelling unit by roof, walls or porches on the same lot.

DWELLING, MULTIPLE-FAMILY. A building or portion thereof designed or altered for occupancy by three or more families living independently of each other.

DWELLING, ROW (PARTY WALL). A row of two to eight attached one-family party wall dwellings, not more than two and one-half stores in height nor more than two rooms in depth, measured from the building line.

DWELLING, GROUP. Two or more one-family, two-family or multiple-family dwellings or boarding or lodging houses, located on one zoning lot but not including tourist courts or motels.

EDUCATIONAL INSTITUTION. Public, parochial, charitable or nonprofit junior college, college or university, other than trade or business schools including instructional and recreational uses with or without living quarters, dining rooms, restaurants, heating plants and other incidental facilities for students, teachers, and employees.

EFFICIENCY UNIT. A dwelling unit consisting of one principal room for living, sleeping, and eating plus facilities for cooking and a complete bath and toilet facilities.

FAMILY. One or more persons related by blood, marriage or adoption, or a group of not more than five persons (excluding servants) who need not be related by blood, marriage or adoption, living together and maintaining a common household but not including sororities, fraternities or other similar organizations.

FENCE. A structure or tree or shrub hedge which is a barrier and is used as a boundary or means of protection or confinement.

FENCE, SOLID. A fence including gates, which conceals from view from adjoining properties, streets or alleys, activities conducted behind it.

FILLING STATION. Buildings and premises where gasoline, oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail.

GROSS FLOOR AREA. (For the purpose of determining requirements for off-street parking and off-street loading.)

(1) The floor area shall mean the sum of the gross horizontal area of the several floors of the building or portion thereof, devoted to such use, including accessory storage areas located within selling or working space, such as counters, racks or closets, and any basement floor area devoted to retailing activities or the production or processing of goods or to business or professional offices.

(2) However, floor area for the purpose of measurement of off-street parking spaces shall not include floor area devoted primarily to storage purposes. The following areas shall not be included for the purpose of measurement of off-street parking spaces:

(a) Floor area devoted to off-street parking or loading facilities, including aisles, ramps and maneuvering space;

(b) Basement floor area other than area devoted to retailing or service activities or the production or processing of goods, or to business or professional offices.

FLOOD PLAIN. The relatively flat lowlands adjoining a watercourse or other body of water subject to overflow therefrom during flood periods.

FLOODWAY. The channel of the stream or body of water and that portion of the flood plain that is inundated by a flood and used to carry the flow of the flood.

FREEWAY. A major highway having no intersections at grade and having full controlled access, hence "free" from conflicts and interruptions.

FREQUENCY. The number of oscillations per second in a sound wave measuring the pitch of the resulting sound.

FRONTAGE. All the property fronting on one side of a street between the nearest intersecting streets or between a street and a right-of-way, waterways or other similar barrier.

GARAGE, BUS. Any building used or intended to be used for the storage of three or more passenger motor busses or motor coaches used in public transportation including school busses.

GARAGE, PRIVATE. Any accessory building or an accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families resident on the premises, and in which no business, service or industry connected directly or indirectly with the automotive vehicles is carried on; provided that not more than one-half of the space may be rented for the private vehicles of persons not resident on the premises except that all the space in a garage of one or two car capacity may be so rented. Such a garage shall not be used for more than two commercial vehicles and the load capacity of such vehicles shall not exceed one ton each.

GARAGE, PUBLIC. A building other than a private garage used for the care, incidental servicing and sale of automobile supplies or where motor vehicles are parked or stored for remuneration, hire

or sale within the structure but not including trucks, tractors, truck trailers and commercial vehicles exceeding one and one-half ton capacity.

GARAGE, BUS OR TRUCK. A building which is used or intended to be used for the storage of motor trucks, truck trailers, tractors and commercial vehicles exceeding one and one-half tons capacity.

GRADE, STREET. The elevation of the established street in front of the building measured at the center of such front. Where no street grade has been established, the City Engineer shall establish such street grade or its equivalent for the purpose of this section.

GROUND FLOOR AREA. The lot area covered by a principal building measured at grade from the exterior walls but excluding open porches or terraces, garages or carports.

GUEST HOUSE. Living quarters within a detached accessory building located on the same premises with the principal building for use by temporary guests of the occupants of the premises. Such quarters shall have no kitchen facilities nor be rented or otherwise used as a separate dwelling.

HOME OCCUPATION.

(1) Any occupation or profession carried on by a member of a family residing on the premises, in connection with which there is no sign used other than allowed by the sign regulations for the district in which such home occupation is located; provided that no commodity is sold upon the premises except such as may be produced on the premises by members of the immediate family; provided that no person is employed other than a member of the immediate family residing on the premises and provided that no mechanical equipment is used except such as is normally used for domestic, hobby or household purposes.

(2) Home occupations shall include the use of premises by a physician, surgeon, dentist, lawyer, clergyman or other professional person for consultation or emergency treatment, but not for the general practice of his profession.

HOSPITAL OR SANITARIUM. An institution devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care for not less than 24 hours in any week of three or more nonrelated individuals suffering from illness, disease, injury, deformity or other abnormal physical conditions.

HOTEL, APARTMENT. A hotel in which at least 90 percent of the hotel accommodations are for occupancy by the permanent guests. An apartment hotel having not less than 50 guest rooms may have a dining room open to the public which is accessible only from an inner lobby or corridor.

HOTEL, MOTEL, INN OR AUTO COURT. An establishment containing lodging accommodations designed for use by transients or travelers or temporary guests. Facilities provided may include maid service, laundering of linens used on the premises, telephone and secretarial or desk service, meeting rooms, restaurants including the sale of alcoholic beverages.

HOUSEHOLDER. The occupant of a dwelling unit who is either the owner or lessee.

JUNK YARD. An open area where waste, scrap metal, paper, rags or similar materials are bought, sold, exchanged or stored, baled, packed, disassembled or handled including auto and building wrecking yards but excluding similar uses taking place entirely within a completely enclosed building.

KENNEL, COMMERCIAL. Any lot or premises or portion thereof on which more than four dogs, cats or other household domestic animals over four months of age are kept, or on which more than two such animals are boarded for compensation or kept for sale.

LABORATORY, COMMERCIAL. A place devoted to experimental study such as testing and analyzing. Manufacturing, assembly or packaging of products is not included within this definition.

LOADING AND UNLOADING SPACE OR BERTH, OFF STREET. An open, hard-surfaced area of land other than a street or a public way, the principal use of which is for the standing, loading and unloading of motor vehicles, tractors and trailers, to avoid undue interference with public streets and alleys. Such space shall not be less than ten feet in width, 25 feet in length and 14 feet in height, exclusive of access aisles and maneuvering space and shall be readily accessible from a street or other public thoroughfare.

LODGING OR ROOMING HOUSE. A building with not more than five guest rooms where lodging is provided for compensation pursuant to previous arrangement, but not open on a daily, overnight or per meal basis to transient guests.

LOT. Parcel of land legally described as a distinct portion or piece of land or record.

LOT LINE, FRONT. The front property line of a zoning lot.

LOT LINE, INTERIOR. A side lot line common with another lot.

LOT LINE, SIDES. Lot lines other than front or rear lot lines are side lot lines.

LOT, REVERSED CORNER. A corner lot, the rear of which abuts upon the side of an other lot, whether across an alley or not.

LOT, THROUGH. A lot having frontage on two parallel or approximately parallel parallel streets, and which is not a corner lot. On a through lot both street lines shall be deemed front lot lines.

LOT AREA. The area of a horizontal plane bounded by vertical planes containing the front, side and rear lot lines.

LOT OF RECORD. An area designated as a lot on a plat of subdivision recorded or registered pursuant to statute.

LOT, CORNER. A lot situated at the junction of and abutting on two or more intersecting streets; or a lot at the point of deflection in alignment of a single street, the interior angle of which is 130 degrees or less.

LOT COVERAGE. The area of a zoning lot occupied by the principal building or buildings and accessory buildings.

LOT DEPTH. The mean horizontal distance between the front and rear lot lines of a lot measured within the lot boundaries.

LOT FRONTAGE. The front of a lot shall be that boundary of a lot along a public street; for a corner lot the owner may elect either street line as the front line.

LOT LINE. A property boundary line of any lot held in single or separate ownership except that where any portion of the lot extends to the abutting street or alley, the lot line shall be deemed to be the street or alley line.

LOT INTERIOR. A lot other than a corner or reversed corner lot.

LOT WIDTH. The mean horizontal distance between the side lot lines measured within the boundaries or the minimum distance between the side lot lines within the buildable area.

MANUFACTURE. The production, making or processing of products or commodities for general consumption of the public or for sale. Also included is the sub-assembly, fabrication, or processing of parts or components for use in other products or commodities.

MARQUEE OR CANOPY. A rooflike structure of a permanent nature which projects from the wall of a building and may overhang the public way and is designed and intended to protect pedestrians from adverse weather conditions.

MOBILE HOME. A factory built dwelling unit with or without motive power used or adaptable for living, sleeping, business or storage purposes, which may or may not meet the building code requirements and has been or reasonably may be equipped with wheels or other devices for transporting the structure from place to place. A permanent foundation shall not change its character nor shall the erecting of additions to said mobile home unless the mobile home itself and any additions there to conform to all city laws. The term **MOBILE HOME** shall include the terms "Modular Housing", "Factory Built Housing", and "Double-Wide Housing".

MOBILE HOME SALES AREA. An open area, other than a street, used for the display or sale of new or used mobile homes or trailers, and where no repair work is done except for minor incidental repair of trailers to be displayed and sold on the premises.

MOBILE HOME PARK OR COURT. A property designed and operated in accordance with § 154.056 where space and facilities for mobile homes may be rented.

MOTEL. See **HOTEL**.

MOTOR FREIGHT TERMINAL. A building in which freight brought to said building by motor truck is assembled and sorted for routing in either interstate or intrastate shipment by motor truck.

NAMEPLATE. A sign indicating the name and address of a building or the name of an occupant thereof, and the practice of a permitted occupation therein.

NET SITE AREA. The area of a zoning lot, parcel or tract, excluding boundary rights-of-way.

NONCONFORMITY. Any particular in which a building, yards or use of building or land does not comply with the requirements of this chapter for new buildings and uses.

NON-CONFORMING USE. Any building, structure or land lawfully occupied by a use or lawfully established at the time of the adoption of the ordinance or amendments thereto, which does not conform after the passage of this chapter or amendments thereto with the use regulations of this chapter.

NOXIOUS MATTER. Material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the psychological, social or economic well being of human beings.

NURSERY, CHILD-CARE. An establishment for the part-time care of five or more children of pre-elementary school age in addition to the members of the family residing therein.

NURSING HOME OR REST HOME. A commercial establishment for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorder but not including facilities for the treatment of sickness or injuries or for surgical care.

OCCUPANCY CERTIFICATE. A certificate issued by the Building Inspector stating the occupancy and use of land or a building or structure referred to therein complies with the provisions of this chapter.

OCTAVE BAND. A means of dividing the range of sound frequencies into octaves in order to classify sound according to pitch.

OCTAVE BAND FILTER. An electrical frequency analyzer, designed according to standards formulated by the American Standards Association and used in conjunction with a sound level meter to take measurements in specific octave intervals (American Standards for Sound Level Meters, A.S.A. No. 244, 3-1944).

OPEN SALES LOT. A lot or parcel of land used or occupied for the purpose of buying, selling or trading of all goods and commodities and including the storage of same prior to sale or exchange.

ORDINANCE. Reference to **ORDINANCE** shall be construed as the City of Bangor Zoning Ordinance unless clearly specified otherwise.

PARKING AREA, PRIVATE. An open, hard-surfaced area, other than a street or public way designed, arranged and made available for the storage of private passenger automobiles only, of occupants of the building or buildings for which the parking area is developed and is accessory.

PARKING AREA, PUBLIC. An open, hard-surfaced area other than a street or public way, intended to be used for the storage of passenger automobiles and commercial vehicles under one and one-half tons capacity, and available to the public, whether for compensation, free or as an accommodation to clients or customers.

PARKING SPACE, AUTOMOBILE. Space within a public or private parking area of not less than 180 square feet (nine feet by 20 feet) exclusive of access drives or aisles, ramps, columns or office and work area, for the storage of one passenger automobiles or commercial vehicles under one and one-half tons capacity and connected with a street or alley which affords ingress and egress without requiring another automobile to be moved.

PARTICULATE MATTER. Material which is suspended in or discharged into the atmosphere in finely divided form as a liquid or solid at atmospheric pressure and temperature.

PLAN COMMISSION OR PLANNING COMMISSION. The Plan Commission of the city as constituted by this chapter.

PLANNED UNIT DEVELOPMENT. A tract of land which is planned as a whole for development under single ownership or control and which, by virtue of such unified planning and development, provides greater amenities, convenience or other benefits than normally would be obtained through the development, adequate provision shall be made for basic community facilities such as schools, parks, playgrounds and churches, among others.

PORCH. A roofed-over structure, projecting out from the wall or walls of a main structure and commonly open to the weather in part.

PRINCIPAL USE. The main use of land or buildings on a zoning lot as distinguished from a subordinate or accessory use.

PUBLIC OPEN SPACE. Any publicly owned open area including but not limited to the following: Parks, playgrounds, forest preserves, beaches, waterways, parkways and streets.

PUBLIC UTILITY. Any person, firm, corporation or municipal department, duly authorized to furnish under public regulation to the public electricity, gas, steam, telephone, transportation or water.

RAILROAD RIGHT-OF-WAY. A strip of land with tracks and auxiliary facilities for track operation, but not including depot loading platforms, stations, train sheds, warehouses, car shops, car yards, locomotive shops, water towers, etc.

RESTAURANT. Any land, building or part thereof other than a boarding house where meals are provided for compensation including a cafe, cafeteria, coffee shop, lunch room, drive-in stand, tearoom and dining room and including the serving of alcoholic beverages when served with and incidental to the serving of meals.

RINGELMANN NUMBER. The number of the area of the Ringelmann Chart that coincides most nearly with the visual density of smoke emission.

ROADSIDE STAND. A farm building used or intended to be used solely by the owner or tenant of the farm on which such building is located for the sale of the farm products raised on said farm.

SANITARY LANDFILL. A method of disposing of solid waste by spreading and covering with earth to a depth of two feet on the top surface and one foot on the sides and the bank.

SIGN.

(1) A name, identification, description, display or illustration which is affixed to or painted or represented directly or indirectly upon a building, structure, tree, rock or other object or piece of land and which directs attention to an object, product, place, activity, person, institution, organization or business.

(2) However, a sign shall not include any display of official court of public office notice nor shall it include the flag, emblem or insignia of a nation, political unit, school or religious group. A sign shall not include a display located completely within an enclosed building unless the context shall be exposed to view from a street. Each display surface of a sign shall be considered to be a sign.

SIGN, ADVERTISING (BILLBOARD). A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises where such sign is located or to which it is attached.

SIGN, BUSINESS. A sign which directs attention to a business or profession conducted or to a commodity, service or entertainment sold or offered upon the premises where such sign is located or to where it is affixed.

SIGN, CHURCH BULLETIN BOARD. A sign attached to the exterior of a church or located elsewhere on the church premises used to indicate the services or activities of the church and including its name, if desired.

SIGN, FLASHING. Any illuminated sign on which the artificial light is not maintained, stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this chapter, any revolving, illuminated sign shall be considered a flashing sign.

SIGN, GROSS SURFACE AREA OF. A sign shall be the entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of same. However, such perimeter shall not include any structural or framing elements outside the limits of such sign and not forming an integral part of the display.

SIGN, IDENTIFICATION. A structure, building wall or other outdoor surface used to display and identify the name of the individual, business, profession, organization or institution occupying the premises upon which it is located.

SIGNS, TYPES OF.

(1) **ADVERTISING DEVICE.** Banners affixed on poles, wires, or ropes and streamers, wind operated devices, flashing lights, and other similar devices.

(2) **GROUND SIGN.** Any sign erected, constructed, or maintained for the purpose of displaying outdoor advertising by means of posters, pictures, pictorial and reading matter when such sign is supported by two or more uprights, posts, or braces placed upon or affixed in the ground and not attached to any part of a building.

(3) **MARQUEE SIGN.** A sign affixed to a marquee over the entrance to a building and supported from the building.

(4) **POST SIGN.** Any letter, word, model sign, device, or representation used in the nature of an advertisement or announcement not attached to a building and which is supported by a single stationary pole or post.

(5) **PROJECTING SIGN.** A sign which is attached to and projects more than 12 inches from the face of a wall of a building.

(6) **ROOF SIGN.** Any sign erected, constructed, or maintained upon the roof of any building or any wall sign which extends more than 36 inches above the roof line or parapet wall of a building.

(7) **WALL SIGN.** Any sign or poster either painted on or affixed directly to a wall or on any surface or plane, affixed to the front, side or rear wall on any building. A wall sign may not project more than 12 inches from the face of the wall to which it is attached.

SMOKE UNITS. The number obtained by multiplying the smoke density in Ringelmann numbers by the time of emission in minutes. For the purpose of this chart, Ringelmann density reading is made at least once every minute during the period of observation; each reading is then multiplied by the time in minutes during which it is observed; and the various products are added together to give the total number of "smoke units" observed during the total period under observation.

SOUND LEVEL METER. An instrument standardized by the American Standards Association for measurement of intensity of sound.

STORY. That portion of a building included between the surface of any floor and the surface of the floor above it, or if there is no floor above then the space between the floor and the ceiling next above it. Any portion of a story exceeding 14 feet in height shall be considered as an additional story for each 14 feet or fraction thereof.

STORY, HALF. A half-story is that portion of a building under a gable, hip or mansard roof, the wall plates of which on at least two opposite exterior walls are not more than four and one-half feet above the finished floor of each story. In the case of one-family dwellings, two-family dwellings and multiple-family-dwellings less than three stories in height and half-story in a sloping room shall not be counted as a story.

STACKING REQUIREMENTS. For the purpose herein, stacking requirements are the number of cars that must be accommodated in a reservoir space while waiting ingress or egress to specified business or service establishment.

STREETS. A public way other than an alley which affords a primary means of access to abutting property.

STREET LINE. A line separating a lot, piece or parcel of land from a street.

STRUCTURE. Anything constructed or erected which requires location on the ground or is attached to something having location on the ground including a fence or free-standing wall. A sign, billboard or other advertising medium, detached or projected shall be construed to be a structure.

STRUCTURAL ALTERATIONS. See *ALTERATIONS, STRUCTURAL*.

SWIMMING CLUB, PRIVATE (COMMERCIAL). A private club operated for profit, maintaining and operating a swimming pool and apparatus and equipment pertaining to the swimming pool with specified limitations upon the number of members for the exclusive use of members and their guests.

SWIMMING CLUB, PRIVATE (NON-PROFIT). A private club incorporated as a non-profit club or organization maintaining and operating a swimming pool with specified limitations upon the number of members or limited to residents of a block, subdivision, neighborhood, community or other specified areas of residence, for the exclusive use of members and their guests.

SWIMMING POOL, COMMERCIAL. A swimming pool and the apparatus and equipment pertaining to the swimming pool, operated for profit, open to the public upon payment of an hourly, daily, weekly, monthly, annual or other fee.

SWIMMING POOL, PRIVATE. A swimming pool and the apparatus and equipment pertaining to the swimming pool, maintained by an individual for the sole use of his household and guests, without charge for admission and not for the purpose of profit or in connection with any business operated for profit, located on a lot as an accessory use to a residence.

SWIMMING POOL, PUBLIC. A swimming pool and the apparatus and equipment pertaining to the swimming pool, maintained and operated by municipality or other units of government for the general public whether or not an admission fee is charged.

TAVERN OR LOUNGE. A building where liquors are sold to be consumed on the premises but not including restaurants where the principal business is serving food.

TOURIST HOME. A dwelling in which accommodations are provided or offered for transient guests.

TOXIC MATERIALS. A substance (liquid, solid or gaseous) which by reason of an inherent deleterious property, tends to destroy life or impair health.

TRAILER, SPORTS OR CAMPING. A trailer designed for camping or other recreational purposes.

TRUCK PARKING AREA OR YARD. Any land used or intended to be used for the storage, parking of trucks, trailers, tractors and including commercial vehicles, while not loading or unloading, which exceeds one and one-half tons in capacity.

USE. The purpose for which land or a building is designed, arranged or intended or for which it is occupied or maintained, let or leased.

USE, PRINCIPAL. The main use of land or buildings distinguished from a subordinate or accessory use.

USED CAR LOT. A zoning lot on which used or new cars, trailers or trucks are displayed in the open for sale or trade.

VARIANCE. A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this chapter, a variance is authorized only for height, area and size of structure or size of yards and open space. Establishment or expansion of a use, otherwise prohibited, shall not be allowed by variance nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.

YARD. An open space on the same zoning lot with a principal building or group of buildings, which is unoccupied and unobstructed from its lowest level upward, except as otherwise permitted herein, and which extends along a lot line and at right angles thereto, to a depth or width specified in the yard regulations for the district in which the zoning lot is located.

YARD, FRONT. A yard extending along the full length of the front lot line between side lot lines.

YARD, REAR. A yard extending along the full length of the rear lot line between side lot lines.

YARD, SIDE. A yard extending along a side lot line from the front yard to the rear yard. Side yards adjoining streets shall be equal in depth to the front yard of the adjoining property.

ZONING ADMINISTRATOR. Wherever the term **ZONING ADMINISTRATOR** is used, it shall mean the Zoning Administrator appointed by the City Manager and such deputies or assistants as have been or shall be duly appointed. That officer is hereby authorized and it is his duty to administer and enforce the provisions of the zoning ordinance, making such determinations, interpretations and orders as are necessary thereof and requiring such plats, plans and other descriptive material in connection with applications for permits as are necessary for him to judge compliance with the ordinance.

ZONING LOT. A single tract of land within a single block which (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed or built upon

as a unit under single ownership or control. Therefore, a zoning lot may or may not coincide with a lot of record.

ZONING MAP. The map incorporated herein as a part hereof, designating zoning districts.

BUILDING INSPECTOR. The officer employed by the city charged with the administration and enforcement of the city's building code, or his/her duly authorized representative.
(Ord. 205, passed 1-16-95; Am. Ord. 240, passed 9-21-98)

§ 154.015 MINIMUM DWELLING UNIT WIDTH FOR SINGLE FAMILY DETACHED UNITS.

Every single family detached dwelling shall have a minimum width throughout its entire length of the dwelling of 24 feet measured between the exterior part of the walls having the greatest length. Said minimum width requirements shall apply to Residential Zones R-1, R-2 and R-3 only.
(Ord. 216, passed 5-5-97) Penalty, see § 154.999

§ 154.016 MOBILE HOME STANDARDS.

(A) The mobile home shall be aesthetically compatible in design and appearance with other residences in the immediate area with a roof overhang on eaves side of not less than four inches each and a minimum roof pitch of not less than two on 12. As an alternative, window sills or roof drainage systems concentrating roof drainage at collection points along the sides the dwelling may be permitted.

(B) The mobile home shall not have exposed wheels, towing mechanism, undercarriage or chassis.

(C) The mobile home shall meet or exceed all roof snow load and strength requirements imposed by the US Dept. of Housing and Urban Development Mobile Home Construction and Safety Standards, effective June 15, 1976 as amended, and shall include the appropriate designation on the mobile home.

(D) The mobile home shall be firmly attached to a permanent foundation constructed on the side. The mobile home shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission. It shall contain skirting along the entire perimeter of the main frame between the ground and the bottom edge of the mobile home body. Such skirting shall be a minimum of 26 gauge metal with ribbing, or of other accepted building materials having similar design and durability. The skirting shall be securely attached and sealed to the mobile home body and shall contain a ratproof wall or slab to prevent the entrance of rodents and other animals underneath the mobile home. One access door shall be permitted in the skirting, and adequate screening vents shall be required in the skirting around the entire perimeter at intervals of not more than 20 feet to provide adequate cross-ventilation. All skirting shall be maintained in good condition at all times. Unprotected flammable materials, including hay bales and newspaper, shall not be allowed as skirting for mobile homes.

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(E) The mobile home shall be located so as to meet all the requirements of the City Zoning Ordinance relating to uses, size of the premises, setback, side lot, and rear lot requirements specified for the residential dwelling units for the particular zoning district in which the mobile home is located.

(F) If any exterior structural changes required to an approved mobile home, or are to be completed upon a mobile home prior the placement on the site, the modifications and structural changes shall be first approved by the city.

(G) Construction and installation of all plumbing, electrical apparatus, and insulation within and connected to the mobile home shall be of the type and quality conforming to the most recent edition of the US Department of Housing and Urban Development Mobile Home Construction and Safety Standards, effective June 15, 1976, as amended.

(H) All mobile homes shall be connected to an approved sewer system and water supply system.

(I) All mobile homes shall provide steps or porch areas, permanently positioned in the ground or permanently attached to the foundation, where there exists an elevation differential of more than one foot between any door and the surrounding grade. All dwellings shall have a minimum of two points of ingress and egress.

(Ord. 216, passed 5-5-97) Penalty, see § 154.999

NONCONFORMITIES**§ 154.030 CONTINUANCE OF USE.**

(A) Any lawfully established use of a building or land, on the effective date of this chapter or of amendments thereto, that does not conform to the use regulations for the district in which it is located, shall be deemed to be a legal non-conforming use and may be continued except as otherwise provided herein.

(B) Any building for which a permit has been lawfully granted prior to the effective date of this chapter or of amendments thereto, may be completed in accordance with the approved plans; provided construction is started within 90 days and diligently prosecuted to completion. Such building shall thereafter be deemed a lawfully established building.

(Ord. 205, passed 1-16-95)

§ 154.031 DISCONTINUANCE OF USE.

(A) Whenever any part of a building, structure or land occupied by a non-conforming use is changed to or replaced by a use conforming to the provisions of this chapter, such premises shall not thereafter be used or occupied by a non-conforming use, even though the building may have been originally designed and constructed for the prior non-conforming use.

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(B) Whenever a non-conforming use of a building or structure or part thereof, has been discontinued for a period of 24 consecutive months or whenever it is evident a clear intent on the part of the owner to abandon a non-conforming use, such use shall not, after being discontinued or abandoned, be re-established and the use of the premises thereafter shall be in conformity with the regulations of the district.

(C) Where no enclosed building is involved, discontinuance of a non-conforming use for a period of six months shall constitute abandonment and shall not thereafter be used in a nonconforming manner.

(D) A non-conforming use not authorized by the provisions of the zoning ordinance in effect prior to the time this chapter becomes effective, shall be discontinued and not re-established except when the provisions of this chapter find the use to be conforming to the district in which it is then located.
(Ord. 205, passed 1-16-95) Penalty, see § 154.999

§ 154.032 CHANGE OF NON-CONFORMING USE.

A non-conforming use of a building or premises may be changed to a similar non-conforming use by the occupants or owners thereof provided that the new non-conforming use does not constitute a greater violation of the use provisions of this chapter than the previous use.
(Ord. 205, passed 1-16-95)

§ 154.033 TERMINATION AND REMOVAL OF NON-CONFORMING USES, AND STRUCTURES.

The period of time during which the following non-conforming uses of buildings, structures or land may continue or remain, shall be limited from the effective date of this chapter or amendment hereto which causes the use to be non-conforming. Every such non-conforming use shall be completely removed from the premises at the expiration of the period of time specified below:

(A) Any non-conforming use of building or structure having an assessed valuation not in excess of \$1,000 on the effective date of this chapter shall be removed after two years.

(B) Any non-conforming use of land where no enclosed building is involved or where the only buildings employed are accessory or incidental to such use or where such use is maintained in connection with a conforming building shall be removed after a period of two years.

(C) All non-conforming signs, billboards and outdoor advertising structures shall be removed after a period of five years.

(D) Any non-conforming mobile homes shall be removed after a period of five years.
(Ord. 205, passed 1-16-95) Penalty, see § 154.999

§ 154.034 REPAIRS AND ALTERATIONS.

(A) Normal maintenance of a building or other structure containing a non-conforming use is permitted, including necessary non-structural repairs and incidental alterations which do not extend or intensify the non-conforming use.

(B) No structural alteration shall be made in a building or other structure containing a nonconforming use, except in the following situations:

- (1) When the alteration is required by law.
- (2) When the alteration will actually result in eliminating the non-conforming use.

(3) When a building in a residential district containing residential non-conforming uses may be altered in any way to improve livability, provided no structural alterations shall be made which would increase the number of dwelling units or the bulk of the building.

(Ord. 205, passed 1-16-95) Penalty, see § 154.999

§ 154.035 ADDITIONS AND ENLARGEMENTS.

(A) A building containing a non-conforming use may be enlarged or extended only if the entire building is thereafter devoted to a conforming use, and is made to conform to all regulations of the district in which it is located.

(B) No building partially occupied by a non-conforming use shall be altered in such a way as to permit the enlargement or expansion of the space occupied by such non-conforming use.

(C) No non-conforming use may be enlarged or extended in such a way as to occupy any required usable open space or any land beyond the boundaries of the zoning lot as it existed on the effective date of the ordinance or to displace any conforming use in the same building or on the same parcel.

(Ord. 205, passed 1-16-95) Penalty, see § 154.999

§ 154.036 NONCONFORMITY OF YARDS OR BUILDING BULK.

A building or structure which is non-conforming with respect to yards or any other element of bulk regulated herein shall not be altered or expanded in any manner which would increase the degree or extent of its non-conformance with respect to the bulk regulations of the district in which it is located.

(Ord. 205, passed 1-16-95) Penalty, see § 154.999

ZONING MAP AND DISTRICTS**§ 154.050 MAP.**

The boundaries of the zoning districts are established as shown on the map entitled "Official Zoning Map of the City of Bangor, Michigan"; this map is made a part hereof, and shall have the same force and effect as if the Zoning Map, together with all notations, references and other information shown thereon, were fully set forth and described herein.

(Ord. 205, passed 1-16-95)

§ 154.051 DISTRICT BOUNDARIES.

When uncertainty exists with respect to the boundaries of the various districts, as shown on the Zoning Map, the following rules shall apply:

(A) District boundary lines are either the center lines of railroads, highways, streets, alleys or easements, or the boundary lines of sections, quarter-sections, divisions of sections, tracts or lots, or such lines extended otherwise indicated.

(B) In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strips shall be in accordance with the dimensions shown on the maps measured at right angles from the center line of the street or highway, and the length of the frontage shall be in accordance with dimensions shown on the map from section, quarter-section or division lines or center lines of streets, highways or railroad right-of-way unless otherwise indicated.

(C) Where a lot held in one ownership and of record on the effective date of the ordinance is divided by a district boundary line, the entire lot shall be construed to be within the less restricted district, provided that the construction shall not apply if it increases the less restricted frontage of the lot by more than 25 feet.

(Ord. 205, passed 1-16-95)

§ 154.052 ZONING OF PUBLIC WAYS.

All streets, alleys, public way, waterways and railroad right-of-way, if not otherwise specifically designated shall be deemed to be in the same zone as the property immediately abutting on such streets, alleys, public ways and railroad rights-of-way or waterways. Where the center line of a street, alley, public way, waterway or railroad right-of-way serves as district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line.

(Ord. 205, passed 1-16-95)

§ 154.053 R-1 ONE-FAMILY RESIDENCE DISTRICT.

(A) *Purpose.* The R-1 District is established to provide low density areas in which the principal use of land is for single family dwellings.

(B) *Permitted uses.* The following uses are permitted:

- (1) One-family detached dwellings and permitted accessory uses.
- (2) Parks, forest preserves and recreational areas, when publicly owned and operated.
- (3) Home occupations.
- (4) Schools, public, denominational or private, elementary and high, including playgrounds and athletic fields, auxiliary thereto.
- (5) Churches, rectories, seminaries, convents, monasteries and similar religious institutions, including dormitories and other accessory uses required for operation.
- (6) Accessory uses including off-street parking facilities in accordance with the provisions of §§ 154.050 through 154.060.
- (7) Signs as permitted in §§ 154.070 through 154.075.
- (8) See Figure 1, Residential Uses and Requirements.
- (9) Adult Foster Care Homes

(C) *Special uses.* The following uses may be allowed by special use permit in accordance with the provisions of §§ 154.145 through 154.149 of this chapter entitled Special Uses.

- (1) Cemeteries, including crematories and mausoleums in conjunction therewith.
- (2) Colleges and universities, including dormitories, fraternities, sororities and other accessory buildings necessary for operation, but not including business colleges or trade schools when operated for profit.
- (3) Filling of holes; pit or lowlands with non combustible material free from refuse and food wastes.
- (4) Golf course, regulation size or "par 3" but not including commercially operated driving ranges or miniature golf courses.

(5) Planned Unit Developments, under single ownership or control, in which incidental business or recreational facilities for the convenience of the occupants may be furnished, provided the property proposed for development shall have a gross area of at least four acres and shall otherwise comply with §§ 154.160 through 154.167 of this chapter. For such development, the City Council may vary the regulations herein, provided such variations are consistent with the general purpose and intent of the ordinance and will result in better site planning and thus be a greater benefit both to the occupants of the development and to the community.

(6) Public service uses; including filtration plant, pumping station and water reservoir; sewage treatment plant; sanitary land fill; police and fire stations; telephone exchanges; electric substations and other similar public service uses.

(7) Radio and television stations and towers.

(8) Railroad rights-of-way and trackage, but not including reclassification yards, terminal facilities or maintenance facilities.

(9) Schools - nursery, public or private.

(10) Swimming club - private (commercial).

(11) Swimming club - private (non-profit).

(12) Swimming pool - public.

(13) Mobile homes provided the following conditions are met:

(a) Lot area, required yards, minimum ground floor area and other requirements of this chapter for single family homes must be met.

(b) Structural, plumbing, electrical, mechanical and other requirements of the Bangor building code must be met.

(c) A perimeter wall of masonry on a below frost footing, completely surrounding the mobile home must be provided.

(d) An approved tie down system attaching the mobile home to the perimeter wall must be provided.

(D) *Off-street parking.* Off-street parking and loading facilities shall be provided as required or permitted in §§ 154.080 through 154.084.

(E) *Minimum lot size.*

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(1) Every one-family detached dwelling hereafter erected shall be located on a lot having an area of not less than 8,400 square feet and a width at the established building line of not less than 70 feet.

(2) All non-residential principal uses of buildings as permitted herein shall be located on a tract of land having an area of not less than 15,000 square feet width with a minimum width at the building line of not less than 80 feet.

(3) Minimum lot size for special uses shall be prescribed and conditions imposed at the time a special use permit is authorized, but in no case shall any such lot have an area of less than 15,000 square feet.

(F) *Yard areas.* No building shall be erected or enlarged unless the following yards are provided and maintained:

(1) *Front yard.* A front yard of not less than 25 feet or in accordance with § 154.007.

(2) *Side yards.* A side yard on each side of the main building not less than six feet.

(3) *Rear yard.* A rear yard of not less than 25 feet.

(G) *Maximum lot coverage.* Not more than 35 percent of the lot area may be occupied by buildings and structures, including accessory buildings.

(H) *Minimum ground floor area.* Minimum ground floor area of a residential building shall not be less than 1,000 square feet in a R-1 zone.

(I) *Maximum building height* - Twenty-five feet.

(Ord. 205, passed 1-16-95; Am. Ord. 240, passed 9-21-98)

§ 154.054 R-2 ONE AND TWO FAMILY RESIDENCE DISTRICT.

(A) *Purpose.* The R-2 District is intended to provide a somewhat more dense dwelling environment in the areas of the city close to the Central Business District and to permit the establishment of new two family homes and the conversion of large, older homes to two family use.

(B) *Permitted uses.* The following uses are permitted:

(1) Any of the uses permitted in the R-1 One Family Residence District.

(2) Two family dwellings.

(3) Adult Foster Care Homes

(C) *Special uses.* Any special uses allowed in the R-1 One-Family Residence District.

(D) *Off-street parking.* Off-street parking and loading facilities shall be provided as required in §§ 154.080 through 154.084.

(E) *Minimum lot sizes.*

(1) Every one-family detached or two family dwelling hereafter erected shall be located on a lot having an area of not less than 7,200 square feet and a width at the established building line of not less than 60 feet.

(2) All non-residential principal uses of buildings as permitted herein shall be located on a tract of land having an area of not less than 15,000 square feet, with a minimum width at the building line of not less than 80 feet.

(3) Minimum lot size for special uses shall be prescribed and conditions imposed at the time a special use permit is authorized, but in no case shall any such lot have an area of less than 15,000 square feet.

(F) *Yard areas.* No building shall be erected or enlarged unless the following yards are provided and maintained:

(1) *Front yard.* A front yard of not less than 25 feet or in accordance with § 154.007.

(2) *Side yards.* A side yard on each side of the main building not less than six feet.

(3) *Rear yard.* A rear yard of not less than 25 feet.

(G) *Maximum lot coverage.* Not more than 35 percent of the lot area may be occupied by buildings and structures, including accessory buildings.

(H) *Minimum ground floor area.* Minimum ground floor area for residential structures shall not be less than 1,000 square feet.

(I) *Maximum building height -* Thirty-five feet.
(Ord. 205, passed 1-16-95; Am. Ord. 240, passed 9-21-98)

§ 154.055 R-3 GENERAL RESIDENCE DISTRICT.

(A) *Purpose.* The R-3 District is established as a general residence district to provide for a wider variety of dwelling accommodations with a higher density of dwelling units; to provide for multiple-family dwellings with adequate open space for family living; to provide for and encourage the

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redevelopment of older residential districts in the city and to provide for a transition between non-residential areas and single-family areas of low density.

(B) *Permitted uses.* The following uses are permitted:

- (1) Any of the uses permitted in the R-2 One and Two Family Residence District.
- (2) Boarding house, lodging house or rooming house.
- (3) Multiple-family dwellings, apartments and apartment hotels.
- (4) One-family row dwellings (party wall) with not more than eight dwellings in a row or building.
- (5) Adult Foster Care Homes

(C) *Special uses.* The following uses may be allowed by special use permits:

- (1) Any use which may be allowed as a special use in the R-2 District.
- (2) Medical and dental offices and medical centers.
- (3) Philanthropic or eleemosynary uses or institutions, provided that not more than 20 percent of the gross floor area or 2,000 square feet, whichever is greater shall be used as office space.
- (4) Private clubs or lodges, except those the chief activity of which is a service normally carried on as a business.
- (5) Off-street parking areas, provided there is a need for this type of facility in the interest of the public necessity and convenience and that no appropriate site is available in nearby business or manufacturing districts.
- (6) Undertaking establishments, funeral parlors.
- (7) Planned Unit Developments under single ownership or control, in which incidental business or recreational facilities for the convenience of the occupants may be furnished, provided the property proposed for development shall have a gross area of at least four acres and shall otherwise comply with §§ 154.160 through 154.167 of this chapter. For such developments, the City Council may vary the regulations herein, provided such variations are consistent with the general purpose and intent of the ordinance and will result in better site planning and thus be of greater benefit both to the occupants of the development and to the community.
- (8) The following uses may be permitted, upon review and recommendation by the City Planning Commission and approval by the City Council:

(a) Adult Foster Care Small Group Homes, subject to the following conditions:

1. Such use shall be duly licensed by the State Department of Social Services.
2. Buildings and lots so used shall conform to all state and local code requirements.
3. Indoor living area and sanitary facilities shall be adequate to accommodate the number of persons intended to occupy the facility.
4. The facility shall not result in an excessive concentration of such facilities in the general area or the City of Bangor overall, as determined by the City Council.
5. No group foster home facility shall be located closer than 1500 feet to any other group foster home facility, measured from the nearest wall of each such structure.
6. The facility shall demonstrate that the persons living in the facility will be adequately supervised.

(b) Adult Foster Care Large Group Family, subject to same conditions listed above for Adult Foster Care Small Group Homes.

(c) Congregate Care Facility, subject to the same conditions listed above for Adult Foster Care Small Group Homes.

(D) *Off-street parking.* Off-street parking and loading facilities shall be provided as required or permitted in §§ 154.080 through 154.084.

(E) *Minimum lot sizes.*

(1) Every one-family detached dwelling or two-family dwelling hereafter erected shall be located on a lot having an area of not less than 7,200 square feet and a width at the building line of not less than 60 feet.

(2) All structures or buildings containing three or more dwelling units shall be located on a lot which provides a minimum lot area, per dwelling unit, as follows:

<i>TYPE OF DWELLING UNIT</i>	<i>LOT AREA PER DWELLING UNIT IN SQUARE FEET</i>
More than 4 Bedrooms	5,000
4 bedrooms	4,000
3 bedrooms	3,000
2 bedrooms	2,800
1 bedroom & efficiency	2,500

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(3) Minimum lot width for multi-family structures shall be at least 1/2 the depth of the lot up to a width of 100 feet.

(4) All non-residential principal uses permitted in this district shall be located on a lot having an area of not less than 15,000 square feet, and a width at the building line of not less than 80 feet.

(5) Minimum lot sizes for special uses shall be prescribed at the time a special use permit is authorized but in no case shall any such lot be less than 15,000 square feet, and a width at the building line of not less than 80 feet.

(F) *Yard areas.* No building shall be erected or enlarged unless the following yards are provided and maintained:

(1) *Front yard.* A front yard of not less than 25 feet or in accordance with § 154.007.

(2) *Side yards.* The minimum interior side yard requirements for permitted uses shall be not less than those itemized below:

(a) For one and two family buildings, the same regulations shall apply as permitted or required in the R-2 One and Two Family Residence District.

(b) For buildings containing three or more dwelling units, a side yard of each side of each building of ten feet plus five additional feet for each additional story above two stories in height.

(c) For buildings containing three or more dwelling units, there may be not less than 20 feet between adjacent row buildings.

(d) For permitted non-residential buildings, interior side yard on each side of the building shall not be less than 25 feet.

(e) For special uses, the interior side yards shall be as specified in the special use permit, but in no case shall the interior side yards be less than those specified for non-residential buildings in subdivision (d) above.

(3) *Rear yard.* There shall be a rear yard of not less than 30 feet.

(G) *Maximum lot coverage.* Not more than 40 percent of the lot area may be occupied by buildings and structures including accessory buildings.

(H) *Minimum ground floor area.* Minimum ground floor area of a residential building shall not be less than 1,000 square feet in an R-3 zone.

(I) *Maximum building height -* Thirty-five feet.
(Ord. 205, passed 1-16-95; Am. Ord. 240, passed 9-21-98)

§ 154.056 R-4 MOBILE HOME DISTRICT.

(A) *Purpose.* The R-4 district provides for the use of mobile homes in mobile home parks which must meet the requirements of this chapter and applicable state law. These requirements are designed to insure safe and otherwise satisfactory living accommodations but are less stringent than those for mobile homes on individually owned lots outside of mobile home parks.

(B) *Permitted uses.* In all R-4 Districts no building or land, except as otherwise provided in this chapter, shall be erected or used except for one or more of the following specified uses. Mobile home parks shall be established on approval of the Planning Commission with respect to site layout and pedestrian and vehicular circulation.

(1) Any use permitted in the R-3 General Residence District.

(2) Mobile home parks.

(C) *Off-street parking.* Off-street parking and loading facilities shall be provided for uses other than mobile home parks as required or permitted in §§ 154.080 through 154.084. (For mobile home parks see division (E) below).

(D) *Height and area regulations.*

(1) The maximum building height for all uses is 35'.

(2) Area regulations for uses other than mobile home parks, including minimum lot size, minimum yard areas, maximum lot coverage and minimum ground floor area are the same as in the R-3 General Residence District. (For mobile home parks see division (E) below).

(E) *Mobile home parks, special regulations.*

(1) *Space requirements.*

(a) The minimum unit area of premises used or occupied by each mobile home shall be 2,500 square feet, clearly defined on the ground by stakes, posts, or other markers; except that where a separate parking area is provided on the mobile home lot for motor vehicles and no motor vehicles

are parked on the mobile home unit area, that the minimum unit area of the premises used or occupied by each mobile home shall be 2,000 square feet, and in such event there shall be provided one parking stall for each mobile home unit.

(b) There shall be unobstructed open spaces between each mobile home of not less than 15 feet and not less than ten feet of unobstructed open space between the ends of adjacent mobile homes. Hitches shall not extend beyond the boundary lines of the sites.

(c) No mobile home shall be located closer than 25 feet from the right-of-way line of a main highway, or ten feet from the mobile home park property line.

(d) One passenger motor vehicle may be parked on the private street in front of the mobile home site, provided additional off-street parking space of one-half parking stall per unit is provided within the mobile home park for additional private passenger vehicles which belong to the occupants of the mobile homes and for visitor's cars.

(e) Each mobile home space or site shall be provided with a concrete apron or concrete ribbons, each not less than 24 inches wide, upon which the mobile home shall be located.

(2) *Roads and sidewalks.* Each individual mobile home site shall abut or face a driveway, roadway, or street of at least 30 feet in width which street shall have unobstructed access to a public street or highway. All such roadways shall be hard surfaced with either asphalt or concrete. Each mobile home park shall provide a 30 inch concrete walk from the entrance of each mobile home to all required service facilities.

(3) *Plumbing and electrical installations.*

(a) Plumbing and electrical installations in R-4 Districts shall be maintained in accordance with the city Plumbing and Electrical Codes and shall be located underground.

SCHEDULE FOR ROAD WIDTHS

<i>Motor Vehicle Parking Allowance</i>	<i>Traffic Use</i>	<i>Minimum Road Width</i>
(1) No parking on road (separate lot or on-site parking provided)	2-Way Road	20 feet
(2) Parallel parking, 1 side only	1-Way Road	20 feet
(3) Parallel parking, 2 sides	1-Way Road	26 feet
(4) Parallel parking, 2 sides	2-Way Road	36 feet

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(b) Where sidewalks are provided, the space required shall be in addition to the above schedule.

(4) *Additional requirements.* In addition, all mobile home parks shall comply with the following:

(a) There shall be provided an area of not less than 100 square feet for recreation, for each mobile home space in the mobile home park, with a minimum area of not less than 5,000 square feet, which shall be no longer than two times its width. Such area shall be developed and maintained by the management so as to provide healthful recreation for the children of the mobile home park.

(b) 1. A greenbelt planting strip, not less than eight feet in width, shall be located along the mobile home park property lines bordering an R-1 or R-2 District. Said strip shall be planted with a row of shrubs spaced not more than eight feet apart and which grow at least to a height of five feet or more after one full growing season and which shrubs will eventually grow to a height of not less than 12 feet.

2. A fence may be built on the mobile home park property lines, in lieu of a greenbelt as heretofore required; said fence shall be not less than ten feet in height constructed of wood pickets or other wood design with no more than 15% voids between pickets or other wood members and no barbed wire shall be used in construction of said fence.

(c) The front yard and the side yard adjacent to a street shall be landscaped and the entire mobile home park shall be maintained in good, clean, presentable condition at all times.

(d) No business of any kind shall be conducted in any mobile home or building on the premises of the mobile home park, except that of the management office, except that home occupations are permitted and except that park management may operate a coin-operated laundry for the use of the mobile home park occupants only.

(e) Street and yard lights, sufficient in number and intensity to permit the safe movement of vehicles and pedestrians at night, shall be provided and shall be effectively related to buildings, trees, walks, steps and ramps.

(f) All fuel oil and gas tanks shall be located on each mobile home site in a uniform manner. All tanks shall be of an approved type to comply with building code standards and shall be equipped with vent pipes and with fused valves. All tanks shall be elevated on non-combustible stands and placed on a concrete base.

(g) There shall be no storage underneath any mobile home and each mobile home site shall be maintained in a clean and presentable condition at all times.

(h) Fences other than those surrounding the park shall be uniform in height and shall not exceed 30 inches in height and shall be constructed in such a manner as to provide firemen access to all sides of each mobile home.

(i) Fire hydrants of a size with adequate capacity to be used by the city Fire Department shall be placed within said mobile home parks so that no mobile home shall be more than 600 feet from a fire hydrant.

(j) From after the effective date of this chapter each mobile home park within the limits of the city shall be licensed by the city and the fees for said license shall be \$100 due each year on or before the 1st day of January. All requirements of this chapter must be complied with before a license will be issued.

(k) A central location shall be designated in each mobile home park for the collection of garbage. The park shall provide suitable containers to store all the garbage accumulated in the park until the regular pick up date of the garbage service servicing the park.

(Ord. 205, passed 1-16-95)

§ 154.057 B-1 RETAIL AND LIMITED SERVICE BUSINESS DISTRICT.

(A) *Purpose.* This is the central business district which provides commercial facilities, personal and professional services for the city and a larger region. The regulations are designed to permit the concentrated development of a core with a strong emphasis on an unrestricted and convenient movement of pedestrians within the area. Therefore, uses requiring large land areas and outdoor storage and display are not permitted in this zone.

(B) In the B-1 District, all buildings and premises, except as otherwise provided in this chapter, may be used only for the following uses:

(1) *Permitted uses.*

(a) Retail commercial establishments except new and used automobile dealerships, farm implement dealerships and other uses requiring outdoor storage and/or display of merchandise and/or materials.

(b) Personal and professional services except drive-in establishments.

(c) Office buildings.

(d) Single Family Residences, except for the area located on M-43 from Division Street to Center Street; Railroad Street, north of Monroe and south to Charles Street; Walnut Street, south of M-43 to Charles Street; and the west side of Center Street, south to Charles Street.

(2) *Special uses.*

(a) Apartment buildings.

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(b) Hotels and motels.

(c) Public buildings and facilities erected by any governmental agency, such as electric substations, fire stations, etc.

(d) Automobile parking lots and garages when location and site plan are approved by the Planning Commission.

(e) Drive-in-banks and other drive-in establishments only when location and site plan are approved by the Planning Commission.

(f) Outdoor storage of merchandise and equipment is permitted upon prior site plan approval from the Planning Commission.

(g) Single family detached dwellings located in the B-1 Local Business District.

1. The lot area, lot width, front yard, side yard and rear yard requirements shall be in accordance with the R-1 Single Family Residential District as contained in § 154.053.

2. The placement of any accessory structure shall not be closer than five feet to any commercially zoned property.

3. The site plan accompanying the special use permit application shall show the placement of all structures, parking lots, and driveways on adjacent commercially zoned property.

(C) *Yard areas.*

(1) *Transitional yards.* Where a B-1 District adjoins a residence district, transitional yards shall be provided in accordance with the following regulations:

(a) In a B-1 District, where a side lot line coincides with a side or rear lot line of property in an adjacent residential district, a yard shall be provided along such lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under this chapter for a residential use on the adjacent property in the residence district.

(b) In a B-1 District, where a rear lot line coincides with a side lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under this chapter for a residential use on the adjacent property in the residence district.

(c) In a B-1 District, where a rear lot line coincides with a rear lot line to property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be 20 feet in depth, except where a dedicated street divides a B-1 District from a Residential District, in such case the rear yard should be five feet.

(2) No front, side or rear yards are required except transitional yards required by subdivision (C)(1) above.

(D) *Maximum building height.* Forty-five feet.

(E) *Off-street parking.* Off-street parking and loading facilities shall be provided as required or permitted in §§ 154.080 through 154.084.

(Ord. 205, passed 1-16-95; Am. Ord. 234, passed 12-1-97; Am. Ord. 240, passed 9-21-98)

§ 154.058 B-2 GENERAL BUSINESS DISTRICT.

(A) *Purpose.* This is a district generally located on a major street away from the central business district, and provides goods and services for the community as a whole as well as to the adjacent residential areas. Uses requiring larger land areas are permitted.

(B) In the B-2 District all buildings and premises, except as otherwise provided in this chapter, may be used only for the following purposes:

(1) *Permitted uses.*

(a) Any use of the B-1 District.

(b) Automobile or trailer display and salesroom.

(c) Recreational services including bowling alley or billiard parlor.

(d) Business or commercial school.

(e) Dancing or music academy.

(f) Display and salesroom.

(g) Farm implements, sale and repair.

(h) Farm store or feed store, including accessory storage or liquid or solid fertilizer.

(i) Frozen food locker.

(j) Hotels and motels.

(k) Laboratory, research, experimental or testing.

(l) Billboards in accordance with requirements of §§ 154.070 through 154.075.

(m) Parking lots.

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(n) Repair services including public garage, filling station and automobile repair shop or parking lot.

(o) Radio or television broadcasting station or studio.

(p) Veterinarian, animal hospital or kennel.

(q) Used car, trailer or boat sales or storage lot.

(r) Dyeing, cleaning, laundry, printing, painting, plumbing, tinsmithing, tire sales and service, upholstering and other general service or repair establishment of similar character. Not more than ten percent of the lot or tract occupied by such establishment shall be used for the open and enclosed storage of materials or equipment.

(s) Residence, when located on the second story or above.

(2) *Special uses:*

(a) Drive-in establishment, including restaurant and theater.

(b) Lumberyard.

(c) Bakery.

(d) Bottling works.

(e) Wholesale establishment or warehouse.

(f) Truck or bus terminal.

(g) Mobile home court in accordance with the provisions of § 154.056.

(h) Processing and manufacturing establishments provided that such use is not obnoxious or offensive by any reason of emission of odor, smoke, dust, gas, noise, or vibration.

(i) Public buildings and facilities erected by any governmental agency, such as electric substations, fire stations, etc.

(C) *Yard areas.*

(1) *Transitional yards.* Where a B-2 District adjoins a residential district, transitional yards shall be provided in accordance with the following regulations:

(a) In a B-2 District, where a side lot line coincides with a side or rear lot line of property in an adjacent residential district, a yard shall be provided along such lot line. Such yard shall be equal

in dimension to the minimum side yard which would be required under this chapter for a residential use on the adjacent property in the residence district.

(b) In a B-2 District, where a rear lot line coincides with a side lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under this chapter for a residential use on the adjacent property in the residence district.

(c) In a B-2 District, where a rear lot line coincides with a rear lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be 20 feet in depth, except where a dedicated street divides a B-2 District from a Residential District, in such case the rear yard should be five feet.

(2) *Front yards.* Ten feet if no parking is allowed in front yard. Forty feet if parking is allowed in front yard,

(3) *Side yards.* None required.

(4) *Rear yards.* None required.

(D) *Maximum building height.* Thirty-five feet.

(E) *Off-street parking.* Off-street parking and loading facilities shall be provided as required in §§ 154.080 through 154.084.
(Ord. 205, passed 1-16-95)

§ 154.059 M-1 INDUSTRIAL DISTRICT.

(A) *Purpose.* This is a general industrial district designed for wholesaling and manufacturing uses. All uses within this district except those listed below must be special uses, and must be listed in the special uses to be located in the M-1 District and conform to conditions that may be laid down by the Planning Commission with regard to the emission of odor, smoke, dust, gas, noise, vibration or open and unenclosed storage. Applications for conditional use permits shall be made in conformance with §§ 154.145 through 154.149 hereof.

(B) In the M-1 District all buildings and premises, except as otherwise provided in this chapter, may be used only for the following purposes:

(1) *Permitted uses:*

(a) Wholesaling, distribution, warehousing, enclosed storage and shipping of materials.

(b) Assembly, processing and packaging of materials.

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(c) Fabrication of materials.

(d) Retail uses incidental to the operation of the above uses.

(e) Residential uses incidental to the operation of a permissive use, such as a dwelling for a watchman or caretaker.

(f) Retail commercial uses providing necessary services to industrial employees such as restaurants.

(g) Public buildings and facilities erected by any governmental agency, such as airports, electric substations, fire stations, and the like.

(h) Professional offices.

(2) *Special uses:*

(a) Brick, tile or terra cotta manufacture.

(b) Crematory.

(c) Disinfectants manufacture.

(d) Emory cloth and sandpaper manufacture.

(e) Linoleum manufacture.

(f) Residential structures (with exception of Industrial Park).

(g) Tanning or curing of leather, rawhide or skins.

(h) Commercial resorts, including individual cabins for rental and housing for on-site caretaker/manager for the resort.

(C) *Yard areas.*

(1) *Transitional yards.* Where a M-1 District adjoins a residence district, transitional yards shall be provided in accordance with the following regulations:

(a) In an M-1 District, where a side lot line coincides with a side or rear lot line of property in an adjacent residential district, a yard shall be provided along such lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under this ordinance for a residential use on the adjacent property in the residence district.

(b) In an M-1 District, where a rear lot line coincides with a side lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under this chapter for a residential use on the adjacent property in the residence district.

(c) In an M-1 District, where a rear lot line coincides with a rear lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be

20 feet in depth, except where a dedicated street divides an M-1 District from a Residential District, in such case the rear yard should be five feet.

(2) *Front Yards.* Ten feet if no parking is allowed in front yard. Forty feet if parking is allowed in front yard.

(3) *Side yards.* Ten feet.

(4) *Rear Yards.* Ten feet.

(D) *Maximum building height.* Forty-five feet.

(E) *Off-street parking.* Off-street parking and loading facilities shall be provided as required in §§ 154.080 through 154.084.

(Ord. 205, passed 1-16-95; Am. Ord. 244, passed 2-15-99)

§ 154.060 F - FLOOD PLAIN DISTRICT.

(A) *Purpose.* This district covers, in general, those parts of the city considered to be flood hazard areas. The regulations are intended to limit and control development within these areas so as to reduce or eliminate danger to life and health and loss of property due to flooding.

(B) *Flood Plain District overlays other districts.* The Flood Plain District, as shown on the Zoning District Map is superimposed upon (overlays) other districts. Thus the regulations of the Flood Plain District modify and add to those of the district overlain.

(C) *Permitted uses.* The following uses are permitted: Any permitted open land use of the district overlain that does not include or require a building or other structure.

(D) *Special uses.* The following uses may be allowed by special use permit in accordance with the provisions of §§ 154.145 through 154.149 of this chapter entitled Special Uses. Any permitted use or special use involving buildings or other structures which may be allowed in the district overlain provided such structures are built in accordance with all applicable laws, resolutions and regulations of the city pursuant to flood plain management and participation in the National Flood Insurance Program.

(E) *Other requirements.* Height, area and parking regulations of the district overlain shall be observed.

(Ord. 205, passed 1-16-95)

RESIDENTIAL USES AND REQUIREMENTS SUMMARY

NOTE: SEE TEXT FOR ACTUAL REGULATIONS. THIS SUMMARY IS FOR OVERALL REVIEW ONLY

***ASTERISK INDICATES REGULATIONS TOO LENGTHY FOR SUMMARY ON TABLE**

	PERMITTED USES	SPECIAL USES	MIN. LOT AREA PER DWELLING UNIT	MIN. LOT WIDTH	REQUIRED YARDS (ft.)	MAX. LOT COVERAGE	M. GRO. FL. AREA
R-1 One-Family Residence District	1 Fam. Detached Dwellings Public Parks & Rec. Home Occupations Schools Churches	Cemeteries Colleges Golf Courses P.U.D.'s Public Service Uses	Residences 8400 sq. ft. Non-res. 1500 sq. ft.	Residential 70 ft. Non-Res. 80 ft.	Front 25 Side 6 Rear 25	35%	1000 s
R-2 One & Two Family Residence District	All R-1 Uses Two Family Dwellings	Same as R-1	Residences 7200 sq. ft. Non-res. 1500 sq. ft.	Residences 60 sq. ft Non-res. 80 sq. ft.	Front 25 Side 6 Rear 25	35%	1000 s
R-3 General Residence District	All R-2 uses Rooming Houses Multiple Family Dwelling Row Houses	All R-2 Special Uses Institutions Mortuaries Medical Offices Clubs	1 & 2 fam. 7200 sq. ft. 3 and over 2500 to 5000 depending on apt. size	1 & 2 fam. 60 ft. Multi-fam. ½ depth of lot up to 100 ft.	Front 25 Side * Rear 30	40%	1000 s
R-4 Mobile Home District	All R-3 Uses Mobile Home Parks	Same as R-3	Same as R-3 except mobile home parks	*	Front * Side * Rear *	*	Same except mobil parks

*SIGNS***§ 154.070 GENERAL STANDARDS.**

(A) No sign shall block any required accessway or window.

(B) No sign shall be located on vacant property except a sign advertising the premises for sale or lease and which meets the standards of § 154.073(A)(2).

(C) No sign shall be attached to a tree or utility pole.

(D) The following signs are exempt from the permit required and from the regulations of this subchapter.

(1) Memorial signs and historical tablets displayed on private property.

(2) Address numerals.

(E) The following signs are exempt from the permit requirement but must comply with all other regulations of this subchapter.

(1) Signs permitted by § 154.072(A)(1) and (2).

(2) Signs permitted by § 154.072(B)(1).

(Ord. 205, passed 1-16-95) Penalty, see § 154.999

§ 154.071 PERMITTED SIGNS - ALL DISTRICTS.

Highway directional signs and markers which shall be made and installed in accordance with the specifications of the city announcing the location of or directing traffic to given locations which include but are not limited to the following:

(A) Service areas - automobile, food and lodging.

(B) Public and quasi-public information signs.

(C) Business or business districts.

(Ord. 205, passed 1-16-95)

§ 154.072 PERMITTED SIGNS - RESIDENTIAL DISTRICTS.

In all residential districts, the following classes of signs are permitted in accordance with the regulations set forth herein:

Zoning

(A) Non-flashing, non-illuminating accessory signs.

(1) Nameplates and identification signs, subject to the following:

(a) For one and two-family dwellings, there shall be not more than one nameplate, not exceeding one square foot in area for each dwelling unit indicating the name or address of the occupant or a permitted occupation.

(b) For multiple-family dwellings, for apartment hotels and for buildings other than dwellings, a single identification sign not exceeding nine square feet in area and indicating only the name and address of the building and the name of the management thereof may be displayed.

(c) In connection with the construction or remodeling of a building, there shall be permitted one sign not exceeding 25 square feet in area; on corner lots two such signs, one facing each street shall be permitted. Said signs shall be removed by the person or persons erecting same within two weeks after completion of the structure indicated.

(d) Height. No sign shall project higher than one story or 15 feet above curb level, whichever is lower.

(e) Projection. No sign shall project beyond the property line into the public way.

(2) For Sale and To Rent signs, subject to the following:

(a) Area and number. Signs designating parking area entrances or exits are limited to one sign for each such exit or entrance and to a maximum size of two square feet each. One sign per parking area, designating the conditions of use or identity of such parking area and limited to a maximum size of nine square feet shall be permitted. On a corner lot two such signs, one facing each street shall be permitted.

(b) Projection. No sign shall project beyond the property line into the public way.

(c) Height. No sign shall project higher than seven feet above curb level.

(B) Non-flashing signs.

(1) Church bulletins, subject to the following:

(a) Area and number. There shall be not more than one sign per zoning lot, except that on a corner lot, two signs, one facing each street, shall be permitted. No sign shall exceed 16 square feet in area nor be closer than eight feet to any other zoning lot.

(b) Projection. No sign shall project beyond the property line into the public way.

(c) Height. No sign shall project higher than one story or 15 feet above curb level.

(Ord. 205, passed 1-16-95) Penalty, see § 154.999

§ 154.073 PERMITTED SIGNS - BUSINESS DISTRICTS.

In the B-1 and B-2 Districts there may be any sign allowed in the R Districts and wall signs, post signs and marquee signs, when displaying no advertising matter except pertaining to the business conducted in the building or on the premises on which such sign is placed. Roof signs and projecting signs are not permitted in the B-1 and B-2 Districts (see definitions). The total square foot area of wall signs and marquee signs shall not exceed ten percent of the square foot area of the face of the building on which they are placed. There shall not be more than one post sign for each 100 feet of street frontage. No post sign shall extend closer than ten feet to a lot line.
(Ord. 205, passed 1-16-95) Penalty, see § 154.999

§ 154.074 PERMITTED SIGNS - INDUSTRIAL DISTRICT.

In the M-1 Industrial District, any sign is allowed, provided that: no ground sign shall exceed 400 square feet in area; not more than one ground sign shall be erected on any one lot or tract of land, or one sign for each 300 feet of highway frontage when located at least 300 feet apart on such lot or tract of land; no ground sign when erected on a lot fronting on intersecting highways shall be erected within 50 feet of the intersection of the right-of-way lines of highways. (See § 154.014 for types of signs.)
(Ord. 205, passed 1-16-95) Penalty, see § 154.999

§ 154.075 ADDITIONAL SIGN REGULATIONS.

(A) *Ground signs.* No ground signs shall be at any point over 25 feet above the ground level and shall have an open space of three feet between the lower edge of such sign and the ground level. The ends of all such signs shall be at least six feet distant from any wall or fence or any obstruction that would prevent a clear passage around the ends and shall be at least ten feet distant from any lot line.

(B) *Wall signs.* No wall sign shall extend beyond the surface of the building more than 12 inches.

(C) *Projecting signs.* Projecting signs may extend not more than four feet from the building into the front yard.

(D) *Post signs.* The maximum square foot area for each face of a post sign shall not exceed a total area of 65 square feet per face or a total of 130 square feet for all faces.

(E) *Marquee signs.* Marquees may extend eight feet into a front yard. A marquee shall be not less than 11 feet above the ground at its lowest level. A sign may be placed upon a marquee provided such sign does not extend more than three feet above nor one foot below such marquee.

(F) *Portable signs.* Portable signs are prohibited except that there may be such portable signs on parking lots as permitted by the Building Official as being necessary to the satisfactory operation of the lot and except that each filling station may have one portable sign not exceeding 12 square feet of total sign area.

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(G) *Paper posters and certain signs or devices prohibited.* Paper posters applied directly to the wall or building or pole or other support and letters or pictures in the form of advertising printed or applied directly on the wall of a building are prohibited. Temporary signs may be displayed in or attached to the inside of show or display windows provided the total sign area does not exceed 20 percent of the show or display window area. Signs or devices which by color, location, or design resemble or conflict with traffic control signs or devices are prohibited. No sign shall contain flashers, animators, or mechanical movements or contrivances of any kind, excepting clocks and temperature displays. (Ord. 205, passed 1-16-95) Penalty, see § 154.999

OFF-STREET PARKING AND LOADING

§ 154.080 PURPOSE.

The purpose of this section is to alleviate or prevent the congestion of the public street, and so promote the safety and welfare of the public by establishing minimum requirements for the off-street parking and loading and unloading of motor vehicles in accordance with the use to which property is put. (Ord. 205, passed 1-16-95)

§ 154.081 GENERAL PROVISIONS - PARKING AND LOADING.

(A) *Scope of regulations.* The off-street parking and loading provisions of this chapter shall apply as follows:

(1) For all buildings and structures erected and all uses of land established after the effective date of this chapter, accessory parking and loading facilities shall be provided as required by the regulations of the district in which such buildings or uses are located. However, where a building permit has been issued prior to the effective date of the ordinance, and provided that construction is begun within one year of such effective date and diligently prosecuted to completion, parking and loading facilities, as required hereinafter, need not be provided.

(2) When the intensity of use of any building, structure or premises shall be increased through addition of dwelling units, gross floor area, seating capacity or other unit of measurement specified herein for required parking or loading facilities, parking and loading facilities as required herein shall be provided for such increase in intensity or use.

(3) Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be provided as required for such new use. However, if the said building or structure was erected prior to the effective date of this chapter, additional parking or

loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use if the latter were subject to the parking and loading provisions of this chapter.

(B) *Existing parking and loading facilities.* Accessory off-street parking or loading facilities which are located on the same lot as the building or use served which were in existence on the effective date of this chapter or were provided voluntarily after such effective date shall not hereafter be reduced below or if already less than, shall no further be reduced below the requirements of this chapter for a similar new building or use.

(C) *Permissive parking and loading facilities.* Nothing in this chapter shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or building provided that all regulations herein governing the location, design, improvement and operation of such facilities are adhered to.

(D) *Damage or destruction.* For any conforming or legally non-conforming building or use which is in existence on the effective date of this chapter, which subsequent thereto is damaged or destroyed by fire, collapse, explosion or other cause and which is reconstructed, re-established or repaired, off-street parking or loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored or continued in operation. However, in no case shall it be necessary to restore or maintain parking or loading facilities by this chapter for equivalent new uses or construction.

(E) *Submission of plot plan.* Any application for a building permit or for a certificate of occupancy where no building permit is required, shall include therewith a plot plan, drawn to scale and fully dimensioned, showing any parking or loading facilities to be provided in compliance with this chapter.

(F) *Size.* A required off-street parking space shall be at least nine feet in width and at least 20 feet in length, exclusive of access drives or aisles, ramps, columns or office or work areas. Such space shall have a vertical clearance of at least seven feet.

(G) *Access.* Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements. No driveway across public property nor curb cut shall exceed a width of 30 feet.

(Ord. 205, passed 1-16-95) Penalty, see § 154.999

§ 154.082 SCHEDULE OF PARKING REQUIREMENTS.

For the following uses, accessory off-street parking spaces shall be provided as required hereinafter. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing or both, on the premises at any one time.

(A) Single-family and multi-family dwellings - Two spaces for each dwelling unit.

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(B) Rooming and boardinghouses, sororities, and fraternities - One parking space for each 200 square feet of floor area.

(C) Private club or lodge - One parking space for each 400 square feet of floor area.

(D) Church or temple - One parking space for each four seats in the main auditorium.

(E) School - For high schools, colleges and universities, ten spaces per classroom; for elementary schools two parking spaces per classroom.

(F) Hospital - Two parking spaces for each bed.

(G) Sanitarium or institutional home - One parking space for each three beds.

(H) Funeral homes - Ten parking spaces for each chapel plus one for each funeral home vehicle plus one for each family residing on the premises.

(I) Auditoriums, theaters and other places of public assembly - One parking space for each four seats.

(J) Community center, library, museum, or similar public or semi-public building - One parking space for each 300 square feet of floor area in the building.

(K) Hotel or motel - Five parking spaces plus one space for each sleeping room or suite.

(L) Office building - One parking space for each 200 square feet of the gross floor area.

(M) Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, warehouse or other similar establishments - Two parking spaces for every three employees on the maximum shift, plus space to accommodate all trucks and other vehicles used in connection therewith.

(N) All nonresidential buildings, except those above specified - One space for each 300 square feet of floor area.

(Ord. 205, passed 1-16-95)

§ 154.083 ADDITIONAL REQUIREMENTS - OFF-STREET LOADING.

No trucks over 3/4 tons shall be parked in a residential area over two consecutive hours, except pickup trucks.

(Ord. 205, passed 1-16-95) Penalty, see § 154.999

§ 154.084 ADDITIONAL REGULATIONS - OFF-STREET LOADING.

No loading berth for vehicles over two tons capacity shall be closer than 50 feet to any property in a residence district unless completely enclosed by building wall or a uniformly painted solid fence or wall or any combination thereof, not less than six feet in height. No permitted or required loading berth shall be located within 25 feet of the nearest point of intersection of any two streets.

(Ord. 205, passed 1-16-95) Penalty, see § 154.999

ADMINISTRATION**§ 154.095 ADMINISTRATIVE OFFICER.**

The Zoning Administrator shall be in charge of the administration and enforcement of this chapter. The Zoning Administrator shall have the following duties:

- (A) Receive applications required, issue permits and furnish certificates, all in his judgement and discretion.
- (B) Examine premises for which permits have been issued and make necessary inspections to determine compliance.
- (C) When requested by the City Council or when the interest of the city so requires, make investigations and render written reports.
- (D) Issue such notices or orders as may be necessary.
- (E) Adopt rules and procedures consistent with this chapter.
- (F) Keep careful and comprehensive records of applicants, permits, certificates, inspections, reports, notices and orders and all actions of the City Council and file the same permanently by street address.
- (G) Keep all such records open to public inspection, at reasonable hours, but not for removal from his office.
- (H) Report to the City Council at least once each month as to permits and certificates issued and orders promulgated.
- (I) Request and receive the assistance and cooperation of the Police Department, the legal department and other City Officials.
- (J) Inform the legal department of all violations and all other matters requiring prosecution or legal action.

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(K) Be entitled to rely upon any opinion of the legal department as to the interpretation of this chapter or the legal application of this chapter to any factual situation.

(L) Discharge such other duties as may be placed upon him by this chapter.
(Ord. 205, passed 1-16-95)

§ 154.096 ZONING CERTIFICATES.

(A) No permit as required by the Building Ordinance of the city shall be issued by the Building Inspector for the construction of a building, structure or land improvement and the uses thereof, until the Building Inspector certifies in such permit that the application for a permit with accompanying plans and specifications conforms with the regulations or this chapter.

(B) When a permit is not required by the Building Ordinance of the city for an improvement and the use thereof requiring conformance with the regulations of this chapter, an application for a zoning certificate shall be filed with the Zoning Administrator. A zoning certificate shall be issued only when the application shows conformance with the regulations of this chapter.

(C) All applications for building permits or zoning certificates shall be accompanied by a plan or sketch in duplicate, drawn to scale showing the actual dimensions of the lot or lots to be build upon, the size of the building or structure to be erected or structurally altered, its location on the lot or lots and such other information as may be necessary to provide for the enforcement of these regulations. A careful record of such applications and plats shall be kept in the office of the Building Inspector. The Building Inspector shall, in writing, approve or disapprove all building permits within five working days after submission thereof; failure to act shall be deemed as approval thereof. The Zoning Administration shall, in writing, approves or disapprove all zoning certificates within five working days after submission thereof; failure to act shall be deemed as approval thereof.
(Ord. 205, passed 1-16-95)

§ 154.097 OCCUPANCY CERTIFICATES.

(A) No building or addition thereto, constructed after the effective date of this chapter and no addition to a precious existing building shall be occupied and no land vacant on the effective date of this chapter shall be used for any purpose until an occupancy certificate has been issued by the Building Inspector. No change in a use in any district shall be made until an occupancy certificate has been issued by the Building Inspector. Every occupancy certificate shall state that the use or occupancy complies with all the provisions of this chapter.

(B) Every application for a building permit shall also be deemed to be on application for an occupancy certificate. Every application for an occupancy certificate for a new or changed use of land or building where no building permit is required, shall be made to the Building Inspector.

(C) No occupancy certificate for a building or addition thereto, constructed after the effective date of this chapter, shall be issued until construction has been completed and the premises have been

inspected and certified by the Building Inspector to be in full and complete compliance with the plans and specifications upon which the zoning certificate was based. No addition to a previously existing building shall be occupied, and no new use of a building in any district shall be established until the premises have been inspected and certified by the Building Inspector to be in full compliance with all the applicable standards of the zoning district in which it is located. Pending the issuance of a regular certificate, a temporary certificate may be issued to be valid for a period not to exceed six months from its date during the completion of any addition or during partial occupancy of the premises. An occupancy certificate shall be issued or written notice shall be given to the applicant stating the reasons why a certificate cannot be issued, not later than five working days after the Building Inspector is notified, in writing that the building or premises is ready for occupancy.
(Ord. 205, passed 1-16-95)

ZONING BOARD OF APPEALS

§ 154.110 CREATION AND MEMBERSHIP.

(A) A Board of Appeals is hereby established. The word "Board" when, used in this section shall be construed to mean the Board of Appeals, as provided by Section 18 of said Act 207 P.A. 1921 as amended. The members of said Board of Appeals shall serve respectively for the following terms: one for one year; two for two years; two for three years. The successor of each member so appointed shall serve for a term of three years. Vacancies shall be filled by the City Council for the unexpired term. The City Council shall appoint the members of the Zoning Board of Appeals for their respective terms. Any vacancy that occurs shall be filled by an appointment by the City Council for the unexpired term of the vacancy created. The Zoning Board of Appeals shall elect a chairman of the Zoning Board of Appeals annually.

(B) Meetings of the Board of Appeals shall be held at the call of the chairman and at such other times as the Board in its rules of procedure may specify. The Chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Appeals shall be open to the public. The Board shall maintain a record of its proceedings which shall be filed in the office of the City Clerk and shall be a public record.
(Ord. 205, passed 1-16-95)

§ 154.111 JURISDICTION AND AUTHORITY.

The Board of Appeals shall act upon all questions as they may arise in the administration of the zoning ordinance, including the interpretations of the zoning maps, and may fix rules and regulations to govern its procedures sitting as such as Board of Appeals.

(A) It shall hear and decide appeals from and review any order, requirements, decision or determination made by the Building Inspector charged with the enforcement of this chapter.

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(B) The concurring vote of one-half of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Building Inspector or to decide in favor of the applicant any matter upon which they are required to pass under this chapter or to effect any variation in this chapter. Such appeal may be taken by any person aggrieved or by any office, department, board or bureau of the city, county or state. The ground of every such determination shall be stated. (Ord. 205, passed 1-16-95)

§ 154.112 APPEALS.

Such appeal shall be taken within 30 days by the filing with the Building Inspector from whom the appeal is taken and with the Board of Appeals of a notice of appeal, specifying the grounds thereof. The Building Inspector from whom the appeal is taken shall transmit to the board all the papers constituting the record upon which the action appealed from was taken. (Ord. 205, passed 1-16-95)

§ 154.113 RESTRAINING ORDER.

An appeal stays all proceedings in furtherance of the action appealed from unless the Building Inspector from whom the appeal is taken certifies to the Board of Appeals after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by the Circuit Court, on application, on notice to the Building Inspector from whom the appeal is taken and on due cause shown. (Ord. 205, passed 1-16-95)

§ 154.114 HEARINGS.

Hearing of and decision upon appeal. The Board of Appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to all persons to whom any real property within 300 feet of the premises in question shall be assessed, such notice to be delivered personally or by mail addressed to the respective owner at the address given in the last assessment roll, and shall decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney. The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the officer from whom the appeal is taken. (Ord. 205, passed 1-16-95)

§ 154.115 VARIANCES.

(A) *Authority.* The Board of Appeals shall decide variances to the provisions of this chapter in harmony with its general purpose and intent, and shall vary them only in the specific instances hereinafter set forth where the Board of Appeals shall have made a finding of fact based upon the standards hereinafter prescribed that there are particular hardship in the way of carrying out the strict letter of the regulations of this chapter.

(B) *Initiation.* An application for a variance may be made by any person, firm or corporation, or by any office, department, board, bureau or commission requesting or intending to request application for a building permit, zoning certificate or occupancy certificate.

(C) *Processing.*

(1) An application for a variance shall be filed with the City Clerk. The City Clerk shall forward such application to the Board of Appeals for processing in accordance with applicable statutes of the State of Michigan and the provisions of this chapter.

(2) No variance shall be made by the Board of Appeals except after a public hearing before the Board of Appeals, notice of which shall be given by two publications in a newspaper of general circulation in the city; the first to be printed not more than 30 days nor less than 20 days and the second not more than eight days before the date of such hearing.

(D) *Decisions.* All final administrative decisions and findings of the Board of Appeals on variances arrived at after the hearing shall be accompanied by findings of facts specifying the reason or reasons for approving or disapproving the variances and shall be final and subject to judicial review only in accordance with applicable statutes of the State of Michigan.

(E) *Standards.*

(1) The Board of Appeals shall not vary the provisions of this chapter as authorized in this section, unless it shall have made findings based upon the evidence presented to it in the following cases:

- (a) That the plight of the owner is due to unique circumstances; and
- (b) That the variance, if granted, will not alter the essential character of the locality.

(2) A variance shall be permitted only if the evidence, in the judgment of the Board of Appeals, sustains each of the two conditions enumerated above.

(3) For the purpose of supplementing the above standards, the Board of Appeals in making this determination whenever there are practical difficulties or particular hardships, shall also take into consideration the extent to which the following facts, favorable to the applicant, have been established by the evidence.

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(a) That the particular physical surroundings shape or topographical conditions of the specific property involved will bring a particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out;

(b) That the conditions upon which the petition for variance is based would not be applicable generally to other property within the same zoning classification;

(c) That the granting of the variance will not be detrimental to the public welfare or unduly injurious to other property or improvements in the neighborhood in which the property is located, or;

(d) That the proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire or otherwise endanger the public safety or substantially diminish or impair property values within the neighborhood.

(4) The Board of Appeals may require each condition and restriction upon the premises benefited by a variance as may be necessary to comply with the standards set forth in this section to reduce or minimize the effect of such variance upon other property in the neighborhood, and to implement the general purpose and intent of this chapter.

(F) *Authorized variance.* Variances from the regulations of this zoning ordinance shall be granted by the Board of Appeals only in accordance with the standards set out in this section. (Ord. 205, passed 1-16-95)

PLAN COMMISSION

§ 154.125 JURISDICTION.

The Plan Commission of the city, which has been duly established, is the Plan Commission referred to in this chapter, and shall have the following duties under this chapter.

(A) To hear all applications for amendments and special uses and hereafter submit reports of findings and recommendations thereon to the City Council in the manner prescribed in this section for amendments and special uses;

(B) To initiate, direct and review, from time to time, studies of the provisions of this chapter and to make reports of its recommendations to the City Council; and

(C) To hear and decide all matters upon which it is required to pass under this chapter. (Ord. 205, passed 1-16-95)

§ 154.126 MEETINGS AND RULES.

All meetings of the Plan Commission shall be held at the call of the Chairman, and at such time as the Plan Commission may determine. All hearings conducted by said Plan Commission under this chapter, shall be in accordance with Michigan Statutes. In all proceedings of the Plan Commission, provided for in this chapter, the Chairman and in his absence the Vice Chairman, shall have the power to administer oaths. All testimony by witnesses at any hearing provided for in this chapter shall be given under oath. The Plan Commission shall keep minutes of its proceedings, and shall also keep records of its hearings and other official actions. A copy of every rule or regulation, every amendment and special use, and every recommendation, order, requirement, decision or determination of the Plan Commission under this chapter shall be filed in the office of the City Clerk and shall be public record. The Plan Commission shall adopt its own rules and procedures, not in conflict with this chapter or with applicable Michigan statutes.

(Ord. 205, passed 1-16-95)

AMENDMENTS**§ 154.135 AUTHORITY.**

The regulations imposed and the districts created under the authority of this chapter may be amended from time to time, by ordinance in accordance with applicable statutes of the State of Michigan. (See Public Act 207 of 1921 as amended.) An amendment shall be granted or denied by the City Council only after a public hearing before the Plan Commission and a report of its findings and recommendations has been submitted to the City Council.

(Ord. 205, passed 1-16-95)

§ 154.136 INITIATION OF AMENDMENT.

Amendments may be proposed by the City Council, the Plan Commission, the Board of Appeals; other governmental bodies, or by any resident or owner of property within the jurisdictional limits of this chapter.

(Ord. 205, passed 1-16-95)

§ 154.137 PROCESSING.

An application for an amendment shall be filed with the City Council who shall forward the application to the Plan Commission with a request to hold a public hearing. Notice of the hearing shall be given by publications in a newspaper of general circulation in the city not less than 15 days before the date of such hearings, and not less than 15 days notice of the time and place of such public hearing shall be given by ordinary United States mail to each public utility company and to each

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railroad company which has registered its name and address with the City Clerk for the purpose of receiving the notice. An affidavit of mailing for each mailing must be maintained and a hearing granted any person interested at the time and place specified. In case a protest against a proposed amendment, supplement or change be presented, duly signed by the owners of 20 per centum or more of the frontage immediately in the rear thereof, or by the owners of 20 per centum of the frontage proposed to be altered, such amendment shall not be passed except by the three-fourths vote of such legislative body. Within 15 days following adoption of an amendment by the City Council, a notice of adoption containing a summary of the regulatory effect of the amendment shall be published in a newspaper of general circulation in the city.

(Ord. 205, passed 1-16-95)

SPECIAL USES

§ 154.145 PURPOSE.

The development and execution of the zoning ordinance is based upon the division of the city into districts, within any one of which the regulations governing the use of land and buildings or structures, as related to the land, are essentially uniform. It is recognized, however, that there are special uses which, because of their unique character cannot be properly classified in any particular district or districts without consideration, in each case of the impact of those uses upon neighboring lands and upon the public need for the particular use or the particular location. Such special uses fall into two categories:

(A) Uses operated by a public agency or publicly regulated utilities, or uses traditionally affected with a public interest.

(B) Uses entirely private in character, but of such a nature that the operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

(Ord. 205, passed 1-16-95)

§ 154.146 AUTHORITY.

(A) Special uses shall be authorized or denied by the City Council in accordance with applicable statutes of the State of Michigan (See Public Act 207 of 1921 as amended), the provisions of this chapter applicable to amendments of this chapter and the regulations and conditions set forth in this chapter for special uses.

(B) No application for a special use shall be acted upon by the City Council until:

(1) A written report is prepared and forwarded to the City Council by the Plan Commission in a manner prescribed herein for amendments to this chapter; and

(2) A public hearing has been held by the Plan Commission after due notice by publication as prescribed herein for amendments and the findings and recommendations of the Plan Commission have been reported to the City Council.
(Ord. 205, passed 1-16-95)

§ 154.147 HEARING ON APPLICATION.

Upon receipt of the application referred to above, the Plan Commission shall hold at least one public hearing. At least 15 days in advance of such hearing, but not more than 30 days, notice of the time, place and purpose of such hearing shall be published in a newspaper of general circulation in the city.
(Ord. 205, passed 1-16-95)

§ 154.148 AUTHORIZATION.

For each application for a special use, the Plan Commission shall report to the City Council its findings and recommendations, including the stipulations of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest. The City Council may grant or deny an application for a special use, provided, however, that in the event of written protest against any proposed special use, signed and acknowledged by the owners of 20 percent of the frontage adjacent thereto, or across an alley, or directly opposite therefrom, such special use shall not be granted except by the favorable vote of three-fourths of all the members of the City Council.
(Ord. 205, passed 1-16-95)

§ 154.149 STANDARDS.

No special use shall be recommended by the Plan Commission unless said Commission shall find:

(A) That the establishment, maintenance or operation of the special use will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare;

(B) That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood;

(C) That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;

(D) That adequate utilities, access roads, drainage or other necessary facilities have been or are being provided;

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(E) That adequate measures have been or will be taken to provided ingress and egress so designed as to minimize traffic congestion in the public streets;

(F) That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the City Council pursuant to the recommendations of the Plan Commission.

(G) The Plan Commission may require the submission of a site plan of the property and proposed improvements, drawn to scale, together with other information which it deems necessary to its adequate evaluation of the proposal.
(Ord. 205, passed 1-16-95)

PLANNED UNIT DEVELOPMENT

§ 154.160 PURPOSE.

To encourage the most orderly development of properties through advance planning and thus assure adequate standards for the development of residential neighborhoods; provide regulations to encourage a variety of dwelling types; assure adequate open space; protect residential areas from undue traffic congestion; protect residential areas from the intrusion of business; industrial and other land uses that may create an adverse effect upon the living environment; and thus promote the general welfare of the community.
(Ord. 205, passed 1-16-95)

§ 154.161 PROVISIONS.

The basic provisions and requirements concerning Planned Unit Development are as follows: The subdivision, development and use of land containing four or more acres as an integral unit under single ownership and control, in some instances combining more than one primary land use and which may provide for single-family residential, multi-family residential, education, business, commercial, industrial, recreational, park and common use areas may be described as a Planned Unit Development.

(A) In its establishment and authorization as a special use, in addition to the foregoing provisions, the following procedures, requirements, restrictions, standards, and conditions shall be observed.

(B) The Planned Unit Development may be excluded from the provisions of the, subdivision regulations and provisions of the Zoning Ordinance of the city, to the extent specified in the final authorization of the Planned Unit Development.
(Ord. 205, passed 1-16-95)

§ 154.162 PROCEDURE.

(A) The applicant shall request the City Council by letter addressed to the City Clerk, to call a meeting of the Plan Commission for a preliminary discussion of the proposed Planned Unit Development, and the Plan Commission shall call such meeting, which may be continued from time to time. The applicant shall present such exhibits and written information as may be necessary to fully acquaint the Plan Commission with the proposed development which shall include, but not necessarily be limited to the following:

- (1) A tentative sketch plan, which may be in freehand sketch form, showing the location and extent of the types of land uses proposed.
- (2) The existing topography at five foot contour intervals which may be taken from U.S.G.S. information.
- (3) Existing streets surrounding the subject property.
- (4) Existing utilities including storm drainage facilities.
- (5) The following shall be provided by either graphic exhibits or written statements:
 - (a) The density of residential uses and the number of dwelling units by type;
 - (b) The ancillary and non-residential uses to be provided in a residential Planned Unit Development;
 - (c) The off-street parking and other service facilities proposed;
 - (d) The exceptions or variations to the city zoning or subdivision requirements being requested as part of the Planned Unit Development Application.

(B) Within 30 days after final adjournment of the meeting, the Plan Commission shall submit to the City Council its report in writing containing recommendations.

(C) The formal petitions for a Planned Unit Development shall be addressed to the City Council and shall be filed with the City Clerk, ten copies of the petitions shall be filed with the City Clerk; attached to each copy shall be copies of the supporting documents and exhibits hereinafter provided for.

(D) A filing fee in an amount of \$2 per dwelling unit or \$10 per gross acre, whichever is greater, shall be paid to the City Clerk at the time of such filing.

(E) The City Council shall refer the petition to the Plan Commission who shall set a hearing date in the manner herein required for amendments.

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(F) The petition shall be heard by the Plan Commission and its report to the City Council of its findings and recommendations shall be accompanied by such plats, exhibits and agreements as shall have been presented by the petitioner; each identified for reference by letter or number, together with any suggested changes therein.

(G) The City Council may grant a special use for a Planned Unit Development which shall be by specific ordinance and which shall contain or to which shall be appended all terms and conditions of the grant, including covenants and agreements, guarantees, performance bonds, plats and the like.

(Ord. 205, passed 1-16-95)

§ 154.163 CONTENT OF PETITION.

The formal petition shall contain, in addition to all other requirements, the following:

(A) An outline plan of the Planned Unit Development. This plan will be at a scale of not less than one inch equals 100 feet which shall show all proposed streets (public and private), street classifications, right-of-ways, all principal and accessory buildings, and their use, lot size, building lines, easements for utility service, off-street parking, service areas, open space, recreation facilities and any other information necessary to clearly show the proposed elements of the Planned Unit Development.

(B) (1) Preliminary architectural plans for all residential buildings shall be submitted in sufficient detail to show the basic building planning, the number of units per building and the number of bedrooms per dwelling unit.

(2) Preliminary architectural plans are not required for business or other non-residential buildings at the time of this application but must be submitted to the Plan Commission for its approval prior to filing an application for a building permit.

(C) A topographic survey and boundary survey of the subject area, prepared and certified by a registered Michigan surveyor.

(D) A rendered plan of the Planned Unit Development area, showing in contrasting colors or by other means, the respective location of all categories of land use.

(E) A map of the city, showing the Planned Unit Development area and its relation to the existing roads and streets and use districts.

(F) Preliminary plans and outline specifications of the following improvements:

(1) Roads, streets, alleys, including classifications, width of right-of-way, widths of paved surfaces and construction details.

(2) Sidewalks, including widths of paved surfaces and construction details.

- (3) Sanitary and storm sewer systems (private).
- (4) Water supply system (private).
- (5) Street lighting and public area lighting system.
- (6) Recommended installation for electric, gas and telephone facilities and distribution.
- (7) Sequence of phases or stages of development of the Planned Unit Development.

(8) A general landscape planting plan shall be prepared by a landscape architect and shall meet the approval of the Plan Commission.

(G) Estimates of cost of installation of all proposed improvements, confirmed by a registered Michigan engineer.

(H) Petitioner's proposed covenants, restrictions and conditions to be established as part of the Planned Unit Development.
(Ord. 205, passed 1-16-95)

§ 154.164 CONSTRUCTION OF IMPROVEMENTS.

(A) The petitioner shall construct and install the required improvements and must post with the city a sum in cash or negotiable securities, or a surety bond running to the city in an amount sufficient to cover the full cost, including engineering and inspection fees, to assure the satisfactory installation of such improvements; the amount of such deposit or bond shall be based upon the confirmed estimate of cost hereinabove provided for; if a surety bond is submitted, it shall have good and sufficient surety thereupon and shall not be accepted until approved by the City Council.

(B) If the Planned Unit Development is to be constructed and developed in stages or phases, the deposit of cash or securities or the bond posted shall be in an amount based upon the confirmed estimated cost of installation of improvements or phases as approved by the Plan Commission.
(Ord. 205, passed 1-16-95)

§ 154.165 STREET CLASSIFICATIONS.

Street classifications, definitions and specifications, shall be in accord with the regulations pertaining to same as established in the Subdivision Regulations of the city as may be amended from time to time.
(Ord. 205, passed 1-16-95)

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§ 154.166 STANDARDS.

No Planned Unit Development shall be authorized unless the Plan Commission shall find and recommend, in addition to those standards, established herein for special uses, that the following standards will be met:

(A) General.

(1) The uses permitted by such exceptions as may be requested or recommended are necessary or desirable and appropriate to the purpose of the development.

(2) The uses permitted in such development are not of such nature or so located as to exercise an undue detrimental influence or effect upon the surrounding neighborhood.

(3) That any industrial park areas established in the Planned Unit Development conform to all requirements therefore as set forth elsewhere in this chapter.

(4) That all minimum requirements pertaining to commercial, residential, institutional, or other uses established in the Planned Unit Development shall be subject to the requirements for each individual classification as established elsewhere in this chapter, except as may be specifically varied in the ordinance granting and establishing a Planned Unit Development use.

(5) When private street and common driveways are made a part of the Planned Unit Development or private common open space or recreation facilities are provided, the applicant shall submit as part of the application, the method and arrangement whereby these private facilities shall be operated and maintained. Such arrangements for operating and maintaining private facilities shall be subject to the approval of the City Council.

(B) Residential.

(1) Residential density for a Planned Unit Development shall not be greater than the recommended density, as shown on the Land Use Plan nor shall any lot be less in area or dimension than that required by the district regulation applicable to the district in which the planned development is located, except that the Plan Commission may recommend and the City Council may grant a reduction in such lot area and dimension, but not more than 15 percent when the Planned Unit Development provides common open space equal to not less than ten percent of the gross area of the Planned Unit Development.

(2) Business uses may be included as part of a planned residential development when the Plan Commission finds that such business uses are beneficial to the overall Planned Unit Development and will not be injurious to adjacent or neighboring properties. Such business uses shall not be greater in area than ten percent of the Planned Unit Development.

(3) The open areas provided in the part of the planned development containing only residential structures shall be preserved over the life of the Planned Unit Development for use only

by the residents of the planned development or dedicated to the city for school, park, playground or other public uses by an instrument or guarantee acceptable to the city.

(4) For that part of a Planned Unit Development devoted to residential uses, the Plan Commission may recommend and the City Council may approve, access to a dwelling by a driveway or pedestrian walk easement, and spacing between buildings of lesser widths or depths than required by district regulations for the district in which the planned development is located, provided,

(a) That adequate provisions are made which perpetuate during the period of the special use, access easements and off-street parking spaces for use by the residents of the dwellings served.

(b) The spacing between buildings shall be approved by the Plan Commission and shall be consistent with the application of recognized site planning principles for securing a unified development, and due consideration is given to the openness normally afforded by intervening streets and alleys. Minimum side yards between principal buildings within a part of a Planned Unit Development where subsequent transfer of ownership is contemplated, shall be equivalent to side yards as would be required between buildings by district regulations for the district in which it is located; and

(c) The yards for principal buildings along the periphery of the development shall be not less in width or depth than required for permitted uses in the district regulations applicable to the districts in which the Planned Unit Development is located, and the plan is developed to afford adequate protection to neighboring properties as recommended by the Plan Commission and approved by the City Council.

(C) *Variances to minimum requirements.* Wherever the applicant proposes to provide and set out, by platting, deed, dedication, restriction or covenant, any land or space separate from single-family or multi-family residential districts to be used for parks, playgrounds, commons, greenways or open areas, the Plan Commission may consider and recommend and the City Council may vary the applicable minimum requirements of the subdivision regulations and the zoning ordinance which may include but not necessarily be limited to the following:

- (1) Rear yard;
- (2) Side yard;
- (3) Lot area;
- (4) Bulk;
- (5) Intensity of use;
- (6) Street width;
- (7) Sidewalks;

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(8) Public utilities; and

(9) Off-street parking.

(Ord. 205, passed 1-16-95)

§ 154.167 FINAL DEVELOPMENT PLAN.

(A) Upon determination by the Plan Commission that a proposed Planned Unit Development, as shown in the preliminary plan, appears to conform to the requirements herein and all other applicable requirements of this chapter, the proponents shall submit a final development plan which plan shall incorporate any changes or modifications required by the Commission.

(B) After a Final Development Plan is approved by the legislative body, the Planning Commission shall record such plan in the Van Buren County Register's Office after receipt of the resolution approving the general plan and after required signatures authorizing the recordation of the general plan have been obtained.

(Ord. 205, passed 1-16-95)

WIRELESS COMMUNICATIONS

§ 154.180 TITLE.

This subchapter, in addition to the City of Bangor Zoning Ordinance, shall be known as the Wireless Communications Section of the Zoning Ordinance.

(Ord. 241, passed 1-7-99)

§ 154.181 PURPOSE AND INTENT.

(A) It is the general purpose and intent of the City of Bangor 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 which 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 subchapter, 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 Ordinance to:

(1) Facilitate adequate and efficient provision of sites for wireless communication facilities.

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(2) Establish predetermined districts or zones of the number, shape, and in the location, considered best for the establishment of wireless communication facilities, subject to applicable standards and conditions.

(3) Recognize that operation of a wireless communication system may require the establishment of facilities in locations not within the predetermined districts. In such cases, it has been determined that it is likely that there will be greater adverse impact upon neighborhoods and areas within the community. Consequently, more stringent standards and conditions should apply to the review, approval and use of such facilities.

(4) Ensure that wireless communication facilities are situated in appropriate locations and relationships to other land uses, structures and buildings.

(5) Limit inappropriate physical and aesthetic overcrowding of land use activities and avoid adverse impact upon existing population, transportation systems, and other public services and facility needs.

(6) Promote the public health, safety and welfare of the citizens of the City of Bangor.

(7) Provide for adequate information about plans for wireless communication facilities in order to permit the City to effectively plan for the location of such facilities.

(8) Minimize the adverse impacts of technological obsolescence of such facilities, including a requirement to remove unused and/or unnecessary facilities in a timely manner.

(9) Minimize the negative visual impact of wireless communication facilities on neighborhoods, community landmarks, historic sites and buildings, natural beauty areas and public rights-of-way. This contemplates the establishment of as few structures as reasonably feasible, and the use of structures which are designed for compatibility, including the use of existing structures and the avoidance of lattice structures that are unnecessary, taking into consideration the purposes and intent of this section.

(10) The City of Bangor finds that the presence of numerous tower structures, particularly if located with residential areas, would have an adverse impact upon property values. Therefore, it is necessary to minimize the adverse impact from the presence of numerous relatively tall tower structures having low architectural and other aesthetic appeal to most persons, recognizing that the absence of regulation would result in a material impediment to the maintenance and promotion of property values, and further recognizing that this economic component is an important part of public health, safety and welfare.

(Ord. 241, passed 1-7-99)

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§ 154.182 DEFINITIONS

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

WIRELESS COMMUNICATION FACILITY. All facilities, structural, attached, or accessory, related to the use of the radio frequency spectrum for the purposes of transmitting or receiving radio signals, including, radio and television towers, telephone devices and exchanges, relay towers, telephone transmission equipment buildings, and commercial mobile radio service facilities. Not included are facilities for: citizen band radio, short wave radio, ham and amateur radio, television reception antennae, satellite dishes, and governmental facilities which are subject to state and Federal law or regulations that preempt municipal authority. Wireless communication facilities shall be specifically excluded from the definitions of "essential services" and "public utilities."

ATTACHED WIRELESS COMMUNICATION FACILITY (ANTENNAE). Any wireless communication facility affixed to an existing structure, such as a building, tower, water tank, utility pole, etc., used to receive and transmit federal or state licensed communication services via duly licensed segments of the radio frequency spectrum. This definition shall not include support structures.

WIRELESS COMMUNICATION FACILITY (COLLOCATION). The location by two or more wireless communications providers, public authorities or other duly authorized parties of wireless communications facilities on a common structure in a manner that reduces the overall need for additional or multiple freestanding single use communications facilities and/or support structures.

WIRELESS COMMUNICATION SUPPORT STRUCTURE (TOWER). Any structure used to support attached wireless communication facilities, or other antennae or facilities, including supporting lines, cables, wires, braces and masts intended primarily for the purpose of mounting attached wireless communications facilities.
(Ord. 241, passed 1-7-99)

§ 154.183 FACILITIES AND SERVICES.

(A) *Permitted as principal uses.* In the following circumstances, a new wireless communication facility shall be a principal permitted use, or a permitted accessory use, subject to site plan approval as provided in § 154.013, Site Plan Review and Approval of the City of Bangor's Code of Ordinances, and also subject to the conditions set forth in division (D) below:

(1) Attached wireless communication facilities within all zoning districts where the existing structure is not, in the discretion of the Planning Commission, proposed to be either materially altered or materially changed.

(2) Collocation of an attached wireless communication facility which has been previously approved for collocation by the Planning Commission.

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(3) Wireless communication facilities attached to a utility pole or electrical transmission line tower, where the existing pole or tower is not modified to materially alter the structure and/or result in an impairment of sight lines or other safety interests.

(4) Wireless communication facilities with monopole support structures upon municipally owned property in any zoning district except those zoned for single family residential purposes, subject to the conditions hereinafter imposed in all such districts.

(B) *Permitted as special uses.* Wireless communication facilities with monopole support structures shall be permitted as Special Uses only, within any B-1, Retail and Limited Services Business District, or B-2 General Business District, subject to the conditions hereinafter imposed in such districts, except that they shall not be located within a distance equal to the height of the support structure from any district zoned for single-family residential purposes. If located on the same parcel with another permitted use, such facilities and any other structures connected therewith shall not be located.

(C) *Permitted as special uses in other districts.* If an applicant can demonstrate to the satisfaction of the Planning Commission that a location permitted in divisions (A) and (B) above cannot reasonably meet the coverage and/or capacity needs of the applicant, and the applicant can demonstrate that it has reasonably exhausted all efforts to locate its facility in accordance with divisions (A) or (B) above, a wireless communication facility with a monopole support structure may be permitted as a Special Use within all other zoning districts, subject to the standards of Chapter 154, under Special Uses, and also subject to the conditions hereinafter imposed in all such districts. If located on the same parcel with another permitted use, such facilities and any other structures connected therewith shall not be located in a front yard.

(1) Wireless communication facilities with monopole support structures which are not located as permitted in divisions (A) and (B) above shall be located on a priority basis only upon the following sites:

- (a) Municipally or other governmentally owned sites.
- (b) Religious or other institutional sites.
- (c) Public park and other large permanent open space areas when compatible.
- (d) Public or private school sites.

(2) Wireless communication support structures in such locations shall be of an alternative or stealth design such as (without imitation) a steeple, bell tower, tree, or other form which is compatible with existing character of the proposed site, the adjacent neighborhoods, and the general area, as approved by the Planning Commission.

(D) *Required standards for wireless communication facilities in all districts.* All application for wireless communication facilities shall be reviewed in accordance with the following standards and

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conditions, and, if approved, shall be constructed and maintained in accordance with such standards and conditions. In addition, if the facility is approved, it shall be constructed and maintained in a manner consistent with any additional conditions imposed by the Planning Commission and/or the City Council, at their discretion.

(1) *Required information*

(a) *Site plan.* A site plan prepared in accordance with § 154.013, Site Plan Review and Approval, also showing as-built drawings for all proposed attached wireless communication facilities and/or wireless communication support structures, shall be included with all applications for a wireless communication facility.

(b) *Demonstration of need.* A demonstration of the need for the proposed wireless communication facility shall be submitted due to a minimum of one of the following:

1. Proximity to a limited-access freeway or other major thoroughfare.
2. Proximity to areas of population concentration
3. Proximity to commercial or industrial business centers.
4. Avoidance of signal interference due to buildings, woodlands, topography, or other obstructions.
5. Other specific reasons.

(c) *Service area and power.* As applicable, a description of the planned, proposed, or existing service area of the facility, and wireless communication support structure height and type, and signal power expressed in effective radiated power (ERP) upon which the service area has been planned shall be included.

(d) *Map of other facilities nearby.* A map showing existing or proposed wireless communication facilities within the city and further showing existing and known proposed wireless communication facilities within areas surrounding the borders of the city, which are relevant in terms of potential collocation or in demonstrating the need for the proposed facility shall be included with all applications. If the information in question is on file with the city, the applicant shall only update such information as needed. (Any such information which is trade secret and/or other confidential commercial information which, if released, would result in commercial disadvantage to the applicant may be submitted with a request for confidentiality in connection with the development of government policy (MCLA 15.243(I)(g)). This subchapter shall serve as the promise to maintain confidentiality as permitted by law. A request for confidentiality must be prominently stated within an application).

(e) *Data on other facilities nearby.* For each location identified by the applicant/provider in § 154.183 division (D)1d, the application shall include the following data, if known, with the applicant/provider expected to exercise reasonable diligence to obtain information.

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1. The strut capacity and whether it can accommodate the applicant's facility, as proposed or modified.
2. Evidence of property owner approvals.
3. Whether the location could be used by the applicant/provider for placement of its attached wireless communication facility; if the location cannot be used, a disclosure of the technological considerations involved, with specific reference to how use of the location would prohibit the applicant/provider from providing services.

(f) *Fall zone certificate.* To determine appropriate setbacks, a signed certification by a licensed, registered engineer regarding the manner in which the proposed structure will fall shall be included with all applications.

(g) *Description of security for removal.* A description of the security for the wireless communication support structure to ensure removal and maintenance shall be included with all applications. The security shall be in the form of cash, surety bond, letter of credit, or an agreement in a form approved by the City Attorney and recordable at the Van Buren County Register of Deeds, establishing a promise of the applicant and owner of the property to timely remove the facility as required, with the provision that the applicant and owner shall pay costs and attorney's fees incurred by the City in securing removal.

(h) *Data on FCC and FAA approval.* A copy of the application submitted to the Federal Communications Commission and Federal Aviation Administration detailing technical parameters authorization for the facility shall be included with all applications.

(2) *Compatibility of support structures.* Wireless communication support structures shall not be injurious to the neighborhood or detrimental to the public safety and welfare. Support structures shall be harmonious with the surrounding areas, and aesthetically and architecturally compatible with the natural environment.

(3) *Maximum height.* The applicant shall demonstrate a justification for the height and provide an evaluation of alternative designs which might result in lower heights. Accessory buildings shall be limited to the maximum height for accessory structures within respective zoning districts. The maximum height of wireless communication support structures shall be:

- (a) 120 feet; or
- (b) the minimum height demonstrated to be necessary by the applicant; or
- (c) such lower heights as approved by the Federal Aviation Administration.

(4) *Setbacks from non-residential districts.* Wireless communication support structures abutting any lot zoned for other than residential purposes shall have a minimum setback in accordance with the

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required setbacks for the principal buildings for the zoning district in which the support structure is located. A greater setback may be required by the Planning Commission if determined necessary based upon the information required in subparagraph (D)1f above.

(5) *Variances.* The Zoning Board of Appeals may grant variances for the setback of a wireless communication support structure, to reduce its visual impact, or to meet the required standards of (D)11, Collocation. The Zoning Board of Appeals may also grant variances for the height of a support structure of up to 20 feet only in cases where a variance would permit additional collocations.

(6) *Compatibility of accessory structures.* Wireless communication facilities proposed on the roof of a building with an equipment enclosure shall be architecturally compatible with the principal building upon which it is located. The equipment enclosure may be located within the principal building or may be an accessory building provided the accessory building conforms with all district requirements for accessory buildings and is constructed of the same or compatible building material as the principal building.

(7) *Appearance of support structures.* The color of wireless communication support structures and all accessory buildings shall minimize distraction, reduce visibility, maximize aesthetics, and ensure compatibility with surroundings. The applicant shall be responsible for the maintenance of the wireless communication facility in a neat and orderly condition.

(8) *Access.* There shall be unobstructed access to all support structures and accessory buildings for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. This access shall have a pavement, width and location as determined necessary by the Planning Commission,

(9) *Federal and state requirements.* The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted on the site plan.

(10) *Lighting.* Lighting on a wireless communication facility shall be prohibited. If the Federal Aviation Administration requires lighting, the applicant shall propose a height reduction to eliminate the need for lighting, or shall submit detailed technical data demonstrating the need for the requested height including an analysis demonstrating that other sites are unavailable or inadequate for their purposes.

(11) *Collocation.*

(a) *Statement of policy.* It is the policy of the City of Bangor to minimize the overall number of newly established locations for wireless communication facilities and wireless communication support structures within the community, and encourage the use of existing structures for placement of attached wireless communication facilities. Each licensed provider of a wireless communication facility must, by law, be permitted to locate sufficient facilities in order to achieve the objectives promulgated by the United States Congress. However, particularly in light of the dramatic increase in the number of

wireless communication facilities reasonably anticipated to occur as a result of the change of federal law, and policy in the relating to the Federal Telecommunications Act of 1996, it is the policy of the city that all users should collocate attached wireless communication facilities on existing buildings, structures, including existing wireless communication support structures in the interest of achieving the purposes and intent of this Section of the Zoning Ordinance. If a provider fails or refuses to permit collocation on a facility owned or otherwise controlled by it, where collocation is feasible, the result will be that a new and unnecessary additional structure will be compelled, in direct violation of and in direct contradiction to the basic policy, intent and purpose of the City of Bangor and this section of the Zoning Ordinance.

(b) *Provisions for collocation required.* All wireless communication support structures shall accommodate no more than three attached wireless communication facilities. Support structures shall allow for future rearrangement of attached wireless communication facilities to accept other attached facilities mounted at varying heights.

(c) *Determining feasibility of collocation.* Collocation shall be deemed to be "feasible" when all of the following are met:

1. The applicant/provider will pay market rent or other market compensation for collocation
2. The site is able to provide structural support, considering reasonable modification or replacement of a facility.
3. The collocation being considered is technically reasonable and will not result in an unreasonable interference, given appropriate physical adjustments.
4. The height of the structure necessary for collocation will not be increased beyond the maximum height limits.

(d) *When collocation is not feasible.* Wireless communication support structures shall not be approved unless the applicant documents to the satisfaction of the Planning Commission that its attached wireless communication facilities cannot be feasibly collocated or accommodated on an existing support structure or other existing structure due to one or more of the following reasons:

1. The planned equipment would exceed the structural capacity of the existing support structure or other structure, as documented by a licensed, registered engineer and the existing support structure or other structure cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
2. The planned equipment would cause interference affecting the function of other equipment on the existing support structure or other structure as documented by a licensed, registered engineer, and the interference cannot be prevented at a reasonable cost.

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3. Support structures and other structures within the search radius cannot accommodate the planned equipment at a height necessary for the coverage area and capacity needs to reasonably function as documented by a licensed, registered engineer.

4. Other unforeseen reasons that make it unfeasible to locate the communications equipment upon an existing support structure or other structure.

(e) *Refusal to permit collocation and violation.* If a party who owns or otherwise controls a wireless communication support structure shall fail or refuse to alter a structure to accommodate a feasible collocation, such facility shall thereafter be a non-conforming structure and use, and shall not be altered, expanded or extended in any respect. If a party who owns or otherwise controls a facility shall fail or refuse to permit collocation, and this requires the construction and/or use of a new wireless communication support structure, the party failing or refusing to permit a feasible collocation shall be deemed to be in direct violation and contradiction of a policy, intent and purpose of this Section of the Zoning Ordinance.

(f) *Variance from collocation.* Such a party may seek and obtain a variance from the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication services.

(g) *Offer of collocation required.* An application for a new wireless communication support structure shall include a letter from the applicant to all potential users offering an opportunity for collocation. The list of potential users shall be provided by the City based on those entities who have requested approval of a wireless communication facility, current Federal Communications Commission license holders, and other entities requesting to be on the list. If, during a period of 30 days after the notice letters are sent to potential users, a user requests, in writing, to collocate on the new support structure, the applicant shall accommodate the request(s), unless collocation is not feasible based on the criteria of this subchapter.

(12) *Removal.* When a wireless communication facility has not been used for 90 days, or 90 days after new technology is available which permits the operation of a facility with the requirements of a wireless communication support structure all or parts of the wireless communications facility shall be removed by the users and owners of the facility and owners of the property. The removal of antennae or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of non-use. The situation(s) in which removal of a wireless communications facility is required may be applied and limited to a portion of the facility.

(a) Upon the occurrence of one or more of the events requiring removal, the property owner or persons who had sued the wireless communications facility shall immediately apply for and

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secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the site to the condition which existed prior to the construction of the facility.

(b) If the required removal of the wireless communications facility or a portion thereof has not been lawfully completed within 60 days of the applicable deadline, and after at least 30 days written notice, the City may remove or secure the removal of the facility or required portions thereof, with its actual costs and reasonable administrative charges to be drawn or collected from the security posted at the time application was made for establishing the facility.

(13) *Frequency emission standards.* Wireless communication facilities shall comply with applicable Federal and State standards relative to electromagnetic fields and the environmental effects of radio frequency emissions.

(14) *Effect of approval.*

(a) Subject to subparagraph (b) below, final approval for a wireless communication support structure shall be effective for a period of six months.

(b) If construction of a wireless communication support structure is commenced within two miles of the land upon which a facility has been approved, but upon which construction has not been commenced during the six month period of effectiveness, the approval for the support structure that has not been commenced shall be void 30 days following written notice from the City of the commencement of the other support structure. Such voiding shall apply when the applicant granted approval of the support structure which has not been commenced demonstrates that it would not be feasible to collocate on the support structure that has been newly commenced.

(15) *Incentive.* Review of an application for collocation, and review of an application for a facility permitted as a principal permitted use shall be expedited by the City.
(Ord. 241, passed 1-7-99)

ENFORCEMENT**§ 154.195 PUBLIC NUISANCE PER SE.**

Any building or structure which is erected, altered or converted or any use of premises or land which is begun or changed subsequent to the time of passage of this chapter and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se, and may be altered by order of any court of competent jurisdiction.

(Ord. 205, passed 1-16-95)

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§ 154.999 PENALTY.

(A) Any person, firm or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than \$500 and the costs of prosecution, or, in default of the payment thereof, shall be punished by imprisonment in the County Jail for a period not to exceed 90 days for each offense, or by both such fine and imprisonment in the discretion of the court, together with the cost of such prosecution.

(B) The owner of any building, structure or premises or part thereof where any condition in violation of this chapter shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a separate offense and upon conviction thereof shall be liable to the fines and imprisonment herein provided.

(C) A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

(D) Any persons who violate § 154.013 or § 154.057 shall be subject to a fine not less than \$100 or imprisonment for not more than 90 days, or to both fine and imprisonment, in the discretion of the court. (Ord. 205, passed 1-16-95; Am. Ord. 234, passed 12-1-97)

CHAPTER 155: LAND DIVISION

Section

- 155.01 Title; purpose
- 155.02 Definitions
- 155.03 Prior approval requirement for land divisions
- 155.04 Application for land division approval
- 155.05 Procedure for review of applications for land division approval
- 155.06 Standards for approval of land divisions
- 155.07 Allowance for approval of other land divisions
- 155.08 Consequences of noncompliance with land division approval requirement

- 155.99 Penalty

§ 155.01 TITLE; PURPOSE.

(A) This chapter shall be known and cited as the City of Bangor Land Division Ordinance.

(B) The purpose of this chapter is to carry out the provisions of the State Land Division Act (1967 PA 288, as amended, formerly known as the Subdivision Control Act), to prevent the creation of parcels of property which do not comply with applicable ordinances and said Act, to minimize potential boundary disputes, to maintain orderly development of the community, and otherwise provide for the health, safety and welfare of the residents and property owners of the city by establishing reasonable standards for prior review and approval of land divisions within the city.
(Ord. 232, passed 7-21-97)

§ 155.02 DEFINITIONS.

For purposes of this chapter certain terms and words used herein shall have the following meaning:

APPLICANT. 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 Sections 108 and 109 of the State Land Division Act.

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 equivalents; provided all resulting parcels are accessible for vehicular travel and utilities from existing public roads through existing adequate roads or easements, or through areas owned by the owner of the parcel that can provide such access.

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 legislative body of the City of Bangor.
(Ord. 232, passed 7-21-97)

§ 155.03 PRIOR APPROVAL REQUIREMENT FOR LAND DIVISIONS.

Land in the city shall not be divided without the prior review and recommendation of approval from the city's Planning Commission and approval by the City Council, in accordance with this chapter and the State 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 city's Site Condominium Development Ordinance and the State Land Division Act.

(B) A lot in a recorded plat proposed to be divided in accordance with the city's Site Condominium Development Ordinance and the State Land Division Act.

(C) An exempt split as defined in this chapter.
(Ord. 232, passed 7-21-97) Penalty, see § 155.99

§ 155.04 APPLICATION FOR LAND DIVISION APPROVAL.

(A) An applicant shall file all of the following with the City Clerk or other official designated by the City Council for review of a proposed land division before making any division either by deed, land contract, lease for more than one year, or for building development:

(1) A completed application form on such form as may be provided by the city.

(2) Proof of fee ownership of the land proposed to be divided.

(3) A survey map of the land proposed to be divided, prepared pursuant to the survey map requirements of the 1970 Public Act 132, as amended, (MCL 54.211) by a land surveyor licensed by the State of Michigan, and showing the dimensions and legal descriptions of the existing parcel and

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the parcels proposed to be created by the division(s), the location of all existing structures and other land improvements, and the accessibility of the parcels for vehicular traffic and utilities from existing public roads.

(B) In lieu of such survey map, at the applicant's option, the applicant may waive the 45 day statutory requirements for a decision on the application until such survey map and legal description are filed with the city, and submit a tentative preliminary parcel map drawn to scale of not less than that provided for on the application form including an accurate legal description of each proposed division, and showing the boundary lines, dimensions, and the accessibility of each division from existing or proposed public roads for automobile traffic and public utilities, for preliminary review, approval, and/or denial by the locally designated official prior to a final application under this section.

(C) The governing body of the municipality or its designated agent delegated such authority by the governing body, may waive the survey map requirement where the foregoing tentative parcel map is deemed to contain adequate information to approve a proposed land division considering the size, simple nature of the divisions, and the undeveloped character of the territory within which the proposed divisions are located. An accurate legal description of all the proposed divisions, however, shall at all times be required.

(1) Proof that all standards of the State Land Division Act and this chapter have been met. (See checklist accompanying Ordinance No. 232, passed July 21, 1997).

(2) The history and specifications of any previous divisions of land of which the proposed division was a part sufficient to establish the parcel to be divided was lawfully in existence as of March 31, 1997, the effective date of the State Land Division Act.

(3) Proof that all due and payable taxes or installments of special assessments pertaining to the land proposed to be divided are paid in full.

(4) If transfer of division rights are proposed in the land transfer detailed information about the terms and availability of the proposed division rights transfer.

(5) Unless a division creates a parcel which is acknowledged and declared to be "not buildable" under § 155.07 of this chapter, all divisions shall result in "buildable" parcels containing sufficient "buildable" area outside of unbuildable wetlands, flood plains and other areas where buildings are prohibited therefrom, and with sufficient area to comply with all required setback provisions, minimum floor areas, off-street parking spaces, maximum allowed area coverage of buildings and structures on the site.

(6) The fee as may from time to time be established by resolution of the City Council for land division reviews pursuant to this chapter to cover the costs of review of the application and administration of this chapter and the State Land Division Act.
(Ord. 232, passed 7-21-97)

§ 155.05 PROCEDURE FOR REVIEW OF APPLICATIONS FOR LAND DIVISION APPROVAL.

(A) Upon receipt of a land division application package, the City Clerk or other official designated by the governing body shall forthwith submit the same to the city's Planning Commission for review and recommendation to approve with reasonable conditions to assure compliance with applicable ordinances and the protection of public health, safety and general welfare, or disapprove the land division applied for within 45 days after receipt of the application package conforming to this chapter's requirements, and shall promptly notify the applicant of the decision and the reasons for any denial. If the application package does not conform to this chapter requirements and the State Land Division Act, the City Clerk or other designee shall return the same to the applicant for completion and refile in accordance with this chapter and the State Land Division Act.

(B) Any person or entity aggrieved by the decision of the city or designee may, within 30 days of said decision appeal the decision to the City Council or such other board or person designated by the governing body which shall consider and resolve such appeal by a majority vote of said Board or by the designee at its next regular meeting or session affording sufficient time for a 20 day written notice to the applicant (and appellant where other than the applicant) of the time and date of said meeting and appellate hearing.

(C) A decision approving a land division is effective for 90 days, after which it shall be considered revoked unless within such period a document is recorded with the County Register of Deeds office and filed with the City Clerk or other designated official accomplishing the approved land division or transfer.

(D) The City Clerk or designee shall maintain an official record of all approved and accomplished land divisions or transfers.
(Ord. 232, passed 7-21-97)

§ 155.06 STANDARDS FOR APPROVAL OF LAND DIVISIONS.

(A) A proposed land division shall be approved if the following criteria are met:

(1) All the parcels to be created by the proposed land division(s) fully comply with the applicable lot (parcel), yard and area requirements of the applicable zoning ordinance, including, but not limited to, minimum lot (parcel) frontage/width, minimum road frontage, minimum lot (parcel) area, minimum lot width to depth ratio, and maximum lot (parcel) coverage and minimum set-backs for existing buildings/structures.

(2) The proposed land division(s) comply with all requirements of the State Land Division Act and this chapter.

(3) All parcels created and remaining have existing adequate accessibility, or an area available therefor, to a public road for public utilities and emergency and other vehicles not less than the

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requirements of the applicable zoning ordinance, major thoroughfare plan, road ordinance or this chapter. In determining adequacy of accessibility, any ordinance standards applicable to plats shall also apply as a minimum standard whenever a parcel or tract is proposed to be divided to create four or more parcels.

(4) The ratio of depth to width of any parcel created by the division does not exceed a four to one ratio exclusive of access roads, easements, or non-buildable parcels created under § 155.07 of this chapter and parcels added to contiguous parcels that result in all involved parcels complying with said ratio.

(B) The permissible depth of a parcel created by a land division shall be measured within the boundaries of each parcel from the abutting road right of way to the most remote boundary line point of the parcel from the point of commencement of the measurement.

(C) The permissible minimum width shall be as defined in the applicable zoning ordinance. In the absence of applicable zoning or other ordinances providing a different standard, all parcels created by a land division shall comply with the following minimum standards:

(1) Where accessibility is to be provided by a proposed new dedicated public road, proof that the city has approved the proposed layout and construction design of the road and of utility easements and drainage facilities connected therewith.

(2) Where accessibility by vehicle traffic and for utilities is permitted through other than a dedicated and accepted public road or easement, such accessibility shall comply with the following:

(a) Where such private road or easement extends for more than 660 feet from a dedicated public road, or is serving or intended to serve more than one separate parcel, unit or ownership, it shall be not less than 66 feet in right of way width, 24 feet in improved roadbed width with at least three feet of improved shoulder width on each side and adequate drainage ditches and necessary culverts on both sides to accumulate and contain surface waters from the road area. It shall further be improved with not less than six inches of a processed and stabilized gravel base over six inches of granular soil, have a grade of not more than seven percent, and if dead-ended, shall have a cul-de-sac with a radius of not less than 50 feet of improved roadbed for the accommodation of emergency, commercial and other vehicles.

(b) Where the private road or easement is 660 feet or less in length, and is serving or intended to serve not more than four separate parcels, units or ownership's, it shall not be less than 40 feet in right of way width, 20 feet in improved roadbed width with at least two feet of improved shoulder width on each side, and adequate drainage ditches on both sides with necessary culverts to accommodate and contain surface waters from the road area. It shall further be improved with processed and stabilized gravel and granular soil, have a grade of not more than seven percent, and a cul-de-sac where dead-ended as specified in subdivision (C)(1)(a) above. If said private road or easement is serving or intended to serve more than four separate parcels, units or ownerships, the right of way and development standards set forth in (C)(1)(a) above shall apply.

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(c) If accessibility is by a private road or easement, a document acceptable to the city shall be recorded with the County Register of Deeds and filed with the assessor or designee specifying the method of private financing of all maintenance, improvements, and snow removal, the apportionment of these costs among those benefited, and the right of the city to assess such costs against those properties benefited, plus a 25% administrative fee, and to perform such improvements in the event of a failure of those benefited to privately perform these duties for the health, safety and general welfare of the area.

(d) Any intersection between private and public roads shall contain a clear vision triangular area of not less than two feet along each right of way line as measured from the intersecting right of way lines.

(e) No private road or easement shall extend for more than 1,000 feet from a public road.

(f) No private road shall serve more than 25 separate parcels.

(Ord. 232, passed 7-21-97)

§ 155.07 ALLOWANCE FOR APPROVAL OF OTHER LAND DIVISIONS.

Notwithstanding disqualification from approval pursuant to this chapter, a proposed land division which does not fully comply with the applicable lot, yard, accessibility and area requirements of the applicable zoning ordinance or this chapter may be approved in any of the following circumstances:

(A) Where the applicant executes and records an affidavit or deed restriction with the County Register of Deeds, in a form acceptable to the city, designating the parcel as "not buildable" in the municipal records, and shall not thereafter be the subject of a request to the Zoning Board of Appeals for variance relief from the applicable lot and/or area requirements, and shall not be developed with any building or above ground structure exceeding four feet in height.

(B) Where, in circumstances not COVERED by division (A) above, the Zoning Board of Appeals has, previous to this chapter, granted a variance from the lot, yard, ratio, frontage and/or area requirements with which the parcel failed to comply.

(C) Where the proposed land division involves only the minor adjustment of a common boundary line or involves a conveyance between adjoining properties which does not result in either parcel violating this chapter, any applicable zoning ordinance, or the State Land Division Act.

(Ord. 232, passed 7-21-97)

§ 155.08 CONSEQUENCES OF NONCOMPLIANCE WITH LAND DIVISION APPROVAL REQUIREMENT.

Any parcel created in noncompliance with this chapter shall not be eligible for any building permits, or zoning approvals, such as special land use approval or side plan approval, and shall not

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be recognized as a separate parcel on the assessment roll. In addition, violation of this chapter shall subject the violator to the penalties and enforcement actions set forth in § 155.99 of this chapter, and as may otherwise be provided by law.

(Ord. 232, passed 7-21-97) Penalty, see § 155.99

§ 155.99 PENALTY.

(A) Any person who violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$500 or by imprisonment in the county jail for not to exceed 90 days or by both such fine and imprisonment.

(B) Any person who violates any of the provisions of this chapter shall also be subject to a civil action seeking invalidation of the land division and appropriate injunctive or other relief.

(Ord. 232, passed 7-21-97)

CHAPTER 156: CONDOMINIUMS

Section

- 156.01 Title, purpose
- 156.02 Definitions
- 156.03 Plan preparation
- 156.04 Design layout standards and improvements
- 156.05 Review procedure
- 156.06 Interpretation

§ 156.01 TITLE; PURPOSE

(A) This chapter shall be known as the City of Bangor Site Condominium Development Ordinance

(B) It is the purpose of this ordinance to insure that plans for development within the City of Bangor proposed under the provisions of the Condominium Act, Public Act 59 of 1978, shall be reviewed with the objective interest of achieving the site characteristics and land use results as if the development and improvements were being proposed in accordance with the Subdivision Control Act, P.A. 288 of 1967, as amended. It is the intent of the City to insure that the appearance of the project and size of the building site or "Condominium lot" are equivalent to the appearance of a subdivision and to the minimum lot size of the zoning district in which the project is located.

(Ord. 219, passed 5-5-97)

§ 156.02 DEFINITIONS

For the purpose of this ordinance all definitions used in the Condominium Act P.A. 59 of 1978 as amended, and all applicable administrative regulations shall have the same meaning here. In addition, the following words as defined will also apply to this ordinance, unless the context clearly indicates a different meaning.

BUILDING SITE. A lot, or a two-dimensional condominium unit of land (i.e., envelope, footprint) with or without limited common element designed for construction of a principal structure or a series of principal structures plus accessory buildings. All building sites shall have frontage on public or private roads.

COMMON ELEMENTS. Portions of the condominium project other than the condominium units.

CONDOMINIUM PROJECT. A plan or project consisting of not less than two condominium units established in conformance with the Condominium Act.

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CONDOMINIUM SUBDIVISION PLAN. The plan as required in this chapter, including but not limited to, the survey and utility plans, building site and existing and proposed structures and improvements including their location on the land.

CONDOMINIUM UNIT. That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial or recreational use.

CONSOLIDATING MASTER DEED. The final amended master deed for a contractible condominium project, an expandable condominium project, or a condominium project containing convertible land or convertible space, which final amended master land or convertible space, which final amended master deed fully describes the condominium project as completed.

CONTRACTIBLE CONDOMINIUM. A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to express provisions in the condominium documents and in accordance with this chapter and the Condominium Act.

LIMITED COMMON ELEMENTS. A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.

LOT. A measured portion of a parcel or tract of land which is described and fixed in a recorded plat or recorded in the Master Deed of a site condominium development.

MASTER DEED. The legal document prepared and recorded pursuant to Act 59 of the Public Acts of 1978, as amended, within which are, or to which is attached as exhibits and incorporated by reference, the approval bylaws for the project and the approved condominium subdivision plan for the project.

PARCEL. A tract or continuous area or acreage of land which is occupied or intended to be occupied by a building, series of buildings, accessory building(s), condominium units, or by any other use or activity permitted thereon including open spaces and setbacks required in this chapter, and having its frontage on a public street.

SETBACK - FRONT, SIDE, AND REAR YARD. Front, side and rear yard setbacks shall mean the distance measured from the respective front, side, and rear yard area lines associated with the lot as described in the master deed.
(Ord. 219, passed 5-5-97)

§ 156.03 PLAN PREPARATION

(A) *Existing Conditions.* The preliminary plan shall be designed and drawn by a Registered Civil Engineer, a Registered Land Surveyor, a Registered Architect or a Registered Landscaped Architect
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containing the following information:

- (1) Proposed name of the project.
- (2) Full legal description to adequately describe the parcel or parcels comprising the project.
- (3) Names and addresses of the applicant, owners, and professionals who designed the project.
- (4) Scale of the plan (maximum scale shall be 100 feet to an inch).
- (5) Date of preparation.
- (6) Cardinal points.
- (7) Boundary lines of the proposed project.
- (8) Property lines of adjacent tracts of subdivided and unsubdivided land shown in relation to the tract being proposed for site condominium subdivision including those areas across abutting roads.
- (9) Location, widths, and names of existing or prior easements of record, public and/or private.
- (10) Location of existing sewers, water mains, storm drains, telephone, electric, cable TV and other underground utilities within or adjacent to the tract being proposed for a site condominium subdivision.
- (11) Existing topographical information drawn at contours with a maximum of two foot intervals.
- (12) The location of significant natural features such as natural water courses, bodies of water, stands of trees, and individual trees within the projects area having a diameter of 12 inches or greater at a height of two feet above the existing grade.

(B) *Proposed Condominium Subdivision Plan.*

- (1) Layout of streets indicating proposed street names, right-of-way widths, and connections and adjoining streets and also the widths of and locations of alleys, easements, public walkways, bike paths and other transportation related elements.
- (2) Layouts, numbers and dimension of lots, including building setback lines showing dimensions and finished grade elevations of buildings first floor elevation.
- (3) Proposed topography, including contour lines at the same interval as shown for existing topography.

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(4) Indication of the parcels of land and/or easements intended to be dedicated or set aside for public use and a description of the common elements of the project and the use and occupancy restrictions as will be contained in the master deed.

(5) An indication of the ownership and existing and proposed use of any parcels identified as "excepted" on the preliminary plan. If the applicant has an interest, or owns any parcel so identified as "excepted," the preliminary plan shall indicate how this property could be developed in accordance with the requirements of the existing zoning district in which it is located and with an acceptable relationship to the layout of the proposed preliminary plan.

(6) Statement describing the sewage system and method to be approved by the City of Bangor.

(7) Statement describing water supply system and method to be approved by the City of Bangor.

(8) Schematic indication and description of storm drainage acceptable to the City of Bangor.

(9) In the case where the applicant wishes to develop a given area, but wishes to begin with only a portion of the total area, the preliminary plan shall include the proposed general layout for the entire area. The part which is proposed to be developed first shall be clearly superimposed upon the overall plan in order to illustrate clearly the method of development which the applicant intends to follow. Each subsequent development shall follow the same procedure until the entire area controlled by the applicant is subdivided. Each phase of the development shall not exceed, on a cumulative basis, the average density allowed for the entire development.

(10) An indication of the means by which and extent that significant natural features such as water courses, bodies of water, stands of trees, and individual trees (apart from stands of trees) having a diameter of 12 inches or greater at a height of two feet above existing grade, are to be preserved in conjunction with the development of the proposed project.

(11) Indication of the approximate area for all site improvements including roads, utilities, drains, and all building activity that will have to be cleared and graded in order to develop the proposed project.

(12) The Preliminary Site Condominium Subdivision Plan will also indicate the significant ecological areas that are to be preserved in their natural state. The intent is not to require a detailed grading plan at this time but to ensure that the developer's consultant has given sufficient thought to the clearing and grading requirements in preparing the Preliminary Plan.

(Ord. 219, passed 5-5-97)

§ 156.04 DESIGN LAYOUT STANDARDS AND IMPROVEMENTS

(A) *Requirements and Standards.* The requirements and standards contained in the published infrastructure design standards shall apply and are herein incorporated by reference.

(B) *Construction of Development in Phases.* For developments where construction is to occur in phases, that portion which is constructed shall conform with all laws, ordinances and regulations of all governmental bodies having jurisdiction, and be capable of functioning independently without further improvements, including, additional roads, drainage, or utilities.
(Ord. 219, passed 5-5-97)

§ 156.05 REVIEW PROCEDURE

The procedure for review and approval of a site plan for a site condominium project shall consist of two stages: the first is the review and approval of the preliminary site plan by the City Planning Commission and City Council; the second is the review and approval of the final site plan by the City Planning Commission and City Council.

(A) Planning Commission Review of Preliminary Site Plan.

(1) The applicant shall submit 15 copies of the preliminary site plan, to scale, to the City at least two weeks prior to a regularly scheduled Planning Commission meeting so the site plan can be placed on the agenda and given time for technical review.

(2) The Planning Commission shall review the plan pursuant to the standards for site plan approval contained in the City Zoning Ordinance.

(3) Upon review the Planning Commission shall make a recommendation to the City Council to grant or deny approval of the proposed site condominium project or to grant conditional approval based on the following:

(a) The standards for approval contained in the City Zoning Ordinance.

(b) Conformity of the proposed site condominium and its related by-laws with the objectives of the City's Land Use Plan.

(c) Project developer's financial and technical capacity to meet the design and improvement standards of this chapter.

(4) The Planning Commission is authorized to make a recommendation to the City Council to grant approval, grant approval subject to conditions, or reject the site plan, as follows:

(a) *Recommend approval.* Upon determination that the site plan is in compliance with the standards and requirements of this chapter and other applicable ordinances and laws, the Planning commission recommend approval.

(b) *Recommended approval subject to conditions.* Upon determination that a site plan is in compliance except for minor modifications, the conditions for approval shall be identified and the applicant shall be given the opportunity to correct the site plan. The conditions may include the need to obtain approvals from other agencies. The applicant may re-submit the site plan to the Planning Commission for final review after conditions have been met. The Planning Commission may waive its right to review the revised plan, and instead authorize the City Manager to review and recommend approval of the re-submitted plan if all required conditions have been addressed.

(c) *Recommend rejection.* Upon determination that a site plan does not comply with the standards and regulations set forth in this chapter, or requires extensive revision in order to comply with said standards and regulations, the Planning Commission shall recommend that site plan approval be denied.

(B) *Submission of Preliminary Site Plans for City Council Review.* After the Planning Commission makes a recommendation on the preliminary site plan, the applicant shall make any required modification and submit sufficient copies of the revised preliminary site plan (as specified on the application form) for City Council review.

(C) *City Council Determination.* The City Council shall make a relevant determination based on the requirements and standards in this chapter, taking into consideration the comments and recommendations of the Planning Commission, City departments and other reviewing agencies. The City Council is authorized to grant approval, grant approval subject to conditions, or reject a site plan.

(D) *Recording of Site Plan Review Action.* Each action taken with reference to a site plan review shall be duly recorded in the minutes of the Planning Commission or City Council as appropriate. The grounds for action taken upon each site plan shall also be recorded in the minutes.

(E) *Approval.* Approval shall confer on the proprietor for a period of one year from the date of approval.

(F) *Preliminary Plan.* Upon receipt of preliminary plan approval, the proprietor shall submit the preliminary plan to all authorities as required by local and state regulation such as MDOT, MDEQ, MDOC and shall deliver two copies of the preliminary plan to the superintendent of the school district in which the condominium project is to be located.

(G) *Construction.* No installation or construction of any improvements or land balancing or grading shall be made or begun until the final plan has been approved. No removal of trees and/or other vegetation shall be started at this time except for minor clearing required for surveying and staking purposes.

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(H) *Final Plan Approval.* The final plan shall conform substantially to the approved preliminary plan and shall be prepared by a registered land surveyor or registered engineer. The final plan shall also constitute only that portion of the approved preliminary plan which the proprietor proposes to record and develop at the time and conform in all respects with the requirements of the Condominium Act. The procedure for the preparation and submittal of a plan for final approval shall be as follows:

(1) *Conditions of Approval.* In addition to all other requirements of this chapter and of the Condominium Act, application for final plan approval shall be made only if the proprietor has complied with the following:

(a) Received approval of the preliminary plan.

(b) Received approval of the engineering construction plans for all improvements to be built in accordance with the standards and specification adopted by the City Council and received notification of the issuance of the appropriate county and state construction permits for utilities.

(c) Received certification from the city that all fees required by this chapter have been paid, and that engineering review fees and other charges and deposits specified in this chapter have been paid.

(d) Received approval of the lot drainage, and the soil erosion and sedimentation plan.

(e) Provided a policy of title insurance currently in force covering all the land within the boundaries of the proposed development, establishing ownership interest of record and other information deemed necessary by the city.

(f) Deposited with the city the financial guarantees as may be required by this chapter.

(g) If the installation of landscaping, street trees and street lights have been required by the City Council, the proprietor and the city may enter into a special agreement to ensure installation.

(h) The City Council and the proprietor shall have entered into an agreement for the review and inspection of the installation of public improvements and their conformance with the construction plan and the plan.

(i) The proprietor shall have delivered two copies of the Master Deed and Condominium Bylaws in final recordable form.

(2) Review and Approval Procedures

(a) At their next scheduled meeting, the Planning Commission shall recommend to the City Council:

1. Approval of the final plan if it meets the requirements of this chapter and the Condominium Act; or

2. Rejection of the final plan, if it does not meet such requirements.

(b) At their next scheduled meeting following the Planning Commission review of the plan, the City Council shall:

1. Approve the plan if it conforms to all provisions of this ordinance and instruct the City Clerk to certify on the plan the City Council approval and date thereof;

2. Reject the plan and instruct the City Clerk to advise the proprietor, explain the reasons for the rejection, and return the plan to the proprietor; and

(c) Approval of the final plan shall confer upon the proprietor for a period of two years from the date of City Council approval, the conditional right that the general terms and conditions under which the final approval of the plan was granted will not be changed.

(d) Upon approval of the final plan by the City Council the subsequent approvals required by the Condominium Act shall follow the procedure set forth therein, including the registration of the master deed with the Van Buren County Register of Deeds.
(Ord. 219, passed 5-5-97)

§ 156.06 INTERPRETATION

(A) *Application of Traditional Definitions.* In the review of preliminary and final plans, as well as engineering plans, it is recognized that it may not be feasible to precisely apply traditional definitions and measures which have been provided for and which would be made for developments proposed under the Subdivision Control Act. However, the review of plans submitted in this chapter shall be accomplished with the objective and intent of achieving the same results as if the improvements were being proposed pursuant to the Subdivision Control Act, including, without limitation, conformance with all requirements of the City Zoning Ordinance, as amended and the City Infrastructure Development Ordinance.

(B) *Conflict with Existing Regulations.* These regulations are not intended to repeal, abrogate, annul, or in any manner interfere with existing regulations or laws of the City nor conflict with statutes of the State of Michigan or Van Buren 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. Nothing in this Ordinance shall be construed as requiring a Site Condominium Subdivision to obtain plat approval under the Subdivision Control Act.
(Ord. 219, passed 5-5-97)

CHAPTER 157: CERTIFICATES OF OCCUPANCY

Section

- 157.01 Legislative findings
- 157.02 Certificate of occupancy required
- 157.03 Application
- 157.04 Enforcement
- 157.05 Exemptions
- 157.06 Partial exemptions
- 157.07 Application procedures
- 157.08 Limitations on inspections
- 157.09 Duration - residential
- 157.10 Duration - commercial
- 157.11 Conditional certificate of approval
- 157.12 Conditional certificate of approval - bond required
- 157.13 Registration of rental dwellings
- 157.14 Appeals

- 157.99 Penalty

§ 157.01 LEGISLATIVE FINDINGS.

The council finds that a certificate of occupancy program is in the public interest for the following reasons:

(A) The city is a mature community with much of the housing stock and commercial buildings being in excess of 40 years old.

(B) Based on past experiences with building inspections, many of these buildings have serious code violations, which are a threat to the health, welfare and safety of the residents of the city.

(C) It takes special training and knowledge, which is beyond the expertise of the average property owner to recognize many of these code violations.

(D) In order to preserve the value of existing construction, to safeguard the public, and to prevent blight, it is necessary to inspect every building in the city.

(E) The least intrusive method, which should result in eventual inspection of all residential premises, is to require a certificate of occupancy upon sale, transfer of the property, or change in occupancy.

(Ord. 239, passed 11-2-98)

§ 157.02 CERTIFICATE OF OCCUPANCY REQUIRED.

(A) It shall be unlawful to occupy any premises, except as identified as exempt under §§ 157.05 and 157.06 of this chapter, in the city of Bangor unless there is an unexpired certificate of occupancy in effect, which covers the specific use for which the premises are being occupied.

(B) Violation of this section is a misdemeanor. Each day that the unlawful occupancy continues shall be a separate offense.

(C) In the case of tenant occupied commercial property, either the owner or the tenant, or both, may be cited for the violation. In the case of tenant occupied residential property, only the owner may be cited.

(D) In the case of a corporation, the president or managing agent shall be personally responsible for the violation, in addition to the corporation.

(E) In the case of a partnership, any general partner may be cited for the violation.
(Ord. 239, passed 11-2-98)

§ 157.03 APPLICATION

(A) All owners or occupants of commercial property shall apply for a certificate of occupancy as required by § 157.10.

(B) Owners of tenant occupied residential property shall apply for a certificate of occupancy as required by § 157.09.

(C) Owners of all owner occupied residential property shall apply for a certificate of occupancy when the property is sold or transferred and thereafter as required by § 157.09.
(Ord. 239, passed 11-2-98)

§ 157.04 ENFORCEMENT.

(A) If a residence is found to be vacated or occupied without an occupancy permit and material, health or safety hazards exist, water service will be discontinued until all bills are paid and an occupancy permit is obtained. Any charges for delinquent water charges or turn-on or turn-off fees connected with

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obtaining an occupancy permit must be paid before an occupancy permit will be issued and before water service will be continued.

(B) If the violations are not corrected within the time limits set by the building official, charges may be brought against the responsible party.

(C) The owner or occupant will be contacted and an inspection will be requested.

(D) If permission is refused, a search warrant shall be requested from the district court.

(E) If the warrant request is granted, the premises will be inspected and the owner or occupant will be given written notice of any violations. The owner or other responsible party will be billed for the regular inspection fee, any court costs and attorney fees incurred in securing the search warrant. If not paid, these amounts will become a lien on the property.

(Ord. 239, passed 11-2-98)

Cross Reference:

For provisions on discontinuance of water service, see § 52.18

§ 157.05 EXEMPTION - MULTIPLE HOUSING.

A certificate of occupancy is not required for an apartment building, condominium, cooperative or other multiple residential property if there are more than six units under common ownership or management at one location. A yearly inspection is required for all dwelling units and common areas. (Ord. 239, passed 11-2-98)

§ 157.06 PARTIAL EXEMPTIONS - OWNER OCCUPIED RESIDENTIAL.

(A) A certificate of occupancy is not required for a single family-housing unit, which was occupied by the owner as the owner's principal residence on the effective date of this ordinance for as long as that occupancy continues. If the housing unit is sold, or if it is no longer occupied by the owner, a certificate of occupancy shall be required, except as provided in division (B) of this section. A land contract purchaser shall be considered an owner.

(B) Application for a certificate of occupancy is not required when owner occupied residential property is transferred to a member of the household of the owner, provided the transferee has resided in the property for at least one-year immediately before the transfer, and the transfer is for a nominal consideration.

(C) No part of this section shall be so construed as to prevent the city from investigating any complaint of hazardous conditions in any building, brought to the city's attention by a responsible party, nor to prevent any code official from acting on violations discovered or suspected under the plain view doctrine.

(Ord. 239, passed 11-2-98)

§ 157.07 APPLICATION PROCEDURE.

(A) A certificate of occupancy may be obtained by submitting a written application to the building department on the prescribed form, and by paying the fee which shall be established by resolution of the city council.

(B) Before issuing a certificate of occupancy, the building official shall inspect the property and determine whether the property is in substantial compliance with all material provisions of the most recent edition of the BOCA National Property Maintenance Code and HUD Section 8 housing quality inspection form, as amended and adopted by the city. The building official shall give the applicant a list of all violations found as a result of the inspection.

(C) The building official shall issue a certificate of occupancy immediately if no violations are found. If violations are found to exist, a certificate of occupancy shall be issued after the building official is satisfied that all violations have been corrected. If the premises are occupied without a valid certificate of occupancy, the city may proceed under § 157.02.

(D) Upon any re-inspections, should an inspector discover any other violations or defect not first observed in an earlier inspection, the inspector shall have the authority to require compliance within a specific time limit determined by the inspector.

(E) If an inspection appointment is made and no one is there when the inspector goes for the inspection, a \$10.00 fee will be charged before another inspection appointment is made.

(F) The certificate of occupancy shall state that the building official has inspected the dwelling or structure and has determined that the dwelling or structure may be occupied. The existence of an unexpired certificate of occupancy shall not bar enforcement of or excuses compliance with any building code or other ordinance of the city. The certificate of occupancy shall bear this legend in capital letters or bold face type:

"THE CITY DOES NOT WARRANTY OR GUARANTEE THAT THERE ARE NO DEFECTS IN THE PREMISES COVERED BY THIS CERTIFICATE AND THE CITY SHALL NOT BE HELD RESPONSIBLE FOR DEFECTS NOT NOTED IN THE INSPECTION REPORT. INTERESTED PERSONS ARE ADVISED AND ENCOURAGED TO MAKE THEIR OWN INSPECTION OF THE PREMISES IN ORDER TO DETERMINE THEIR CONDITION."

(G) The person applying for a certificate of occupancy shall sign an inspection agreement on a form prescribed by the building official. The inspection agreement shall disclose the scope of the inspection, state the limitations on the inspection and shall prohibit disclosure of the inspection report unless the scope and limitations of the inspection are also disclosed. In the case of a sale of the property, both the buyer and the seller shall sign and acknowledge receipt of completed inspection report.

(Ord. 239, passed 11-2-98)

Certificates of Occupancy

§ 157.08 LIMITATIONS ON INSPECTIONS.

(A) All occupancy inspections shall be made to determine substantial compliance with the BOCA national property maintenance code and HUD Section 8 housing quality inspection form, as amended and adopted by the Bangor city council, as attached hereto.

(B) All inspections shall be visual or those which may require nondestructive testing to the extent of the removal of covers or plates, or the checking of electrical voltages or grounding conditions, as is deemed necessary by the building official.

(C) A list of all defects, if any, shall be made at the initial inspection. Any additional defects or code violations discovered or uncovered during repair or made known to the building official, prior to the issuance of the occupancy permit, shall be noted and will require repair within the time limits established by the building official.

(Ord. 239, passed 11-2-98)

§ 157.09 DURATION - RESIDENTIAL.

(A) A certificate of occupancy issued for residential property shall be valid until the property is sold or transferred or occupancy changed. In the case of property occupied by a tenant, the certificate of occupancy shall be valid until there is a change of tenant, or until the property is sold, whichever comes first.

(B) No part of this section shall be so construed as to prevent the city from investigating any complaint of hazardous conditions in any building, brought to the city's attention by a responsible party, nor to prevent any building official from acting on violations discovered or suspected under the plain view doctrine.

(Ord. 239, passed 11-2-98)

§ 157.10 DURATION - COMMERCIAL.

(A) A certificate of occupancy for commercial property shall be valid until the property is sold or transferred or the occupancy has changed.

(B) No part of this section shall be so construed as to prevent the city from investigating any complaint of hazardous conditions in any building, brought to the city's attention by a responsible party, nor to prevent any building official from acting on violations discovered or suspected under the plain view doctrine.

(Ord. 239, passed 11-2-98)

§ 157.11 CONDITIONAL CERTIFICATE OF APPROVAL.

In the event, for any reason, an owner requests that a certificate of approval be issued prior to complete compliance with the provisions of this ordinance, and if the absence of complete compliance does not, in the judgment of the building official, constitute a material health or safety hazard, a conditional certificate of approval may be issued upon the condition that complete compliance be achieved within a reasonable time specified by the building official, but not more than 60 days for good cause. In the event of issuance of a conditional certificate of approval, the owner shall notify said department by or before the time period specified for achieving compliance that said conformance has been achieved. A certificate of approval shall then be issued if the building official determines compliance after inspection.

(Ord. 239, passed 11-2-98)

§ 157.12 CONDITIONAL CERTIFICATE OF APPROVAL - BOND REQUIRED.

The building official shall require submission of a cash or surety bond in an amount equal to 150 percent of the estimated cost of repairs as determined by the building official prior to issuance of a conditional certificate of approval or in the event the official agrees to extend the time for compliance or in the event the inspection of the premises, buildings or structures after the time set forth for compliance has expired reveals that all the deficiencies have not been corrected. The bond or any moneys deposited as same shall be refunded within 30 days after certificate of approval is issued.

(Ord. 239, passed 11-2-98)

§ 157.13 REGISTRATION OF RENTAL DWELLINGS.

All dwellings, as defined by this chapter, which are leased or otherwise made available for rental purposes shall be registered by the owner with the city clerk's office at city hall.

(A) *Time periods for registration.*

(1) All existing rental dwellings shall be registered within 90 days of the effective date of this chapter.

(2) All newly constructed or newly converted rental dwellings shall be registered within 30 days of the issuance of the certificate of occupancy by the city of Bangor.

(3) A rental dwelling, which is sold, transferred or conveyed, shall be re-registered by the new owner within 30 days of the date of the deed, land contract or other instrument of conveyance.

(4) All existing non-rental dwellings, which are converted to rental dwelling without issuance of a certificate of occupancy, shall be registered within 30 days from the date on which the property is first occupied for rental purposes.

Certificates of Occupancy

(B) *Required information.* The owner of a rental dwelling shall submit the following information to the city clerk's office at Bangor city hall on forms prescribed by the city.

- (1) The address of the rental dwelling;
- (2) The number of rental units within the structure;
- (3) The name, residence address, business telephone and home telephone of the owner;
- (4) The name, residence address, business address and business telephone of the responsible agent designated by the owner;
- (5) The date of registration of the rental dwelling;
- (6) Name of current tenant.

(C) *Fee; administrative late charge.* No registration fee shall be assessed to the owner of a rental dwelling by the city if registration complies with the provisions of this chapter. An administrative late charge as established by a resolution adopted by the city council per dwelling unit, boarding house, dormitory, or rooming house, shall be paid by the owner if registration of a rental dwelling does not comply with the provisions of this chapter.

(D) *Incorrect and outdated registration information.* An owner who fails to provide correct or current registration information shall be in violation of the provisions of this chapter.
(Ord. 239, passed 11-2-98)

§ 157.14 APPEALS.

Any violation notice may be appealed to the five members board of construction appeals established by the city council. The appeal shall be in writing and shall be filed within ten days of receipt of the violation notice. The appeal fee, in an amount of \$25.00, shall be paid at the time of filing. The board shall have no authority to waive, vary or modify the provisions of this, or any other, ordinance. The violation notice shall contain a notification of the appeal rights.
(Ord. 239, passed 11-2-98)

§ 157.99 PENALTY AND ENFORCEMENT.

Any person who violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00 or by imprisonment in the county jail for not to exceed 90 days or by both such fine and imprisonment. In addition to the fine and cost imposed for violation of this chapter, the owner shall pay the administrative late charge prescribed in § 157.13.
(Ord. 239, passed 11-2-98)

CHAPTER 158: WELLHEAD PROTECTION OVERLAY ZONE

Section

- 158.01 Purpose
- 158.02 Definitions
- 158.03 Principal land uses permitted; prohibited
- 158.04 General provisions
- 158.05 Site plan review requirements
- 158.06 Determination of applicability
- 158.07 Conditions for approval or denial
- 158.08 Exemptions and waivers
- 158.09 Appeals
- 158.10 Penalties and costs

§ 158.01 PURPOSE.

(A) The city has determined that:

- (1) Certain groundwater underlying the city is the sole source of the city's drinking water.
- (2) Groundwater aquifers are integrally connected with the surface water, lakes, and streams which constitute significant public health, recreational and economic resources of the city and surrounding area.
- (3) Spills and discharges of petroleum products, sewage and hazardous substances threaten the quality of the groundwater supplies and other water related resources, posing potential public health and safety hazards and threatening economic losses.

(B) Therefore, the city has enacted an overlay ordinance to initiate the following actions:

- (1) Preserve and maintain existing and potential groundwater supplies, aquifers, and groundwater recharge areas of the city, and to protect them from adverse land use development or land use practices.
- (2) Preserve and protect sources of drinking water supply for public health and safety.
- (3) Conserve the natural resources of the city and the surrounding area.

(4) Provide a level of protection of the financial investment that the city has in its drinking water supply.

(5) Assure that state regulations which help protect groundwater are implemented consistently when new or expanded development proposals are reviewed.
(Ord. 251, passed 9-5-00)

§ 158.02 DEFINITIONS.

AQUIFER. A geologic formation, group of formations or part of formations capable of storing and yielding a significant amount of groundwater to wells or springs.

BEST MANAGEMENT PRACTICES. Measures, either managerial or structural, to prevent or reduce pollution inputs to soil, surface water or groundwater.

DEVELOPMENT. The construction, reconstruction, alteration of surface or structure or change of land use or intensity of use.

ENVIRONMENTAL CONTAMINATION. The presence or release of a hazardous substance or other substance, in a quality, which is or may become injurious to the environment, or to the public health, safety, or welfare.

FACILITY. Any building, structure, installation or property from which there may be a discharge of hazardous substances.

HAZARDOUS SUBSTANCE. A chemical or other material which is or may become injurious to the public health, safety, or welfare, or to the environment. The term **HAZARDOUS SUBSTANCE** includes, but is not limited to, any of the following:

(1) Hazardous substances as defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Public Law 96-510, 94 Stat. 2767.

(2) Hazardous waste as defined in Part 111 of the State of Michigan Natural Resources and Environmental Protection Act, Public Act 451 of 1994, as amended.

(3) Regulated substance as defined in Part 213 of the State of Michigan Natural Resources and Environmental Protection Act, Public Act 451 of 1994, as amended.

(4) Hazardous substance as defined in Part 201 of the State of Michigan Natural Resources and Environmental Protection Act, Public Act 451 of 1994, as amended.

(5) Used oil.

Wellhead Protection Overlay Zone

- (6) Animal waste or byproducts, or carcasses.

PRIMARY CONTAINMENT FACILITY. A tank, pit, container, pipe or vessel of first containment of a hazardous substance.

SECONDARY CONTAINMENT FACILITY. A second tank, catchment pit, or vessel that limits and contains liquid or hazardous substance leaking or leaching from a primary containment area. Containment systems shall be constructed of materials of sufficient thickness, density and composition to prevent future environmental contamination of land, ground water or surface water.

UNDERGROUND STORAGE TANK SYSTEM. A tank or combination of tanks, including underground pipes connected to the tank or tanks, which is, was, or may have been used to contain an accumulation of hazardous substances, as defined in Part 213 of the State of Michigan Natural Resources and Environmental Protection Act, 1994 Public Act 451, as amended.

USED OIL. Any oil which had been (a) refined from crude oil, (b) used, and (c) as a result of such use contaminated by physical or chemical impurities.

WELL. A permanent or temporary opening in the surface of the earth for the purpose of removing fresh water, testing water quality, measuring water characteristics, liquid recharge, waste disposal, or dewatering purposes during construction, as defined in the Michigan Water Wells Construction and Pump Installation Code, Part 127, Public Act 368 of 1978, as amended, and rules.

WELLHEAD PROTECTION AREA (WHPA). The area around and upgradient from the public water supply wells delineated by the ten-year travel time contour capture boundary.

WELLHEAD PROTECTION OVERLAY ZONE. The Wellhead Protection Area as outlined on the overlay zoning map.
(Ord. 251, passed 9-5-00)

§ 158.03 PRINCIPAL LAND USES PERMITTED; PROHIBITED.

Proposed land use is specified by applicant and confirmed by the City Planning Commission. Permitted land uses in the Wellhead Protection Overlay Zone include all those permitted uses as allowed in the underlying zoning district, except for the following:

(A) Petroleum product manufacturing (including coal).

(B) Commercial salvage yards and/or scrap processing.

(C) Oil and gas drilling.

(Ord. 251, passed 9-5-00)

§ 158.04 GENERAL PROVISIONS.

These provisions shall apply to all properties within the Wellhead Protection Overlay Zone, including private, commercial, industrial, residential and public properties, which use include the storage or generation of hazardous substances in quantities greater than 100 kilograms (approximately 220 pounds or 25 gallons) per month, and which require site plan review under provisions of this chapter or § 154.013 of the City Zoning Ordinance. The general provisions apply to entire property parcels, providing parcel is at least partially included in the Wellhead Protection Overlay Zone.

(A) Groundwater protection standards.

(1) The project and related improvements shall be designed to protect the natural environment, including lakes, ponds, streams, wetlands, floodplains and groundwater, and to ensure the absence of an impairment, pollution, and/or destruction of water, natural resources, and the public trust therein.

(2) Stormwater management and drainage facilities shall be designed to retain the natural retention and storage capacity of any wetland, water body, or watercourse, and shall not increase flooding, or the potential for environmental contamination, on-site or off-site, and shall not result in loss of the use of property by any third party.

(3) Industrial facilities with a point source discharge of storm water shall maintain a Storm Water Pollution Prevention Plan in accordance with applicable state and federal regulations.

(4) General purpose floor drains shall be connected to a public sewer system, an on-site holding tank, or a system authorized through a state surface or groundwater discharge permit. If connected to the public sewer system then the volumes and concentrations of waste discharged to the floor drain may require compliance with the city's Industrial Pretreatment Ordinance.

(5) Sites that at any time use, store or generate substances in quantities greater than 100 kilograms that include hazardous substances shall be designed to prevent spills and unpermitted discharges to air, surface of the ground, groundwater, lakes, streams, rivers or wetlands.

(6) State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without applicable permits and approvals.

(7) Bulk storage of pesticides shall be in accordance with applicable county, state and federal regulations.

(B) Aboveground storage and use areas for hazardous substances.

(1) Primary containment of hazardous substances shall be product tight.

Wellhead Protection Overlay Zone

(2) Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance. Products held in containers with a volume of less than 40 gallons and packaged for retail use shall be exempt from this item.

(3) Outdoor storage of hazardous substances shall be prohibited except in product-tight containers which are protected from weather, leakage, accidental damage and vandalism, including an allowance of the expected accumulation of precipitation.

(4) Out buildings, storage rooms, sheds and pole barns which are utilized as secondary containment shall not have floor drains which outlet to soil, public sewer system, groundwater, or nearby drains or natural water bodies unless a surface or groundwater discharge permit has been obtained pursuant to applicable county, state and federal regulation.

(5) Areas and facilities for loading and unloading of hazardous substances as well as areas where such materials are handled and stored, shall be designed and constructed to prevent unpermitted discharges to floor drains, rivers, lakes, wetlands, groundwater, or soils.

(C) Underground storage tank systems.

(1) Existing and new underground storage tanks shall be registered with the authorized state agency in accordance with applicable requirements of the U.S. Environmental Protection Agency and the Michigan Department of Environmental Quality.

(2) Installation, operation, maintenance, closure, and removal of underground storage tanks shall be in accordance with applicable requirements of the Michigan Department of Environmental Quality. Leak detection, secondary containment, corrosion protection, spill prevention and overfill protection requirements shall be met.

(D) *Well abandonment.* Out of service wells shall be sealed and abandoned in accordance with applicable state requirements.

(E) Well construction.

(1) Well drilling, construction and installation shall only be performed by State of Michigan Registered Well Drillers.

(2) Well construction shall be completed in accordance with Part 127 of Public Act 368 of 1978, as amended, and rules.

(3) Well construction shall include fully grouting the entire length of the well casing in accordance with Part 127 of Public Act 368 of 1978, as amended, and rules.

Bangor - Land Usage*(F) Sites with contaminated soils and/or groundwater.*

(1) Site plans shall take into consideration the location and extent of any contaminated soils and/or groundwater on the site, and the need to protect public health and environment.

(2) Information must be provided regarding the type, concentration and extent of identified contamination, land use deed restrictions and any remedial action plans.

(3) Excavation, drilling, direct-push and other earth penetration shall be sealed with grout, or with soil material exhibiting lower hydraulic permeability than the native soil.

(G) Construction standards.

(1) The general contractor, or if none, the property owner, shall be responsible for assuring that each contractor or subcontractor evaluates each site before construction is initiated to determine if any site conditions may pose particular problems for handling any hazardous substances. For instance, handling hazardous substances in proximity to water bodies or wetlands may be improper.

(2) Hazardous substances stored on the construction site during the construction process, shall be stored in a location and manner designed to prevent spills and unpermitted discharges to air, surface of the ground, groundwater, lakes, streams, rivers, or wetlands. Any storage container volume of over 40 gallons that contains hazardous substances shall have secondary containment.

(3) If the contractor will be storing or handling hazardous substances that require a Material Safety Data Sheet (MSDS), the contractor shall familiarize him/herself with the sheet, and shall be familiar with procedures required to contain and clean up any releases of the hazardous substance.

(4) Upon completion of construction, all hazardous substances and containment systems no longer used, or not needed in the operation of the facility shall be removed from the construction site by the responsible contractor, and shall be disposed of, recycled, or re-used in a proper manner as prescribed by applicable state and federal regulations.

(5) Excavation, drilling, direct-push and other earth penetration shall be sealed with grout, or with soil material exhibiting lower hydraulic permeability than the native soil.

(H) Maintenance. In areas where hazardous substances are handled, structural integrity of the building must be maintained to avoid inadvertent discharge of chemicals to soil and groundwater. Cracks and holes in floors, foundations and walls must be repaired in areas where hazardous substances are handled or stored.

(I) Exclusions.

(1) A limited exclusion from the general provisions is hereby authorized for hazardous substances as follows:

Wellhead Protection Overlay Zone

(a) The hazardous substance is packaged for personal or household use or is present in the same form and concentration as a product packaged for use by the general public.

(b) The total excluded substances containing hazardous substances may not exceed 50 gallons or 400 pounds at any time.

(2) A limited exclusion from the general provisions is hereby authorized for non-routine maintenance or repair of property in the Wellhead Protection Overlay Zone provided the uses are limited as follows:

(a) The aggregate of hazardous substances may not exceed 50 gallons or 400 pounds at any time.

(b) The total use of substance containing hazardous substances may not exceed 100 gallons or 800 pounds at any time.
(Ord. 251, passed 9-5-00)

§ 158.05 SITE PLAN REVIEW REQUIREMENTS.

(A) Specify location and size of interior and exterior areas and structures to be used for on-site storage, use, load/unloading, recycling, or disposal of hazardous substances.

(B) Specify location of all underground and above ground storage tanks for such uses as fuel storage, waste oil holding tanks, hazardous substance storage, collection of contaminated stormwater or wash water, and all similar uses.

(C) Specify location of existing and proposed wells.

(D) Specify location of exterior drains, dry wells, catch basins, retention/detention areas, sumps, and other facilities designed to collect, store or transport stormwater or wastewater. The point of discharge for all drains and pipes shall be specified on the site plan.

(E) Specify areas on the site that the applicant has reason to believe are contaminated, together with a report on the status of any site remedial action plan and land use deed restrictions, if applicable.

(F) Submit "City of Bangor State and County Environmental Permits Checklist."

(G) Refer to § 154.013 regarding Site Plan Review of the City Zoning Ordinance (Chapter 154 of Title XV) for additional requirements.
(Ord. 251, passed 9-5-00)

§ 158.06 DETERMINATION OF APPLICABILITY.

It shall be the responsibility of any person owning real property and/or owning and operating a business within the city corporate limits to make a determination of the applicability of the chapter as it pertains to the property and/or business under his or her ownership or operation and his or her failure to do so shall not excuse any violations of the chapter.

(Ord. 251, passed 9-5-00)

§ 158.07 CONDITIONS FOR APPROVAL OR DENIAL.

The Planning Commission, upon reviewing a site plan, shall take one the following actions:

(A) *Approval.* If the plan meets all the Zoning Ordinance and related development requirements and standards, the Planning Commission shall record such approval and the Chairman shall sign three copies of the site plan filing one in the official site plan file, forwarding one to the Building Inspector, and returning one to the applicant.

(B) *Disapproval.* If the site plan does not meet Zoning Ordinance and related development requirements and standards, the Planning Commission shall record the reasons for denial. The applicant may subsequently refile a corrected site plan under the same procedures followed for the initial submission.

(C) *Conditional approval.* Conditions on the approval of the site plan may be imposed meeting the requirements specified in the City Zoning Enabling Act. Conditions must be:

(1) Designed to protect natural resources, and the health, safety, and welfare and the social and economic well-being of residents, neighbors, and the community as a whole;

(2) Related to the valid exercise of the police power;

(3) Necessary to meet the purposes of the Zoning Ordinance and related to the standards established in the Zoning Ordinance for the land use or activity under consideration.

(D) *Table.* If the site plan is found to be in violation of requirements, incomplete with respect to necessary information or presenting a unique situation, the Planning Commission may table the site plan until a public hearing can be scheduled to determine specific improvement requirements the Planning Commission feels are necessary but the applicant is not in agreement with.

(Ord. 251, passed 9-5-00)

Wellhead Protection Overlay Zone

§ 158.08 EXEMPTIONS AND WAIVERS.

The transportation of the hazardous substance shall be exempt from the provisions of this chapter provided the transporting motor vehicle or rail is in continuous transit, or that it is transporting substances to or from a state licensed hazardous waste treatment, storage, or disposal facility.

(Ord. 251, passed 9-5-00)

§ 158.09 APPEALS.

The City Council may grant a special permit if it finds by written decision that the proposed use:

(A) Meets the intent of this chapter as well as its specific criteria.

(B) Will not, during construction or thereafter, have an actual or potential adverse impact on any aquifer or recharge area in the district.

(C) Will not actually or potentially adversely affect an existing or potential domestic or municipal water supply; and is consistent with existing and probably future development of surrounding areas.

(Ord. 251, passed 9-5-00)

§ 158.10 PENALTIES AND COSTS.

(A) *Falsifying information.* Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or who falsifies, tampers with, or knowingly renders inaccurate any method required under this chapter, shall be fined upon conviction not more than \$2,000 per occurrence.

(B) *Violations.*

(1) Any person or persons who are found to have violated an order of the city or who willfully or negligently fails to comply with any provision of this chapter and the orders, rules and regulations and permits issued thereunder, shall be fined upon conviction not more than \$2,000 per occurrence.

(2) Each day on which a violation shall occur, or continue to occur, shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the city may recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this chapter or the orders, rules, regulations, and permits issued thereunder.

(3) Any person or person violating any of the provisions of this chapter shall be liable to the city for any expense, loss, or damage caused by such violation. The city shall bill the person and persons for the costs incurred by the city (caused by the violation).

(Ord. 251, passed 9-5-00)

TABLE OF SPECIAL ORDINANCES

Table

I. FRANCHISES

II. ZONING MAP CHANGES

TABLE I: FRANCHISES

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
184	6-27-88	Granting to Indiana Michigan Power Company an electric energy franchise for a period of 30 years
192	3-25-91	Granting to consumers Power Company a gas franchise for a period of 30 years
211	11-20-95	Granting to Westmarc Development Joint Venture, DBA TCI Cablevision of Greater Michigan, Inc. a cable TV franchise for a period of not to exceed 15 years

TABLE II: ZONING MAP CHANGES

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
187	8-7-89	Rezoning Plastics Property from R-2 to Industrial
195	2-16-92	Rezoning Adams Property from I-1 to B-1

PARALLEL REFERENCES

References to Michigan Compiled Laws Annotated
References to Ordinances

REFERENCES TO MICHIGAN COMPILED LAWS ANNOTATED

<i>M.C.L.A. Section</i>	<i>Code Section</i>
15.231 - 15.246	116.03, 116.16
24.201 - 24.328	70.01
30.401 <i>et seq.</i>	Ch. 34
30.402	34.02
30.410 - 30.420	34.01, 34.02
30.414	34.05
116.114(1) <i>et seq.</i>	37.01
117.4i(k)	10.99, 93.99, 95.99
123.161 - 123.167	Charter, § 13.4
123.951 - 123.964	150.39, 150.40
125.1401 <i>et seq.</i>	37.01
125.1501 - 125.1531	150.04
125.1509	150.04
125.1601 <i>et seq.</i>	31.20
125.1604(1)	10.99
125.1604(2) - (5)	31.21
125.1604(6)	31.22
125.1604(7)	31.23
125.1651 - 125.1680	151.01, 151.03, 151.20, 151.22, 151.30
125.1664(2)	151.01
125.1667(2)	151.01
125.651 <i>et seq.</i>	150.05
131.1 <i>et seq.</i>	151.22
141.101 - 141.138	150.39, 151.22
141.121	51.64, 51.65, 52.17
141.133	150.39
141.21	51.64, 52.17
211.721 - 211.745	Charter, § 11.2
211.741 <i>et seq.</i>	Ch. 53
211.741(4)	53.05, 53.09
211.746	53.17
213.21 - 213.41	150.39
213.321 - 213.332	151.22
257.951	70.01
421.27	33.05
436.1 <i>et seq.</i>	130.15

Bangor - Parallel References

<i>M.C.L.A. Section</i>	<i>Code Section</i>
484.2102	116.02
484.2251	116.03
600.2913	130.34
600.8395	71.35
600.8701	95.99
600.8701 <i>et seq.</i>	95.99
712A.2	130.05

REFERENCES TO ORDINANCES

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
2	3-31-41	52.01
5	3-31-41	111.01 - 111.04
8	3-31-41	97.01
9	3-31-41	115.01
12	3-31-41	71.01
20	5-23-49	112.01 - 112.06
21	6-26-50	Ch. 74, Sch. III
22	12-11-50	51.60
29	1-10-55	Ch. 74, Sch. III
33	2-11-57	130.02
46	1-9-61	152.01 - 152.08, 152.20 - 152.24
47	10-23-61	150.06
49	3-25-63	51.01 - 51.06, 51.20 - 51.26, 51.40 - 51.48, 51.76, 51.77
50	4-22-63	51.61 - 51.64, 51.75
55	2-10-64	51.05, 51.23, 51.24, 51.41
56	6-22-64	51.61
58	2-8-65	91.15 - 91.23
61	3-14-66	Ch. 74, Sch. I
62	7-11-66	70.01
63	11-13-67	50.01 - 50.06, 50.20 - 50.22, 50.35 - 50.37
66	6-10-68	32.15 - 32.18
68	6-24-68	32.01 - 32.05
67	6-23-69	96.01 - 96.03
71	12-9-69	70.01
72	4-13-70	52.02
73	5-11-70	51.27
77	10-12-70	51.65
78	10-26-70	51.63
79	7-26-71	90.01 - 90.04
80	9-13-71	150.05
81	9-27-71	113.01 - 113.07
82	1-10-72	53.01 - 53.22
83	3-28-72	97.50 - 97.57
85	4-10-72	52.15 - 52.19

Bangor - Parallel References

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
87	6-12-72	71.03
90	12-26-72	153.01
91	3-12-73	52.03
94	10-9-73	111.03
95	12-26-73	51.23
100	11-12-74	150.04
101	11-12-74	112.06
103	1-13-75	33.01 - 33.05
105	5-27-75	110.01 - 110.04
105A	11-10-75	33.05
110	8-23-76	51.63
112	9-27-76	51.63
115	12-27-76	111.03
120	8-8-77	51.63, 52.18
121	8-8-77	51.63
123	9-12-77	Ch. 74, Schs. I, IV
124	10-10-77	91.02
126	2-27-78	31.20 - 31.23
127	6-12-78	111.03
128	9-11-78	93.03
130	9-11-78	92.01 - 92.03
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ORDINANCE # 214

ENACTING AS AN ORDINANCE, A CODE OF ORDINANCES FOR THE CITY OF BANGOR REVISING, AMENDING, RESTATING, CODIFYING, AND COMPILING CERTAIN EXISTING GENERAL ORDINANCES OF THE CITY DEALING WITH SUBJECTS EMBRACED IN SAID CODE:

WHEREAS, the present general ordinances of the City of Bangor are incomplete and inadequate and the manner of arrangement, classification and indexing thereof is insufficient to meet the immediate needs of the City; and

WHEREAS, The Acts of the State Legislature of the State of Michigan empower and authorize the City Legislative Body of this City to revise, amend, restate, codify and to compile any existing ordinance or ordinances and all new ordinances not heretofore adopted or published and to incorporate said ordinances into one ordinance in book form; and

WHEREAS, the Legislative Body of the City of Bangor has authorized a general compilation, revision and codification of the ordinances of the City of a general and permanent nature and publication of such ordinances in book form.

NOW, THEREFORE, BE IT ORDAINED by the Legislative Body of the City of Bangor that:

Section 1. The general ordinances of the City of Bangor as herein revised, amended, restated, codified, and compiled in book form are adopted as and shall continue the "Code of Ordinances of the City of Bangor."

Section 2. Said Code as adopted in Section 1 shall consist of the following titles, to-wit:

Title I	General Provisions	Title XIII	General Offenses
Title III	Administration	Title XV	Land Usage
Title V	Public Works		Tables of Special Ordinances
Title VII	Traffic Code		Parallel References
Title IX	General Regulations		Index
Title XI	Business Regulations		

Section 3. All prior ordinances pertaining to the subjects treated in said Code shall be deemed repealed from and after the effective date of said Code except as they are included and reordained in whole or in part in said Code; provided such repeal shall not affect any offense committed or penalty incurred or any right established prior to the effective date of said Code, nor shall such repeal affect the provisions of ordinances levying taxes, appropriating money, annexing or detaching territory establishing franchises of granting special rights to certain persons, authorizing public improvements, authorizing

the issuance of bonds or borrowing of money, authorizing the purchase or sale of real or

Adopting Ordinance

personal property, granting or accepting easements, plat or dedication of land to public use, naming or vacating or setting the boundaries of streets, alleys or other public places, nor to any other ordinance of a temporary or special nature or pertaining to subjects not contained therein.

Section 4. Said Code shall be deemed published as of the day of its adoption and approval by the City Legislative Body and the Clerk of the City of Bangor is hereby authorized and ordered to file a copy of said Code in the Office of the City Clerk.

Section 5. Said Code shall be in full force and effect two weeks from the date of its publication and filing thereof in the Office of the Clerk, and said Code shall be presumptive evidence in all courts and places of the ordinance and all provisions, sections, penalties and regulations therein contained and of the date of passage, and that the same is properly signed, attested, recorded and approved and that any public hearings and notices thereof as required by law have been given. Effective date will be October 28, 1996.

PASSED AND ADOPTED by the City Legislative Body of the City of Bangor this 7th day of October, 1996.

YEAS: Balfour, Rainey, Watkins, Rigozzi, Earl & Couey

NAYS: None

ABSENT: Wiles

ATTEST: Wanda Rissley /s/
Wanda Rissley, City Clerk

1997 S-1

CITY OF BANGOR - ORDINANCE # 235

AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES FOR THE CITY OF BANGOR, STATE OF MICHIGAN, AND DECLARING AN EMERGENCY

WHEREAS, American Legal Publishing Corporation, of Cincinnati, Ohio, has completed the first supplement to the Code of Ordinances of the City of Bangor, which supplement contains all ordinances of a general and permanent nature enacted since the original Code of Ordinances of the City of Bangor; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make reference to sections of the Michigan Code; and

WHEREAS, it is the intent of the Legislative Authority to accept these updated sections in accordance with the changes of the law of the State of Michigan; and

WHEREAS, it is necessary to provide for the usual daily operation of the municipality and for the immediate preservation of the public peace, health, safety and general welfare of the municipality that this ordinance take effect at an early date;

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE POLITICAL SUBDIVISION OF THE CITY OF BANGOR:

Section 1. That the first supplement to the Code of Ordinances of the City of Bangor as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, and is on file in the City Clerk's office, be and the same is hereby adopted by reference as if set out in its entirety.

Section 2. Such supplement shall be deemed published as of the day of its adoption and approval by the City Council and the City Clerk of the City of Bangor is hereby authorized and ordered to insert such supplement into the copy of the Code of Ordinances kept on file in the Office of the Clerk.

Section 3. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the people of this municipality, and shall take effect at the earliest date provided by law.

AYES: Balfour, Rainey, Wiles, Watkins, Rigozzi, Earl and Couey

NAYS: None

Adopting Ordinance

INTRODUCED: September 15, 1997

ADOPTED: September 15, 1997 (declared an emergency)

ATTEST: Wanda Rissley /s/
Wanda Rissley, City Clerk

CITY OF BANGOR - ORDINANCE # 245

AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES FOR THE CITY OF BANGOR, STATE OF MICHIGAN, AND DECLARING AN EMERGENCY

WHEREAS, American Legal Publishing Corporation, of Cincinnati, Ohio, has completed the second supplement to the Code of Ordinances of the City of Bangor, which supplement contains all ordinances of a general and permanent nature enacted since the original Code of Ordinances of the City of Bangor; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make reference to sections of the Michigan Code; and

WHEREAS, it is the intent of the Legislative Authority to accept these updated sections in accordance with the changes of the law of the State of Michigan; and

WHEREAS, it is necessary to provide for the usual daily operation of the municipality and for the immediate preservation of the public peace, health, safety and general welfare of the municipality that this ordinance take effect at an early date;

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE POLITICAL SUBDIVISION OF THE CITY OF BANGOR:

Section 1. That the second supplement to the Code of Ordinances of the City of Bangor as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, and is on file in the City Clerk's office, be and the same is hereby adopted by reference as if set out in its entirety.

Section 2. Such supplement shall be deemed published as of the day of its adoption and approval by the City Council and the City Clerk of the City of Bangor is hereby authorized and ordered to insert such supplement into the copy of the Code of Ordinances kept on file in the Office of the Clerk.

Section 3. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the people of this municipality, and shall take effect at the earliest date provided by law.

AYES: Sink, Kriesten, Couey, Lohner, Foot, Johnson and Wiles

NAYS: None

2000 S-3

5

Adopting Ordinance

INTRODUCED: August 16, 1999

ADOPTED: September 7, 1999

EFFECTIVE: October 4, 1999

ATTEST: Adeline Starks /s/
Adeline Starks, City Clerk

2000 S-3

CITY OF BANGOR - ORDINANCE # 261

AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES FOR THE CITY OF BANGOR, MICHIGAN AND DECLARING AN EMERGENCY.

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the 2000-S-3, 2001 S-4 and the 2002 S-5 supplements to the Code of Ordinances of the City of Bangor, Michigan which supplements contain all ordinances of a general and permanent nature enacted since the prior supplement to the Code of Ordinances of the City of Bangor; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or additions of certain sections of the code of Ordinances which are based on or make reference to sections of the Michigan Code; and

WHEREAS, it is the intent of the Legislative Authority to accept these updated sections in accordance with the changes in the law of the State of Michigan; and

WHEREAS, it is necessary to provide for the usual daily operations of the municipality and for the preservation of the public peace, health, safety, and general welfare of this municipality that this ordinance take effect at an early date;

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE CITY OF BANGOR, MICHIGAN:

Section 1. That the 2000 S-3, the 2001 S-4 and the 2002 S-5 supplements to the Code of Ordinances of the City of Bangor as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

Section 2. Such supplements shall be deemed published as of the day of the adoption and approval by the Legislative Authority and the Clerk of the City of Bangor, Michigan is hereby authorized and ordered to insert such supplement into the copy of the Code of Ordinances kept on file in the Office of the Clerk.

Section 3. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety, and general welfare of this municipality, and shall take effect at the earliest date provided by law.

2003 S-6

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Adopting Ordinance**RECORD OF PRESENTATION AND ADOPTION**

This ordinance was voted upon at a regular meeting of the City Council on the 19th day of August 2002. A record of the votes were as recorded herein below:

AYES: George Sink, Mayor; Phil Wiles, Mayor Pro-tem; Council Members Robert Freislinger, Alice Kriesten, Norman Johnson, Richard Sutherby and John Szymanski.

NAYES: None

INTRODUCED: August 5, 2002

DECLARED ADOPTED: August 19, 2002

PUBLISHED: August 25, 2002

EFFECTIVE: August 26, 2002

CERTIFICATION

I, Rebecca Lightner, the duly appointed Clerk of the City of Bangor, do hereby certify that the above is a true and exact copy of a Resolution, passed by the Bangor City Council, on August 19, 2002, the original of which is on file at the Bangor City Hall.

Rebecca Lightner
Rebecca Lightner, City Clerk

2003 S-6