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OFFICIALS

of the

CITY OF

IRON RIVER, MICHIGAN

AT THE TIME OF THIS REPUBLICATION

Terry Tarsi  
*Mayor*

Dennis Powell

Jere Fritsche

Rodney Dood

Trish Mercier

*City Councilmembers*

David A. Thayer  
*City Manager*

Rachel Andreski  
*City Clerk*

Amanda Tukesbrey  
*City Treasurer*

Tom Novascone  
*Assessor*

Mark D. Tousignant  
*City Attorney*

CURRENTS OFFICIALS

of the

CITY OF

IRON RIVER, MICHIGAN

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Dennis Powell  
*Mayor*

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Rodney Dood

Ronjo Leonoff

Benjamin Garcia

Anthony Clements  
*City Councilmembers*

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David A. Thayer  
*City Manager*

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Rachel Andreski  
*City Clerk*

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Amanda Tukesbrey  
*City Treasurer*

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Patti Roell  
*Assessor*

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Mark D. Tousignant  
*City Attorney*

PREFACE

This Code constitutes a republication of the general and permanent ordinances of the city of Iron River, Michigan.

Source materials used in the preparation of the Code were the city's previously published code of ordinances, as supplemented through August 17, 2016, and ordinances subsequently adopted by the city council. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is not new and was adopted for the first time with the initial adoption of the Code. By use of the comparative tables appearing in the back of this Code, the reader can locate any section of the Code, as supplemented, and any subsequent ordinance included herein.

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

*Chapter and Section Numbering System*

The chapter and section numbering system used in this Code is the same system used in many state and local government codes. Each section number consists of two parts separated by a period. The figure before the period refers to the chapter number, and the figure after the period refers to the position of the section within the chapter. Thus, the second section of chapter 10 is numbered 10.02, and the first section of chapter 50 is 50.01. Under this system, each section is identified with its chapter, and at the same time new sections can be inserted in their proper place. For example, if new material consisting of one section that would logically come between sections 50.01 and 50.02 is desired to be added, such new section would be numbered 50.015. New chapters may be included within titles by sequentially adding a new chapter at the end of a title.

*Page Numbering System*

The page numbering system used in this Code is a prefix system. The letters to the left of the colon are an abbreviation which represents a certain portion of the volume. The number to the right of the colon represents the number of the page in that portion. In the case of a chapter of the Code, the number to the left of the colon indicates the number of the chapter. In the case of an appendix to the Code, the letter immediately to the left of the colon indicates the letter of the appendix. The following are typical parts of codes of ordinances, which may or may not appear in this Code at this time, and their corresponding prefixes:

CHARTER	CHT:1
CODE	CD1:1
CODE APPENDIX	CDA:1
CODE COMPARATIVE TABLES	CCT:1
STATE LAW REFERENCE TABLE	SLT:1
CODE INDEX	CDi:1

#### *Indexes*

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

#### *Looseleaf Supplements*

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

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

#### *Acknowledgments*

This publication was under the direct supervision of David A. Thayer, City Manager, and Cristine Dawson, Editor, of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to David A. Thayer for his cooperation and assistance during the progress of the work on this publication. It is hoped that their efforts and those of the publisher have resulted in a Code of Ordinances which will make the active law of the city readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the city's affairs.

#### *Copyright*

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#### **CITY OF IRON RIVER**

A new Code of Ordinances was adopted by the City Council for the City of Iron River at its regular meeting held on September 19, 2018 as follows:

THE CODE OF ORDINANCES WRITTEN AND MAINTAINED BY AMERICAN LEGAL PUBLISHING CORPORATION IS HEREBY REPEALED. THE CODE OF ORDINANCES PREPARED BY MUNICIPAL CODE CORPORATION IS HEREBY ADOPTED. THE EFFECTIVE DATE OF REPEAL AND ADOPTION IS 30 DAYS AFTER PUBLICATION OF ITS ADOPTION.

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

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

Ord. No.	Date Adopted	Include/Omit	Supp. No.
2018-01	3-21-2018	Include	1
2018-02	3-21-2018	Include	1
2018-03	3-21-2018	Include	1
2018-04	9-19-2018	Include	1
2018-05	9-19-2018	Include	1
2018-06	9-19-2018	Include	1
2018-01(Am.)	11- 6-2018	Include	1
2-19-2020(1) (Ord. of)	2-19-2020	Include	2
2019-01	3-20-2019	Include	2
2019-02	3-20-2019	Include	2

## CHARTER

### Preamble

We, the people of the City of Iron River, County of Iron, and State of Michigan, in order to perfect a municipal government which shall ensure economical and efficient administration of City affairs; provide for the security of persons and property; promote the happiness and welfare of its people; conserve and utilize public values for public uses; encourage municipal cooperation among the cities of the state and preserve, by a proper use thereof the privilege of local self-government by virtue of the State of Michigan and Public Act 279 of 1909, M.C.L.A. §§ 117.01 to 117.83, do hereby ordain and establish this home rule charter for the City of Iron River, Michigan.

### Article I. - POWERS OF THE CITY

#### Section 1.01. - Powers of the city.

The City shall have all powers possible for a City to have under the constitution and laws of this state as fully and completely as though they were specifically enumerated in this charter including but not limited to those permissible powers set forth in Sections 117.4a through 117.4k of the Home Rule Cities Act, Public Act 279 of 1909, M.C.L.A. §§ 117.01 to 117.83, as amended.

#### Section 1.02. - Construction.

The powers of the City under this charter shall be construed liberally in favor of the City, and the specific mention of particular powers in the charter shall not be construed as limiting in any way the general power granted in this article.

#### Section 1.03. - Intergovernmental regulations.

The City may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or any state civil division or agency, or the United States or any of its agencies.

Section 1.04. - Organization of government.

The City shall have the Council/Manager form of government.

(Am. No. 2018-01, § 1, 11-6-2018)

Article II. - CITY COUNCIL

Section 2.01. - General powers and duties.

All powers of the City shall be vested in the City Council, except as otherwise provided by law or this charter, and the council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the City by law.

Section 2.02. - Composition, eligibility, election and terms.

- (a) *Composition.* There shall be a City Council composed of the Mayor and four (4) members. The Mayor shall be elected in accordance with the provisions of Section 2.03. The council members shall be elected as provided in Section 2.02(c).
- (b) *Eligibility.* Only registered voters of the City shall be eligible to hold the office of council member or Mayor.
- (c) *Election and Terms.* Council members previously elected from precincts shall effective January 1, 2019 continue to serve on at large basis until the expiration of the term they were elected to serve. Thereafter, the Council positions vacated at the end of the term shall be filled by election of a Council member nominated and elected by the voters at large, so that two (2) council members will be elected at large in the November 2019 election and every four (4) years thereafter and two (2) council members will be elected at large in the November 2021 election and every four (4) years thereafter. The terms of council members shall begin the 1st day of January after their election.

(Am. No. 2018-01, § 1, 11-6-2018)

Section 2.03. - Mayor.

The nomination and election of the first Mayor under this Charter shall be as set forth in Section 10.05. A Mayor shall be nominated and elected by the voters at large. The Mayor shall serve a term beginning July 1, 2000 and ending December 31, 2003. Thereafter, regular election of the Mayor shall be held on the Tuesday succeeding the first Monday, in the month of November in the odd numbered year, in the manner provided by law. Except for the first term as set forth above, the Mayor shall be elected for a term of four (4) years. The Mayor shall be a member of the City Council and shall preside at meetings of the council, represent the City in intergovernmental relationships appoint with the advice and consent of the council the members of citizen advisory boards and commissions, present an annual state of the City message, and perform other duties specified by the council. The Mayor shall be recognized as the chief executive officer of the City government and head of City government for all ceremonial purposes and by the Governor for purposes of military law but shall have no administrative duties.

The council shall elect from among its members a deputy Mayor who shall act as Mayor during the absence or disability of the Mayor and, if a vacancy occurs, shall become Mayor for the remainder of the unexpired term.

Section 2.04. - Compensation; expenses.

The City Council may determine the annual salary of the Mayor and council members by ordinance, but no ordinance increasing such salary shall become effective until the date of commencement of the terms of council members elected at the next regular election. The Mayor and council members shall receive their annual and necessary expenses incurred in the performance of their duties of office.

Section 2.05. - Prohibitions.

- (a) *Holding Other Office.* Except where authorized by law, no council member shall hold any other elected public office during the term for which the member was elected to the council. No council member shall hold any other City office or employment during the terms for which the member was elected to the council. No former council member shall hold any compensated appointive office or employment with the City until one year after the expiration of the term for which the member was elected to the council. No council member during the elected term shall hold any compensated or appointive office or employment on or with any intergovernmental agency or authority currently involved in a contractual relationship with the City. Nothing in this section shall be construed to prohibit the council from selecting any former council member to represent the City on the governing board of any regional or other intergovernmental agency.
- (b) *Appointments and Removals.* Neither the City Council nor any of its members shall in any manner control or demand the appointment or removal of any City administrative officer or employee whom the City Manager or any subordinate of the City Manager is empowered to appoint but the council may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees.
- (c) *Interference with Administration.* Except for the purpose of inquiries and investigations under Section 2.08, the council or its members shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the council nor its members shall give orders to any such officer or employee, either publicly or privately.

## Section 2.06. - Vacancies; forfeiture of office; filling of vacancies.

- (a) *Vacancies.* The office of a council member shall become vacant upon the member's death, resignation, removal from office or forfeiture of office in any manner by law.
- (b) *Forfeiture of Office.* A council member shall forfeit that office if the council member:
  - (1) Lacks at any time during the term of office for which elected any qualification for the office prescribed by this charter or by law;
  - (2) Violates any express prohibition of this charter;
  - (3) Is convicted of a crime involving moral turpitude; or
  - (4) Fails to attend three consecutive regular meetings without being excused by the council.
- (c) *Filling of Vacancies.* A vacancy in the City Council shall be filled for the remainder of the unexpired term, if any, at the next regular election following not less than sixty (60) calendar days upon the occurrence of the vacancy, but the council by a majority vote of its remaining members shall appoint a qualified person to fill the vacancy until the person elected to serve the remainder of the unexpired term takes office. If the council fails to do so within thirty (30) calendar days following the occurrence of the vacancy, the election authorities shall call a special election to fill the vacancy, to be held not sooner than ninety (90) calendar days and not later than one hundred twenty (120) calendar days following the occurrence of the vacancy, and to be otherwise governed by law. Notwithstanding the requirement in Section 2.10( c), if at any time the membership of the council is reduced to less than three (3), the remaining members may by majority action appoint additional members to raise the membership to three (3).

## Section 2.07. - Judge of qualifications.

The City Council shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of their office. The council shall have the power to set additional standards of conduct for its members beyond those specified in the charter and may provide for such penalties as it deems appropriate, including forfeiture of office. In order to exercise these powers, the council shall have power to subpoena witnesses, administer oaths and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the City at least seven (7) calendar days in advance of the hearing. Decisions made by the council under this section shall be subject to judicial review.

## Section 2.08. - Investigations.

The City Council may make investigations into the affairs of the City and the conduct of any City department, office or agency and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Failure or refusal to obey a lawful order issued in the exercise of these powers by the council shall be a misdemeanor punishable by a fine of not more than \$500.00 or by imprisonment for not more than ninety (90) days or both.

## Section 2.09. - Independent audit.

The City Council shall provide for an independent annual audit of all City accounts and may provide for more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the City government or any of its officers. The council may, without requiring competitive bids, designate such accountant or firm annually or for a period not exceeding three year[s], but the designation for any particular fiscal year shall be made no later than thirty (30) calendar days after the beginning of such fiscal year. If the state makes such an audit, the council may accept it as satisfying the requirements of this section.

## Section 2.10. - Procedure.

- (a) *Meetings.* The council shall meet regularly at least once in every month at such times and places as the council may prescribe by rule. Special meetings may be held on the call of the Mayor or of two or more members and, whenever practicable, upon no less than eighteen hours' notice to each member. Except as allowed by state law, all meetings shall be subject to Michigan's Open Meetings Act, Act No. 267 of the Public Acts of 1976, M.C.L.A. §§ 15.261 to 15.275, as amended.
- (b) *Rules and Journal.* The City Council shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings. This journal shall be a public record.
- (c) *Voting.* Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the journal. Three (3) members of the council shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the council. No action of the council except as otherwise provided in the preceding sentence and in Section 2.06, shall be valid or binding unless adopted by the affirmative vote of three (3) or more members of the council.

## Section 2.11. - Action requiring an ordinance.

In addition to other acts required by law or by specific provision of this charter to be done by ordinance, those acts of the City Council shall be by ordinance which

- (a) Adopt or amend an administrative code or establish, alter, or abolish any City department, office or agency;

- (b) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
- (c) Levy taxes;
- (d) Grant, renew or extend a franchise;
- (e) Regulate the rate charged for its services by a public utility;
- (f) Authorize the borrowing of money;
- (g) Convey or lease or authorize the conveyance or lease of any lands of the City;
- (h) Regulate land use and development; and
- (i) Amend or repeal any ordinance previously adopted.

Acts other than those referred to in the preceding sentence may be done either by ordinance or by resolution.

#### Section 2.12. - Ordinances in general.

- (a) *Form.* Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be "The City of Iron River hereby ordains" Any ordinance which repeals or amends an existing ordinance or part of the City code shall set out in full the ordinance, sections or subsections to be repealed or amended, and shall indicate matters to be omitted by enclosing it in brackets or by strikeout type and shall indicate new matters by underscoring or by italics.
- (b) *Procedure.* An ordinance may be introduced by any member at any regular or special meeting of the council. Upon introduction of any ordinance, the City Clerk shall distribute a copy to each council member and to the City Manager, shall file a reasonable number of copies in the office of the City Clerk and such other public places as the council may designate, and shall publish the ordinance together with a notice setting out the time and place for a public hearing thereon and for its consideration by the council. The public hearing shall follow the publication by at least seven (7) calendar days, may be held separately or in connection with a regular or special council meeting and may be adjourned from time to time; all persons interested shall have an opportunity to be heard. After the hearing the council may adopt the ordinance with or without amendment or reject it, but if it is amended as to any matter of substance, the council may not adopt it until the ordinance or its amended sections have been subjected to all the procedures herein before required in the case of a newly introduced ordinance. As soon as practicable after adoption, the Clerk shall have the ordinance and a notice of its adoption published and available at a reasonable price.
- (c) *Effective Date.* Except as otherwise provided in this charter, every adopted ordinance shall become effective at the expiration of thirty (30) calendar days after publication or at any later date specified therein.
- (d) *"Publish" Defined.* As used in this section, the term "publish" means to print in one or more newspapers of general circulation in the City: (1) the ordinance or a brief summary thereof and (2) the places where copies of it have been filed and the times when they are available for public inspection and purchase at a reasonable price.

#### Section 2.13. - Emergency ordinances.

To meet a public emergency affecting life, health, property or the public peace, the City Council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, regulate the rate charged by any public utility for its services or authorize the borrowing of money except as provided in [Section 5.07\(b\)](#). An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least three (3) members shall be required for adoption. After its adoption the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon publication or at such later time as it may specify. Every emergency ordinance except one made pursuant to [Section 5.07\(b\)](#) shall automatically stand repealed as of the sixty first (61st) calendar day following the date on which it was adopted, but this shall not prevent re-enactment of the ordinance in the manner specified in this section, if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

#### Section 2.14. - Codes of technical regulations.

The City Council may adopt any standard code of technical regulations by reference thereto in the adopting ordinance. The procedure and requirements governing the adopting ordinance shall be as prescribed for ordinances generally except that:

- (a) The requirements of [Section 2.15](#) for distribution and filing of copies of the ordinance shall be construed to include copies of the code of technical regulations as well as of the adopting ordinance, and
- (b) A copy of each adopted code of technical regulations as well as of the adopting ordinance shall be authenticated and recorded by the City Clerk pursuant to [Section 2.15](#).

Copies of any adopted code of technical regulations shall be made available by the City Clerk for distribution or for purchase at a reasonable price.

#### Section 2.15. - Authentication and recording; codification; printing.

- (a) *Authentication and Recording.* The City Clerk shall authenticate by signing and shall record in full in a properly indexed book kept for the purpose all ordinances and resolutions adopted by the City Council.
- (b) *Codification.* Within three years after adoption of this charter and at least every ten years thereafter, the City Council shall provide for the preparation of a general codification of all City ordinances and resolutions having the force and effect of law. The general codification shall be adopted by the council by ordinance and shall be published promptly in bound or loose-leaf form, together with this charter and any amendments thereto, pertinent provisions of the constitution and other laws of the State of Michigan, and such codes of technical regulations and other rules and regulations as the council may specify. This compilation shall be known and cited officially as the Iron River City code. Copies of the code shall be furnished to City officers, placed in libraries and public offices for free public reference, and made available for purchase by the public at a reasonable price fixed by the council.
- (c) *Printing of Ordinances and Resolutions.* The City Council shall cause each ordinance and resolution having the force and effect of law and each amendment to this charter to be printed promptly following its adoption, and the printed ordinances, resolutions and charter amendments shall be distributed or sold to the public at reasonable prices as fixed by the council. Following publication of the first Iron River City code and at all times thereafter, the ordinances, resolutions and charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for integration therein. The council shall make such further arrangements as it deems desirable with respect to reproduction and distribution of any current changes in or additions to the provisions of the constitution and other laws of the State of Michigan, or the codes of technical regulations and other rules and regulations included in the code.

#### Section 2.16. - Providing for public health and safety.

The council shall see that provision made for the public peace and health, and for the safety of persons and property.

#### Article III. - CITY MANAGER

##### Section 3.01 - Appointment; qualifications; compensation.

The City Council by a majority vote of its total membership shall appoint a City Manager for an indefinite term and fix the managers compensation. The City Manager shall be appointed solely on the basis of executive and administrative qualifications. The manager need not be a resident of the City or state at the time of appointment, but must move into the City within six (6) months of hiring.

##### Section 3.02. - Removal.

The City Manager may be suspended by a resolution approved by the majority of the total membership of the City Council which shall set forth the reasons for suspension and proposed removal. A copy of such resolution shall be served immediately upon the City Manager. The City Manager shall have fifteen (15) calendar days in which to reply thereto in writing and, upon request, shall be afforded a public hearing, which shall occur not earlier than ten (10) calendar days, nor later than fifteen (15) calendar days, after such hearing is requested. After the public hearing, if one be requested, and after full consideration, the City Council by a majority vote of its total membership may adopt a final resolution of removal. The City Manager shall continue to receive full salary until the effective date of a final resolution of removal.

##### Section 3.03. - Acting city manager.

By letter filed with the City Clerk, the City Manager shall designate a City officer or employee to exercise the powers and perform the duties of City Manager during the manager's temporary absence or disability. Such designation shall become effective upon approval by the City Council. The City Council may revoke such designation at any time and appoint another officer of the City to serve until the City Manager returns.

##### Section 3.04. - Powers and duties of the city manager.

The City Manager shall be the chief administrative officer of the City, responsible to the council for the administration of all City affairs placed in the manager's charge by or under this charter. The City Manager shall:

- (a) Appoint and, when necessary for the good of service, suspend or remove all City employees and appointive administrative officers provided for by or under this charter, except as otherwise provided by law, this charter or personnel rules adopted pursuant to this charter. The City Manager may authorize any administrative officer subject to the managers direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency;
- (b) Direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by this charter or by law;
- (c) Attend all City Council meetings. The City Manager shall have the right to take part in discussion but shall not vote;
- (d) See that all laws, provisions of this charter and acts of the City Council, subject to enforcement by the City Manager or by officers subject to the managers direction and supervision, are faithfully executed;
- (e) Prepare and submit the annual budget and capital program to the City Council;
- (f) Submit to the City Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of



each fiscal year;

- (g) Make such other reports as the City Council may require concerning the operations of City departments, offices and agencies subject to the City Manager's direction and supervision;
- (h) Keep the City Council fully advised as to the financial condition and future needs of the City;
- (i) Make recommendations to the City Council concerning the affairs of the City;
- (j) Provide staff support services for the Mayor and council members; and
- (k) Perform such other duties as are specified in this charter or may be required by the City Council.

#### Article IV. - DEPARTMENTS, OFFICES AND AGENCIES

##### Section 4.01. - General provisions.

- (a) *Creation of Departments.* The City Council may establish City departments, offices or agencies in addition to those created by this charter and may prescribe the functions of all departments, offices and agencies, except that no function assigned by this charter to a particular department, office or agency may be discontinued or, unless this charter specifically so provides, assigned to any other.
- (b) *Direction by City Manager.* All departments, offices and agencies under the direction and supervision of the City Manager shall be administered by an officer appointed by and subject to the direction and supervision of the manager. With the consent of the City Council, the City Manager may serve as the head of one or more such departments, offices or agencies or may appoint one person as the head of two or more of them.

##### Section 4.02. - Personnel system.

- (a) *Merit Principle.* Unless otherwise provided in contract all appointments and promotions of City officers and employees shall be made solely on the basis of merit and fitness demonstrated by a valid and reliable examination or other evidence of competence.
- (b) *Merit System.* Consistent with all applicable federal and state laws the City Council shall provide by ordinance for the establishment, regulation and maintenance of a merit system governing personnel policies necessary to effective administration of the employees of the City's departments, offices and agencies, including but not limited to classification and pay plans, examinations, force reduction, removals, working conditions, provisional and exempt appointments, in-service training, grievances and relationships with employee organizations.

##### Section 4.03. - City attorney.

The City Council by majority vote of its total membership shall appoint a City Attorney and fix the City Attorney's compensation. The City Attorney shall serve as chief legal adviser to the council, the manager and all City departments, offices and agencies, shall perform any other duties prescribed by state law, by this charter or by ordinance.

##### Section 4.04. - Planning.

Consistent with all applicable federal and state laws with respect to land use, development and environmental protection, the City Council may:

- (a) Designate an agency or agencies to carry out the planning function and such decision-making responsibilities as may be specified by ordinance;
- (b) Adopt a comprehensive plan and determine to what extent zoning and other land use control ordinances must be consistent with the plan; and
- (c) Adopt development regulations, to be specified by ordinance, to implement the plan.

##### Section 4.05. - Clerk: functions and duties.

The City shall employ an officer of the City who shall have the title of City Clerk. The City Manager shall advertise for, interview, and recommend to the City Council a candidate for City Clerk. The City Council shall, if satisfied with the recommendation, approve the appointment and fix the compensation of the candidate.

The following are the duties of the Clerk:

- (a) The Clerk shall be the Clerk of the council: give notice to its members and the public; attend all meetings of the council; and keep a written or printed permanent journal in English of its proceedings;
- (b) Shall be custodian of the City seal, and shall affix it to all documents and instruments requiring the seal, and shall attest the same;
- (c) Shall be custodian of all papers, documents and records pertaining to the City, the custody of which is not otherwise provided;
- (d) Shall certify by signature all ordinances and resolutions enacted or passed by the council;
- (e) Shall provide and maintain a supply of forms for all petitions required to be filed for any purpose by the provisions of this charter;
- (f) Shall have power to administer oaths of office;
- (g) Shall perform such other duties as may be prescribed by this charter, by the City Manager, or by resolution or ordinance of the council.

##### Section 4.06. - Treasurer: functions and duties.

The City shall employ an officer of the City who shall have the title of City Treasurer. The City Manager shall advertise for, interview, and recommend to the City Council a candidate for City Treasurer. The City Council shall, if satisfied with the recommendation, approve the appointment and fix the compensation of the candidate.

The following are the duties of the Treasurer:

- (a) The Treasurer shall have the custody of all monies of the City and bond pertaining solely to the Clerk and all evidences of indebtedness belonging to the City or held in trust by the City;
- (b) Shall collect all monies of the City which are not provided for elsewhere by charter or ordinance. These shall include monies from other officers and employees of the City belonging to and receivable by the City that may be collected by such officers and employees, including fines, license fees, taxes, assessments and all other charges. All money shall be turned over to the Treasurer upon collection or receipt;
- (c) Shall keep and deposit all monies or funds in such manner and only in such places as the council may determine;
- (d) Shall disburse all City funds in accordance with the provisions of statute, this charter and procures to be established by the council;
- (e) Shall have such powers, duties and prerogatives in regard to the collection and custody of state, county, school district, City and other taxes as are conferred by statute;
- (f) Shall keep a record of the City's accounts in accordance with the Uniform System of Accounting as prescribed by statute;
- (g) Shall perform such other duties as may be prescribed by this charter, by the City Manager or by resolution or ordinance of the council.

Section 4.07. - Assessor, functions and duties.

The City shall employ the services of an Assessor. The City Manager shall advertise for, interview, and recommend to the City Council a candidate for City Assessor. The City Council shall, if satisfied with the recommendation, approve the appointment and fix the compensation of the candidate. The Assessor shall possess all the powers vested in, and shall be charged with all the duties imposed upon assessing officers by statute. The Assessor shall prepare all regular and special assessment rolls prescribed by ordinance and by statute. The Assessor shall perform such other duties as may be prescribed for him in this charter by the City Manager or by resolution or ordinance of the council.

Section 4.08. - Board of review.

The Board of Review shall be composed of the following:

Three persons, who are qualified registered electors of the City and who shall be appointed by the council for a term of four (4) years, and shall serve until successors are duly appointed and qualified. The Assessor shall act as Clerk of the Board. The Assessor shall be entitled to be heard at sessions of the Board of Review, but shall have no vote.

The members of the Board of Review, during their term of office, shall not be a City officer or employee, or be candidate for elective office. The filing, while a member of the Board of Review, of a petition for an elective City office, or filing of consent thereto, shall constitute a resignation from the Board of Review.

The Board of Review shall annually in February select its own chairperson for the ensuing year. The City attorney shall, upon request, act in an advisory capacity only. The compensation of each member of said Board shall be a per diem rate fixed by the council.

The duties and functions of the Board of Review are as follows:

- (a) The Board of Review shall have the power to revise and correct assessments, and perform like duties in all respects as are conferred by statute, except as otherwise provided in this charter;
- (b) It shall hear the complaints of all persons considering themselves aggrieved by assessments, and if it shall appear that any property has been wrongfully assessed or omitted from the roll, the Board shall correct the roll in such manner as it deems just;
- (c) In all cases the Board shall review the roll according to the facts existing on the tax day. Except as otherwise provided by statute, no person other than the Board of Review shall make or authorize any changes upon, or additions or corrections to the assessment roll. It shall be the duty of the Assessor to keep a permanent record of all proceedings and to enter therein all resolutions and decisions of the Board.

Article V. - FINANCIAL PROCEDURES

Section 5.01. - Fiscal year.

The fiscal year of the City shall begin on the 1st day of July and end on the last day of June.

Section 5.02. - Submission of budget and budget message.

On or before the 1st day of May of each year, the City Manager shall submit to the City Council a budget for the ensuing fiscal year and an accompanying message.

## Section 5.03. - Budget message.

The City Manager's message shall explain the budget both in fiscal years and in terms of the work programs. It shall outline the proposed financial policies of the City for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues, together with the reasons for such changes, summarize the City's debt position and include such other material as the City Manager deems desirable.

## Section 5.04. - Budget.

The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year and, except as required by law or this charter, shall be in such form as the City Manager deems desirable or the City Council may require. The budget shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

- (a) The proposed goals and objectives and expenditures for current operations during the ensuing fiscal year, detailed for each fund by organization unit, and program, purpose or activity, and the method of financing such expenditures;
- (b) Proposed capital expenditures during the ensuing fiscal year, detailed for each fund by organization unit when practicable, and the proposed method of financing each such capital expenditure; and
- (c) The anticipated income and expense and profit and loss for the ensuing year for each utility or other enterprise fund operated by the City. For any fund, the total of proposed expenditures shall not exceed the total of estimated income plus carried forward fund balance, exclusive of reserves.

## Section 5.05. - City council action on budget.

- (a) *Notice and Hearing.* The City Council shall publish in one or more newspapers of general circulation in the City the general summary of the budget and a notice stating:
  - (1) The times and places where copies of the message and budget are available for inspection by the public, and
  - (2) The time and place, not less than two weeks after such publication, for a public hearing on the budget.
- (b) *Amendment Before Adoption.* After the public hearing, the City Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for an estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than total estimated income.
- (c) *Adoption.* The City Council shall adopt the budget on or before the 1st day of the month of June for the fiscal year currently ending.

## Section 5.06. - Appropriation and revenue ordinances.

To implement the adopted budget, the City Council shall adopt, prior to the beginning of the ensuing fiscal year:

- (a) An appropriate ordinance making appropriations by department or major organizational unit and authorizing a single appropriation for each program or activity;
- (b) A tax levy ordinance authorizing the property tax levy or levies and setting the tax rate or rates; and
- (c) Any other ordinances required to authorize new revenues or to amend the rates or other features of existing taxes or other revenue sources.

## Section 5.07. - Amendments after adoption.

- (a) *Supplemental Appropriations.* If during the fiscal year the City Manager certifies that there are revenues available for appropriation in excess of those estimated in the budget, the City Council by ordinance may make supplemental appropriations for the year up to the amount of such excess.
- (b) *Emergency Appropriations.* To meet a public emergency affecting life, health, property or the public peace, the City Council may make emergency appropriations. Such appropriations may be made by emergency ordinance or resolution in accordance with the provisions of [Section 2.13](#). To the extent that there are no available unappropriated revenues or a sufficient fund balance to meet such appropriations, the council may by such emergency ordinance authorize the issuance of emergency notes to the extent provided by law.
- (c) *Reduction of Appropriations.* If at any time during the fiscal year it appears probable to the City Manager that the revenues or fund balances available will be insufficient to finance the expenditures for which appropriations have been authorized, the manager shall report to the City Council without delay, with recommendations as to any steps to be taken. The council shall then take such further action as it deems necessary to prevent any deficit and for that purpose it may by ordinance reduce one or more appropriations.
- (d) *Transfer of Appropriations.* At any time during the fiscal year the City Council may, by resolution, transfer, part or all of the unencumbered appropriation balance from one department or major organizational unit to the appropriation for other departments or major organizational units. The manager may transfer part or all of any unencumbered appropriation balances among programs within a department or organizational unit and shall report such transfers to the council in writing in a timely manner.

- (e) *Limitation; Effective Date.* No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon publication.

Section 5.08. - Lapse of appropriations.

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until expended, revised or repealed; the purpose of any such appropriation shall be deemed abandoned if three years pass without any disbursement from or encumbrance of the appropriation.

Section 5.09. - Administration of the budget.

The City Council shall provide by ordinance the procedures for administering the budget.

Section 5.10. - Overspending of appropriations prohibited.

No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the City Manager or his designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this charter shall be void and any payment so made illegal. A violation of this provision shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation. Such officer may also be liable to the City for any amount so paid. Except where prohibited by law, however, nothing in this charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, but only if such action is made or approved by ordinance.

Section 5.11. - Capital program.

- (a) *Submission to City Council.* The City Manager shall prepare and submit to the City Council a five (5) year capital program no later than ninety (90) calendar days before the 1st day of May.
- (b) *Contents.* The capital program shall include:
- (1) A clear general summary of its contents;
  - (2) A list of all capital improvements and other capital expenditures which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for each;
  - (3) Cost estimates and recommended time schedules for each improvement or other capital expenditure;
  - (4) Method of financing, upon which each capital expenditure is to be reliant; and
  - (5) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above shall be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

Section 5.12. - City council action on capital program.

- (a) *Notice and Hearing.* The City Council shall publish in newspapers of general circulation in the City the general summary of and a notice stating:
- (1) The times and places where copies of the capital program are available for inspection by the public; and
  - (2) The time and place, not less than fourteen (14) calendar days after such publication, for a public hearing on the capital program.
- (b) *Adoption.* The City Council by resolution shall adopt the capital program with or without amendment after the public hearing and on or before the 30th of June for the current fiscal year.

Section 5.13. - Public records.

Copies of the budget, capital program, and appropriation and revenue ordinances shall be public records and shall be made available to the public at suitable places in the city.

Article VI. - TAXATION

Section 6.01. - Power to tax: tax limit.

The City shall have the power to assess taxes and lay and collect rents, tolls and excises. The annual general property tax levy for municipal purposes shall not exceed two (2%) percent of the assessed value of all real and personal property on the current tax roll subject to taxation in the City exclusive of any levies authorized by general statute to be made beyond charter tax rate limitations.

**Section 6.02. - Subject of taxation.**

The subjects of property taxation for municipal purposes shall be the same as for state, county and school purposes under the governing Michigan statute. Except as otherwise provided by this charter, City taxes shall be levied, collected and returned in the manner provided by Michigan statute.

**Section 6.03. - Exemption.**

No exemptions from taxation shall be allowed except such as are expressly required or permitted to be made by statute.

**Section 6.04. - Tax day.**

Subject to the exceptions provided or permitted by statute, the taxable status of persons and property shall be determined as of the 31st day of December, which shall be deemed the tax day. No change in the status of any property after said day shall be considered by the Board of Review in making its decisions.

**Section 6.05. - Preparation of the assessment roll.**

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 subject to taxation. Such roll shall be prepared in accordance with Michigan statute and this charter. Values shall be estimated according to recognized methods of systematic assessment and the method of estimating such values shall be as nearly uniform as possible. The Assessor shall maintain records for all such property showing separate figures for the value of the land, of the building improvements and of personal property. On or before the first Monday in March, the Assessor shall give by first class mail a notice of any increase in the assessed value of any property or of the addition of any property to the roll to the owner as shown by the assessment roll.

**Section 6.06. - Meeting of the board of review.**

The Board of Review shall convene in its first session prior to the 15th day of March of each year at a time and place designated by the council, and shall remain in session for at least six hours for at least three consecutive days for the purpose of considering and correcting the roll. In each case in which the assessed value of any property is increased over the amount shown on the assessment roll as prepared by the Assessor, or any property is added to such roll by the a Board, or the Board has resolved to consider at its second session an increase of an assessment or the addition of any property to such roll, the Assessor shall give notice thereof to the owners as shown by such roll by first class letter mailed not later than the day following the end of the first session of the Board. Such notice shall state the date, time, place and purpose of the second session of the Board.

The Board of Review shall convene in its second session prior to the last day in March of each year at a time and place designated by the council and shall continue in session for two consecutive days until all interested persons have had an opportunity to be heard, but in no case for less than six hours each day of said session. At the second session, the Board may not increase any assessment or add any property to the rolls except in those cases in which the Board resolved at its first session to consider such increase or addition at its second session.

**Section 6.07. - Notice of meetings.**

Notice of the time and place of the sessions of the Board of Review shall be published by the Clerk at least ten (10) calendar days prior to each session of the Board.

**Section 6.08. - Endorsement of roll.**

After the Board of Review has completed its review of the assessment roll and not later than the first Monday in April, the majority of its members shall endorse thereon and sign a statement to the effect that the same is the assessment roll of the City for the year in which it has been prepared. The omission of such endorsement shall not affect the validity of such roll.

**Section 6.09. - Clerk to certify tax levy.**

Within three (3) calendar days after the council has adopted the appropriations ordinance for the ensuing year, the Clerk shall certify to the Assessor the total amount which the council determines shall be raised by general property tax. The Clerk shall also certify all amounts of current or delinquent special assessments and of all other amounts which the council requires to be assessed, reassessed or charged upon any property or against any person.

**Section 6.10. - 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 6.11](#), 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 the amounts of the City's general property tax according to and in proportion to the several valuations set forth in said assessment roll. To avoid fractions in computation on any tax roll, the Assessor may add to the amount of the several taxes to be raised not more than the amount prescribed by statute. Any excess created thereby on any tax roll shall belong to the City.

Section 6.11. - Tax roll certified for collection.

After spreading the taxes, the Assessor shall certify the tax roll, and the Mayor shall annex his warrant thereto directing and requiring the Treasurer to collect prior to October 1st of the current year from the several persons named in said roll the several sums mentioned thereon opposite their respective names as a tax or assessment and granting to said Treasurer, 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 July 1st, the roll shall be delivered to the Treasurer for collection.

Section 6.12. - Tax lien on property.

On July 1st unless the date is changed by resolution of the City council, 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 real 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 other claims, encumbrances and liens to the extent provided by statute and shall continue until such taxes, interest and charges are paid.

Section 6.13. - Taxes due: notification thereof.

City taxes shall be due on July 1st of each year. The Treasurer shall not be required to call upon the persons named in the City tax roll nor to make personal demand for the payment of taxes, but the Treasurer shall:

Publish, between June 15th and July 1st, notice of the time when said taxes will be due for collection and the penalties and fees for late payment of same, and

Mail a bill to each person named in said roll, but in cases of multiple ownership of property only one bill need be mailed.

Failure on the part of the Treasurer to publish said notice or mail such bills shall not invalidate the taxes on said roll nor release the person or property assessed from the penalties and fees provided in this chapter in case of late payment or nonpayment of same.

Section 6.14. - Collection fees.

The Treasurer, in accordance with Michigan's General Property Tax Act, Public Act 206 of 1983, M.C.L.A. § 211.44, may add a collection fee on all taxes paid after September 1st. Such collection fee shall belong to the City and constitute a charge and shall be a lien against the property to which the taxes themselves apply, collectable in the same manner as the taxes to which they are added.

Section 6.15. - Failure or refusal to pay tax.

If any person, firm or corporation shall neglect or refuse to pay any tax assessed to him or it, the Treasurer shall collect said tax in the same manner as state and other general taxes are collected. The Treasurer may, if otherwise unable to collect a tax on personal property, sue the person, firm or corporation to whom it is assessed in accordance with Michigan statute.

Section 6.16. - Delinquent tax roll to county treasurer.

All City, county, school or other taxes remaining uncollected by the Treasurer on the first day of March following the date when said roll was received by him shall be turned over to the County Treasurer to the extent and in the same manner and with like effect as provided by statute. Such returns shall include all the additional assessments, charges and fees herein before provided, which shall be added to the amounts assessed in said tax roll against each property or person. The taxes thus returned shall be collected in the same manner as other taxes returned to the County Treasurer are collected, in accordance with statute, and shall be and remain a lien upon the property against which they are assessed until paid.

Section 6.17. - State, county, school and other taxes.

For the purpose of assessing and collecting taxes for state, county, school and other purposes, all provisions of statute relative to the collection of any accounting for such taxes shall apply. For the purpose of collecting taxes, the Treasurer shall perform the same duties and have the same powers as township Treasurers under Michigan statute.

Article VII. - ELECTIONS

Section 7.01. - City elections.

- (a) *Regular Elections.* The regular City election shall be held at the time established by state law and as provided for in Section 2.02 (c).
- (b) *Registered Voter Defined.* All citizens legally registered under the constitution and laws of the State of Michigan to vote in the City shall be registered voters of the City within the meaning of this charter.
- (c) *Conduct of Elections.* The provisions of the general election laws of the State of Michigan shall apply to elections held under this charter. All elections provided for by the charter shall be conducted by the election authorities established by law. Candidates shall run for office without party designation. For the conduct of City elections, for the prevention of fraud in such elections and for the recount of ballots in cases of doubt or fraud, the City Council

shall adopt ordinances consistent with law and this charter, and the election authorities may adopt further regulations consistent with law and this charter and the ordinances of the council. Such ordinances and regulations pertaining to elections shall be publicized in the manner of City ordinances generally.

- (d) *Special Elections.* Special City elections shall be held when called by resolution of the council at least forty five (45) calendar days in advance of such election, or when required by this charter or the general laws of this state. Said resolution shall set forth the purpose of such election. No more special City elections shall be called in any one year than the number permitted by statute.
- (e) *Method of Nomination.* Candidates for elective offices shall be nominated by petition. Such petition for each candidate for City Council shall be signed by not less than twenty five (25) nor more than fifty (50) qualified electors of the City and shall be filed with the Clerk not later than the 15<sup>th</sup> Tuesday prior to the election in each odd number year. Such petition for each candidate for Mayor shall be signed by not less than fifty (50) nor more than one hundred (100) qualified electors of the City and shall be filed with the Clerk not later than the 15<sup>th</sup> Tuesday prior to the election in each odd numbered year. Each petition shall contain the name of one candidate and no more. No elector shall sign more than one petition for each elective office to be voted upon. In case a qualified elector shall sign petitions for candidates in excess of the number that are to be elected to the several offices, his or her name shall be counted only on the petition or petitions first filed and shall be stricken by the Clerk from all other petitions for that office. The form of petition shall be substantially as that designated by the Secretary of State for the nomination of non-partisan judicial officers. A supply of official petition forms shall be provided and maintained by the Clerk.
- (f) *Approval of Petitions.* The Clerk shall accept only nomination petitions which conform with the forms provided and maintained by said Clerk and, which, considered together, contain the required number of valid signatures for candidates having those qualifications which are required for the respective elective City offices by this charter. All petitions shall be accompanied by the affidavit of identity provided for by law. When a petition is filed by persons other than the person whose name appears thereon as a candidate, it may be accepted only when accompanied by the written consent of the candidate. Within three (3) calendar days after the last date for filing petitions, the Clerk shall determine the validity and sufficiency of each nomination petition and whether or not the candidate has the qualifications required by this charter for his respective elective City office, and shall write his determinations thereof on the face of the petition. No petition shall be determined to be valid unless the affidavit of identity as provided by law shall be filed with such petition.

(Am. No. 2018-01, § 1, 11-6-2018)

#### Section 7.02. - Voting ward.

- (a) *Voting Ward.* There shall be one ward in the city with the boundaries of said ward to be the same as the boundaries of the corporate city.
- (b) *Commission.* An Election Commission is hereby created consisting of the City Manager, the City Attorney, and the City Clerk. The Election Commission shall appoint a Board of Election Inspectors for each election and shall perform such duties relative to the preparation of voting equipment and or the printing and distribution of official ballots, to be used at special and general city elections and shall have charge of all activities and duties required of it by statute and this charter relating to the conduct of elections in the city.

(Am. No. 2018-01, § 1, 11-6-2018)

#### Article VIII. - GENERAL PROVISIONS

##### Section 8.01. - Conflicts of interest.

*Conflicts of Interest.* The use of public office for private gain is prohibited. The City Council shall implement this prohibition by ordinance. Regulations to this end shall include but not be limited to: acting in an official capacity on matters in which the official has a private financial interest clearly separate from that of the general public; the acceptance of gifts and other things of value; acting in a private capacity on matters dealt with as a public official; the use of confidential information; and appearances by City officials before other City agencies on behalf of private interests. This ordinance shall provide for reasonable public disclosure of finances by officials with major decision-making authority over monetary expenditures and contractual matters and, insofar as permissible under state law, shall provide for fines and imprisonment for violations. The state law on contracts and public servants with public entities shall control while it is in effect. Otherwise the provisions of this Charter will control.

##### Section 8.02. - Prohibitions.

- (a) *Activities Prohibited.*
- (1) No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any City position or appointive City administrative office because of race, gender, age, handicap, religion, country of origin or political affiliation.
  - (2) No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment under the provisions of this charter or the rules and regulations made thereunder, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.
  - (3) No person who seeks appointment or promotion with respect to any City position or appointive City administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with his or her test, appointment, proposed

appointment, promotion or proposed promotion.

- (b) *Penalties.* Any person convicted of a violation of this section shall be ineligible for a period of five years following such conviction to hold any City office or position and, if an officer or employee of the City, shall immediately forfeit his or her office or position. The City Council shall establish by ordinance such further penalties, as it may deem appropriate.

#### Section 8.03. - Municipal records.

All records of the municipality shall be made available to the general public in compliance with Michigan's freedom of information act, Public Act 442 of 1976, M.C.L.A. §§ 15.231 et seq., as amended.

#### Article IX. - CHARTER AMENDMENT

##### Section 9.01 - Proposal of amendment.

Amendments to this charter may be framed and proposed in the manner provided by law.

#### Article X. - TRANSITION/SEPARABILITY PROVISION

##### Section 10.01. - Officers and employees.

- (a) *Identification.* For purposes of this Article the City of Iron River as consolidated with the City of Stambaugh and Village of Mineral Hills under this Charter shall be referred to as "City."
- (b) *Rights and Privileges Preserved.* Nothing in this charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are officers or employees of the City of Iron River, Stambaugh or the Village of Mineral Hills at the time of its adoption. The elected officers for the cities of Iron River and Stambaugh, and the Village of Mineral Hills shall continue to serve in their elected capacities until the time that this charter takes effect, at which time those offices will be abolished, vacated, and replaced by the Mayor and City council for the City as set forth in Article II of this charter.
- (c) *Personnel System.* The City council shall at its discretion and in accordance with existing collective bargaining agreements determine the number, compensation and responsibilities of all City personnel. An employee holding a position with the City of Iron River, City of Stambaugh or the Village of Mineral Hills at the time this charter takes full effect, who was serving in that same or a comparable position at the time of its adoption, shall not be subject to competitive tests as a condition of continuance in the same position but in all other respects shall be subject to the personnel system provided for in Section 4.02.

##### Section 10.02. - Departments, offices and agencies.

- (a) *Property and Records.* All property, records and equipment of any department, office, agency of the cities of Iron River and Stambaugh, and the Village of Mineral Hills existing when this charter is adopted shall be transferred upon the date this charter becomes effective, to the City department, office or agency assuming its powers and duties, but, in the event that the powers or duties are to be discontinued, or in the event that any conflict arises regarding a transfer, such property, records or equipment shall be transferred to one or more departments, offices or agencies as designated by this charter, or in the event no provision is made within this charter at the direction of the City council.

##### Section 10.03. - Pending matters.

- (a) *Existing Obligations.* All rights, claims, actions, orders, obligations, contracts of the Cities of Iron River and Stambaugh or the Village of Mineral Hills specifically including any labor union contracts, municipal fire authority agreements, sewer authority agreements and municipal services agreements and legal administrative proceedings shall continue except as modified pursuant to the provisions of this charter or action by the City council and in each case shall be maintained, carried on or dealt with by the City department, office or agency appropriate under this charter, or if this charter makes no provisions, then as designated by the City council.
- (b) *Existing Debt.* In the event the cities of Iron River or Stambaugh, or the Village of Mineral Hills when upon the effective date of this charter has any outstanding bonded or other indebtedness, any funds of the respective Treasurers shall be used to retire said indebtedness. If said funds are insufficient, the indebtedness shall be paid from any funds derived from any special assessments thereto levied or extended against the lands in the debtor special assessment district, unless otherwise determined or assumed by the City council. If further funds are necessary the City council shall levy a special assessment against the lands in the debtor special assessment district sufficient to retire said indebtedness. The proceeds of such special assessments shall be used only for the purpose of retiring such indebtedness, bonded or otherwise, and the indebtedness therein. In the event that any general obligation debt remains on behalf of any of the Cities of Iron River or Stambaugh or Village of Mineral Hills at the time this Charter takes effect, such debt shall be assumed and retired by the City.

##### Section 10.04. - State and municipal laws.



To the extent that the constitution and laws of the State of Michigan permit, all laws relating to or affecting the City or its agencies, officers or employees which are in force when this charter becomes fully effective are superseded to the extent that they are inconsistent or interfere with the effective operation of this charter or of ordinances or resolutions adopted pursuant thereto.

Section 10.05. - Transition schedule; transition obligations.

- (a) *First Election.* At the time of its adoption, this charter shall be in effect to the extent necessary in order that the first election of Mayor and members of the City council may be conducted in accordance with the provisions of this charter. The first election shall be held on the 7th day of March, 2000 in conformity with state law. Candidates for elective office for the first election shall be nominated by the method of nomination set forth in Section 7.01(e). Such petitions for nomination shall be filed with the Clerk of the City of Iron River, no later than the close of business on the 4th day of January, 2000. The Charter Commission shall do and provide for holding the election. The Charter Commission shall seek the cooperation and assistance of the Clerks of the cities of Iron River and Stambaugh, and the Village of Mineral Hills and shall prepare and adopt temporary regulations applicable only to the first election and designed to insure its proper conduct and to prevent fraud and provide for recount of ballots in cases of doubt or fraud. The attached voting precinct description and map are deemed the voting precincts for the first election.
- (b) *Transition Plan Committee.* Following the first election under this charter, those persons elected as Mayor and members of the City council shall serve as the Transition Plan Committee for the City, together with the Mayors of the cities of Iron River and Stambaugh or the Mayor's designee chosen from among that city's current members of the city commissions and the President of the Village of Mineral Hills or the Presidents' designee chosen from among the current members of the village council. All meetings of the Transition Plan Committee shall be conducted in accordance with the provisions of Michigan's Open Meetings Act, Act No. 267 of Public Acts of 1976, M.C.L.A. §§ 15.261 to 15.275, as amended.

The Transition Plan Committee shall meet and conduct hearings to prepare recommendations for the first meeting of the City council regarding appointment of a City Manager, acting City Manager, temporary Clerk and temporary Treasurer. Further, the Transition Plan Committee shall make recommendations to the City council at its first meeting of the City council regarding the adoption of ordinances and resolutions necessary to effect the transition of government under this charter and to maintain effective City government during the transition.

The Transition Plan Committee may incur such cost or expenses and retain and compensate such consultants, advisors, experts, and staff persons as it deems necessary and appropriate to perform their duties as enumerated hereunder. The hiring of any consultants, advisors, or experts shall only be accomplished by a majority vote of the newly elected Council Members and Mayor for the City. Those cost, expenses, and compensation incurred by the Transition Plan Committee shall be paid by the cities of Iron River and Stambaugh, and the Village of Mineral Hills until the effective date of this charter, at which point any such costs, expenses, and compensation shall be paid by the City.

The Cities of Iron River and Stambaugh, and the Village of Mineral Hills shall adopt such resolutions as deemed necessary to effectuate the existence of the Transition Plan Committee as set forth in this section.

- (c) *Time of Taking Full Effect.* The charter shall be in full effect for all purposes on and after the date and time of the first meeting of the newly elected City council provided in Section 10.05(d).
- (d) *First Council Meeting.* On the 1st day of July 2000 following the first election of City council members under this charter, the newly elected members of the council shall meet at 7:00 p.m. at the West Iron County Schools middle school in the auditorium, located at 612 West Adams, Iron River, Michigan. At the first meeting the council shall:
- (1) Elect the deputy Mayor, appoint or consider the appointment of a City Manager or acting City Manager, and choosing, if it so desires, one of its members to act as temporary Clerk pending appointment of a City Clerk pursuant to Section 4.05, appoint a temporary City Treasurer pending appointment of a City Treasurer pursuant to Section 4.06; and
  - (2) Adopt ordinances and resolutions necessary to effect the transition of government under this charter and to maintain effective City government during that transition.
- (e) *Temporary Ordinances.* In adopting ordinances, the City council shall follow the procedures prescribed in Article II, except that at its first meeting or any meeting held within sixty (60) calendar days thereafter, the council may adopt temporary ordinances to deal with cases in which there is an urgent need for prompt action in connection with the transition of government and in which the delay incident to the appropriate ordinance procedure would probably cause serious hardship or impairment of effective City government. Every temporary ordinance shall be plainly labeled as such, but shall be introduced in the form and manner prescribed for ordinances generally. A temporary ordinance may be considered and may be adopted with or without amendment or rejected at the meeting at which it is introduced. After adoption of a temporary ordinance, the council shall cause it to be printed and published as prescribed for other adopted ordinances. A temporary ordinance shall become effective upon publication or at such later time preceding automatic repeal under this subsection as it may specify. Every temporary ordinance, including any amendments made thereto after adoption, shall automatically stand repealed as at the ninety-first (91st) calendar day following the date on which it was adopted, renewed or otherwise continued except by adoption in the manner prescribed in Article II for ordinances of the kind concerned.
- (f) *Initial Expenses.* The initial expenses of the City council, including the expense of recruiting a City Manager, shall be paid by the City on vouchers signed by the Mayor.
- (g) *Initial Salary of Mayor and Council Members.* Each of the council members shall be paid the amount of \$30.00 and the Mayor shall be paid the amount of \$40.00 for each and every council meeting attended, until such amount is changed by the council in accordance with the provisions of this charter.

Section 10.06. - Separability.

If any provision of this charter is held invalid, the other provisions of the charter shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstance is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected thereby.

CHARTER COMPARATIVE TABLE - ORDINANCES

Legislation	Election Date	Section	Section this Charter
Am. No. 2018-01	11- 6-2018	1	<u>1.04</u>
			<u>2.02(a), (c)</u>
			<u>7.01(e)</u>
			<u>7.02(a)</u>
		Rpld	<u>7.02(c), (d)</u>

TITLE I - GENERAL PROVISIONS

CHAPTER 10. - GENERAL PROVISIONS

Sec. 10.01. - Title of Code.

This codification of ordinances by and for the City of Iron River, Michigan, shall be designated as the Iron River City Code and may be so cited.

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 10.05. - Definitions.

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

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

*City.* The City of Iron River, Michigan.

*City commission.* The City Commission of Iron River, Michigan.

*Code, this Code, this Code of Ordinances, City Code, or Iron River City Code.* This municipal code as modified by amendment, revision, and adoption of new titles, chapters, or sections.

*County.* Iron County, Michigan.

*May.* The act referred to is permissive.

*Month.* A calendar month.

*Oath.* An affirmation in all cases in which, by law, an affirmation may be substituted for an oath and, in those cases, the words swear and sworn shall be equivalent to the words affirm and affirmed.

*Officer, office, employee, commission, or department.* An officer, office, employee, commission, or department of the municipality unless the context clearly requires otherwise.

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

*Preceding or following.* Next before or next after, respectively.

*Shall.* The act referred to is mandatory.

*Signature or subscription.* Includes a mark when the person cannot write.

*State.* The State of Michigan.

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

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

*Year.* A calendar year unless otherwise expressed.

#### Sec. 10.06. - Rules of interpretation.

The construction of all ordinances of this municipality shall be by the following rules unless the 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, the requisition shall be satisfied by the performance of the 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.

#### Sec. 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.

#### Sec. 10.08. - Reference to other sections.

Whenever, in one section, reference is made to another section hereof, the 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.

#### Sec. 10.09. - Reference to offices.

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

#### Sec. 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 the intent; the spelling shall be corrected and the 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 the error.

#### Sec. 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.

Sec. 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 the act or the giving of the notice.
- (B) The time within which an act is to be done, as herein provided, shall be computed by excluding the first day and including the last. If the last day be Sunday, it shall be excluded.

Sec. 10.13. - Ordinances repealed.

- (A) 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.
- (B) All prior ordinances pertaining to the subjects treated by this code shall be deemed repealed from and after the effective date of this code.

Sec. 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.

Sec. 10.15. - Effective date of ordinances.

- (A) All ordinances passed by the legislative body requiring publication shall take effect from and after the due publication thereof, unless otherwise expressly provided.
- (B) Ordinances not requiring publication shall take effect from their passage, unless otherwise expressly provided.

Sec. 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 ordinance repealing or modifying it takes effect.
- (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.

Sec. 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 the chapter or section. In addition to the 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.

Sec. 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 amending ordinances, if any, are listed following the text of the code section. Example: (Ord. No. 10, 5-13-1960; Ord. No. 15, 1-1-1970; Ord. No. 20, 1-1-1980; Ord. No. 25, 1-1-1985)
- (B) (1) If a statutory cite is included in the history, this indicates that the text of the section reads substantially the same as the statute. Example: (M.C.L.A. § 15.231) (Ord. No. 10, 1-17-1980; Ord. No. 20, 1-1-1985)
- (2) If a statutory cite is set forth as a "statutory reference" following the text of the section, this indicates that the reader should refer to that statute for further information. Example:

**Sec. 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.

**State law reference**—Inspection of public records, see Public Act 442 of 1976, being M.C.L.A. § 15.231 et seq.

Sec. 10.99. - Penalty.

- (A) Unless another penalty is expressly provided by this code for any particular provision or section, every person convicted of a violation of any provision of this code, or any rule or regulation adopted or issued in pursuance thereof, shall be punished by a fine of not more than \$1,000.00 and costs of

prosecution or by imprisonment for not more than 90 days, or by both the fine and imprisonment; unless there is a fine or penalty specifically set forth in the ordinance which provides for a greater penalty, and in that event, the greater penalty shall control.

- (B) Each act of violation and every day upon which the violation shall occur shall constitute a separate offense.
- (C) The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any section of this code whether or not the penalty is re-enacted in the amendatory ordinance.

#### TITLE III - ADMINISTRATION

#### CHAPTER 30. - GENERAL PROVISIONS

##### Sec. 30.01. - Housing commission; creation.

- (A) Pursuant to Public Act 18 of 1933 (Extra Session), being M.C.L.A. §§ 125.651 et seq., as amended, a commission is hereby created in and for the City of Iron River, Michigan, to be known as the "Iron River Housing Commission."
- (B) This section shall take effect on 6-29-1966.

(Ord. No. 138, 6-15-1966)

##### Sec. 30.02. - Compensation commission; creation.

- (A) The Commission shall consist of five members who are registered electors of the city, appointed by the Mayor, subject to confirmation by a majority of the members elected and serving in the City Council. The terms of office shall be five years, except that of the members first appointed, one each shall be appointed for terms of one, two, three, four and five years. All first members shall be appointed within 30 days after the effective date of this section. Thereafter, members shall be appointed before October 1 of the year of appointment. After the initial appointments, all terms shall begin on October 1 and end on September 30. Vacancies shall be filled for the remainder of the unexpired term. No member or employee of the legislative, judicial or executive branch of any level of government or members of the immediate family of such member or employee shall be eligible to be a member of the Commission.
- (B) The Commission shall determine the salaries of the Mayor and the members of the City Council, which determination shall be the salaries unless the City Council, by resolution adopted by two-thirds of the members elected to and serving on the City Council, reject them. The determinations of the Commission shall be effective 30 days following their filing with the City Clerk unless rejected by the City Council. In cases of rejection, the existing salary shall prevail. Any expense allowance or reimbursement paid to elected officials in addition to salary shall be for expenses incurred in the course of city business and accounted for to the city.
- (C) The Commission shall meet for not more than 15 session days in every odd numbered year and shall make its determination within 45 calendar days of its first meeting. A majority of the members of the Commission constitute a quorum for conducting the business of the Commission. The Commission shall take no action or make determinations without a concurrence of a majority of the members appointed and serving on the Commission. The Commission shall elect a chairman from among its members. "Session days" means any calendar day on which the Commission meets and a quorum is present. The members of the Commission shall receive no compensation, but shall be entitled to their actual and necessary expenses incurred in the performance of their duties.

(Ord. 25-2006, 6-21-2006)

#### CHAPTER 31. - MUNICIPAL CIVIL INFRACTIONS

##### Sec. 31.01. - Definitions.

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

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

*Authorized city official.* A police officer, the City Manager, City Ordinance Enforcement Officer, or other personnel of the city authorized by this chapter or any ordinance to issue municipal civil infraction citations.

*Municipal civil infraction.* An act or omission that is prohibited by this chapter or any ordinance of the city, but which is not a crime under this chapter or other ordinance, and for which civil sanctions, including, without limitation, fines, damages, expenses, and costs, may be ordered as authorized by Public Act 236 of 1961, M.C.L.A. §§ 600.8701 to 600.8735, as amended. A municipal civil infraction is not a lesser included offense of a violation of this code that is a criminal offense.

*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.* 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 civil infraction violation notice.* A written notice 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 fines adopted by the city, as authorized under Public Act 236 of 1961, M.C.L.A. §§ 600.8396 and 600.8707(6).

(Ord. No. 1, 7-1-2000; Ord. of 5-15-2002)

Sec. 31.02. - General penalties and sanctions.

General penalties and sanctions for violations of city ordinances; continuing violations; injunctive relief.

- (A) Unless a violation of this chapter or any ordinance of the city is specifically designated in the ordinance as a municipal civil infraction, the violation shall be deemed to be a misdemeanor.
- (B) The penalty for a misdemeanor violation shall be a fine not exceeding \$500.00, plus costs of prosecution, or imprisonment not exceeding 90 days, or both, unless a specific penalty is otherwise provided for the violation by this chapter or any ordinance.
- (C) The sanction for a violation which is a municipal civil infraction shall be a civil fine in the amount as provided by this chapter or any ordinance, plus any costs, damages, expense, and other sanctions, as authorized under Public Act 236 of 1961, M.C.L.A. §§ 600.8701 to 600.8735 and other applicable laws.
  - (1) Unless otherwise specifically provided for a particular municipal civil infraction violation by this chapter or any ordinance, the civil fine for a violation shall be not less than \$25.00, plus costs and other sanctions, for each infraction.
  - (2) (a) Increased civil fines may be imposed for repeated violations by a person of any requirement or provision of this chapter or any ordinance.
  - (b) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

*Repeat offense.* A second (or any subsequent) municipal civil infraction violation of the same requirement or provision committed by a person within any six-month period, unless some other period is specifically provided by this chapter or any ordinance, and for which the person admits responsibility or is determined to be responsible, unless otherwise specifically provided by this chapter or any ordinance.

- (3) Unless otherwise specifically provided for a particular municipal civil infraction violation, the increased fine for a repeat offense shall be as follows.
  - (a) The fine for any offense which is a first repeat offense shall be no less than \$100.00, plus costs.
  - (b) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be no less than \$250.00, plus costs.
- (D) A violation includes any act which is prohibited, or made or declared to be unlawful, or an offense by this chapter or any ordinance, and any omission or failure to act where the act is required by this chapter or any ordinance.
- (E) Each day on which any violation of this chapter or any ordinance continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.
- (F) In addition to any remedies at law, the city may bring an action for an injunction or other process against a person to restrain, prevent, or abate any violation of this chapter or any city ordinance.

(Ord. No. 1, 7-1-2000; Ord. of 5-15-2002)

Sec. 31.03. - Municipal civil infraction action; commencement.

A municipal civil infraction action may be commenced upon the issuance by an authorized city official of a municipal civil infraction citation directing the alleged violator to appear in court or a municipal civil infraction violation notice directing the alleged violator to appear at the City Municipal Ordinance Violations Bureau.

(Ord. No. 1, 7-1-2000; Ord. of 5-15-2002)

Sec. 31.04. - Municipal civil infraction citations; issuance and service.

Municipal civil infraction citations shall be issued and served by authorized city officials as follows.

- (A) The time for appearance specified in a citation shall be within a reasonable time after the citation is issued which shall not exceed 15 calendar days following the issuance.
- (B) The place for appearance specified in a citation shall be the district court.
- (C) Each citation shall be numbered consecutively and shall be in a form approved by the state court administrator. The original citation shall be filed with the district court. Copies of the citation shall be retained by the city and issued to the alleged violator as provided by Public Act 236 of 1961, M.C.L.A. § 600.8705.
- (D) A citation for a municipal civil infraction signed by an authorized city officials shall be treated as made under oath if the violation alleged in the citation occurred in the presence of the official signing the complaint and if the citation contains the following statement immediately above the date and signature of the official: "I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief."
- (E) An authorized city official who witnesses a person commit a municipal civil infraction shall prepare and subscribe, as soon as possible and as completely as possible, an original and required copies of a citation.

(F) An authorized city official may issue a citation to a person if:

- (1) Based upon investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction; or
- (2) Based upon investigation of a complaint by someone who allegedly witnesses the person commit a municipal civil infraction, the official has reasonable cause to believe that the person is responsible for an infraction and if the prosecuting attorney or civil attorney approves in writing the issuances of the citation.

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

- (1) Except as provided by division (G)(2) below, an authorized city official shall personally serve a copy of the citation upon the alleged violator.
- (2) If the municipal civil infraction action involves the use or occupancy of land, a building or other structure, a copy of the citation does not need to be personally served upon the alleged violator, but may be served upon an owner or occupant of the land, building or structure by posting 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.

(Ord. No. 1, 7-1-2000; Ord. of 5-15-2002)

Sec. 31.05. - Municipal civil infraction citations; contents.

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

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

- (1) Admit responsibility for the municipal civil infraction by mail, in person, or by representation, at or by the time specified for appearance;
- (2) Admit responsibility for the municipal civil infraction "with explanation" by mail by the time specified for appearance or, in person, or by representation; or
- (3) Deny responsibility for the municipal civil infraction by doing either of the following:
  - (a) Appearing in person for an informal hearing before a judge or district court magistrate, without the opportunity of being represented by an attorney, unless a formal hearing before a judge is requested by the city; or
  - (b) Appearing in court for a formal hearing before a judge, with the opportunity of being represented by an attorney.

(C) The citation shall also inform the alleged violator of all the following.

- (1) That if the alleged violator desires to admit responsibility "with explanation" in person or by representation, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time for an appearance;
- (2) That if the alleged violator desires to deny responsibility, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time to appear for a hearing, unless a hearing date is specified on the citation;
- (3) That a hearing shall be an informal hearing unless a formal hearing is requested by the alleged violator or the city;
- (4) That at an informal hearing the alleged violator must appear in person before a judge or district court magistrate, without the opportunity of being represented by an attorney; and
- (5) That at a formal hearing the alleged violator must appear in person before a judge with the opportunity of being represented by an attorney.

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

(Ord. No. 1, 7-1-2000; Ord. of 5-15-2002)

Sec. 31.06. - Municipal Ordinance Violations Bureau.

(A) *Established.* The city hereby establishes a Municipal Ordinance Violations Bureau, or bureau, as authorized under Public Act 236 of 1961, M.C.L.A. § 600.8396 to accept admissions of responsibility for municipal civil infractions in response to municipal civil infraction violations notices issued and served by authorized city officials, and to collect and retain civil fines and costs, as prescribed by this chapter of any ordinance.

(B) *Location, supervision; employees; rules and regulations.*

- (1) The bureau shall be located at the city municipal offices and shall be under the supervision and control of the City Manager.
- (2) The City Manager, subject to the approval of the City Council, shall adopt rules and regulations for the operation of the bureau and appoint any necessary, qualified city employees to administer the bureau.

(C) *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 civil infraction violation notice, as compared with a citation, 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 chapter 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.

- (D) *Bureau limited to accepting admissions of responsibility.* The scope of the bureau's authority shall be limited to accepting admissions of responsibility for municipal civil infractions and collecting and retaining civil fines and costs as a result of those admissions. The bureau shall not accept payment of a fine from any person who denies having committed the offense or who admits responsibility only with explanation, and in no event shall the bureau determine, or attempt to determine, the explanation, and in no event shall the bureau determine, or attempt to determine, the truth or falsity of any fact or matter relating to an alleged violation.
- (E) *Municipal civil infraction violation notices.* Municipal civil infraction violation notices shall be issued and served by authorized city officials under the circumstances and upon the same persons as are citations, as provided for in [Section 31.04](#). In addition to any other information required by this chapter or any ordinance, the notice of violation shall indicate the time by which the alleged violator must appear at the bureau, the methods by which an appearance may be made, the address and telephone number of the bureau, the hours during which the bureau is open, the amount of the fine scheduled for the alleged violation, and the consequences for failure to appear and pay the required fine within the required time.
- (F) *Appearance; payment of fines and costs.* An alleged violator receiving a municipal civil infraction 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 civil infraction violation notice. An appearance may be made by mail, in person, or by representation.
- (G) *Procedure where admission of responsibility not made, or fine not paid.* If an authorized city official issues and serves a municipal ordinance violation notice and if an admission of responsibility is not made and the civil fine and costs, 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 respects with the requirements for citations as provided by Public Act 236 of 1961, M.C.L.A. §§ 600.8705 and 600.8709, 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.

(Ord. No. 1, 7-1-2000; Ord. of 5-15-2002)

#### Sec. 31.07. - Civil fines established.

Civil fines payable to the bureau for admissions of responsibility by persons served with municipal ordinance violation notices shall be as specifically provided for in a particular municipal civil infraction violation, and, if not provided for, pursuant to subsection [31.02\(C\)](#).

(Ord. No. 1, 7-1-2000; Ord. of 5-15-2002)

### CHAPTER 32. - PURCHASING

#### Sec. 32.01. - Definitions.

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

*Agent.* The City Manager or any officer or employee designated by the City Manager to act as purchasing agent.

*Contract.*

- (1) Includes a contract for services, subject to the exclusion mentioned in this section, and shall include any type of service, leases for grounds, buildings, offices or maintenance of equipment, machinery, and other city-owned personal property.
- (2) The term contract shall not include professional and other contract services which may be unique and not subject to competition.

(Ord. No. 19, 5-21-2001; Ord. of 6-23-2004)

#### Sec. 32.02. - Purchasing agent.

- (A) The City Manager shall act as purchasing agent of the city unless he or she shall designate another officer or city employee to act as purchasing agent.
- (B) The purchasing agent shall prepare rules concerning purchasing and the necessary forms therefor.

(Ord. No. 19, 5-21-2001; Ord. of 6-23-2004)

#### Sec. 32.03. - General purchasing policy.

- (A) All monetary amounts, set forth herein, as to vendors, shall be adjusted annually, on the anniversary date of the adoption of this chapter, so as to reflect changes in the Consumer Price Index as compiled by the United States Department of Labor.
- (B) Competitive prices for all purchases and public improvements shall be obtained and the purchase made from or the contract awarded to the lowest



competent vendor. The city is not committed to accepting the lowest bid or price but shall consider which bid or price is most advantageous to the city.

- (C) Formal sealed bids shall be obtained in all transactions involving the expenditure of \$10,000.00 or more or the other amount that may be established by the Council by resolution.
- (D) When other considerations are equal, contracts shall be awarded to local vendors.
- (E) If the lowest competent bids are for the same amount, the purchasing agent shall negotiate with the low bidders for a reduced bid and shall make or recommend purchase that shall appear to be to the advantage of the city.
- (F) Competitive bidding will not be required in the following cases:
  - (1) Where the subject of the contract is other than a public work or improvement and the product or material contracted for is not competitive in nature or no advantage to the city would result from requiring competitive bidding and the Council by resolution authorizes execution of a contract without competitive bidding;
  - (2) In the employment of professional services, including medical, accounting, audition, data processing, legal, planning, engineering, and architectural;
  - (3) Where the city elects to do, with city forces, work suitable for contracting, provided the work is authorized by the Council;
  - (4) Uniforms and protective clothing;
  - (5) Non-contractible services, where the scope of the work is not definitive or the cost of preparing contract documents exceeds the cost of the service; and
  - (6) Specialty services.
- (G) Additional services may be included in the above listing as the Council deems necessary to be in the best interest of the city. For other items for which it is not practical to obtain competitive quotes or bids, the Council may waive the requirements of the purchasing ordinance and authorize the purchase as recommended by the purchasing agent.

(Ord. No. 19, 5-21-2001; Ord. of 6-23-2004; Ord. No. 2017-03, 12-20-2017)

#### Sec. 32.04. - Purchases by city manager/purchasing agent.

The city at a regular meeting shall from time to time establish an amount for purchasing involving expenditures which can be made only on the approval of the City Manager/purchasing agent. The initial amount should allow for expenditures not to exceed \$1,000.00.

(Ord. No. 19, 5-21-2001; Ord. of 6-23-2004; Ord. of 3-16-2006)

#### Sec. 32.05. - Purchases under \$5,000.00.

- (A) Purchases of supplies, materials, or equipment the cost of which exceeds the amount allowed in Section 32.04 as adjusted but which are less than \$5,000.00 upon approval by the Council by resolution may be made in the open market by the purchasing agent, but the purchase shall be based on competitive prices and shall be awarded to the lowest competent vendor except as otherwise provided in this section.
- (B) The purchasing agent may solicit prices verbally, by telephone, or by written communication; provided that where bids are solicited by written communication, a copy of the request for bids shall be posted in the City Hall.
- (C) In determining the competency of a bidder, the purchasing agent shall be guided by his or her judgment of the ability of the bidder to provide the required material or services in compliance with the specifications set forth. If the purchase is not made from the lowest bidder, a statement of the reasons for placing the order with a higher bidder shall be prepared by the purchasing agent and filed with the purchase order.

(Ord. No. 19, 5-21-2001; Ord. of 6-23-2004; Ord. of 3-16-2006)

#### Sec. 32.06. - Purchases or contracts over \$5,000.00.

- (A) Any expenditure for supplies, materials, equipment, construction projects, or contracts obligating the city, where the amount of the city obligation is in excess of \$5,000.00 must be approved by the Council.
- (B) Sealed bids shall be requested by the purchasing agent by mailing a copy of the specifications or requirements to the qualified vendors as may be known to him or her and by posting a copy of the request in the City Hall.
- (C) Unless fixed by the Council, the agent with the concurrence of the City Manager shall prescribe the amount of any security to be deposited with any bid and, in the case of construction contracts, the amount of labor and material or performance bonds to be required of the successful bidder. The security shall be in the form of certified or cashier's check or bond written by a surety company authorized to do business in the state.
- (D) Bids shall be opened in public at the time and place designated in the notice requesting bids. Bids shall be opened in the presence of the purchasing agent and at least one other city employee, preferably the department head requesting the purchase. Immediately following the opening, the bids shall be examined, tabulated, and made available for inspection.
- (E)
  - (1) The full tabulation of all bids shall be submitted to the meeting of the Council next following the opening of bids, together with the recommendation of the purchasing agent, department head, or City Manager.
  - (2) The Council in its discretion may accept the low bid, reject all bids or determine the low bid to be unsatisfactory and make the award to the lowest

competent bidder.

- (F) After the opening of the submitted bids, the bids may not be withdrawn without forfeiture of the bid deposit. Deposits of security accompanying the three low bids shall be retained until the contract is awarded and signed; other deposits shall be returned to the unsuccessful bidders immediately after the bids have been tabulated. If any successful bidder fails or refuses to enter into the contract awarded to it within ten days after being notified of the award or file any bond required within the same time, the deposit accompanying its bid shall be forfeited to the city; and the Council may, in its discretion, award the contract to the next lowest bidder or re-advertise the project.
- (G) (1) At the time the contract of a construction project is executed by the contractor, it shall file a bond executed by a surety company authorized to do business in the state, assuring payment of all just debts incurred in the performance of the contract, including wages and material bills, and shall file a performance bond when one is required in the bid specification.
- (2) The contractor shall also file evidence of public liability insurance and workers' compensation insurance in an amount satisfactory to the City Manager and shall also protect the city from loss or damage caused to any person or property by reason of negligence of the contractor or its employees.
- (H) The Council shall reserve the right to accept or reject any or all bids as submitted if in the Council's discretion the action would be in the best interest of the city.

(Ord. No. 19, 5-21-2001; Ord. of 6-23-2004)

Sec. 32.07. - Purchases through other governmental units.

- (A) Where another governmental entity uses a bid process similar to the process specified by this chapter to obtain services, materials, supplies, and/or equipment, the purchasing agent may purchase these items under the auspices of the other governmental unit.
- (B) The City Manager is authorized to purchase materials, supplies and equipment through the State of Michigan's MiDEAL program.
- (C) The City Manager is authorized to purchase equipment through the State of Michigan's MiBID on-line auction program. Council must preapprove the type of item to be bid on and the City Manager must demonstrate in writing the availability of funds prior to bidding.

(Ord. No. 19, 5-21-2001; Ord. of 6-23-2004; Ord. No. 2017-03, 12-20-2017)

Sec. 32.08. - Prohibitions.

- (A) No contract or purchase shall be subdivided to avoid the requirements of this chapter.
- (B) The purchasing agent and every officer and employee of the city are expressly prohibited from accepting, directly or indirectly, from any person doing business or contemplating doing business with the city, any rebate, gift, money, or anything of value.

(Ord. No. 19, 5-21-2001; Ord. of 6-23-2004)

**Cross reference—** Penalty, see [Section 32.99](#).

Sec. 32.09. - Emergency purchases.

- (A) All purchases made in excess of \$10,000.00 require the Mayor's consultation.
- (B) In an emergency or an apparent emergency endangering the public peace, health, or safety of the city, the purchasing agent, the City Manager, or any department head may purchase directly any supplies, materials, or equipment he or she deems immediately necessary.
- (C) The agent shall advise the Council of the purchase no later than the next regular meeting of the Council.

(Ord. No. 19, 5-21-2001; Ord. of 6-23-2004; Ord. No. 2017-03, 12-20-2017)

Sec. 32.10. - Sale/disposal of equipment.

- (A) Each year the city may, in the discretion of the City Manager, hold a sealed silent auction of no longer needed equipment and vehicles. The purchasing agent shall coordinate the sale. The sale will be advertised in a newspaper of general circulation at least once. Sale of abandoned property will be made in accordance with state statutes and coordinated by the Police Department.
- (B) The silent auction bid amounts will be submitted to the City Clerk's office at a specified time and date. The bids will be publicly read and awarded to the highest bid. The city reserves the right to state the minimum bid amount or to reject all bids not in the best interest to the city. If the highest bidder does not pick up the equipment by the stated date, the other bidders will be contacted and asked to participate in the silent bid again. No new bidders will be allowed in the process.
- (C) Any equipment for which a bid is not received will be donated to charity, scrapped, or rebid at the next auction.
- (D) Trade in of used equipment negotiated with the purchase of new equipment must be approved by the purchasing agent prior to trade in.
- (E) The City Manager is authorized to use on-line auction services in lieu of a silent auction. Notice of the on-line auction shall be posted on the City's website.

(Ord. No. 19, 5-21-2001; Ord. of 6-23-2004; Ord. No. 2017-03, 12-20-2017)

**Cross reference—** Penalty, see Section 32.99.

Sec. 32.11. - Purchasing standards of conduct.

(A) *Conflict of interest.*

(1) *City employees.* No employee will participate directly or indirectly in a procurement when the employee knows that:

- (a) The employee or any member of the employee's immediate family has a financial interest pertaining to the procurement;
- (b) A business or organization in which the employee, or any member of the employee's immediate family, has a financial interest pertaining to the procurement;
- (c) Any other person, business, or organization with whom the employee or any member of the employee's immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement; and/or
- (d) Upon the discovery of an actual or potential conflict of interest, an employee shall promptly file a written statement of disqualification and shall withdraw from further participation in the transaction involved. The employee may, at the same time, apply to the purchasing agent for an advisory opinion as to what further participation, if any, the employee may have in the transaction.

(2) *City Council.* The City of Iron River can enter into a contract with a vendor which a Council member has a conflict of interest, as defined above. In entering into a contract with this vendor, the City Council member who has a conflict of interest must not vote on the contract and disclose any pecuniary interest. Two thirds of the full City Council must approve the contract.

(B) *Gratuities.* It shall be a breach of ethical standards for any person or business involved in a City of Iron River procurement to offer, give, or agree to give any employee any gratuity other than de minimis gratuities. Any employee who fails to report any offer or receipt of the gratuity may be subject to disciplinary action.

(C) *Use of confidential information.* It shall be a breach of ethical standards for any employee or former employee to knowingly use confidential information for actual or anticipated personal gain, or for the actual or anticipated personal gain of any other person.

(D) *Legal purchase.* All purchases of the City of Iron River will be made for a public purpose and in accordance with the State Constitution and Statutes, the City Charter, and the purchasing policy.

(Ord. No. 19, 5-21-2001; Ord. of 6-23-2004)

**Cross reference—** Penalty, see Section 32.99.

Sec. 32.12. - Sale of excess real estate.

(A) Annually at the City Council's first meeting in April, the City Manager shall present to the Council a listing of excess city real estate that should be offered for sale to the general public. The list of city-owned property owned, as to each parcel, shall set forth the following:

- (1) The location of the property;
- (2) A statement as to whether or not the city has any foreseeable use for the property;
- (3) Whether or not the property is serviced by utilities, streets, or alleys;
- (4) Whether or not easements must be retained to accommodate the city or public utilities;
- (5) Whether or not the property has a potential to become a nuisance or blighted if sold to the general public; and
- (6) A determination from the City Assessor as to the value of the property.

(B) The City Council, annually at its first meeting in April, shall make a determination as to those excess properties identified by the City Manager that shall advertise same for sale at the minimum price recommended by the Assessor for two consecutive weeks in a newspaper of local circulation.

(C) The bids received shall be opened at the next regularly scheduled meeting of the City Council following the last advertisement for bids. Following the opening, the bids shall be examined, tabulated, made available for public inspection, and those properties for which a bid for at least the minimum is received, shall be sold to the highest bidder.

(D) If no bids are received or if a bid is not received for the minimum price, the property shall remain available for sale at the minimum price until the next regularly scheduled meeting of the City Council in April of the following year, at which time it may again be listed as excess real estate for sale.

(E) Any request by an individual to purchase property not previously identified as excess property and offered for sale pursuant to the provisions set forth in division (A) above may make a written request to the city to purchase the property, whereupon the City Manager shall submit to the Council a report setting forth those items called for in division (A) above and, by resolution of the Council, may be advertised for bids.

(F) The City Manager is authorized to negotiate in the best interest of the City the sale of real estate for properties not exceeding \$10,000.00 in value upon receipt of an offer to purchase. Said property must be determined as not having any foreseeable use by the City and having limited marketability. The City Manager shall consult with the City Assessor to gauge the property's current value.

(Ord. No. 19, 5-21-2001; Ord. of 6-23-2004; Ord. No. 2017-03, 12-20-2017)

Sec. 32.13. - Amendments.

Amendments to this chapter may be adopted as provided by law.

(Ord. No. 19, 5-21-2001; Ord. of 6-23-2004)

Sec. 32.14. - Effective date.

As a general ordinance, this chapter shall be effective 30 days after adoption by the Iron River City Council.

(Ord. No. 19, 5-21-2001; Ord. of 6-23-2004)

Sec. 32.99. - Penalty.

Any person who violates the provisions of this chapter shall be guilty of a misdemeanor punishable by a fine of up to \$500.00 and imprisonment not to exceed one day.

(Ord. No. 19, 5-21-2001; Ord. of 6-23-2004)

CHAPTER 33. - ETHICAL STANDARDS

Sec. 33.01. - Definitions.

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

*Agency.* Any department, office, multimember body, or other organization of the local government.

*Appointee.* One who holds either a compensated or an uncompensated position, including an individual who is appointed by the Mayor, the legislative body, other elected officials, or a department, division or commission head.

*Basic living expenses.* Shelter, utilities, and all other costs directly related to the maintenance of the common household of the common residence of domestic partners and any other cost, such as medical care, where some or all of the cost is paid as a benefit because a person is another person's domestic partner.

*City.* The City of Iron River.

*City Council.* The legislative body of the City of Iron River.

*Clerk.* The clerk of the local government of the City of Iron River.

*Commercial gain.* The use by a public servant of any local government resource including, but not limited to, the local government's time, equipment, facilities, supplies or staff, which results or is intended to result in unauthorized income or other benefit to the public servant.

*Confidential information.* Information that has been obtained by a public servant in the course of acting as a public servant, that is not available to members of the public pursuant to the Michigan Freedom of Information Act, being MCL 15.231 et seq., or pursuant to other law, regulation, policy or procedure recognized by law, and that the public servant is unauthorized to disclose, including:

- (1) Any written information, whether in document or in electronic form, which could be exempted from disclosure pursuant to state law or to other pertinent law, regulation, policy or procedure recognized by law, unless the public servant disclosing the information is permitted by such authority to make disclosure;
- (2) Any non-written information which, if written, could be exempted from disclosure pursuant to state law or to other pertinent law, regulation, policy or procedure recognized by law, unless the public servant disclosing the information is permitted by such authority to make disclosure; and
- (3) Information which was obtained in the course of or by means of a written or electronic record or oral report of a lawful executive or closed session, whether or not the disclosure of the information would violate state law, unless the public servant disclosing the information is authorized by state law to make disclosure, or unless the public servant disclosing the information has been properly authorized to make disclosure pursuant to an applicable law, regulation, policy or procedure, except that when such information is available through channels which are open to the public, this provision does not prohibit public servants from disclosing the availability of those channels.

*Decision.*

- (1) A determination, action, vote, or other disposition upon a motion, proposal, recommendation, resolution, or ordinance by members of the governing body, or of a governing body of a local government agency; or
- (2) A determination, action or other disposition taken by an elected official with the authority to do so, or a local government agency in the performance of its public duties.

*Domestic partner.* One of two adults who:

- (1) Have a common residence;

- (2) Agree to be jointly responsible for each other's basic living expenses incurred during the domestic partnership;
- (3) Are not married or are not a member of another domestic partnership;
- (4) Are not related by blood in a way that would prevent them from being married to each other in this state;
- (5) Are at least 18 years of age;
- (6) Have chosen to share one another's lives in an intimate and committed relationship of mutual caring; and
- (7) Are capable of consenting to the domestic partnership.

*Exercises significant authority.* Having the ability to influence the outcome of a decision on behalf of the local government in the course of the performance of a public servant's duties and responsibilities.

*Extraordinary circumstances.* Circumstances which, due to the unavailability of information that is critical to the disposition by the Board of Ethics of an advisory opinion request or of a complaint, have prevented the Board from completing its investigation.

*Have a common residence.* Both domestic partners share the same residence. Two people can have a common residence even if one or both have additional residences, or if both domestic partners do not possess legal title to the common residence. Domestic partners do not cease to have a common residence if one leaves the common residence but intends to return to it.

*Immediate family.*

- (1) A public servant's spouse or domestic partner;
- (2) A public servant's relative by marriage, lineal descent, or adoption who receives, directly or indirectly, more than one-half of his or her support from the public servant, or from whom the public servant receives, directly or indirectly, more than one-half of his or her support;
- (3) An individual claimed by a public servant; or
- (4) A public servant's spouse as a dependent under the United States Internal Revenue Code, being 26 U.S.C. § 1 et seq.

*Joint responsibility.* Each domestic partner agrees to provide for the other partner's basic living expenses if the partner is unable to provide for himself or herself.

*Local government.* The governmental organization of a jurisdiction which is a subdivision of a major political unit, as a state; the governing organization of the jurisdiction of the city.

*Mayor.* The mayor of the City of Iron River.

*Ownership interest.* A financial or pecuniary interest that a public servant has in the affairs of any business entity in which the public servant or a member of his or her immediate family is an officer, director, member or employee; any business entity in which the public servant or a member of his or her immediate family controls, or directly or indirectly owns, in excess of five percent of the total stock or an interest totaling \$50,000.00 or more in value; or any person or business entity with whom the public servant has a contract.

*Personal services contract.* A contract for the retention of an individual to perform services on behalf of the local government for a fixed period and for fixed compensation.

*Private gain.* Any benefit which is accepted or received by a public servant or is perceived by a reasonable person to be accepted or received by a public servant, as remuneration for the purpose of improperly influencing an official action in a specific manner or for refraining from the performance of an official action in a specific manner, or as inducement for the public servant to act in favor of some interest other than in the public interest. The following types of benefits, monetary payments or reimbursements, gifts, awards or emoluments may be received by a public servant:

- (1) Payment of salaries, compensation or employee benefits to a public servant by the local government, or the payment of salaries, compensation or employee benefits to a public servant by an employer or business other than the local government pursuant to a contract where the payment is unrelated to the public servant's status as a public servant;
- (2) Authorized reimbursement by the local government to a public servant of actual and necessary expenses incurred by the public servant;
- (3) Fees, expenses or income, including those resulting from outside employment, which are permitted to be earned by, or reimbursed to, a public servant in accordance with the Code, policies, rules and regulations of the local government;
- (4) Campaign or political contributions which are made and reported by a public servant in accordance with state law;
- (5) Admission or registration fee, travel expenses, entertainment, meals or refreshments that are furnished to a public servant by the sponsor(s) of an event, appearance or ceremony which is related to official local government business in connection with such an event, appearance or ceremony and to which one or more members of the public are invited, or that are furnished to a public servant in connection with a speaking engagement, teaching, or the provision of assistance to an organization or another governmental entity as long as the local government does not compensate the public servant for admission or registration fees, travel expenses, entertainment, meals or refreshments for the same activity;
- (6) Admission, regardless of value, to a charitable or civic event to which a public servant is invited in his or her official representative capacity as a public servant where any admission or other fees required of all persons attending the event are waived or paid for the public servant by a party other than the local government or the public servant;
- (7) An award publicly presented to a public servant by an individual or by a nongovernmental entity or organization in recognition of public service, acts of heroism, or crime solving;

- (8) An award, gift or other token of recognition presented to a public servant by representatives of a governmental body or political subdivision who are acting in their official capacities;
- (9) A gift received from a public servant's relative or immediate family member, provided that the relative or immediate family member is not acting as a third party's intermediary or an agent in an attempt to circumvent this chapter;
- (10) A registration fee for a seminar or other informational conference that a public servant attends in a capacity other than as a speaker, panelist, or moderator, where such registration fee that is charged for the public servant's attendance is waived or paid for the public servant by a party other than the local government or the public servant;
- (11) Expenses or gratuities, including but not limited to admission fees, lodging, meals or transportation, that are paid for a public servant and are related to the public servant's participation at a seminar, conference, speaking engagement or presentation in his or her official capacity as a speaker, panelist or moderator where such expenses or gratuities are waived or paid for, as the case may be, by a party other than the local government or the public servant, provided that, within five business days after the conclusion of the seminar, conference, speaking engagement or presentation, such public servant files with the Clerk a statement which contains the following information for each expense that is paid for or waived or for each gratuity that is provided: a description of the expense or of the gratuity; the amount of the expense or of the gratuity; the date that the expense was incurred or that the gratuity was received; the date that the expense was paid or waived, or that the gratuity was received; and the name and address of the party who paid or waived the expense or who provided the gratuity;
- (12) Meals or beverages provided to the public servant by an individual or by a nongovernmental organization during a meeting related to official local government business;
- (13) Anything of value, regardless of the value, presented to or received by a public servant on behalf of the local government where the thing of value is offered to, and accepted by, the local government;
- (14) A gift to a public servant that either is returned to the donor or is donated to the local government or to a charitable organization within 30 days of the public servant's receipt of the gift, provided that the public servant does not claim the donation as a charitable contribution for tax purposes;
- (15) Complimentary single copies of trade publications, books, reports, pamphlets, calendars, periodicals or other informational materials that are received by a public servant;
- (16) Compensation paid to a public servant for a published work which did not involve the use of the local government's time, equipment, facilities, supplies, staff or other resources where the payment is arranged or paid for by the publisher of the work;
- (17) Compensation paid to a public servant for a published work which did involve the use of the local government's time, equipment, facilities, supplies, staff or other resources where the payment of the compensation to the public servant is lawfully authorized by a representative of the local government who is empowered to authorize such compensation;
- (18) Receipt by the public servant of anything of value, where the payment, gift or other transfer of value is unrelated to, and does not arise from, a public servant's holding or having held a public position, and where the activity or occasion for which the payment, gift or other transfer of value given does not involve the use of the local government's time, equipment, facilities, supplies, staff or other resources in any manner or degree that is not available to the general public;
- (19) Hospitality that is extended to a public servant by an individual, or by an organization, for a purpose unrelated to the official business of the local government, including a gift of food, beverage, or lodging; and
- (20) Receipt by a public servant of a devise, bequest or inheritance.

*Public servant.* The elected Mayor, members of the legislative body, any member of any local government agency, board, commission, or other voting body that is established by the local government Charter or by the Code, and any appointee, any employee, or any individual who provides services to the local government within or outside of its offices or facilities pursuant to a personal services contract.

*Relative.* A person who is related to a public servant as spouse or as any of the following, whether by marriage, blood or adoption: parent, child, brother, sister, uncle, aunt, nephew, niece, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, brother-in-law, or sister-in-law.

*Voting body.* The governing body and any other local government authority, board, commission, committee, council or group, regardless of whether its function is legislative, administrative, quasi-administrative, or quasi-judicial or any combination thereof, which, in order to take any official action, even where the action is advisory, must act as a body on the basis of a vote of some or all of its members.

(Ord. 29-2010, 6-16-2010)

#### Sec. 33.02. - Conflicts of interest.

- (A) A public servant shall not make a loan of public funds, grant a subsidy, fix a rate, issue a license, permit or certificate, participate in the negotiation or execution of contracts or otherwise regulate, supervise or participate in a decision that pertains to an entity in which the public servant, or a member of his or her immediate family, has an ownership or financial or personal interest.
- (B) A public servant, whether paid or unpaid, shall not solicit or accept or receive, directly or indirectly a gift or loan of money, compensation, goods, services contribution, reward, employment, or other things of value which would tend to influence the manner in which the officer or employee performs his or

her official duties.

- (C) A public servant shall not represent his or her individual personal opinion as that of the city.
- (D) A public servant shall not solicit, demand, accept, or agree to accept from another person, a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, or preparation of any part of a program requirement or a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter, pertaining to any program requirement or a contract or subcontract, or any solicitation or proposal thereof.
- (E) A public servant shall not accept any payment, gratuity, or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime contractor or higher tier subcontractor or any person associated therewith as an inducement for the award of a contract or order.
- (F) A public servant shall not retain a person to solicit or secure a contract with the local government upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except for the retention of bona fide employees or bona fide established commercial selling agencies for the purpose of securing business.
- (G) A public servant shall not be a party, directly or indirectly, to any contract with the city except for the renewal or negotiation of an employment or independent contractor contract with a city officer or employee, or a collective bargaining agreement or contracts with any bona fide union.
- (H) Except for personal employment agreements authorized by the governing body, a public servant shall not solicit, negotiate, renegotiate, or approve, directly or indirectly, any contract, or amendment of any contract, with the city and himself or herself; any partnership, limited liability company or unincorporated association, or other legal entity of which the officer or employee is a partner, member, owner or part owner or employee; any corporation in which the officer or employee is an owner or stockholder of more than one percent of the total outstanding stock of any class where the stock is not listed on an exchange, or of value of \$25,000.00 or more where the stock is listed on a stock exchange or of which the public servant is a director, officer, or employee; or any trust of which the officer or employee is a beneficiary or trustee, or represents any party to such contract.

(Ord. 29-2010, 6-16-2010)

#### Sec. 33.03. - Disclosure.

- (A) A public servant or his or her relative shall not engage in business with the city, directly or indirectly, or have any financial or personal interest in any business transaction with the city without filing a complete written disclosure statement for each business activity, prior to engaging in the activity, and on an annual basis.
- (B) A public servant shall not participate, as an agent or representative of the city, in approving, disapproving, voting upon, abstaining from voting, recommending or otherwise acting upon any matter in which he or she or a relative has a direct or indirect financial interest without disclosing the full nature and extent of their interest.

(Ord. 29-2010, 6-16-2010)

#### Sec. 33.04. - Impartiality.

- (A) A public servant, regardless of whether specifically prohibited by this chapter, shall avoid any action which might result in, or create the appearance of:
  - (1) Using public office or employment for private gain;
  - (2) Giving improper preferential treatment to any person or organization;
  - (3) Impeding government efficiency or economy;
  - (4) A lack of independence or impartiality of action;
  - (5) Making a government decision outside of official channels; and
  - (6) Affecting adversely the confidence of the public in the integrity of the local government.
- (B) It is not the intent of this chapter to limit the right or ability of any public servant to exercise his or her discretion in making legitimate policy decisions which are within their discretion so long as such action does not provide a special benefit to that person, relieve the public servant of a particular duty, or treat that person differently than other similarly situated residents in the community.

(Ord. 29-2010, 6-16-2010)

#### Sec. 33.05. - Fair and equal treatment.

No public servant shall request, use or permit the use of any consideration, treatment, advantage or favor beyond that which is the general practice to grant or make available to the public at large. All public servants shall treat all citizens of the local community with courtesy, impartiality, fairness and equality under the law.

(Ord. 29-2010, 6-16-2010)

#### Sec. 33.06. - Improper use of position.

- (A) A public servant shall not make any policy statements which promise to authorize or to prevent any future action, agreement or contract, when, in fact,

the public servant has no authority to do so.

- (B) A public servant shall not act on behalf of the city in the making of contracts when, in fact, he or she has no authority to do so.
- (C) A public servant shall not make policies that affect the citizens of the community that are not authorized by the local government Charter, Code of Ordinances, governing body, an authorized agency of the local government, or its adopted policies.
- (D) A public servant shall not use his or her official position in violation of federal or state law, or to obtain or to create the appearance to obtain a private gain for the public servant in return for improperly influencing a decision of the Mayor, of the City Council, of the City Clerk, or of a member of a city authority, board, commission, committee, council or group, or other city agency.
- (E) A public servant shall not use, or attempt to use, his or her official position to unreasonably secure, request or grant, any privileges, exemptions, advantages, contracts, or preferential treatment for himself or herself, a relative, his or her immediate family, or others.
- (F) A public servant shall not use his or her public office and employment for personal, private or economic gain, or use or attempt to use his official or her official position to secure special privileges or exemptions for himself or herself, or others, except as provided by law.
- (G) A public servant shall not make or participate in making a decision in his or her capacity as a public servant knowing that the decision will provide him or her, a member of his or her immediate family, or a business with which he or she is associated, a financial benefit of more than an incidental nature which is distinguishable from the benefits to the public servant as a member of the public or as a member of a broad segment of the public.
- (H) A public servant shall not take any action or create the appearance of making a government decision outside official channels.
- (I) A public servant shall not take any action or create the appearance of impeding government efficiency or economy.
- (J) A public servant shall not take any action or create the appearance of giving preferential treatment to any organization or person.
- (K) A public servant shall not take any action, or create the appearance, that adversely affects the confidence of the public in the integrity of the city.
- (L) Public servants who are members of a city agency shall not take final action on any matter under consideration that is before the agency until the citizens' rights to address the agency have been provided for, subject always to the provisions of the Michigan Open Meetings Act.
- (M) A public servant shall not interfere with the ordinary course of law enforcement within the city, and shall not suggest or request special favors or consideration or disposition of any law enforcement person of the city, including the City Manager, Chief of Police, police officers, ordinance officers, City Attorney or administrative staff, concerning any city law enforcement matter including, but not limited to, parking tickets, traffic tickets, ordinance tickets, or the enforcement of City Codes.

(Ord. 29-2010, 6-16-2010)

Sec. 33.07. - Incompatible or dual employment.

- (A) A public servant shall not engage in or accept employment, or render services, for a private or public interest where such employment or service is incompatible or in conflict with the proper discharge (or performance) of the public servant's official duties and responsibilities for the city, or where such employment or service is reasonably expected to impair the public servant's independence of judgment or action in the discharge performance of his or her official duties and responsibilities for the city.
- (B) A public servant shall not act, for compensation from any person other than the municipality, as an agent, attorney, or representative for another person, business or organization in any matter that is pending before a city agency other than in the course of the duties and responsibilities of his or her office or employment pursuant to duties assigned by city employee unions other than himself or herself before the governmental body of which the public servant is a member or employee.
- (C) A public servant may represent another person, business, or organization before a city agency where such representation is a required part of the public servant's official duties.
- (D) A public servant shall not engage in private employment with, or render services for, any private person who has business transactions with the city, without first making a full public disclosure of the nature and extent of such employment.
- (E) A public servant who, while a city employee, is participating directly or indirectly in the procurement process, shall not become or be the employee of, or perform a service for, any person who is contracting with the city.
- (F) An elected public servant shall not engage in employment with any other agency or department of the city.

(Ord. 29-2010, 6-16-2010)

Sec. 33.08. - Nepotism.

- (A) A public servant shall not cause the employment or any favorable employment action of an immediate family member, or participate in any employment decision about such family member.
- (B) The spouse of any elected city official, or the City Administrator, shall be disqualified from holding any appointive office. The immediate family members of any elected official, or the City Administrator, or the spouses of any such family members shall be disqualified from holding full-time or permanent part time employment exceeding ten hours per week with the city during the term served by the elected official or during the tenure of the City Administrator.

(Ord. 29-2010, 6-16-2010)



## Sec. 33.09. - Personal interests.

- (A) A public servant shall not engage in any act or business transaction which may cause him or her or his or her immediate family or business that he or she is associated with to derive a personal profit or gain directly or indirectly as a result of his or her official position or authority or omission in the discharge of his or her official duties for private gain or use his or her official position or authority to profit from a business transaction or act in an official capacity on matters in which he or she has a private financial interest clearly separate from that of the general public.
- (B) A public servant shall not speculate or deal in equipment, supplies, materials, or property purchased by or sold to the city.
- (C) A public servant shall not hold a substantial financial interest, i.e., any stake, including stockholder, partner, joint venture, creditor, guarantor or director, in a firm which provides services or supplies, materials or equipment to the city, excluding holding an interest in a firm providing services or supplies, materials, or equipment to the city where, after reporting the conflict, the contract for services or supplies, materials, or equipment is awarded pursuant to sealed bids, the public servant is not involved, directly or indirectly, with making the decision on the award of the contract or with the city department for which the contract relates, and the City Council determines, after reviewing the circumstances, that the award of the contract would be in the best interests of the city.

(Ord. 29-2010, 6-16-2010)

## Sec. 33.10. - Political activity.

A public servant shall not use any city time or property for his or her own political benefit or for the political benefit of any other person seeking elective office, provided that the foregoing shall not prohibit the use of property or facilities available to the general public on an equal basis for due consideration paid.

(Ord. 29-2010, 6-16-2010)

## Sec. 33.11. - Public information.

- (A) A public servant shall not benefit financially or further his or her private economic interests or that of a relative or any other person from confidential information acquired in the course of holding office or employment, or knowingly use confidential information for actual or anticipated personal gain, or for the actual or anticipated personal gain of any other person.
- (B) Except as authorized by law, a public servant shall not knowingly disclose to a third party to any unauthorized person confidential information that is acquired in the course of his or her employment in the course of holding office including, but not limited to, information provided, obtained or discussed in closed or executive sessions of City Council in advance of the time prescribed by the governmental body, department head, City Manager or law for its authorized release to the public, except as otherwise required or permitted by law.
- (C) A public servant shall not use information protected from disclosure by the Michigan Freedom of Information Act which she or he has obtained by reason of such position or authority.
- (D) A public servant shall not disclose any confidential information, without prior formal authorization of the public body having jurisdiction, concerning any city official or employee, or any other person, or any property or governmental affairs of the city.
- (E) A public servant shall not suppress or refuse to provide city reports or other information which is publicly available.
- (F) A public servant shall not suppress any public city report, document, or information available to the general public because it might tend to affect unfavorably his or her private financial or political interest.

(Ord. 29-2010, 6-16-2010)

## Sec. 33.12. - Public property and personnel.

Unless judiciously and solely in accordance with prescribed constitutional, statutory, and regulatory procedures, a public servant shall not request, directly or indirectly use, misuse or permit others to use any city, publicly-owned or publicly-supported real or personal property, vehicle, equipment, material, labor or service, city funds, city personnel, or any other tangible city assets under his or her care or control for commercial gain, for personal financial gain or benefit or personal convenience or private advantage of himself or herself or any other person for private economic interest or that of a relative or for a member of his or her immediate family or a business entity with which he or she is associated or the private benefit of a third party.

(Ord. 29-2010, 6-16-2010)

## Sec. 33.13. - Board of Ethics.

- (A) A Board of Ethics shall be created and shall consist of the Mayor and the four Council Members.
- (B) Should a complaint be filed against a member of the Board of Ethics, then, in that case, the City Manager, City Clerk or City Treasurer shall be named as an alternate member for that Board of Ethics by the remaining Board of Ethics members who are not the subject of the complaint.

(Ord. 29-2010, 6-16-2010)

## Sec. 33.14. - Complaint and filings of complaints.

- (A) Complaints for violation of this chapter shall be made in writing, signed by the complaining party, and filed with the Mayor and the City Manager.
- (B) The City Manager and/or Mayor shall forward a copy of the complaint to the remaining Board of Ethics members. The Board of Ethics members shall conduct its initial consideration of the complaint within 14 days of the receipt of the complaint from the City Manager and/or Mayor for the purpose of determining whether or not the complaint warrants further investigation.
- (C) If the complaint warrants further investigation, the matter shall be referred to the City Attorney, who shall conduct an investigation and report back to the Board of Ethics, within 28 days of his or her findings.
- (D) The Board of Ethics shall conduct a hearing on any complaint filed within 14 days from the date it initially considered the complaint, unless the complaint was referred to the City Attorney. If the matter is referred to the City Attorney for investigation, the Board of Ethics shall conduct its hearing within 14 days of the City Attorney filing his or her investigative report with the Board of Ethics.

(Ord. 29-2010, 6-16-2010)

#### Sec. 33.15. - Sanctions.

- (A) The Board of Ethics, following its hearing, may dismiss the complaint as unwarranted, or impose sanctions. The following sanctions shall not be construed to diminish or impair the rights of an employee:
  - (B) Mayor and Commissioners. The Board of Ethics shall have the authority to issue an oral or written warning or reprimand to a member of the City Council for violations of the ethical standards in this chapter.
  - (C) Employees other than elected officials. The City Manager, or the City Council, if the employee is appointed by the Council pursuant to the Charter, may impose any one or more of the following sanctions upon an employee found by the Board of Ethics to have violated the ethical standards in this chapter:
    - (1) Oral or written warnings or reprimands;
    - (2) Suspension with or without pay for specified periods of time; or,
    - (3) Termination from employment.
  - (D) Non-employees. The City Manager or City Council may impose any one or more of the following sanctions on a non-employee upon a finding by the Board of Ethics of a violation of the ethical standards in this chapter:
    - (1) Written warnings or reprimands;
    - (2) Termination of contract; or,
    - (3) Disbarment or suspension.

(Ord. 29-2010, 6-16-2010)

### TITLE V - PUBLIC WORKS

#### CHAPTER 50. - SEWERS

##### ARTICLE I. - GENERAL PROVISIONS

#### Sec. 50.001. - Purpose and policy.

- (A) This chapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the City of Iron River and enables the City of Iron River to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations as set out in 40 C.F.R. pt. 403.
- (B) The objectives of this chapter are:
  - (1) To prevent the introduction of pollutants into the wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
  - (2) To prevent the introduction of pollutants into the wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
  - (3) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and
  - (4) To provide for equitable distribution of the cost of the wastewater system.
- (C) This chapter provides from the regulation of direct and indirect contributors to the wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.
- (D) This chapter shall apply to the City of Iron River and the persons outside the City of Iron River who are, by contract or agreement with the City of Iron River, users of any publicly owned treatment works (P.O.T.W.) owned by or with which the City of Iron River contracts with. Except as otherwise provided

herein, the City Manager of the City of Iron River shall administer, implement, and enforce the provisions of this chapter.

(E) This chapter is enacted pursuant to Article VII, § 28, of the Constitution of the State of Michigan, and the provisions of Public Act 35 of 1951, M.C.L.A. §§ 124.1—124.4.

(Ord. No. 3, 7-1-2000; Ord. of 5-7-2001; Ord. of 5-1-2002; Ord. of 7-2-2003)

Sec. 50.002. - Definitions.

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

*Authorized representative of industrial user.* An authorized representative of an industrial user may be:

- (1) A principal executive officer of at least the level of vice-president, if the industrial user is a corporation;
- (2) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; and/or
- (3) A duly authorized representative of the individual designated above if the representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

*Biochemical oxygen demand (B.O.D.)* The quality of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at 20°C expressed in terms of weight and concentration, milligrams per liter (mg/l).

*Board.* The Council of the City of Iron River.

*Building drain.* The 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 (1.52 meters) outside the inner face of the building wall.

*Building sewer.* The extension of sewer conveying wastewater from the building drain to the public sewer or other places of disposal.

*Categorical standards.* National Categorical Pretreatment Standards or Pretreatment Standard.

*Combined sewers.* A sewer that is designed as a sanitary sewer and a storm sewer.

*Cooling water.* The water discharged from any use such as air conditioning, cooling, or refrigeration, or to which the only pollutant added is heat.

*Debt retirement charge.* The charge levied to all users for retirement of bonded indebtedness associated with the system and/or charges which will be placed into a restricted fund for capital improvements and upgrading of the Sanitary Sewer Collection System.

*Delinquent.* Monies and fees owed to the city, under this chapter, which remain unpaid 30 days after the due date.

*Direct discharge.* The discharge of treated or untreated wastewater directly to the waters of the State of Michigan.

*Environmental Protection Agency or E.P.A.* The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of the agency.

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

*Grab sample.* A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

*High strength waste.* Any waste having waste characteristics greater than normal domestic sewage.

*Holding tank waste.* Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank truck.

*Indirect discharge.* The discharge or the introduction of non domestic pollutants from any source regulated under § 307(b) or (c) of the Act, (33 U.S.C. § 1317), into the P.O.T.W. (including holding tank waste discharged into the system).

*Industrial cost recovery.* The recovery from each eligible industrial user of that portion of U.S. Environmental Protection Agency grants which are allocable to the collection and treatment of industrial wastes from the users.

*Industrial waste.* The wastewater discharges from industrial, trade, or business process, as distinct from their employees' domestic wastes or wastes from sanitary conveniences.

*Inspector.* Any person or persons duly authorized by the City Council to inspect and approve the installation of sewers.

*Interference.* The inhibition or disruption of the P.O.T.W. treatment processes operations which contributes to the violation of any requirement or N.P.D.E.S. permit. The term includes prevention of sewage sludge use or disposal by the P.O.T.W. in accordance with 405 of the Act, (33 U.S.C. § 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (S.W.D.A.), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of S.W.D.A., being 42 U.S.C. §§ 6941 et seq.) applicable to other method of disposal or use employed by the P.O.T.W.

*National Categorical Pretreatment Standard or pretreatment standard.* Any regulation containing pollutant discharge limits promulgated by the E.P.A. in accordance with § 307(b) and (c) of the Act (33 U.S.C. § 1317) which applies to a specific category of industrial users.

*National Pollution Discharge Elimination System or N.P.D.E.S. Permit.* A permit issued pursuant to § 402 of the Act (33 U.S.C. § 1342).

*Normal domestic sewage.* The water-carried domestic wastes from residents. The normal domestic sewage shall be considered to have a loading of 200 mg/l B.O.D. and 250 mg/l suspended solids.

*O.M.&R. charge.* The charge levied to all users for operation, maintenance, replacement, and customer-related administrative costs, such as preparing bills and collecting charges, associated with the system.

*Operation and maintenance costs.* All costs, direct and indirect, necessary to provide adequate wastewater collection and treatment on a continuing basis, to conform with all federal, state, and local wastewater management requirements, and to assure optimum long-term management of the sewer works. Operation and maintenance costs shall include replacement costs.

*Person.* Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

*pH.* The logarithm (base ten) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

*Pollutant.* Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

*Pollution.* The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

*Pretreatment or treatment.* The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing the pollutants into a P.O.T.W. The reduction or alteration can be obtained by physical, chemical, or biological processes, or process changes other means, except as prohibited by 40 C.F.R. pt. 403.6(d).

*Pretreatment requirements.* Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.

*Public sewer.* A sewer in which all owners of abutting properties have equal rights, is controlled by the City of Iron River, and is located within the public right-of-way or a public easement.

*Publicly owned treatment works (P.O.T.W.).* A treatment works as defined by § 212 of the Act, (33 U.S.C. § 1292). This definition includes any sewers that convey wastewater to the P.O.T.W. treatment plant, but does not include pipes, sewers, or other conveyances not connected to the facility providing treatment. For the purposes of this chapter, P.O.T.W. shall also include any sewers that convey wastewaters to the P.O.T.W. from persons outside the City of Iron River who are, by contract or agreement with (local unit), users of the City of Iron River P.O.T.W.

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

*Sewage.* A combination of water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with the ground waters as may be present.

*Sewage works.* All facilities for collecting, pumping, treating, and disposing of sewage.

*Sewer.* A pipe or conduit for carrying sewage.

*Sewer service charges.* The sum of the applicable user charge, surcharges, and debt service charges.

*Shall* is mandatory. *May* is permissive.

*Standard industrial classification (S.I.C.).* A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

*Standard methods.* The examination and analytical procedures set forth in the most recent edition of Standard Methods for the Examination of Water, Sewage and Industrial Wastes, published jointly by the American Public Health Association, the American Water Works Association, and the Federation of Sewage and Industrial Wastes Associations.

*State.* State of Michigan.

*Storm sewer or storm drain.* A sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial waste.

*Storm water.* Any flow occurring during or following any form of natural precipitation and resulting therefrom.

*Superintendent.* The City Manager or other person or persons designated by the City Council of the City of Iron River to supervise, enforce, and monitor the city's sanitary sewer collection and disposal as set forth in this chapter.

*Suspended solids.* The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and which is removable by laboratory filtering.

*System.* All facilities of the City of Iron River and all subsequent additions, including all sewers, pumps, lift stations, and all other facilities used or useful in the collection, treatment, and disposal of domestic, commercial, or industrial wastes, including all appurtenances thereto and including all extensions and improvements thereto which may hereafter be acquired.

*Toxic pollutant.* Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of the Clean Water Act, being 33 U.S.C. §§ 1317(a) or other Acts.

*User.* Any person who contributes, causes, or permits the contribution of wastewater into the City of Iron River P.O.T.W.

*User class.* The kind of user connected to sanitary sewers including, but not limited to, residential, industrial, commercial, institutional, and governmental.

- (1) *Residential user.* A user of the treatment works whose premises or buildings are used primarily as a domicile for one or more persons, including dwelling units such as detached, semi-detached, and row houses, mobile homes, apartments, or permanent multi-family dwellings, each unit shall be deemed a user (transit lodging is not included, it is considered commercial).
- (2) *Industrial user.* Any profit-seeking enterprise which possesses or discharges wastewater to the treatment works which contains toxic pollutants or poisonous solids, liquids, or gasses in sufficient quantity either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in or have an adverse effect on the waters receiving any discharge from the treatment works.
- (3) *Commercial user.* An establishment listed in the Office of the Management and Budget's Standard Industrial Classification Manual (1972 Edition) involved in a commercial enterprise, business or service which, based on a determination by the local agency, discharges primarily segregated domestic wastes or wastes from sanitary conveniences and which is not a residential user or an industrial user.
- (4) *Institutional user.* Nongovernmental, noncommercial, nonresidential, nonindustrial users of the system or of the sewage works of the City of Iron River.
- (5) *Governmental user.* Any federal, state, or local government user of the wastewater treatment works.

*Wastewater.* The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together, which may be present, whether treated or untreated, which is contributed into or permitted to enter the P.O.T.W.

*Wastewater contribution permit.* As set forth in Section 50.051.

*Waters of the state.* All streams, lakes ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

*W.I.C.S.A.* The West Iron County Sewer Authority, County of Iron, Michigan.

(Ord. No. 3, 7-1-2000; Ord. of 5-7-2001; Ord. of 5-1-2002; Ord. of 7- -2003)

#### Sec. 50.003. - Abbreviations.

The following abbreviations shall have the designated meanings.

*B.O.D.* Biochemical Oxygen Demand.

*C.F.R.* Code of Federal Regulations.

*C.O.D.* Chemical Oxygen Demand.

*E.P.A.* Environmental Protection Agency.

*l.* Liter.

*mg.* Milligrams.

*mg/l.* Milligrams per liter.

*N.P.D.E.S.* National Pollutant Discharge Elimination System.

*P.O.T.W.* Publicly owned treatment works.

*S.I.C.* Standard Industrial Classification.

*S.W.D.A.* Solid Waste Disposal Act, 42 U.S.C. §§ 6901 et seq.

*U.S.C.* United States Code.

*T.S.S.* Total suspended solids.

(Ord. No. 3, 7-1-2000; Ord. of 5-7-2001; Ord. of 5-1-2002; Ord. of 7- -2003)

## Sec. 50.004. - Operating year.

The system shall be operated on the basis of the same operating year as the City of Iron River.

(Ord. No. 3, 7-1-2000; Ord. of 5-7-2001; Ord. of 5-1-2002; Ord. of 7- -2003)

## ARTICLE II. - REGULATIONS

## Sec. 50.020. - Operation.

- (A) The operation, maintenance, alteration, repair, and management of the system shall be under the supervision and control of the City of Iron River. The City of Iron River may employ the person or persons in the capacity or capacities as it deems advisable to carry out the efficient management and operations of the system and may make the rules, orders, and regulations as it deems advisable and necessary to assure the efficient management and operation of the system. As part of the operation of the system, the City of Iron River shall review not less than every two years the wastewater contribution of users and user classes, the total costs of operation and maintenance of the sewage works, and its approved user charge system.
- (B) The City of Iron River shall revise the charges for user or user classes within 60 days following the completion of the review, and at the other times as may be required, to accomplish the following:
- (1) Maintain the proportionate distribution of operation and maintenance costs among users and user classes as required by applicable federal regulations;
  - (2) Generate sufficient revenue to pay the total operation and maintenance costs necessary for the proper operation and maintenance (including replacement) of the sewage works; and
  - (3) Apply excess revenues collected from a class of users to the costs of operation and maintenance attributable to that class for the next year and adjust the rate accordingly.

(Ord. No. 3, 7-1-2000; Ord. of 5-7-2001; Ord. of 5-1-2002; Ord. of 7- -2003)

## Sec. 50.021. - Use of public sewers required.

- (A) The provisions of this section shall apply to each commercial, governmental, industrial, institutional, and residential user of the system.
- (B) (1) It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the City of Iron River (or any area under its jurisdiction) any human or animal excrement, garbage, or other objectionable waste.
- (2) It shall be unlawful to discharge to any natural outlet any sanitary sewage, industrial wastes, or other polluted water, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.
- (3) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
- (4) Each person having control of a structure in which sanitary sewage originates, and each owner and each occupant of the structure, shall cause the structure to be connected to an available public sanitary sewer. The connection shall be completed promptly but in no case later than 90 days from the date of occurrence of the last of the following events:
- (a) Publication of a notice by the Clerk of the availability of the public sanitary system in a newspaper of general circulation in the City of Iron River;
  - (b) Modification of a structure so as to become a structure in which sanitary sewage originates; or
  - (c) This chapter becomes effective.
- (5) Failure to complete connection where the structure in which sanitary sewage originates has not been connected to an available public sanitary sewer within the 90 days of the period provided in division (B)(4) above, the Clerk of the City of Iron River shall require the connection to be made forthwith after notice by first-class mail or certified mail to the owners, occupants, and persons having control of the property on which the structure is located. The notice shall give the approximate location of the public sanitary sewer which is available for connection of the structure involved and shall advise the persons of the requirements and the enforcement provisions of this chapter.
- (6) Where any structure in which sanitary sewage originates is not connected to an available public sanitary sewer system within 90 days after the date of mailing or an action for a mandatory injunction or order in the district, municipal, or circuit court in the county in which the structure is situated to compel the owner to connect to the available sanitary sewer system forthwith. The City of Iron River, in one or more of the actions, may join any number or owners of structures situated within the City of Iron River to compel each owner to connect to the available sanitary sewer system forthwith.
- (7) The City of Iron River may exclude from the system a portion or all waste from a user which may be harmful to or have a deleterious effect on the system.

(Ord. No. 3, 7-1-2000; Ord. of 5-7-2001; Ord. of 5-1-2002; Ord. of 7- -2003)

**Cross reference—** Penalty, see [Section 50.999](#).

## Sec. 50.022. - Private sewage disposal.

- (A) The provisions of this section shall apply to each commercial, governmental, industrial, institutional, and residential user of the system.
- (B) (1) Where a public sanitary sewer is not available under the provisions hereof, the building sewer shall be connected to a private sewage disposal system complying with all requirements of the State Board of Health.
- (2) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City of Iron River.
- (3) At the times as a public sewer becomes available to a property served by the system as provided herein, a direct connection shall be made to the public sewer in compliance with this chapter and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.
- (4) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the State Board of Health.

(Ord. No. 3, 7-1-2000; Ord. of 5-7-2001; Ord. of 5-1-2002; Ord. of 7- -2003)

**Cross reference—** Penalty, see Section 50.999.

## Sec. 50.023. - Building sewers and connections.

- (A) The provisions of this section shall apply to each commercial, governmental, industrial, institutional, and residential user of the system.
- (B) (1) No unauthorized person shall uncover, make any connections with, or open into, use, alter, or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the governing body of the City of Iron River. Before a permit may be issued for excavating for plumbing in any public street, way, or alley, the person applying for the permit shall have executed unto the City of Iron River and deposited with the Treasurer of the City of Iron River a corporate surety in the sum of \$10,000.00, conditioned that he or she will perform faithfully all work with due care and skill, and in accordance with the laws, rules, and regulations established under any ordinance of the City of Iron River pertaining to the plumbing. This bond shall state that the person will indemnify and save harmless the City of Iron River and the owner of the premises against all damages, costs, expenses, outlays, and claims of every nature and kind arising out of unskillfulness or negligence on his or her part in connection with plumbing or excavating for plumbing as prescribed in this chapter. The bond shall remain in force and must be executed for a period of two years except that on the expiration it shall remain in force as to all penalties, claims, and demands that may have accrued thereunder prior to the expiration.
- (2) There shall be two classes of building sewer permits: one for residential and commercial service, and the second for service to establishments producing industrial waste. In either case, the owner or his or her agent shall make application on a special form furnished by the City of Iron River. The permit applications shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the City of Iron River. A sewer tap permit and inspection fee for a residential or commercial building sewer permit and an amount established on an individual basis for an industrial building sewer permit shall be paid to the Treasurer of the City of Iron River, at the time the application is filed.
- (3) All costs and expense incidental 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 the owner shall indemnify the City of Iron River from any loss or damage that may directly or indirectly be occasioned by the installation.
- (4) 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 through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Other exceptions will be allowed only by special permission granted by the Inspector.
- (5) Old building sewer or portions thereof may be used in connection with new buildings only when they are found on examination and test by the City of Iron River to meet all requirements of this chapter.
- (6) The building sewer shall be constructed of Polyvinyl Chloride (P.V.C.) plastic pipe SDR-35 or SDR-26 per A.S.T.M. D-3034 with push-on joints conforming with A.S.T.M. D-1785 schedule 40.
- (7) All joints and connections shall be made gas tight and water tight. Polyvinyl Chloride (P.V.C.) plastic pipe joints shall be the push-on type equal to A.S.T.M. 3034. The joints and connections shall conform to the manufacturer's recommendations. All fittings shall be as manufactured by the pipe supplier with joints equal to that of the pipe.
- (8) The size and slope of the building sewers shall be subject to the approval of the City of Iron River but in no event shall the diameter be less than six inches. The slope of the six-inch pipe shall be not less than one-quarter inch per foot, except as otherwise approved by the Inspector. All buildings sewers shall be laid on a sand cushion having a minimum thickness of three inches. All irregularities and depression in the subgrade shall be filled with sand so the pipe will be firmly supported for its entire length. To provide sewer embedment, the remainder of the trench to the top of the pipe shall be backfilled with compacted sand. The sand adjacent to the pipe shall be shovel sliced.
- (9) Whenever possible, the building sewer shall be brought to the building at no elevation below the basement floor. No building sewer shall be laid parallel to or within three feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Inspector. Pipe laying and backfill shall be performed in accordance with current A.S.T.M. specifications except that no backfill shall be placed until the work has been inspected by the City of Iron River.

- (10) In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by the drains shall be lifted by approved artificial means and discharged to the building sewer.
- (11) The connection of the building sewer into the public sewer shall be made at the location designated by the Inspector of the City of Iron River.
- (12) The applicant for the building sewer shall notify the City of Iron River when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the City of Iron River.
- (13) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Street, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City of Iron River.
- (14) No sewer connection will be permitted unless there is capacity available in all downstream sewers, lift stations, force mains and the sewage treatment plant, including capacity for treatment of B.O.D. and suspended solids.
- (15) No person(s) shall make connection of roof down spouts, foundation drains, areaway drains, sump pumps, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless the connection is approved by the approving authority for purposes of disposal of polluted surface drainage.
- (16) All connections of building sewers into the public sewer shall have installed in the sewer line(s) a backflow prevention device so as to eliminate, deter, and minimize any sewer backup into the building, if any of the following are applicable:
  - (a) 1. Construction of a new building or structure which is required to be connected to the public sewer;
    2. When an existing sewer line lateral servicing a building or structure and connecting it with the public sewer system is replaced; or
    3. The building or structure has experienced a sewer backup.
  - (b) Copies of this chapter shall be provided to the appropriate entity or entities issuing building and/or sewer permits within the City of Iron River so as to ensure:
    1. The enforcement of this chapter; and
    2. That owners of land affected by this chapter become aware of this chapter.
  - (c) The owner of a building or structure connected to the sanitary sewer system may seek an exemption from the requirement to install a backflow prevention device upon application to the Public Works foreman and by agreeing to hold the city harmless for any and all claims for damages to persons or building, resulting from the backflow of sewage into the building or structure for which the exemption is being sought.

(Ord. No. 3, 7-1-2000; Ord. of 5-7-2001; Ord. of 5-1-2002; Ord. of 7- -2003)

**Cross reference**— Penalty, see [Section 50.999](#).

#### Sec. 50.024. - Discharge regulations.

- (A) The provisions of this section shall apply to each commercial, governmental, industrial, institutional, and residential user of the system.
- (B) (1) *General discharge prohibitions.*
  - (a) No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance to all the users of a P.O.T.W. whether or not the user is subject to national Categorical Pretreatment Standards or any other national, state, or local pretreatment standards or requirements.
  - (b) A user may not contribute the following substances to any P.O.T.W.:
    1. Any liquids, solids, or gasses which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the P.O.T.W. or to the operation of the P.O.T.W. Prohibited materials include, but are not limited to, gasoline, Kerosene, naphtha, benzene, toluene, xylene, ethers, alcohol's, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which W.I.C.S.A. or the City of Iron River, the state, or E.P.A. has notified the user is a fire hazard or a hazard to the system;
    2. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with articles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones hair, hides or fleshing, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes;
    3. Any wastewater having a pH less than 5.0, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the P.O.T.W.;
    4. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the P.O.T.W. or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to § 307(b)(2), being 33 U.S.C. § 137(a), of the Act;
    5. Any noxious or malodorous liquids, gasses, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair;



6. Any substance which may cause the P.O.T.W.'s effluent or any other product of the P.O.T.W. such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the P.O.T.W. cause the P.O.T.W. to be in non-compliance with sludge use or disposal criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, being 42 U.S.C. §§ 6901 et seq., The Clean Air Act, being 42 U.S.C. §§ 7401 et seq., the Toxic Substances Control Act, being 15 U.S.C. §§ 2601 et seq., or state criteria applicable to the sludge management method being used;
  7. Any substance which will cause the P.O.T.W. to violate its N.P.D.E.S. and/or state disposal system permit or the receiving water quality standards;
  8. Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions;
  9. Any wastewater having a temperature which will inhibit biological activity in the P.O.T.W. treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the P.O.T.W. which exceeds 40°C (104°F) unless the P.O.T.W. treatment plant is designed to accommodate the temperature;
  10. Any pollutants, including oxygen demanding pollutants (B.O.D., and the like) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the P.O.T.W. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than 15 times the average 24-hour concentration, quantities, or flow during normal operation;
  11. Any wastewater containing any radioactive wastes or isotopes of the half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations;
  12. Any wastewater which causes a hazard to human life or creates a public nuisance;
  13. Any unpolluted water including, but not limited to, noncontact cooling water; and/or
  14. Any waters or wastes containing suspended solids of the character and quantity that unusual attention or expense is required to handle the materials at the sewage treatment plant. When the Superintendent determines that a user(s) is contributing to the P.O.T.W., any of the above enumerated substances in the amounts as to interfere with the operation of the P.O.T.W., the Superintendent shall:
    - a. Advise the user(s) of the impact of the contribution on the P.O.T.W.; and
    - b. Develop effluent limitation(s) for the user to correct the interference with the P.O.T.W.
- (2) *Specific pollutant limitations.* No person shall discharge wastewater containing in excess of:
- (a) 3.0 mg/l arsenic;
  - (b) 0.7 mg/l cadmium;
  - (c) 4.5 mg/l copper;
  - (d) 1.0 mg/l cyanide;
  - (e) 1.5 mg/l lead;
  - (f) 0.05 mg/l mercury;
  - (g) 2.0 mg/l nickel;
  - (h) 4.5 mg/l total chromium;
  - (i) 10.0 mg/l zinc;
  - (j) 0.2 mg/l total phenols;
  - (k) 100 mg/l oil and grease;
  - (l) 300 mg/l B.O.D.;
  - (m) 350 mg/l suspended solids;
  - (n) 20 mg/l total phosphorus;
  - (o) 30 mg/l chlorine demand at 30-minute contact time;
  - (p) 40 mg/l total kjeldahl nitrogen;
  - (q) 0-40°C (32-104°F) temperature; and/or
  - (r) 6.0-9.5 S.U.pH.
- (3) *Federal pretreatment standards.* Upon the promulgation of the National Categorical Pretreatment Standards for a particular industrial subcategory, the pretreatment standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter and shall be considered part of this chapter. The Superintendent shall notify all affected users of the applicable reporting requirements under 40 C.F.R. pt. 403.12.
- (4) *State requirements.* State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this chapter.
- (5) *The City of Iron River's right of revision.* The City of Iron River reserves the right to establish by ordinance more stringent limitations or requirements

on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in [Section 50.001](#).

- (6) *Water discharge.* No person shall discharge or cause to be discharged any storm water, surface water, ground water, water from footing drains, or roof water to any sanitary sewer or sewer connection except as otherwise provided in this chapter.
- (7) *Down spouts.* Down spouts and roof leaders shall be disconnected from sanitary sewers.
- (8) *Storm sewers.* Storm water, ground water, water from footing drains and all other unpolluted drainage shall be discharged into the sewers as are specifically designated as storm sewers, or to a natural outlet, except as otherwise provided in this chapter. Industrial cooling water or unpolluted process waters may be discharged upon application and approval of the City of Iron River and the appropriate state agency to a storm sewer, or natural outlet.
- (9) *Grease.* Grease, oil, and sand interceptors shall be provided when liquid wastes contain grease in excessive amounts, or other harmful ingredients; except that the interceptors shall not be required for single-family or multiple-family dwelling units. All interceptors shall be of a type and capacity approved by the City of River and shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers when bolted into place shall be gastight and watertight.
- (10) *Interceptor maintenance.* Where installed, all grease, oil, and sand interceptors shall be maintained by the owner, at his or her expense, in continuously efficient operation at all times.
- (11) *Special agreements.* No statement contained in this section shall be construed as preventing any special agreement between the City of Iron River and any industrial concern whereby an industrial waste or usual strength or character may be accepted subject to payment therefor by the industrial concern, provided the agreement shall not violate N.P.D.E.S. requirements, National Categorical Pretreatment Standards, and provided user charges, and surcharges as provided in the ordinance are agreed to in the agreement.
- (12) *Excessive discharge.* No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the City of Iron River.
- (13) *Accidental discharge.* Where required, a user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge or prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City of Iron River review, and shall be approved by the City of Iron River a user who commences contribution to the P.O.T.W. after the effective date of this chapter shall not be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the City of Iron River. Review and approval of the plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the P.O.T.W. of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.
  - (a) *Written notice.* Within five days following an accidental discharge, the user shall submit to the Superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. The notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the P.O.T.W., fish kills, or any other damage to person or property; nor shall the notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this section or other applicable law.
  - (b) *Notice to employees.* A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees of whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer the dangerous discharge to occur are advised of the emergency notification procedure.

(Ord. No. 3, 7-1-2000; Ord. of 5-7-2001; Ord. of 5-1-2002; Ord. of 7- -2003)

**Cross reference—** Penalty, see [Section 50.999](#).

#### ARTICLE III. - FEES

##### Sec. 50.035. - Purpose.

It is the purpose of this chapter to provide for the recovery of costs from users of the City of Iron River's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the City of Iron River's Schedule of Charges and Fees.

(Ord. 3, passed 7-1-2000; Ord. of 5-7-2001; Ord. of 5-1-2002; Ord. of 7- -2003)

##### Sec. 50.036. - Charges and fees.

(A) The City of Iron River may adopt charges and fees which may include:

- (1) Fees for reimbursement of costs of setting up and operating the City of Iron River's Pretreatment Program;

- (2) Fees for monitoring inspections and surveillance procedures;
- (3) Fees for reviewing accidental discharge procedures and construction;
- (4) Fees for permit applications;
- (5) Fees for filing appeals;
- (6) Fees for consistent removal (by City of Iron River) of pollutants otherwise subject to federal pretreatment standards; and/or
- (7) Other fees as the City of Iron River may deem necessary to carry out the requirements contained herein.

(B) These fees related solely to the matters covered by this chapter and are separate from all other fees chargeable by the City of Iron River.

(Ord. 3, passed 7-1-2000; Ord. of 5-7-2001; Ord. of 5-1-2002; Ord. of 7- -2003)

#### ARTICLE IV. - ADMINISTRATION

##### Sec. 50.050. - Wastewater dischargers.

It shall be unlawful to discharge with a permit to any natural outlet within the City of Iron River, or in any area under the jurisdiction of the City of Iron River, and/or to the P.O.T.W., any wastewater except as authorized by the Superintendent in accordance with the provisions of this chapter.

(Ord. 3, passed 7-1-2000; Ord. of 5-7-2001; Ord. of 5-1-2002; Ord. of 7- -2003)

**Cross reference—** Penalty, see Section 50.999.

##### Sec. 50.051. - Wastewater contribution permits.

- (A) *General permits.* All significant users proposing to connect to or to contribute to the P.O.T.W. shall obtain a wastewater discharge permit before connecting to or contributing to the P.O.T.W. All existing significant users connected to or contributing to the P.O.T.W. shall obtain a wastewater contribution permit within 180 days after the effective date of this chapter.
- (B) *Permit application.* User required to obtain a wastewater contribution permit shall complete and file with the City of Iron River, an application in the form prescribed by the City of Iron River, and accompanied by a permit/sewer tap inspection fee of as set forth in Section 50.075. Existing users shall apply for a wastewater contribution permit within 30 days after the effective date of this chapter, and proposed new users shall apply at least 90 days prior to connecting to or contributing to the P.O.T.W. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:
  - (1) Name, address, and location (if different from the address);
  - (2) S.I.C. number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
  - (3) Wastewater constituents and characteristics including but not limited to those mentioned in Section 50.020 et seq. as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance pursuant to § 304(g) of the Act, being 33 U.S.C. § 1314, and contained in 40 C.F.R. pt. 136, as amended;
  - (4) Time and duration of contribution;
  - (5) Average daily and 30-minute peak wastewater flow rates, including daily, monthly, and seasonal variations if any;
  - (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location, and elevation;
  - (7) Description of activities, facilities, and plant processes on the premises including all materials which are or could be discharged;
  - (8) Where known, the nature and concentration of any pollutants in the discharge which are limited by the City of Iron River, W.I.C.S.A., state or federal pretreatment standards, and a statement regarding whether the pretreatment standards are being met on a consistent basis and if not, whether additional Operation and Maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards;
  - (9) If additional pretreatment and/or O&M will be required to meet the pretreatment standards; the shortest schedule by which the user will provide the additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule.
    - (a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such as hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, and the like).
    - (b) No increment referred to in division (B)(9) shall exceed nine months.
    - (c) Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Superintendent including, as a minimum, whether it complied with the increment of progress to be met on the date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the

schedule established. In no event shall more than nine months elapse between the progress reports to the Superintendent.

- (10) Each product produced by type, amount, process, or processes and rate of production;
  - (11) Type and amount of raw materials processed (average and maximum per day);
  - (12) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system; and
  - (13) Any other information as may be deemed by the City of Iron River to be necessary to evaluate the permit application. The City of Iron River will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the City of Iron River may issue a wastewater contribution permit subject to the terms and conditions provided herein.
- (C) *Permit modifications.* Within nine months of the promulgation of a National Categorical Pretreatment Standard, the wastewater contribution permit of users subject to the standards shall be revised to require compliance with the standard within the time frame prescribed by the standard. Where a user, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a wastewater contribution permit as required by division (B) above, the user shall apply for a wastewater contribution permit within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard. In addition, the user with an existing wastewater contribution permit shall submit to the Superintendent within 180 days after the promulgation of an applicable Federal Categorical Pretreatment Standard the information required by divisions (B)(9) and (B)(10) above.
- (D) *Permit conditions.* Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges, and fees established by the City of Iron River. Permits may contain the following:
- (1) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
  - (2) Limits on the average and maximum wastewater constituents and characteristics;
  - (3) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
  - (4) Requirements for installation and maintenance of inspection and sampling facilities;
  - (5) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedule;
  - (6) Compliance schedules;
  - (7) Requirements for submission of technical reports or discharge reports (see [Section 50.052](#));
  - (8) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the City of Iron River and affording the City of Iron River access thereto;
  - (9) Requirements to notification of the City of Iron River or any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
  - (10) Requirements for notification of slug discharges as per subsection [50.024\(B\)\(1\)\(b\)1.](#);
  - (11) Requirement that waste treatment facilities, waste streams, or other potential waste problems be placed under the specific supervision and control of persons who have been certified by an appropriate state agency as properly qualified to supervise the facilities;
  - (12) Requirement that records and file reports be maintained on the final disposal of specific liquid, solid, sludges, oils, and radioactive materials, solvents, or other wastes; and/or
  - (13) Other conditions as deemed appropriate by the City of Iron River to ensure compliance with this chapter.
- (E) *Permits duration.* Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the City of Iron River during the term of the permit as limitations or requirements as identified in [Section 50.024](#) are modified or other just cause exists. The user shall be informed of any proposed changes in his or her permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
- (F) *Permit transfer.* Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the City of Iron River. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

(Ord. 3, passed 7-1-2000; Ord. of 5-7-2001; Ord. of 5-1-2002; Ord. of 7-2-2003)

**Cross reference—** Penalty, see [Section 50.999](#).

Sec. 50.052. - Reporting requirements for permittee.

- (A) *Compliance date report.* Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the P.O.T.W., any user subject to pretreatment standards and requirements shall submit to the Superintendent a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by the pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a

consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional.

(B) *Periodic compliance reports.*

- (1) Any user subject to a pretreatment standard, after the compliance date of the pretreatment standard, or, in the case of a new source, after commencement of the discharge into the P.O.T.W., shall submit to the Superintendent during the months of June and December, unless required more frequently in the pretreatment standard or by the Superintendent, a report indicating the nature and concentration of pollutants in the effluent which are limited by the pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in paragraph 5.3(1) of this section. At the discretion of the Superintendent and in consideration of the factors as local high or low flow rates, holidays, budget cycles, and the like, the Superintendent may agree to alter the months during which the above reports are to be submitted.
- (2) The Superintendent may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In those cases, the report required by division (B)(1) above shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user.

(Ord. 3, passed 7-1-2000; Ord. of 5-7-2001; Ord. of 5-1-2002; Ord. of 7-2-2003)

**Cross reference—** Penalty, see [Section 50.999](#).

Sec. 50.053. - Monitoring facilities.

- (A) The City of Iron River may require to be provided and operated at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises but the City of Iron River may, when the location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.
- (B) There shall be ample room in or near the sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.
- (C) Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the City of Iron River's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the City of Iron River.

(Ord. No. 3, 7-1-2000; Ord. of 5-7-2001; Ord. of 5-1-2002; Ord. of 7-2-2003)

**Cross reference—** Penalty, see [Section 50.999](#).

Sec. 50.054. - Inspection and sampling.

- (A) The City of Iron River shall inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with.
- (B) Persons or occupants of premises where wastewater is created or discharged shall allow the City of Iron River or their representative ready access to all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying, (per D.N.R.) or in the performance of any of their duties.
- (C) E.P.A. shall have the right to set up on the user's property the devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations.
- (D) Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the City of Iron River and E.P.A. will be permitted to enter, without notice or delay, for the purposes of performing their specific responsibilities.

(Ord. No. 3, 7-1-2000; Ord. of 5-7-2001; Ord. of 5-1-2002; Ord. of 7-2-2003)

**Cross reference—** Penalty, see [Section 50.999](#).

Sec. 50.055. - Pretreatment.

- (A) Users shall provide necessary wastewater treatment as required to comply with this chapter as shall achieve compliance with all federal categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the City of Iron River shall be provided operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the City of Iron River for review, and shall be acceptable to the City of Iron River before construction of the facility. The review of the plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the City of Iron River under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the City of Iron River prior to the user's initiation of changes.

(B) The City of Iron River shall annually publish in the Iron County Reporter newspaper a list of the users which were not in compliance with any pretreatment requirements or standards at least once during the 12 previous months. The notification shall also summarize any enforcement actions taken against the user (s) during the same 12 months.

(C) All records relating to compliance with pretreatment standards shall be made available to officials of the E.P.A. or approval authority upon request.

(Ord. No. 3, 7-1-2000; Ord. of 5-7-2001; Ord. of 5-1-2002; Ord. of 7-2-2003)

**Cross reference—** Penalty, see [Section 50.999](#).

Sec. 50.056. - Confidential information.

(A) Information and data on a user obtained from reports, questionnaires, permit applications, permits, and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the City of Iron River that the release of the information would divulge information, processes, or methods of production entitled to protection as trade secrets of the user.

(B) When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this chapter, the national Pollutant Discharge Elimination System (N.P.D.E.S.) permit, State Disposal System permit and/or the Pretreatment Programs; provided, however, that the portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

(C) Information accepted by W.I.C.S.A. as confidential, shall not be transmitted to governmental agency or to the general public by the City of Iron River until and unless a ten-day notification is given to the user.

(Ord. No. 3, 7-1-2000; Ord. of 5-7-2001; Ord. of 5-1-2002; Ord. of 7-2-2003)

ARTICLE V. - RATES AND CHARGES

Sec. 50.070. - Sewage charges.

(A) Commencing with the effective date of this chapter, each commercial, governmental, industrial, institutional, and residential user of the system which connects directly to the system shall pay charges for sewage disposal services to the premises at the rates established and fixed from time to time by the Council of the City of Iron River as set forth in [Section 50.076](#). Monthly rates and charges shall provide for debt service; minimum O.M.& R. and excess O.M.& R. charges based upon metered gallons of water supplied by the city's water supply system.

(B) In identifying a user for the purpose of assessing monthly rates and charges, the following rules shall apply.

(1) Each residential or commercial structure connected to the system shall be a user.

(2) Each habitable, single-family, residential unit in a multi-family, or multi-use building connected to the system shall be a separate user.

(3) Each business or commercial entity, engaged in the sale of goods or services, employs at least one individual, is required by federal law to have a federal identification number, and is located in a structure connected to the system shall be considered a separate user.

(C) The rates charged for sewage disposal services furnished outside the city corporate limits shall be in accordance with contracts executed between the City of Iron River and the governmental units receiving the sewage disposal services. Commencing with the effective date of this chapter, each commercial, governmental, industrial, institutional, and residential user of the system which connects directly to the system shall pay charges for sewage disposal services to the premises at the rates established and fixed from time to time by the Council of the City of Iron River. The same rates will be charged to users inside the boundaries of the City of Iron River, and to those outside the boundaries of the City of Iron River.

(Ord. No. 3, 7-1-2000; Ord. of 5-7-2001; Ord. of 5-1-2002; Ord. of 7-2-2003)

**Cross reference—** Penalty, see [Section 50.999](#).

Sec. 50.071. - Surcharges.

(A) A surcharge shall be imposed on the rate charged to users for the treatment of high strength waste. The surcharge shall be based on the volume, strength, and character of the high strength waste treated as compared to the volume, strength, and character of the normal domestic sewage experienced by the City of Iron River.

(B) Special assessments or contracts may be executed with users which shall be coordinated with this chapter for the derivation of the rate to be used for the receiving of high strength waste, where the high strength wastes are of unusual strength or volume and the treatment facility is capable of handling the high strength waste.

(Ord. No. 3, 7-1-2000; Ord. of 5-7-2001; Ord. of 5-1-2002; Ord. of 7-2-2003)

Sec. 50.072. - Billings.

- (A) The owner of the premises served by the system shall be liable for the service provided to the premises.
- (B) Bills for rates and charges as herein established shall be mailed to the property owner monthly. All bills shall be payable on the 25<sup>th</sup> day of the month following the period of service and shall be payable to the city. If any bill shall not be paid as required, a late charge of ten percent of the amount billed shall be applied to the current amount past due and collected therewith. Penalty charges shall be compounded.
- (C) (1) Service may be discontinued to any premises to enforce payment of delinquent rates and charges after the user has been given a ten-day written notice.
- (2) Services so discontinued shall not be restored until the time as all the rates, charges, and penalties, as provided for herein, are paid or satisfactory arrangements made for the payments thereof.
- (D) The City of Iron River and W.I.C.S.A. shall, in no event, be held responsible for claim made against it by reason of the breaking of any mains for service pipes, or by reason of any other interruption of the service caused by the breaking of machinery or stoppage for necessary repairs, and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption.

(Ord. No. 3, 7-1-2000; Ord. of 5-7-2001; Ord. of 5-1-2002; Ord. of 7-2-2003)

Sec. 50.073. - Free service prohibited.

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. No. 3, 7-1-2000; Ord. of 5-7-2001; Ord. of 5-1-2002; Ord. of 7-2-2003)

**Cross reference—** Penalty, see Section 50.999.

Sec. 50.074. - Establishment of rates.

- (A) The City Council shall establish rates for system usage that shall be sufficient to provide for the payment of the expenses of administration and operation and the expenses for maintenance of the system as are necessary to preserve the same in good repair and working order, and to provide for the other expenditures and funds for the system as this chapter may require.
- (B) The rates for use of the system shall be based on the following.
  - (1) Debt retirement charge.
  - (2) O.M.&R. charges.
  - (3) *Surcharges*. Each user that discharges wastewater strengths exceeding normal domestic sewage, as defined, shall pay appropriate surcharges for treatment of excess waste strengths in accordance with Section 50.071.
  - (4) *Water usage*. The usage of city water and the capacity of the meter monitoring water usage on the premises.
  - (5) *Fines and penalties*. State, federal statutes, regulations or court orders imposing or assessing fines or penalties associated with the city's domestic sewage collection and disposal system.

(Ord. No. 3, 7-1-2000; Ord. of 5-7-2001; Ord. of 5-1-2002; Ord. of 7-2-2003)

Sec. 50.075. - Sewer districts.

- (A) The City of Iron River, in establishing charges and fees, may create sewer districts, which upon the facts surrounding their existence, condition, and unpaid debt associated with their construction would form a reasonable basis for creation of a separate district leading to different charges and fees, or the allocation of same, for each separate sewer district.
- (B) (1) Southern Sewer District shall consist of those properties located in the corporate boundaries of the former City of Stambaugh as those boundaries existed prior to 7-1-2000.
- (2) Central Sewer District shall consist of those properties located in the corporate boundaries of the former City of Iron River as those boundaries existed prior to 7-1-2000.
- (3) Northern Sewer District shall consist of those properties located in the corporate boundaries of the former Village of Mineral Hills as those boundaries existed prior to 7-1-2000.

(Ord. No. 3, 7-1-2000; Ord. of 5-7-2001; Ord. of 5-1-2002; Ord. of 7-2-2003)

Sec. 50.076. - Review of rates and charges.

The Council shall annually review the rates and charges. A report of the review of the system shall be prepared by the City Manager prior to April 1, in each year, and presented to the Council recommending rates and charges to assure that all costs of the system will be recovered from users of the system.

(Ord. No. 3, 7-1-2000; Ord. of 5-7-2001; Ord. of 5-1-2002; Ord. of 7-2-2003; Ord. of 8- -2003; Res. of 4-23-2008; Ord. of 7-31-2013)

Sec. 50.077. - Delinquency.

Any rates or charges for sewage disposal services remaining unpaid are made a lien on the premises served thereby, and are hereby recognized to constitute the lien and whenever the charge against any property shall be delinquent, the local unit official or officials in charge of the collection thereof shall certify annually, not later than June 1 of each year, to the tax assessing officer of the local unit in which the premises is located, the fact of the delinquency, whereupon the charge shall be by him or her 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 taxes against the premises are collected and the lien thereof enforced.

(Ord. No. 3, 7-1-2000; Ord. of 5-7-2001; Ord. of 5-1-2002; Ord. of 7-2-2003)

Sec. 50.078. - Adjustment per audit.

- (A) The City of Iron River shall have the right to adjust the user charge rates based on an audit review of the system's operation and maintenance costs.
- (B) The audit review shall be conducted annually by the City of Iron River and all customers shall be given notice in a newspaper of general circulation in the county of any changes in user charge rates for O.M.&R. and debt service.
- (C) The rates hereby fixed are estimated to be sufficient to provide for the payment of any and all indebtedness, to provide for the expenses of administration and operation and the expenses of maintenance of the system as are necessary to preserve the same in good repair and working order, to build up a reasonable reserve for equipment replacement thereof.
- (D) The rates shall be fixed and revised from time to time as may be necessary to product these amounts.
- (E) An annual audit shall be prepared. Based on the audit, rates for sewage services shall be revised annually and revised as necessary to meet system expenses and to insure that all user classes pay their proportionate share of operation, maintenance, and equipment replacement.

(Ord. No. 3, 7-1-2000; Ord. of 5-7-2001; Ord. of 5-1-2002; Ord. of 7-2-2003)

Sec. 50.079. - Industrial users.

Each industrial user shall pay the proportionate share of the operation, maintenance, and replacement depreciation costs of the system that are allocable to the treatment of the user's industrial wastes.

(Ord. No. 3, 7-1-2000; Ord. of 5-7-2001; Ord. of 5-1-2002; Ord. of 7-2-2003)

**Cross reference—** Penalty, see [Section 50.999](#).

Sec. 50.080. - Process wastewater surcharge.

Each industrial user that discharges process wastewater which does not exceed the limits of normal domestic sewage shall be charged and shall make payments to the City of Iron River in amounts based on the actual waste volume from the premises.

(Ord. No. 3, 7-1-2000; Ord. of 5-7-2001; Ord. of 5-1-2002; Ord. of 7-2-2003)

**Cross reference—** Penalty, see [Section 50.999](#).

ARTICLE VI. - ENFORCEMENT

Sec. 50.095. - Harmful contributions.

- (A) The City of Iron River may suspend the wastewater treatment service and/or a wastewater contribution permit when the suspension is necessary, in the opinion of the City of Iron River, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the P.O.T.W., or causes the City of Iron River to violate any condition of its N.P.D.E.S. permit.
- (B) Any person notified of a suspension of the wastewater treatment service and/or the wastewater contribution permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the City of Iron River, shall take the steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the P.O.T.W. system or endangerment to any individuals the City of Iron River shall reinstate the wastewater contribution permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the City of Iron River within 15 days of the date of occurrence.

(Ord. No. 3, 7-1-2000; Ord. of 5-7-2001; Ord. of 5-1-2002; Ord. of 7-2-2003)

**Cross reference—** Penalty, see [Section 50.999](#).

Sec. 50.096. - Revocation of permit.



Any user who violates the following conditions of this chapter, or applicable state and federal regulations, is subject to having his or her permit revoked in accordance with the procedures of Section 50.095:

- (A) Failure of a user to factually report the wastewater constituents and characteristics of his or her discharge;
- (B) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;
- (C) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
- (D) Violation of conditions of the permit.

(Ord. No. 3, 7-1-2000; Ord. of 5-7-2001; Ord. of 5-1-2002; Ord. of 7-2-2003)

Sec. 50.097. - Notification of violation.

Whenever the City of Iron River finds that any user has violated or is violating this chapter, wastewater contribution permit, or any prohibition, limitation of requirements contained herein, the City of Iron River may serve upon the person a written notice stating the nature of the violation. Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the City of Iron River by the user.

(Ord. No. 3, 7-1-2000; Ord. of 5-7-2001; Ord. of 5-1-2002; Ord. of 7-2-2003)

**Cross reference—** Penalty, see Section 50.999.

Sec. 50.098. - Show cause hearing.

- (A) The City of Iron River may order any user who causes or allows an unauthorized discharge to enter the P.O.T.W. to show cause before the court why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the Superintendent regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the Superintendent why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten days before the hearing. Service may be made on any agent or officer of a corporation.
- (B) The Superintendent may conduct the hearing and take the evidence, or may designate any officer or employee of the City of Iron River to:
  - (1) Issue in the name of the City Manager notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearings;
  - (2) Take the evidence; and/or
  - (3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the City Manager for action thereon.
- (C) At any hearing held pursuant to this chapter, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.
- (D) After the City Manager has reviewed the evidence, he or she may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer services be discontinued unless adequate treatment facilities, devices, or other related appurtenances shall have been installed on existing treatment facilities, devices, or other appurtenances and properly operated. Further orders and directives that are necessary and appropriate may be issued.
- (E) Any action by the City Manager may be appealed to the City Council by filing a written notice of appeal with the Clerk of the city, within ten days of issuance of any order by the City Manager. The City of Iron River shall hold an appeal hearing within 30 days of receipt of an appeal notice. Unless otherwise provided herein, this procedure should be used to adjudicate any dispute that any user of the system may have arising from rates and/or use of the system.

(Ord. No. 3, 7-1-2000; Ord. of 5-7-2001; Ord. of 5-1-2002; Ord. of 7-2-2003)

Sec. 50.099. - Legal notice.

If any person discharges sewage, industrial wastes, or other wastes into the City of Iron River's wastewater disposal system contrary to the provisions of this chapter, federal or state pretreatment requirements, or any order of the City of Iron River, the City of Iron River's attorney may commence an action for appropriate legal and/or equitable relief in the Circuit Court of Iron County.

(Ord. No. 3, 7-1-2000; Ord. of 5-7-2001; Ord. of 5-1-2002; Ord. of 7-2-2003)

ARTICLE VII. - RECORDS

Sec. 50.115. - Records.

The City of Iron River will maintain and keep proper books of records and accounts, separate from all other records and accounts, in which shall be made full and correct entries of all transactions relating to the system. The City of Iron River will cause an annual audit of the books of record and account for the preceding operating year to be made by a recognized independent certified public account, and will supply the audit report to authorized public officials on request.

(Ord. No. 3, 7-1-2000; Ord. of 5-7-2001; Ord. of 5-1-2002; Ord. of 7-2-2003)

Sec. 50.116. - Records retention.

All users subject to this chapter shall retain and preserve, for no less than three years, any records, books, documents, memoranda, reports, correspondence, and any and all summaries thereto, relating to monitoring, sampling, and chemical analyses made by or in behalf of a user in connection with its discharge. All records which pertain to matters which are subject of administrative adjustment or any other enforcement or litigation activities brought by the City of Iron River pursuant hereto shall be retained and preserved by the user until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

(Ord. No. 3, 7-1-2000; Ord. of 5-7-2001; Ord. of 5-1-2002; Ord. of 7-2-2003)

**Cross reference—** Penalty, see Section 50.999.

ARTICLE VIII. - INSURANCE

Sec. 50.130. - Insurance; generally.

The City of Iron River will maintain and carry insurance on all physical properties of the system, of the kinds and in the amounts normally carried by public utility companies and municipalities engaged in the operation of sewage disposal systems. All moneys received for losses under the insurance policies shall be applied solely to the replacement and restoration of the property damages or destroyed.

(Ord. No. 3, 7-1-2000; Ord. of 5-7-2001; Ord. of 5-1-2002; Ord. of 7-2-2003)

Sec. 50.999. - Penalty.

- (A) *Civil penalties.* Any user who is found to have violated an order of the City of Iron River or who willfully or negligently failed to comply with any provisions of this chapter, and the orders, rules, regulations, and permits issued hereunder, shall be fined not less than \$100.00 nor more than \$1,000.00 for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the City of Iron River may recover reasonable attorneys' fees, litigation by appropriate suite at law against the person found to have violated this chapter or the orders, rules, regulations, and permits issued hereunder.
- (B) *Falsifying information.* Any person who knowingly makes any false statements, representation of certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this chapter, or wastewater contribution permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter, shall, upon conviction, be punished by a fine of not more than \$1,000.00 or by imprisonment for not more than six months, or by both.

(Ord. 3, passed 7-1-2000; Ord. of 5-7-2001; Ord. of 5-1-2002; Ord. of 7-2-2003)

CHAPTER 51. - SOLID WASTE

Sec. 51.01. - Definitions.

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

*Contract.* The Agreement for Solid Waster Collection and Disposal Service between the City of Iron River and the licensed solid waste entity with whom the city may contract with from time to time, and all amendments or modifications thereto.

*Contractor.* The licensed solid waste entity with whom the city may contract with from time to time.

*Delinquent.* Monies and fees owed to the city, under this chapter, which remain unpaid 30 days after the due date.

*Designated container.*

- (1) A metal container with a tight fitting cover, not exceeding ten cubic yards in volume, designed to hold trash or refuse, commonly referred to as a "dumpster," and capable of being emptied or dumped by mechanical or hydraulic means; or
- (2) A metal or high impact plastic can with a tight fitting cover, not exceeding 33 gallons in volume, with at least two handles capable of being emptied or dumped by hand.

*Garbage.* All accumulation of animal, fruit, or vegetable matter that attends the preparation, use, cooking, disposal of, or working of meat, fish, fowl, or vegetables, and any other food materials.

*Person.* Each and every natural person, firm, company, corporation, association, or partnership.

*Plastic bag.* A plastic container capable of being folded (when empty) flat, with a thickness of at least 0.85 mils, which when filled shall not exceed a capacity of 33 gallons.

*Small commercial establishments.* Commercial establishments or service businesses which regularly generate less than 99 gallons of solid waste per week.

*Solid waste.*

- (1) Garbage, trash, offal, dead animals, manure, paper, cans, cardboard, metal, plastic and glass cans, bottles and containers, straw, swill, partial or unwholesome meat or food, decayed vegetables, wire, wood, branches, and all other rubbish or refuse.
- (2) Solid waste shall not include furniture, construction debris or building materials, machinery, or any item identified in [Section 51.06](#).

(Ord. No. 4, 7-1-2000; Ord. of 5-7-2001; Ord. of 2-18-2009)

#### Sec. 51.02. - Prohibition of litter.

It shall be unlawful for any person to deposit, throw, or place any solid waste in any street, alley, sidewalk, public building, or public place in the City of Iron River unless the solid waste is placed in a designated container, or in a refuse receptacle owned by the City of Iron River and designated for the reception of solid waste.

(Ord. No. 4, 7-1-2000; Ord. of 5-7-2001)

**Cross reference—** Penalty, see [Section 51.99](#).

#### Sec. 51.03. - Use of containers.

It shall be unlawful for any person to place any solid waste outside of any home, building, or structure in the City of Iron River, on public or private property, for purposes of storage or otherwise unless the solid waste is placed and kept in a designated container.

(Ord. No. 4, 7-1-2000; Ord. of 5-7-2001)

**Cross reference—** Penalty, see [Section 51.99](#).

#### Sec. 51.04. - Pickup regulation.

Notwithstanding the above provisions in this chapter, on the day of weekly garbage pickup only, it shall be lawful for a person to place solid waste in no more than three 33-gallon containers or three 33-gallon plastic bags for pickup, so long as the plastic bag:

- (A) Is placed at curbside or in the usual pickup area not earlier than 6:00 a.m. on the day of the regularly scheduled pickup;
- (B) Any container or bag does not exceed a weight of 50 pounds, and is tied or secured so that the contents will not spill out;
- (C) Can be picked up by the contractor's sanitation crew without splitting or tearing;
- (D) Any additional 33-gallon plastic bag containing solid waste may be placed for pickup, if the bag has affixed to it an authorized sticker purchased from the city, or its authorized agent(s), at a cost of \$2.00, or as amended by Council; and
- (E) For each 33-gallon plastic bag placed at the curb for pickup in excess of the weekly limit of three and for which an authorized sticker is not affixed, may be picked up at the discretion of the City Manager, and the property owners shall be billed in addition to the monthly charge for solid waste collected at a rate of \$5.00, or as amended by Council, for each additional 33-gallon bag.

(Ord. No. 4, 7-1-2000; Ord. of 5-7-2001; Ord. of 2-18-2009)

**Cross reference—** Penalty, see [Section 51.99](#).

#### Sec. 51.05. - Rental property container provision.

Every person who owns rental property in the City of Iron River such as an apartment house, a duplex, or any other structure inhabited by tenants shall be required to provide at least one container for each living unit within the structure, so that the tenants can properly dispose of solid waste as required under this chapter.

(Ord. No. 4, 7-1-2000; Ord. of 5-7-2001)

**Cross reference—** Penalty, see [Section 51.99](#).

#### Sec. 51.06. - Regulation.

- (A) It shall be unlawful for any person within the City of Iron River to place ashes, dirt, rocks, wood over eight inches in length, or branches over 12 inches in

length in any designated container for garbage pickup.

- (B) It shall be unlawful for any person within the City of Iron River to place any solid waste in a designated container identified at Section 51.01 for garbage pickup, if the designated container as loaded shall exceed a weight of 50 pounds.
- (C) It shall be unlawful for any person within the City of Iron River to place any construction or demolition debris, building materials, automobile parts, bodies, frames, or motors; truck parts, bodies, frames or motors; hazardous waste (as defined under state law at Public Act 451 of 1994, M.C.L.A. §§ 324.11101 et seq.); toxic substance; human body waste; sewage, sanitary sewage; industrial sludges or chemicals; furniture, appliances, carpeting, mattresses, box springs, or similar discarded household materials; white goods, including but not limited to stoves, refrigerators, water heaters, clothes washers, clothes dryers; or any substance which is or may be hazardous to the health of the sanitation crews in a designated container for garbage pickup, in a plastic bag for garbage pickup, or in or on any street, sidewalk, alley, or other public property or to abandon or dump same on any private property without the written consent of the owner of the property.

(Ord. No. 4, 7-1-2000; Ord. of 5-7-2001; Ord. of 2-18-2009)

**Cross reference**— Penalty, see Section 51.99.

#### Sec. 51.07. - Municipal commercial containers.

The City Council may, by resolution, require the purchase of commercial containers by all multiple-family housing units, schools, businesses, and commercial establishments within the city, except where the containers cannot be placed on the premises. The containers, if required, shall be positioned and located so as to be easily accessible to the contractor's sanitation crews, and shall be compatible with the handling equipment.

(Ord. No. 4, 7-1-2000; Ord. of 5-7-2001)

**Cross reference**— Penalty, see Sec. 51.99

#### Sec. 51.08. - Collection schedule.

- (A) *Regular collection schedule.* Solid waste will be picked up by contractor from each residence and commercial establishment in the city one time per week, in accordance with a collection schedule adopted and promulgated by contractor pursuant to the contract.
- (B) *Special collection schedule.* If any residential or commercial establishment requires the collection of solid waste at a greater frequency or in a quantity greater than set forth in division (A), above, the establishment shall make its own arrangements directly with contractor by way of a separate contract or agreement, at the rates and times of collection as set forth in the separate contract. The city will not be involved in nor will it be a party to any such separate contract.

(Ord. No. 4, 7-1-2000; Ord. of 5-7-2001)

#### Sec. 51.09. - Rates and charges.

- (A) There is hereby established a charge of \$12.00 per month, or as amended by Council, for each single-family home and for each small commercial establishment in the City of Iron River, for the availability of solid waste and garbage disposal services furnished by contractor.
- (B) There is hereby established a charge of \$12.00 per month, or as amended by Council, for each separate living unit in multiple-family structures up to three units, such as apartment houses or duplexes, for the availability of solid waste and garbage disposal services furnished by contractor.
- (C) Every multiple-family structure having four or more separate living units and all commercial, industrial, retail, or service business, shall enter into a contract for weekly solid waste disposal with the contractor or other waste removal firm approved by the City Manager.
- (D) The fees and charges established herein under divisions (A), (B), and (C) above, shall be billed to and paid by the person responsible for the water or sewer bills to the premises. The fees and charges may be billed on a monthly or quarterly basis, and the billing may be combined with any other utility bill sent by the city. If the premises is not served by the city water, the owner of the premises shall not be responsible for the fees and charges.
- (E) (1) The owner of the premises served by the system shall be liable for the solid waste and garbage disposal services provided to the premises. Bills for rates and charges as herein established shall be mailed to the property owner monthly and all bills shall be payable on the 25<sup>th</sup> day of the month following the period of service and shall be payable to the city. If any bill shall not be paid as required, a late charge of ten percent of the amount billed shall be applied to the current amount past due and collected therewith. Penalty charges shall be compounded.
- (2) Service may be discontinued to any premises to enforce payment of delinquent rates and charges after the user has been given a ten-day written notice. Services so discontinued shall not be restored until the time as all the rates, charges, and penalties, as provided for herein, are paid or satisfactory arrangements made for the payments thereof.
- (F) If a premises has been destroyed or is rendered unsuitable for use as a result of fire, windstorm, or otherwise, and is not being used because of the catastrophe, or if a premises has not been used for any residential or commercial purposes for a period of six consecutive months or more, the premises shall not thereafter during the period of non-use be charged a fee for the availability of solid waste and garbage disposal services. In the case of non-use of a premises, the determination of non-use shall be made by the City Council upon recommendation of the City Manager; however, abatement of the

fee shall not be retroactive to the first date of non-use. Abatement of the fee for solid waste and garbage disposal services shall not be granted to any owner or occupant of a premises who is absent from the City of Iron River on a seasonal basis or where non-use is due, in whole or in part, to the inability to find a tenant for the premises.

(Ord. No. 4, 7-1-2000; Ord. of 5-7-2001)

**Cross reference**— Penalty, see Section 51.99.

Sec. 51.10. - Civil penalties; delinquency.

In addition to the civil penalties provided herein for a violation of this chapter, any rate or charges for solid waste or garbage disposal services remaining unpaid are made a lien on all premises served thereby, are hereby recognized to constitute the lien and whenever the charge against any property shall be delinquent for 60 days the local unit official or officials in charge of the collection thereof shall certify annually, not later than June 1 of each year, to the tax assessing officer of the local unit in which the premises is located, the fact of the delinquency, whereupon the charge shall be by him or her 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 taxes against the premises are collected and the lien thereof enforced.

(Ord. No. 4, 7-1-2000; Ord. of 5-7-2001)

Sec. 51.11. - Delinquency/non-pickup.

Contractor's sanitation crews shall not be required to pick up any solid waste stored, maintained, deposited, or disposed of contrary to the provisions of this chapter, or solid waste at any commercial or industrial establishment which is delinquent in the payment of its solid waste collection fees owed to the city.

(Ord. No. 4, 7-1-2000; Ord. of 5-7-2001)

Sec. 51.12. - Amendments.

Amendments to this chapter may be adopted as provided by law.

(Ord. No. 4, 7-1-2000; Ord. of 5-7-2001)

Sec. 51.13. - Effective date.

Amendment to Sections 51.09 and 51.10 shall take effect 30 days after adoption by the Iron River City Council.

(Ord. No. 4, 7-1-2000; Ord. of 5-7-2001)

Sec. 51.99. - Penalty.

A person who violates any provision of this chapter is responsible for a municipal civil infraction, subject to a civil fine of not less than \$50.00 or more than \$500.00, plus cost and other sanctions as authorized by Public Act 236 of 1961, M.C.L.A. §§ 600.8701—600.8735, as amended.

(Ord. No. 4, 7-1-2000; Ord. of 5-7-2001)

CHAPTER 52. - WATER

*Footnotes:*

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**Cross reference**— Sewers, see Chapter 50.

ARTICLE I. - GENERAL PROVISIONS

Sec. 52.01. - Definitions.

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

*Backflow.* Water of questionable quality, wastes, or other contaminants entering a public water supply system due to a reversal of flow.

*City.* The City of Iron River, Iron County, Michigan.

*Commodity charge.* A charge payable by a user based on water consumption.

*Council.* The governing body of the city.

*County.* Iron County, Michigan.

*Cross-connection.* A connection or arrangement of piping or appurtenances through which a backflow could occur.

*Delinquent.* Monies and fees owed to the city, under this chapter, which remain unpaid 30 days after the due date.

*Local distribution lines.* Those pipes which serve only the abutting property within only one local service area.

*Meter installation charge.* The charge for the water meter, meter installation, and necessary inspections.

*Meter test charge.* The charge imposed for the costs of determining the accuracy of the water meter.

*Monthly connection charge.* The charge imposed for the availability of the water from a distribution line, and imposed to defray a portion of the capital costs of construction of the system, maintenance, repairs, and administration.

*Premises.* Each lot or parcel of land having a building, a premises, or any connection to the water distribution system.

*Secondary water supply.* A water supply system maintained in addition to a public water supply, including but not limited to water systems from ground or surface sources not meeting the requirements of Public Act 399 of 1976, M.C.L.A. §§ 325.1001 et seq., as amended.

*Service line.* The line on the premises, installed and maintained by user, connecting the system to the premises.

*System or water distribution system.* The city water supply and distribution system.

*Tap-on charge.* The charge imposed to defray the cost of making a water connection.

*User.* The owner of real property upon which is located a premises connected to or served by the system.

*Water connection.* The part of the water distribution system connecting the system to the service line.

*Water main.* The primary and intermediate transmission and local distribution lines of the water distribution system.

(Ord. No. 5, 7-1-2000; Ord. of 5-7-2001; Ord. of 7-2-2003; Ord. of 4-15-2004; Ord. of 7-31-2013)

Sec. 52.02. - Amendments and the like.

The city reserves the right to amend, revise, repeal, or supplement this chapter.

(Ord. No. 5, 7-1-2000; Ord. of 5-7-2001; Ord. of 7-2-2003; Ord. of 4-15-2004)

## ARTICLE II. - CONNECTIONS

Sec. 52.15. - Water connection required.

The owner of each house, building, or property used for human occupancy, employment, recreation, or other purposes (the "premises"), constructed subsequent to the existence of public water, situated within the city and abutting on any street, alley, or right-of-way in which there is located a water main or local distribution line of the system shall, provided the water main is within 200 feet of the premises, at owner's expense (unless the expense is expressly provided by other sources), install suitable plumbing facilities therein and connect the facilities directly to the water distribution system.

(Ord. of 7-1-2000; Ord. of 5-7-2001; Ord. of 7-2-2003; Ord. of 4-15-2004)

**Cross reference—** Penalty, see [Section 52.99](#).

Sec. 52.16. - Connections.

Applications for connections shall be made to the city on forms prescribed and furnished by it. Water connections, plumbing, and water meters shall be installed in accordance with the specifications, hereinafter provided, and upon payment of all charges provided for herein.

(Ord. No. 5, 7-1-2000; Ord. of 5-7-2001; Ord. of 7-2-2003; Ord. of 4-15-2004)

**Cross reference—** Penalty, see [Section 52.99](#).

Sec. 52.17. - Connection specifications.

(A) All connections shall be made in compliance with the following.

(B) (1) All supply pipes from the main to the property line shall be put in only by properly authorized employees or representatives of the City Council.

(2) Water meters shall be installed by the city, unless otherwise provided by resolution of the Council. All meters and water connections shall be the property of the city. Water service will not commence until payment in full for the installation has been made to the city. Construction of a water service line shall be done by, and at the expense of, the user, as expeditiously as possible after written notice to proceed, but the time for construction of the service line shall be at the convenience of the city.

- (3) All supply and service pipes shall be of Type "K" Copper of no less than three quarter inches in diameter and of quality as approved by the Council or its representative. All fittings and connections, underground, shall be approved by the Council or its designated representative. Galvanized lines are permit installed within five years prior to the adoption of this chapter.
- (4) All service pipes must be laid with a minimum of six feet of cover as measured from finished grade. Installation must be inspected by an inspector from the city before backfill.
- (5) For service pipes, a distance of ten feet from all sewer or septic lines shall be maintained where possible. In areas where bedrock is encountered, the city may permit installation of service at a depth less than six feet, provided an approved method of insulation of the water service line is utilized. In no case shall the water service line be installed at a depth less than four feet. Under an entry or driveway, the minimum depth of a service line shall be six feet.
- (6) No supply pipe shall be installed when the service pipe is in line with a driveway, tree, fire hydrant, catch basin, or other obstruction.

(Ord. No. 5, 7-1-2000; Ord. of 5-7-2001; Ord. of 7-2-2003; Ord. of 4-15-2004)

**Cross reference—** Penalty, see [Section 52.99](#).

Sec. 52.18. - Institution of or restarting water service.

Written notice given not less than 48 hours in advance shall be made to the city by the property owner and/or occupant of the premises when water service is desired. It shall be unlawful for any person to connect to or use water supplied by the city without first giving notice as provided herein. The city reserves the right to require that an amount of money equal to anticipated bills for three months of water service be placed on deposit with the city for the purpose of establishing or maintaining any customer's credit. No person, other than an authorized employee of the city, shall turn on or off any water service, except that a licensed plumber may, with the prior express approval of the city, turn on water service for testing his or her work (it must be turned off immediately following the testing) or upon receiving a written order from the city; provided, that upon written permit from the city, water may be turned on for construction purposes upon payment to the city of the charges applicable thereto.

(Ord. No. 5, 7-1-2000; Ord. of 5-7-2001; Ord. of 7-2-2003; Ord. of 4-15-2004)

**Cross reference—** Penalty, see [Section 52.99](#).

Sec. 52.19. - Meters.

- (A) All premises using water shall be metered, except as otherwise provided herein. The city reserves the right to determine the size and type of meter used. The city reserves the right to install remote meter reading equipment.
- (B) (1) For reading and maintenance purposes, all meters shall be set horizontally in dry, clean, sanitary places, perfectly accessible and no less than 12 inches from floor level or more than 24 inches from floor level, with a minimum of six inches from any wall, 12 inches from the top of the meter to an immovable object, with a one-quarter turn ball stop valve on both sides of the meter, and where a small leak or the spilling of water will do no damage.
- (2) By-passes are required on all one and one-half inch and larger meter installations. By-passes will not be allowed on one-inch meters or smaller.
- (3) (a) All services one and one-half inch or larger must have a tee between the meter and outlet valve, to be used for testing the water meter without its removal.
- (b) The size of the side opening of this tee shall be one and one-half inch for one and one-half-inch service pipes, two inches for all service pipes up to and including four inches.
- (c) The side opening of the tee shall be three inches for all service pipes larger than four inches. The side opening of the tee shall be plugged.

(Ord. No. 5, 7-1-2000; Ord. of 5-7-2001; Ord. of 7-2-2003; Ord. of 4-15-2004)

**Cross reference—** Penalty, see [Section 52.99](#).

Sec. 52.20. - Access to meters.

- (A) The city shall have the right to shut off the supply of water to any premises where the city is not able to obtain access to the meter.
- (B) Any qualified employee of the city shall, at all reasonable hours, have the right to enter the premises where the meters are installed for the purpose of reading, testing, removing, or inspecting the same and no person shall hinder, obstruct, or interfere with the employee in the lawful discharge of his or her duties in relation to the care and maintenance of the water meter.

(Ord. No. 5, 7-1-2000; Ord. of 5-7-2001; Ord. of 7-2-2003; Ord. of 4-15-2004)

**Cross reference—** Penalty, see [Section 52.99](#).

Sec. 52.21. - Injury to facilities.

- (A) No person, except an employee of the city in the performance of his or her duties, shall break, damage, destroy, uncover, deface, or tamper with any

structure, appurtenance, or equipment which is a part of the water distribution system.

- (B) The owner shall report to the city any theft or damage to the meter or any other structure, appurtenance, or equipment which is part of the water distribution system at once.

(Ord. No. 5, 7-1-2000; Ord. of 5-7-2001; Ord. of 7-2-2003; Ord. of 4-15-2004)

**Cross reference**— Penalty, see [Section 52.99](#).

Sec. 52.22. - Reimbursement for damage.

Any damage which a meter or other equipment may sustain, including that resulting from carelessness of the owner, agent, tenant, or others, or from neglect of either of them to properly secure and protect the meter, as well as any damage which may be wrought by frost, hot water, or steam backing from a boiler, shall be paid by the owner of the property to the city on presentation of a bill therefore; and in cases where the bill is not paid, the water may be shut off and shall not be turned on until all the charges have been paid.

(Ord. No. 5, 7-1-2000; Ord. of 5-7-2001; Ord. of 7-2-2003; Ord. of 4-15-2004)

Sec. 52.23. - Responsibility for damages.

The city shall not be responsible for any damages because of failures of the system, or actions by the city to correct the failures.

(Ord. No. 5, 7-1-2000; Ord. of 5-7-2001; Ord. of 7-2-2003; Ord. of 4-15-2004)

Sec. 52.24. - Water leakage.

It shall be the responsibility of the owner to repair any leaks in the service line within a reasonable time of notice by the city or an additional fee shall be charged for estimated water loss. If a leak is not repaired, the water may be shut off until the leak is repaired.

(Ord. No. 5, 7-1-2000; Ord. of 5-7-2001; Ord. of 7-2-2003; Ord. of 4-15-2004)

Sec. 52.25. - Fire hydrants.

- (A) With the exception of the Volunteer Fire Department, no person, firm, or corporation shall open or cause to be opened any fire hydrant without first securing a "Permit to Use Fire Hydrant" and a hydrant meter from the city. A deposit in the amount set forth in [Section 52.67](#) shall be required. The person, firm, or corporation must report to the Water System Operator when the use is started and is terminated, at which time a hydrant inspection will be made and, if damage occurs to the hydrant, the cost of repairing the hydrant, if any, shall be deducted from the deposit and the difference (if any) refunded to the depositor. If the deposit is insufficient to cover the costs, the permit holder shall pay the deficit. User will pay for the water used as determined by the Water System Operator at the rate set by ordinance.
- (B) The Volunteer Fire Department shall notify the Water System Operator whenever fire hydrants are used.
- (C) The City Council must approve the type, size of openings, and types of nozzle thread on all hydrants installed on private property serviced by the Iron River Water System.
- (D) No person, firm, or corporation shall in any manner obstruct or prevent free access to or place or store temporarily or otherwise any object, material, snow, debris, automobile, or structure of any kind within a distance of 20 feet of any hydrant. The obstruction when discovered may be removed at once by the Council or its designated representative at the expense of the person, firm, or corporation responsible for the obstruction.
- (E) (1) An annual rental fee for each fire hydrant connected to the water system shall be charged to the city's General Fund as and for fire protection.  
(2) The annual hydrant rental rate shall be established by the Council, and paid quarterly, in advance, commencing immediately upon the establishment of the rental rate.

(Ord. No. 5, 7-1-2000; Ord. of 5-7-2001; Ord. of 7-2-2003; Ord. of 4-15-2004)

**Cross reference**— Penalty, see [Section 52.99](#).

Sec. 52.26. - Unlawful connections.

Unless by written approval of the city, no person shall make a connection on a service line between the water meter and the local distribution lines, or install a by-pass around the meter.

(Ord. No. 5, 7-1-2000; Ord. of 5-7-2001; Ord. of 7-2-2003; Ord. of 4-15-2004)

**Cross reference**— Penalty, see [Section 52.99](#).

Sec. 52.27. - Sale by owner unlawful.



It shall be unlawful for any owner or user to sell water or to make any connection through which water may pass from one property or premises to another, even if the ownership of the property or premises is the same, except as approved in writing by the city.

(Ord. No. 5, 7-1-2000; Ord. of 5-7-2001; Ord. of 7-2-2003; Ord. of 4-15-2004)

**Cross reference**— Penalty, see [Section 52.99](#).

Sec. 52.28. - Cross-connections control.

- (A) *Prohibition.* It shall be unlawful for any owner to install, and the city shall eliminate and prevent, all cross-connections, except as authorized by the city and approved by the Department of Public Health, state and federal agencies, pursuant to state and federal requirements, as the same may be amended from time to time.
- (B) *Inspections.* It shall be the duty of the city to cause inspections to be made of all premises served by the water distribution system where cross connection is deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the city.
- (C) *Right of entry.* A representative of the city shall have the right to enter at any reasonable time any property served by a connection to the water distribution system 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 city any pertinent information regarding the piping system or systems on the property, including current satisfactory inspection of check/backflow valves by a person licensed by the State of Michigan to make the inspections. The refusal to provide the information or access to the property, when reasonably requested, shall be deemed evidence of the presence of cross-connections.

(Ord. No. 5, 7-1-2000; Ord. of 5-7-2001; Ord. of 7-2-2003; Ord. of 4-15-2004)

**Cross reference**— Penalty, see [Section 52.99](#).

Sec. 52.29. - Protection of water supply.

The potable water supply made available on the premises served by the system shall be protected from possible contamination as specified by this chapter and by the State of Michigan's and any other applicable plumbing codes. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the water distribution system must be labeled in a conspicuous manner as water unsafe for drinking.

(Ord. No. 5, 7-1-2000; Ord. of 5-7-2001; Ord. of 7-2-2003; Ord. of 4-15-2004)

**Cross reference**— Penalty, see [Section 52.99](#).

Sec. 52.30. - Discontinuance of service.

In the event a user of the system desires water service to be discontinued, the user shall so request in writing not less than 48 hours prior to the time the discontinuance of service is desired. The city will not recognize the discontinuance of water service unless the provisions of the foregoing sentence have been fully met. Under any other circumstances, discontinuance of service will be charged to the customer at the actual cost of labor, materials, and equipment. The city may refuse to discontinue water service for any violation of any rule, regulation, or condition of service.

(Ord. No. 5, 7-1-2000; Ord. of 5-7-2001; Ord. of 7-2-2003; Ord. of 4-15-2004)

Sec. 52.31. - Shut-off of water.

- (A) The city reserves the right at all times (and will endeavor to give due notice) to shut off the water at the water mains or local distribution lines or to require reduced use or no use of the system for the purpose of making repairs or extensions or for other purposes. All persons having equipment on their premises and depending on water from the water mains or local distribution lines are hereby cautioned against danger which might arise from emergency shutting off of water. In the event of the emergency, the city may designate in any notice the extent of any regulation, limitation, or prohibition and the date on which it shall take effect.
- (B) There shall be a charge in the amount set forth in [Section 52.66](#) for shutting off the water supply and for turning on the water for resumption of the water supply when required by a consumer. In the event that any shutting off or turning on the water supply at any time required by a consumer is required to be done outside the regular working hours of the Water Department employees, including holidays and weekends, the consumer, in the event or events, shall pay, in addition to the charge set forth in [Section 52.66](#), all of the actual cost of the work in excess of the standard charge for each shutting off or turning on the water supply.

(Ord. No. 5, 7-1-2000; Ord. of 5-7-2001; Ord. of 7-2-2003; Ord. of 4-15-2004)

Sec. 52.32. - Additional regulations.

The Council may make and issue additional rules and regulations concerning the water distribution system, connections thereto, meter installations and maintenance, connection and meter installation fees, hydrants and water mains and the appurtenances thereto, not inconsistent herewith.

(Ord. No. 5, 7-1-2000; Ord. of 5-7-2001; Ord. of 7-2-2003; Ord. of 4-15-2004)

Sec. 52.33. - Other laws.

If any statutes of the State of Michigan shall impose greater restrictions than herein set forth, then the ordinances or statutes shall control.

(Ord. No. 5, 7-1-2000; Ord. of 5-7-2001; Ord. of 7-2-2003; Ord. of 4-15-2004)

Sec. 52.34. - Water line maintenance.

- (A) It is the responsibility of the city to maintain the water mains and the service (lateral) lines to the curb stop (shut off valve) or to the property line if the curb stop lies outside of the property line.
- (B) It is the responsibility of the customer to maintain the service line from the curb stop or their property line, if the curb stop lies outside of the property line, to the point of use.
- (C) The cost of thawing frozen water mains and frozen service lines to the curb stop or property line, if the curb stop lies outside of the property line, is the responsibility of the city. The cost of thawing the service line from the curb stop or property line, if the curb stop lies outside of the property line, to the point of use, is the responsibility of the customer.
- (D) If a city employee is called out to locate a frozen line outside of normal working hours and the line is frozen in an area of the customer's responsibility, the customer will be assessed a call-out fee using existing standard rates established each July. If the line is frozen in an area of customer's responsibility and the city thaws or arranges to thaw the frozen water line of the customer's responsibility, all costs incurred will be assessed to the customer. If a city employee is called out by a customer to detect a frozen water line and it is in an area of the city's responsibility, no assessments will be made to the customer.
- (E) If a customer has concerns that the service line to the point of use may freeze, they may choose to let the water run to help prevent freezing. However, the customer will not receive a water use credit unless given explicit authorization in advance to do so from the City Manager.
- (F) The city will continuously assess the likelihood of water lines freezing. If it is determined that an individual area or small area is in danger of having water lines freezing, the City Manager, or his designee, will personally contact those customers in the affective area to authorize a "let run" water usage credit. If the City Manager determines there is a widespread predictability of water lines freezing, the manager may authorize a citywide "let run" water usage credit. Water customers will be notified of a citywide "let run" authorization through public media outlets, postings in City Hall, the city's webpage and on the city's Facebook page.
- (G) Customers authorized to receive a water usage credit will have their bill adjusted to normal, historical winter usage.
- (H) This section is not meant to alter, shift, expand, or diminish any duties or responsibilities of the city or the water customer that currently exist under other sections of the City Water Ordinance.

(Ord. No. 2018-03, 3-21-2018)

ARTICLE III. - CONTROLLED USE

Sec. 52.45. - Limitation of water use.

The Council may regulate, limit, or prohibit the use of water for any purpose. The regulations shall restrict less essential water uses to the extent deemed necessary to assure an adequate supply for essential domestic and commercial needs and for firefighting. No regulation, limitation, or prohibition shall be effective until 24 hours after the publication thereof in a newspaper of general circulation in the city, except in an emergency as may be determined by the City Manager of the city. In case of an emergency, the regulation, limitation, or prohibition shall be and take effect as indicated by the Mayor and notice shall be given on a local radio station. Any person violating the rule or regulation shall, upon conviction thereof, be punished as prescribed in this chapter.

(Ord. No. 5, 7-1-2000; Ord. of 5-7-2001; Ord. of 7-2-2003; Ord. of 4-15-2004)

ARTICLE IV. - WATER RATES AND CHARGES

Sec. 52.60. - Applicability.

- (A) The City Council shall establish rates for system usage that shall be sufficient to provide for the payment of the expenses of administration and operation and the expenses for maintenance of the system as are necessary to preserve the same in good repair and working order, and to provide for the other expenditures and funds for the system as this chapter may require.
- (B) The rates for use of the system shall be based on the following:
  - (1) Debt retirement charge.
  - (2) *O.M.&R. charges*. The charge levied to all users for operation, maintenance, replacement, and customer-related administrative costs, such as

preparing bills and collecting charges, associated with the system.

(3) *Water usage.* The usage of city water and the capacity of the meter monitoring water usage on the premises.

(4) *Fines and penalties.* State, federal statutes, regulations or court orders imposing or assessing fines or penalties associated with the city's water distribution system.

(Ord. No. 5, 7-1-2000; Ord. of 5-7-2001; Ord. of 7-2-2003; Ord. of 4-15-2004; Ord. of 7-31-2013)

**Cross reference—** Penalty, see [Section 52.99](#).

Sec. 52.61. - Water districts.

In establishing charges and fees, the city may create water districts, which upon the facts surrounding their existence, condition, and unpaid debt associated with their construction would form a reasonable basis for creation of a separate district leading to different charges and fees for each separate water district or allocation of same.

(Ord. No. 5, 7-1-2000; Ord. of 5-7-2001; Ord. of 7-2-2003; Ord. of 4-15-2004)

Sec. 52.62. - Commodity charge.

(A) A commodity charge shall be payable by every user of the system based on water consumption as determined by the meter installed on the premises.

(B) In identifying a user for the purpose of assessing monthly commodity charges, each residential or commercial structure connected to the system shall be a user.

(Ord. No. 5, 7-1-2000; Ord. of 5-7-2001; Ord. of 7-2-2003; Ord. of 4-15-2004; Ord. of 7-31-2013)

Sec. 52.63. - Water outside the city limits.

The rates charged users/property owners of water service furnished outside the city corporate limits shall be in accordance with contracts executed between the City of Iron River and the governmental units receiving the water service.

(Ord. No. 5, 7-1-2000; Ord. of 5-7-2001; Ord. of 7-2-2003; Ord. of 4-15-2004)

Sec. 52.64. - Reserved.

Sec. 52.65. - Meter installation charge.

A meter installation charge based on the actual cost of labor, equipment, materials, and administrative cost shall be paid by the user at the time service is requested.

(Ord. No. 5, 7-1-2000; Ord. of 5-7-2001; Ord. of 7-2-2003; Ord. of 4-15-2004)

**Cross reference—** Penalty, see [Section 52.99](#).

Sec. 52.66. - Meter test charge.

A meter test charge in the amount set by the City Council shall be paid by the person requesting the meter test at the time of the request. For meters larger than two inches, or for any size meter of the compound type, the meter test charge shall be determined by the Water Department based on the actual costs of labor, equipment, and material. For meters larger than two inches, or any meter of the compound type, a deposit in the amount established shall be paid at the time the test is requested.

(Ord. No. 5, 7-1-2000; Ord. of 5-7-2001; Ord. of 7-2-2003; Ord. of 4-15-2004; Ord. of 7-31-2013)

**Cross reference—** Penalty, see [Section 52.99](#).

Sec. 52.67. - Rates and charges.

(A) The City Council shall establish rates and charges for the following:

- (1) Fire hydrant annual rental rate per hydrant;
- (2) Fire hydrant deposit;
- (3) Water shut-off charge;
- (4) Water turn-on charge;
- (5) Delinquent turn-off penalty;
- (6) Delinquent turn-on penalty;

- (7) Tap-on charge less than one-inch line;
- (8) One inch and larger line shall be determined by the Water Department based on actual costs of labor, equipment, material, and administrative cost. Pavement removal and replacement shall be an additional charge;
- (9) Meter test charge; and
- (10) Rates.

(B) Minimum monthly commodity charge up to 4,000 gallons.

(C) Commodity charge in excess of 4,000 gallons per 1,000 gallons.

(D) *Unforeseen metered leaks.* When a premises experiences a catastrophic metered leak, which in the sole judgment of the City Manager is unforeseen and not due to inadequate maintenance, and metered usage exceeds the average monthly usage for the preceding six months by 10,000 gallons, the property owner may apply for an adjustment for the period during which the metered leak occurred. The adjustment may not exceed a one-month period and may be adjusted to reflect one-half of the gallons metered. This adjustment shall only be made available once every three years for each premise.

(Ord. No. 5, 7-1-2000; Ord. of 5-7-2001; Ord. of 7-2-2003; Ord. of 4-15-2004)

#### Sec. 52.68. - Review of rates and charges.

The Council shall annually review the rates and charges. A report of the review of the system shall be prepared by the City Manager prior to April 1, in each year, and presented to the Council recommending rates and charges to assure that all costs of the system will be recovered from users of the system.

(Ord. No. 5, 7-1-2000; Ord. of 5-7-2001; Ord. of 7-2-2003; Ord. of 4-15-2004)

#### Sec. 52.69. - Billing and penalties and remedies for nonpayment or late payment.

(A) The owner of the premises served by the system shall be liable for the water service provided to the premises.

(B) Bills for rates and charges as herein established shall be mailed to property owners monthly. All bills shall be payable on the 25<sup>th</sup> day of the month following the period of service and shall be payable to the city. If any bill shall not be paid as required, a late charge of ten percent of the amount billed shall be applied to the current amount past due and collected therewith. Penalty charges shall be compounded.

(C) Water service may be discontinued to any premises to enforce payment of delinquent rates and charges after the user has been given a ten-day written notice. Services so discontinued shall not be restored until the time as all the rates, charges, and penalties, as provided for in Section 52.67, are paid or satisfactory arrangements made for the payments thereof.

(Ord. No. 5, 7-1-2000; Ord. of 5-7-2001; Ord. of 7-2-2003; Ord. of 4-15-2004)

#### Sec. 52.70. - Unpaid charges.

Any rates or charges for water services remaining unpaid are made a lien on the premises served thereby, and are hereby recognized to constitute the lien and whenever the charge against any property shall be delinquent for 60 days, the local unit official or officials in charge of the collection thereof shall certify annually, not later than June 1 of each year, to the tax assessing officer of the local unit in which the premises is located, the fact of the delinquency, whereupon the charge shall be by him or her 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 taxes against the premises are collected and the lien thereof enforced.

(Ord. No. 5, 7-1-2000; Ord. of 5-7-2001; Ord. of 7-2-2003; Ord. of 4-15-2004)

#### Sec. 52.71. - Failure of system.

There shall be no reduction in water rates or charges in case of failure of the supply of water regardless of the reason for the failure.

(Ord. No. 5, 7-1-2000; Ord. of 5-7-2001; Ord. of 7-2-2003; Ord. of 4-15-2004)

#### Sec. 52.72. - Meter accuracy.

(A) A user may require that the meter be tested by paying the meter test charge.

(B) If the meter registers more than three percent over the actual flow, the meter will be repaired or replaced, the test charge will be refunded, and the bill will be reduced.

(C) If the meter registers from five percent under the actual flow to three percent over the actual flow, the meter is considered correct and no adjustments or refunds will be made.

(D) If the meter registers more than five percent under the actual flow, the meter will be repaired or replaced and the bill will be adjusted based on estimated usage.

(Ord. No. 5, 7-1-2000; Ord. of 5-7-2001; Ord. of 7-2-2003; Ord. of 4-15-2004)

## Sec. 52.99. - Penalty.

- (A) *Violation.* A person who violates any provision of this chapter is responsible for a municipal civil infraction, subject to a civil fine of not less than \$50.00 or more than \$500.00, plus cost and other sanctions as authorized by Public Act 236 of 1961, M.C.L.A. §§ 600.8701 to 600.8735, as amended.
- (B) *Civil action.* The city may institute any action at law or equity to compel compliance with this chapter or to collect amounts due under this chapter. If the action is instituted, the city shall recover the costs and expenses incurred to bring and maintain the action including, without limitation, actual reasonable attorneys' fees.

(Ord. No. 5, 7-1-2000; Ord. of 5-7-2001; Ord. of 7-2-2003; Ord. of 4-15-2004)

## TITLE VII - TRAFFIC CODE

## CHAPTER 70. - GENERAL TRAFFIC REGULATIONS

## ARTICLE I. - GENERAL PROVISIONS

## Sec. 70.01. - Uniform traffic code adopted.

- (A) *Code adopted.* The Uniform Traffic Code for cities, townships, and villages promulgated by the Director of State Police and published in the 1979 edition of the Michigan Administrative Code and amendments as published in the Quarterly Supplement No. 5 to the 1979 edition of the Michigan Administrative Code, in accordance with Public Act 62 of 1956, being M.C.L.A. §§ 257.951-257.955, is hereby adopted by reference as in this section modified.
- (B) *Referenced in code.* References in the Uniform Traffic Code for Michigan cities, townships, and villages to "governmental unit" shall mean the City of Iron River.
- (C) *Notice to be published.* The City Clerk shall publish this section in the manner required by law and shall at the same time publish a supplementary notice setting forth the purpose of the Uniform Traffic Code and of the fact that a complete copy of the code is available at the office of the Clerk for inspection by the public at all times.
- (D) *Effective date.* This section shall take effect 30 days after its adoption by the Iron River City Council.

(Ord. No. 2, 8-31-2000)

## ARTICLE II. - SNOWMOBILES

## Sec. 70.15. - Incorporation of statutory provisions.

Sections 70.15 et seq. hereby includes and incorporates by reference the entirety of Public Act 451 of 1994, M.C.L.A. §§ 324.82101 et seq., as amended, to provide for the regulation and registration of snowmobiles. It is the intention and plan of Section 70.15 et seq. to permit those actions which are lawful under state law and prohibit those actions which are not permissible under state law as pertains to snowmobiles.

(Ord. No. 21, 6-18-2001)

## Sec. 70.16. - General operation.

Snowmobiles, for the purpose of obtaining access to recognized snowmobile trails, and for the operator to purchase retail products and services in conjunction with snowmobiling, may, by the most direct route available, utilize Forbes Road and the public alleys located within the City of Iron River.

(Ord. No. 21, 6-18-2001)

## Sec. 70.17. - Use of alleys and public property.

No person shall operate a snowmobile upon Forbes Road or any public alley located within the City of Iron River at a rate of speed greater than walking speed, or, the rate of speed required to allow the snowmobile to continuously move in a forward direction, whichever is greater.

(Ord. No. 21, 6-18-2001)

**Cross reference—** Penalty, see Section 70.99.

## Sec. 70.18. - Effective date.

Section 70.15 et seq. shall be effective 30 days after adoption by the Iron River City Council.

(Ord. No. 21, 6-18-2001)

## ARTICLE III. - OFF-ROAD VEHICLES

## Sec. 70.30. - Incorporation of statutory provisions.

Section 70.30 et seq. hereby includes and incorporates by reference the entirety of Public Act 451 of 1994, M.C.L.A. §§ 324.81101 et seq., as amended, to provide for the regulation and registration of off-road vehicles. It is the intention and plan of Section 70.30 et seq. to permit those actions which are lawful under state law and prohibit those actions which are not permissible under state law as pertains to ORVs.

(Ord. No. 22, 7-18-2001; Ord. of 7-10-2002)

## Sec. 70.31. - General prohibition on operation; exceptions.

ORVs shall not be operated upon any city-owned property including, but not limited to, streets, alleys, sidewalks, parks, or pedestrian trails unless hereinafter provided. ORVs for the purpose of obtaining access to recognized off-road trails, and for the operator to purchase retail products and services in conjunction with ORV activity, may, by the most direct route available, utilize Forbes Road and the public alleys located in the City of Iron River and, in so doing, cross public streets and sidewalks intersected by public alleys in the most direct perpendicular manner available.

(Ord. No. 22, 7-18-2001; Ord. of 6-10-2002)

**Cross reference**— Penalty, see Section 70.99.

## Sec. 70.32. - Use of alleys and public property.

No person shall operate an ORV upon Forbes Road or any public alley located within the City of Iron River at a rate of speed greater than walking speed, or, the rate of speed required to allow the ORV to continuously move in a forward direction, whichever is greater.

(Ord. 22, 7-18-2001; Ord. of 6-10-2002)

**Cross reference**— Penalty, see Section 70.99.

## ARTICLE IV. - SKATEBOARDS

## Sec. 70.40. - Prohibition of skateboard use.

- (A) The following words, terms and phrases being used in this section shall have the meaning ascribed to them in this section except for when the contents clearly indicates a different meaning:
- (1) *Downtown business district*. The area bounded on the west by the sidewalk running along the south side of Fifth Avenue; on the south, by the east right-of-way limit of Lalley Avenue; on the north, by the north right-of-way limit of the alley running immediately north of Adams Street; on the south, by the south right-of-way limit of the alley, running immediately south and parallel to Genesee Street.
  - (2) *Hilltop business district*. Within the street or sidewalk right-of-ways of Lay Avenue, commencing at the intersection of Genesee Street and continuing south along Lay Avenue until it turns into Washington Avenue then continuing south along Washington Avenue to Evergreen Street.
  - (3) *Parking lot*. Any parking lot designed for the parking of motor vehicles which is owned by the city and described as: The north one-half of Block 14; the south one-half of Block 21; the south one-half of Block 22; and the south one-half of Block 23; all of the Original Plat of the City of Iron River, according to the recorded Plat thereof.
  - (4) *Skateboard*. A single platform mounted on wheels, which is propelled solely by human power and has no mechanism or other device with which to steer or control movement or direction of the platform.
- (B) Skateboarding shall be prohibited within the Downtown Business District, the Hilltop Business District and city-owned parking lots.

(Ord. No. 24-2006, 6-21-2006)

**Cross reference**— Penalty, see Section 70.99.

## ARTICLE V. - PERMISSIBLE TRUCK ROUTES

## Sec. 70.55. - Promulgation and incorporation of rules by reference.

The State Transportation Department, pursuant to Act No. 1306 of Public Acts of Michigan of 1969 (MCL 24.201 et seq.), as amended, has promulgated rules permitting and regulating the operation of a vehicle of a weight which exceed the weight limitations in this subchapter. The rules and regulations, pursuant to MCL 24.201 et seq., as amended, are hereby incorporated by referenced into the provisions of this subchapter.

(Ord. No. 1-2016, 8-17-2016)

Sec. 70.56. - Exceptions.

The provisions of this subchapter governing weight and load shall not apply to fire apparatus, emergency vehicles, school buses, utility vehicles, an implement of husbandry incidentally moved upon a highway, vehicles operated by the city in connection with the rendering of necessary service to the residents of the city, or a vehicle operated under the terms of a special permit issued as provided in the subchapter.

(Ord. No. 1-2016, 8-17-2016)

Sec. 70.57. - Violation of general provisions.

Unless specifically declared to be a civil infraction, it is a misdemeanor for a person to drive or move or for the owner to cause or permit to be driven or moved on a highway or street a vehicle or vehicles of a weight exceeding the limitations stated in this subchapter or otherwise in violation of this subchapter. The maximum weight specified in this subchapter shall be lawful throughout the city.

(Ord. No. 1-2016, 8-17-2016)

Sec. 70.58. - Permissible truck routes.

(A) *Generally.* It shall be unlawful for any truck or other commercial vehicle, whether loaded or unloaded, weighting or having a gross vehicle weight rating (GVWR) of more than 30,000 pounds to be operated or parked on any street in the city except those streets hereinafter designated as "permissible truck routes;" except that such vehicles may be operated thereon for the purpose of delivering or picking up materials or merchandise and then only with proof of the delivery address and by entering such street at the nearest intersection to a permissible truck route and taking the shortest route to the destination. On street designated as permissible truck routes, other parking restrictions notwithstanding, no truck shall park at any time except while loading and unloading, and such times shall in no event exceed one hour.

(B) *List of streets.* The street herein above referred to as "permissible truck routes" are hereby designated as follows:

- (1) All of U.S. Highway 2 as it passes through the city;
- (2) Michigan Highway M-189, which includes:
  - (a) Fourth Avenue South of U.S. Highway 2; and
  - (b) Seldon Road;
- (3) Homer Road;
- (4) Forbes Road from Homer Road east one-half mile; and
- (5) Spruce Street.

(C) *Posting.* The permissible truck routes established in this subchapter shall be designated by appropriate signs placed on the highways and streets of the same. The design and placement of the signs shall be consistent with the requirements of the Uniform Traffic Code.

(Ord. No. 1-2016, 8-17-2016)

Sec. 70.59. - Definitions.

Except as otherwise specifically stated, the following definitions shall apply for the purposes of this subchapter.

*City.* The City of Iron River, State of Michigan.

*Commercial motor vehicle.* A vehicle constructed or used of the transportation of goods, wares, or merchandise, and/or other motor vehicles, other than a mobile home, having a gross vehicle combination weight rating of 30,001 or more pounds. A commercial motor vehicle does not include a vehicle used exclusively to transport personal possessions or family members for nonbusiness purposes.

*Gross combination weight rating or GCWR.* The value specified by the manufacturer as the loaded weight of a single vehicle.

*Gross weight.* The weight of a vehicle without a load plus the weight of any load thereon.

*Highway or street.* The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel, notwithstanding that they may be temporarily closed or travel restricted for the purpose of construction, maintenance, repair or reconstruction.

*Local authorities.* The City Manager or his/her designee.

*Motor vehicle.* Every motor vehicle which is self-propelled.

*Person.* Every natural person, partnership, firm, association, company, syndicate or corporation, and any receiver, trustee, conservator or officer having jurisdiction and control of property by virtue of a law or by appointment of a court.

*Truck.* A motor vehicle designed, used or maintained primarily for the transportation of property and every commercial motor vehicle.

(Ord. No. 1-2016, 8-17-2016)

Sec. 70.60. - Special permits for nonconforming vehicles.

- (A) Local authorities with respect to streets under their jurisdiction, upon application in writing and good cause being shown, may issue a special permit authorizing the applicant to operate or move a vehicle of a weight exceeding the maximum specified in this subchapter or otherwise not in conformity with this subchapter upon a street under the jurisdiction of the local authority.
- (B) The application for a special permit shall be on a form prescribed by the local authority and shall specifically described the vehicle and load to be operated or moved and the particular street upon which the permit to operate is required.
- (C) A permit shall specify the trip or trips and date or dates for which it is to be valid and the local authority may restrict or prescribe conditions of operation of the vehicle. If necessary, to protect the safety of the public or to insure against undue damage to the road foundations, structures or installations, and may require a reasonable inspection fee and other security as may be considered necessary to compensate for damages caused by the movement. A permit may be issued on an annual basis.
- (D) A permit issued under this subchapter shall be carried in the vehicle to which it refers and shall be open to inspection by a law enforcement officer. A person shall not violate any of the terms or conditions of the special permit.
- (E) The Iron River City Council may establish a fee schedule for issuance of special permits.

(Ord. No. 1-2016, 8-17-2016)

Sec. 70.61. - Powers of law enforcement.

Any law enforcement officer having reason to believe that the weight of a vehicle or a load is in violation of any provision of this subchapter may require the driver to stop and the officer may investigate, weight the vehicle and weight the load. If after personally investigating or weighing, the officer determines that the load or weight of a vehicle are in violation of the requirements of this subchapter, the officer may temporarily detain the driver of the vehicle for purposes of making a record, may make an arrest for the violation, and may proceed as otherwise provided by law.

(Ord. No. 1-2016, 8-17-2016)

Sec. 70.99. - Penalty.

- (A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to Section 10.99.
- (B) A person who violates any provision of Section 70.15 et seq. is responsible for a civil infraction, subject to a civil fine of not more than \$500.00 as authorized by Public Act 451 of 1994, M.C.L.A. § 324.82101 et seq., as amended.
- (C) (1) A violation of Section 70.40 is a civil infraction and is subject to a fine of not more than \$25.00 for a first offense, \$50.00 for a second offense, \$100.00 for a third offense and any subsequent violation thereafter committed.
- (2) A Police Officer or other law enforcement agent may confiscate the skateboard and obtain the person's name, address, telephone number and age. Skateboards confiscated under this section shall be returned to the person 17 years of age or older, not earlier than 24 hours after the violation, upon their appearance at the Police Department and the execution of the declaration of ownership. Skateboards confiscated from those persons under the age of 17 shall be returned not earlier than 24 hours after the violation, to the persons parent or guardian upon the appearance at the Police Department and the execution of the declaration of ownership. If the skateboard confiscated under this section is in the possession of a person other than the owner of the skateboard, the skateboard shall be returned not earlier than 24 hours after the violation, to the owner or the parent or guardian of the owner. If the owner is under 17 years of age, the skateboard shall be returned upon the appearance of the owner, or the parent or guardian of the owner, at the Police Department and an execution of the declaration of ownership.
- (D) A person who violates any provision of Section 70.30 et seq. is responsible for a municipal civil infraction, subject to a civil fine of not less than \$50.00 or more than \$500.00, plus cost and other sanctions as authorized by Public Act 236 of 1961, M.C.L.A. §§ 600.8701 to 600.8735, as amended.
- (E) Persons who violate provisions of Section 70.55 et seq. shall be guilty of a misdemeanor punishable by a fine of not more than \$500.00 plus the costs of prosecution or by imprisonment for not more than 90 days, or both.

(Ord. No. 21, 6-18-2001; Ord. No. 22, 7-18-2001; Ord. of 6-10-2001; Ord. No. 24-2006, 6-21-2006; Ord. No. 1-2016, 8-17-2016)

CHAPTER 71. - GENERAL PARKING REGULATIONS

*Footnotes:*

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**Cross reference**— *General Traffic Regulations, see Chapter 70.*

Sec. 71.01. - Definitions.



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

*Owner.* Any person, individual, firm, copartnership, corporation, or association in whose name there is a registered legal title to the vehicle, and also any person, individual, firm, copartnership, corporation, or association which has custody, control, or possession of the vehicle under any lease, bailment, rent-purchase contract, or any other like agreement or arrangement with the registered owner of the vehicle. If more than one owner appears on the registered legal title, than, in that case, the first listed person or entity shall be the owner.

*Parking.* Allowing a vehicle to stand or remain upon any street, whether or not attended or occupied, except when actually engaged in loading or unloading or when obeying traffic signals or regulations.

*Street.* Any public street, avenue, road, boulevard, highway, alley, or other public place located in the city and established for the use of vehicles.

*Vehicle.* Any device by which any person or property may be transported upon a street, including, but not limited to: motor vehicles, travel trailers, and utility trailers, except the vehicles as operate or are operated upon rails or tracks.

(Ord. No. 15, 8-31-2000)

Sec. 71.02. - Prohibited parking.

- (A) The following methods and manner of parking vehicles shall be subject to a municipal civil infraction and subject to the fines set forth therewith.
- (B) (1) The stopping, standing, or parking of a vehicle, except when necessary to avoid conflict with traffic or the direction of a police officer, in violation of any legally established parking restrictions or prohibitions duly posted by sign in accordance with the ordinances of the city. Penalties for violation of this division (B)(1) shall be as follows:
- (a) First hour .....\$10.00
  - (b) Each additional hour .....\$5.00
- (2) Failure to park with wheels parallel to the roadway and within 12 inches of any existing right-hand curb .....\$15.00
  - (3) Failure to park with wheels adjacent to and within 12 of left-hand curb or properly signed 1-way street .....\$15.00
  - (4) Stopping, standing, or parking a vehicle other than at the angle to the curb or edge of the roadway indicated by the signs or markings .....\$15.00
  - (5) Leaving a vehicle standing unattended without effectively setting the brakes thereon and stopping the motor of the vehicle and, when standing upon any grade, without turning the front wheels of the vehicle to the curb or side of highway .....\$25.00
  - (6) Leaving a vehicle standing unattended on any street, highway, or alley without first removing from the vehicle the key to the ignition, ignition switch, or other starting mechanism of the motor vehicle .....\$25.00
  - (7) Parking on street in a manner or under the conditions as to leave available insufficient width of the roadway for free movement of vehicular traffic .....\$25.00
  - (8) Parking on sidewalk .....\$15.00
  - (9) Parking in front of a public or private driveway .....\$15.00
  - (10) Parking within an intersection .....\$15.00
  - (11) Parking within 15 feet of a fire hydrant .....\$20.00
  - (12) Parking on a crosswalk .....\$15.00
  - (13) Parking within 20 feet of a crosswalk, or if none, then within 15 feet of the intersection of property lines at an intersection of streets or highways .....\$15.00
  - (14) Parking within 30 feet upon the approach of any flashing beacon, stop signs, or traffic-control signal located at the side of a street or highway .....\$25.00
  - (15) Parking within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station; within 85 feet of the entrance when properly signposted .....\$20.00
  - (16) Parking alongside or opposite any street excavation or obstruction when the stopping, standing, or parking would obstruct traffic .....\$20.00
  - (17) Parking on the highway side of any vehicle stopped or parked at the edge of the curb of a street .....\$15.00
  - (18) Parking in any place or in any manner so as to block immediate egress from any emergency exit or exits, conspicuously marked, of buildings .....\$25.00
  - (19) Parking in any place or in any manner so as to block or hamper immediate use of and immediate egress from any fire escape, conspicuously marked, providing an emergency means of egress from any building .....\$25.00
  - (20) Parking within 50 feet of any fire truck, pumper, or any other type or kind of fire apparatus located at the place of any fire, explosion, collision, or other disaster of hazardous incident .....\$20.00
  - (21) Parking in any place or in any manner so as to block or hamper the immediate use of any entrance or drive way to any public building, public park, or cemetery .....\$20.00
  - (22) The stopping, standing, or parking of a vehicle, except when necessary to avoid conflict with traffic or the direction of a police officer, in violation of

any legally established parking restrictions or prohibitions duly posted by sign in accordance with the ordinances of the city .....\$25.00

(23) The parking of a vehicle in a public alley except when authorized by law .....\$20.00

(24) The stopping, standing, or parking of a vehicle in an unloading, delivery, or pickup zone except as may be permitted by law .....\$15.00

(25) The parking of a vehicle upon or across a line or mark designating a parking space .....\$10.00

(26) Parking on wrong side of street so that the front of the vehicle is facing oncoming traffic .....\$10.00

(27) Parking on any city street for a continuous period exceeding 72 hours without first obtaining a permit from the Chief of Police, who may issue the permit, but in no case shall the permit allow the parking of a vehicle for any period exceeding two weeks .....\$25.00

(Ord. No. 15, 8-31-2000)

**Cross reference—** Penalty, see Section 71.99.

Sec. 71.03. - Seasonal overnight parking restrictions.

It shall be unlawful, where parking is not otherwise prohibited, for any person to stop, stand, park, or leave unattended a motor vehicle on any paved street or public thoroughfare described in this chapter between the hours of 2:30 a.m. and 7:30 a.m. (Central Time) on the days and months as follows: on any street or public thoroughfare of the city during the months of October, November, December, January, February, March, and April, after the time during the months when the Police Department has given public notice in the local newspaper that the winter night street parking restrictions are in effect for snow removal from the streets.

(Ord. No. 15, 8-31-2000)

**Cross reference—** Penalty, see Section 71.99.

Sec. 71.04. - Parking violations bureau.

(A) Pursuant to § 8395 of the Revised Judicature Act, as amended by Public Act 154 of 1968, M.C.L.A. § 600.8395, as amended, a Parking Violations Bureau, for the purpose of handling alleged parking violations with the city, is hereby established. The Parking Violations Bureau shall be under the supervision and control of the City Clerk.

(B) (1) *Location; appointment of employees; operating procedures.* The City Clerk shall, subject to the approval of the City Council, establish a convenient location for the Parking Violations Bureau, appoint qualified city employees to administer the Bureau, and adopt rules and regulations for the operation thereof.

(2) *Jurisdiction.* Only violations scheduled in Sections 71.02 and 71.03 shall be disposed of by the Parking Violations Bureau. The fact that a particular violation is scheduled shall not entitle the alleged violator to disposition of the violation at the Bureau and, in any case, the person in charge of the Parking Violations Bureau may refuse to dispose of the violation, in which case any person having knowledge of the facts may make a sworn complaint before any court having jurisdiction of the offense as provided by law.

(3) *Settlement of violations at violator's request.* No violation may be settled at the Parking Violations Bureau except at the specific request of the alleged violator. No penalty for any violation shall be accepted from any person who denies having committed the offense and in no case shall the person who is in charge of the Bureau determine, or attempt to determine, the truth or falsity of any fact or matter relating to the alleged violation. No person shall be required to dispose of a parking violation at the Parking Violations Bureau and all persons shall be entitled to have the violation processed before a court having jurisdiction thereof if they so desire. The unwillingness of any person to dispose of any violation at the Parking Violations Bureau shall not prejudice him or her or in any way diminish the rights, privileges, and protection accorded to the person by law.

(4) *Contents of violation notice.* The issuance of a traffic ticket or notice of violation by a police officer of the city shall be deemed an allegation of a parking violation. The traffic ticket or notice of violation shall indicate the length of time in which the person to whom the same was issued must respond before the Parking Violations Bureau. It shall also indicate the address of the Bureau, the hours during which the Bureau is open, the amount of the penalty scheduled for the offense for which the ticket was issued, and advise that a civil infraction will issue to the person to whom the ticket was issued if the person fails to respond within the time limited.

(Ord. No. 15, 8-31-2000)

**Cross reference—** Penalty, see Section 71.99.

Sec. 71.05. - Effective date.

As a temporary ordinance, this chapter shall be effective upon publication. As a general ordinance, this chapter shall be effective 30 days after adoption by the Iron River City Council.

(Ord. No. 15, 8-31-2000)

Sec. 71.99. - Penalty.

- (A) Any person who violates any of the provisions of Section 71.03 shall be fined \$20.00, provided further that in the event it is necessary to remove any unlawfully parked motor vehicle to facilitate street cleaning, including snow removal cleaning, the motor vehicle shall be impounded by order of the Police Department; the owner shall be required to pay the impounding costs and towing costs prior to the return of the vehicle, over and above any fine and costs.
- (B) The Parking Violations Bureau shall accept pleas of guilty and assess fines and costs to offenses as set forth in the Uniform Traffic Code and this chapter. The failure of the owner or operator to make payment to the City Clerk as aforesaid within 15 days shall render the owner or operator subject to payment of a civil fine as provided in the schedule below.
- (1) *First violation.* Any person who admits responsibility for, or who is found responsible for, a violation of this chapter shall be subject to a civil fine of \$50.00.
- (2) *Second violation.* Any person who admits responsibility for, or who is found responsible for, a second violation of this chapter in any 12-month period shall be subject to a civil fine of \$100.00.
- (3) *Third and subsequent violations.* Any person who admits responsibility for, or who is found responsible for, a third or subsequent violation of this chapter in any 12-month period shall be subject to a civil fine of \$200.00.
- (4) *Juveniles.* If the person cited for a violation of this chapter is under the age of 17 at the time of the occurrence of the violation, the juvenile division of the Probate Court for the County of Iron has jurisdiction over the proceedings and shall proceed to hear and dispose of the case as provided by Chapter XIA of Public Act 288 of 1939, M.C.L.A. §§. 712A.1 to 712a.32 of the Michigan Compiled Laws.

(Ord. No. 15, 8-31-2000)

## TITLE IX - GENERAL REGULATIONS

### CHAPTER 90. - ANIMALS

#### Sec. 90.01. - Animal control.

- (A) It shall be unlawful for any person to fail to exercise proper care and control of his or her domestic animal(s) and to prevent the domestic animal(s) from becoming a public nuisance. Excessive, continuous, or untimely barking, attacking passersby, chasing vehicles, repeatedly attacking other domestic animals, trespassing upon school grounds, or trespassing upon private property in a manner as to damage property, shall be deemed to be a nuisance.
- (B) No more than three dogs, three cats, or the combination of any three dogs or cats, may be maintained at any residential unit.

(Ord. No. 7, 8-31-2000; Ord. No. 2018-04, 9-19-2018)

**Cross reference—** Penalty, see Section 90.99.

#### Sec. 90.02. - Feeding of certain animals, birds and waterfowl.

- (A) *Definitions.* For purposes of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

*Certain animals, birds and waterfowl.* Deer, moose, bear, coyote, fox wolf, raccoon, ducks, geese, swans, seagulls, crows, turkeys and pigeons which reside or otherwise spend time in this area on either a temporary or permanent basis, both wild, domestic, or held in captivity.

*Deer.* Any ruminant animal of the family of Cervidae having deciduous antlers, usually in the male only.

*Feed or feeding.*

- (1) The intentional act of furnishing of, or otherwise making available, any human food, pet food, hay, forage product or supplement, or other substance which is likely to be consumed by certain animals, birds and waterfowl; or
- (2) To give or supply food to and/or providing items of nourishment which are likely to attract certain animals, birds and waterfowl.

*Natural unintentional feeding.* Food or other substances consumed by certain animals, birds and waterfowl produced by, or existing in nature; not items that are artificial or brought to or transferred to a particular place from another location.

- (B) *Purpose.* It is the purpose of this section to prevent such conduct that may attract and concentrate certain animals, birds and waterfowl within the city limits of the city as it has been determined that the presence of certain animals, birds and waterfowl especially in large numbers, poses a public health nuisance by contaminating drinking water supplies, beaches, swimming facilities and the private property of residents of the city. It has also been determined that the congregation of certain animals, birds and waterfowl create a hazard to motorists.

- (C) *Feeding or encouraging prohibited.*

- (1) It shall be unlawful for any person to knowingly or intentionally keep, maintain or cause to be fed or provide or make available food or other substance for the consumption by certain animals, birds and waterfowl as described by this section within the city, either on private property or on public property, excepting that feeding activity further described in subsection (C)(3) below.
- (2) No person shall create or foster any condition, or allow any condition to exist or continue, which results in a congregation, congestion or other grouping of certain animals, birds and waterfowl as described by this section.

- (3) This section shall not apply to feeding activities supervised and conducted by the city in conjunction with its city parks, or by the city in the conduct of m practices for the control of certain animals, birds and waterfowl as defined by this section. This section shall not apply to a person engaged in the feedin songbirds so long as the food and manner of feeding is not attracting certain animals, birds, waterfowl as described in this section. This section shall not natural conditions which result in unintentional feeding such as the cultivation of a lawn, garden or landscaping, nor shall it apply to natural, unintentior as described in this section.

(Ord. No. 34-2012, 4-18-2012)

Sec. 90.99. - Penalty.

- (A) Any violation of Section 90.01 shall be a municipal civil infraction punishable according to the following schedule of fines.
- (1) *First violation.* Any person who admits responsibility for, or who is found responsible for, a violation of Section 90.01 shall be subject to a civil fine of \$25.00.
  - (2) *Second violation.* Any person who admits responsibility for, or who is found responsible for, a second violation of Section 90.01 in any 12-month period shall be subject to a civil fine of \$50.00.
  - (3) *Third and subsequent violations.* Any person who admits responsibility for, or who is found responsible for, a third or subsequent violation of Section 90.01 in any 12-month period shall be subject to a civil fine of \$200.00.
- (B) *Enforcement, penalty; civil infraction; nuisance.*
- (1) Any person violating any provision of Section 90.02 shall be responsible for a municipal civil infraction. The penalty for the first offense shall be \$50.00 and for the first repeat offense \$150.00. Repeat offense shall be determined as defined in Section 31.02 of the Iron River Code of Ordinances. For any second or subsequent repeat offense, the fine shall be no more than \$500.00.
  - (2) It shall be the duty of the Chief of Police of the city or his authorized representative to enforce the provisions of this section.
  - (3) If, after investigation, the Chief of Police of his authorized representative determines that a violation of Section 90.02, he shall be authorized to issue a municipal civil infraction notice and/or a municipal civil infraction citation to any person that is responsible for violating the provisions of Section 90.02. Service of said civil infraction citation or civil infraction notice shall be made in accordance with Section 31.04 of the Iron River Code of Ordinances.
  - (4) Permitting a violation of Section 90.02 on private premises is hereby declared to constitute a nuisance per se. Upon application to any court of competent jurisdiction, the court may order the nuisance abated and/or the violation restrained and enjoined. The enforcement of Section 90.02 by abatement of any nuisance by the enforcing officer or by application to any court of competent jurisdiction for abatement by judicial decree or writ shall not preclude enforcement of Section 90.02 by the issuance of a municipal civil infraction and the imposition of fine and costs herein provided.

(Ord. No. 7, 8-31-2000; Ord. No. 34-2012, 4-18-2012)

CHAPTER 91. - NUISANCES

*Footnotes:*

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**Cross reference—** *General Offenses, see Title XIII.*

ARTICLE I. - NOISE

Sec. 91.01. - Unlawful noise prohibited.

- (A) It shall be unlawful for any person, firm, business, or corporation, to make or cause any loud, unnecessary, or unusual noise, or any noise which annoys or disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others within the limits of the city.
- (B) The following acts, among others, are declared to be loud, disturbing, injurious, and unnecessary and unlawful noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:
- (1) Continuous horn, signaling devices, compression brakes, or any harsh and unreasonable loud sounds emanating from a motor vehicle;
  - (2) Using radios, T.V. sets, musical instruments, loud speakers, amplifiers, or other machines or devices for the producing or reproducing of sound in a manner as to disturb the peace, quiet, and comfort of any person in the vicinity with louder volume than necessary for the person or persons who are in the room, vehicle, or chamber in which the machine or device is operating;
  - (3) Continuous yelling or shouting on the public street at any place or time, disturbing any person in the vicinity;
  - (4) The keeping of any animal causing long and continued noises disturbing the comfort, peace, or repose of any person in the vicinity; and/or
  - (5) The operation of any electric motors, compressors, or internal combustion engines on parked vehicles, or other construction equipment between the hours of 11:00 p.m. and 6:00 a.m.(Central Time).

(Ord. No. 11, 8-31-2000)

Cross reference— Penalty, see Section 91.99.

Sec. 91.02. - Exceptions.

None of the terms or provisions of Section 91.01 shall apply to or be enforced against:

- (A) *Emergency vehicles.* Any police or fire vehicle, or ambulance while responding to, or engaged in, an emergency; and/or
- (B) *Special events.* Any participant in a football game, parade, or other special, lawful public event.

(Ord. No. 11, 8-31-2000)

Sec. 91.03. - Effective date.

- (A) As a temporary ordinance, Section 91.01 et seq. shall be effective upon publication.
- (B) As a general ordinance, Section 91.01 et seq. shall be effective 30 days after adoption by the Iron River City Council.

(Ord. No. 11, 8-31-2000)

ARTICLE II. - BLIGHT CONTROL

Sec. 91.15. - Definitions.

For the purpose of Section 91.15 et seq., the following definitions shall apply unless the context clearly indicates or requires a different meaning.

*Junk.* Shall include, without limitation, parts of machinery or motor vehicles, unmounted motor vehicle tires, broken and unusable furniture, unusable stove, refrigerators or other appliances stored in the open, remnants of wood, metal, cast off household items and fixtures, broken toys and bicycles, broken lawn furniture, or other material of any kind, whether or not the same could be put to any reasonable use.

*Junk motor vehicle.* Shall include, without limitation, a motor vehicle which is incapable of being self-propelled upon the public streets, or which does not meet the requirements for operation upon the public streets, including a current license.

*Person.* One or more persons of either sex, firms, corporations, partnerships, associations, unincorporated voluntary clubs, and associations.

*Structure.* Anything constructed or erected, the use which requires permanent location on the ground or attachment to something having location at such location. Structures include, but are not limited to, principal and accessory buildings, towers, decks, fences, privacy screens, walls, antennae, swimming pools and signs.

(Ord. No. 12, 9-30-2000; Ord. of 5-21-2001; Ord. of 6-23-2004; Ord. of 7-2-2009)

Sec. 91.16. - Enumerated and prohibited.

- (A) It is hereby determined that the following uses, structures, and activities are causes of blight or blighting factors which, if allowed to exist, will tend to result in blighted and undesirable neighborhoods and nuisance to surrounding properties.
- (B) No person shall maintain or permit to be maintained any of the following cause of blight or blighting factors upon any property in the city, owned, leased, rented, or occupied by the person:
  - (1) *Storage of building materials in residential areas.* In any area zoned for residential purposes, the storage upon any property of building materials, unless there is in force a valid building permit issued by the city, or its designated agent, for construction upon the property and the materials are intended for use in connection with the construction. Building materials shall include, but shall not be limited to, lumber, bricks, concrete, or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used in construction of any structure;
  - (2) *Storage of junk, refuse, and the like.* In any area, the storage or accumulation of junk, junk motor vehicles, trash, rubbish, or refuse of any kind, except domestic refuse stored in a manner as not to create a nuisance;
  - (3) *Uninhabitable or useless structures.* In any area, the existence of any structure or part of any structure which, because of fire, wind, or other natural disaster, or physical deterioration, is structurally unsound no longer habitable, as a structure, nor useful for any other purpose for which it may have been intended;
  - (4) *Structure out of repair.* In any area, a structure or the parts thereof that are not kept in good repair, including plumbing, heating, ventilating, and electrical wiring. The roof shall be so maintained as not to leak, so as to avoid dampness in the walls and ceilings and unsanitary conditions;
  - (5) *Partially completed structures.* In any area, the existence of any partially completed structure, unless the structure is in the course of construction in accordance with a valid and subsisting a building permit issued by the city or its designated agent and unless the construction is completed within a reasonable time; and
  - (6) *Unprotected vacant buildings.* In any area, the existence of any vacant dwelling, garage, or other building, unless the buildings are kept securely

locked, windows kept glazed or neatly boarded up with a solid, durable, and weather-resistant material attached to the exterior of the building, and otherwise protected to prevent entrance thereto by vandals.

(Ord. No. 12, 9-30-2000; Ord. of 5-21-2001; Ord. of 6-23-2004; Ord. of 7-2-2009; Ord. of 7-16-2014)

**Cross reference**— Penalty, see Section 91.99.

Sec. 91.17. - Procedure when owner or occupant fails to repair structure and penalty.

- (A) Before commencing prosecution under subsections 91.16(B)(3), (B)(4), (B)(5) and (B)(6) for violation, the enforcement officer shall notify the violator(s) of the existence of a violation. The notice shall be in writing, posted on the property and then served upon the violator(s), either personally or by first class mail sent to the last known address of the violator(s) or to the common address of the property upon which the violation exists. The violator(s) shall be given from the date of personal service or seven days from the date of mailing the notice in which to remedy the violation.
- (B) Prosecution may be commenced against a violator(s) of subsections 91.16(B)(3), (B)(4), (B)(5) and (B)(6), without prior notice, in any instance where a violation notice had previously been sent, within the previous 12 months, relating to the same address.
- (C) Each day that a violation under this section continues to exist shall be considered a separate violation subject to the penalties hereinafter set forth.

(Ord. No. 12, 9-30-2000; Ord. of 5-21-2001; Ord. of 6-23-2004; Ord. of 7-2-2009)

**Cross reference**— Penalty, see Section 91.99.

Sec. 91.18. - Recovery of expenses for city removal.

- (A) If the city corrects, or causes to be corrected, any violation upon which the person has been found responsible and the costs of the repairs shall be paid by the person within 90 days, or the costs shall become a lien upon the real property. The City Manager shall keep an accurate account of the expenses incurred in so doing with respect to each parcel of land entered upon for the purpose and shall make a sworn statement of the account and deliver the statement to the City Clerk. The City Clerk shall present all the accounts to the City Council not later than the third Thursday in December of each year in which the labor was performed. The City Council shall audit and, if correct, allow the accounts and order the accounts paid from the general fund of the city. The sworn statement of the City Manager shall give the date or dates when the correction was made, the owner and description of the lands involved, and the costs of the labor.
- (B) When the account of expenses shall be audited, allowed, and paid as provided in this section, it shall be the duty of the City Clerk to certify them forthwith to the City Assessor. All expenditures represented by the accounts shall be severally spread upon the city tax roll next in preparation, levied on the lands on which the expenditures were made, be a lien and be collected in the same manner as other city taxes, and paid into the general fund of the city.

(Ord. No. 12, 9-30-2000; Ord. of 5-21-2001; Ord. of 6-23-2004)

### ARTICLE III. - NOXIOUS WEEDS

Sec. 91.30. - Definitions.

For the purpose of Section 91.30 et seq., the following definitions shall apply unless the context clearly indicates or requires a different meaning.

*Noxious and poisonous weeds.* Dodders (any species of *Cuscuta*), mustards (charlock, black mustard and Indian mustard, species of *Brassica* or *Sinapis*), bindweed (*Convolvulus arvensis*), perennial sowthistle (*Sonchus arvensis*), hoary alyssum (*Berteroa incana*), Canada thistles, milkweed, wild carrot, oxeye daisies, ragweed, golden rod, burdock, and poison ivy, poison sumac, or any other plant which in the opinion of the City Council is regarded as a common nuisance.

*Person.* One or more persons of either sex, firms, corporations, partnerships, associations, unincorporated voluntary clubs, and associations.

(Ord. No. 13, 8-31-2000; Ord. of 6-23-2004)

Sec. 91.31. - Property owner responsibility.

It shall be the duty of every person who owns any lands within the corporate limits of the city to cut, destroy, and remove, or cause to be cut, destroyed, and removed, from the land all noxious weeds and grasses growing thereon to prevent the weeds and grass from becoming unsightly and growing to seed or blossom, as the case may be, and to prevent the grass and brush from becoming a fire hazard. Grass or weeds may not exceed the height of eight inches as measured of the 15<sup>th</sup> day of the months May through September.

Owners of property that is zoned Industrial, Agriculture/Open Space, or areas that are determined to be forested or in a natural state are exempt from this section.

Any city property owner may ask the Zoning Administrator to determine whether their property qualifies as a forested or natural area. If the Zoning Administrator determines the property does qualify, the owner may not develop the property until such time the designation is removed. An adverse decision by the Zoning Administrator may be appealed to the City Council.

(Ord. No. 13, 8-31-2000; Ord. of 6-23-2004; Ord. No. 2018-01, 3-21-2018)

Cross reference— Penalty, see Section 91.99.

Sec. 91.32. - Removal by city; expenses.

Should the owner fail to comply with the provisions of Section 91.30 et seq. within the time limited therein, it shall be the duty of the Public Works Foreman of the city to cause all of the noxious and poisonous weeds, dead grass, and brush to be cut, destroyed, and removed from the land and the Public Works Foreman of the city shall keep an accurate account of the expenses incurred in so doing with respect to each parcel of land entered upon for the purpose and shall make a sworn statement of the account and deliver the statement to the City Clerk. The City Clerk shall present all the accounts to the City Council not later than the third Thursday in December of each year in which the labor was performed. The City Council shall audit and, if correct, allow the accounts and order the accounts paid from the General Fund of the city. The sworn statement of the Public Works Foreman shall give the date or dates when the weeds, dead grass, and brush were cut, destroyed, and removed, the owner and description of the lands involved, and the costs of the labor.

(Ord. No. 13, 8-31-2000; Ord. of 6-23-2004)

Sec. 91.33. - Recovery of expenses for city removal.

When the account of expenses shall be audited, allowed, and paid as provided in Section 91.32, it shall be the duty of the City Clerk to certify them forthwith to the City Assessor. All expenditures represented by the accounts shall be severally spread upon the city tax roll next in preparation, levied on the lands on which the expenditures were made, be a lien and be collected in the same manner as other city taxes, and paid into the General Fund of the city.

(Ord. No. 13, 8-31-2000; Ord. of 6-23-2004)

Sec. 91.34. - Effective date.

As a general ordinance, Section 91.30 et seq. shall be effective 30 days after adoption by the Iron River City Council.

(Ord. No. 13, 8-31-2000; Ord. of 6-23-2004; Ord. of 7-2-2009)

Sec. 91.35. - Notice.

The Police Chief shall give written notice of violations of Section 91.31. The landowner shall have ten days to abate the nuisance. Thereafter, the city will direct the abatement of the nuisance as provided in Section 91.32.

(Ord. No. 2018-01, 3-21-2018)

Sec. 91.99. - Penalty.

- (A) Any person in violation of any section of Section 91.01 et seq., except subsections 91.16(B)(3), (B)(4), (B)(5) and (B)(6), shall be guilty of a municipal civil infraction and shall be subject to payment of a civil fine as provided in the schedule below.
- (1) *First violation.* Any person who admits responsibility for, or who is found responsible for, a violation of Section 91.01 et seq., except subsections 91.16(B)(3), (B)(4), (B)(5) and (B)(6), shall be subject to a civil fine of \$50.00.
  - (2) *Second violation.* Any person who admits responsibility for, or who is found responsible for, a second violation of Section 91.01 et seq., except subsections 91.16(B)(3), (B)(4), (B)(5) and (B)(6), in any 12-month period shall be subject to a civil fine of \$100.00.
  - (3) *Third and subsequent violations.* Any person who admits responsibility for, or who is found responsible for, a third or subsequent violation of Section 91.01 et seq., except subsections 91.16(B)(3), (B)(4), (B)(5) and (B)(6), in any 12-month period shall be subject to a civil fine of \$500.00.
  - (4) *Juveniles.* If the person cited for a violation of Section 91.01 et seq., except subsections 91.16(B)(3), (B)(4), (B)(5) and (B)(6), is under the age of 17 at the time of the occurrence of the violation, the juvenile division of the Probate Court for the County of Iron has jurisdiction over the proceedings and shall proceed to hear and dispose of the case as provided by Chapter XIA of Public Act 288 of 1939, being M.C.L.A. §§ 712A.1—712A.28.
- (B) Any person in violation of any section of subsections 91.16(B)(1) and (B)(2) shall be guilty of a municipal civil infraction and shall be subject to payment of a civil fine as provided in the schedule below.
- (1) *First violation.* Any person who admits responsibility for, or who is found responsible for, a violation of subsections 91.16(B)(1) and (B)(2) shall be subject to a civil fine of \$50.00.
  - (2) *Second violation.* Any person who admits responsibility for, or who is found responsible for, a second violation of subsections 91.16(B)(1) and (B)(2) in any 12-month period shall be subject to a civil fine of \$100.00.
  - (3) *Third and subsequent violations.* Any person who admits responsibility for, or who is found responsible for, a third or subsequent violation of subsections 91.16(B)(1) and (B)(2) in any 12-month period shall be subject to a civil fine of \$500.00.
  - (4) *Juveniles.* If the person cited for a violation of subsections 91.16(B)(1) and (B)(2) is under the age of 17 at the time of the occurrence of the violation, the juvenile division of the Probate Court for the County of Iron has jurisdiction over the proceedings and shall proceed to hear and dispose of the

case as provided by Chapter XIA of Public Act 288 of 1939, being M.C.L.A. §§ 712A.1—712A.28.

- (C) Failure to comply with the provisions of subsections 91.16(B)(3), (B)(4), (B)(5) and (B)(6), within 30 days of the service of the notice pursuant to subsection 91.17(A), shall be punishable as a civil infraction, and upon finding of responsibility, subject to a fine of \$500.00.
- (D) Any person in violation of any section of Section 91.30 et seq. shall be guilty of a municipal civil infraction and shall be subject to payment of a civil fine as provided in the schedule below.
- (1) *First violation.* Any person who admits responsibility for, or who is found responsible for, a violation of Section 91.30 et seq. shall be subject to a civil fine of \$50.00.
- (2) *Second violation.* Any person who admits responsibility for, or who is found responsible for, a second violation of Section 91.30 et seq. in any 12-month period shall be subject to a civil fine of \$100.00.
- (3) *Third and subsequent violations.* Any person who admits responsibility for, or who is found responsible for, a third or subsequent violation of Section 91.30 et seq. in any 12-month period shall be subject to a civil fine of \$500.00.

(Ord. No. 11, 8-31-2000; Ord. No. 12, 9-30-2000; Ord. of 5-21-2001; Ord. of 6-23-2004; Ord. of 7-2-2009; Ord. No. 13, 8-31-2000)

## CHAPTER 92. - FIRE PREVENTION AND PROTECTION

### ARTICLE I. - OPEN BURNING

#### Sec. 92.01. - Short title; purpose.

- (A) *Short title.* Sections 92.01 et seq. shall be known as the "Burning Ordinance."
- (B) *Purpose.* Section 92.01 et seq. is to preserve and protect public health, safety, and general welfare of the residents of the City of Iron River by prohibiting certain burnings within the city limits.

(Ord. No. 17, 2-19-2001; Ord. of 6-23-2004)

#### Sec. 92.02. - Definitions.

For the purpose of Section 92.01 et seq., the following definitions shall apply unless the context clearly indicates or requires a different meaning.

*Ashes/soot.* Byproducts and residue from fire.

*Fire department approval.* Approval from the Fire Chief, or designee of the Fire Department providing fire protection to the City of Iron River.

*Garbage.* Any putrescible animal or vegetable waste resulting from handling, preparation, cooking, and consumption of food.

*Outdoor furnace.* Any device or appliance designed, intended, and/or used to provide heat and/or hot water to an associated structure by burning wood or any other solid fuel and is not located within the structure being heated.

*Refuse.* Any combustible trash, including but not limited to, paper, cartons, boxes, plastics, exclusions, furniture, bedding, and non-combustible trash including, but not limited to, metals, tin cans, and glass.

*Yard waste.* Regular wastes produced from landscaping and gardening activities.

(Ord. No. 17, 2-19-2001; Ord. of 6-23-2004)

#### Sec. 92.03. - Burning prohibited.

- (A) *General prohibition.* It shall be unlawful for any person or entity to burn, or cause to burn, assist in burning, permit, continue, or permit continuance of the burning of any combustible material within the city limits of Iron River, except as prescribed herein.
- (B) *Refuse.* It shall be unlawful to burn any refuse outside any building at any time in the City of Iron River.
- (C) *Garbage.* It shall be unlawful to burn garbage inside or outside any building at any time in the City of Iron River.
- (D) *Debris.* It shall be unlawful to burn building debris or construction debris by any person or entity, including, but not limited to, general contractors, sub-contractors, property owners, or their agents or employees.
- (E) *Papers.* It shall be unlawful to burn paper, paper products, or other materials which may be blown about by the wind or pollute the air anywhere in the City of Iron River unless burned inside a building in a stove, fireplace, furnace, or incinerator sufficiently constructed to prohibit the escape of ignited particles, provided that the emission of smoke and fumes do not irritate, annoy, or constitute a nuisance to others living in the neighborhood.
- (F) *Streets, alleys, highways, curbs, and sidewalks.* No material of any kind shall be burned or attempted to be burned in any street, alley, highway, or between any curb and the sidewalk adjacent thereto within the City of Iron River.

(Ord. No. 17, 2-19-2001; Ord. of 6-23-2004)



**Cross reference—** Penalty, see Section 92.99.

Sec. 92.04. - Burning uses permitted.

- (A) *Yard waste.* Fires are permitted for the burning of yard waste, including leaves, grass clippings, vegetable or other garden debris, shrubbery or brush or tree clippings, or similar materials provided the following conditions are met:
- (1) Fires are attended until extinguished and ashes are cold;
  - (2) The fire does not endanger other buildings or structures;
  - (3) Atmospheric conditions are favorable; and
  - (4) The emission of smoke or fumes do not irritate, annoy, or constitute a nuisance to others living in the neighborhood.
- (B) *Cooking fires.* Fires are permitted for the cooking and smoking of food provided that the fires are confined to a barbecue grill, barbecue pit, smokehouse, or other enclosure, and provided further the emission of smoke and fumes do not irritate, annoy, or constitute a nuisance to others living in the neighborhood.
- (C) *Recreational fires.* Recreational fires on private property, are permitted and do not need Fire Department approval when in a pit or pile which does not exceed five feet in diameter provided the following conditions are met:
- (1) Fires are attended until extinguished and ashes are cold;
  - (2) Only clean wood products or commercially produced fuel products are burnt;
  - (3) The fire does not endanger other buildings or structures;
  - (4) Atmospheric conditions are favorable; and
  - (5) The emission of smoke or fumes do not irritate, annoy, or constitute a nuisance to others living in the neighborhood.
- (D) *Bonfires.* Public or private bonfires in which the material would exceed five feet in diameter require a city issued permit and are subject to prior approval of the Fire Department. The approval may be granted at the sole discretion of the Fire Department based upon:
- (1) The proximity of the proposed fire to dwellings, trees, and other structures;
  - (2) Facilities available for fire management;
  - (3) Atmospheric conditions;
  - (4) Type of material to be burned;
  - (5) The emission of smoke or fumes do not irritate, annoy, or constitute a nuisance to others living in the neighborhood; and
  - (6) Any other consideration judged by the Fire Department to be required to ensure safe burning.
- (E) *Commercial incinerators.*
- (1) Commercial and industrial type incinerators used for burning of combustible solid waste material (non-garbage) are permitted provided that the emission of smoke and fumes do not irritate, annoy, or constitute a nuisance to others living in the neighborhood. They shall be provided with approved spark arresters or other effective means for arresting sparks and flying particles.
  - (2) Furthermore, the operation of the incinerator shall meet all emissions limits as set forth by state and federal regulations. State of Michigan permits are required before and during the operations of the incinerators.
- (F) *Outdoor furnaces.* Outdoor furnaces are permitted for heating associated structures, subject to the following conditions.
- (1) The outdoor furnace shall not be placed any closer than 200 feet from the nearest point of intersection of the property line of any adjacent property owner.
  - (2) An area with a radius of 30 feet around the outdoor furnace shall be maintained free of any vegetation, except grass not exceeding four inches in length.
  - (3) Only natural wood, wood pellets, or agricultural seeds may be burned.
  - (4) The emission of smoke or fumes does not irritate, annoy, or constitute a nuisance to others living in the neighborhood.
  - (5) Prior to installation and use of an outdoor furnace, a permit shall be sought, which permit application shall include a drawing, to scale, identifying the location of the outdoor furnace in proximity to boundary lines and associated structures located on the property. The permit shall include therewith a copy of the outdoor furnace manufacturer's specifications and installation procedures.
  - (6) Outdoor furnaces which have been installed and in use prior to the adoption of Section 92.01 et seq., shall be exempt from the provisions of subsections 92.04(F)(1) and (F)(2), for so long as the outdoor furnace which is exempted is operational and in good repair. This exemption shall not allow for replacement of an outdoor furnace once it has become inoperable and requires major repair or replacement of the furnaces components.

(Ord. No. 17, 2-19-2001; Ord. of 6-23-2004)

**Cross reference—** Penalty, see Section 92.99.

Sec. 92.05. - Exceptions and special circumstances.

(A) *Exceptions.* Open fires are permitted in the performance of an official duty by public officer for fires necessary for one or more of the following reasons or purposes:

- (1) For the prevention of a fire hazard which cannot be abated by other means;
- (2) For the instruction of public fire fighters or industrial commercial employees under proper supervision of a qualified instructor;
- (3) For the protection of public health; and
- (4) For controlled disposal of refuse and debris as collected by or on behalf of the city as a site owned or operated by the city.

(B) *Special circumstances.* On the sole discretion of the Fire Department when there exists a circumstance which lacks any other reasonable means of disposing of items which need to be disposed and not addressed here within, then the Fire Department may issue a permit to burn.

(Ord. No. 17, 2-19-2001; Ord. of 6-23-2004)

Sec. 92.06. - Nuisances prohibited.

Nothing herein shall authorize any installation that is a public or private nuisance, regardless of compliance with Section 92.01 et seq., nor shall Section 92.01 et seq. be a defense to any civil claims or private causes of action for enjoining a nuisance.

(Ord. No. 17, 2-19-2001; Ord. of 6-23-2004)

**Cross reference**— Penalty, see Section 92.99.

Sec. 92.07. - Effective date.

As an emergency ordinance, Section 92.01 et seq. shall be effective upon publication. As a general ordinance, Section 92.01 et seq. shall be effective 30 days after adoption by the Iron River City Council.

(Ord. No. 17, 2-19-2001; Ord. of 6-23-2004)

ARTICLE II. - HAZARDOUS MATERIAL EMERGENCY INCIDENT COST RECOVERY

Sec. 92.20. - Short title; purpose.

(A) *Short title.* Sections 92.20 et seq. shall be known as the "Hazardous Materials Emergency Incident Cost Recovery Ordinance."

(B) *Purpose.* In order to protect the City of Iron River from incurring extraordinary expenses resulting from the utilization of resources to respond to an incident involving hazardous materials, the City of Iron River authorized the imposition of charges to recover reasonable and actual costs incurred in responding to calls for assistance in connection with a hazardous materials release.

(Ord. No. 18, 3-5-2001)

Sec. 92.21. - Definitions.

For the purpose of Section 92.20 et seq., the following definitions shall apply unless the context clearly indicates or requires a different meaning.

*Hazardous materials.* Shall be defined to include one or more of the following:

- (1) A chemical or other material which is or may become injurious to the public health, safety, or welfare or to the environment;
- (2) A "hazardous substance" as defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Pub. L. No. 96-510, 94 Stat. 2767 (C.E.R.C.L.A.), 42 U.S.C. Section 9601 et seq.;
- (3) A "hazardous waste" as defined in the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, being M.C.L.A. § 324.11101 et seq.; and/or
- (4) "Petroleum" as described in subsection 4(5)(b) of the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, M.C.L.A. §§ 324.21101 et seq.

*Release.* Any spilling, leading, pumping, purging, emitting, emptying, discharging, injecting, leaching, dumping, or disposing into the environment.

*Responsible party.* Any individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity, or any other legal entity that causes, in whole or in part, a release of hazardous material.

(Ord. No. 18, 3-5-2001)

Sec. 92.22. - Charges imposed upon responsible party.

Where the Fire Department providing fire protection to the City of Iron River responds to a call for assistance in connection with a hazardous material release, actual costs incurred by the Department shall be imposed upon responsible parties, including, but not limited to:

- (A) Fifty dollars per call for each pumper required, in the opinion of the officer in command, to stand by at the hazardous materials incident. For each call that pumps are activated, an additional sum of \$50.00. shall be charged;
- (B) Fifty dollars for each water tender required, in the opinion of the officer in command, to be utilized in responding to the hazardous materials incident;
- (C) Fifty dollars for each additional fire department vehicle required, in the opinion of the officer in command, to be utilized in responding to the hazardous materials incident;
- (D) All personnel-related costs incurred by the Fire Department providing fire protection to the City of Iron River as a result of responding to the hazardous material incident. The costs may include, but are not limited to, wages, salaries, and fringe benefits and insurance for full-time and part-time firefighters; overtime pay and related fringe benefit costs for hourly employees; and fire run fees paid to on-call firefighters. The personnel-related charges shall commence after the first hour that the Fire Department has responded to a hazardous materials incident-related responsibilities;
- (E) Other expenses incurred by the Fire Department providing fire protection to the City of Iron River in responding to the hazardous materials incident, including, but not limited to, rental or purchase of machinery, equipment, labor, consultants, legal and engineering fees, and the replacement costs related to disposable personal protective equipment, extinguishing agents, supplies, water purchased from municipal water systems, and meals and refreshments for personnel while responding to the hazardous materials incident;
- (F) Charges to the Fire Department providing fire protection to the City of Iron River imposed by any local, state, or federal government entities related to the hazardous materials incident; and/or
- (G) Costs incurred in accounting for all hazardous material incident-related expenditures, including billing and collection costs.

(Ord. No. 18, 3-5-2001)

Sec. 92.23. - Billing procedures.

- (A) Following the conclusion of the hazardous materials incident, the Fire Chief shall submit a detailed listing of all known expenses to the Fire Department Secretary, who shall prepare an invoice to the responsible party for payment.
- (B) The Secretary's invoice shall demand full payment within 30 days of the receipt of the bill.
- (C) Any additional expenses that become 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.
- (D) For any amounts due that remain unpaid after 30 days, the Secretary shall impose a late charge of one percent per month, or fraction thereof.

(Ord. No. 18, 3-5-2001)

Sec. 92.24. - Other remedies.

- (A) The Fire Department providing fire protection to the City of Iron River may pursue any other remedy, or may institute any appropriate action or proceeding, in a court of competent jurisdiction to collect charges imposed under Section 92.20 et seq.
- (B) The recovery of charges imposed under Section 92.20 et seq. does not limit liability of responsible parties under local ordinance or state or federal law, rule, or regulation.

(Ord. No. 18, 3-5-2001)

Sec. 92.25. - Effective date.

- (A) As an emergency ordinance, Section 92.20 et seq. shall be effective upon publication.
- (B) As a general ordinance, Section 92.20 et seq. shall be effective 30 days after adoption by the Iron River City Council.

(Ord. No. 18, 3-5-2001)

Sec. 92.99. - Penalty.

- (A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.
- (B) Any violation of Section 92.01 et seq. shall be a municipal civil infraction punishable according to the following schedule of fines.
  - (1) *First violation.* Any person who admits responsibility for, or who is found responsible for, a violation of Section 92.01 et seq. shall be subject to a civil fine of \$25.00.
  - (2) *Second violation.* Any person who admits responsibility for, or who is found responsible for, a second violation of Section 92.01 et seq. in any 12-month period shall be subject to a civil fine of \$50.00.
  - (3) *Third and subsequent violations.* Any person who admits responsibility for, or who is found responsible for, a third or subsequent violation of Section 92.01 et seq. in any 12-month period shall be subject to a civil fine of \$200.00.

(Ord. No. 17, 3-5-2001; Ord. of 6-23-2004)

## CHAPTER 93. - STREETS AND SIDEWALKS

## ARTICLE I. - SIDEWALKS

## Sec. 93.01. - Definition.

For the purpose of Section 93.01 et seq., the following definition shall apply unless the context clearly indicates or requires a different meaning.

*Sidewalk.* Any sidewalk or crosswalk adjoining any public street or alley. The term shall not include any portion of any driveway between the street and the proposed or existing walk.

(Ord. No. 20, 5-30-2001)

## Sec. 93.02. - Enforcement authority.

- (A) The City Manager, or his or her designee, shall have general supervision and control over all sidewalks located within the city, including inspection, and it shall be the duty of the City Manager, or his or her designee, to see that the provisions of Section 93.01 et seq. are enforced.
- (B) Although the City Manager, or his or her designee, shall have general supervisory powers pertaining to sidewalks and matters related thereto, he or she shall at all times be responsible to the City Council for the efficient administration and enforcement of Section 93.01 et seq.; and the City Manager, or his or her designee, shall at all times exercise good judgment, caution, restraint, and discretion in the exercise of his or her authority under Section 93.01 et seq.

(Ord. No. 20, 5-30-2001)

## Sec. 93.03. - Petition and order to repair.

(A) *Initiation by owner.*

- (1) Whenever any property owner whose property abuts or adjoins a sidewalk deems it in need of repair or rebuilding, or whenever the property owner desires the construction of a sidewalk in front of or adjoining his or her property which adjoins a public street or alley, a petition may be presented to the City Council, in person or in writing, expressing the desires of the petitioner to have the sidewalk constructed, repaired, or rebuilt.
- (2) The city shall have the obligation to repair, replace, or construct the sidewalk.
- (3) The city may, at its discretion, assess the property owner, in whole or in part, up to 100 percent of the cost of repairing, replacing, or constructing the sidewalk.

(B) *Initiation by city.*

- (1) Whenever the City Council shall by resolution declare the necessity for and direct the building of a new sidewalk on property adjoining or abutting any street or alley, the Council shall direct the City Clerk to forthwith cause to be served upon the property owner of the adjoining or abutting lands a notice of the resolution, together with other information, in the form provided for in Section 93.01 et seq., by certified mail, addressed to the last known address of the property owner, or if there is no known address, by leaving a notice with a person of suitable age and discretion and by posting a copy of the notice in a conspicuous place on the adjoining lot.
- (2) Whenever the City Manager shall determine that a sidewalk is unsafe for use, or is required to be repaired for the public safety, the City Manager shall direct the City Clerk to forthwith cause to be served upon the property owner to the adjoining or abutting lands a notice of the determination, together with other information in the form provided for herein, by certified mail addressed to the last known address, by leaving the notice with a person of suitable age and discretion, or by posting a copy of the notice in a conspicuous place on the adjoining lot.

(Ord. No. 20, 5-30-2001)

## Sec. 93.04. - Time to comply with notice to repair; permit.

- (A) Whenever the City Council shall so resolve or the City Manager so determine, the property owner shall have the opportunity to complete the work so ordered by the City Council resolution or City Manager determination within 30 days after service of notice of passage of the resolution or determination; provided, however, that the property owner does first obtain, from the office of the City Manager, a permit to do the work; the permit shall be issued upon the conditions and specifications currently in effect as adopted by the Michigan Department of Transportation for the construction of sidewalks. The specifications and conditions shall govern the construction and may be changed from time to time as deemed necessary by the City Council. The specifications and conditions shall be attached to each permit and shall be on file in the City Manager's office or any other place which the Council may from time to time designate. Provided, further, that should the property owner desire the city to complete the work required in the notice, the property owner can waive the 30-day requirement by filing a written waiver, signed by the property owner, with the City Clerk.
- (B) No sidewalk shall be constructed, rebuilt, or repaired in the city without the person doing the work or the adjacent property owner first obtaining a permit from the City Manager, conditioned upon the applicant complying with the sidewalk specifications and conditions attached to the permit and on file in the City Manager's office.

(Ord. No. 20, 5-30-2001)

**Cross reference**— Penalty, see Section 93.99.

Sec. 93.05. - City completion of work ordered in notice.

- (A) Whenever the City Council shall resolve or the City Manager shall determine as provided for in Section 93.01 et seq., respectively, the City Manager shall prepare an estimate of the cost of the sidewalk work. If the property owner shall fail to comply with the City Council resolution or City Manager's determination, after notice is duly served upon him or her, or desires that the city perform the work so ordered, the City Manager is hereby authorized to and may complete the work and assess the property owner for the expense, in whole or in part.
- (B) The notice to the property owner provided for in Section 93.01 et seq. shall include the total measurement of the work to be performed and the total estimated cost.

(Ord. No. 20, 5-30-2001)

Sec. 93.06. - Recovery of expenses for city construction.

- (A) Whenever the City Council shall resolve the necessity of constructing sidewalks or whenever the City Manager shall determine the necessity for rebuilding or repairing sidewalks and the work is completed by the city and assessed against the property owner, the property owner involved shall receive notice in the same manner as provided for in the initial notice that construction or repair was needed; that the work has been completed; the cost of the work completed; and that he or she must pay the cost within 60 days of sending of notice. If no payment is received within that time, the cost of construction or repair plus a charge for collection of one percent for each month or fraction thereof overdue will be assessed against the property.
- (B) Should the property owner fail to pay the cost of sidewalk construction or repair as provided in Section 93.01 et seq., the amounts remaining unpaid are made a lien upon the premises, and are hereby recognized to constitute the lien and whenever the charge against any property shall be delinquent for 60 days, the local unit official or officials in charge of the collection thereof shall certify annually, not later than June 1 of each year, to the tax assessing officer of the local unit in which the premises is located, the fact of the delinquency, whereupon the charge shall be by him or her 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 taxes against the premises are collected and the lien thereof enforced.

(Ord. No. 20, 5-30-2001)

Sec. 93.07. - City participation in cost of construction.

The City Council may provide for the city to share in a portion of the cost of construction, rebuilding, or repairing of sidewalks at any time and for the project. Each cost-sharing project shall be provided for by resolution of the City Council. The proportion to be paid by the city shall be established at the time of the resolution.

(Ord. No. 20, 5-30-2001)

Sec. 93.08. - Permit.

In order to ensure the quality and guarantee the maintenance of sidewalks to be laid in the city, every person engaged in the business of laying and constructing sidewalks in the city shall for each job first obtain from the City Manager, or his or her designee, a permit to proceed with the proposed work, the permit to be issued upon receipt of a sufficient application, with no permit fee to be required. Every person laying or constructing his or her own sidewalk shall for each job first obtain the permit. Every permittee shall comply with all requirements as to grade, width, specifications, and all other terms and conditions contained in Section 93.01 et seq. relative to laying and constructing and repairing sidewalks, and failure to do so shall be a violation of Section 93.01 et seq. The amount of bond provided for in this section may be changed from time to time by resolution of the City Council.

(Ord. No. 20, 5-30-2001)

**Cross reference**— Penalty, see Section 93.99.

Sec. 93.09. - Disputes.

- (A) Should any property owner dispute the placement of new sidewalks or previously constructed sidewalks, the landowner must establish his or her claim by a survey of a registered surveyor.
- (B) The cost of the survey shall be borne solely by the landowner.

(Ord. No. 20, 5-30-2001)

Sec. 93.10. - Removal of sidewalk.

- (A) No property owner or occupant of a lot or parcel of land adjoining any sidewalk may remove a preexisting sidewalk in order to avoid responsibility under Section 93.01 et seq.

(B) The removal or attempted removal shall be deemed a violation.

(Ord. No. 20, 5-30-2001)

**Cross reference**— Penalty, see [Section 93.99](#).

Sec. 93.11. - Effective date.

Sections [93.01](#) et seq. shall be effective 30 days after adoption by the Iron River City Council.

(Ord. No. 20, 5-30-2001)

## ARTICLE II. - SNOW REMOVAL

Sec. 93.25. - Prohibition.

No person, firm, corporation, or occupant shall take or remove, or cause to be taken or removed, any snow, ice, or other material from any property owned, occupied, or controlled by him or her and pile or dump same within the lines of any street right-of-way of the city on a city sidewalk or on the property of another except as herein provided.

(Ord. No. 14, 1-22-2001; Ord. of - - ; Ord. No. 2017-01, 10-18-2017)

**Cross reference**— Penalty, see [Section 93.99](#).

Sec. 93.26. - Private property; responsibility of owner.

Owners of gas stations, private parking lots, and other privately owned and operated expansive areas shall be totally responsible for the removal of snow, ice, or other material from these areas subject to the restrictions herein.

(Ord. No. 14, 1-22-2001; Ord. of - -)

Sec. 93.27. - Residential and business areas.

### (A) *Residential.*

- (1) In residential areas, snow, ice, or other material removed from private driveways shall be deposited on or removed to private property.
- (2) In case of necessity, however, only the snow or ice, only removed from sidewalks may be spread in the street or alley along the owners' property frontage provided that it is spread in a way as not to impede traffic and in no event shall the snow or ice so placed extend more than 2 feet 6 inches further into the roadway than the existing bank, and provided further, that this is done before the city plows clear the street or alley.

### (B) *Business.*

- (1) The occupant, or the owner of the lot or parcel of land if not occupied, shall clear all ice and snow from the sidewalks adjoining the lot or parcel of land within the time specified in [Section 93.25](#) et seq. When any snow shall fall or drift upon any sidewalk in the below described area, the owner or occupant of the lot or parcel of land adjacent to the sidewalk shall remove the snow as shall have fallen or accumulated during the nighttime by 12:00 p.m.; snow falling or drifting during the day shall be removed before 12:00 p.m. of the following day. When any ice shall form on any sidewalk, the owner or occupant of the lot or parcel of land adjoining the sidewalk shall, if practicable, immediately remove the ice, and when immediate removal is impracticable shall immediately cause sand, salt, or other effective material to be spread upon the ice in the manner and in the quantity as to prevent the sidewalk from becoming slippery and dangerous to pedestrians and shall remove the ice as soon thereafter as shall be practicable.
- (2) Subsection (B)(1), above, shall apply for every lot or parcel of land located on:
  - (a) Either side of Genesee Street between Seventh Avenue and Washington Avenue;
  - (b) Either side of Adams Street between Ninth Avenue and Washington Avenue;
  - (c) Either side of Maple Street between Fourth Avenue and River Avenue;
  - (d) Either side of Fifth Avenue, Sixth Avenue, Seventh Avenue, and Eighth Avenue between Genesee Street and the alley immediately north of Adams Street;
  - (e) Either side of First Avenue, Second Avenue, Third Avenue, and Fourth Avenue between Maple Street and Cayuga Street; and
  - (f) Either side of Washington Avenue between Amber Street and Evergreen Street.

(Ord. No. 14, 1-22-2001; Ord. of - - ; Ord. No. 2017-01, 10-18-2017)

**Cross reference**— Penalty, see [Section 93.99](#).

Sec. 93.28. - Placement on cleared streets prohibited.

Snow, ice, or other material shall not be deposited in any street or alley area after it has been cleared by city equipment.

(Ord. No. 14, 1-22-2001; Ord. of - -)

**Cross reference**— Penalty, see Section 93.99.

Sec. 93.29. - Removal by city; expenses.

Snow, ice, or other material accumulations on private property resulting from removal by the property owner or occupant are not the responsibility of the city, but may be removed or caused to be removed by the city if any pedestrian or traffic safety hazards are caused by the accumulations. It shall be the duty of the Public Works Superintendent of the city to cause all removal of the accumulations from the land and the Public Works Superintendent of the city shall keep an accurate account of the expenses incurred in so doing with respect to each parcel of land entered upon for the purpose and shall make a sworn statement of the account and deliver the statement to the City Clerk. The City Clerk shall present all the accounts to the City Council not later than the third Thursday in March of each year in which the labor was performed. The City Council shall audit and, if correct, allow the accounts and order the accounts paid from the General Fund of the city. The sworn statement of the Public Works Superintendent shall give the date or dates when the removal of accumulations took place, the owner and description of the lands involved, and the costs of the labor.

(Ord. No. 14, 1-22-2001; Ord. of - - ; Ord. No. 2017-01, 10-18-2017)

Sec. 93.30. - Recovery of expenses for city removal.

- (A) When the account of expenses shall be audited, allowed, and paid as provided in Section 93.29, it shall be the duty of the City Clerk to certify them forthwith to the City Assessor.
- (B) All expenditures represented by the accounts shall be severally spread upon the city tax roll next in preparation, levied on the lands on which the expenditures were made, be a lien and be collected in the same manner as other city taxes, and paid into the General Fund of the city.

(Ord. No. 14, 1-22-2001; Ord. of - -)

Sec. 93.31. - Effective date.

- (A) As a temporary ordinance, Section 93.25 et seq. shall be effective upon publication.
- (B) As a general ordinance, Section 93.25 et seq. shall be effective 30 days after adoption by the Iron River City Council.

(Ord. No. 14, 1-22-2001; Ord. of - -)

Sec. 93.99. - Penalty.

- (A) (1) *Violation.* A person who violates any provision of Section 93.01 et seq. is responsible for a municipal civil infraction, subject to a civil fine of not less than \$50.00 or more than \$500.00, plus cost and other sanctions as authorized by Public Act 236 of 1961, M.C.L.A. § 610.8701 et seq., as amended.
- (2) *Civil action.* The city may institute any action at law or equity to compel compliance with Section 93.01 et seq. or to collect amounts due under Section 93.01 et seq. If the action is instituted, the city shall recover the costs and expense incurred to bring and maintain the action, including, without limitation, actual reasonable attorneys' fees.
- (B) Any person in violation of any section of Section 93.25 et seq. shall be guilty of a municipal civil infraction and shall be subject to payment of a civil fine as provided in the schedule below.
  - (1) *First violation.* Any person who admits responsibility for, or who is found responsible for, a violation of Section 93.25 et seq. shall be subject to a civil fine of \$50.00.
  - (2) *Second violation.* Any person who admits responsibility for, or who is found responsible for, a second violation of Section 93.25 et seq. in any 12-month period shall be subject to a civil fine of \$100.00.
  - (3) *Third and subsequent violations.* Any person who admits responsibility for, or who is found responsible for, a third or subsequent violation of Section 93.25 et seq. in any 12-month period shall be subject to a civil fine of \$500.00.
  - (4) *Juveniles.* If the person cited for a violation of Section 93.25 et seq. is under the age of 17 at the time of the occurrence of the violation, the juvenile division of the Probate Court for the County of Iron has jurisdiction over the proceedings and shall proceed to hear and dispose of the case as provided by Chapter XIA of Public Act 288 of 1939, M.C.L.A. §§ 712a.1—712a.32.

(Ord. No. 14, 1-22-2001; Ord. No. 20, 5-30-2001)

CHAPTER 94. - USE OF CITY PARKS AND FACILITIES

Sec. 94.01. - Application of rules and regulations.

The following rules and regulations shall apply to all city parks and facilities, including, but not limited to: Nelson Field Park; Ice Lake Park; Bachman Park; Nanaimo Park; Iron River Skateboard Park; City Hall Auditorium; Apple Blossom Trail; and The Tailings Frisbee Golf Course.

(Ord. No. 28-2010, 5-19-2010)

Sec. 94.02. - Prohibitions and restrictions.

- (A) All refuse, garbage or other trash must be placed in receptacles provided. Household or commercial rubbish or garbage may not be left.
- (B) Glass bottles are prohibited from city parks.
- (C) Vending or soliciting is not allowed unless licensed by the City Council.
- (D) Fires may be built in grills only. Portable stoves are authorized in designated picnic areas only on fireplaces, or grills, not upon picnic tables or benches. Fires must be attended at all times. Coals should be placed in charcoal dumps where provided or removed from the parks. Hot coals shall not be dumped into trash receptacles.
- (E) All motor vehicles must be kept on roads or parking lots maintained for vehicular traffic. Speed limit in all parks is 15 mph. Joy riding within a park is not permitted.
- (F) Radios, CD players, tape players and the like may not be played loudly enough to disturb other park users. Amplified music requires approval by the City Council.
- (G) Tennis and basketball courts are for court play only and other activities, such as in-line skating and skateboarding are prohibited.
- (H) Except Apple Blossom Trail when on a leash no longer than six feet in length, no dogs are permitted in any city parks. Owners are required to remove dog waste and deposit it in an appropriate container.
- (I) The possession and consumption of alcoholic beverages is prohibited in all parks unless approved by the City Council.

(Ord. No. 28-2010, 5-19-2010)

**Cross reference**— Penalty, see [Section 94.99](#).

Sec. 94.03. - Park special use permit.

A group of 25 or more persons who wish to use a park facility must obtain a park special use permit. The City Council shall adopt a form of special use permit and a fee schedule for park/facility usage. Reservations for team or group activities must be authorized by the City Council or its representatives. Park special use permits are available at City Hall.

(Ord. No. 28-2010, 5-19-2010)

Sec. 94.99. - Penalty.

Any person in violation of any section of this chapter shall be guilty of a municipal civil infraction and shall be subject to payment of a civil fine as provide in the schedule below:

- (A) *First violation.* Any person who admits responsibility for, or who is found responsible for, a violation of this chapter shall be subject to a civil fine of \$50.00.
- (B) *Second violation.* Any person who admits responsibility for, or who is found responsible for, a second violation of this chapter in any 12-month period shall be subject to a civil fine of \$100.00.
- (C) *Third and subsequent violations.* Any person who admits responsibility for, or who is found responsible for, a third or subsequent violation of this chapter in any 12-month period shall be subject to a civil fine of \$500.00.

(Ord. No. 28-2010, 5-19-2010)

CHAPTER 95. - CITY PARKS

ARTICLE I. - PARKS AND RECREATION COMMITTEE

Sec. 95.01. - Definitions.

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

*Park.* An area of public land in the city, used for public recreation.

*Recreation.* Any form of play, amusement or recreation intended to refresh or restore body or mind.



(Ord. No. 2018-02, 3-21-2018)

Sec. 95.02. - Establishment.

The City Council has the authority, pursuant to Public Act No. 156 of 1917 (M.C.L.A. § 123.51 et seq.), to operate a system of public recreation including establishing and maintaining parks and acquiring, equipping and maintaining land, buildings or other recreational facilities. A committee is hereby established to be known as the Parks and Recreation Committee (PRC).

(Ord. No. 2018-02, 3-21-2018)

Sec. 95.03. - Composition.

The Committee shall consist of one member of the City Council, the City Department of Public Works (DPW) Superintendent, and five general public members. Of the seven-member board, at least six shall be city residents. At large members are appointed by the City Council from applicants for membership. Two members may be of the minimum age of not less than 16 years old.

(Ord. No. 2018-02, 3-21-2018)

Sec. 95.04. - Appointment of members; terms of office.

The City Council shall appoint a Councilperson whose term shall be for the same as the remaining years of his/her term as a member of the City Council. The Superintendent shall serve while employed in that position. The terms of office for the five other members shall be from their appointment date until the end of the calendar year of their term of office. The terms shall be for three years, except initially one member shall serve for a term of one year, two for a term of two years and two for a term of three years.

(Ord. No. 2018-02, 3-21-2018)

Sec. 95.05. - Vacancies.

All Committee members shall hold office until their successors are appointed. Members may be removed by the City Council for inefficiency, neglect of office or malfeasance in office. Vacancies occurring on the Committee shall be filled for the unexpired term in the same manner as initial appointments. All members shall serve without compensation.

(Ord. No. 2018-02, 3-21-2018)

Sec. 95.06. - Officers.

The Committee shall, at its first meeting in each calendar year, appoint a Chairperson, Vice-Chairperson and Secretary.

(Ord. No. 2018-02, 3-21-2018)

Sec. 95.07. - Rules and procedures.

The Committee may adopt rules of operation deemed necessary which are not in conflict with this chapter.

(Ord. No. 2018-02, 3-21-2018)

Sec. 95.08. - Meetings.

(A) The Committee shall meet at least eight times each year. The Committee shall cause their actions/activities to be recorded in minutes. All minutes shall be submitted to the Council for review and filing.

(B) All regular and special meetings shall be noticed and conducted in accordance with the Michigan Open Meetings Act, Public Act 267 of 1976 (M.C.L.A. §§ 15.261—15.275).

(Ord. No. 2018-02, 3-21-2018)

Sec. 95.09. - Powers and duties.

(A) The Committee shall make recommendations to the City Council in all matters related to city parks and public recreation as they believe will help improve public recreation.

(B) The Committee shall not enter into contracts or adopt policy. The Committee shall be empowered to:

(1) Investigate and recommend options for the best use of the city park property and other facilities operated or sponsored by the city.

(2) Recommend improvements in city parks and other public recreational facilities operated or sponsored by the city.

(3) Suggest changes in policies, regulations and rules regarding city parks and other recreational facilities operated or sponsored by the city.

- (4) Recommend a long-range plan for city parks and other recreational facilities operated or sponsored by the city. Update the community recreation plan for Council approval.
- (5) Obtain citizen input for proposed uses and city parks and other recreational facilities operated or sponsored by the city.
- (6) Advise the City Council when beneficial additions to the city parks or other recreational facilities operated or sponsored by the city become available for purchase or lease.
- (7) Recommend if and when the City Council should convert recreational facilities operated or sponsored by the city to a city park.
- (8) Direct expenditures of Council-appropriated funds for park and recreational activities.

(Ord. No. 2018-02, 3-21-2018)

## ARTICLE II. - PARK RULES AND REGULATIONS

### Sec. 95.20. - Defacing public property.

No unauthorized person shall cut, injure, deface, remove or disturb any tree, shrub, building, fence, bench, table or other structure, apparatus or property; pick, cut or remove any shrub, bush or flower; or mark or write upon any building, fence, bench or other structure of any municipal park land in the city.

(Ord. No. 2018-02, 3-21-2018)

### Sec. 95.21. - Open fires.

No unauthorized person shall make or kindle an open fire in any municipal park land in the city, except in areas provided for that purpose.

(Ord. No. 2018-02, 3-21-2018)

### Sec. 95.22. - Sell or solicit.

No unauthorized person shall sell, offer or solicit for sale any goods or merchandise without a permit in any municipal park land in the city.

(Ord. No. 2018-02, 3-21-2018)

### Sec. 95.23. - Loiter.

No unauthorized person shall remain, stay or loiter in any municipal park land in the city between the hours of 10:00 p.m. and 6:00 a.m. the following day except as allowed by a permit or for events of charitable, civic or governmental organizations.

(Ord. No. 2018-02, 3-21-2018)

### Sec. 95.24. - Post or affix any signs.

No unauthorized person shall post, paste or affix any placard, notice or sign within any municipal park land in the city without a permit.

(Ord. No. 2018-02, 3-21-2018)

### Sec. 95.25. - Operate any motor vehicle off-road.

No unauthorized person shall operate any motor vehicle or off-road motor vehicle on any paved walkway within any municipal park land in the city, except electric vehicles to assist the physically disabled.

(Ord. No. 2018-02, 3-21-2018)

### Sec. 95.26. - Consume alcoholic liquor.

No unauthorized person shall bring into, possess or consume any alcoholic liquor while in any municipal park land in the city.

(Ord. No. 2018-02, 3-21-2018)

### Sec. 95.27. - Use or possess fireworks.

No unauthorized person, while in any municipal park land in the city, shall use or possess fireworks, explosives or devices capable of launching a projectile.

(Ord. No. 2018-02, 3-21-2018)

### Sec. 95.28. - Loud noises.

No unauthorized person, while in any municipal park land of the city, shall make any sound or noise generated by a group, person or device which is excessive or obscene, including such devices as radios, loud speakers, public address systems or similar devices unless the same are permitted in writing.

(Ord. No. 2018-02, 3-21-2018)

Sec. 95.29. - Animals controlled by a leash.

No owner or ward shall allow a domesticated or pet animal in any municipal park land in the city unless the domesticated or pet animal is accompanied by its owner or ward and controlled on a leash, not more than six feet long. All animal excrement shall immediately be placed in a litter receptacle by the pet owner or ward. The requirement to clean up the animal's excrement shall not apply to persons with leader, guide, hearing and service dogs.

(Ord. No. 2018-02, 3-21-2018)

Sec. 95.30. - Discharge firearms.

No unauthorized person shall display, discharge, set off or use any firearms or weapon within any municipal park land in the city.

(Ord. No. 2018-02, 3-21-2018)

Sec. 95.31. - Littering.

No unauthorized person, within any municipal park land in the city, shall deposit or discard, either in open or in designated trash receptacles, any trash, garbage or waste not generated by lawful activities in the park.

(Ord. No. 2018-02, 3-21-2018)

Sec. 95.32. - Children under adult supervision.

Adults within any municipal park land in the city are responsible for accompanying their children ten years of age or younger.

(Ord. No. 2018-02, 3-21-2018)

## TITLE XI - BUSINESS REGULATIONS

### CHAPTER 110. - CABLE FRANCHISE REGULATIONS

#### ARTICLE I. - GENERAL PROVISIONS

Sec. 110.01. - Short title.

This chapter shall be known and may be cited as the "Cable Franchise," hereinafter "franchise," and it shall become a part of the ordinances of the City of Iron River.

(Ord. No. A-2003, 6-18-2003)

Sec. 110.02. - Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is mandatory and "may" is permissive. Words not defined shall be given their common and ordinary meaning.

*Basic service tier.* Those subscriber services provided by the grantee, pursuant to the Cable Television Consumer Protection and Competition Act of 1992, including the delivery of broadcast signals electing carriage and any public, educational, and governmental access covered by the regular monthly charge paid by all subscribers, excluding optional services for which a separate charge is made.

*Cable mile.* A linear mile of strand-bearing cable as measured on the street or easement from pole to pole or pedestal to pedestal.

*Cable services.*

- (1) The one-way transmission to subscribers of video programming, or other programming services; and
- (2) Subscriber interaction, if any, which is required for the selection or use of the video programming or other programming service.

*Cable system.* The grantee's facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service which includes video programming and which is provided to multiple subscribers within the service area.

*City.* The City of Iron River, a municipal corporation of the State of Michigan.

*Class IV channel.* A signaling path provided by a cable system to transmit signals of any type from a subscriber terminal to another point in the cable system.

*Council.* The City Council, the governing body of the City of Iron River.

*F.C.C.* The Federal Communications Commission and any legally appointed or elected successor.

*Franchise.* The non-exclusive rights granted pursuant to this chapter to construct and operate a cable system along the public ways within all or a specified are in the city.

*Grantee.* Any person receiving a franchise pursuant to this chapter and its lawful successor, transferee, or assignee.

*Gross revenue.* Any revenue received by the grantee from the operation of the cable system to provide cable services in the service area, provided, however, that the phrase shall not include:

- (1) Any taxes, free or assessment of general applicability collected by the grantee from subscribers for pass-through to a government agency, including the F.C.C. user fee;
- (2) Unrecovered bad debt; and
- (3) Any PEG or I-Net amounts recovered from subscribers.

*Installation.* The connection of the system from feeder cable to subscribers' terminals.

*Person.* An individual, partnership, association, organization, corporation, or any lawful successor, transferee, or assignee of the individual, partnership, association, organization, or corporation.

*Reasonable notice.* Shall be written notice addressed to the grantee at its principal office or the other office as the grantee has designated to the city as the address to which notice should be transmitted to it.

*Sale.* Any sale, exchange, barter, or offer for sale.

*Service area.* The geographic area within the corporate limit of the city.

*State.* The State of Michigan.

*Street.* Shall include each of the following which have been dedicated to the public or hereafter dedicated to the public and maintained under public authority or by others and located within the city limits: streets, roadways, highways, avenues, lanes, alleys, sidewalks, easements, rights-of-way, and similar public ways and extensions and additions thereto, together with the other public property and area that the city shall permit to be included within the definition of street from time to time.

*Subscriber.* Any person lawfully receiving cable from the grantee.

*User.* A party utilizing a cable system channel for the purpose of production or transmission of material to subscribers, as contrasted with receipt thereof in a subscriber capacity.

(Ord. No. A-2003, 6-18-2003)

#### Sec. 110.03. - Rights and privileges of grantee.

The franchise granted by the city pursuant to this chapter shall grant to the grantee the right and privilege to erect, construct, operate, and maintain in, upon, along, across, above, over, and under the streets, now in existence and as may be created or established during its terms; any poles, wires, cable, underground conduits, manholes, and other conductors and fixtures necessary for the maintenance and operation of a cable system.

(Ord. No. A-2003, 6-18-2003)

#### Sec. 110.04. - Favored nations.

- (A) In the event grantee shall enter into any other cable television franchise with any political subdivision in providing for technological improvements or upgrade or special customer services not currently available in the city, grantee shall notify the city of same within 30 days of the effective date of the other franchise.
- (B) Following notification, grantee shall submit a schedule for providing these system enhancements to be effectuated within the same period of time as the other franchise, provided, however, that grantee is able to recoup its costs in a manner consistent with the terms agreed upon in the other communities. The city may grant extensions, where necessary, upon application by the grantee, which shall demonstrate cause for the extension.

(Ord. No. A-2003, 6-18-2003)

#### Sec. 110.05. - Franchise territory.

This nonexclusive franchise relates to the city limits as presently defined and to any area henceforth added thereto during the term of this franchise.

(Ord. No. A-2003, 6-18-2003)

Sec. 110.06. - Duration and acceptance of franchise.

The franchise and the rights, privileges, and authority hereby granted shall take effect and be in force from and after final passage thereof, as provided by law, and shall continue in force and effect for a term of ten years, provided that within 30 days after the date of final passage of the franchise the grantee shall file with the city its acceptance of the franchise.

(Ord. No. A-2003, 6-18-2003)

Sec. 110.07. - Franchise requirements for other franchise holders.

- (A) In the event that the city grants one or more franchise(s) or similar authorizations, for the construction, operation, and maintenance of any communication facility which shall offer services substantially equivalent to services offered by the cable system, it shall not make the grant on more favorable or less burdensome terms. If the other franchise(s) contain provisions imposing lesser obligations on the company(s) thereof than are imposed by the provisions of this franchise, grantee may petition the city for a modification of this franchise. The grantee shall be entitled, with respect to the lesser obligations to the modifications(s) of this franchise as to insure fair and equal treatment by this franchise and the other agreements.
- (B) In the event that a non-franchised multichannel video programming distributor provides service to the residents of the city, the grantee shall have the right to request franchise amendments that relieve the grantee of regulatory burdens that create a competitive disadvantage to the grantee. In requesting amendments, the grantee shall file a petition seeking to amend the franchise. The petitions shall:
- (1) Indicate the presence of a non-franchised competitor(s);
  - (2) Identify the basis for grantee's belief that certain provisions of the franchise place grantee at a competitive disadvantage; and
  - (3) Identify the regulatory burdens to be amended or repealed in order to eliminate the competitive disadvantage.
- (C) The city shall not unreasonable withhold granting the grantee's petition and so amending the franchise.

(Ord. No. A-2003, 6-18-2003)

Sec. 110.08. - Franchise renewal.

This franchise may be renewed by the city upon application of the grantee pursuant to applicable law.

(Ord. No. A-2003, 6-18-2003)

Sec. 110.09. - Police powers and conflicts with franchise.

In accepting this franchise, the grantee acknowledges that its rights hereunder are subject to the police power of the city to adopt and enforce general ordinances necessary to the safety and welfare of the public; and it agrees to comply with all applicable general laws and ordinances enacted by the city pursuant to the power. Subject to the city's lawful police powers, the city may not, by ordinance or otherwise, alter any of the grantee's material rights, benefits, obligations, or duties as specified in this franchise.

(Ord. No. A-2003, 6-18-2003)

Sec. 110.10. - Cable system franchise required; exclusive contracts prohibited.

No cable system shall be allowed to occupy or use the streets or public right-of-way of the city or be allowed to operate without a cable system franchise.

(Ord. No. A-2003, 6-18-2003)

**Cross reference—** Penalty, see Section 10.99.

Sec. 110.11. - Use of company facilities.

The city shall have the right, during the life of this franchise, to install and maintain free of charge upon the poles owned by the grantee any wire and pole fixtures that do not unreasonably interfere with the cable system operations of the grantee. This right shall not apply to any facilities used by the city to compete with grantee.

(Ord. No. A-2003, 6-18-2003)

Sec. 110.12. - Notices.

All notices from grantee to the city pursuant to this franchise shall be to the City Clerk. Grantee shall maintain with the city, throughout the term of this franchise, an address for service of notices by mail.

(Ord. No. A-2003, 6-18-2003)

Sec. 110.13. - Indemnification and insurance.

(A) *Indemnification.* The grantee shall, by acceptance of the franchise granted herein, defend grantor, its officers, boards, commissions, agents, and employees, for all claims for injury to any person or property caused by the negligence or alleged negligence of grantee in the construction or operation of the cable system and in the event of a determination of liability shall indemnify and hold grantor, its officers, boards, commissions, agents, and employees, harmless from any and all liabilities, claims, demands, or judgments growing out of any injury to any person or property as a result of the violation or failure of grantee to observe its proper duty or because of the negligence or alleged negligence of grantee arising out of the construction, repair, extension, maintenance, operation, or removal of its wires, poles, or other equipment of any kind or character used in connection with the operation of the cable system.

(B) *Insurance.*

(1) The grantee shall maintain throughout the term of the franchise insurance in amounts at least as follows:

Worker's Compensation	Statutory Limits
Commercial General Liability	\$1,000,000.00 per occurrence
	Combined Single Liability (C.S.L.)
	\$1,000,000.00 General Aggregate
Auto Liability including coverage on all owned, non-owned hired autos Umbrella Liability	\$1,000,000 per occurrence C.S.L.

(2) The city shall be added as an additional insured to the above commercial general liability, auto liability, and umbrella liability insurance coverage.

(3) The grantee shall furnish the city with current certificates of insurance evidencing the coverage.

(4) The minimum amounts set forth herein for the insurance shall not be construed to limit the liability of the grantee to the city under the franchise issued hereunder to the amounts of the insurance.

(Ord. No. A-2003, 6-18-2003)

**Cross reference—** Penalty, see Section 10.99.

Sec. 110.14. - Rights of individuals.

(A) Grantee shall not deny service, deny access, or otherwise discriminate against subscribers, channel users, or general citizens on the basis of race, color, religion, national origin, age, or sex.

Grantee shall comply at all times with all other applicable federal, state, and local laws and regulations, and all executive and administrative orders relating to nondiscrimination which are hereby incorporated and made part of this chapter by reference.

(B) Grantee shall strictly adhere to the equal employment opportunity requirements of the F.C.C. and state and local regulations, as amended from time to time.

(C) No signals of a Class IV cable communications channel shall be transmitted from a subscriber terminal for purposes of monitoring individual viewing patterns or practices without the express written permission of the subscriber. The request for the permission shall be contained in a separate document with a prominent statement that the subscriber is authorizing the permission in full knowledge of its provision. The written permission shall be for a limited period of time not to exceed one year, which shall be renewable at the option of the subscriber. No penalty shall be invoked for a subscriber's failure to provide or renew the authorization. The authorization shall be revocable at any time by the subscriber without penalty of any kind whatsoever, provided that the revocation request may be required to be in writing by grantee. The authorization is required for each type or classification of Class IV cable activity planned; provided however, that the grantee shall be entitled to conduct system wide or individually addressed "sweeps" for the purpose of verifying system integrity, controlling return-path transmission, or billing for services.

(D) The grantee, or any of its agents or employees, shall not, without the specific written authorization of the subscriber involved, sell or otherwise make available to any party any list which identifies the viewing habits of individual subscribers.

(E) The cable system of the grantee shall be operated in a manner consistent with the principle of fairness and equal accessibility to all citizens.

(F) Grantee shall establish rates that are nondiscriminatory within the same general class of subscribers which must be applied fairly to all subscribers in the franchise area for all services, except for special assessments due to expansion, not to exceed actual cost. Nothing contained herein shall prohibit the grantee from offering discounts to commercial and multiple-family dwelling subscribers billed on a bulk basis; promotional discounts; or reduced installation rates for subscribers who have multiple services.

(Ord. No. A-2003, 6-18-2003)

**Cross reference**— Penalty, see [Section 10.99](#).

Sec. 110.15. - Public notice.

Minimum public notice of any public meeting relating to this franchise shall be by publications at least once in a newspaper of general circulation in the area at least seven days prior to the meeting, posting at the City Hall, and on the public service channel, if the channel is available.

(Ord. No. A-2003, 6-18-2003)

**Cross reference**— Penalty, see [Section 10.99](#).

Sec. 110.16. - Effective date.

This chapter shall take effect 30 days after publication.

(Ord. No. A-2003, 6-18-2003)

## ARTICLE II. - CABLE SYSTEM EXTENSION, OPERATION, STANDARDS, AND PROCEDURES

Sec. 110.30. - Service availability.

- (A) The grantee shall provide cable service throughout the franchise area pursuant to the provisions of this franchise and shall keep a record of all service extended by the grantee. This record shall be available for inspection by the city at the local office of the grantee during regular office hours.
- (B) (1) *Line extensions.* In all areas of the franchise territory, the grantee shall be required to extend its system pursuant to the following requirements.
- (a) Grantee, whenever it shall receive a request for service from at least ten subscribers within 1,320 feet of its trunk cable, shall extend its system to the subscriber at no cost to the subscribers for system extension other than the usual connection fees for all subscribers, provided that the extension is technically and physically feasible. The 1,320 feet shall be measured in extension length of grantee's cable required for service located within the public way or easement and shall not include length of necessary service drop to the subscriber's home or premises. All extensions of the system shall be at grantee's expense, subject to subsection [110.14\(F\)](#). Provided, however, that if a subscriber requires underground cable from the trunk cable to his or her home, then subscriber shall pay only the difference between grantee's cost of underground cable as compared to above-ground service.
  - (b) Grantee must extend and make cable system service available to any isolated resident requesting connection at the standard connection charge, if the connection to the isolated resident would require no more than a standard 150-foot aerial drop line.
- (2) *Early extension.* In areas not meeting the requirement for mandatory extension of service, grantee shall provide, upon the written request of a potential subscriber desiring service, an estimate of the costs required to extend service to the subscriber. Grantee may require advance payment or assurance of payment satisfactory to grantee. The amount paid by subscribers for early extension shall be nonrefundable, and, in the event the area subsequently reaches the density required for mandatory extension, the payments shall be treated as consideration for early extension.
- (3) *New development underground.* Where utilities are to be placed underground, the developer or property owner shall give grantee at least 30 days prior notice of the construction or development, and of the particular date on which open trenching will be available for grantee's installation of conduit, pedestals and/or vaults, and lateral to be provided at grantee's expense. Grantee shall also provide specifications as needed for trenching.
- (C) Costs of trenching and easements required to bring service to the development shall be borne by the developer or property owner; except that if grantee fails to install its conduit, pedestals and/or vaults, and laterals within five working days of the date the trenches are available, as designated in the notice given by the developer or property owner, then should the trenches be closed after the five-day period, the cost of new trenching is to be borne by grantee.
- (D) Nothing herein shall be construed to prevent grantee from serving areas not covered under this section upon agreement with developers, property owners, or residents.

(Ord. No. A-2003, 6-18-2003)

**Cross reference**— Penalty, see [Section 10.99](#).

Sec. 110.31. - Construction and technical standards.

- (A) *Construction standard.*
- (1) *Compliance with safety codes.* All construction practices shall be in accordance with all applicable sections of the Occupational Safety and Health Act of 1970 and any amendments thereto as well as all state and local codes where applicable.
  - (2) *Compliance with electrical codes.* All installation of electronic equipment shall be of a permanent nature, durable and installed in accordance with the

provisions of the National Electric Safety Code as amended.

- (3) *Antennas and towers.* Antenna supporting structures (towers) shall be designed for the proper loading zone as specified in Electronics Industry Association's R.S.-22A Specifications.
  - (4) *Compliance with aviation requirements.* Antenna supporting structures (tower) shall be painted, lighted, erected, and maintained in accordance with all applicable rules and regulations of the Federal Aviation Administration and all other applicable state or local codes and regulations.
  - (5) *Construction standards and requirements.* All of the grantee's plant and equipment, including but not limited to the antenna site, head-end and distribution system, towers, house connections, structures, poles, wire, cable, coaxial cable, fixtures, and appurtenances shall be installed, located, erected, constructed, reconstructed, replaced, removed, repaired, maintained, and operated in accordance with good engineering practices, performed by experienced maintenance and construction personnel so as not to endanger or interfere with improvements the municipality may deem proper to make, or to interfere in any manner with the rights of any property owner, or to unnecessarily hinder or obstruct pedestrian or vehicular traffic on municipal properties.
  - (6) *Safety, nuisance, requirements.* The grantee shall at all times employ ordinary care and shall install and maintain in use commonly accepted methods and devices preventing failures and accidents which are likely to cause damage.
- (B) *Network technical requirements.* The cable system shall be operated so as to meet the following general objectives:
- (1) Capable of continuous 24-hour daily operation;
  - (2) Capable of operating over an outdoor temperature range of  $-20^{\circ}\text{F}$  to  $+120^{\circ}\text{F}$  and meeting all specifications as set forth herein over the temperature range without catastrophic failure or irreversible performance changes over variations in supply voltages from 105 to 130 volts AC;
  - (3) Operated in the a manner as to avoid causing interference with reception of off-the-air signals by non-subscribers to the network; and
  - (4) Designed, installed, and operated so as to assure the delivery to all subscribers of standard color and monochrome signals on the F.C.C.-designed Class I channels without noticeable picture degradation or visible evidence of color distortion or other forms of interference directly attributable to the performance of the cable system.
- (C) *Performance monitoring.*
- (1) Test procedures used in verification of the performance criteria set forth in Paragraph 76.609, Subpart K, of the F.C.C. Rules and Regulations, shall be in accordance with good engineering practice.
  - (2) To the extent that the report of measurements as required above may be combined with any reports of measurements required by the F.C.C. or other regulatory agencies, the city shall accept the combined reports, provided that all standards and measurements herein or hereafter established by the city are satisfied.
  - (3) The city may require additional tests, full or partial repeat tests, different test procedures, on the basis of complaints received or other evidence indicating an unresolved controversy or significant non-compliance, and the tests will be limited to the particular matter in controversy. The city will endeavor to so arrange its requests for the special tests so as to minimize hardship or inconvenience to grantee or to the subscriber.
- (D) *Street occupancy.*
- (1) Grantee shall utilize existing poles, conduits, and other facilities whenever possible, and shall not construct or install any new, different, or additional poles, conduits, or other facilities whether on public property or on privately-owned property until the written approval of the city is obtained, which approval shall not be unreasonably withheld. However, no location of any pole or wire holding structure of the grantee shall be a vested interest and the poles or structures shall be removed or modified by the grantee whenever the city reasonably determines that the public convenience would be enhanced thereby. The costs for the removal or modification shall be paid by the grantee if all other users of the streets are also required to pay the costs for their facilities.
  - (2) The facilities of the grantee shall be installed underground in those areas of the city where existing telephone and electric services are both underground at the time of system construction. In areas where either telephone or electric utility facilities are installed aerially at the time of system construction, the grantee may install its facilities aerially with the understanding that at the time as the existing aerial facilities are required to be placed underground by the city, the grantee shall likewise place its facilities underground.
  - (3) A grantee shall notify the city at least ten days prior to the intention of the grantee to commence any construction in any streets. The city shall cooperate with the grantee in granting any permits required, providing the grant and subsequent construction by the grantee shall not unduly interfere with the use of the streets and that proposed construction shall be done in accordance with the pertinent provisions of the ordinances of the city.
  - (4) All transmission lines, equipment, and structures shall be so installed and located as to cause minimum interference with the rights and reasonable convenience of property owners and at all times, shall be kept and maintained in a safe, adequate, and substantial condition, and in good order and repair. The grantee shall, at all times, employ ordinary care and shall install and maintain in use commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public. Suitable barricades, flags, lights, flares, or other devices shall be used at the times and places as are reasonably required for the safety of all members of the public. Any poles or other fixtures placed in any public by the grantee shall be placed in the manner as not to interfere with the usual travel on the public way.
  - (5) Grantee shall, at its own expense, and in a manner approved by the city, restore to city reasonable standards any damage or disturbances caused to the public way as a result of its operations or construction on its behalf.



- (6) Whenever, in case of fire or other disaster, it becomes necessary in the judgment of the Chief of the Fire Department or Chief of Police Department to re of the grantee's facilities, no charge shall be made by the grantee against the city for restoration and repair, unless the acts amount to gross negligence
- (7) Grantee or its designee shall have the authority to trim trees on public property at its own expense as may be necessary to protect its wires and facilities, subject to the supervision and direction of the city. Trimming of trees on private property shall require written consent of the property owner.
- (8) (a) The grantee at its expense shall protect, support, temporarily disconnect, relocate, or remove any property of grantee when, in the opinion of the city the same is required by reason of traffic conditions, public safety, street vacation, freeway, or street construction, change, or establishment of street grade, installation of sewers, drains, water pipes, power line, signal line, transportation facilities, tracks, or any other types of structure or improvements by governmental agencies whether acting in a governmental or a proprietary capacity, or any other structure or public improvement, including but not limited to movement of buildings, urban renewal and redevelopment, and any general program under which the city shall undertake to cause all the properties to be located beneath the surface of the ground.
- (b) Grantee shall be responsible for any costs associated with these obligations to the same extent all other users of the city rights-of-way are responsible for the costs related to their facilities.
- (9) Upon failure of grantee to commence, pursue, or complete any work required by law or by the provisions of this chapter to be done in any street, within the time prescribed and to the reasonable satisfactions of the city, the city may, at its option, cause the work to be done and the grantee shall pay to the city the cost thereof in the itemized amounts reported by the city to the grantee within 30 days after receipt of the itemized report.
- (10) The grantee shall make no paving cuts or curb cuts unless absolutely necessary, but only after written permission has been given by the city.
- (11) The grantee shall install in conduit all cable passing under any major roadway.

(Ord. No. A-2003, 6-18-2003)

**Cross reference—** Penalty, see [Section 10.99](#).

Sec. 110.32. - Service and rates.

- (A) *Office and phone.* The grantee shall maintain a conveniently located staffed office which shall be open during all usual business hours, have a locally listed telephone and be so operated that complaints and requests for repairs or adjustments may be received at any time. In addition, the grantee shall maintain a service during normal business hours, for the receipt of sums due by its subscribers and shall provide for regular billing accounts.
- (B) *Notification of service procedures.* The grantee shall furnish each subscriber at the time service is installed, written instructions that clearly set forth procedures and furnish information concerning the procedures for making inquiries or complaints, including the grantee's name, address and local telephone number. Grantee shall give the city 30-days' prior notice of any rate increases, channel lineup, or other substantive service changes.
- (C) *Rate revision.* To the extent that federal or state law or regulation may now, or as the same may hereafter be amended to, authorize the city to regulate the rates for any particular service tiers, service packages, equipment, or any other services provided by grantee, the city shall have the right to exercise rate regulation to the full extent authorized by law, or to refrain from exercising the regulation for any period of time, at the sole discretion of the city. If and when exercising rate regulation, the city shall abide by the terms and conditions set forth by the F.C.C.

(Ord. No. A-2003, 6-18-2003)

**Cross reference—** Penalty, see [Section 10.99](#).

Sec. 110.33. - Continuity of service.

- (A) (1) It shall be the right of all subscribers to continue receiving service insofar as their financial and other obligations to the grantee are honored. In the event that the grantee elects to overbuild, rebuild, modify, or sell the system, or the city gives notice of intent to terminate or fails to renew this franchise, the grantee shall act so as to ensure that all subscribers receive continuous, uninterrupted service unless circumstances are beyond the control of the grantee, unforeseen circumstances, or acts of God.
- (2) In the event of a change of grantee, or in the event a new operator acquires the system, the grantee shall cooperate with the city, new grantee, or operator in maintaining continuity of service to all subscribers. During the period, grantee shall be entitled to the revenues for any period during which it operates the system.
- (B) In the event grantee fails to operate the system for seven consecutive days without prior approval of the city or without just cause, the city may, at its option, operate the system or designate an operator until the time as grantee restores service under conditions acceptable to the city or a permanent operator is selected. If the city is required to fulfill this obligation for the grantee, the grantee shall reimburse the city for all reasonable costs or damages in excess of revenues from the system received by the city that are the result of the grantee's failure to perform.

(Ord. No. A-2003, 6-18-2003)

Sec. 110.34. - Franchise fee.

Grantee shall pay to the city a one-time franchise fee in the amount of \$999.46, which fee shall not exceed the cost of publication and attorney fees incurred by the city in the preparation and adoption of this chapter. Grantee shall also pay to the city an annual franchise fee in an amount equal to zero percent of the annual gross revenue. The payment shall be in addition to any other taxes or permit fees owed to the city by the grantee that are not included as franchise fee under federal law.

(Ord. No. A-2003, 6-18-2003)

**Cross reference—** Penalty, see [Section 10.99](#).

Sec. 110.35. - Payment to city.

- (A) *Method of computation.* The fee due the city under the provisions of [Section 110.34](#) shall be computed and paid quarterly, based on the grantee's fiscal year, with the last quarter payment being adjusted based on review of the grantee's gross receipts and shall be paid not later than 90 days after the end of the grantee's fiscal year at the office of the Treasurer during its regular business hours. The payment period shall commence as of the effective date of the franchise. In the event of a dispute, the city, if it so requests, shall be furnished a statement of the payment, by a Certified Public Accountant, reflecting the gross revenues and the above charges, deductions, and computations for the period covered by the payment.
- (B) *Acceptance by the city.* No acceptance of any payment by the city shall be construed as a release or as an accord and satisfaction of any claim the city may have for further or additional sums payable as a franchise fee under this chapter or for the performance of any other obligation of the grantee.
- (C) *Failure to make required payment.* In the event that any franchise payment or recomputed payment is not made on or before the dates specified herein, grantee shall pay any interest charged, computed from the due date, at the annual rate of one percent of the prime interest rate.

(Ord. No. A-2003, 6-18-2003)

**Cross reference—** Penalty, see [Section 10.99](#).

Sec. 110.36. - Transfer of ownership or control.

- (A) The franchise granted hereunder shall be a privilege to be held for the benefit of the public. The franchise cannot in any even be sold, transferred, leased, assigned, or disposed of, including but not limited to, by forced or voluntary sale, merger, consolidation, receivership, or other means without the prior consent of the city, and then only under the conditions as the city may establish. The consent as required by the city shall however, not be unreasonably withheld or delayed.
- (B) For the purpose of determining whether it shall consent to the change, transfer, or acquisition of the franchise, the city may inquire into the qualification of the prospective party, and the grantee shall assist the city in the inquiry.
- (C) By its acceptance of this franchise, the grantee specifically grants and agrees that the sale, assignment, or transfer of the franchise occurring without prior approval of the City Council shall constitute a violation of this franchise by the grantee.
- (D) The foregoing requirements shall not apply to any sale, assignment, or transfer to any person which is owned or controlled by the grantee, or any person which owns or controls the grantee. Grantee shall notify the city 30 days prior to any sale, assignment, or transfer.

(Ord. No. A-2003, 6-18-2003)

**Cross reference—** Penalty, see [Section 10.99](#).

Sec. 110.37. - Records, reports, and maps.

- (A) *Reports required.* The grantee shall file with the city:
  - (1) The grantee's schedule of charges, contract of application forms for regular subscriber service, policy regarding the processing of subscriber complaints, delinquent subscriber disconnect and reconnect procedures and any other terms and conditions adopted as the grantee's policy in connection with its subscribers shall be filed with the city upon request; and
  - (2) All petitions, applications, and communications of all types submitted by the grantee to the Federal Communications Commission, Securities and Exchange Commission, or any other federal or state regulatory commission or agency having jurisdiction over any matter affecting operation of grantee's system shall be submitted to the city upon request.
- (B) *Records required.* The grantee shall at all times maintain:
  - (1) A record of all complaints received and interruptions or degradation of service experienced shall be maintained for one year; and
  - (2) A full and complete set of plans, records, and "as-built" maps showing the exact location of all cable system equipment installed or in use in the city, exclusive of subscriber service drops.
- (C) *Filing.* When not otherwise prescribed herein, all matters required to be filed with the city shall be filed with the City Clerk.
- (D) *Other records.* The city may impose reasonable requests for additional information, records, and documents from time to time.
- (E) *Inspection of property and records.* Grantee shall permit any duly authorized representative of the city to examine any and all maps and other records relevant to grantee's compliance with the franchise.

(Ord. No. A-2003, 6-18-2003)

**Cross reference**— Penalty, see [Section 10.99](#).

Sec. 110.38. - Removal of cable system.

At the expiration of the term for which this franchise is granted, or upon its termination as provided herein, grantee shall forthwith, upon notice by city, remove at its own expense the cable system from all streets and public property within the city.

(Ord. No. A-2003, 6-18-2003)

**Cross reference**— Penalty, see [Section 10.99](#).

Sec. 110.39. - Community programming.

(A) The grantee shall maintain, without charge, one outlet to each public school, located in the area served by the system and will provide free basic service, for so long as the system remains in operation in the area. The school may install, at its expense, the additional outlets for classroom purposes as it desires, provided that the installation shall not interfere with the operation of grantee's system, and that the quality and manner of installation of the additional connections shall have been approved by the grantee and shall comply with all city, state, and federal laws and regulations.

(B) In addition, the grantee shall furnish to the city, without charge, that is, without installation or monthly charges, one outlet to the City Police Station, and to the City Hall office.

(C) Grantee shall provide a Public, Education and Government (PEG) access channel available to subscribers on the effective date of this chapter.

(Ord. No. A-2003, 6-18-2003)

**Cross reference**— Penalty, see [Section 10.99](#).

### ARTICLE III. - ADMINISTRATION AND REGULATION

Sec. 110.50. - Performance evaluation sessions.

(A) The city and the grantee may hold performance evaluation sessions as may be required by federal and state law or by the city. All the sessions shall be open to the public.

(B) All evaluation sessions shall be announced in a newspaper of general circulation in accordance with general legal notice requirements. Grantee shall notify its subscribers of all evaluation sessions by announcement on at least one channel of its system for five consecutive days preceding each session.

(C) Topics which may be discussed at any scheduled session may include, but not be limited to, service rate structures, franchise fee, penalties, discounted services, application of new technologies, system performance, services provided, programming offered, customer complaints, privacy, judicial and F.C.C. rulings, line extension policies, and grantee or city rules.

(Ord. No. A-2003, 6-18-2003)

**Cross reference**— Penalty, see [Section 10.99](#).

Sec. 110.51. - Forfeiture or revocation.

(A) *Grounds for revocation.* The city reserves the right to revoke the franchise granted hereunder and rescind all rights and privileges associated with the franchise in the following circumstances, each of which shall represent a default and breach under this chapter and the franchise grant:

(1) If the grantee should default in the performance of any of its material obligations under this chapter or under the documents, contracts, and other terms and provisions entered into by and between the city and the grantee;

(2) If the grantee should fail to provide or maintain in full force and effect, the liability and indemnification coverage's as required herein;

(3) If the grantee ceases to provide cable services for any reason within the control of the grantee. The grantee shall not be declared at fault or be subject to any sanction under any provision of this chapter in any case in which performance of the provision is prevented for reasons beyond the grantee's control; and

(4) If the grantee evades any of the provisions of this chapter or the franchise agreement or practices any fraud or deceit upon the city.

(B) *Procedure prior to revocation.*

(1) The city shall make written demand by certified mail to the grantee to comply with the requirement, limitation, term, condition, rule, or regulation and shall provide the grantee with minimum of 30 days to cure the city complaint. If a cure could not reasonably be completed within 30 days, the grantee shall submit a proposal for cure and begin the process of cure as soon as practical. If the default, failure, refusal, or neglect of the grantee continues beyond the cure period following the written demand, the city may place its request for termination of the franchise upon a regular Council

meeting agenda. The city shall cause to be served upon grantee, at least 20 days prior to the date of the Council meeting, a written notice of this intent to request the termination, and the time and place of the meeting, notice of which shall be published by the City Clerk at least once, 20 days before the meeting in a newspaper of general circulation with the city.

- (2) The Council shall hear any persons interest therein, and shall reasonably determine, whether or not any default, failure, refusal, or neglect by the grantee was with just cause.
  - (3) If the default, failure, refusal, or neglect by the grantee was with just cause, the Council shall direct the grantee to comply within the time and manner and upon the terms and conditions as are reasonable.
  - (4) If the Council shall determine the default, failure, refusal, or neglect by the grantee was without just cause, then the Council may, by resolution, declare that the franchise of grantee shall be terminated. Grantee retains all rights of judicial appeal.
- (C) *Restoration of property.* In removing its plant, structures, and equipment, the grantee shall refill, at its own expense, any excavation that shall be made by it and shall leave all public ways and places in as good condition as prevail prior to the grantee's removal of its equipment and appliances without affecting the electrical or telephone cable wires, or attachments. The city shall inspect and approve the condition of the public ways and public places, and cables wires, attachments and poles after removal. The liability, indemnity, and insurance as provided herein shall continue in full force and effect during the period of removal and until full compliance by the grantee with the terms and conditions of this division (C) and this chapter.
- (D) *Restoration by city; reimbursement of costs.* In the event of a failure by the grantee to complete any work required by Article II Section 9 and/or division (C) above, or any other work required by city law or ordinance within the time as may be established and to the reasonable satisfaction of the city, the city may cause the work to be done and the grantee shall reimburse the city the reasonable cost thereof within 30 days after receipt of an itemized list of the costs. The city shall be permitted to seek legal and equitable relief to enforce the provisions of this section.
- (E) *Extended operation.* Upon the revocation of a franchise, the city may require the grantee to continue to operate the system for a period of time not to exceed three months from the date of the revocation. The grantee shall, as trustee for its successor in interest, continue to operate the cable system under the terms and conditions of this chapter and the franchise and to provide the regular subscriber service and any and all of the services that may be provided at that time. The city shall be permitted to seek legal and equitable relief to enforce the provisions of this section.
- (F) *Rights not affected.* The termination and forfeiture of any franchise shall in no way affect any of the rights of the city or grantee under the franchise or any provision of law.

(Ord. No. A-2003, 6-18-2003)

Sec. 110.52. - Receivership and foreclosure.

- (A) The franchise herein granted shall, at the option of the city, cease and terminate 120 days after the appointment of a receiver or receivers or trustee or trustees to take over and conduct the business of the grantee whether in a receivership, reorganization, bankruptcy, or other action or proceeding unless the receivership or trusteeship shall have been vacated prior to the expiration of the 120 days, or unless:
- (1) The receivers or trustees shall have, within 120 days after their election or appointment, fully complied with all the terms and provisions of this chapter and the franchise granted pursuant hereto, and the receivers or trustees within the 120 days shall have remedied all defaults under the franchise; and
  - (2) The receivers or trustees shall, within the 120 days, execute any agreement duly approved by the court having jurisdiction in the premises, whereby the receivers or trustees assume and agree to be bound by each and every term, provision, and limitation of the franchise herein granted.
- (B) In the case of a foreclosure or other judicial sale of the plant, property, and equipment of the grantee, including or excluding this franchise, the Council may service notice of termination upon the grantee and the successful bidder at the sale, in which event the franchise herein granted and all rights and privileges of the grantee hereunder shall cease and terminate 30 days after service of the notice, unless:
- (1) The Council shall have approved the transfer of this franchise, as and in the manner in this chapter provided; and
  - (2) The successful bidder shall have covenanted and agreed with the city to assume and be bound by all the terms and conditions of this franchise.

(Ord. No. A-2003, 6-18-2003)

Sec. 110.53. - Compliance with state and federal laws.

Notwithstanding any other provisions of this franchise to the contrary, the grantee shall at all times comply with all laws and regulations of the state and federal government or any administrative agencies thereof which relate to the conduct of grantee's system business.

(Ord. No. A-2003, 6-18-2003)

Sec. 110.54. - Integration.

This agreement sets forth the entire agreement between the parties respecting the subject matter hereof. All agreements, covenants, representations, and warranties, express and implied, oral and written, of the parties with regard to the subject matter hereof are contained herein. No other agreements, covenants, representations, or warranties, express or implied, oral or written, have been made by any party to another with respect to the matter of this agreement. All prior

and contemporaneous conversations, negotiations, possible and alleged agreements, representations, covenants, and warranties with respect to the subject matter hereof are waived, merged herein and therein and superseded hereby and thereby. This is an integrated agreement.

(Ord. No. A-2003, 6-18-2003)

## CHAPTER 111. - TELECOMMUNICATIONS FACILITIES

### Footnotes:

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**Cross reference**— *Cable Franchise Regulations, see Chapter 110. Municipal Civil Infractions, see Chapter 31. Nuisances, see Chapter 91. Streets and Sidewalks, see Chapter 93. Zoning Code, see Chapter 151.*

## ARTICLE I. - GENERAL PROVISIONS

### Sec. 111.01. - Purpose.

The purpose of this chapter is to regulate access to and ongoing use of public rights-of-way by telecommunications providers for their telecommunications facilities while protecting the health, safety, and welfare of the public and exercising reasonable control of the public rights-of-way in compliance with the Metropolitan Extension Telecommunications Rights-of-way Oversight Act (Public Act 48 of 2002, M.C.L.A. §§ 484.3101 et seq.) ("Act") and other applicable law, and to ensure that the city qualifies for distributions under the Act by modifying the fees charged to providers and complying with the Act.

(Ord. No. 23, 10-23-2002)

### Sec. 111.02. - Conflict.

Nothing in this chapter shall be construed in a manner as to conflict with the Act or other applicable law.

(Ord. No. 23, 10-23-2002)

### Sec. 111.03. - Definitions.

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

*Act.* The Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (Public Act 48 of 2002, M.C.L.A. §§ 484.3101 et seq.), as amended from time to time.

*Authority.* The Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority created pursuant to § 3 of Public Act 48 of 2002, M.C.L.A. § 484.3103.

*City.* The City of Iron River.

*City council.* The City Council of the City of Iron River 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.

*M.P.S.C.* 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.

*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.

*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 § 332(d) of Part I of Title III of the Communications Act of 1934, Chapter 652, 48 Stat. 1064, 47 U.S.C. § 332, and further defined as commercial mobile radio service in 47 C.F.R. pt. 20.3, and service provided by any wireless, two-way communication device.

*Telecommunications provider, provider, and telecommunications services.* Those terms as defined in § 102 of the Michigan Telecommunications Act, 1991 PA 179, M.C.L.A. § 484.2102. telecommunication provider does not include a person or an affiliate of that person when providing a federally licensed commercial mobile radio service as defined in 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 C.F.R. 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:

- (1) A cable television operator that provides a telecommunications service;
- (2) Except as otherwise provided by the Act, a person who owns telecommunication facilities located within a public right-of-way; and
- (3) A person providing broadband internet transport access service.

(Ord. No. 23, 10-23-2002)

Sec. 111.04. - Effective date.

This chapter shall take effect 30 days after publication.

(Ord. No. 23, 10-23-2002)

ARTICLE II. - REGULATIONS

Sec. 111.15. - 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 M.P.S.C. in accordance with § 6(1) of Public Act 48 of 2002, M.C.L.A. § 484.3106(1). A telecommunications provider shall file one copy of the application with the City Clerk, one copy with the City Manager, and one copy with the City Attorney. Upon receipt, the City Clerk shall make two copies of the application and distribute a copy to the Public Works Foreman and the Mayor. Applications shall be complete and include all information required by the Act, including without limitation a route map showing the location of the provider's existing and proposed facilities in accordance with § 6(5) of the Act.
- (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 442 of 1976, M.C.L.A. §§ 15.231 to 15.246, pursuant to § 6(5) of Public Act 48 of 2002, M.C.L.A. § 484.3106(5), the telecommunications provider shall prominently so indicate on the face of each map.
- (D) *Application fee.* Except as otherwise provided by the Act, the application shall be accompanied by a one-time non-refundable application fee in the amount of \$500.00.
- (E) *Additional information.* The City Manager may request an applicant to submit the additional information which the City Manager deems reasonably necessary or relevant. The applicant shall comply with all the requests in compliance with reasonable deadlines for the 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 M.P.S.C. as provided in § 6(2) of Public Act 48 of 2002, M.C.L.A. § 484.3106(2).
- (F) *Previously issued permits.* Pursuant to § 5(1) of Public Act 48 of 2002, M.C.L.A. § 484.310(1), authorizations or permits previously issued by the city under § 251 of the Michigan Telecommunications Act, 1991 PA 179, M.C.L.A. § 484.2251 and authorizations or permits issued by the city to telecommunications providers prior to the 1995 enactment of § 251 of the Michigan Telecommunications Act but after 1985 shall satisfy the permit requirements of this chapter.
- (G) *Existing providers.* Pursuant to § 5(3) of Public Act 48 of 2002, M.C.L.A. § 484.3105(3), within 180 days from 11-1-2002, the effective date of the Act, a telecommunications provider with facilities located in a public right-of-way in the city as of the date, that has not previously obtained authorization or a permit under § 251 of the Michigan Telecommunications Act, 1991 PA 179, 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 § 5(3) of Public Act 48 of 2002, M.C.L.A. § 484.3105(3), a telecommunications provider submitting an application under this division (G) is not required to pay the \$500 application fee required under division (D) above. A provider under this division (G) shall be given up to an additional 180 days to submit the permit application if allowed by the Authority, as provided in § 5(4) of Public Act 48 of 2002, M.C.L.A. § 484.3105(4).

(Ord. No. 23, 10-23-2002)

**Cross reference—** Penalty, see Section 111.99.

Sec. 111.16. - 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 § 15(3) of Public Act 48 of 2002, M.C.L.A. § 484.3115(3), the City Manager shall approve or deny an application for a permit within 45 days from the date a telecommunications

provider files an application for a permit under subsection 111.15(B) for access to a public right-of-way within the city. Pursuant to § 6(6) of Public Act 48 of 2002, M.C.L.A. § 484.3106(6), the City Manager shall notify the M.P.S.C. 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 M.P.S.C., with or without additional or different permit terms, in accordance with §§ 6(1), 6(2), and 15 of Public Act 48 of 2002, M.C.L.A. §§ 484.3106(1), 484.3106(2) and 484.3115.
- (C) *Conditions.* Pursuant to § 15(4) of Public Act 48 of 2002, M.C.L.A. § 484.3115(4), the City Manager may impose conditions on the issuance of a permit, which conditions shall be limited to the telecommunications provider's access and usage of the public right-of-way.
- (D) *Bond requirement.* Pursuant to § 15(3) of Public Act 48 of 2002, M.C.L.A. § 484.3115(3), and without limitation on division (C) above, the City Manager may require that a bond be posted by the telecommunications provider as a condition of the permit. If a bond is required, it shall not exceed the reasonable cost to ensure that the public right-of-way is returned to its original condition during and after the telecommunications provider's access and use.

(Ord. No. 23, 10-23-2002)

Sec. 111.17. - Construction/engineering permit.

- (A) 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 this chapter, as amended, for construction within the public rights-of-way.
- (B) No fee shall be charged for the construction or engineering permit.

(Ord. No. 23, 10-23-2002)

**Cross reference—** Penalty, see Section 111.99.

Sec. 111.18. - Conduit or utility poles.

Pursuant to § 4(3) of Public Act 48 of 2002, M.C.L.A. § 181.3104(3), 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. No. 23, 10-23-2002)

Sec. 111.19. - Route maps.

Pursuant to § 6(7) of Public Act 48 of 2002, M.C.L.A. § 484.3106(7) and § 6(8) of Public Act 48 of 2002, M.C.L.A. § 484.3106(8), 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 M.P.S.C. and to the city. The route maps should be in paper format unless and until the M.P.S.C. determines otherwise, in accordance with § 6(8) of the Act.

(Ord. No. 23, 10-23-2002)

**Cross reference—** Penalty, see Section 111.99.

Sec. 111.20. - Repair of damage.

Pursuant to § 15(5) of Public Act 48 of 2002, M.C.L.A. § 484.3115(5), a telecommunications provider undertaking an excavation or construction or installing telecommunications facilities within a public right-of-way or temporarily obstructing a public right-of-way in the city, as authorized by a permit, shall promptly repair all damage done to the street surface and all installations under, over, below, or within the public right-of-way and shall promptly restore the public right-of-way to its preexisting condition.

(Ord. No. 23, 10-23-2002)

**Cross reference—** Penalty, see Section 111.99.

Sec. 111.21. - Establishment of payment of maintenance fee.

In addition to the non-refundable application fee paid to the city set forth in subsection 111.15(D), a telecommunications provider with telecommunications facilities in the city's public rights-of-way shall pay an annual maintenance fee to the Authority pursuant to § 8 of Public Act 48 of 2002, M.C.L.A. § 484.3108.

(Ord. No. 23, 10-23-2002)

**Cross reference—** Penalty, see Section 111.99.

Sec. 111.22. - Modification of existing fees.

- (A) In compliance with the requirements of § 13(1) of Public Act 48 of 2002, M.C.L.A. § 484.3113(1), the city hereby modifies, to the extent necessary, any fees

charged to telecommunications providers after 11-1-2002, the effective date of the Act, relating to access and usage of the public rights-of-way, to an amount not exceeding the amounts of fees and charges required under the Act, which shall be paid to the Authority.

- (B) In compliance with the requirements of § 13(4) of Public Act 48 of 2002, M.C.L.A. § 484.3113(4), the city also hereby approves modification of the fees of providers with telecommunication facilities in public rights-of-way within the city's boundaries, so that those providers pay only those fees required under § 8 of Public Act 48 of 2002, M.C.L.A. § 484.3108.
- (C) The city shall provide each telecommunications provider affected by the fee with a copy of this chapter, in compliance with the requirement of § 13(4) of Public Act 48 of 2002, M.C.L.A. § 484.3113(4).
- (D) 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, the 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. No. 23, 10-23-2002)

Sec. 111.23. - Savings clause.

Pursuant to § 13(5) of Public Act 48 of 2002, M.C.L.A. § 484.3113(5), if § 8 of Public Act 48 of 2002, M.C.L.A. § 484.3108 is found to be invalid or unconstitutional, the modification of fees under Sec. 111.22 shall be void from the date the modification was made.

(Ord. No. 23, 10-23-2002)

Sec. 111.24. - Use of funds.

- (A) Pursuant § 10(4) of Public Act 48 of 2002, M.C.L.A. § 484.3110(4), all amounts received by the city from the Authority shall be used by the city solely for rights-of-way related purposes.
- (B) In conformance with that requirement, all funds received by the city from the Authority shall be deposited into the Major Street Fund and/or the Local Street Fund maintained by the city under Public Act 51 of 1951, M.C.L.A. §§ 247.651 et seq.

(Ord. No. 23, 10-23-2002)

Sec. 111.25. - Annual report.

Pursuant to § 10(5) of Public Act 48 of 2002, M.C.L.A. § 484.3110(5), the City Manager shall file an annual report with the Authority on the use and disposition of funds annually distributed by the Authority.

(Ord. No. 23, 10-23-2002)

Sec. 111.26. - Cable television operators.

Pursuant to § 13(6) of Public Act 48 of 2002, M.C.L.A. § 484.3113(6), the city shall not hold a cable television operator in default or seek any remedy for its failure to satisfy an obligation, if any, to pay after 11-1-2002, 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. No. 23, 10-23-2002)

Sec. 111.27. - Existing rights.

Pursuant to § 4(2) of Public Act 48 of 2002, M.C.L.A. § 484.3104(2), 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. No. 23, 10-23-2002)

Sec. 111.28. - Compliance.

- (A) 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 a manner as to achieve that purpose.
- (B) The city shall comply in all respects with the requirements of the Act, including but not limited to the following:
  - (1) Exempting certain route maps from the Freedom of Information Act, Public Act 442 of 1976, M.C.L.A. §§ 15.231-15.246, as provided in subsection 111.15(C);
  - (2) Allowing certain previously issued permits to satisfy the permit requirements hereof, in accordance with subsection 111.15(F);
  - (3) Allowing existing providers additional time in which to submit an application for a permit, and excusing the providers from the \$500.00 application fee, in accordance with subsection 111.15(G);



- (4) Approving or denying an application for a permit within 45 days from the date a telecommunications provider files an application for a permit for access usage of a public right-of-way within the city, in accordance with subsection 111.16(A);
- (5) Notifying the M.P.S.C. when the city has granted or denied a permit, in accordance with subsection 111.16(A);
- (6) Not unreasonably denying an application for a permit, in accordance with subsection 111.16(A);
- (7) Issuing a permit in the form approved by the M.P.S.C., with or without additional or different permit terms, as provided in subsection 111.16(B);
- (8) 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 subsection 111.16(C);
- (9) Not requiring a bond of a telecommunications provider which exceeds the reasonable cost to ensure that the public right-of-way is returned to its original condition during and after the telecommunication provider's access and use, in accordance with subsection 111.16(D);
- (10) Not charging any telecommunications providers any additional fees for construction or engineering permits, in accordance with Section 111.17;
- (11) Providing each telecommunications provider affected by the city's right-of-way fees with a copy of this chapter, in accordance with Section 111.22;
- (12) Submitting an annual report to the Authority, in accordance with Section 111.25; and
- (13) Not holding a cable television operator in default for a failure to pay certain franchise fees, in accordance with Section 111.26.

(Ord. No. 23, 10-23-2002)

Sec. 111.29. - Reservation of police powers.

Pursuant to § 15(2) of Public Act 48 of 2002, M.C.L.A. § 484.3115(2), 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. No. 23, 10-23-2002)

Sec. 111.30. - Authorized city officials.

The City Manager or his or her designee is hereby designated as the authorized city official to issue municipal civil infraction citations (directing alleged violators to appear in court) or municipal civil infraction violation notices (directing alleged violators to appear at the Municipal Ordinance Violations Bureau) for violations under this chapter.

(Ord. No. 23, 10-23-2002)

Sec. 111.99. - 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 fines of not less \$500.00 nor more than \$1,000.00 for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the City of Iron River may recover reasonable attorneys' fees, litigation by appropriate suit at law against the entity/person found to have violated this chapter or the orders, rules, regulations, and permits issued hereunder. 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. No. 23, 10-23-2002)

CHAPTER 112. - MARIHUANA REGULATIONS

Sec. 112.01. - Prohibition of marihuana establishments.

- (A) Pursuant to the provisions of Section 6.1 of the Michigan Regulation and Taxation of Marihuana Act (the "Act"), marihuana establishments, as defined by the Act, are completely prohibited within the boundaries of the city.
- (B) Any applicant for a state or local license to establish a marihuana establishment, as defined by the Act, within the boundaries of the city shall be deemed to be not in compliance with this chapter or with this code amended by Ord. No. 2019-01.
- (C) This section does not supersede rights and obligations with respect to the transportation of marihuana through the city to the extent provided by the Act and does not supersede rights and obligations under state law with allowing for or regulating marihuana for medical use.

(Ord. No. 2019-01, 3-20-2019)

Sec. 112.02. - Prohibition on sale and consumption of marihuana in public places.

- (A) In conformance with Sections 4.1(e) and 6.2(b) of the Act, except as otherwise provided in this section, the sale or consumption of marihuana in any form and the sale or display of marihuana accessories, as defined by the Act, is prohibited in any public places within the boundaries of the city.
- (B) Notwithstanding the limitations set forth in subsection (A) hereof, marihuana may not be consumed on any public property, including but not limited to,

city parks, county fairgrounds, city buildings, or public areas accessible by persons under 21 years of age.

- (C) Any person who violates any of the provisions of this section shall be responsible for a municipal civil infraction punishable by a civil fine of \$500.00, plus court-imposed costs.
- (D) This section does not supersede rights and obligations with respect to the transfer and consumption of marihuana on private property to the extent authorized by the person who owns, occupies or operates such property, as provided in and authorized by the Act, and does not supersede rights and obligations with respect to the use of marihuana for medical purposes as provided by any law of the state allowing for or regulating marihuana for medical use.

(Ord. No. 2019-01, 3-20-2019)

Sec. 112.03. - Synonymous words.

The spelling of the words marihuana and marijuana are synonymous and are meant to mean the same for the purposes of this chapter.

(Ord. No. 2019-01, 3-20-2019)

Sec. 112.04. - Federal law.

The city recognizes and accepts that the federal government regulates marihuana as a class 1 drug and as an illegal substance to process, manufacture, sell, or distribute.

(Ord. No. 2019-01, 3-20-2019)

Sec. 112.05. - Conflict and repeal.

All ordinances or parts of ordinances in conflict with this chapter are repealed.

(Ord. No. 2019-01, 3-20-2019)

Sec. 112.06. - Effective date.

The adoption of this chapter is hereby declared an emergency effecting the public peace, health and safety and this chapter shall, therefore, be effective immediately upon its adoption.

(Ord. No. 2019-01, 3-20-2019)

Sec. 112.07. - Publication.

After its adoption, the ordinance from which this chapter is derived, or a summary thereof, as permitted by law, shall be published by the City Clerk in the Iron County Reporter, a newspaper of general circulation in the city.

(Ord. No. 2019-01, 3-20-2019)

TITLE XIII - GENERAL OFFENSES

CHAPTER 130. - GENERAL OFFENSES

*Footnotes:*

--- (1) ---

**Cross reference**— *Municipal Civil Infractions, see Chapter 31.*

Sec. 130.01. - Curfew.

- (A) It shall be unlawful for any minor 11 years of age or under to be in any public street, sidewalk, alley, school, playground, vacant land, park, plaza, public or private parking facility, bowling alley, restaurant, pool or billiard room, store, or other public place within the city limits between the hours of 10:00 p.m. (Central Time) and 6:00 a.m. (Central Time) unless accompanied by a parent, guardian, or some adult over 21 years of age entrusted by the minor's parent or legal guardian to accompany the minor.
- (B) It shall be unlawful for any minor 12 years of age but under 18 years of age to be in any public street, sidewalk, alley, school, playground, vacant land, park, plaza, public or private parking facility, bowling alley, restaurant, pool or billiard room, store, or other public place within the city limits between the hours of 11:00 p.m. (Central Time) and 6:00 a.m. (Central Time) unless accompanied by a parent, guardian, or some adult over 21 years of age entrusted by the minor's parent or legal guardian to accompany the minor.
- (C) The following shall constitute valid exceptions to the curfew:

- (1) When the minor is on the sidewalk of his or her residence or on the sidewalk of either next door neighbor, so long as the neighbor does not object to his presence on his or her sidewalk;
  - (2) Where the minor is on legitimate business or errands directed by his or her parent, legal guardian, or adult having custody of the minor;
  - (3) Where the minor is attending or participating in organized, legitimate functions of public or private schools, churches, private clubs, or other civic agencies or organizations, during the actual occurrence of the function or event and during the times as will permit the minors in attendance to reasonably return to places of residence by a direct route; or
  - (4) Where the minor is engaged in the course of lawful employment or for a period of one-half hour before to one-half hour after work, while traveling a direct route between the place of employment and his or her residence.
- (D) (1) It shall be unlawful for any parent or guardian of any minor under the age of 18 years of age to suffer, permit, or encourage, or by negligent control allow the minor, to be in or on any public street, sidewalk, alley, school, playground, vacant land, park, plaza, public or private parking facility, bowling alley, restaurant, pool or billiard room, store, or other public place within the city limits, in violation of this section.
- (2) Proof that a minor was upon or in or on any public street, sidewalk, alley, school, playground, vacant land, park, plaza, public or private parking facility, bowling alley, restaurant, pool or billiard room, store, or other public place within the city limits in violation of this section shall be prima facie evidence that the minor's parent or guardian allowed or encouraged the minor to violate this section.
- (E) A police officer who witnesses a violation of this section may stop and detain the person for the purposes of obtaining satisfactory identification and issuing either a municipal civil infraction citation or a municipal civil infraction violation notice pursuant to the city's Civil Infraction Ordinance.
- (F) As a temporary ordinance, this section shall be effective upon publication. As a general ordinance, the section shall be effective 30 days after adoption by the Iron River City Council.

(Ord. No. 8, 8-31-2000)

**Cross reference**— Penalty, see [Section 130.99](#).

Sec. 130.02. - Loitering prohibited.

- (A) (1) No person shall stand, idle, or sit, either in person or within a motorized vehicle on a public street, sidewalk, or any premises or any other public place or place open to the public in a manner as to:
- (a) By words or conduct, harass, assault, molest, or intimidate any other person;
  - (b) Interfere with any person's use of the streets, sidewalks, public places, or places open to the public after having been requested to cease the interference by a peace officer;
  - (c) Interfere with the normal course of a store, business, or commercial establishment or in any way tend to hinder or impede the passage of pedestrians or vehicles en route to or from the establishment or premises; and/or
  - (d) Create a reasonable belief that a breach of the peace is imminent or a reasonable concern for the safety of persons or property within the vicinity. Among the circumstances which may be considered in determining whether there is a reasonable belief that a breach of the peace is imminent or a reasonable concern for the safety of persons or property are the following:
    1. That the person takes flight upon appearance of a police officer or endeavors to conceal himself or herself or any object;
    2. That the person is one of a group threatening, making threatening gestures at, or otherwise menacing persons in the vicinity;
    3. That the person appears to be illegally consuming or using or concealing illegal consumption or use of alcoholic beverages or controlled substances; or
    4. That the person is one of a group which is blocking the free passage of pedestrian or vehicle traffic on a street or sidewalk.
- (2) For the purpose of this division (A), the following definition shall apply unless the context clearly indicates or requires a different meaning.
- Harass.* Shall include, but not be limited to, the use of any personally abusive epithets, words, language, or conduct of an offensive nature, which when addressed to or directed at a reasonable person are inherently likely to provoke a reaction of fear, anger, or apprehension.
- (3) Prior to the issuance of either a municipal civil infraction citation or a municipal civil infraction violation notice, a police officer shall afford the person an opportunity to dispel any concern or belief which would otherwise be warranted by requesting the person to explain his or her presence and conduct, unless flight by person or other circumstances makes it impractical or futile.
- (B) (1) No person shall knowingly loiter about, frequent, or live in any building, house, vacant lot, street, alley, yard, apartment, store, automobile, boat, boathouse, airplane, or other place of any description whatsoever where controlled substances or drug paraphernalia are sold, dispensed, furnished, given away, or stored.
- (2) Controlled substances shall be defined as it is in the Controlled Substances Act of the State of Michigan, Public Act 368 of 1978, M.C.L.A. §§ 333.7101 et seq., as amended.
  - (3) Drug paraphernalia means any item which is used or intended for use with a controlled substance.
  - (4) Used or intended for use with controlled substance means:
    - (a) The item was primarily designed or adapted, because of objective physical features, for use with a controlled substance;

(b) The item was intended by an individual for use with a controlled substance; or

(c) An individual would know, or should have known, that the item was intended for use with a controlled substance.

(5) This division (B) shall not apply to persons licensed by the State of Michigan to engage in the activity prohibited by division (B)(1) above, nor to any person lawfully possessing a controlled substance pursuant to a prescription written by a person authorized to write prescriptions under law.

(C) A police officer who witnesses a violation of this section may stop and detain the person for the purposes of obtaining satisfactory identification and issuing either a municipal civil infraction citation or a municipal civil infraction violation notice pursuant to the city's Civil Infraction Ordinance.

(D) As a temporary ordinance, this section shall be effective upon publication. As a general Ordinance, the ordinance shall be effective 30 days after adoption by the Iron River City Council.

(Ord. No. 9, 8-31-2000)

**Cross reference—** Penalty, see Section 130.99.

Sec. 130.03. - Parental responsibility.

(A) *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 laws of the State of Michigan, the laws of the County of Iron, or the laws of the City of Iron River; those acts which cause or would tend to cause a minor to come under the jurisdiction of the juvenile division of the Probate Court as defined by M.C.L.A. § 712A.2; or another or deliberately creates an unreasonable risk of danger to himself or herself or to others. Delinquent acts do not include traffic violations.

*Drugs.* Any controlled substance as defined now or hereafter by the Public Health Code for the State of Michigan. Currently, the substances are defined in Part 72 of the Health Code, Public Act 368 of 1978, being M.C.L.A. §§ 333.7201 et seq.

*Minor.* Any unemancipated person under 18 years of age.

*Parent.* A mother, father, legal guardian, any other person having the care or custody of a minor or the other adult with whom a minor may be found residing.

(B) *Parental responsibility.*

(1) The parent of any minor has a continuous responsibility to exercise reasonable control and supervision over the minor to prevent the minor from committing or participating in the commission of any delinquent act.

(2) The parental responsibility to exercise reasonable control includes the following duties, set forth for the purposes of illustration and not by limitations:

(a) To keep drugs out of the home and out of possession of the minor, except those drugs duly prescribed for the minor by a licensed physician or other authorized medical professions;

(b) To keep firearms out of the possession of the minor except those used for hunting in accordance with local ordinance and state law and with the knowledge and supervision of a parent;

(c) To know the curfew law of the State of Michigan and/or the City of Iron River, and require the minor to observe the curfew laws;

(d) To require the minor to attend regular school sessions and to prevent the minor from being absent from school without parental or school permission;

(e) To prevent the minor from maliciously or willfully damaging, defacing, or destroying real or personal property belonging to others, including that belonging to any governmental entity within the City of Iron River; and

(f) To prevent the minor from engaging in theft of property or keeping in his or her possession property known to be stolen.

(C) *Notification of parent; record of notification.*

(1) When the minor is arrested or detained by any law enforcement agency for the commission of any delinquent act, or is issued either a municipal civil infraction citation or a municipal civil infraction violation notice, the parent of the minor shall be notified as soon as reasonably possible by the arresting agency of the minor's arrest or detention and the reason therefore, and of the parent's responsibility under this section.

(2) A record of the notification shall be kept by the arresting agency.

(D) If the minor of a parent residing within the City of Iron River commits a delinquent act as defined in this section, the parent shall be guilty of a violation of this section if:

(1) Any action, word, or non-exercise of parental responsibility by the parent encouraged, caused, or allowed to occur the commission of the delinquent act by the minor;

(2) The parent knew or reasonably should have known that the minor was likely to commit a delinquent act, but failed to take timely and appropriate action to prevent the commission of the delinquent act by the minor. If at any time within 45 days following the giving of notice as provided in division (C) above, the minor to whom the notice related or applied commits delinquent act as defined in this section, it shall be rebuttably presumed that the minor committed the delinquent act with the knowledge, allowance, permission, or sufferance of the parent; or

(3) The minor is an habitual offender.

(E) *Effective date.* As a temporary ordinance, this section shall be effective upon publication. As a general ordinance, this section shall be effective 30 days

after adoption by the Iron River City Council.

(Ord. No. 10, 8-31-2000)

**Cross reference**— Penalty, see Section 130.99.

Sec. 130.04 - Unlawful weapons use.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

*Archery practice site.* A designated area in which arrows are shot at a fixed target which has a backstop of a minimum size of eight feet high by eight feet wide with a target centered and being made of a material and thickness of which no arrow when shot from a bow can fully penetrate.

*Firearm.* Except as otherwise specifically defined in the statutes, shall be construed to include any weapon from which a dangerous projectile may be propelled by using explosives, gas, or air as a means of propulsion, except any smooth bore rifle or hand gun designed and manufactured exclusively for propelling BBs not exceeding .177 caliber by means of spring, gas, or air. This definition shall include, but is not limited to: revolver, pistol, shotgun, long gun, rifle, bow and arrow, sling shot, and pellet gun.

(B) *Generally.*

- (1) It shall be unlawful for any person to draw, handle, or flourish any firearm, whether loaded or not, in any public street, avenue, public park, alley, or other public space in the City of Iron River.
- (2) It shall be unlawful for any person to discharge a firearm within the City of Iron River, except as hereinafter provided.
- (3) It shall be unlawful for any person to use or possess a BB gun unless on property owned by them.
- (4) It shall be unlawful for any person under the age of 18 to use or possess a BB gun unless on property owned by and under the supervision of their parent or guardian.

(C) *Exemptions.*

- (1) None of the terms or provisions of divisions (A) or (B) shall apply to or be enforced against any police officer, peace officers, persons in the military services in pursuit of their official duty, and person duly authorized by federal or state law to carry firearms.
- (2) It shall be lawful for any person over the age of 18 to use a bow and arrow to shoot or fire an arrow within the city under the following conditions:
  - (a) It is only done within the confines of an archery practice site;
  - (b) The arrows used are equipped with target tips and not hunting or razor type tips;
  - (c) The maximum distance between the shooting point and the target shall not exceed 20 yards; and/or
  - (d) For persons under the age of 18, while being supervised by a parent or guardian.
- (3) It shall be lawful for any person to hunt with a bow and arrow within the city under the condition that the archer(s) is on property owned by them and are at least 300 feet from any occupied dwelling at the time of releasing the arrow.

(D) *Confiscation authorized.*

- (1) All firearms carried, possessed, or used contrary to the provisions of this section are hereby declared forfeited to the city.
- (2) Any police officer shall have the authority and it shall be his or her duty to confiscate the BB gun, air gun, sling shot, pellet gun, or bow and arrow found in the possession of any minor, under the age of 18 years, not accompanied by a parent or guardian or other authorized person.

(E) *Effective date.* As a temporary ordinance, this section shall be effective upon publication. As a general ordinance, this section shall be effective 30 days after adoption by the Iron River City Council.

(Ord. No. 16, 8-31-2000)

**Cross reference**— Penalty, see Section 130.99.

Sec. 130.99. - Penalty.

(A) Any violation of Section 130.01 shall be a municipal civil infraction punishable according to the following schedule of fines.

- (1) *First violation.* Any person who admits responsibility for, or who is found responsible for, a violation of Section 130.01 shall be subject to a civil fine of \$50.00.
- (2) *Second violation.* Any person who admits responsibility for, or who is found responsible for, a second violation of Section 130.01 in any 12-month period shall be subject to a civil fine of \$100.00.
- (3) *Third and subsequent violations.* Any person who admits responsibility for, or who is found responsible for, a third or subsequent violation of Section 130.01 in any 12-month period shall be subject to a civil fine of \$500.00.
- (4) *Juveniles.* If the person cited for a violation of Section 130.01 is under the age of 17 at the time of the occurrence of the violation, the juvenile division of the Probate Court for the County of Iron has jurisdiction over the proceedings and shall proceed to hear and dispose of the case as provided by Chapter XIIA of Public Act 288 of 1939, being M.C.L.A. §§ 712A.1—712A.28.

(B) (1) Any person in violation of Section 130.02 shall be guilty of a municipal civil infraction and shall be subject to payment of a civil fine as provided in the

schedule below.

- (a) *First violation.* Any person who admits responsibility for, or who is found responsible for, a violation of Section 130.02 shall be subject to a civil fine of \$50.00.
  - (b) *Second violation.* Any person who admits responsibility for, or who is found responsible for, a second violation of Section 130.02 in any 12-month period shall be subject to a civil fine of \$100.00.
  - (c) *Third and subsequent violations.* Any person who admits responsibility for, or who is found responsible for, a third or subsequent violation of Section 130.02 in any 12-month period shall be subject to a civil fine of \$500.00.
  - (d) *Juveniles.* If the person cited for a violation of Section 130.02 is under the age of 17 at the time of the occurrence of the violation, the juvenile division of the Probate Court for the County of Iron has jurisdiction over the proceedings and shall proceed to hear and dispose of the case as provided by Chapter XIIA of Public Act 288 of 1939, being M.C.L.A. §§ 712A.1—712A.28.
- (2) Following the appropriate issuance of either a municipal civil infraction citation or a municipal civil infraction notice, a person failing to leave the premises within a reasonable time after the request of a police officer shall be guilty of a misdemeanor and shall be subject to a fine of up to \$500.00 or by imprisonment of not more than 90 days, or by both the fine and imprisonment.
- (C) Any person in violation of Section 130.03 shall be guilty of a municipal civil infraction and shall be subject to payment of a civil fine as provide in the schedule below.
- (1) *First violation.* Any person who admits responsibility for, or who is found responsible for, a violation of Section 130.03 shall be subject to a civil fine of \$50.00.
  - (2) *Second violation.* Any person who admits responsibility for, or who is found responsible for, a second violation of Section 130.03 in any 12-month period shall be subject to a civil fine of \$100.00.
  - (3) *Third and subsequent violations.* Any person who admits responsibility for, or who is found responsible for, a third or subsequent violation of Section 130.03 in any 12-month period shall be subject to a civil fine of \$500.00.
- (D) Any person in violation of Section 130.04 shall be guilty of a municipal civil infraction and shall be subject to payment of a civil fine as provided in the schedule below.
- (1) *First violation.* Any person who admits responsibility for, or who is found responsible for, a violation of Section 130.04 shall be subject to a civil fine of \$50.00.
  - (2) *Second violation.* Any person who admits responsibility for, or who is found responsible for, a second violation of Section 130.04 in any 12-month period shall be subject to a civil fine of \$100.00.
  - (3) *Third and subsequent violations.* Any person who admits responsibility for, or who is found responsible for, a third or subsequent violation of Section 130.04 in any 12-month period shall be subject to a civil fine of \$500.00.
  - (4) *Juveniles.* If the person cited for a violation of Section 130.04 is under the age of 17 at the time of the occurrence of the violation, the juvenile division of the Probate Court for the County of Iron has jurisdiction over the proceedings and shall proceed to hear and dispose of the case as provided by Chapter XIIA of Public Act 288 of 1939, being M.C.L.A. §§ 712A.1—712A.28.

(Ord. No. 9, 8-31-2000; Ord. No. 10, 8-31-2000; Ord. No. 16, 8-31-2000)

## TITLE XV - LAND USAGE

### CHAPTER 150. - DOWNTOWN DEVELOPMENT AUTHORITY; TAX INCREMENT FINANCING PLAN

Sec. 150.01. - Adopted by reference.

The Amended and Restated Downtown Development and Tax Increment Financing Plan have been prepared pursuant to the provisions of Public Act 197 of 1975, being M.C.L.A. §§ 125.1651-125.1681, as amended, is hereby adopted by reference as if set forth in full herein. Copies are available for public view during regular business hours in the Office of the City Clerk.

(Ord. of 5-7-1999; Ord. No. 27, 1-17-2007)

### CHAPTER 151. - ZONING CODE

*Footnotes:*

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**Editor's note—** Ord. No. 2017-02, adopted October 18, 2017, repealed the former Chapter 151, §§ 151.001—151.017, 151.030—151.038, 151.052—151.054, 151.065—151.070, 151.080—151.091, 151.100—151.107, 151.120—151.132, 151.140—151.142, 151.150, 151.160—151.172, 151.180, 151.181, 151.190, 151.191, 151.200, 151.201, 151.210, 151.220—151.226, 151.235, 151.245—151.254, 151.265—151.267, 151.280—151.284, 151.294—151.304, 151.315, 151.316, 151.999, App. A—H, and enacted a new Chapter 151 as set out herein. The former Chapter 151 pertained to similar subject matter and derived from an ordinance adopted May 3, 2006; an ordinance adopted October 20, 2010; an ordinance adopted July 17, 2013; Ord. No. 1-2014, adopted October 15, 2014; and an ordinance adopted September 21, 2016.

## ARTICLE I. - TITLE, PURPOSE, SCOPE, CONSTRUCTION, VALIDITY, SEVERABILITY, CONFLICT AND VESTED RIGHT

## Sec. 151.001. - Title.

This chapter shall be known and cited as the City of Iron River Zoning Ordinance.

(Ord. No. 2017-02, 10-18-2017)

## Sec. 151.002. - Purpose.

The purpose of this chapter is to promote, protect, regulate, restrict and provide for the use of land and buildings within the City of Iron River; to meet the needs of the State's residents for places of residence, recreation, industry, trade, service and other uses of land; to ensure that uses of the land shall be situated in appropriate locations and relationships; to limit the inappropriate overcrowding of land and congestion of population and transportation systems and other public facilities; to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation and other public service and facility needs; to encourage a walkable, non-motorized community, and to promote public health, safety and welfare.

In providing for all of these uses, services and infrastructure, the City of Iron River shall be promoting and approving the development of land and the extension of utilities in a logical and consistent pattern consistent with the continuation of the existing street patterns and the implementation of the traditional town pattern of interconnecting blocks.

The City is divided into districts which include regulations designating land uses or activities that shall be permitted or subjected to special regulations.

It is also the purpose of this chapter to provide the establishment of a Board of Appeals and its powers and duties; to provide for the administration and enforcement hereof, and for penalties for its violation; and to provide for the repeal of any and all ordinances inconsistent with the intent as herein set forth.

(Ord. No. 2017-02, 10-18-2017)

## Sec. 151.003 - Authority.

This chapter is enacted in accordance with the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended.

(Ord. No. 2017-02, 10-18-2017)

## Sec. 151.004. - Scope and construction of regulations.

- (A) This chapter shall be liberally construed in such manner as to best implement its purpose. In interpreting and applying the provisions of this chapter, the requirements shall be held to be the minimum for the promotion of the public health, safety, convenience, comfort, prosperity and general welfare.
- (B) No building or structure, or part thereof, shall hereafter be erected, constructed, reconstructed or altered, and no new use or change of use shall be made of any building, structure, land or part thereof, except as permitted by the provisions of this chapter.
- (C) Nothing within this chapter shall be construed to prevent compliance with an order by the appropriate authority to correct, improve, strengthen or restore to a safe or healthy condition, any part of a building or premises declared unsafe or unhealthy.

(Ord. No. 2017-02, 10-18-2017)

## Sec. 151.005. - Validity and severability clause.

If a court of competent jurisdiction shall declare any part of this chapter to be invalid, such ruling shall not affect any other provisions of this chapter not specifically included in said ruling.

If a court of competent jurisdiction shall declare invalid the application of any provision of this chapter to a particular land, parcel, lot, district, use, building or structure, such ruling shall not affect the application of said provision to any other parcel, lot, district, use, building or structure not specifically included in said ruling.

(Ord. No. 2017-02, 10-18-2017)

## Sec. 151.006. - Conflict with other laws, regulations and agreements.

Where any condition imposed by any provisions of this chapter upon the use of any lot, building or structure is either more restrictive or less restrictive than any comparable conditions imposed by any other provision of this chapter or by the provision of any chapter adopted under any other law, the provision which is more restrictive or which imposes a higher standard or requirement shall govern.

This chapter is not intended to modify or annul any easement, covenant or other private agreement provided that where any provision of this chapter is more restrictive or imposes a higher standard or requirement than such easement, covenant or other private agreement, the provision of this chapter shall govern.

(Ord. No. 2017-02, 10-18-2017)

## Sec. 151.007. - Vested right.

It is hereby expressly declared that nothing in this chapter be held or construed to give or grant to any person, firm or corporation any vested right, license, privilege or permit.

(Ord. No. 2017-02, 10-18-2017)

## ARTICLE II. - DEFINITIONS AND RULES APPLYING TO TEXT

## Sec. 151.021. - Rules applying to text.

The following rules shall apply to the text and language of this chapter:

- (A) The particular shall control the general.
- (B) In case of any difference of meaning or implication between the text of this chapter and any caption, the text shall control.
- (C) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- (D) Words used in the present tense shall include the future, words used in the singular number shall include the plural, and the plural shall include the singular, unless the context clearly indicates the contrary.
- (E) The word "used" or "occupied" as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied."
- (F) Any word or term not defined herein shall be used with a meaning of common or standard utilization.

(Ord. No. 2017-02, 10-18-2017)

## Sec. 151.022. - Definitions.

For the purpose of this chapter, certain words and terms are herewith defined. Illustrations of specific definitions are provided.

*Accessory buildings and structures:* A supplementary building or structure on the same lot or parcel of land as the principal building, occupied by or devoted exclusively to an accessory use.

*Accessory use:* A use reasonably and customarily, incidental and subordinate to, the principal use of the premises.

*Adult entertainment use:* Any use of land, whether vacant or combined with structures or vehicles thereon by which said property is devoted to displaying or exhibiting material for entertainment, a significant portion of which includes matter or actions depicting, describing, or presenting "specified sexual activities" or "specified anatomical areas."

*"Specified sexual activities"* are defined in this chapter as human genitals in a state of sexual stimulation or arousal, acts of human masturbation, sexual intercourse or sodomy, and fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts.

*"Specified anatomical areas"* are defined in this chapter as less than completely covered human genitals, pubic regions, buttocks and the areola or nipple of the female breasts. Also, human male genitals in a discernibly turgid state, even if completely and opaquely covered.

*Adult entertainment uses* shall include:

- (A) *Adult book or video establishment:* An establishment having a substantial or significant portion of its stock in trade books, magazines or other publications, video recordings and films which are distinguished or characterized by their emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," or an establishment with a segment or section devoted to the sale, rent or display of such material.
- (B) *Adult cabaret:* A nightclub, theater or other establishment which features live performances by topless and/or bottomless dancers, "go-go" dancers, exotic dancers or similar entertainers, where a significant portion of such performances show, depict, or describe "specified sexual activities" or "specified anatomical areas."
- (C) *Adult motel:* A motel wherein matter, actions or other displays are presented which contain a significant portion depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."
- (D) *Adult motion picture arcade:* Any place where the public is invited or permitted wherein coin-or slug/token-operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images and where a significant portion of images so displayed depict, describe or relate to "specified sexual activities" or "specified anatomical areas."
- (E) *Adult motion picture theater:* An enclosed building or open air site with any size seating capacity used for presenting motion pictures distinguishing or characterized by an emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
- (F) *Adult sexual encounter center:* Any business, agency, or person who, for any form of consideration or gratuity, provides a place where three or more



persons, not all members of the same family, may congregate, assemble, or associate for the purpose of engaging in "specified sexual activities" or conduct involving "specified anatomical areas."

*Adult foster care facility:* A state-licensed establishment that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis, but who do not require continuous nursing care. An adult foster care facility does not include convalescent or nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation center, residential centers for persons released from or assigned to a correctional facility, or any other facilities which have been exempted from the definition of adult foster care facility by the Adult Foster Care Facility Licensing Act, MCL 400.701, et seq.; MSA 16.610(61) et seq., as amended. The following additional definitions shall apply in the application of this chapter:

- (A) *Adult foster care small group home:* An owner-occupied facility with the approved capacity to receive 12 or fewer adults to be provided supervision, personal care and protection in addition to room and board for 24 hours a day, five or more days a week and for two or more consecutive weeks.
- (B) *Adult foster care large group home:* A facility with the approved capacity to receive at least 13 but not more than 20 adults to be provided supervision, personal care and protection in addition to room and board for 24 hours a day, five or more days a week and for two or more consecutive weeks.
- (C) *Adult foster care family home:* A private residence with the approved capacity to receive six or fewer adults to be provided supervision, personal care and protection in addition to room and board, 24 hours a day, five or more days a week, and for two or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
- (D) *Adult foster care congregate facility:* An adult foster care facility with the approved capacity to receive more than 20 adults to be provided with foster care.

*Alley:* Any dedicated public way affording a secondary means of access to abutting property and not intended for general traffic circulation.

*Antenna:* An exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

*Apartment:* A room or suite of rooms, including bath and culinary accommodations, intended or designed for use as a residence by a single family.

*Appurtenance:* An ornamental, structural or mechanical element that is attached to and subordinate to a building or structure.

*Automobile dealer:* A building or premises used primarily for the sale of new or used automobiles.

*Automobile repair:* General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair, overall painting and vehicle rust-proofing.

*Automobile service station:* A place that is used or designed to be used for the retail supply of gasoline and other fuels used for the propulsion of motor vehicles, kerosene, motor oil, lubricants or grease, including sale of accessories and services such as: polishing, washing, cleaning, greasing, undercoating and minor repairs, but not including bumping, painting or refinishing thereof. In addition to automobile service, convenience stores and carry out restaurants may be included.

*Automobile washes:* A building, or portion thereof, the primary purpose of which is that of washing vehicles either by automatic or self-service means.

*Auxiliary parking lot:* A parking area that is provided in excess of required parking spaces for the permitted use.

*Average:* For the purpose of this chapter, the term "average" shall be an arithmetic mean.

*Basement:* That portion of a building having more than one-half of its height below finished grade.

*Bed and breakfast establishment:* A use which is subordinate to the principal use of a dwelling unit as a single-family dwelling unit and a use in which transient guests are provided a sleeping room and board in return for payment.

*Buffer:* A strip of land with a definite width and location reserved for the planting of shrubs and/or trees to serve as an obscuring screen in carrying out the requirements of this chapter.

*Buildable area:* The space remaining after the minimum setbacks and open space requirements of this chapter have been compiled with.

*Building:* A structure having a roof supported by columns or walls.

*Building code:* The currently adopted code or codes regulating building construction in the City of Iron River, Iron County, Michigan.

*Building height:* The building height is the vertical distance measured from the finished grade level to the highest point of the roof surface if a flat roof; to the deck of mansard roofs; and to the mean height level between eaves and ridges of gable, hip and gambrel roofs. Where the building may be situated on sloping terrain, this height shall be measured from the average level of the finished grade at the building wall.

*Building line:* A horizontal line generally parallel to a front, rear or side lot line which is located at the point of the foundation of a principal building nearest to the front, rear or side lot line.

*Building setback line:* The line established by the minimum required setbacks forming the area within a lot in which a building may be located.

*Building official:* The administrative official designated by the City Council to enforce the Building Code.

*Child care facilities:* The following definitions shall apply in the application of this chapter:

- (A) *Family child care home:* A state-licensed, owner-occupied private residence in which one, but not more than six minor children are received for care and supervision for periods less than 24 hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four weeks in a calendar year.
- (B) *Group child care home:* A state-licensed, owner-occupied private residence in which seven, but not more than 12 children are received for care and supervision for periods less than 24 hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four weeks in a calendar year.
- (C) *Child care center:* A state-licensed facility, other than a private residence, receiving one or more children for care and supervision for periods less than 24 hours and where the parents or guardians are not immediately available to the child.
- (D) *Child caring institution:* A child care facility which is organized for the purpose of receiving minor children for care, maintenance and supervision, usually on a 24-hour basis, in a building maintained for that purpose, and operates throughout the year. It includes a maternity home for the care of unmarried mothers who are minors, an agency group home and institutions for mentally impaired or emotionally disturbed minor children. It does not include hospitals, nursing homes, boarding schools or an adult foster care facility in which a child has been placed.
- (E) *Foster family home:* A private home in which at least one, but not more than four, minor children, who are not related to an adult member of the household by blood, marriage or adoption, are given care and supervision for 24 hours a day, for four or more days a week, for two consecutive weeks, unattended by a parent or legal guardian.
- (F) *Foster family group home:* A private home in which more than four, but less than seven, children, who are not related to an adult member of the household by blood, marriage or adoption, are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

*Commercial use:* The use of property in connection with the purchase, sale, barter, display or exchange of goods, wares, merchandise or personal services, and the maintenance or operation of offices.

*Conditional use:* A use which is subject to conditional approval by the Planning Commission. A conditional use may be granted only when there is a similar provision in Chapter 4. A conditional use is not considered to be a nonconforming use.

*Convalescent or nursing home:* A state licensed facility for the care of children, of the aged or infirm or a place of rest for those suffering bodily disorders. Said home shall conform and qualify for license under State law even though State law has different size regulations.

*Convenience grocery store:* A one-story, retail store that is designed and stocked to sell primarily food, beverages and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). Convenience grocery stores are designed to attract a large volume of stop-and-go traffic.

*District:* A portion of the City within which certain uses of land and/or buildings are permitted and within which certain regulations and requirements apply under the provisions of this chapter.

*Drive-through business:* Any restaurant, bank or business with an automobile service window.

*Dwelling:* A dwelling is a building used exclusively as a residence by not more than one family, but in no case shall be a travel trailer, motor home, trailer coach, automobile chasses, tent or other portable building.

*Dwelling, multiple-family:* A building consisting of three dwellings.

*Dwelling, single-family:* A building designed for, or occupied exclusively by, one family.

*Dwelling, two-family:* A building consisting of two dwellings.

*Easement:* the right of an owner of property by reason of such ownership, to use the property of another for purposes of ingress, egress, utilities, drainage and similar uses.

*Essential services:* Services that are erected, constructed, altered or maintained by public utilities or municipal agencies of underground, surface or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, poles and other similar equipment or accessories reasonably in connection therewith for the furnishing of adequate service by such public utilities or municipal agencies.

*Extractive operation:* Premises from which any rock, gravel, sand, topsoil or earth in excess of 50 cubic yards in any calendar year is excavated or removed for the purpose of disposition away from the premises except excavation in connection with the construction of a building or within a public highway right-of-way.

*Family:* An individual or group of two or more persons related by blood, marriage or adoption together with foster children and servants of the principal occupants, with not more than one additional unrelated person, who are domiciled together as a single, domestic housekeeping unit in a dwelling unit, or

A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single non-commercial housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a

school term or terms or other similar determinable period. Foster family homes and foster family group homes shall be considered a residential use of property for the purposes of zoning and shall be regulated similar to a single-family home.

*Fence:* A permanent or temporary barrier enclosing or bordering a plot of land or portion thereof composed of suitable man-made materials for the purpose of preventing or controlling entrance or to confine within or to mark boundary.

*Floor area:* The sum of the gross horizontal areas of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings.

*Garage:* A structure which is accessory to a principal residential dwelling and which is used for the parking and storage of vehicles owned and operated by the residents thereof.

*Garage sale:* The display and/or offering for sale, new or used household goods, for a limited period of time, in a residential district. For the purposes of the chapter, *Garage Sale* is analogous with "Yard Sale" and "Moving Sale."

*Grade:* The degree of rise or descent of a sloping surface.

*Grade, finished:* The final elevation of the ground surface after development.

*Grade, natural:* The elevation of the ground surface in its natural state, before man-made alternations.

*Greenbelt:* A landscaped area between the property line and the front yard building or parking setback line, this area also includes a front yard parking lot setback area.

*Green way:* An area of land adjacent to the river edge that contains no buildings, structures fencing or other improvements.

*Home occupation:* An occupation, profession, activity, or use that is clearly a customary, incidental and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood. This includes giving instruction in a craft or fine art within a residence.

*Impervious surface:* A material incapable of being penetrated by water and other liquids. For the purpose of calculating storm water runoff, impervious surfaces shall include all roofs, slabs, pavements and gravel drives and parking lots.

*Junk yard:* A place, structure, parcel or use of land where junk, waste, discard, salvage or similar materials such as old iron, metal, wood, lumber, glass, paper, rags, cloth, leather, rubber, bagging, cordage, barrels, containers, etc., are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including auto wrecking yards, inoperative machines, used lumber yards, housing wrecking and structural steel materials and equipment and including establishments for the sale, purchase or storage of salvaged machinery and the processing of used, discarded or salvaged materials, for any 30 consecutive days.

*Junk vehicle:* Is, but not limited to, a visible unlicensed, inoperable automobile, truck or motorized machinery that is currently unable to perform as designed.

*Kennel:* A kennel is any place or premise where four or more adult dogs, cats or other domestic pets are maintained, boarded, bred or cared for in return for remuneration, or are kept for the purpose of sale.

*Landscaping:* The following definitions shall apply in the application of this chapter:

- (A) *Berm:* A landscaped mound of earth which blends with the surrounding terrain.
- (B) *Buffer:* A landscaped area composed of living material, wall, berm or combination thereof, established and/or maintained to provide visual screening, noise reduction and transition between conflicting types of lands.
- (C) *Conflicting non-residential land use:* Any non-residential use, such as office, commercial, industrial, research, parking or public road right-of-way land use which abuts a residential land use.
- (D) *Conflicting residential use:* Any residential land use developed at a higher density which abuts a residential land use developed at a lower density.
- (E) *Greenbelt:* A landscaped area, established at a depth of the minimum required front yard setback within a Zoning District, which is intended to provide a transition between a public road right-of-way and an existing or proposed land use and/or between a conflicting land use and an existing or proposed land use.
- (F) *Opacity:* The state of being impervious to light or sight.
- (G) *Plant material:* A collection of living evergreen and/or deciduous, woody-stemmed trees, shrubs, vines and ground cover.

*Living quarters:* An area in a building designed as an abode distinguished with kitchen facilities that compliment sleeping facilities.

*Loading space:* An off-street space on the same lot with a building or group of buildings, for temporary parking of a commercial vehicle while loading and/or unloading merchandise or materials.

*Lodging facility:* Any establishment in which individual units are rented to transients for periods of less than 30 days for the purpose of sleeping accommodations. The term shall include hotels and motels, but shall not include bed and breakfast operations, multiple-family dwellings or rooming houses.

*Lot:* A lot is a parcel of land, excluding any portion in a street or other right-of-way, of at least sufficient size to meet minimum requirements for use, coverage, lot area and to provide such yards and other open spaces as herein required. Such lot shall have frontage on a public street, or on an approved private street, and may consist of:

- (A) A single lot of record;
- (B) A portion of a lot of record;
- (C) Any combination of complete and/or portions of lots of record;
- (D) A parcel of land described by metes and bounds.

*Lot area:* The total horizontal area within the lot lines of a lot, but excluding that portion within a street right-of-way.

*Lot, corner:* A lot with frontage on two intersecting public and/or private streets.

*Lot coverage:* The percentage of the lot area covered by the building area.

*Lot depth:* The mean horizontal distance from the front line to the rear lot line; or in the case of a waterfront lot, from the lake frontage line to the street frontage line; or in the case of an acreage lot, from the front right-of-way line to the rear lot line.

*Lot, double frontage:* A lot other than a corner lot having frontage of two or more parallel streets. In the case of a row of double frontage lots, one street will be designated as the front street for all lots in the plat and in the request for a zoning compliance permit. If there are existing structures in the same block fronting one or both of the streets, the required front yard setback shall be observed on those streets where structures presently front.

*Lot, interior:* An interior lot is a lot other than a corner lot with only one lot line fronting on a street.

*Lot, width:* The required horizontal distance between the side lot lines measured at the two points where the required front yard setback line intersects by side lot lines. For lots located on the turning circle of a cul-de-sac, the lot width may be reduced to 80 percent of the required lot width.

*Lot lines:* Any line dividing one lot from another, or from a public right-of-way, and thus constitutes the property lines bounding a lot.

*Lot line, front:* The lot line which separates the lot from the existing street right-of-way or approved private road easement that provides access to the lot.

*Lot line, rear:* The lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lot or parcel, it means an imaginary line ten feet in length entirely within the lot or parcel, parallel to and a maximum distance from the front lot line.

*Lot line, side:* Any lot line other than a front or rear lot line.

*Lot of record:* A lot where the dimensions of which are shown on a subdivision plat recorded in the Office of the Register of Deeds for Iron County, or a lot or parcel described by metes and bounds, the accuracy of which is attested to by a professional engineer or registered surveyor, so designated by the State of Michigan, and said description so recorded or on file with the County.

*Manufactured home:* Factory-built single family structure that is manufactured under the authority of 42 U.S.C., Sections 5401 to 5426 (National Manufactured Home Construction and Safety Standards Act of 1974) as amended, is transportable in one or more sections, and may be built on a permanent chassis which does not have hitch, axles or wheels permanently attached to the body frame.

*Manufacturing:* The use of land, buildings or structures for the purpose of manufacturing, assembly, making, preparing, inspecting, finishing, treating, treating, altering, repairing, warehousing or storing or adapting for sale or other use of any goods, substance, article, thing or service.

*Maximum lot coverage:* Total permitted area of a lot that is not open space due to structures built on the land. Structures such as principal buildings, garages, accessory buildings, decks, porches and parking lots are counted. Ground covering such as residential driveways, gazebos, yard ornaments and signs are not counted.

*Mezzanine:* Is an intermediate floor in between any story occupying, but not-to-exceed more than one-third of the floor area of such story.

*Mobile home:* A detached portable single-family dwelling prefabricated on its own chassis and intended for long-term occupancy. The unit contains sleeping accommodations, a flush toilet, a wash basin, a tub or shower, eating and living quarters. It is designed to be transported on its own wheels or flatbed arriving at the site where it is to be occupied as a complete dwelling without permanent foundation and connected to existing utilities.

*Mobile home park:* A parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual nonrecreational basis and which is offered to the public for the purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incidental to the occupancy of a mobile home.

*Municipal civil infraction:* An act or omission that is prohibited by the City of Iron River Zoning Ordinance or the City of Iron River Municipal Civil Infractions Ordinance, but which is not a crime under this chapter or any other county ordinance, and for which civil sanctions, including fines, damages, expenses and costs, may be ordered, as authorized by Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended. A municipal civil infraction is not a lesser included offense of a violation of the City of Iron River Ordinance that is a criminal offense.

*Non-conforming building:* A building or portion thereof lawfully existing at the effective date of the Ordinance from which this chapter derives, or amendments thereto, and which does not conform to the provisions of the Ordinance in the zoning district in which it is located.

*Non-conforming use:* A use which lawfully occupied a building or land at the effective date of this chapter, or amendments thereto, and that does not conform to the use regulations of the zoning district in which it is located.

*Non-residential zoning district:* Any of the following Districts: C-1, C-2, CBD and I.

*Off-street parking area:* A land surface or facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than two automobiles.

*Ordinary high water mark:* The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is distinguished from the upland as evidence in the soil, the configuration of the surface of the soil and vegetation.

*Open air business:* Includes uses operated for profit substantially in the open air including outdoor display and sale of garages, motor homes, manufactured homes, snowmobiles, farm implements, swimming pools and similar activities or retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, top-soil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment.

*Parking space:* One unit of parking area provided for the parking of one vehicle, and shall be exclusive of driveways, aisles or entrances giving access thereto and shall be fully accessible for the storage or parking of permitted vehicles.

*Planned Unit Development (PUD):* Land under unified control which allows a development to be planned and built as a unit and which permits upon review and approval, variations in many of the traditional controls related to density, land use, setbacks, open space and other design elements and the timing and sequencing of the development.

*Practical difficulty:* A situation whereby a property owner cannot establish a "minimum practical" legal use of a legal lot or parcel, meeting all of the dimensional standards of the zoning district within which the lot is located. Situations occurring due to the owner's desire to establish a use greater than the "minimum practical" standard to enhance economic gain greater than associated with the minimum practical standard or created by an owner subsequent to the adoption of the Ordinance from which this chapter derives is not a practical difficulty.

*Principal building or structure:* The main building or structure in which the primary use is conducted.

*Public utility:* Any person, firm, corporation or municipal agency authorized under Federal, State, County or Municipal Regulations to furnish electricity, gas, communications, transportation, water or sewer services.

*Recreational vehicle:* "Recreational vehicles" shall include the following:

- (A) *Boat and boat trailers:* Boats, floats, rafts, canoes, plus the normal equipment to transport them on the highway.
- (B) *Folding tent trailer:* A canvas folding structure mounted on wheels and designed for travel and vacation use.
- (C) *Motor home:* A recreational vehicle intended for temporary human habitation, sleeping, and/or eating, mounted upon a chassis with wheels and capable of being moved from place to place under its own power. Motor homes generally contain sanitary, water and electrical facilities.
- (D) *Other recreational equipment:* Equipment similar, but not limited to: snowmobiles, all-terrain or special terrain vehicles, utility trailers, plus the normal equipment to transport them on the highway.
- (E) *Pickup camper:* A structure designed to be mounted on a pick-up or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational and vacation uses.
- (F) *Travel trailer:* A portable vehicle on a chassis, not exceeding 36 feet in length or nine feet in width, which is designed to be used as a temporary dwelling during travel, recreational, and vacation uses, and which may be identified as a "travel trailer" by the manufacturer. Travel trailers generally contain sanitary, water and electrical facilities.

*Restaurant:* A restaurant is any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose method of operation is characteristic of a carry-out, drive-in, drive-through, fast food, standard restaurant or bar/lounge, or combination thereof, as defined below:

- (A) *Restaurant, carry-out:* A restaurant whose method of operation involved sale of food, beverages and/or frozen desserts in disposal or edible containers or wrappers in a ready-to-consume state for consumption primarily off premises.
- (B) *Restaurant, fast-food:* A restaurant whose method of operation involves minimum waiting for delivery of ready-to-consume food to the customer at a counter or cafeteria line for consumption at the counter where it is served, or at tables, booths or stands inside or outside of the structure, or for consumption off the premises, but not in a motor vehicle at the site.
- (C) *Restaurant, sit down:* A restaurant whose method of operation involves either the delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building, or the prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers at tables within a completely enclosed building.
- (D) *Bar/lounge:* A type of restaurant which is operated primarily for the dispensing of alcoholic beverages, although the sale of prepared food or snacks may also be permitted. If a bar or lounge is part of a larger dining facility, it shall be defined as that part of the structure so designated or operated.

*Right-of-way:* A legal right of passage over real property typically associated with roads and railroads.

*River front lands:* The land paralleling the river bank of all rivers, streams and flowages of water in the City, 50 feet wide, as measured from the ordinary high water level, landward, at right angles or radial to the shoreline or bank, on a horizontal plane.

*Rooming house:* A dwelling in which more than three persons either individually or as families are housed or lodged for hire without meals.

*Screen:* A structure providing enclosure, such as a fence, and/or visual barrier between the area enclosed and the adjacent property. A screen may also consist of living materials such as trees and shrubs.

*Seasonal parking lot:* A parking area designed to service a limited, defined group of users less than six months per year during the non-winter months.

*Setback:* The minimum required horizontal distance between the building or structure and the front, side and rear lot lines and natural features.

*Shopping center:* More than one commercial establishment, planned, developed, owned and managed as a unit, with off-street parking provided on the property.

*Sign:* A device which is affixed to, or otherwise located or set upon a building, structure or parcel of land which directs attention to an activity or business. The definition includes interior signs which are directed at persons outside the premises of the sign owners and exterior signs, but not signs primarily directed at persons within the premises of the sign owner. The definition does not include goods for sale displayed in a business window. The following additional definitions are provided:

- (A) *Freestanding sign:* A sign which is attached to or part of a completely self-supporting structure. The supporting structure shall be placed in or below the ground surface and not attached to any building or any other structure whether portable or stationary.
- (B) *Projecting sign:* A sign other than a wall sign, which is perpendicularly attached to, and projects from a structure or building wall not specifically designed to support the sign.
- (C) *Portable temporary sign:* A single or double surface painted or poster panel type sign or some variation thereof, which is temporary in nature, easily movable and not permanently attached to the ground or a building.
- (D) *Real estate sign:* A temporary sign placed upon property for the purpose of advertising to the public the sale or lease of said property.
- (E) *Roof sign:* Any sign wholly erected to, constructed/or maintained on the roof structure of any building.
- (F) *Wall sign:* Any sign that shall be affixed parallel to the wall or printed or painted on the wall of any building; provided, however, said wall sign shall not project above the top of the wall or beyond the end of the building. For the purpose of this chapter, any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered a wall sign.
- (G) *Canopy sign:* Means a sign displayed and affixed flat on the surface of a canopy and does not extend vertically or horizontally beyond the limits off the canopy.
- (H) *Window sign:* A sign installed inside a window and intended to be viewed from the outside.
- (I) *Sign surface:* The part of the sign upon, against or through which the message is displayed or illustrated.
- (J) *Pylon sign:* Free standing sign supported by towers that is larger in nature (see [Section 151.178\(J\)](#)).

*Site condominium:* A condominium development containing residential, commercial, office, industrial or other structures or improvements for uses permitted in the zoning district in which located, in which each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed, herein defined as a condominium unit, as described in the master deed. The following additional definitions are provided:

- (A) *Condominium Act:* Act 59, Public Acts of 1978, as amended.
- (B) *Condominium documents:* The master deed, recorded pursuant to the Condominium Act, and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner in the condominium.
- (C) *Condominium lot:* The condominium unit and the contiguous limited common element surrounding the condominium unit, which shall be the counterpart of "lot" as used in connection with a project developed under the Land Division Act, Act 288 of the Public Acts of 1967, as amended.
- (D) *Condominium unit:* The portion of a 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, business, recreational, use as a time share unit, or any other type of use.
- (E) *General common elements:* The common elements other than the limited common elements.
- (F) *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-workers.
- (G) *Master deed:* The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference thy bylaws for the project and the condominium subdivision plan for the project, and all other information required by Section 8 of the Condominium Act.

*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 it, then the space between the floor and the ceiling above it.

*Story, one-half:* A story under the gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story, and the floor area shall not exceed two-thirds of the area of the floor below.

*Street:* A public or private thoroughfare which affords the principal means of access to abutting property.

*Street line:* The dividing line between the street right-of-way of the contiguous street and the lot.

*Structure:* Anything constructed or erected above the ground level or which is attached to something located on the ground. Structures typically include such things as buildings, signs, amateur radio towers, sheds and decks.

*Unnecessary hardship:* A situation whereby a property owner, due to conditions of a lot or parcel, cannot use said lot or parcel for any legal use allowed by the Zoning Ordinance within the district which the lot is located. Situations occurring due to the owner's desire to establish an alternate use when allowed use options are available or due to situations created by an owner subsequent to the enactment of the chapter shall not be deemed an unnecessary hardship.

*Variance:* A modification of the literal provisions of the Zoning Ordinance which is authorized by the Zoning Board of Appeals when strict enforcement of the Ordinance would cause either an unnecessary hardship or practical difficulty.

*Variance, non-use:* A dimensional variation of Ordinance standards such as yard requirements, building height, lot coverage, limiting space dimensions and similar requirements. Non-Use Variances are granted based on the showing of a practical difficulty.

*Variance, use:* A variation of the Ordinance standards allowing a use within a specific zoning district which is otherwise not allowed in that zone. Use Variances are granted based on the showing of an unnecessary hardship.

*Vehicle repair:* Any major activity involving the general repair, rebuilding or reconditioning of motor vehicles or engines; collision repair, such as body, frame, or fender straightening and repair, overall painting and vehicle rust-proofing; refinishing or steam cleaning.

*Vehicle sales:* An authorized dealership for the sale of new and/or used vehicles with completely enclosed office and sales facilities on the premises. All related activities incidental to the sale of new and/or used vehicles such as minor repairing, servicing and restoring, shall be performed within completely enclosed facilities.

*Wireless communication facilities:* Shall mean and include all structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, micro-wave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave facilities; ham amateur radio facilities; satellite dishes; and governmental facilities which may be subject to state or federal law or regulations which preempt municipal regulatory authority. For purposes of this chapter, the following additional terms are defined:

- (A) *Attached wireless communication facilities:* Wireless facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.
- (B) *Wireless communication support structures:* Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers or other structures which appear to be something other than a mere support structure.
- (C) *Collocation:* The location by two or more wireless communication providers of wireless communication facilities on a common structure, tower or building, with the objective of reducing the overall number of structures required to support wireless communication antennas within the community.

*Yard:* An open space on the same lot with a building unoccupied and unobstructed from the ground upward, except as otherwise provided herein. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line and the building or structure.

*Yard, front:* A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the principal building and the front lot line, and measured perpendicular to the building at the closest point to the front lot line. In all cases, the front lot line shall be considered to be that portion of the lot which abuts a public right-of-way, private road easement or shoreline.

*Yard, rear:* A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the principal building.

*Yard, side:* A yard between any building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest point of principal building.

*Zoning permit:* A standard form issued by the Zoning Administrator upon application and declaration by the owner or his/her duly authorized agent regarding proposed construction and use of land, thereon, granting approval for the construction or use applied for. A zoning permit is also known as a land use permit.

(Ord. No. 2017-02, 10-18-2017; Ord. of 2-19-2020(1), §§ 1—6, 2-19-2020)

### ARTICLE III. - ADMINISTRATION AND ENFORCEMENT

#### Sec. 151.031. - Zoning administration.

The Zoning Administrator, or his/her designees, shall be appointed by the City Manager and designated to administer and enforce the provisions of this chapter.

(Ord. No. 2017-02, 10-18-2017)

#### Sec. 151.032. - Duties.

The Zoning Administrator shall:

- (A) Receive and review for completeness all applications for site condominium projects, site plan review and conditional use permits which the Planning Commission and City Council are required to decide under this chapter and refer such applications to the Planning Commission and City Council for determination.
- (B) Receive and review for completeness all applications for appeals, variances, or other matters which the Zoning Board of Appeals is required to decide under this chapter and refer such applications to the Zoning Board of Appeals for determination.
- (C) Receive and review for completeness all applications for amendments to this chapter and refer such applications to the Planning Commission and City Council for determination.
- (D) Review applications and site plans, make site inspections, and issue land use permits for Agriculture/open space (AG/OS), Residential (R-1A, R-1B), Multi-family (R-2), Commercial (C-1, C-2 and CBD) and Industrial (I) Districts. Commercial, Industrial and Multi-family applications are limited to signs, parking, fences, accessory buildings, new business registration, demolition, additions/alterations/remodeling of less than 25 percent of the existing principal building and other limited uses as authorized by this chapter.
- (E) Make periodic site inspections of the City to determine Ordinance compliance and answer complaints on Zoning Ordinance violations.
- (F) Shall, after giving notice to perfect a violation of the Ordinance, have the right to revoke a land use permit if the violation is not corrected within a reasonable period of time or issue a civil infraction.
- (G) Implement the decisions of the Planning Commission and City Council.

(Ord. No. 2017-02, 10-18-2017)

Sec. 151.033. - Conditional land uses.

- (A) *Application.* Applications for conditional land use permits authorized in this chapter shall be submitted to the Zoning Administrator on a form provided by the City. In addition to a complete application form, the applicant is required to submit a preliminary site plan prepared in accordance with Section 153.034, Site Plan Review. Incomplete submittals shall not be accepted by the Zoning Administrator.
- (B) *Procedures:*
  - (1) Conditional land use permits may be granted by the Planning Commission at its discretion.
  - (2) The Zoning Administrator shall review the proposed application and preliminary site plan to determine if all required information has been supplied, and forward the completed application, preliminary site plan and supporting data to the Planning Commission for a recommendation.
  - (3) Upon receipt of a completed application, the Zoning Administrator shall cause notice that such a request has been received and be published in accordance with Section 153.037, if requested by the Planning Commission.
  - (4) After notice, and after public hearing, if requested, the Planning Commission may deny, approve or approve with conditions a request for a conditional land use. The decision of the Planning Commission shall be incorporated in a statement of conclusions relative to the conditional land use under consideration. Any decision which denies a request or imposes conditions upon its approval shall specify the basis for the denial or the conditions imposed.  
  
The Planning Commission may impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for insuring that the purposes of this chapter and the general spirit and purpose of the district in which the conditional use is proposed will be observed.
- (C) *Basis of determinations.* The Planning Commission shall review the proposed conditional use in terms of the standards stated within this chapter and shall establish that such use and the proposed location:
  - (1) Will be harmonious and in accordance with the general objectives or any specific objectives of the Master Plan.
  - (2) Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area.
  - (3) Will not be hazardous or disturbing to existing uses or uses reasonably anticipated in the future.
  - (4) Will be an improvement in relation to the property in the immediate vicinity and to the City as a whole.
  - (5) Will be served adequately by essential public services and facilities or that the persons responsible for the establishment of the proposed use will provide adequately any such service or facility.
  - (6) Will not create excessive additional public costs and will not be detrimental to the economic welfare of the City.
  - (7) Will be consistent with the intent and purposes of this chapter.
- (D) *Duration, voiding and extensions of permit.* Unless otherwise specified by the Planning Commission, any Conditional Land Use Permit (CLU) granted under this section shall be null and void unless the development proposed shall have its first building permit issued within one year from the date of the granting of the permit. The Zoning Administrator shall give notice by certified mail to the holder of a permit before voidance is actually declared. Said notice shall be mailed to the permit holder at the address indicated on said permit. Within 30 days of receipt of notice of voiding of the permit, the applicant shall have the right to request an extension of the CLU permit from the Planning Commission. The Planning Commission may grant an extension thereof for good cause for a period of not-to-exceed one year.



The Zoning Administrator may suspend or revoke a CLU permit issued under the provisions of this chapter whenever the permit is issued erroneously on the basis of incorrect information supplied by the applicant or his agent and is in violation of any of the provisions of this chapter or of any other ordinances or regulations of the City.

- (E) *Reapplication.* No application for a CLU, which has been denied wholly or in part, shall be resubmitted until the expiration of one year or more from the date of such denial, except on grounds of newly discovered evidence or change of conditions found to be sufficient to justify reconsideration by the Planning Commission.

(Ord. No. 2017-02, 10-18-2017; Ord. No. 2017-04, 12-20-2017)

Sec. 151.034. - Site plan review.

The Planning Commission shall have the authority to review and to approve or reject all site plans (i.e. preliminary, final and combined site plans), taking into account the recommendations of the Zoning Administrator. Prior to the issuance of building permits or commencement of construction, a site plan review and approval is required in accordance with the procedures contained in this section.

(A) *Where required.*

- (1) Site plan review is required for all new construction of any nonresidential building or structure on any parcel and for any new residential single-family, two-family or multiple-family developments. All such construction or developments shall be consistent with the purpose of this chapter as presented in Section 150.02 of this chapter.
- (2) Site plan review is required for all proposed uses and certain existing uses within the City where an alteration, addition, expansion, change or conversion constitutes an increase or reduction to the existing structure or use of more than 500 square feet, or ten percent, whichever is less, or would require a variance from the provisions of this chapter, regardless of its size, or there is a change of use from the existing use. Site plan review shall be required prior to the paving of any off-street parking for any use for which off-street parking is required by this chapter, or for the construction of new parking lots or driveways.
- (3) Site plan review shall not be required for individual single-family dwellings or residential accessory storage buildings. However, a site plan shall accompany a land use application to be reviewed and approved by the Zoning Administrator to ensure such improvements meet all of the requirements of this chapter.
- (4) The City shall not issue a land use permit until a final site plan has been approved and is in effect. A use, not involving a building or structure, shall not be commenced or expanded, nor shall the Zoning Administrator or designee issue a land use permit for such use until a final site plan has been approved and is in effect.
- (5) No grading, removal of trees or other vegetation, land filling or construction of improvements shall commence for any development which requires site plan approval until a final site plan is approved and is in effect, except as otherwise provided in this article.

(B) *Preliminary site plan.*

- (1) *Application.* Any applicant may submit a request for preliminary site plan review by filing with the Zoning Administrator completed forms, payment of the review fee, and ten copies of the preliminary site plan drawings(s). The Administrator, upon receipt of the application, shall transmit only complete submittals of the preliminary site plan drawings to the Planning Commission prior to its next regular meeting. The purpose of such preliminary review is to confirm general compliance with City standards as well as to suggest changes, if necessary, for final site plan approval.
- (2) *Information required.* Each preliminary site plan submitted for review shall provide the following information:
  - (a) Property owners and applicant's name and address;
  - (b) Scale, north arrow and date of plan;
  - (c) Location, description, dimensions and area of the site; zoning classification; and demonstrations of compliance with lot area, width, coverage and setback requirements;
  - (d) General topography and soils information and existing natural man-made features to be retained or removed;
  - (e) Location and dimensions of proposed buildings/structures; including floor area, number of floors, height, number and type of dwelling units (where applicable);
  - (f) Proposed streets/drives; including general alignment, right-of-way, surface type and width to be consistent with adjacent streets and drives and the expansion or advancement of the purpose of the traditional town plan;
  - (g) Proposed parking; including location and dimensions of spaces and aisles, and surface type;
  - (h) Adjacent land uses, property owners and zoning and location of adjacent buildings and drives/streets;
  - (i) Proposed phasing;
  - (j) Location and width of any easements on the site.
- (3) *Planning commission action.* The Planning Commission shall make a decision to approve, approve with conditions or deny the preliminary site plan within 30 days from the date of the Planning Commission meeting at which the site plan is first heard. The Planning Commission shall set forth the reason for its action in the record of the meeting at which action is taken. The time limit may be extended upon a written request by the

applicant and approval by the Planning Commission.

- (4) *Effect of approval.* Approval of a preliminary site plan by the Planning Commission shall indicate its general acceptance of the proposed layout of buildings, streets and drives, parking areas, other facilities and overall character of the proposed development. The Planning Commission may, at its discretion, and with the appropriate conditions attached, authorize issuance of grading and foundation permits on the basis of the approved preliminary site plan. The authorization, however, will be used only in those situations in which seasonable conditions, such as the onset of frost, or other severe time limitations might, in the Planning Commission opinion, unduly delay the commencement of construction until after the final site plan was approved. The Planning Commission shall attach appropriate conditions to such authorization.
- (5) *Expiration of approval.* Approval of a preliminary site plan shall be valid for a period of 180 days from the date of approval and shall expire and be of no effect unless an application for a final site plan is filed with the Zoning Administrator within that time period. The Zoning Administrator or duly appointed agent shall, within ten days of the date of approval of the preliminary site plan by the Planning Commission, transmit a written certification of such approval to the applicant.

(C) *Final site plan.*

- (1) *Application.* Following approval of a preliminary site plan, the applicant shall submit to the Zoning Administrator ten copies of a final site plan as well as other data and exhibits hereinafter required, the review fee, and a completed application form. The Administrator, upon receipt of the application, shall transmit only complete submittals of the final site plan drawing(s) to the Planning Commission prior to its next regular meeting.
- (2) *Information required.* A Final Site Plan submitted for review and approval shall contain all of the following data presented in a clear and legible format. Site Plans shall consist of an overall plan for the entire development. Sheet size shall be at least 24" x 36" with plan view drawn to a scale of no greater than 1" = 50' for property less than three acres or no greater than 1" = 100' for property three or more acres.

General Information:

- (a) Proprietors, applicants and owners names, addresses and telephone numbers.
- (b) Date of preparation, including revisions.
- (c) Scale.
- (d) North point.
- (e) Location map drawn at a scale of 1" = 2,000' with North point indicated.
- (f) Architect, engineer, surveyor, landscape architect or planner's seal.
- (g) Existing and proposed lot lines, building lines, structures, parking areas, etc., on the parcel and within 100 feet of the site.
- (h) Centerline, existing and proposed right-of-way lines of any street.
- (i) Zoning classification of petitioner's parcel and all abutting parcels.
- (j) Gross acreage figure.

Physical features:

- (a) Acceleration, deceleration and passing lanes and approaches.
- (b) Proposed locations of access drives, street intersections, driveways locations, sidewalks and curbing.
- (c) Location of existing and proposed service facilities above and below ground, including:
  1. Chemical and fuel storage tanks and containers.
  2. Water supply facilities.
  3. Sanitary sewage disposal facilities.
  4. Storm water control facilities and structures.
  5. Location of all easements.
- (d) Location of all structures with setback and yard dimensions.
- (e) Dimensioned parking spaces and calculation, drives and method of surfacing.
- (f) Exterior lighting locations and illumination patterns.
- (g) Location and description of all existing and proposed landscaping, berms, fencing and walls.
- (h) Trash receptacle pad location and method of screening.
- (i) Transformer pad location and method of screening.
- (j) Dedicated road or service drive locations.
- (k) Entrance details including sign locations and size.
- (l) Designation of fire lanes.
- (m) Any other pertinent physical features.

Natural features:

- (a) Soil characteristics of the parcel to at least the detail provided by the U.S. Soil Conservation Service, Soil Survey of Iron County, Michigan.
- (b) Existing topography with a maximum contour interval of two feet. Topography on the site and beyond the site for a distance of 100 feet in all directions should be indicated. Grading plan, showing finished contours at a maximum interval of two feet, correlated with finished contours so as to clearly indicate required cutting, filling and grading.
- (c) Location of existing drainage courses and associated bodies of water, on and off site, and their elevations.
- (d) Location of existing wetlands.
- (e) Location of natural resource features, including woodlands and areas with slopes greater than ten percent (one foot of vertical elevation for every ten feet of horizontal distance).

Additional requirements for residential developments:

- (a) Density calculations by type of unit by bedroom counts.
- (b) Designation of units by type and number of units in each building.
- (c) Carport or garage locations and details where proposed.
- (d) Specific amount and location of recreation spaces.

Additional requirements for commercial and industrial developments:

- (a) Loading/unloading areas.
- (b) Total and useable floor area.
- (c) Number of employees in peak usage.

- (3) *Standards for review.* In reviewing the final site plan, the Planning Commission shall determine whether the plan meets the following specifications and standards:
- (a) The plan conforms to the approved preliminary site plan and with all Zoning Ordinance regulations;
  - (b) All required information is provided;
  - (c) The proposed use will not be injurious to the surrounding neighborhood and protects the general health, safety, welfare and character of the City.
  - (d) There is a proper relationship between major thoroughfares and proposed service drives, driveways and parking areas. Proper access to all portions of the site and all sides of any structure is provided. All structures or groups of structures shall be so arranged as to permit emergency vehicle access by some practical means to all sides of the buildings.
  - (e) The location of buildings is such that the adverse effects of such uses will be minimized for the occupants of that use and surrounding areas.
  - (f) Natural resources will be preserved to the maximum extent possible in the site design by developing in a manner which will not detrimentally affect or destroy natural features such as lakes, ponds, streams, wetlands, steep slopes, soils, groundwater and woodlands.
  - (g) Storm water management systems and facilities will preserve the natural drainage characteristics and enhance the aesthetics of the site to the maximum extent possible, and will not substantially reduce or increase the natural retention or storage capacity of any wetland, water body or water course, or cause alterations which could increase flooding or water pollution on or off site.
  - (h) Wastewater treatment systems, including on-site septic systems, will be located to minimize any potential degradation of surface water or groundwater quality and meet County and State standards.
  - (i) Sites which include storage of hazardous materials or waste, fuels, salt or chemicals will be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater or nearby water bodies in accordance with County and State standards.
  - (j) Landscaping, including grass, trees, shrubs and other vegetation is provided to maintain and improve the aesthetic quality of the site and area.
  - (k) The proposed use is in compliance with all City Ordinances and any other applicable laws.
- (4) *Planning commission action.* The Planning Commission shall make a decision to approve, approve with conditions, or deny the final site plan within 30 days of the date of Planning Commission meeting at which the site plan is first heard. The time limit may be extended upon a written request by the applicant and approved by the Planning Commission. The Planning Commission may suggest and/or require modifications in the proposed final site plan as are needed to gain approval.
- (5) *Effect of approval.* Approval of a final site plan authorizes issuance of a land use permit.
- (6) *Expiration of approval.* Approval shall expire and be of no effect unless a building permit shall be taken out within 180 days of the date of approval of the final site plan. Also, approval of a final site plan shall expire and be of no effect one year following the date of approval unless construction has begun on the property in conformance with the approval final site plan.
- (D) *Combining preliminary and final site plans.* An applicant may, at his discretion and risk, combine a preliminary and final site plan in application for approval. In such a situation the portion of the review process concerning preliminary site plan application and review may be waived by the Planning Commission. The Planning Commission shall have the authority to require submittal of a preliminary site plan separate from a final site plan, where,

in its opinion, the complexity and/or scale of the site for the proposed development so warrant. A preliminary and final site plan shall not be combined for any development consisting of two or more phases.

- (E) *Amendment of approval site plan.* The Zoning Administrator shall have the authority to determine if a proposed change requires an amendment to an approved final site plan. A site plan may be amended upon application and in accordance with the procedure herein for a final site plan. The Zoning Administrator may approve minor changes in an approved final site plan, provided that a revised final site plan drawing (s) be submitted showing such minor changes, for purposes of record. In considering such a determination, the Zoning Administrator shall consider the following to be a minor change:
- (1) Change in size of structures, for residential building by up to five percent, provided that the overall density of units does not increase.
  - (2) Change in square footage of non-residential buildings by up five percent or 1,000 square feet, whichever is smaller.
  - (3) Alterations to horizontal and/or vertical elevations by up to five percent.
  - (4) Movement of a building or buildings by no more than ten feet.
  - (5) Increase in designated "areas not to be disturbed."
  - (6) Replacement of plantings approved in the site plan landscape by similar types and sizes of landscaping which provides a similar screening effect on a 1:1 or greater bias, with approval of the Zoning Administrator.
  - (7) Improvements to site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.
  - (8) Changes of building materials to another of higher quality, as determined by the Zoning Administrator.
  - (9) Changes in the floor plans which do not alter the character of the use.
  - (10) Slight modification of sign placement or reduction of size.
  - (11) Relocation of sidewalks and/or refuse storage stations.
  - (12) Internal rearrangement of parking lot which does not change the number or parking spaces by more than five percent or alter access locations or design.
  - (13) Changes required or requested by the City for safety reasons.
- (F) *Modification of plan during construction.* All improvements shall conform to the final site plan. It shall be the responsibility of the applicant to notify the Zoning Administrator of any such changes prior to such change being made. Any changes considered more than a minor change as defined above shall require re-submittal to the Planning Commission. The Planning Commission or Zoning Administrator may require the applicant to correct the changes so as to conform to the approved final site plan.
- (G) *Phasing of development.* The applicant may, at his discretion, divide the proposed development into two or more phases. In such case, the preliminary site plan shall cover the entire property involved and shall clearly indicate the location, size and character of each phase. A final site plan may be submitted for review and approval for each phase. Performance guarantees or other conditions may be imposed on future phases by the City to ensure necessary improvements are completed throughout the development to assure logical extensions of roads or other infrastructure.
- (H) *Inspection.* The Zoning Administrator or designee shall be responsible for inspecting all improvements for conformance with the approved final site plan. All sub-grade improvements such as utilities; subbase installations for drives and parking lots and similar improvements shall be inspected and approved prior to covering. The applicant shall be responsible for requesting the necessary inspection.
- The Building Inspector shall notify the Zoning Administrator, in writing, when a development for which a final site plan as approved, has passed inspection with respect to the approved final site plan. The Building Inspector shall notify the Zoning Administrator, in writing, of any development for which a final site plan was approved, which does not pass inspection with respect to the approved final site plan, and shall advise the Zoning Administrator of steps taken to achieve compliance. In such case, the Building Inspector shall periodically notify the Zoning Administrator of progress towards compliance with the approved final site plan and when compliance is achieved. A partial certificate of occupancy may be issued until the Zoning Administrator has inspected the site for compliance with the total site plan. Thereafter, upon approval of the full site plan, a certificate of occupancy will be issued.
- (I) *Violations.* The approved final site plan shall regulate development of the property and any violation of this article, including any improvement not in conformance of the approved final site plan, shall be deemed a violation of this chapter as provided in Title 1 of the Code of Ordinances and shall be subject to all penalties therein.

(Ord. No. 2017-02, 10-18-2017; Ord. of 2-19-2020(1), § 7, 2-19-2020)

Sec. 151.035. - Land use permits.

At the time of adoption of this chapter, the County of Iron Building Department issues, regulates and enforces building permits on behalf of the City. The City of Iron River regulates land uses through the issuance of land use permits. All uses of land regulated by this Zoning Ordinance must first receive an approved land use permit except as otherwise specified herein. All land use permits expire within one year unless the construction or said activity has commenced. All building projects must be completed within 18 months of issuance of the land use permit. An extension may be granted if requested before the expiration of the permit and a specific plan for completion with time tables are presented.

- (A) *Land use permit application.* An application for a land use permit under this chapter shall be made to the Zoning Administrator or his designated

agent on a form provided by the City and shall contain or have attached thereof the following information:

- (1) Name, address and telephone number of the applicant and the owner if different from the applicant.
- (2) The address or legal description of the lot where the proposed use will occur.
- (3) The applicant must demonstrate proof of legal possession of the land for the proposed use.
- (4) A site plan showing the location of the proposed use and its relationship to all existing and proposed structures and lot lines.
- (5) Plans and specifications for the proposed use including the following information:
  - (a) Exact dimensions including height and distance from structures and lot lines.
  - (b) The type of use according to the definitions of the Zoning Ordinance.
  - (c) A sketch of the footprint of all buildings and structures, type and amount of paving, and landscaping which will appear on the property.
  - (d) The materials out of which the proposed construction is to be made.
- (B) *Permit fees.* All applications shall be accompanied by a land use permit application fee as established in the fee schedule which shall be adopted and amended from time to time by the City Council. The permit application fee shall reimburse the City for the costs of checking the application for compliance with the Ordinance and shall reimburse the City for the costs of necessary inspections. The land use fee does not include electrical permits or building permit fees or other fees which may be required.

(Ord. No. 2017-02, 10-18-2017)

Sec. 151.036. - Site condominium project regulations.

- (A) *Intent.* Pursuant to the authority conferred by Section 141 of the Condominium Act, preliminary and final site plans shall be regulated by the provisions of this chapter and subject to the review by the Planning Commission and approval of the City Council.
- (B) *General requirements.*
  - (1) Each condominium lot shall be located within a Zoning District that permits the proposed use.
  - (2) Each condominium lot shall front on and have direct access to a public street approved by the City.
  - (3) For the purposes of this chapter, each condominium lot shall be considered equivalent to a single lot and shall comply with all regulations of the Zoning District in which located, and the provisions of any other statues, laws, ordinances and/or regulations applicable to lots in subdivisions.
  - (4) In the case of a site condominium containing single-family detached dwelling units, not more than one dwelling unit shall be located on a condominium lot, nor shall a dwelling unit be located on a condominium lot with any other principal structure or use except in a PUD district. Required yards shall be measured from the boundaries of a condominium lot.
- (C) *Site plan approval requirements.* Preliminary approval of the site plan and final approval of the site plan and condominium documents including Master Deed and Bylaws by the Planning Commission and City Council shall be required as a condition to the right to construct, expand or convert a site condominium project. No permits for erosion control, building construction, grading or installation of public water or sanitary sewerage facilities shall be issued for property in a site condominium development until a final site plan has been approved by the City Planning Commission and City Council and is in effect. Preliminary and final approval shall not be combined.
  - (1) *Preliminary approval.*
    - (a) A preliminary site plan pursuant to the standards and procedures set forth in Section 151.034 of this chapter shall be submitted to the Planning Commission for preliminary review.
    - (b) If the site plan conforms in all respects to applicable laws, ordinances and design standards, preliminary approval shall be granted by the planning Commission.
    - (c) If the site plan fails to conform, the Planning Commission shall either deny the application or grant preliminary approval with conditions, provided such conditions are met before final approval.
  - (2) *Final approval.*
    - (a) Following preliminary approval, the applicant shall submit a final site plan, Master Deed and Bylaws pursuant to the standards and procedures set forth in Section 151.034(C) of this chapter. In addition to the final site plan, the Condominium Documents shall be submitted to the City for the review by the City Attorney and other appropriate staff and consultants. The Condominium Documents shall be reviewed with respect to all matters subject to regulation by the City including, without limitation: ongoing preservation and maintenance of drainage, retention, wetland and other natural and/or common area; maintenance of private roads, if any; and maintenance of storm water, sanitary and water facilities and utilities.
    - (b) The applicant shall also submit engineering plans in sufficient detail for the City, to determine compliance with applicable laws, ordinances and design standards for construction of the project.
    - (c) Upon completion of the review of the Condominium Documents and engineering plans and receipt of the recommendations and findings from the City Attorney, Engineer and Planner, the site plan shall be submitted to the City Council for final review.
    - (d) If the site plan, Condominium Documents and/or engineering plans conform in all respects to applicable laws, ordinances and design standards, final approval shall be granted by the City Council.

(e) Upon completion of the review of the Condominium Documents and/or engineering plans fail to conform, final approval shall be denied by the City Council.

(f) In the interest of insuring compliance with this chapter and protecting the health, safety and welfare of the residents of the City, the City Council, as a condition of final approval of the site plan, shall require the applicant to deposit a performance guarantee as set forth in Section 151.039 of the Zoning Ordinance for the completion of improvements associated with the proposed use.

(D) *Required improvements.*

- (1) All design standards and required improvements that apply to a subdivision, under the Subdivision Regulations adopted by the City Council, shall apply to any condominium development.
- (2) Each condominium unit shall be connected to the City water, sanitary and storm sewers. Utility standards stated in Chapter 52 shall apply to all condominium units. Furthermore, the utility provisions stated in Chapter 50, Subdivision Regulations, shall apply to all condominium units proposed for location on property which is not subdivided and recorded, or property which is to be further subdivided. Each individual condominium unit shall be considered a residential equivalent unit as defined in Chapter 50.
- (3) Monuments shall be set at all boundary corners and deflection points and at all road right-of-way intersection corners and deflection points. Lot irons shall be set at all condominium lot corners and deflection points of condominium lot lines.

The City may grant a delay in the setting of required monuments or irons for a reasonable time, but not-to-exceed one year, on condition that the developer deposit with the City Clerk cash, a certified check, or an irrevocable bank letter of credit running to the City, whichever the developer selects, in an amount as determined from time to time by resolution of the City Council. Such deposit shall be returned to the developer upon receipt of a certificate by a surveyor registered in the State of Michigan that the monuments and irons have been set as required, within the time specified. If the developer defaults, the City Council shall promptly require a registered land surveyor to set the monuments and irons in the ground as shown on the condominium site plans, at a cost not-to-exceed the amount of the security deposit which shall include City administrative costs.

- (4) Road rights-of-ways shall be described separately from individual condominium lots, and shall be accurately delineated by bearings and distances on the condominium subdivision plan and the final site plan. The right-of-way shall be for roadway purposes and for the purposes of locating, installing, maintaining and replacing of public utilities. The developer shall declare easements to the City for all public water and sanitary sewer lines and appurtenances.

- (5) All improvements in a site condominium shall comply with the design specifications as adopted by the City Council and any amendments thereto.

(E) *Information required prior to occupancy.* Prior to the issuance of an occupancy permit for any condominium unit, the applicant shall submit the following to the Zoning Administrator.

- (1) A copy of the recorded Condominium Documents (including exhibits, Master Deed and Bylaws).
- (2) A copy of any recorded restrictive covenants.
- (3) A copy of the site plan in laminated photo static copy or mylar sheet.
- (4) Evidence of completion of improvements associated with the proposed use including two copies of an "as-built survey."

(F) *Revision of site condominium plan.* If the site condominium subdivision plan is revised, the final site plan shall be revised accordingly and submitted for review and approval or denial by the Planning Commission before any building permit may be issued, where such permit is required.

(G) *Amendment of condominium documents.* Any amendment to a master deed or bylaws that affects the approved preliminary or final site plan or any conditions of approval of a preliminary or final site plan shall be reviewed and approved by the City Attorney and Planning Commission before any building permit may be issued, where such permit is required. The Planning Commission may require its review of an amended site plan if, in its opinion, such changes in the master deed or bylaws require corresponding changes in the site plan.

(H) *Relocation of boundaries.* Relocation of boundaries between adjoining condominium units, if permitted in the condominium documents, as provided in Section 48 of the Condominium Act, shall comply with all regulations of the zoning district in which located and shall be approved by the Zoning Administrator. These requirements shall be made a part of the by-laws and recorded as part of the master deed.

(I) *Subdivision of condominium lot.* Each condominium lot that results from a subdivision of another condominium lot, if such subdivision is permitted by the condominium documents, as provided in Section 49 of the Condominium Act, shall comply with all regulations of the zoning district in which located, and shall be approved by the Zoning Administrator. These requirements shall be made a part of the condominium by-laws and recorded as part of the master deed.

(Ord. No. 2017-02, 10-18-2017)

Sec. 151.037. - Public hearings.

Unless otherwise required, notices for all public hearings shall be given as follows:

- (A) Except as noted in subsection (C) and (D) below, notices for all public hearings shall be given as follows:
- (1) Notice of the hearing shall be not less than five days or more than 15 days before the date of the public hearing.
  - (2) Notice of the hearing shall be published in a newspaper of general circulation and the city's web site.
  - (3) Notice shall be sent by mail or personal delivery to the owners of adjacent property for which approval is being considered.

- (4) Notice shall also be sent by mail to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
- (B) Public Hearing Notices shall contain the following information:
- (1) Description of the nature of the request.
  - (2) Identification of the property that is the subject of the request. The notice shall include a listing of all the existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
  - (3) Location of when and where the request will be considered.
  - (4) Information regarding when and where written comments will be received concerning the request.
- (C) Newspaper publication as required in (A) above shall be the only notice required for an amendment to the Zoning Ordinance or the zoning map that affects 11 or more properties.
- (D) For Ordinance interpretations and appeals of administrative decisions by the Zoning Board of Appeals, notice that does not affect a specific property shall only be to the applicant, and by newspaper publication, as required in (A) above.

(Ord. No. 2017-02, 10-18-2017; Ord. of 2-19-2020(1), § 8, 2-19-2020)

Sec. 151.038. - Amendments to the Zoning Ordinance.

(A) *Application procedure.*

- (1) An amendment to the official zoning map, this chapter or the Master Plan, except those initiated by the City Council or Planning Commission, shall be initiated by submission of a completed application on a form supplied by the City, including an application fee, which shall be established from time to time by resolution of the City Council.
- (2) In the case of an amendment to the official zoning map (rezoning), the following information shall accompany the application.
  - (a) A legal description and street address of the subject property, together with a map identifying the subject property in relation to surrounding properties.
  - (b) The name, signature and address of the owner of the subject property, a statement of the applicant's interest in the subject property if not the owner in fee simple title, or proof of consent from the property owner.
  - (c) The existing and proposed zoning district designation of the subject property.
  - (d) A site analysis site plan illustrating existing conditions on the site and adjacent properties; such as woodlands, wetlands, soil conditions, steep sloped, drainage patterns, views, existing buildings, any sight distance limitations and relationship to other developed sites and access points in the vicinity.
  - (e) A conceptual plan demonstrating that the site could be developed with representative uses permitted in the requested zoning district meeting requirements for setbacks, wetland buffers access spacing, any requested service drives and other site design factors.
  - (f) A written environmental assessment describing site features and anticipated impacts created by the host of uses permitted in the requested zoning districts.
  - (g) A traffic impact analysis shall be provided if any use permitted in the requested zoning district could generate 100 or more peak hour directional trips, or 1,000 or more vehicle trips per day; the traffic study should contain the daily and peak hour trip generation rates for representative use in the current and requested zoning district; the determination of representative uses shall be made by the Planning Commission with input from City staff and consultants.
  - (h) A written description of how the requested rezoning meets subsection (C).
- (3) In the case of an amendment to the official zoning map (rezoning), the site must be staked to clearly indicate the location of the requested amendment. Flagged stakes shall be placed on each parcel corner.
- (4) In the case of an amendment to the Master Plan or this chapter, other than an amendment to the official zoning map, a general description of the purpose and intent of the proposed amendment shall accompany the application form.

(B) *Rezoning, Zoning Ordinance, and master plan amendment procedure.*

- (1) Upon initiation of a rezoning, Zoning Ordinance text amendment or master plan amendment, a public hearing on the proposed amendment shall be scheduled before the Planning Commission in accordance with Section 151.037.
- (2) Following the public hearing, the Planning Commission shall identify and evaluate all factors to the petition and shall report its findings and recommendation to the City Council, except in the case of a Master Plan Amendment. In the case of an amendment to the official zoning map (rezoning), the Planning Commission shall consider the criteria contained in subsection (C), below.
- (3) Following receipt of the findings and recommendations of the Planning Commission, the City Council shall consider the proposed amendment. In the case of an amendment to the text of this chapter, the City Council may modify or revise the proposed amendment as recommended by the Planning Commission, prior to enactment. In the case of an amendment to the official zoning map (rezoning), the City Council shall approve or deny the

amendment, which may be based on consideration of the criteria contained in subsection (C), below.

- (4) No petition for rezoning, Zoning Ordinance text amendment or Master Plan Amendment that has been denied by the City Council or Planning Commission (Master Plan Amendment) shall be resubmitted for a period of one year from the date of denial except on the grounds of new evidence or proof of changed conditions relating to all of the reasons noted for the denial found to be valid by the Planning Commission.
- (C) *Criteria for amendment of the official zoning map (rezoning).* In considering any petition for an amendment to the official zoning map (rezoning), the Planning Commission shall and the City Council may consider the following criteria in making its findings, recommendations and decision:
- (1) Consistency with the goals, policies and the Future Land Use Map of the City's Master Plan, including any subarea or corridor studies. If conditions have changed since the City of Iron River Master Plan was adopted, the consistency with recent development trends in the area.
  - (2) Compatibility of the site's physical, geological, hydrological and other environmental features with the potential uses allowed in the proposed zoning district.
  - (3) Evidence the applicant cannot receive a reasonable return on investment through developing the property with one of the uses permitted under the current zoning.
  - (4) The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.
  - (5) The capacity of City infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare" of the City.
  - (6) The apparent demand for the types of uses permitted in the requested zoning district in the City in relation to the amount of land in the City currently zoned to accommodate the demand.
  - (7) Where a rezoning is reasonable given the above criteria, a determination shall be made that the requested zoning district is more appropriate than another district or amending the list of permitted or special land uses within a district.
- (D) *Amendments required to conform to court decree.* Any amendment for the purpose of conforming to a decree of a court of competent jurisdiction shall be adopted by the City Council and published, without necessity of a public hearing or referral thereof to any other commission or agency.
- (E) *Conditional rezoning.*
- (1) *Conditional rezoning.* An applicant for a rezoning may voluntarily offer a Conditional Rezoning along with an application for rezoning before or following the public hearing for a proposed rezoning. An election to submit a Conditional Rezoning shall be pursuant to the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended), and this section.
    - (a) A Conditional Rezoning shall be a written agreement executed by the applicant and the City, shall be in recordable form and shall be recorded with the Iron County Register of Deeds after execution.
    - (b) A Conditional Rezoning may include limitations on the uses permitted on the property in question, specify lower or varying density or less intensity of development and use, or may impose more restrictive measures on the location, size, height, or other measure for buildings, structures, improvements, setbacks, landscaping, buffers, design, architecture and other features that would otherwise be provided in this chapter.
    - (c) A Conditional Rezoning may not authorize uses or developments of greater intensity or density, or which are not permitted in a proposed zoning district; nor may a Conditional Rezoning permit variations from height, area, setback or similar dimensional requirements that are less restrictive than a proposed zoning district.
    - (d) A Conditional Rezoning shall include conditions that bear a reasonable and rational relationship and/or benefit to the property in question. A Conditional Rezoning may include conditions related to the use and development of the property that are necessary to:
      1. Serve the intended use of the property such improvements, extension, widening or realignment of streets, utilities or other infrastructure serving the site.
      2. Minimize the impact of the development on surrounding properties and the City overall.
      3. Preserve natural features and open space beyond what is normally required.
  - (2) *Content of agreement.* In addition to any limitations on use or development of the property features or preservation of property features or improvements as described above, a Conditional Rezoning shall also include the following:
    - (a) An acknowledgement that the Conditional Rezoning was proposed voluntarily by the Applicant.
    - (b) An agreement and understanding that the property shall not be developed or used in any manner that is not consistent with a Conditional Rezoning.
    - (c) An agreement and understanding that the approval of a rezoning and a Conditional Rezoning shall be binding upon and ensure to the benefit of the property owner and the City, and their respective heirs, successors, assigns, receivers or transferees.
    - (d) An agreement and understanding that, if a rezoning with a Conditional Rezoning becomes void for any reason including, but not limited to, reasons identified in this section, then no further development shall take place and no permits shall be issued unless and until a new zoning district classification for the property has been established.
    - (e) An agreement and understanding that no part of a Conditional Rezoning shall permit any activity, use or condition that would otherwise violate



any requirement or standard that otherwise applicable in the new zoning district.

- (f) A legal description of the land to which the agreement pertains.
  - (g) Any other provisions as are agreed upon by the parties.
- (3) *Process.* A Conditional Rezoning shall be reviewed concurrently with a petition for rezoning following the process in subsection (B), and the following:
- (a) A Conditional Rezoning may be submitted prior to or following the Planning Commission Public Hearing. If the agreement is submitted following the Planning Commission Public Hearing, it must be reviewed by the Planning Commission and a second public hearing shall be held prior to the Planning Commission making its recommendation on the rezoning and Conditional Rezoning to the City Council. A Conditional Rezoning shall be reviewed by the City Attorney to determine that it conforms with the requirements of this section, this chapter and the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended, and that the Conditional Rezoning is in a form acceptable for recording with the Iron County Register of Deeds.
  - (b) Following a public hearing for a proposed zoning amendment, the Planning Commission shall make a recommendation to the City Council based upon the criteria listed in subsection (C). In addition, following a public hearing to consider a Conditional Rezoning, the Planning Commission shall consider and address in writing, findings whether a proposed Conditional Rezoning.
    - 1. Is consistent with the intent of this Article.
    - 2. Bears a reasonable and rational connection and/or benefit to the property being proposed for rezoning.
    - 3. Is necessary to ensure that the property develops in such a way that protects the surrounding neighborhood.
    - 4. Leads to a better development than would have been likely if the property had been rezoned without a Conditional Rezoning, or if the property were left to develop under the existing zoning classification.
    - 5. Is clearly in the public interest.
  - (c) If a Conditional Rezoning has been offered by the applicant and recommended for approval by the Planning Commission, the City Council may approve a Conditional Rezoning as a condition to the rezoning if it meets all requirements of Subsection 2., above. The Conditional Rezoning shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the City Council to accomplish the requested rezoning.
  - (d) If a rezoning and Conditional Rezoning are approved, the zoning classification of the rezoned property shall consist of the district to which the property has been rezoned, plus a reference to the Conditional Rezoning the City Clerk shall maintain a listing of all properties subject to Zoning Agreement and shall provide copies of the Agreements upon request.
  - (e) All other requirements of this chapter or any other City ordinances shall apply to the property to which a Conditional Rezoning applies.
- (4) *Expiration.*
- (a) Unless extended by the City Council for good cause, a rezoning and Conditional Rezoning shall expire two years after adoption of the rezoning and Conditional Rezoning, unless substantial construction on the approved development of the property pursuant to building and other required permits issued by the City commences within the two-year period and proceeds diligently to completion.
  - (b) In the event that substantial construction on the approved development has not commenced within the aforementioned two years, or if construction and development does not proceed diligently to completion thereafter, a Conditional Rezoning and rezoning shall be void and of no effect.
  - (c) Should a Conditional Rezoning become void, all development on the subject property shall cease, and no further development shall be permitted. Until action satisfactory to the City is taken to bring the property into compliance with this chapter, the City may withhold or, following notice to the applicant and being given an opportunity to be heard, revoke permits and certificates, in addition to or in lieu of any other lawful action to achieve compliance.
  - (d) Notwithstanding the above, if the property owner applies in writing for an extension of a rezoning and a Conditional Rezoning at least 30 days prior to the expiration date, the City Council may, in its sole discretion, grant an extension of up to one year. Future extensions may be granted, although the number of previous extensions granted to a particular rezoning and Conditional Rezoning shall be considered by the City Council.
- (5) *Reversion of zoning.* If a rezoning and Conditional Rezoning become void as outlined above, then the zoning classification of the property shall revert back to its previous zoning classification. The reversion process shall be initiated by the City Council by requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall be the same as applies to all other rezoning requests, including the notice and hearing as required by the Michigan Zoning Enabling Act (Public Act 110 of 2006), and this chapter. No building or other permit shall be issued or valid during the process described in this subsection.
- (6) *Continuation.* Provided that all development and/or use of the property in question is in compliance with a Conditional Rezoning, a use or development authorized there under may be continued indefinitely, provided that all terms of a Conditional Rezoning continue to be adhered to.
- (7) *Amendment.*
- (a) During an initial two-year period, or during any extension granted by the City as permitted above, the City shall not add to or alter a Conditional Rezoning, even with the landowner's consent.
  - (b) A Conditional Rezoning may be amended after the expiration of an initial two-year period and any extensions, in the same manner as was prescribed for the original rezoning and Conditional Rezoning.

- (8) *Violation of agreement.* Failure to comply with a Conditional Rezoning at any time after approval will constitute a breach of the agreement and also a violation of this chapter and further use of the property may be subject to legal remedies available to the City. Any violation of a Conditional Rezoning that is not cured within 30 days after written notice of the violation is given shall permit the City Council, in its sole discretion, to declare a Conditional Rezoning void ab initio and of no effect.
- (9) *Subsequent rezoning of land.* Nothing in a Conditional Rezoning, nor any statement or other provision, shall prohibit the City from later rezoning all or any portion of the property that is the subject of a Conditional Rezoning to another zoning classification. Any rezoning shall be conducted in compliance with this chapter and the Michigan Zoning Enabling Act (Public Act 110 of 2006).
- (10) *Failure to offer conditions.* The City shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect the owner's rights under this chapter.

(Ord. No. 2017-02, 10-18-2017)

Sec. 151.039. - Performance guarantee.

In the interest of insuring compliance with the Zoning Ordinance provisions, protecting the natural resources and the health, safety and welfare of the residents of the City and future users or inhabitants of an area for which a site plan for a proposed use has been submitted, the City Council upon the recommendation of the Planning Commission shall require the applicant to deposit a performance guarantee as set forth herein. The purpose of the performance guarantee is to ensure completion of improvements connected with the proposed use as required by this chapter including, but not limited to, streets, lighting, utilities, sidewalks, drainage, fences, screens, walls and landscaping.

- (A) Performance guarantee as used herein shall mean a cash deposit, certified check or irrevocable bank letter of credit in the amount of 125 percent the estimated cost of the improvements to be made as determined by the Applicant and acceptable by the City. The City shall be authorized to employ the City engineering consultant to review cost estimates and conduct periodic inspection of the progress of improvements.
- (B) Where the City Council requires a performance guarantee, said performance guarantee shall be deposited with the City prior to the issuance of a land use permit for the development and use of the land. Upon the deposit of the performance guarantee the City shall issue the appropriate permits.
- (C) The approval shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed. This period will begin from the date of the issuance of the land use permit.
- (D) The Zoning Administrator, upon the written request of the Applicant, shall rebate portions of the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvement.
- (E) Upon the satisfactory completion, as determined by the City, of the improvement for which the performance guarantee was required, the City shall return to the Applicant the performance guarantee deposited and any interest earned thereon. However, the City is not required to deposit the performance guarantee in an interest-bearing account.
- (F) In the event the Applicant defaults in making the improvements for which the performance guarantee was required within the time period established by the City, the City shall have the right to use the performance guarantee deposited and any interest earned thereon to complete the improvements through Contract or otherwise, including specifically, the right to enter upon the subject property to make the improvements.

If the performance guarantee is not sufficient to allow the City to complete the improvements, the Applicant shall be required to pay the City any of the additional costs of completing the improvements, any amounts remaining after said completion shall be applied first to the City's administrative costs, including without limitation, attorney fees, planning consultant fees and engineering consulting fees in completing the improvement with any balance remaining being refunded to the Applicant.

If the Applicant has been required to post a performance guarantee of bond with another governmental agency other than the City, to ensure completion of an improvement, the Applicant shall not be required to deposit with the City a performance guarantee for that specific improvement. At the time the performance guarantee is deposited with the City and prior to the issuance of a building permit, the Applicant shall enter an Agreement incorporating the provisions hereof with the City regarding the performance guarantee.

(Ord. No. 2017-02, 10-18-2017)

Sec. 151.040. - Use of consultants.

From time to time, the City Council and/or Planning Commission may employ planning, engineering, legal, traffic or other special consultants to assist in the review of conditional land use permits, site plans, re-zoning or other matters related to the planning and development of the City.

(Ord. No. 2017-02, 10-18-2017)

Sec. 151.041. - Fees.

The City Council shall establish a schedule of fees, charges, escrow for consultants, and expenses, and a collection procedure, for land use permits, building permits, certificates of occupancy, appeals and other matters pertaining to this chapter. The City shall have the authority to include fees for the use of engineering, planning, legal or other special consultants. The schedule of fees shall be posted in the City Offices, and may be altered or amended only by the City Council. No permit, certificate, conditional use approval or variances shall be issued unless or until such costs, charges, fees or expenses have been paid in full, nor shall any action be taken on proceedings before the Zoning Board of Appeals, unless or until preliminary charges and fees have been paid in full.

(Ord. No. 2017-02, 10-18-2017)

Sec. 151.042. - Violations and penalties.

Uses of land, buildings or structures, including tents and mobile homes, erected, altered, razed or converted in violation of this chapter are hereby declared to be a nuisance per se. The court shall order such nuisance abated and the Owner and/or agent in charge of such dwelling, building, structure, tent, mobile home or land shall be adjudged guilty of maintaining a nuisance per se. Anyone violating any of the provisions of this chapter, shall upon conviction thereof, be subject to a fine of not more than "as per Council Resolution" and the costs of prosecution thereof, by imprisonment in the County Jail for a period of not-to-exceed 30 days, or both. Each day that a violation is permitted to exist from the time of formal citation by the City shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this chapter.

(Ord. No. 2017-02, 10-18-2017)

ARTICLE IV. - ZONING DISTRICT REGULATIONS

Sec. 151.061. - District designations.

For the purpose of the Ordinance, the City of Iron River is hereby divided into the following districts:

AG/OS Agriculture District/Open Space

R-1A Single-Family Residential, Low Density

R-1B Single-Family Residential, Medium Density

R-2 Multiple-Family Residential

CBD Central Business District

C-1 Local Service

C-2 General Commercial

I-1 Industrial

PUD Planned Unit Development (Article 7)

G Government

(Ord. No. 2017-02, 10-18-2017)

Sec. 151.062. - Zoning district map.

- (A) *Identified.* The zoning districts as provided in Section 151.061 are bounded and defined as shown on the map entitled "Zoning District Map of the City of Iron River." The Zoning District Map, along with all notations, references, and other explanatory information, shall accompany and be made a part of this chapter.
- (B) *Authority.* Regardless of the existence of purported copies of the Zoning District Map which shall be published, a true and current copy of the Zoning District Map available for public inspection shall be located in and maintained by the office of the City Clerk. The Clerk's copy shall be the final authority as to the correct status of any land, parcel, lot, district, use, building or structure in the City.
- (C) *Interpretation of business district boundaries.* Where uncertainty exists with respect to the boundaries of any of the districts indicated on the Zoning District Map, the following rules shall apply:
- (1) A boundary indicated as approximately following the centerline of the highway, alley or easement shall be construed as following such centerline.
  - (2) A boundary indicated approximately following a recorded lot line or the line bounding a parcel shall be construed as following such line.
  - (3) A boundary indicated as approximately following a municipal boundary line shall be construed as following such line.
  - (4) A boundary indicated as following a railroad line shall be construed as being located midway by the right-of-way.
  - (5) A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in the shoreline shall be construed as following the shoreline existing at the time the interpretation is made.

- (6) The boundary indicated as following the centerline of a stream or river, canal, lake or other body of water shall be construed as following such centerline.
- (7) A distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- (8) Where an existing physical feature is at variance with that shown on the Official Zoning Map or any other circumstances not covered by (1) through (7) preceding, the Zoning Board of Appeals shall interpret the location of the zoning district boundary.

(Ord. No. 2017-02, 10-18-2017)

Sec. 151.063. - Application of district regulations.

The regulations herein established within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety and general welfare and shall be uniform for each class of land, buildings, structure or uses throughout each district.

No building shall hereafter be erected, altered or moved, nor shall any building or premises hereafter be used for any purpose other than is permitted in the district in which said building or premises is located, except by appeal as herein described by this chapter. Wherever the requirements of this chapter are at variance with the requirements of any other adopted regulations or ordinances, the most restrictive or those imposing the higher standards shall govern. Except as hereinafter provided, district regulations shall be applied in the following manner:

(A) *Uses in districts.*

- (1) *Permitted uses.* Permitted uses shall be permitted by right only if specifically listed as principal permitted uses in the various zoning districts or are similar to such listed uses.
- (2) Conditional uses are permitted after review and approval by the Planning Commission only if specifically listed or are similar to such listed uses.

(B) *Application of area and width regulations.*

- (1) The area or width of a lot shall not be reduced below the minimum requirements herein established for the district in which such lot is located.
- (2) Every parcel of land shall meet the minimum lot width requirements set forth in Section 151.065 Schedule of Regulations and shall have frontage on and/or direct access to a public street which has been accepted for maintenance by the City.
- (3) Except in the R-1A, AG/OS, and I Districts, access to a single-family dwelling shall be limited to one individual driveway. Corner lot owners may seek an additional driveway off the opposite street as a conditional use.

(C) *Application of yard regulations.*

- (1) No part of a yard required for any building for the purposes of compliance with this chapter shall be included as a part of a yard or other open space similarly required for another building.
- (2) All front yard setback lines shall be the minimum perpendicular distance measured from the right-of-way of the road upon which a lot or parcel fronts to the nearest point of the principal structure.
- (3) All side and rear yard setback lines shall be the minimum perpendicular distance between the nearest point on the side or rear of the structure and the side or rear lot line parallel thereto.
- (4) On Corner lots, the required front yards shall be provided along both street frontages.
- (5) No building, structure, fence or other permanent improvement shall be permitted to be erected or located within a public right-of-way except for those improvements authorized by the City.

(D) *Application of height regulations.*

- (1) No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, as set forth in Section 151.065, Schedule of Regulations.
- (2) *Exception to height regulations.* Roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building and fire or parapet walls, skylights, towers, steeples and screens, flagpoles, chimneys, smokestacks, water tanks or similar structures may be erected above the height limits herein prescribed. No such structure shall exceed by more than 15 feet the height limit of the district in which it is located.
- (3) Communications towers shall be subject to the regulations set forth in Section 151.103.

(E) *Location and number of buildings on lot of record.*

- (1) Every building erected, altered or moved shall be located on a lot of record as defined herein.
- (2) There shall be only one single-family dwelling permitted in the Agriculture or single-family zoning districts. Where there is more than one single-family dwelling located on a lot of record at the time of adoption of this chapter, said dwelling shall not be divided from the lot except in conformity with the requirements of this chapter.

(Ord. No. 2017-02, 10-18-2017)

Sec. 151.064. - Proposed uses within zoning district.

The uses listed in the following Zoning Districts may be permitted if reviewed in accordance with Article III, Administration and Enforcement, and deemed in compliance with the following, in addition to any other specific standards of this chapter:

Section 151.065, Schedule of Regulations

Article V, General and Special Provisions

Article VI, Environmental Protection and Design Provisions

Article VIII, Signs

Article IX, Off-Street Parking and Loading.

(A) *AG/OS, Agriculture District and Open Space District.*

*Purpose:* This District is composed of those areas of the City whose principal use is and ought to be farming or open space. The regulations of this District are designed to conserve, stabilize, enhance and develop farming and related resource-utilization activities, to minimize conflicting uses of parcels, lots, buildings and structures detrimental to or incompatible with these activities, and to prohibit uses of parcels, lots, buildings and structures which require streets, drainage and other public activities and services of a different type and quantity than those normally required by these activities.

Permitted Uses	Conditional Land Uses
(1) A single-family dwelling.	(1) Public and private golf courses, golf driving ranges, clubs, garden, nurseries and greenhouses.
(2) Farming operation, which includes the land, plants, buildings, structure, including ponds used for agri- or aqua-cultural activities, machinery, equipment and other appurtenances used in the commercial production of farm products, and in accordance with the Michigan Right to Farm Act, Public Act <u>93</u> , 1981.	(2) Community and governmental buildings.
(3) A roadside stand, providing it is incidental to a permitted use and provided the nursery stock or other agricultural products sold at the stand are raised on the premises where the stand is located.	(3) Public and private nurseries, primary and secondary schools, business schools, colleges and universities.
(4) Public and private recreation and conservation areas such as: forest preserve, game refuge, recreation parks and reservation and similar public and private uses of low intensity use.	(4) Churches and other institutions for religious worship.
(5) Any accessory use, building or structure incidental to the above uses and regulated in <u>Section 151.084</u> of this chapter.	(5) Veterinarians, animal clinics and kennels.
	(6) Essential services.
	(7) Mixed mining and extractive operations subject to the requirements set forth in <u>Section 151.101</u> .
	(8) Mobile home parks.
	(9) Mobile home used as a single-family dwelling as proscribed and regulated in <u>Section 151.086</u> of this chapter.
	(10) Tree harvesting operations and nurseries.

(B) *R-1A, Single-Family Residential District, Low Density.*

*Purpose:* This District is composed in those areas of the City served by a public water supply system and a public sanitary sewer system where the principal use is intended to be single-family dwellings developed at a low density. In addition to the dwellings permitted in the Zoning District, there are certain non-residential and public uses which may be permitted through the conditional approval of the City.

Permitted Uses	Conditional Land Uses
(1) A single-family dwelling and any use, building or structure accessory thereto.	(1) Cluster housing subject to the provisions of <u>Section 151.082</u> .
(2) Public parks and playgrounds.	(2) Country clubs, public swimming pools and recreation clubs, private parks and playgrounds.
(3) Accessory uses, buildings or structures incidental to the above uses and as regulated in <u>Section 151.084</u> of this chapter.	(3) Churches and other institutions for religious worship.
(4) Home occupations subject to <u>Section 151.090</u> .	(4) Public and private nursery schools and kindergartens.
	(5) Group child care homes and child care centers subject to the provisions of <u>Section 151.088</u> .
	(6) Reserved.
	(7) Public and private elementary, middle and high schools.
	(8) Bed and breakfast establishments subject to the provisions of <u>Section 151.100</u> .
	(9) Public buildings.
	(10) Two-family dwellings.
	(11) Mobile home used as a single-family dwelling as proscribed and regulated in <u>Section 151.086</u> of this chapter.
	(12) Garages regulated by subsection <u>151.084(C)</u> and placed prior to the principal building.
(5) Adult foster care family homes, foster family homes, and foster family group homes subject to the provisions of <u>Section 151.089</u> .	(13) Retail businesses that have low traffic interactions with customers.

(C) *R-1B, Single-Family Residential District, Medium Density.*

*Purpose:* This District is composed in those areas of the City served by a public water supply system and a public sanitary sewer system where the principal use is intended to be single-family dwellings on moderately sized lots. In addition to the dwellings permitted in this Zoning District, there are certain non-residential and public uses which may be permitted through the conditional approval of the City.

Permitted Uses	Conditional Land Uses
(1) All permitted uses allowed in the R1-A District.	(1) All conditional uses allowed in the R-1A District except the use of mobile homes as single-family dwellings.

(D) *R-2, Multiple-Family Residential District.*

*Purpose:* This District is composed in those areas of the City where the principal use is intended to be multiple family dwellings. The regulations of this District are designed to permit a higher density of population and land use intensity than is allowed in the R-1A and R-1B Districts. Areas zoned R-2 shall be served by public water supply system and a public sanitary sewerage system and abut or are adjacent to such other uses, buildings,

structures or amenities which support, complement or serve a multiple-family density. In addition to the dwellings permitted in this Zoning District, there are certain non-residential and public uses which may be permitted through the conditional approval of the City.

Permitted Uses	Conditional Land Uses
(1) All permitted uses allowed in the R1-A District.	(1) All conditional uses allowed in the R-1A District except the use of mobile homes as single family dwellings.
(2) Two-family dwellings and any use, building or structure accessory thereto subject to <u>Section 151.084</u> .	(2) Assisted living facilities.
(3) Multiple-family dwellings and any use, building or structure accessory thereto subject to <u>Section 151.084</u>	(3) Medical and dental clinics.
	(4) Funeral establishments.
	(5) Hospitals, nursing homes and sanitariums.
	(6) Bed and breakfast establishments.

(E) C-1, Local Service District.

*Purpose:* This District is designed primarily for the convenience of persons residing in the City by providing office, limited retail and business service uses that serve the adjacent and surrounding neighborhoods. It is the purpose of these regulations to permit development of the enumerated functions in a matter which is compatible with uses in the surrounding area. To these ends, certain uses are excluded which would function more effectively in other districts.

Permitted Uses	Conditional Land Uses
Development of facilities less than 15,000 square feet that contain one of the following uses:	
(1) Office buildings for the use of any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic; drafting and sales.	(1) Private service clubs, social organizations and lodge halls.
(2) Medical and dental office, including clinics and medical laboratories.	(2) Funeral homes.
(3) Banks, credit union savings and loan associations.	(3) Multiple-family housing. Apartment dwelling, second floor and above or the rear of a retail business on the first floor where the business is the principal use.
(4) Publicly owned buildings, public utility transformer stations and substations, telephone exchanges and public utility offices.	(4) Veterinary offices and hospitals, including accessory boarding, provided no outdoor exercise runs or pens.
(5) Photographic studios.	(5) Bed and breakfast establishments subject to the provisions of <u>Section 151.100</u> .
(6) Retail office supply, computer and business machine sales.	(6) Bar/lounge serving alcoholic beverages and/or providing entertainment.

(7) Business service establishments such as printing and photocopying services, mail and packaging services, typing and secretarial services.	(7) Dry cleaner establishments.
(8) Florist shops.	(8) Sidewalk café services, operated by a restaurant or other food establishments which sells food for immediate consumption, subject to the requirements set forth in <u>Section 151.090</u> .
(9) Personal service establishments, such as barber and beauty shops, watch, clothing and shoe repair, locksmith and similar establishments.	(9) Facilities that utilize drive through operations.
(10) Outdoor display of products or materials for retail sale or rental when accessory to a principle permitted use subject to the requirements of <u>Section 151.098</u> .	(10) Museums.
(11) A single-family dwelling and any use, building or structure accessory thereto, established and existing at the time of adoption of this chapter.	(11) Food service stores less than 7,500 feet.
(12) Sit down or carry out restaurants.	(12) Churches and other institutions for religious worship.
(13) Theaters completely within an enclosed building.	(13) Public buildings.
(14) General retail establishments selling principally new merchandise less than 7,500 square feet.	(14) Public and private schools.
(15) Gifts and antique shops.	(15) Professional training centers.
(16) Professional offices.	(16) Newspaper offices.
(17) Coffee bars and bakeries.	

(F) *C-2, General Commercial District.*

*Purpose:* This District is designed to accommodate office, business service and retail uses that serve a larger market than C-1 District including the City and portions of the surrounding townships. It is the purpose of these regulations to permit development of the enumerated functions in a manner which is compatible with uses in the surrounding area. To these ends, certain uses are excluded which would function more effectively in other Districts.

Permitted Uses	Conditional Land Uses
(1) All permitted and conditional uses allowed in C-1 Local Service District, with the exception of single family dwellings and bed and breakfast establishments.	(1) Bar/lounge serving alcohol beverages and/or providing entertainment.
(2) Food services including grocery, meat market, bakery, restaurant, delicatessen and fruit market and similar self-service units.	(2) Fast food restaurants.
(3) Retail sales of drug and health care products, hardware, gifts, dry goods, notions, sporting goods, clothing, furniture and appliances.	(3) Lodging facilities.
(4) Radio, television and electrical appliance repair, and shops of plumbers, electricians and other similar services and trades.	(4) Outdoor sales of manufactured products subject to the requirements set forth in <u>Section 151.095</u> .



(5) Sit down and/or carry out restaurants.	(5) Sale of new and used automobiles, boats, mobile homes, farm machinery and other vehicles provided outdoor sales comply with the requirements set forth in <u>Section 151.095</u> .
(6) Laundromats and dry cleaning establishments.	(6) Automobile repair facilities, service stations, and car washes subject to the requirements set forth in <u>Section 151.097</u> .
(7) Planned shopping centers.	(7) Recreation and amusement services, including theaters, bowling alleys, roller and ice skating rinks, billiard halls and miniature golf.
(8) Accessory uses, buildings or structures.	(8) Farm supply and feed stores.
(9) Film production facilities including sound stages and other related activities.	(9) Facilities that utilize drive through operations including fast food restaurants.
(10) Furniture sales and showrooms.	(10) Gasoline and oil service stations subject to provisions of <u>Section 151.097</u> .
(11) Development of facilities over 15,000 square feet.	(11) Car wash facilities subject to provisions of <u>Section 151.097</u> .
(12) Churches.	(12) Community clubs, fraternal lodges and other similar civic and special organization when not operated for profit.
	(13) Hospitals.
	(14) Public and private elementary, middle and high schools.
	(15) Public and private nursery schools.
	(16) Self-storage facilities.

(G) *CBD, Central Business District.*

*Purpose:* This District is designed to provide a variety of office, business service, entertainment and retail uses which occupy the prime retail frontage by serving the comparison, convenience and service needs of the market area which includes the City and surrounding Townships. The regulations of the CBD District are designed to promote convenient pedestrian shopping and the stability of retail development by encouraging a continuous retail frontage and by prohibiting automotive-related services including gasoline retail outlets and non-retail uses which tend to break up such continuity.

Permitted Uses	Conditional Land Uses
(1) All permitted uses allowed in the C-1 District except single-family dwellings.	(1) Bar/lounge serving alcohol beverages and/or providing entertainment.
(2) Newspaper offices, printing and photocopying services.	(2) Fast food restaurants, excluding drive through facilities.
(3) Post offices.	(3) Lodging facilities.
(4) Parks and playgrounds.	(4) Recreation and amusement services, including theaters, bowling alleys, roller and ice skating rinks and billiard halls.
(5) Multi-family housing and/or apartment dwellings on the second floor and above.	(5) Sidewalk café service, operated by a restaurant or other food establishment which sells food for immediate consumption, subject to the requirements set forth in <u>Section 151.099</u> .

(6) Private service clubs, social organizations and lodge halls.

(H) *I, General Industrial District.*

*Purpose:* This District is designed to provide the location and space for all manner of industrial, wholesale and industrial storage uses. It is the purpose of these regulations to permit the development of certain functions to protect the surrounding areas from incompatible industrial activities, restrict the intrusion of non-related uses such as residential, retail business and commercial, and to encourage the discontinuance of uses presently existing in the District which are non-conforming by virtue of the type of use. To these ends, certain uses are excluded which would function more effectively in other Districts, and which would interfere with the operation of the uses permitted in this District.

Permitted Uses	Conditional Land Uses
(1) Contractor's establishments—Provided all products, material and equipment are stored within an enclosed building.	(1) Mineral mining and extractive operations subject to the requirements set forth in 5.21.
(2) Trucking and cartage facilities, truck and industrial equipment storage yards, repairing and washing equipment and yards.	(2) Major automobile repair facilities and collision shops.
(3) Manufacturing, processing, packaging or assembling the following:	(3) Packaging operations, including baling of discarded or junk materials, such as, but not limited to: paper, cloth, rags, lumber, metal or glass.
(a) Pharmaceutical preparations, cosmetics and toiletries.	(4) Recycling operations.
(b) Plastic products such as laminate, pipe, plumbing product and miscellaneous molded or extruded products.	(5) Adult entertainment venues.
(c) Stone, clay, glass and leather products.	(6) Auto and large equipment sale yards.
(d) Food products, bakery goods, candy and beverages.	7) Single-family dwellings on a minimum lot size of one acre or more.
(e) Prefabricated buildings and structured members.	
(f) Appliances, heating and ventilation equipment.	
(4) Metal fabrication and die shops.	
(5) Fabrication of paper and wood products such as office supplies, bags, books, cabinets, furniture and toys.	
(6) Printing, publishing and related activities.	
(7) Manufacture and repair of signs and heating and ventilating equipment.	
(8) Warehousing operations provided they are within an enclosed building.	
(9) Self-storage facilities subject to the requirements of <u>Section 151.094</u> .	
(10) Forest products manufacturing.	

(11) Printing plants, lithographic, blueprinting, commercial laundries, dry cleaning establishments, wholesale business, ice and cold storage plants, lumber, fuel and feed supply yards and other similar uses.	
(12) Light manufacturing, research, assembly, testing and repair of components, devices, equipment and systems of professional scientific and controlling instruments, photographic and optical goods.	
(13) Data processing and computer centers including the servicing and maintenance of electronic data processing equipment.	
(14) Training and/or educational centers where such centers are designed and intended to provide training at the business, technical and/or professional level.	
(15) Film Industrial Facilities.	
(16) Renewal Energy Facilities.	
(17) Breweries/Distilleries Facilities.	

(l) *G, Government District.*

*Purpose:* The Government District (G) and regulations are intended to provide an appropriate zoning classification for specified governments, civic and recreational facilities where a separate zoning district is deemed appropriate. This Article is also intended to protect public and quasi-public facilities and institutions from the encroachment of certain other uses, and to ensure compatibility with adjoining residential uses. Several of the public facilities addressed in this section are also Permitted or Conditional Uses in one or more of the zoning districts. Governmental agencies which are exempted from zoning by state and federal statute shall be responsible for complying with the standards of this section to the greatest extent possible.

Conditional Land Uses	
(1) City, county, state and federal buildings and other public buildings.	
(2) Cemeteries.	
(3) Child caring institutions.	
(4) Home for aged and extended care facilities such as nursing homes.	
(5) Public elementary, middle and high schools.	
(6) Public nursery schools.	
(7) Public parks, public open space, public recreation areas, public playgrounds, lakes, beaches, pools and public gardens excluding off-road vehicle courses and trails, gun and archery ranges.	
(8) Indoor recreational facilities such as including arenas, stadiums, skating rinks and bowling alleys.	
(9) Outdoor recreational facilities such as recreational fields and skating rinks.	

(10) Temporary carnivals, fairs, commercial cider mills and amusement parks subject to the provisions of <u>Section 151.107</u> .	
(11) Public sewage treatment plants, public water plants, essential public services and buildings, public works garages and similar uses.	
(12) Water towers.	

(Ord. of 2-19-2020(1), §§ 9, 10, 2-19-2020)

Sec. 151.065. - Schedule of regulations.

Schedule of Area, Height, Width and Setback Regulations

Zoning District	Minimum Lot Size		Max Building Height Space		Minimum Yard Setback				Max Lot Coverage	Footnotes
	Area (square feet)	Lot Width	Stories	Feet	Front	Side	Total	Rear		
Agriculture District, AG/OS, Open Space	1 Acre	207 ft.	2-1/2	35 (75 farm bldgs.)	50 ft.	20 ft.	40 ft.	50 ft.	15%	see A, D, G, I, J, K and L
Single-Family Residential, Low Density, R-1A	10,800	90 ft.	2-1/2	35	25 ft.	10 ft.	25 ft.	30 ft.	40%	see A, D, E, F, G, I, J, and K
Single-Family Residential, Medium Density, R-1B	7,200	60 ft.	2-1/2	35	20 ft.	5 ft.	20 ft.	25 ft.	50%	see A, D, E, F, G, H, J and K
Multiple-Family Residential, R-2	SF: 7,200	60 ft.	2-1/2	35	20 ft.	5 ft.	20 ft.	25 ft.	50%	see A, B, C, D, E, F, G, H, I, J and K
	2F: 10,800	90 ft.	2-1/2	35	25 ft.	8 ft.	20 ft.	30 ft.	50%	
	MF: 1 acre	180 ft.	3	40	35 ft.	20 ft.	35 ft.	50 ft.	50%	
Local Service, C-1	4,800	60 ft.	3	40	10 ft.	0 ft.	0 ft.	20 ft.	50%	see A, D, E, H, I, J and K
General Commercial, C-2	10,800	90 ft.	2-1/2	40	25 ft.	10 ft.	20 ft.	25 ft.	50%	see A, D, E, H, I, J and K
Central Business District, CBD	---	---	3	40	0 ft.	0 ft.	0 ft.	20 ft.	---	see A, D, E, F, H, I, J, K and M
General Industrial, I	42,849	207 ft.	2	40	50 ft.	10 ft.	30 ft.	35 ft.	50%	see A, D, I, K and L
Government District, G	---	100 ft.	3	40	20 ft.	5 ft.	20 ft.	25 ft.	---	see A, D, I, J and K

SF: Single-Family Dwellings
2F: Two-Family Dwellings
MF: Multiple Family Dwellings

Footnotes to schedule of area, height, width and setback regulations.

- (A) All dwelling units and occupied buildings shall be served with a public water supply system and a public sanitary system.
- (B) *Lot area and density.* Every lot or parcel of land occupied by a medium density multiple-family dwelling structure shall contain a minimum area of one acre and a total area of not less than the following:

Unit Type	Lot Area/Dwelling Unit
Efficiency	1,900 square feet
One bedroom	2,300 square feet
Two bedroom	3,000 square feet
Every additional bedroom	700 square feet

- (C) *Distance between buildings.* In addition to the required setbacks from property boundaries, the following minimum distances shall be required between each multiple family structure:
  - (1) Where buildings are front to front or front to rear, three times the height of the taller building, and not less than 70 feet.
  - (2) Where buildings are side to side, one and one half times the height of the taller building, but not less than 20 feet.
  - (3) Where buildings are front to side, rear to side, or rear to rear, two times the height of the taller building, but not less than 35 feet.

In applying the above standards, the front of the building shall mean that the face of the building having greatest length and contains the primary entrance to the building; the rear is that face opposite the front. The side of the building is considered any face that is not a front or rear.

- (D) The minimum distance of any principal building from the ordinary high water mark shall be 50 feet.
- (E) Driveways to single-family dwellings shall be located in the greater side yard setback.
- (F) Any structure located within the CBD which abuts a dwelling located within the C-1, R-1A or R-1B District shall have a minimum setback from the common property line of ten feet.
- (G) The minimum floor area of dwelling units shall be as follows:

Type of Dwelling	Total Usable Floor Area
One-family	860 square feet
Two-family, per dwelling unit	720 square feet
Multiple-family:	
Efficiency unit	600 square feet
One-bedroom unit	800 square feet
Two-bedroom unit	1,000 square feet
Three-bedroom unit	1,200 square feet
Four-bedroom unit	1,400 square feet

Each additional bedroom	100 square feet
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- (H) All stores within a shopping center or a free standing building shall have a minimum of 1,000 square feet of floor space. Conditional uses exist for certain combinations of retail business of less than 1,000 square feet to meet the minimum floor space in freestanding buildings.
- (I) Accessory buildings are regulated by subsection 151.084(A).
- (J) Decks and porches are conditionally allowed within the front setback area if they are not supported by a permanent foundation. A land use permit is required and approval is made on a case by case basis by the Zoning Administrator. Existing non-conforming decks and porches may be replaced without a land use permit provided the replacement is of the same size and in the same location.
- (K) Development along the Iron River must adhere to the requirements of Section 151.134.
- (L) Single-family dwelling are allowed on lots with a minimum size of one acre or more.
- (M) Buildings must be built to the front lot line. A conditional use may be granted that allows the area between the front lot line and the front of the building to be used as a quasi-public place.
- (N) If the land area of the parcel is built from plotted lots, then the minimum lot size area allowed is 7,200 square feet and minimum lot width allowed is 60 feet.

(Ord. No. 2017-02, 10-18-2017; Ord. of 2-19-2020(1), § 11, 2-19-2020)

#### ARTICLE V. - GENERAL AND SPECIAL PROVISIONS

##### Sec. 151.081. - Intent.

The intent of this article is to provide for those regulations which generally apply regardless of the particular zoning district and to those conditional uses which may be permitted in certain zoning districts.

(Ord. No. 2017-02, 10-18-2017)

##### Sec. 151.082. - Cluster housing option.

The cluster housing option may be applied for as a conditional use in R-1A, R-1B and R-2 Districts subject to the standards set forth in Section 151.033, Conditional Land Uses, and this section.

- (A) *Intent.* The intent of the cluster housing option is to permit the development of single-family residential patterns which, through design innovation, will:
- Allow greater flexibility;
  - Encourage a more creative approach to the development of single-family residential areas;
  - Encourage a more efficient, aesthetic, and desirable use of the land;
  - Provide a more desirable living environment through the preservation and conservation of natural features such as topography, wetlands, woodlands, bodies of water, and other natural assets; and
  - Encourage the provision of open space so that benefits may accrue directly to the residents of the development or the community as a whole.
- (B) *Qualification of parcels.* The parcel must be located in a district zoned for residential use and must meet one or more of the following characteristics listed below. Requests for qualification under these conditions must be supported by documented evidence supplied by the applicant in either narrative or graphic form.
- Parcel characteristics qualifications:
- (1) The parcel contains natural assets which would be preserved through the use of cluster development. Such assets may include natural stands of large trees, land which serves as a natural habitat for wildlife, wetlands, bodies of water, unusual topographic features, or other natural assets which should be preserved. Requests for qualification under these conditions must be supported by documented evidence.
  - (2) The parcel contains major topographic conditions which would require mass grading resulting in loss of significant natural features.
  - (3) The parcel contains substantial portions of flood plain and wetlands. A flood plain and wetlands map indicating the extent of the wetlands and flood plain area shall be submitted to the Planning Commission in order to support the proposal for the parcel's qualification for cluster development.
  - (4) The parcel, due to its size or shape, cannot be reasonably developed as a conventional subdivision or site condominium development.

(C) *Site design requirements.* Unless specifically noted in this section, all cluster developments submitted under this option shall conform to all dimensional development standards of this chapter:

- (1) Development is permitted as either attached or detached dwelling units, provided the number of attached units shall not exceed 20 percent of the total number of units in an R-1A or R-1B District, respectively.
- (2) *Open space.* When completed, the development shall have 20 percent of the gross acreage in the development devoted to open space, which shall remain in its natural state and/or be restricted to active and/or passive outdoor recreational purposes. Dedication of open space shall comply with the standards set forth in Section 151.083. Designated open space shall include area within any greenbelts required by subsections 151.033(C)(3) and 151.032(C)(4), subject to the restrictions contained herein.

The computation of designated open space shall not include: rights-of-way or easements designated for road purposes; areas within the minimum setbacks of a dwelling unit; land which is under water (lakes, streams, water courses, and other similar bodies of water); any area to be improved into a lake or pond; and/or more than 25 percent of the area of regulated wetlands.

- (3) *Greenbelt adjacent and parallel to public streets.* In addition to any required minimum setback specified in Section 151.082(C)(6), a greenbelt, the minimum width as set forth below, shall be required along any adjacent public street. The greenbelt shall be measured from the street right-of-way. The City, at its discretion, may permit either reductions or variations in width of the greenbelt taking into consideration topographic and/or other natural resource conditions, density of existing vegetation to be preserved, and size and shape of the development site.
- (4) *Transition from adjacent parcels.* In order to provide an orderly transition for access and density between the proposed development and adjacent areas when a cluster development abuts a single-family residential district, the Planning Commission, at its discretion, may require one or more of the following measures: location of streets to meet up with adjacent streets, an area or row of lots of comparable size as the neighboring residential lots, designation of open space along the common boundaries, and/or screening in accordance with the requirements of subsection 151.122(D) of this Chapter.

The following minimum greenbelt from adjacent public streets shall be applied:

Minimum Width of Greenbelt from Adjacent Public Streets

District	(in feet)
R-1A	50
R-1B	50

(5) *Density.* The number of dwelling units within any development permitted hereunder shall not exceed the number of dwelling units permitted in the Zoning District in which the proposed development is located without application of the cluster housing option. The applicant must submit a concept plan that illustrates a site layout without the cluster option and all applicable ordinances and laws observed.

(6) *Setbacks.* Minimum setback requirements are established in a manner which permits variation in the siting of individual dwelling units in order to encourage creativity in design and compatibility with natural resource features. The minimum setback requirements for each dwelling unit shall be shown on the site plan as follows:

(a) In the case of single-family detached dwellings, the following minimum setbacks shall be applied:

Minimum Yard Setbacks Per Unit

District	Front	Rear	Total Front and Rear	Side	
				Least	Total
R-1A	20	30	55	5	15
R-1B	20	30	55	5	15
R-2	20	30	55	5	15

(b) In the case of single-family attached dwellings, the following minimum setbacks shall be applied:

Minimum Setback

	From internal drives and streets	From perimeter property boundaries
R-1A	20	50
R-1B	20	50
R-2	20	50

(c) In the case of single-family attached dwellings, the minimum distance between buildings shall comply with Section 151.065(D).

- (7) *Required street frontage.* Any cluster lot contained within a cluster lot development shall have frontage on and direct access to a public street which has been accepted for maintenance by the City. The extent of street frontage shall be determined by the City, in its discretion, taking into consideration topographic and/or other natural resource considerations, size and shape of the development site, and public safety factors.

(Ord. No. 2017-02, 10-18-2017)

Sec. 151.083. - Open space preservation.

- (A) Whenever the preservation of open space is required by this chapter, the applicant shall provide a demonstrated means that all open space portions of the development will be maintained in the manner approved. Documents shall be presented that bind all successors and future owners in fee title to commitments made as a part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the City and the land uses continue as approved in the open space community plan.

The dedicated open space shall be set aside by the applicant through an irrevocable conveyance that is found acceptable to the City Attorney, such as:

- (1) Recorded deed restrictions.
  - (2) Covenants that run perpetually with the land,
  - (3) Conservation easements such as those established per the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended (M.C.L.A. § 399.251)
- (B) Such conveyance shall assure that the open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use. Such conveyance shall:
- (1) Indicate the proposed allowable use(s) of the dedicated open space.
  - (2) Demonstrate to the satisfaction of the City that dedicated open space shall be maintained.
  - (3) Provide standards for scheduled maintenance of the open space.
  - (4) Provide for maintenance to be undertaken by the City in the event that the dedicated open space is inadequately maintained, or is determined by the City to be a public nuisance, with the assessment of costs upon property owners within the proposed development.

(Ord. No. 2017-02, 10-18-2017)

Sec. 151.084. - Accessory buildings and uses.

- (A) Requirements applicable to accessory buildings.
- (1) A building or structure not attached to a principal building shall be considered a detached accessory building or structure.
  - (2) Where the accessory building is structurally attached to a main building, it shall conform to all setback and height regulations of this chapter and building codes applicable to main buildings.
  - (3) No accessory building or structure shall be built upon a residential lot or parcel unless and until a principal structure is erected except garages approved as a conditional use and regulated by subsection 151.084(C), below
  - (4) The total floor area of all accessory buildings and structures shall not exceed 100 percent of the total floor area of all stories of the principal building.
  - (5) Accessory buildings and structures shall be included in lot coverage limitations.
  - (6) The total floor area of all detached accessory buildings and structures shall not exceed 25 percent of the total rear yard area.
  - (7) No detached accessory building or structure shall exceed 12 feet in overall height.
  - (8) In no instance shall an accessory building or structure be located within a dedicated easement or right-of-way.
  - (9) Detached accessory structures shall be erected only in a rear yard. If the lot is a corner lot, accessory structures shall remain behind all building lines adjacent to streets.
  - (10) No detached accessory building or structure shall be constructed or placed within ten feet of any other building located on the same lot or parcel.
  - (11) Accessory buildings and structures located in rear yards shall not be closer than ten feet to any rear or side lot line except as stated otherwise in this



section. In R-1B Districts, they shall not be closer than five feet to any rear or side lot line. In C-1, C-2, and CBD districts, they shall not be closer than three feet to any rear or side lot line. All accessory buildings and structures shall not be located closer than three feet to a utility.

(12) Accessory structures shall be subject to all applicable building code regulations of the City of Iron River. No building shall be built of steel exterior wall construction except for prefabricated sheds less than 100 square feet and accessory structures located in the AG/OS and I districts.

(B) Private swimming pools shall be subject to the following:

- (1) No portion of the swimming pool or associated structures shall be permitted to encroach upon any easement or right-of-way which has been granted for public utility use.
- (2) Front yard and side yard setbacks shall comply with required setbacks specified for the zoning district wherein the pool is located. Rear yard setbacks shall be a minimum of 15 feet.
- (3) All swimming pools shall be enclosed in accordance with applicable Building Codes.

(C) Detached garages may be placed in side or rear yards. The maximum height is limited to the height of the principal structure or 24 feet, whichever is less. No living quarters may be placed in a detached garage. Detached garages shall adhere to the same set back requirements of the principal building.

(Ord. No. 2017-02, 10-18-2017; Ord. of 2-19-2020(1), § 12, 2-19-2020)

Sec. 151.085. - Emergency temporary dwellings.

(A) When permitted, emergency temporary dwellings may be permitted upon a finding by the City that the principal residential structure has been destroyed in whole or in part by fire, explosion or natural disaster and therefore is uninhabitable and the standards set forth herein have been met.

(B) *Permit application and review.*

- (1) An application for a permit for the emergency temporary use and installation of a mobile home, modular, or prefabricated dwelling unit shall be made to the Zoning Administrator. The application shall be accompanied by a plot plan showing the location of the proposed structure.
- (2) The application shall be reviewed by a committee composed of the Zoning Administrator and two Planning Commission members. Approval of the application may be granted by a majority vote of the committee upon a finding that all of the following conditions are met:
  - (a) The principal residential structure has been destroyed in whole or in part by fire, explosion, or natural disaster and therefore is uninhabitable.
  - (b) The temporary dwelling unit will be connected to public sewer or water.
  - (c) The temporary dwelling unit complies with all applicable Zoning District requirements including setback, area, bulk, and other requirements, except minimum house size requirements.
- (3) The granting of a permit for an emergency temporary dwelling unit shall be for a period of up to one year from the date of approval by the committee. Any conditions of approval shall be specified in writing on the permit.
- (4) To guarantee compliance with the provisions of the Ordinance and removal of the emergency temporary dwelling upon expiration of the permit, the City Council may require a cash bond to be posted prior to the issuance of a permit.

(C) *Temporary shelter.* A motorhome, travel trailer, camper or tent may be used as temporary shelter for homeowners or guests for up to 21 days. The homeowner shall record the date said unit became used for a temporary shelter and have available for inspection. This use is only permitted in R-1A or AG/OS Districts.

(Ord. No. 2017-02, 10-18-2017)

Sec. 151.086. - Single-family dwellings, mobile homes, prefabricated housing.

No single-family dwelling (site built), mobile home, modular housing, or prefabricated housing located outside a mobile home park or mobile home subdivision shall be permitted unless said dwelling unit conforms to the following standards:

- (A) *Square footage.* Each such dwelling unit shall comply with the minimum square footage requirements of this chapter for the zone district in which it is located.
- (B) *Dimensions.* Each such dwelling unit shall have a minimum width across any front, side, or rear elevation of 20 feet and shall comply in all respects with the Building Code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the Michigan State Construction Code Commission, then and in that event such federal or state standard or regulation shall apply.
- (C) *Foundation.* Each such dwelling unit shall be firmly attached to a permanent foundation constructed on the site in accordance with the Building Code and shall have a wall of such dimensions to adequately support the dwelling. All dwellings shall be securely anchored to the foundation in order to prevent displacement during windstorms.
- (D) *Undercarriage.* Dwelling units shall not be installed with attached wheels. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage, or chassis.
- (E) *Sewage disposal or water supply.* Each such dwelling unit shall be connected to public sewer and water.
- (F) *Storage area.* Each such dwelling unit shall contain a storage capability area either in a basement located under the dwelling, in an attic area, or in a

separate or attached structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to ten percent of the square footage of the dwelling or 100 square feet, which ever shall be less.

- (G) *Architecture and compatibility.* The compatibility of design and appearance shall be determined in the first instance by the Zoning Administrator. The Zoning Administrator may also refer any determination of compatibility shall be based upon the character, design, and appearance of one or more residential dwellings located outside of mobile home parks within 500 feet of the subject dwelling. All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity. No principal building shall be built of steel exterior wall construction.

All homes shall have a roof overhang of not less than six inches on all sides or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling. The dwellings shall not have less than two exterior doors with one door being in either the rear or side of the dwelling. Steps shall also be required for exterior door areas or to porches connected to say door areas where a difference in elevation requires the same. The foregoing shall not be construed to prohibit innovative design concepts involving such matters a solar energy, view, unique land contour, or relief from the common or standard designed home.

- (H) *Additions.* Each such dwelling unit shall contain no addition or room or other area which is not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
- (I) *Mobile homes.* Mobile homes may be used as a single-family dwelling in AG/OS and R1-A Zoning Districts. The site must be a minimum of one acre in size. The date of manufacture must be ten years or less in age. The minimum width of the unit permitted is 14 feet. The minimum floor space of the unit may be no less than 1,000 square feet.
- (J) *Code compliance.* Each such dwelling unit shall comply with all pertinent building and fire codes. In the case of a mobile home, all construction, all plumbing, electrical apparatus, and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended or superseded. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements. Mobile homes shall not be used as an accessory building.
- (K) *Building permit.* All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable Building Code provisions and requirements.
- (L) *Exceptions.* The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in this chapter and pertaining to such parks. Mobile homes which do not conform to the standards of this section shall not be used for dwelling purposes within the city unless located within a mobile home park or a mobile home subdivision district for such uses, or unless used as a temporary residence as otherwise provided in this chapter.

(Ord. No. 2017-02, 10-18-2017)

#### Sec. 151.087. - Mobile home park requirements.

The Mobile Home Code, as established by the Mobile Home Commission and the Michigan Department of Public Health Rules under the authority of the Mobile Home Commission Act, Public Act 96 of 1987, as amended, regulates development of mobile home parks. All mobile home parks must be constructed according to the standards of the Code.

In addition to the rules and standards of the State of Michigan, the City of Iron River imposes the following conditions:

- (A) Mobile home parks shall be constructed, licensed, operated, and managed in accordance with the provisions of the Mobile Home Commission Act, Act 96 of 1987, as amended and subsequently adopted rules and regulations governing mobile home parks.
- (B) Mobile Home Parks shall not be permitted on parcels less than ten acres in size.
- (C) Individual mobile home sites within a mobile home park shall have a minimum lot size of 4,500 square feet per mobile home being served. This 4,500 square foot minimum may be reduced by 20 percent, provided that the individual site shall be equal to at least 3,600 square feet. For each square foot of land gained through this reduction of the site below 4,500 square feet, an equal amount of land shall be dedicated as open space. In no case shall the open space requirements be less than that required under R125.1946, Rule 946 of the Michigan Administrative Code.
- (D) The on-site storage of boat trailers, boats, camping units, horse trailers and similar recreational equipment shall be prohibited on mobile home sites and in designated open space areas. The mobile home park may provide, within the confines of the park, a common outdoor storage area for the storage of the above mentioned equipment.
- (E) Mobile home parks shall be landscaped as follows:
- (1) If the mobile home park abuts an existing residential development, the park shall be required to provide screening along the park boundary abutting the residential development.
  - (2) If the park abuts a non-residential development, the park need not provide screening.
  - (3) In all cases, however, a park shall provide screening along the park boundary abutting a public right-of-way.

The landscaping shall consist of evergreen trees or shrubs of a minimum three feet in height which is spaced so they provide a continuous screen at maturity. Alternative screening devices may be utilized if they conceal the mobile home park as effectively as the required landscaping described above.

- (F) Mobile Home Parks shall be subject to preliminary plan review requirements in accordance with PA 96 of 1987, as amended.

- (G) A permit shall not be required for the construction or erection of canopies or awnings which are open on three sides. A land use permit and a building permit shall be required, however, before the construction or erection of any screened, glassed-in, or otherwise enclosed awning or canopy.

(Ord. No. 2017-02, 10-18-2017; Ord. of 2-19-2020(1), § 13, 2-19-2020)

Sec. 151.088. - Child care facilities.

- (A) *Intent.* It is the intent of this section to establish standards for day care facilities which will ensure compatibility with adjacent land uses and maintain the character of the neighborhood.
- (B) *Application of regulations.*
- (1) A state licensed Family Child Care Home shall be considered a residential use of property and a permitted use in all residential districts. Family Child Care Homes shall be prohibited in all other districts.
  - (2) The Planning Commission may, by issuance of a conditional use permit, authorize the establishment of Group Child Care Homes and Child Care Centers as specified in District regulations and subject to the standards herein.
- (C) *Standards for group child care homes.* Group Child Care Homes shall be considered as conditional land use subject to the requirements and standards of Section 151.033 and the following additional standards:
- (1) The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located.
  - (2) The property is maintained in a manner that is consistent with the character of the neighborhood.
  - (3) There shall be an outdoor play area of at least 500 square feet provided on the premises. Said play area shall not be located within the front yard setback. This requirement may be waived by the Planning Commission if a public play area is within 500 feet of the subject parcel.
  - (4) All outdoor play areas shall be enclosed by a fence that is designed to discourage climbing, and is at least four feet in height, but no higher than six feet.
  - (5) The hours of operation do not exceed 16 hours within a 24-hour period. Activity between the hours of 10:00 p.m. and 6:00 a.m. shall be limited so that the drop-off and pick-up of children is not disruptive to neighboring residents.
  - (6) One off-street parking space per employee of the shift with the highest number of employees not a member of the Group Child Care Home family shall be provided.
  - (7) Appropriate licenses with the State of Michigan shall be maintained.
- (D) *Standards for child care centers.* Child Care Centers shall be considered as a conditional land use subject to the requirements and standards of Section 151.033 and the following standards:
- (1) The Child Care Center shall be served by public sewer and water.
  - (2) A separate drop-off and pick-up area shall be provided adjacent to the main building entrance, located off of a public street and the parking access lane, and shall be of sufficient size so as to not create congestion on the site or within a public roadway.
  - (3) Off-street parking shall be provided at a rate of one space per employee plus one space for every five children enrolled at the facility.
  - (4) There shall be an outdoor play area of at least 1,000 square feet provided on the premises. Said play area shall not be located within the front setback. This requirement may be waived by the Planning Commission if public play area is available 500 feet from the subject parcel.
  - (5) Appropriate licenses with the State of Michigan shall be maintained.

(Ord. No. 2017-02, 10-18-2017; Ord. of 2-19-2020(1), § 14, 2-19-2020)

Sec. 151.089. - Adult foster care facilities.

- (A) *Intent.* It is the intent of this section to establish standards for adult foster care facilities which will ensure compatibility with adjacent land uses and maintain the character of the neighborhood.
- (B) *Application of regulations.*
- (1) A State licensed Adult Foster Care Small Group Home serving six persons or less and Adult Foster Care Family Home shall be considered a residential use of property and a permitted use in all residential districts.
  - (2) The City may, by issuance of a conditional use permit, authorize the establishment of Adult Foster Care Small Group Homes serving more than six persons and Adult Foster Care Large Group Homes in the following zoning districts: R-1A, R-1B and R-2. Such facilities shall be prohibited in all other districts.
  - (3) The City may, by issuance of a conditional use permit, authorize the establishment of an Adult Foster Care Congregate Facility in the following zoning districts: R-2. Such facilities shall be prohibited in all other districts.
- (C) *Standards for adult foster care small group homes serving more than six persons and adult foster care large group homes.* Such homes shall be considered as conditional land use subject to the requirements and standards of Section 151.033 and the following additional standards:
- (1) A site plan, prepared in accordance with Section 151.034, shall be required to be submitted.
  - (2) The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located, provided there is a minimum site area

of 1,500 square feet per adult, excluding employees and/or care givers.

- (3) The property is maintained in a manner that is consistent with the character of the neighborhood.
  - (4) One off-street parking space per employee and/or caregiver shall be provided.
  - (5) If deemed necessary, the City may require landscape screening in accordance with subsection 151.122(D).
  - (6) Appropriate licenses with the State of Michigan shall be maintained.
- (D) *Standards for adult foster care congregate facilities.* Such facilities shall be considered as a conditional land use subject to the requirements and standards of Section 151.033 and the following standards:
- (1) A site plan, prepared in accordance with Section 151.034, shall be required to be submitted.
  - (2) The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located, provided there is a minimum site area of 1,500 square feet per adult, excluding employees and/or caregivers.
  - (3) Parking requirements as required for convalescent homes and similar facilities, set forth in Article X shall be met.
  - (4) All landscape requirements set forth in Section 151.122 shall be met.
  - (5) Appropriate licenses with the State of Michigan shall be maintained.

(Ord. No. 2017-02, 10-18-2017)

Sec. 151.090. - Home occupations.

Home occupations may be permitted in single family residences subject to the following requirements:

- (A) A Home Occupation must be clearly incidental and secondary to the primary use of the dwelling unit for dwelling purposes. No more than 25 percent of the sum of ground floor area of dwelling shall be devoted to a home occupation.
- (B) A Home Occupation use shall not change the character of the residential nature of the premises, both in terms of use and appearance.
- (C) A Home Occupation use shall not create a nuisance or endanger the health, safety, welfare, or enjoyment of any other person in the area, by reason of noise, vibration, glare, fumes, odor, unsanitary or unsightly conditions, fire hazards, or the like, involved in or resulting from such Home Occupation.
- (D) A Home Occupation shall not generate sewage or water use in excess of what is normally generated from a single-family dwelling in a residential area.
- (E) No employees shall be permitted other than members of the immediate family residing in the dwelling unit unless specifically approved in advance.
- (F) All activities shall be carried on within an enclosed structure. There shall be no outside display of any kind, or other external or visible evidence of the conduct of a Home Occupation. An unanimated, non-illuminated wall sign less than four square feet is allowed provided a permit is granted. The Home Occupation may not be conducted within an accessory building.
- (G) There shall be no vehicular traffic permitted for the Home Occupation, other than that which is normally generated for a single dwelling unit in a residential area, both as to volume and type of vehicles. Off-street parking is required for any employees. Parking layout will be subject to lot size and characteristics of the neighborhood.
- (H) Hours of operation will be stated in the conditional use permit.

(Ord. No. 2017-02, 10-18-2017)

Sec. 151.091. - Seasonal sales.

The sale of Christmas trees, pumpkins, firewood, farm produce and products, fireworks, and other seasonal items shall be considered temporary uses within any nonresidential zoning district subject to the conditions contained herein. All such sales shall be conducted in a manner so as not to create traffic hazard or a nuisance to neighboring properties. Adequate parking and ingress and egress to the premises shall be provided. Upon discontinuance of the seasonal use, any temporary structures shall be removed. Signs shall conform to the provisions of the district in which the seasonal use is located. A land use permit is required prior to operating a seasonal sales business. All vendors of seasonal products not owning the land that occur on lands not secured with a long term lease of at least one year shall also obtain a peddler's license.

(Ord. No. 2017-02, 10-18-2017)

Sec. 151.092. - Garage sales, rummage sales, and similar activities.

Garage sales, rummage sales, yard sales, moving sales, and similar activities shall be considered temporary accessory uses within any residential zoning district subject to the conditions contained herein.

Any garage sale, rummage sale, or similar activity shall be allowed for a period not to exceed three days four times within a calendar year. All such sales shall be conducted in a manner so as not to create a traffic hazard or a nuisance to neighboring properties. No signs advertising a garage sale or similar activity may be placed upon public property or right-of-way. Signs shall not be placed more than 48 hours prior to the sale and must be removed upon completion of the sale. The

sign shall not exceed four square feet.

(Ord. No. 2017-02, 10-18-2017)

Sec. 151.093. - Essential services.

Essential services shall be permitted as authorized and regulated by law and other ordinances of the City. The construction of buildings, but not storage yards, associated with essential services shall be subject to the provisions of [Section 151.034](#), Site Plan Review. Otherwise, the construction, maintenance, and alteration of essential services shall be exempt from the provisions of this chapter.

(Ord. No. 2017-02, 10-18-2017)

Sec. 151.094. - Self-storage facilities.

Self-Storage facilities shall be located only in the Industrial District or on parcels larger than five acres in the C-2 and AG/OS Districts and are subject to the following requirements and conditions:

- (A) No activity other than rental of storage units and the rental of outside storage space for recreational vehicles shall be allowed. No commercial, wholesale, retail, industrial or other business use on, or operated from, the facility shall be allowed.
- (B) The storage of any toxic, explosive, corrosive, flammable or hazardous materials is prohibited. Fuel tanks on any motor vehicle, boat, lawn mower, or similar property will be drained or removed prior to storage. Batteries shall be removed from vehicles before storage.
- (C) Other than the storage of recreational vehicles, all storage shall be contained within a building. All recreational vehicle storage shall be screened from the view of neighboring properties and public roads in accordance with [Section 151.122](#).
- (D) Exterior walls of the ends of all storage units shall be of masonry or face-brick construction.
- (E) All storage units must be accessible by paved circular drives clearly marked to distinguish traffic flow. A minimum separation of 36 feet shall be provided between buildings facing other buildings and a minimum of 20 feet between the ends of buildings. Site circulation shall be designed to accommodate fire trucks, as well as trucks that will customarily access the site.

(Ord. No. 2017-02, 10-18-2017)

Sec. 151.095. - Outdoor sales and open air businesses.

- (A) Outdoor sales for new and used automobiles, boats, mobile homes, farm machinery and other vehicles and manufactured products and similar uses shall be subject to the following provisions:
  - (1) There shall be no strings of flags, pennants or bare light bulbs permitted.
  - (2) No vehicles or merchandise for sale shall be displayed within any required front setback and shall adhere to the conditions imposed for the district in which it is located.
  - (3) There shall be no broadcast of continuous music or announcements over any loudspeaker or public address system.
  - (4) Outdoor display areas shall also adhere to the requirements of [Section 151.098](#).
- (B) Open air businesses shall secure a land use permit and be controlled by all the conditions imposed for the District in which it is located. Retail sales, is limited to plants and garden products not grown on site, lawn furniture, playground equipment, and garden supplies. All seasonal sales of this nature not secured in duration with a long term lease requires a Peddlers license issued by the City of Iron River unless it is incidental to the primary business and operated by the principal tenant of the property.
- (C) Private vehicles for sale shall not be placed on property of another for sale unless through a consignment arrangement with a licensed dealer.

(Ord. No. 2017-02, 10-18-2017)

Sec. 151.096. - General, building and landscape contractor's offices and yards.

- (A) A contractor's office building shall be of permanent construction. Temporary construction trailers shall not be permitted to be occupied as the office of the contractor. Outdoor storage shall be strictly and clearly accessory to the contractor's principal office use of the property. Only products, materials and equipment owned and operated by the principal use shall be permitted for storage.
- (B) Storage shall not be located within the required front yard. Such storage shall not be located in any required parking or loading space.
- (C) Storage shall be screened from the view of public streets, and adjacent properties zoned either residential or commercial. Screening measures shall meet the requirements of subsection [151.122\(D\)](#).
- (D) The location and size of areas for storage, nature of items to be stored therein, and details of the enclosure, including description of materials, height, and typical elevation of the enclosure shall be provided as part of the information submitted under [Section 151.034](#), Site Plan Review.

(Ord. No. 2017-02, 10-18-2017)

Sec. 151.097. - Automobile repair facilities, service stations, and car washes.

Automobile repair facilities, service stations, and car washes shall be subject to the following standards:

- (A) Separation shall be made between the pedestrian sidewalk and vehicular parking and maneuvering areas with the use of curbs, wheel stops, greenbelts or traffic islands.
- (B) All activities related to vehicle washing, service and repair equipment shall be entirely enclosed within a building. There shall be no vehicle repairs or service conducted on the street, verge, or sidewalk.
- (C) Driveways shall be designed to accommodate the type and volume of vehicular traffic using the site and located in a manner which is compatible with uses located adjacent to and across from the site.
- (D) Inoperative, wrecked or unlicensed vehicles shall not be stored outside for more than 28 days. Such storage shall not occur in front of the building front line.
- (E) Vehicle sales shall not be permitted on the premises of any automobile repair facilities, service stations, or car washes.

(Ord. No. 2017-02, 10-18-2017; Ord. of 2-19-2020(1), §§ 15, 16, 2-19-2020)

Sec. 151.098. - Outdoor displays of products or materials intended for retail sale or rental.

(A) *General standards.*

- (1) An outdoor display shall be considered as an accessory to the principal business use conducted on the premises.
- (2) The exterior of the premises shall be kept clean, orderly and maintained.
- (3) The City shall not be held liable or responsible for any type of damage, theft or personal injury which may occur as a result of an outdoor display.
- (4) In the administration of these provisions, the Zoning Administrator shall be permitted to refer a request to the Planning Commission for review and recommendation where site conditions may create difficulty in adherence to the standards contained herein.

(B) *Standards within CBD Districts.*

- (1) An outdoor display may be located in front of or adjacent to the establishment. An outdoor display that extends beyond the property lines of the applicant shall require the permission of the affected property owners.
- (2) If an outdoor display is located on a public sidewalk, a minimum of six feet of unobstructed, pedestrian access along the sidewalk shall be maintained. Sufficient room shall also be provided to allow car doors to open along the curbside.

(C) *Standards within C-1 and C-2 Districts.*

- (1) An outdoor display may be located within any required yard but shall not be located within any public road right-of-way.
- (2) An outdoor display shall not occupy or obstruct the use of any fire lane, required off-street parking or landscaped area required to meet the requirements of this Zoning Ordinance.

(D) *Transient and seasonal sales.*

- (1) Transient or seasonal sales may be located within any required yard but shall not be located within any public road right-of-way.
- (2) Transient or seasonal sales shall not occupy or obstruct the use of any fire lane, required off-street parking or landscaped area required to meet the requirements of this Zoning Ordinance.
- (3) Transient or seasonal sales not secure within a long term lease of one year or longer require a peddler's license issued by the City unless it is incidental to the primary business and operated by the principal of the property.

(Ord. No. 2017-02, 10-18-2017)

Sec. 151.099. - Sidewalk café service.

A sidewalk café service operated by a restaurant or other food establishment which sells food for immediate consumption may be permitted in the CBD, C-1, C-2 Districts, subject to the following conditions:

- (A) An application and site plan depicting the location and layout of the café facility shall be submitted to and approved by the Zoning Administrator. A permit shall remain in effect, unless there is a change of ownership or the operation of the café fails to meet the standards contained herein.
- (B) A sidewalk café may be located in front of or adjacent to the establishment. A sidewalk café that extends beyond the property lines of the applicant shall require the permission of the affected property owners.
- (C) If a sidewalk café is located on a public sidewalk, a minimum of six feet of unobstructed pedestrian access along the sidewalk shall be maintained. Such requests may be permitted in the Central Business District only, and shall adhere to the following:
  - (1) Commercial General Liability Insurance must be procured and maintained on an "occurrence basis" with limits of liability not less than \$1,000,000.00 per occurrence combined single limit, personal injury, bodily injury and property damage. This coverage shall include an endorsement naming the city, including all elected and appointed officials, as an additional insured. This coverage must be primary and any other insurance maintained by the additional insurer's shall be considered to be excess and non-contributing with this insurance, and shall include an endorsement providing for a 30 day advance written notice of cancellation or non-renewal to be sent to the Zoning Administrator.

- (D) A sidewalk café shall be allowed only during normal operating hours of the establishment, and may be permitted between April 15 and October 31. All fixtures and fixtures must be removed immediately after October 31.
- (E) The exterior of the premises shall be kept clean, orderly and maintained or the permit may be revoked. Waste receptacles shall be provided in instances where wait staff does not clear all tables. In cases where outdoor dining areas are provided for general use by more than one business, such as for shopping plazas and multi-tenant businesses, it shall be the responsibility of the property owner to ensure the area is maintained in a clean and orderly fashion.
- (F) All food preparation shall be inside of the premises. Outdoor grilling must be authorized in the conditional use permit.
- (G) The City shall not be held liable or responsible for any type of damage, theft or personal injury which may occur as a result of a sidewalk café operation.
- (H) All sidewalk cafés shall comply with applicable regulations of the County Health Department and the State of Michigan.

(Ord. No. 2017-02, 10-18-2017)

Sec. 151.100. - Bed and breakfast establishments.

- (A) Each premise must be occupied and operated by its owner.
- (B) The proposed use shall not cause a nuisance to adjoining residences due to noise, odor, lighting, or traffic.
- (C) No bed and breakfast sleeping room shall be permitted that does not comply with the construction code.
- (D) There shall be no separate cooking facilities used for the bed and breakfast stay.
- (E) The stay of bed and breakfast occupants shall be no more than 14 consecutive days and not more than 30 days in any one calendar year.
- (F) The operator of each facility shall keep a list of the names of all persons staying at the bed and breakfast which shall be available for inspection by the Zoning Administrator.
- (G) At a minimum, one bathroom for every three sleeping rooms shall be provided. A maximum of six sleeping rooms is allowed. All Bed and Breakfast establishments shall have a minimum of 3,000 square feet of living area.
- (H) One parking space shall be provided off-street in the side or rear yard area for each bed and breakfast bedroom.

(Ord. No. 2017-02, 10-18-2017)

Sec. 151.101. - Mineral mining and extractive operations.

- (A) *Intent and purpose.* It is the intent and purpose of this section to promote the underlying spirit and intent of the entire Zoning Ordinance, but at the same time allow for the extraction of minerals in locations where they have been naturally deposited, and to ensure that mineral mining activity shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use, and, to ensure that mineral mining activities are consistent with the public health, safety and welfare of the City.
- (B) *Use restriction.* Mineral mining and extractive operations may be considered as a conditional use in the I and AG/OS District. The extraction, removal, and/or processing of sand, gravel, stone, and/or other mineral mining in the City shall be prohibited unless first authorized by the grant of a conditional approval use application by the City in accordance with this section, and Section 151.033.
- (C) *Exemption.* Usual and customary land balancing by cutting and filling, in preparation for immediately planned and approved development in accordance with this and all other applicable ordinances and law shall be exempted from the provisions of the Section.
- (D) *Application.* An application shall be filed with the Zoning Administrator and shall include the following:
  - (1) Site plan prepared in accordance with Section 151.034;
  - (2) Vertical aerial photograph, enlarged to a scale of one inch equals 200 feet, from original photograph flown at a negative scale no smaller than one inch equals 660 feet. The date of the aerial photograph shall be certified, and shall have been flown at such time as the foliage shall be off of on-site trees, provided, if there are changes in the topography from the date of the photograph, an accompanying text shall be provided explaining each change. The vertical photograph shall cover:
    - (a) All land anticipated to be mined in the application, together with adjoining land owned by the applicant.
    - (b) All contiguous land which is or has been used by the owner or leasehold applicant for mineral extraction and/or processing and/or storage, and all contiguous (land) in which the applicant or any affiliate has a current interest.
    - (c) All lands within one-half mile of the proposed mining area.
    - (d) All private and public roads from which access to the property may be immediately gained.
    - (e) Boundary of the entire planned mining area by courses and distance.
    - (f) Site topography and natural features including location of water courses within the planned mining area.
    - (g) Means of vehicular access to the proposed operation.
  - (3) Duration of proposed operation, and location, timing, and any other relevant details with respect to the phasing and progression of work on the site.
  - (4) Land use study/drawing showing the existing land uses with specification of the type of use, e.g., single-family residential, multiple-family residential,

retail, office, etc., and density of individual units in areas shown, including:

- (a) Property within a radius of one mile around the site; and
  - (b) The property fronting on all vehicular routes within the City contemplated to be utilized by trucks which will enter and leave the site.
- (5) Geological/hydrological/engineering survey prepared by appropriate and qualified experts, indicating:
- (a) All anticipated impact to the qualitative and quantitative aspects of surface water, ground water, and drainage during and subsequent to the operation to the geographical extent reasonably expected to be affected; and
  - (b) Opinion whether the exposure of subterranean waters and/or the impoundment of surface waters, where permitted, will establish a suitable water level at the level or levels proposed as part of the operation, and whether the same will not interfere with the existing subterranean water or cause any harm or impairment to the general public.
- (6) Description of the vehicles, machinery and equipment proposed for use on the property, specifying with respect to each, the anticipated noise and vibration levels.
- (E) *Review procedure.*
- (1) The Zoning Administrator shall forward the original of the application to the City Clerk for the file, and forward copies to the members of the Planning Commission, the City Engineer, the City Planner, and the Road Commission.
  - (2) The City Engineer and the City Planner shall each file a report with the Zoning Administrator, together with a recommendation on the need for additional experts. The Zoning Administrator shall retain the original of these reports for the file, and forward copies to the Planning Commission.
  - (3) The Zoning Administrator shall request a report from the County Road Commission regarding traffic safety relevant to the application and any road improvements deemed appropriate to protect the public health, safety and welfare for areas located outside of the City.
  - (4) After receiving all reports, including any additional reports of experts recommended by the City Engineer and/or Planner, if deemed appropriate, the Planning Commission shall consider the application in accordance with the procedures set forth in Section 151.033.
  - (5) Reasonable conditions may be required with the approval of the application for the conditional land use, to ensure that public services and facilities affected by proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall be reasonable and shall be in compliance with applicable law.
- (F) *Requirements and standards.* The determination on applications submitted under this section shall be based upon the following requirements and standards, as determined in the discretion of the Planning Commission, and if the application is approved, such standards and requirements shall be maintained as a condition to continued operation and use by the applicant:
- (1) Demonstration by the applicant that the proposed land use shall not result in a probable impairment to, pollution of, unreasonable impact upon and/or destruction of the following:
    - (a) The water table and/or private wells of property owners within the reasonably anticipated area of impact during and subsequent to the operation.
    - (b) The course, quantity, and quality of surface water, ground water, and/or the watershed anticipated to be impacted by the operation.
    - (c) The surrounding property and/or property along haul routes, in terms of noise, dust, air, water, odor, light, and/or vibration, and further, shall not unreasonably impact upon persons perceiving the operation in terms of aesthetics.
  - (2) The proposed land use shall not be incompatible with such surrounding uses, based upon an application of generally accepted planning standards and principles.
  - (3) The proposed land use shall not unreasonably burden the capacity of public services and facilities.
  - (4) The proposed land use shall have immediate and direct access to a paved road having a planned right-of-way not less than 120 feet and having necessary and appropriate load bearing and traffic volume capacity in relation to the proposed intensity of the use.
  - (5) All activities conducted in connection with the operation shall occur at least 160 feet from the nearest property line, provided, all processing and stockpiling shall be conducted at least 200 feet from the nearest property line.
  - (6) The hours of operation shall not reasonably interfere with usual and customary uses of land within the surrounding area anticipated to be impacted. Maximum hours of operation shall be from 7:00 a.m. to 6:00 p.m., Monday through Saturday, and closed on Sundays.
  - (7) The maximum duration of the proposed use, if conducted in or immediately adjacent to a residential zoning district, shall be ten years.
  - (8) The site shall be secured with fencing and screened from all adjacent public highways and residentially used parcels.
  - (9) The total area being mined which has not been reclaimed shall at no time exceed 40 percent of the entire parcel.
  - (10) The proposed transportation route or routes within the City shall be as direct and minimal in detrimental impact as reasonably possible, as determined in the discretion of the City at the time of application, and thereafter.
- (G) *Reclamation.* Reclamation of the site shall be in accordance with a reclamation plan approved by the City as part of the application review process, which shall provide that:
- (1) There shall be no final slopes having a grade in excess of a minimum ratio of one foot vertical to five feet horizontal;



- (2) For permanent water areas, for a distance of not less than ten feet no more than 50 feet, the submerged slopes shall be graded from the water's edge a not in excess of a minimum ratio of one foot vertical to seven feet horizontal;
- (3) The entire site shall be planted with sufficient vegetation so as to sustain short and long term growth, in order to avoid erosion and washout;
- (4) To the extent necessary to achieve this objective, suitable soils shall be placed on the property; and, all structures, machinery, equipment and improvements shall be removed from the site;
- (5) The City Council shall have the right to impose performance bonds or letters of credit to ensure that the reclamation and restoration plans as submitted are implemented.

(Ord. No. 2017-02, 10-18-2017)

Sec. 151.102. - Buildings to be moved.

- (A) No permit shall be granted for the moving of buildings or structures from without or within the limits of the City to be placed on property within said limits unless the Building Official shall have made an inspection of the building to be moved and has found that it is structurally safe, will not adversely affect the character of existing buildings in the neighborhood of the new location, and will fully comply with the Building Code and other codes regulating public health, safety, and general welfare. A performance bond as established by the City Council of sufficient amount to ensure the cost of completing the building for occupancy within a period of not less than six months from date of permit shall be furnished before permit is issued.
- (B) Any building moved within a district and placed upon a foundation or any building moved into a district shall be subject to all the limitations and requirements herein set forth relating to uses, construction, permits, and certificates.

(Ord. No. 2017-02, 10-18-2017)

Sec. 151.103. - Wireless communication facilities.

- (A) *Purpose and intent.* It is the general purpose and intent of the City to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communication systems. However, it is the further purpose and intent of the City to provide for such authorization in a manner 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 section, an attempt will be made to balance these potentially competing interests.

Recognizing the number of providers authorized to establish and operate wireless communication services and coverage, it is the further purpose and intent of this section to:

- (1) Facilitate adequate and efficient provision of sites for wireless communication facilities and ensure that wireless communication facilities are situated in appropriate locations and relationships to other land uses, structures and buildings.
- (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 or zones.
- (4) Minimize the negative visual impact of wireless communication facilities on neighborhoods, community land marks, historic sites and buildings, natural beauty areas and public rights-of-way.

(B) *Authorization.*

- (1) The following Wireless Communication Facilities shall be deemed permitted uses in any nonresidential zoning district:
  - (a) An existing structure which will serve as an Attached Wireless Communication Facility where the existing structure is not, in the discretion of the Zoning Administrator, proposed to be either materially altered or materially changed in appearance.
  - (b) A proposed collocation upon an Attached Wireless Communication Facility which had been pre-approved for such collocation as part of an earlier approval by the City.
  - (c) An existing structure which will serve as an Attached Wireless Communication Facility consisting of a utility pole located within a right-of-way, where the existing pole is not proposed to be modified in a manner which, in the discretion of the Zoning Administrator, would materially alter the structure and/or result in an impairment of sight lines or other safety interests.
  - (d) Facilities located on municipally-owned property within the Industrial or AG/OS Districts.
- (2) If it is demonstrated by an applicant that a wireless communication facility is required to be established within a residential Zoning District, it may be permitted as a conditional land use, subject to the requirements and standards of [Section 151.033](#) and the following:
  - (a) At the time of the submittal, the applicant shall demonstrate that a location within a non-residential Zoning District cannot reasonably meet the coverage and/or capacity needs of the applicant.
  - (b) Locations in residential Zoning Districts may be permitted on the following sites, subject to application of all other standards contained in this section:
    1. Municipally-owned sites.

2. Public parks and other large permanent municipally owned open space areas when compatible.
3. Wireless communication facilities shall be designed to resemble an appurtenance, such as but not limited to a steeple, bell tower, or a form which is compatible with the existing character of the proposed site, neighborhood and general area, as approved by the City.

(C) *General regulations.*

- (1) Standards and conditions applicable to all facilities. All applications for wireless communication facilities shall be reviewed, constructed and maintained in accordance with the following standards and conditions. The City may impose additional conditions as deemed necessary to protect the general health, safety and welfare of the public.
  - (a) Facilities shall not be demonstrably injurious to neighborhoods or otherwise detrimental to the public safety and welfare.
  - (b) Facilities shall be located and designed to be harmonious with the surrounding areas.
  - (c) Facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.
  - (d) There shall be an unobstructed access drive to the support structure, for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. This access drive shall be a minimum of 14 feet in width.
  - (e) The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met.
  - (f) A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure the long term, continuous maintenance to a reasonably prudent standard.
  - (g) Fencing shall be required to enclose the support structure(s) and any accessory structures for protection of the support structure and security from children and other persons who may otherwise access the facilities.
  - (h) Support Structures shall be designed according to the following:
    1. The maximum height of the new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant and by other entities to collocate on the structure. Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights.
    2. The setback of the support structure from any residential district shall be no less than the height of the structure. The setback of the support structure from any existing or proposed right-of-way or other publicly traveled roads shall be no less than the height of the structure.
    3. Where the property upon which a new or modified support structure is proposed abuts a nonresidential Zoning District, the minimum setback of the structure, and accessory structures, shall be in accordance with the required setbacks for principal buildings as provided in the schedule of regulations for the zoning district in which the support structure is located.
    4. The City shall, review and approve the color of the support structure and all accessory buildings, so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition.
    5. The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer, licensed in the State of Michigan. This soils report shall include soil borings and statements indicating the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted.
  - (i) The equipment enclosure may be located within the principal building, attached to the roof of a building, or may be an accessory building, according to the following:
    1. The accessory building shall be limited to the maximum height for accessory structures within the respective district.
    2. Where an attached wireless communication facility is proposed on the roof of a building, it shall be screened by an equipment enclosure designed, constructed and maintained to be architecturally compatible with the principal building.
    3. If equipment is to be located within an accessory building, it shall conform to all district requirements for principal buildings, including yard setbacks.
- (2) *Additional standards and conditions applicable to facilities subject to conditional land use approval.* Applications for wireless communication facilities which may be approved as conditional land uses be constructed and maintained in accordance with the following standards:
  - (a) The applicant shall demonstrate the need for the proposed facility to be located as proposed based upon the presence of one or more of the following factors:
    1. Proximity to a major thoroughfare.
    2. Areas of population concentration.
    3. Concentration of commercial, industrial, and/or other business centers.
    4. Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.
    5. Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.
    6. Other specifically identified reason creating facility need.
  - b. The proposal shall be reviewed in conformity with the collocation requirements of this section.

(D) *Application requirements.* The following information shall accompany the application for approval of all wireless communication facilities:

- (1) A site plan shall be prepared in accordance with Section 151.034.
- (2) A detailed landscaping plan illustrating screening and aesthetic enhancement for the structure base, accessory buildings and enclosure.
- (3) A signed certification by a State of Michigan licensed professional engineer with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable regulations for the district in question, in determining the appropriate setback to be required for the structure and other facilities.
- (4) A description of security to be posted at the time of receiving a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in subsection 151.103(F), below. In this regard, the security shall, at the election of the applicant, be in the form of: (1) cash; (2) surety bond; (3) letter of credit; or, (4) an agreement in a form approved by the City Attorney and recordable at the office of the Register of Deeds, establishing a promise of the applicant and owner of the property to timely remove the facility as required under this section of the Ordinance, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorney's fees incurred by the City in securing removal.
- (5) A map showing existing and known 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 and in the area, which are relevant in terms of potential collocation or in demonstrating the need for the proposed facility. If and to the extent the information in question is on file with the community, the applicant shall be required only to update as needed. Any proprietary information may be submitted with a request for confidentiality in connection with the development of governmental policy, in accordance with M.C.L.A. § 15.243(1)(g). This chapter shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the City.
- (6) The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times and facility is on the premises.

(E) *Collocation.*

- (1) *Statement of policy.* It is the policy of the City to minimize the overall number of newly established locations for wireless communication facilities and encourage the use of existing structures.
- (2) *Feasibility of collocation.* Collocation shall be deemed to be "feasible" for purposes of this section where all of the following are met:
  - (a) The wireless communication provider entity under consideration for collocation will undertake to pay market rent or other market compensation for collocation.
  - (b) The site on which collocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
  - (c) The Collocation being considered is technologically reasonable, e.g., the collocation will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.
  - (d) The height of the structure necessary for collocation will not be increased beyond a point deemed to be permissible by the City, taking into consideration the standards set forth in this section.
- (3) Requirements for collocation:
  - (a) Approval for the construction and use of a new wireless communication facility shall not be granted unless and until the applicant demonstrates that a feasible collocation is not available for the coverage area and capacity needs.
  - (b) All new and modified wireless communication facilities shall be designed and constructed so as to accommodate collocation.
  - (c) If a party who owns or otherwise controls a facility shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible collocation, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect.

(F) *Removal.*

- (1) The City reserves the right to request evidence of ongoing operation at any time after the construction of an approved tower.
- (2) A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:
  - a. When the facility has not been used for 180 days or more. For purposes of this section, the removal of antennas 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 nonuse.
  - b. Six months after new technology is available at reasonable cost as determined by the municipal legislative body, which permits the operation of the communication system without the requirement of the support structure.
- (3) The situations in which removal of a facility is required, as set forth in subsection (1), above, may be applied and limited to portions of a facility.
- (4) Upon the occurrence of one or more of the events requiring removal, specified in subsection (2), above, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Zoning Administrator.
- (5) If the required removal of a 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 cost and reasonable administrative charge to be drawn or collected from the security posted at the time application was made for establishing the facility.

(Ord. No. 2017-02, 10-18-2017)

Sec. 151.104. - Adult entertainment premises.

- (A) Adult entertainment venues may be located in the Industrial District upon issuance of a conditional use permit.
- (B) Adult entertainment venues are regulated and must adhere to City Ordinance, State laws, and Federal laws.

(Ord. No. 2017-02, 10-18-2017)

Sec. 151.105. - Golf courses, par three golf courses.

- (A) The principal and accessory buildings, including maintenance sheds, shall be set back at least 75 feet from all property and street lines.
- (B) Accessory buildings, structures and storage areas shall be screened on all sides from adjacent residential areas and public street rights-of-way.
- (C) Operational hours for maintenance vehicles, course maintenance and/or irrigation may be restricted by the Planning Commission to protect nearby residential districts.

(Ord. No. 2017-02, 10-18-2017)

Sec. 151.106. - Golf driving ranges, miniature golf courses.

- (A) All traffic ingress and egress shall be from a major street, as classified by the PA51 street map.
- (B) Any lot line abutting a residential district shall provide a 50-foot wide, landscaped buffer zone A, as defined in Article III, General Provisions, and Section 151.242.
- (C) A minimum 25-foot wide greenbelt, as described in Article III, shall be provided along any public street or highway.
- (D) Site size shall be adequate to retain all golf balls within the site by means of a fence no more than eight feet high with an opacity of 50 percent.
- (E) The Planning Commission may restrict the hours of operation in consideration of the adjacent land uses and zoning.
- (F) Pro-shops, refreshments stands, retail shops selling golf-related items and maintenance buildings shall be permitted as part of the principal use and shall be subject to the dimensional requirements of principal buildings.

(Ord. No. 2017-02, 10-18-2017)

Sec. 151.107. - Temporary carnivals, fairs, commercial cider mills and amusement parks.

- (A) A site plan shall be provided clearly defining activity areas using fences, buildings, walkways or other suitable barriers.
- (B) All buildings, structures and parking shall be at least 300 feet from any dwelling unit excluding any dwelling unit on the site.
- (C) The Planning Commission may require placement of a temporary six-foot high fence around all or part of the site.
- (D) Access into the site shall be controlled, with capability to accommodate at least two lanes of ingress traffic. At least 200 feet of on-site stacking (queuing) area shall be provided on site before parking fee collection.
- (E) The amount of on-site parking shall be determined by the Planning Commission using a four to one ratio of capacity to automobile.
- (F) The Planning Commission may require posting of a performance bond or other form of financial guarantee. The bond shall be in an amount determined by the Planning Commission as necessary to cover any potential damage or clean-up on site or adjacent properties.
- (G) The Planning Commission may establish limits on hours of operation, time limits on validity of special use permit, or any other measures deemed necessary to minimize negative impacts on nearby uses and traffic operations along public streets.
- (H) Prior to issuance of a Conditional Use Permit, the applicant shall provide evidence of public liability insurance and property damage insurance to cover potential liability for death or injury to persons, or damage to property, which may result from the conduct of the activity.

(Ord. No. 2017-02, 10-18-2017)

Sec. 151.108. - Livestock and wild game.

- (A) No livestock, including but not limited to cows, calves, bulls, steers, horses, mules, burros, donkeys, goats, hogs, sheep, chickens, roosters, turkeys, guinea hens, ducks, geese or any wild game shall be maintained in any of the zone districts except for domestic farms and farm animals in Districts AG/OS and R-1A.
- (B) Domestic farm animals may be maintained provided there is a minimum lot area of five acres.
- (C) One must provide adequate fencing for maintaining animals in a restricted area, and proper control and disposal of refuse and wastes on the premises to minimize health hazards.
- (D) The feed and other materials for maintaining the animals must be stored appropriately so as not to attract vermin.

- (E) Housing for all animals shall be located no closer than 150 feet from any adjacent lot line.
- (F) Animal units shall not exceed one per acre of land directly devoted to the raising and keeping of the animals. For the purpose of this Chapter, the following equivalent animal units (AU) shall be used:

Animal Type	Animal Unit
Slaughter and feeder cattle	1.0
Mature dairy cattle	1.40
Swine >55 pounds	0.60
Horses	1.00
Sheep or goats	0.10
Turkeys	0.02
Chickens	0.01
Geese	0.02

(Ord. No. 2017-02, 10-18-2017)

Sec. 151.109. - Prohibition of recreational marihuana establishments.

- (A) Marihuana establishments, as authorized by and defined in the Michigan Regulation and Taxation of Marihuana Act (the "Act"), are prohibited in all zoning districts, and shall not be permitted as home occupations under Section 151.090 of this chapter.
- (B) No use that constitutes or purports to be a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter or any other type of marihuana related business authorized by the Act, that was engaged in prior to the enactment of this section, shall be deemed to have been a legally established use under the provisions of this code; that use shall not be entitled to claim legal nonconforming status.
- (C) Violations of this section are subject to the violations and penalties pursuant to Section 151.042 of this chapter and may be abated as nuisances pursuant to Section 151.042.
- (D) This section does not supersede rights and obligations with respect to the transportation of marihuana by marihuana secure transporters through the city to the extent provided by the Act and does not supersede rights and the regulations with respect to medical marihuana facilities established pursuant to the Michigan Medical Marihuana Act.
- (E) All ordinances or parts of ordinances in conflict with this section are repealed.
- (F) The adoption of this section is hereby declared an emergency effecting the public peace, health and safety and this section shall, therefore, be effective immediately upon its adoption.
- (G) After its adoption, the ordinance from which this section is derived, or a summary thereof, as permitted by law, shall be published by the City Clerk in the Iron County Reporter, a newspaper of general circulation in the city.

(Ord. No. 2019-02, 3-20-2019)

ARTICLE VI. - ENVIRONMENTAL PROTECTION AND DESIGN PROVISIONS

Sec. 151.121. - Purpose.

Environmental standards are established in order to preserve the short and long-term environmental health, safety, and quality of the City. The standards in this Article are established as minimum requirements to be maintained to ensure no parcel, lot, building or structure in any district is used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises. Any use permitted by this chapter may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the following performance standards. No use, otherwise allowed, shall be permitted within any district which does not conform to the following standards of use, occupancy, and operation.

(Ord. No. 2017-02, 10-18-2017)

Sec. 151.122. - Landscaping, greenbelts and buffers, and screening.

- (A) *Intent.* The intent of this section is to:
  - (1) Protect and preserve the appearance, character, and value of the community.
  - (2) Minimize noise, air, and visual pollution.
  - (3) Improve the overall aesthetics and appearance, divide the expanse of pavement, and define parking areas and vehicular circulation within off-street parking lots and other vehicular use areas.
  - (4) Require buffering of residential areas from more intense land uses and public road rights-of-way.
  - (5) Prevent soil erosion and soil depletion and promote sub-surface water retention.
  - (6) Encourage an appropriate mixture of plant material, such as evergreen and deciduous trees and shrubs, to protect against insect and disease infestation and produce a more aesthetic and cohesive design.
  - (7) Encourage the integration of existing woodlands in landscape plans.
- (B) *Application of requirements.* These requirements shall apply to all uses for which site plan review is required under Section 151.034 of this chapter and subdivision plat review as required under the Subdivision Control Ordinance.
- (C) *Landscape plan requirements.* A separate detailed landscape plan shall be required to be submitted to the City as part of the site plan review or tentative preliminary plat review. The landscape plan shall demonstrate that all requirements of this section are met and shall include, but not necessarily be limited to, the following items:
  - (1) Location, spacing, size, root type and descriptions for each plant type.
  - (2) Typical straight cross section including slope, height, and width of berms.
  - (3) Typical construction details to resolve specific site conditions, such as landscape walls and tree wells used to preserve existing trees or maintain natural grades.
  - (4) Details in either text or drawing form to ensure proper installation and establishment of proposed plant materials.
  - (5) Identification of existing trees and vegetative cover to be preserved.
  - (6) Identification of grass and other ground cover and method of planting.
  - (7) Identification of landscape maintenance program including statement that all diseased, damaged, or dead materials shall be replaced in accordance with standards of this chapter.
  - (8) Planting counts, identifying compliance with all required landscaping, must be provided.
- (D) *Buffer zones.*
  - (1) A buffer shall be provided between the subject site and all adjacent properties, developed or undeveloped, in accordance with the Table set forth in subsection 151.122(D).
  - (2) The buffers required in the Table set forth in subsection 151.122(D) shall adhere to the following minimum requirements. Additional landscaping may be required by the Planning Commission if deemed necessary to provide the desired screening.
    - (a) Type A Buffers shall be a minimum 30 feet wide, along the property line with two trees and four shrubs per 20 linear feet, rounded upward, and may also include a wall, berm or combination of these elements as determined by the Planning Commission.
    - (b) Type B Buffers shall be a minimum ten feet wide, along the property line with one tree and four shrubs per 20 linear feet, rounded upward.
    - (c) Type C Buffers shall adhere to the standards for Type B Buffers, except that a reduced width and/or screening wall or fence may be allowed in lieu of some or all of the planting requirements when site conditions or surrounding zoning and uses so allow, as determined by the Planning Commission.

Zoning or use of Subject Site	Zoning or use of Adjacent Site										
	Single-Family	Multiple-Family	Manufactured Housing	Office	Institutional, Medical or Municipal use	Central Business District	Commercial	Industrial	Outdoor Storage	Public Utility Buildings and Structures	Parking Lots
Single-Family	none	B	A	B	A	A	A	A	A	A	A

Multiple-Family	B	none	A	B	A	A	A	A	A	A	A
Manufactured Housing	B	B	none	A	A	A	A	A	A	A	A
Office	B	B	B	none	B	B	B	B	B	A	B
Institutional	B	B	B	B	none	B	B	A	B	A	B
Central Business District	B	C	B	C	C	none	C	B	B	C	C
Commercial	A	A	A	B	B	C	none	A	A	A	C
Industrial	A	A	A	B	A	A	A	none	B	B	B
Outdoor Storage	A	A	A	B	B	A	A	B	none	B	B
Public Utility Buildings and Structures	A	A	A	A	A	A	A	B	B	none	B
Parking Lots	A	B	B	C	C	C	C	B	B	C	none

(3) *Screening walls and fences.* Where required or allowed, screening walls or fences shall meet the standards of Section 151.123.

(E) *Parking lot landscaping.*

(1) *Required landscaping within parking lots.* Separate landscape areas shall be provided within parking lots in accordance with the following requirements:

- (a) Where landscape islands are required in subsection 151.195(C), there shall be a minimum of one tree for every eight parking spaces planted. Islands shall be required for each 16 continuous spaces. Where landscape islands are not required, the same ratio of trees shall be placed on the site, within ten feet of the parking lot perimeter.
- (b) Landscaped islands shall be curbed and shall not be less than 100 square feet in area.
- (c) A minimum distance of three feet from the backside of the curb and the proposed landscape plantings shall be provided. Where vehicles overhang a landscape island or strip, a minimum distance of five feet from the backside of the curb and the proposed landscape plantings shall be provided.
- (d) The City, at its discretion, may approve alternative landscape plantings at the perimeter of parking lots where landscaping within parking lots would be impractical due to the size of the parking lot or detrimental to safe and efficient traffic flow, or would create an unreasonable burden for maintenance and snowplowing.

(2) *Required landscaping at the perimeter of parking lots.* Separate landscape areas shall be provided at the perimeter of parking lots in accordance with the following requirements:

- (a) Where required in the Table set forth in subsection 151.122(D), parking lots shall meet the buffer requirements set forth in subsection 151.122(D).
- (b) Parking lots shall be screened from view with a solid wall at least three feet in height along the perimeter of those sides which are visible from a public road. The City, at its discretion, may approve alternative landscape plantings in lieu of a wall.

(F) *Greenbelts.* A greenbelt shall be provided which is an area equal to the depth of the required front yard setback within that zoning district and landscaped in accordance with the following requirements:

- (1) The greenbelt shall be landscaped with a minimum of one deciduous tree for every 30 lineal feet, or one ornamental tree for every 20 lineal feet, or fraction thereof, of frontage abutting a public road right-of-way. Such trees shall meet the minimum size and spacing requirements set forth in subsection 151.122(K).

- (2) In addition to the required trees within the greenbelt, the remainder of the greenbelt shall be landscaped in grass, ground cover, shrubs and other natural landscape materials. Ground cover shall not include gravel or stone which, in the opinion of the Planning Commission, can cause safety concerns and vehicle damage if located too close to a public roadway.
- (G) *Site landscaping.* In addition to any landscape greenbelt and/or parking lot landscaping required by this section, site area landscaping shall be provided to screen potentially objectionable site features such as, but not limited to, retention/detention ponds, transformer pads, air-conditioning units, and loading areas. Such site area landscaping may include a combination of the preservation of existing tree cover, planting of new trees and plant material, landscape plazas and gardens and building foundation planting beds.
- (H) *Subdivision and site condominium landscaping.* Landscaping for single-family residential subdivisions and site condominiums shall be provided in accordance with the following requirements:
- (1) *Street trees.* The frontage of all internal public or private streets shall be landscaped with a minimum of one tree for every 50 lineal feet, or fraction thereof. Such street trees shall meet the minimum size and spacing requirements set forth in subsection 151.122(K).
  - (2) *Buffers between land uses.* Where required in the Table set forth in subsection 151.122(D) a subdivision or site condominium buffers shall be required as set forth in subsection 151.122(D).
  - (3) *Screening from public roads.* Where a subdivision or site condominium abuts a public road right-of-way located outside of the proposed subdivision or site condominium, the screening requirements set forth in subsection 151.122(D) shall be met.
  - (4) *Other site improvements.* A landscape plan for a subdivision or site condominium development shall also include landscaping details of the entrance to the development, storm water retention and/or detention areas, community buildings and other recreational areas, and any other site improvement which would be enhanced through the addition of landscaping.
- (I) *Screening of trash containers.*
- (1) Outside trash disposal containers two yards or greater in capacity shall be screened on all sides with an opaque fence or wall and gate at least as high as the container, but no less than six feet in height, and shall be constructed of material which is compatible with the architectural materials used in the site development.
  - (2) Containers shall be consolidated to minimize the number of collection sites, and located so as to reasonably equalize the distance from the building they serve.
  - (3) Containers and enclosures shall be located away from public view insofar as possible.
  - (4) Containers and enclosures shall be situated so they do not cause excessive nuisance or offense to occupants of nearby buildings.
  - (5) Concrete pads of appropriate size and construction shall be provided for containers or groups of containers having a capacity of six 30-gallon cans or more. Aprons shall be provided for loading of bins with a capacity of one and one half cubic yards or more.
  - (6) The enclosure area and pad size shall be increased to amply accommodate the storage of recyclable materials and their containers.
  - (7) Screening and gates shall be of a durable construction.
- (J) *Landscape elements.* The following minimum standards shall apply:
- (1) *Quality.* Plant materials shall be of generally acceptable varieties and species, free from insects and diseases, hardy to Iron County, conform to the current minimum standard of the American Association of Nurserymen, and shall have proof of any required governmental regulations and/or inspections.
  - (2) *Composition.* A mixture of plant material, such as evergreen deciduous trees and shrubs, is recommended as a protective measure against insect and disease infestation. A limited mixture of hardy species is recommended rather than a large quantity of different species to produce a more aesthetic, cohesive design and avoid a disorderly appearing arrangement.
  - (3) *Berms.* Berms shall be constructed with slopes not to exceed a 1:3 gradient. Berm slopes shall be protected with sod, seed, or other form of natural ground cover.
  - (4) *Existing trees.* The preservation and incorporation of existing trees is encouraged. Where existing trees are used to satisfy the requirements of this section, the following requirements shall apply:
    - (a) Paving, or other site improvements, shall not encroach upon the drip line of the existing tree(s) to be preserved.
    - (b) If existing plant material is labeled "To Remain" on site plans by the applicant or required by the City, protective techniques, such as, but not limited to, fencing or barriers placed at the drip line around the perimeter of the plant material shall be installed during construction. No vehicle or other construction equipment shall be parked or stored within the drip line of any plant material intended to be saved. Other protective techniques may be used provided such techniques are approved by the City.
    - (c) In the event that healthy trees which are used to meet the minimum requirements of this chapter or those labeled to remain are cut down, destroyed, damaged, or excavated at the drip line, as determined by the City, the Contractor shall replace them with trees which meet Ordinance requirements.
  - (5) *Installation, maintenance, and completion.*
    - (a) All landscaping required by this chapter shall be planted before obtaining a Certificate of Occupancy or the appropriate financial guarantee, as set forth in Section 151.037, shall be placed in escrow in the amount of the cost of landscaping to be released only after landscaping is completed.



- (b) All landscaping and landscape elements shall be planted, and earth moving or grading performed, in a sound workmanlike manner, according to acc and grading procedures.
- (c) The owner of property required to be landscaped by this chapter shall maintain such landscaping in a strong and healthy condition, free from refuse, debris and insects. All materials used to satisfy the requirements of the Ordinance which become unhealthy or dead shall be replaced within one year of damage or death or the next appropriate planting period, whichever comes first. All landscaped areas shall be provided with a readily available and acceptable water supply.

(K) *Minimum size and spacing requirements.* Where landscaping is required the following schedule sets forth minimum size and spacing requirements; for representative landscape materials:

Size and Spacing Requirements

	Minimum Size Allowable					Recommended On-Center			
	Height/Caliper								
Trees	6'	3-4'	2"	2.5"		30	25	15	10
<b>Evergreen Trees:</b>									
Fir	X							X	
Spruce	X							X	
Pine	X							X	
Hemlock	X							X	
Douglas Fir	X							X	
<b>Narrow Evergreen Trees:</b>									
Red Cedar		X							X
Arborvitae		X							X
Juniper (selected varieties)		X							X
<b>Large Deciduous Trees:</b>									
Oak				X		X			
Maple				X		X			
Beech				X		X			
Linden				X			X		
Ash				X		X			
Ginkgo (male only)				X		X			
Honey locust (seedless, thornless)				X		X			
Birch				X			X		
Sycamore				X		X			

Small Deciduous Trees (ornamental)									
Flowering Dogwood (disease resistant)			X					X	
Flowering Cherry, Plum, Pear			X				X		
Hawthorn			X					X	
Redbud			X				X		
Magnolia			X					X	
Flowering Crabapple			X					X	
Mountain Ash			X					X	
Hornbeam			X				X		

	Minimum Size Allowable				Recommended On-Center				
	Height/Caliper				Spacing in feet				
Shrubs	6'	3'-4'	24"-36"	18"-24"	10	6	5	4	3
<b>Large Evergreen Shrubs:</b>									
Pyramidal Yew		X			X				
Hicks Yew				X				X	
Spreading Yew			X				X		
Alberta Spruce		X						X	
Chi nensis Juniper Varieties			X			X			
Sabina Juniper				X			X		
Mugho Pine				X		X			
<b>Small Evergreen Shrubs:</b>									
Brown's Ward's Sebion Yews				X					X
Horizontalis Juniper Varieties				X		X			
Boxwood				X				X	*
Euonymous Spreading Varieties				X			X		
<b>Large Deciduous Shrubs:</b>									

Honeysuckle			X			X			
Lilac			X			X			
Privet			X				X		*
Sumac			X				X		
Buckthorn/Tall hedge		X						X	*
Pyracantha				X				X	
Weigela		X							X
Flowering Quince			X				X		
Cotonester (Peking and Spreading)			X					X	
Dogwood (Red Osier & Grey)			X				X		
Euonymous (Burning Bush)			X				X	*	
Viburnum Varieties			X				X		
<b>Small Deciduous Shrubs:</b>									
Barberry				X				X	
Dwarf Winged Euonymus				X				X	*
Spirea				X					X
Fragrant Sumac				X					
Japanese Quince				X					X
Cotonester (Rockspray, Cranberry)				X				X	X
Potentially				X					X

\*For hedge plantings

(Ord. No. 2017-02, 10-18-2017; Ord. of 2-19-2020(1), § 17, 2-19-2020)

Sec. 151.123. - Fences, walls and screens.

Any person desiring to build or cause to be built a fence or upon property within the City of Iron River shall first apply to the Zoning Administrator for a permit. Application for such permit shall contain any and all information, including site plan, which are required and necessary for the determination of whether the erection of such fence would be contrary to the provisions of this chapter. The fee for such permit shall be set by Council resolution.

Except as otherwise required by this chapter, the following regulations shall apply:

- (A) In a residential district, fences shall not exceed six feet in height, as measured on the side of the proposed wall having the higher grade. However, fences are not permitted in front yards, and fences in side yards shall not exceed six feet in height, not to extend past the edge of the front of the house.

- (1) On a corner lot, the side yard fence that encompasses the rear of the house and the side furthest from the intersection shall follow the fence

regulations for back yards.

- (2) The exterior or finished side, of a fence must face outward to the street property line.
  - (3) All fences shall be maintained and in good repair. Violations require the removal of the fence.
- (B) In a commercial or industrial district, no fence, wall, or other screening structure shall exceed eight feet in height as measured on the side of the proposed wall having the higher grade. No fence is allowed in the front yard area or in the area fronting the primary building along the street.
- (1) On a corner lot, the side yard fence that encompasses the rear of the building and the side furthest from the intersection shall not enclose the area between the street and any corner the principal building facing the street using the corner of the principal building near the intersection as a parallel guide.
  - (2) The exterior or finished side, of a fence must face outward to the property line.
  - (3) All fences shall be maintained and in good repair. Violations require the removal of the fence.
- (C) The use of barbed wire, spikes, nails, or any other sharp point or instrument of any kind on top or on the sides of any fence is prohibited. Barbed wire cradles may be placed on top of fences enclosing public utility buildings or wherever deemed necessary in the interests of public safety.
- (D) No fence shall be constructed or maintained which is charged or connected with an electrical current.
- (E) Retaining walls shall be designed and constructed in accordance with applicable building code requirements.
- (F) Temporary construction fences and fences required for protection around excavations shall comply with the Basic Building Code. Such fences shall not remain in place for a period greater than a year or after an occupancy permit is granted.
- (G) Prior to the placement of a fence along a lot line, a survey must be conducted to determine the location of said fence.
- (H) *Clear vision requirements.*
- (1) No fence, wall, screen, hedge, sign, or other structure or planting shall obstruct visibility between the heights of 30 inches and ten feet above the sidewalk grade within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two points which are located on those intersecting right-of-way lines 30 feet from the point of intersection. If the road is an access drive, these dimensions shall be measured from the pavement edge.
  - (2) On any interior lot in a block, no fence, wall, screen, hedge, sign, or other structure or planting shall obstruct the visibility of a driveway, either on a parcel or on an adjacent parcel, between the height of 30 inches and ten feet measured a distance of 20 feet back from the point where the driveway intersects the street's edge.
- (I) Walls or fences shall be located on the lot line except where underground utilities interfere and except in instances where this Zoning Ordinance requires conformity with front yard setback requirements. Alternative locations may be approved by the Planning Commission if deemed necessary due to existing conditions or other site constraints. The City Zoning Administrator shall approve the construction materials of the wall or fence which may include face brick, poured-in-place simulated face brick, and pre-cast brick face panels having simulated face brick, stone, wood, or decorative vinyl fencing.

Fences in residential districts shall not be constructed of single strand wire and shall have at least 50 percent opacity.

(Ord. No. 2017-02, 10-18-2017)

Sec. 151.124. - Airborne emissions.

- (A) *Smoke and air contaminants.* It shall be unlawful for any person, firm, or corporation to permit the emission of any smoke or air contaminant in violation of air quality standards adopted by Federal and/or state regulatory authorities.
- (B) *Odors.* Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonably with the comfort of the public shall be removed, stopped, or so modified as to remove the odor. The provisions of this section are not intended to apply to farming activities.
- (C) *Gases.* The escape or emission of any gas which is injurious or destructive, harmful to person or property, or explosive shall be unlawful and shall be abated.

(Ord. No. 2017-02, 10-18-2017)

Sec. 151.125. - Noise and vibration.

- (A) Noise which is objectionable as determined by the City due to volume, frequency, or beat shall be muffled, attenuated, or otherwise controlled, subject to the noise control provisions in the City Code of Ordinances.
- (B) In addition, objectionable sounds of an intermittent nature, or sounds characterized by high frequencies, even if falling below the decibel readings in the noise ordinance, shall be so controlled so as not to become a nuisance to adjacent uses. Sirens and related apparatus used solely for public purposes are exempt from this requirement. Noise resulting from temporary construction activity shall also be exempt from this requirement.
- (C) No use shall generate any ground transmitted vibration in excess of the limits set forth below. Vibration shall be measured at the nearest adjacent lot line. The vibration maximums set forth below are stated in terms of particle velocity, which may be measured directly with suitable instrumentation or

computed on the basis of displacement and frequency. When computed, the following standards shall apply:

Particle Velocity, Inches-Per Second

Frequency in Cycles per Second	Displacement in Inches
0 to 10	0.0010
10 to 20	0.0008
20 to 30	0.0005
30 to 40	0.0004
40 and over	0.0003

(D) Vibrations resulting from temporary construction activity shall be exempt from the requirements of this section.

(Ord. No. 2017-02, 10-18-2017)

Sec. 151.126. - Use, storage and handling of hazardous substance; storage and disposal of solid, liquid, and sanitary wastes.

- (A) It shall be unlawful for any person, firm, corporation or other legal entity to pollute, impair or destroy the air, water, soils or other natural resources within the City through the use, storage and handling of hazardous substances and/or wastes or the storage and disposal of solid, liquid, gaseous and/or sanitary wastes.
- (B) Any person, firm, corporation or other legal entity operating a business or conducting an activity which uses, stores or generates hazardous substances shall obtain the necessary permits or approval from the appropriate Federal, State or local authority having jurisdiction.
- (C) Any person, firm, corporation or other legal entity operating a business or conducting an activity which uses, stores or generates hazardous substances shall complete and file a Hazardous Chemicals Survey on a form supplied by the City in conjunction with the following:
- (1) Upon submission of a site plan.
  - (2) Upon any change of use or occupancy of a structure or premise.
  - (3) Upon any change of the manner in which such substances are handled, and/or in the event of a change in the type of substances to be handled.
- (D) All business and facilities which use, store, or generate hazardous substances in quantities greater than 100 kilograms per month (equal to or greater than 25 gallons or 220 pounds) shall comply with the following standards:
- (1) *Above-ground storage and use areas for hazardous substances.*
    - (a) Secondary containment of hazardous substances and polluting materials shall be provided. Secondary containment shall be sufficiently impervious to contain the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
    - (b) Outdoor storage of hazardous substances and polluting materials shall be prohibited except in product-tight containers which are protected from weather, leakage, accidental damage and vandalism.
    - (c) Secondary containment structures such as out buildings, storage rooms, sheds and pole barns shall not have floor drains.
    - (d) Areas and facilities for loading/unloading of hazardous substances and polluting materials, as well as areas where such materials are handled and used shall be designed and constructed to prevent discharge or runoff.
  - (2) *Underground storage tanks.* Existing and new underground storage tanks shall be registered, installed, operated, maintained, and removed in accordance with requirements of the appropriate Federal, State or local authority having jurisdiction.
  - (3) *Loading and unloading areas.* Areas used for the loading and unloading of hazardous substances shall be designed and constructed to prevent the harmful release to the environment of hazardous materials which may be spilled or leaked.
- (E) All site plans for business or facilities which use, store or generate hazardous substances shall be reviewed by the Fire Department, City Engineer and any other appropriate experts determined necessary by the Planning Commission prior to approval by the Planning Commission.

(Ord. No. 2017-02, 10-18-2017)

Sec. 151.127. - Electrical disturbance, electromagnetic, or radio frequency interference.

No use shall create any electrical disturbance that adversely affects any operations or equipment other than those of the creator of such disturbance, or cause, create, or contribute to the interference with electronic signals (including television and radio broadcasting transmission) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.

(Ord. No. 2017-02, 10-18-2017)

## Sec. 151.128. - Glare and exterior lighting.

(A) *Light and glare from indirect sources.*

- (1) Glare from any process (such as or similar to arc welding or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines.
- (2) The design and/or screening of the development shall ensure that glare from automobile and commercial or industrial vehicle headlights shall not be directed into any adjacent property, particularly residential property.
- (3) Exterior doors shall be located, operated, and maintained so as to prevent any glare and light from creating a nuisance or safety hazard to operators of motor vehicles, pedestrians, and neighboring land uses.

(B) *Exterior lighting from direct sources.*

- (1) Subject to the provisions set forth herein, all parking areas, walkways, driveways, building entryways, off-street parking and loading areas, and building complexes with common areas shall be sufficiently illuminated to ensure the security of property and the safety of persons using such public or common areas.
- (2) Exterior lighting shall be located and maintained to prevent the reflection and glare of light in a manner which created a nuisance or safety hazard to operators of motor vehicles, pedestrians and neighboring land uses. This provision is not intended to apply to public street lighting.
- (3) The following additional standards shall apply:
  - (a) Only white, non-glare lighting such as metal halide, color-corrected high pressure sodium, or other types of lighting which achieve the same effect shall be permitted. Lighting shall be placed and shielded so as to direct the light onto the site and away from adjoining properties. Lighting shall be shielded so that it does not cause glare for motorists.
  - (b) The light intensity provided as ground level shall be a minimum of 0.3 foot of candle power anywhere in the area to be illuminated. Light intensity shall average a minimum of 0.5 foot of candle over the entire area, measured five feet above the surface.
  - (c) Except as noted below, lighting fixtures shall not exceed a total height of 25 feet. In portions of a site located within 100 feet of a residential area, lighting fixtures shall not exceed a total height of 20 feet.
  - (d) All lighting, including ornamental lighting, shall be shown on site plans in sufficient detail to allow determination of the effects of such lighting upon adjacent properties, and traffic safety. Building or roof mounted lighting intended to attract attention to the building and/or use and not strictly designed for security purpose is not permitted. Temporary holiday lighting and decoration are exempt from the aforementioned provision.

(Ord. No. 2017-02, 10-18-2017)

## Sec. 151.129. - Fire hazard.

Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire suppression equipment and such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.

(Ord. No. 2017-02, 10-18-2017)

## Sec. 151.130. - Safety.

Existing hazards or potential hazards and nuisances, such as construction sites, junk yards, landfills, sanitary landfills, demolition sites, unused basements, abandoned wells or cisterns and sand, gravel, and stone pits or piles are to be enclosed by suitable fencing or barriers so as not to endanger public health, safety and welfare.

(Ord. No. 2017-02, 10-18-2017)

## Sec. 151.131. - Storm water management.

- (A) *Storm water management.* All developments and earth changes subject to review under the requirements of this chapter shall be designed, constructed, and maintained to prevent flooding and protect water quality. The particular facilities and measures required on-site shall reflect the natural features, wetlands, and watercourses on the site; the potential for on-site and off-site flooding, water pollution, and erosion; and the size of the site.

Storm water management shall comply with the following standards:

- (1) The design of storm sewers, detention facilities, and other storm water management facilities shall comply with the standards for green site technology.
- (2) Storm water management conveyance, storage and infiltration measures and facilities shall be designed to prevent flood hazards and water pollution related to storm water runoff and soil erosion from the proposed development.

- (3) The use of swales and vegetated buffer strips is encouraged in cases where the Planning Commission deems to be safe and otherwise appropriate as a storm water conveyance so as to decrease runoff velocity, allow for natural infiltration, allow suspended sediment particles to settle, and to remove pollutants.
  - (4) Alterations to natural drainage patterns shall not create flooding or water pollution for adjacent or downstream property owners.
  - (5) Discharge of runoff from any site which may contain oil, grease, toxic chemicals, or other polluting materials is prohibited. If a property owner desires to propose measures to reduce and trap pollutants, the owner must meet the requirements of the Michigan Department of Environmental Quality. Based upon professionally accepted principles, such a proposal shall be submitted and reviewed by the City Engineer, with consultation of appropriate experts.
  - (6) Drainage systems shall be designed to protect public health and safety and to be visually attractive, taking into consideration viable alternatives.
- (B) *On-site storm water detention.* For the purpose of controlling drainage to off-site properties and drainage ways, all properties which are developed under this Zoning Ordinance, whether new or improved shall provide for on-site detention storage of storm water in accordance with the current Michigan Department of Environmental Quality standards.

(Ord. No. 2017-02, 10-18-2017)

Sec. 151.132. - Regulation of floodplain areas.

(A) *Purpose.*

- (1) The floodplains of the City are subject to periodic inundation of floodwaters which result in loss of property, health, and safety hazards, disruption of commerce and governmental service, and impairment of tax base.
- (2) It is the purpose of this section to comply with the provisions and requirements of the Federal Insurance and Mitigation Administration, as constituted in accordance with the National Flood Insurance Act of 1968, and subsequent enactments and rules and regulations promulgated in furtherance of this program by the Federal Emergency Management Agency (FEMA), as published in the Federal Register, Vol. 41, No. 207, October 26, 1976, and re-designated at 44FR 31177, May 31, 1979.
- (3) The provisions of this section are intended to:
  - (a) Help protect human life, prevent or minimize material losses, and reduce the cost to the public for rescue and relief efforts;
  - (b) Restrict or prohibit uses which are dangerous to health, safety, or property in times of flooding or cause excessive increases in flood heights or velocities;
  - (c) Require that uses vulnerable to floods, including public facilities which serve such uses, shall be protected against flood damage at the time of initial construction;
  - (d) Protect individuals from buying lands which are designated to be unsuited for intended purposes because of flooding;
  - (e) Permit reasonable economic use of property located within a designated floodplain area.

(B) *Delineation of floodplain areas.*

- (1) Designated floodplain areas shall overlay existing zoning districts delineated on the Zoning District Map of the City. The boundaries of the floodplain areas are identified in the report entitled, the Flood Insurance Study, City of Iron River, prepared by FEMA with an effective date of June 15, 1982, as may be revised from time to time. The study and accompanying maps are adopted by reference, appended, and declared to be part of this chapter.
- (2) The standard applied to establishing the floodplain area is the base floodplain delineated by the base flood. In areas associated with ravine flooding, a floodway is designated within the floodplain area.
- (3) Where there are disputes as to the location of a floodplain area boundary, the Zoning Board of Appeals shall resolve the dispute in accordance with Article XII.

(C) *Application of regulations.*

- (1) In addition to other requirements of this chapter applicable to development in the underlying zoning district, compliance with the requirements of this section shall be necessary for all development occurring within designated floodplain areas. Conflicts between the requirements of this section and other requirements of this chapter or any other ordinance shall be resolved in favor of this section, except where the conflicting requirement is more stringent and would further the objectives of this section. In such cases, the more stringent requirement shall be applied.
- (2) Upon application for land use permits, the Zoning Administrator shall determine whether said use is located within a designated floodplain area utilizing the documents cited in subsection 151.132(B). The issuance of a land use permit within the floodplain area shall comply with the following standards:
  - (a) The requirements of this section shall be met;
  - (b) The requirement of the underlying districts and all other applicable provisions of this chapter shall be met; and
  - (c) All necessary development permits shall have been issued by appropriate Local, State, and Federal authorities, including a floodplain permit, approval, or letter of authority from the Michigan Department of Environment, Great Lakes, and Energy under authority of Act 245, Public Acts of 1929, as amended by Act 167, Public Acts of 1968. Where a development permit cannot be issued prior to the issuance of a zoning compliance permit, a letter from the issuing agency indicating intent to issue contingent only upon proof of zoning compliance shall be acceptable.
- (3) Floodplain management administrative duties.

- (a) With regard to the Federal Insurance and Mitigation Administration, and the regulation of development within the flood hazard area zone as prescri subsection 151.132(D), the duties of the Zoning Administrator shall include, but are not limited to:
  - 1. Notification to adjacent communities and the Michigan Department of Environment, Great Lakes and Energy of the proposed alteration or relocation of any watercourse, and the submission of such notifications to the Federal Insurance Administration;
  - 2. Verification and recording of the actual elevation in relation to mean sea level of the lowest floor, including basement, of all new or substantially improved structures constructed within the flood hazard area, and in the case of flood proofed structures, the elevation to which the structure was flood proofed; and
  - 3. Recording of all certificates of flood proofing, and written notification to all applicants to whom variances are granted in flood hazard area zone indicating the terms of the variance. A record of all variance notifications and variance actions shall be maintained together with the justification for each variance.
- (b) All records and maps pertaining to the Federal Insurance and Mitigation Administration shall be maintained in the office of the Zoning Administrator and shall be open for public inspection.
- (c) It shall be the responsibility of the Zoning Administrator to obtain and utilize the best available flood hazard data for purposes of administering the Ordinance in the absence of data from FEMA.

(D) *Floodplain standard and requirements.*

- (1) The following general standards and requirements shall be applied to all uses proposed to be located within the floodplain area:
  - (a) All new construction and substantial improvements within a floodplain, including the placement of prefabricated buildings and mobile homes, shall;
    - 1. Be designed and anchored to prevent flotation, collapse, or lateral movement of the structure;
    - 2. Be constructed with materials and utility equipment resistant of flood damage;
    - 3. Be constructed by methods and practices that minimize flood damage.
  - (b) All new and replacement water supply systems shall minimize or eliminate infiltration of flood waters into the systems.
  - (c) All new and replacement sanitary sewage systems shall minimize or eliminate infiltration of flood waters into the systems and discharges from systems into flood waters.
  - (d) All public utilities and facilities shall be designed, constructed, and located to minimize or eliminate flood damage.
  - (e) Adequate drainage shall be provided to reduce exposure to flood hazards.
  - (f) The City Engineer or his representative shall review development proposals to determine compliance with the standards in this section, and shall transmit his determination to the Zoning Administrator.
  - (g) Land shall not be divided in a manner creating parcels or lots which cannot be used in conformance with the requirements of this article.
  - (h) The flood carrying capacity of any altered or relocated watercourse not subject to state and Federal regulations designed to ensure flood carrying capacity shall be maintained.
  - (i) Available flood hazard data from Federal, state, or other sources, shall be reasonably utilized in meeting the standards of this section. Data furnished by FEMA shall take precedence over data from other sources.
- (2) The following specific standards shall be applied to all uses proposed to be located within the floodplain area but not within the floodway portion of the floodplain area.
  - (a) All new construction and substantial improvements of non-residential structures shall have either;
    - 1. The lowest floor, including basement, elevated at least one-tenth (0.1) foot above the base flood level;
    - 2. Be constructed such that below base flood level, together with attendant utility and sanitary facilities, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subparagraph are satisfied, and that the flood depths, pressures, velocities, impact and uplift forces and other factors associated with base flood in the location of the structure.
- (3) Mobile home standards. The following general standards and requirements shall be applied to mobile homes located within flood plain areas:
  - (a) Anchoring must meet HUD specifications, per rule 605.
  - (b) An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the City and Iron County Sheriff Department for mobile home parks and mobile home subdivisions.
  - (c) Mobile homes within zones A1-30 on the Flood Insurance Rate Map shall be located in accord with the following standards:
    - 1. All mobile homes shall be placed on stands or lots which are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level.
    - 2. Adequate surface drainage away from all structures and access for a mobile home hauler shall be provided.
    - 3. In the instance of elevation on pilings, lots shall be large enough to permit steps, piling foundations shall be placed in stable soil no more than



ten feet apart; and reinforcement shall be provided for piers more than six feet above ground level.

4. In mobile home parks and mobile home subdivisions which exist at the time this subsection is adopted, where repair, reconstruction or improvement of streets, utilities, and pads equals or exceeds 50 percent of the value of the streets, utilities, and pads before the repair, the standards in the subparagraphs above shall be complied with.

(4) The following standards shall be applied to all uses proposed to be located within the floodway portion of the floodplain area.

- (a) Encroachments, including fill, new construction, substantial improvements, and other development shall be prohibited. Exception to this prohibition shall only be made upon certification by a registered professional engineer or the Michigan Department of Environment, Great Lakes and Energy that the development proposed will not result in any increases in flood levels during a base flood discharge, and compliance with Act 245, Public Acts of 1929, as amended by Act 167, Public Acts of 1968.
- (b) The placement of mobile homes shall be prohibited.
- (c) The uses of land permitted in an underlying zoning district shall not be construed as being permitted within the regulatory floodway, except upon compliance with the provisions of this section.

(E) *Warning and disclaimer of liability.*

- (1) The degree of flood protection required by provisions of this section is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions.
- (2) These provisions do not imply that areas outside the floodplain or land uses permitted within such districts will be free from flooding or flood damages nor shall the City or any officer or employee thereof is liable for any flood damages that result from reliance on the provisions of this section or any administrative decision lawfully made there under.

(Ord. No. 2017-02, 10-18-2017; Ord. of 2-19-2020(1), § 18, 2-19-2020)

#### Sec. 151.133. - Building grades.

- (A) Any building requiring yard space shall be located at such an elevation that a finished grade shall be maintained to cause the flow of surface water to run away from the walls of the building. All grades shall be established and maintained so that surface water run-off damage does not occur to adjoining properties prior to, during, and after construction.
- (B) When a new building is constructed on a vacant lot between two existing buildings or adjacent to an existing building, the Building Official shall use the existing established finished grade or the minimum established grade, in determining the proper grade around the new building. The yard around the new building shall be graded in such a manner as to meet existing codes and to preclude normal run-off of surface water to flow onto the adjacent property.
- (C) Final grades shall be approved by the Building Official who may require a grading plan which has been duly completed and certified by a registered engineer or land surveyor.

(Ord. No. 2017-02, 10-18-2017)

#### Sec. 151.134. - Riverfront lands.

- (A) A 50-foot greenway shall exist along all rivers and waterways.
- (B) No commercial or industrial buildings or uses shall occur within 100 feet of all rivers and waterways without a conditional use permit.
- (C) No fences shall be placed in the 50 feet greenway area.
- (D) Any building or use within the area between the rivers or waterways and the normal high water mark must adhere to Section 151.132.

(Ord. No. 2017-02, 10-18-2017)

### ARTICLE VII. - PUD—PLANNED UNIT DEVELOPMENT DISTRICT

#### Sec. 151.151. - Purpose and intent.

Planned Unit Development (PUD) district regulations are intended to provide for various types of land uses planned in a manner which shall; encourage the use of land in accordance with its character and adaptability; conserve natural resources and energy; encourage innovation in land use planning; provide enhanced housing, employment, shopping, traffic circulation and recreational opportunities for the people of the City; and bring about a greater compatibility of design and use. The provisions of this article provide enabling authority and standards for the submission, review and approval of applications for planned unit developments.

(Ord. No. 2017-02, 10-18-2017)

#### Sec. 151.152. - PUD regulations.

- (A) A PUD may be applied for in any zoning district. The approval of PUD application shall require a rezoning by way of amendment of this chapter upon the recommendation of the Planning Commission and approval of the City Council.

- (B) Any land use authorized in the Ordinance may be included in a PUD, subject to adequate public health, safety and welfare protection mechanisms being designed into the development to ensure the compatibility of varied land uses both within and outside the development.
- (C) To qualify for approval, the applicant for a PUD must demonstrate all of the following criteria are met:
- (1) The development will result in one of the following:
    - (a) A recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved under conventional zoning without application of the PUD regulations; or
    - (b) Long-term protection and preservation of natural resources and natural features of a significant quantity and/or quality, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the PUD regulations; or
    - (c) A non-conforming use shall, to a material extent, be rendered more conforming, or less offensive, to the zoning district in which it is situated.
  - (2) The proposed type and density of use shall not result in an unreasonable increase in the need for or burden upon public services, facilities, streets and utilities.
  - (3) The proposed development shall be consistent with the public health, safety and welfare of the City.
  - (4) The proposed development shall be consistent with adjacent circulation patterns, includes the provision for appropriate stub streets to accommodate the extension of the traditional street patterns that could be developed on adjacent parcels, and shall not result in excessive increases in traffic or negatively impact traffic operations below an acceptable level.
  - (5) The proposed development shall not result in an unreasonable negative environmental impact on the subject site or surrounding land.
  - (6) The proposed development shall not result in an unreasonable negative economic impact upon surrounding properties.
  - (7) The proposed development shall be under single ownership and/or control such that there is a single person having responsibility for completing the project in conformity with this chapter.
  - (8) The proposed development shall be consistent with the City of Iron River Master Plan.

(Ord. No. 2017-02, 10-18-2017)

Sec. 151.153. - Procedure for review.

- (A) *Pre-application conference.* Prior to the submission of an application for PUD approval, the applicant shall meet with the Zoning Administrator, together with any staff and consultants the Administrator deems appropriate. The applicant shall present at such conference, or conferences, at least a sketch plan of the proposed PUD, as well as the following information:
- (1) Total number of acres in the project;
  - (2) A statement of the number of residential units, if any;
  - (3) The number and type of non-residential uses;
  - (4) The number of acres to be occupied by each type of use;
  - (5) The known deviations from Ordinance regulations to be sought;
  - (6) The number of acres to be preserved as open or recreational space; and,
  - (7) All known natural resources and natural features to be preserved.
- (B) *Preliminary plan.* Following the Pre-application Conference, the applicant shall submit a preliminary site plan of the proposed PUD. The preliminary site plan shall be prepared in accordance with subsection 151.034(B) A narrative report shall accompany the site plan providing a description of the project, discussing the market concept and feasibility of the project, and explaining the manner in which the criteria set forth in subsection 151.152(C)(1) have been met.
- (1) *Planning commission action.* The Preliminary Plan shall be noticed for public hearing as a zoning amendment before the Planning Commission. Following the hearing, the Planning Commission shall review the preliminary site plan and shall take one of the following actions:
- (a) *Approval.* Upon finding that the Preliminary Plan promotes the intent and purpose of this article and meets the criteria and standards set forth in Section 151.152, the Planning Commission shall grant preliminary approval.
1. Approval shall constitute approval of the uses and design concept as shown on the Preliminary Plan and shall confer upon the applicant the right to proceed to preparation of the Final Plan.
  2. Approval of the Preliminary Plan by the Planning Commission shall not constitute rezoning of the property to PUD nor bind the City Council to approval of the Final Plan.
  3. In granting Preliminary Plan approval, the Planning Commission may impose reasonable conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.
  4. Preliminary Plan approval shall be valid for a period of six months from the date of Planning Commission action. An extension of the expiration date may be granted if requested in writing and approved by the Planning Commission.

- (b) *Tabling.* Upon finding that the Preliminary Plan does not promote the intent and purpose of this article or meet the criteria and standards set forth in Section 151.152, but could meet such criteria if revised, the Planning Commission may table action until a revised Preliminary Plan is resubmitted.
- (c) *Denial.* Upon finding that the Preliminary Plan does not promote the intent and purpose of this article or meet the criteria and standards set forth in Section 151.152, the Planning Commission shall deny preliminary approval.
- (C) *Final plan.* The applicant shall submit a Final Plan and supporting materials conforming with this section prior to expiration of the Preliminary Plan. If a Final Plan is not submitted by the applicant for final approval prior to expiration of the Preliminary Plan, said preliminary approval shall become null and void.
- (1) *Information required.* A final site plan and application for a PUD shall contain the following information:
- A site plan meeting all requirements of subsection 151.034(C), Final Site Plan.
  - A separately delineated specification of all deviations from this chapter which would otherwise be applicable to the uses and development proposed in the absence of this PUD Article.
  - A specific schedule of the intended development and construction details, including phasing or timing.
  - A specific schedule of the general improvement to constitute a part of the development, including, without limitation, lighting, signage, the mechanisms designed to reduce noise, utilities and visual screening features.
  - A specification of the exterior building materials with respect to the structures proposed in the project.
  - Signatures of all parties having an interest in the property.
- (2) *Planning commission and action.* The Final Plan shall constitute an application to amend this chapter, and shall be noticed for public hearing as a zoning amendment before the Planning Commission, and otherwise acted upon by the Planning Commission and the City Council, as provided by law.
- Approval.* Upon finding that the Final Plan promotes the intent and purpose of this article and meets the criteria and standards set forth in Section 151.151 and 151.152, the Planning Commission shall recommend approval to the City Council. As part of its recommendation to City Council, the Planning Commission may recommend reasonable conditions necessary to ensure that public services and facilities will be capable of accommodating increased service and facility loads to protect the natural environment to ensure compatibility and to promote the use of land in a socially and economically desirable manner.
  - Tabling.* Upon finding that the Final Plan does not promote the intent and purpose of this Article or meet the criteria and standards set forth in Section 151.152, but could meet such criteria if revised, the planning Commission may take no action until a revised Final Plan is submitted.
  - Denial.* Upon finding that the Final Plan does not promote the intent and purpose of this article or meet the criteria and standards set forth in Section 151.152, the Planning Commission shall recommend denial to the City Council.

The Planning Commission shall, to the extent it deems appropriate, submit detailed recommendations relative to the PUD project including, without limitation, recommendations with respect to matters on which the City Council must exercise discretion.

- (3) *City Council action.* Upon receiving a recommendation from the Planning Commission, the City Council shall review the Final Plan. Taking into consideration the recommendations of the Planning Commission, the intent and purpose of this Article and the criteria and standards set forth in Section 151.152, the City Council shall approve, table or deny the Final Plan.
- Prior to approval of a Final Plan, the City Council shall require all standards and conditions of approval to be incorporated in a Development Agreement. The Agreement shall be prepared by the City Attorney, approved by the City Council and signed by both the City and the Applicant.
  - In granting approval, the City Council may impose reasonable conditions on the PUD, which shall meet the following conditions:
    - Be designed to protect natural resources, the health, safety and welfare, as well as the social and economic well-being, of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
    - Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
    - Be necessary to meet the intent and purpose of the zoning requirements, be related to the standards established in the Zoning Ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards.
    - The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and remain unchanged except upon the mutual consent of the approving authority and the landowner. The approving authority shall maintain a record of conditions which are changed.

(Ord. No. 2017-02, 10-18-2017; Ord. of 2-19-2020(1), § 19, 2-19-2020)

Sec. 151.154. - Project design standards.

(A) *Residential design standards.*

- Permitted residential density shall be as permitted in the zoning district in which the property is situated immediately prior to classification under this Article.

Additional density for residential uses may be allowed in the discretion of the City Council upon the recommendation of the Planning Commission and based upon a demonstration by the applicant of the following:

- (a) Consistency with the Iron River Master Plan and of planning and design excellence resulting in a material benefit to the City;
- (b) Consistency with adjacent land uses and/or the ultimate users of the project; and
- (c) Where such benefit would otherwise be unlikely to be achieved without the application of the PUD regulations, including, without limitation, innovative design producing significant energy efficiency, pedestrian or vehicular safety, long-term aesthetic beauty and protection and preservation of natural resources and features.

(2) Residential street layout patterns shall be consistent with the traditional street patterns as established in the City in order to meet the intent of this chapter as outlined in Section 150.02 of this chapter.

(B) *Non-residential design standards.*

(1) Non-residential uses may be permitted under the following:

- (a) Non-residential uses are permitted in the underlying zoning district;
- (b) The non-residential uses are provided for the primary use and convenience of future residents and will not detract from the surrounding areas.

(2) The non-residential uses, including parking and vehicular traffic ways, shall be separated and buffered from residential units in a manner consistent with good land and community planning principles.

(3) Where feasible, secondary access for non-residential uses shall be provided either through a side street, public easement, service drive or shared access with other adjacent non-residential uses.

(C) *General design standards.*

(1) All regulations applicable to setbacks, parking and loading, general provisions and other requirements shall be met in relation in each respective land use in the development based upon zoning districts in which the use is listed as a Principal Permitted Use. In all cases, the strictest provisions shall apply.

Deviations to the above referenced regulations may be granted as part of the overall approval of the PUD, provided there are features or elements demonstrated by the applicant and deemed adequate by the City Council upon the recommendation of the Planning Commission designed into the project plan for the purpose of achieving the objectives of this Article.

(2) To the maximum extent feasible, the development shall be designed so as to preserve the natural resources and natural features. The benefit which would reasonably be expected to accrue from the proposal shall be balanced against the reasonably foreseeable detriments of the activity, taking into consideration the local, state and national concern for the projection and preservation of the natural resources or features and the following criteria:

- (a) The availability of feasible and prudent alternative methods of accomplishing any development.
- (b) The extent and permanence of the beneficial or detrimental effects of the proposed activity.
- (c) The size, quality and rarity of the natural resources or natural features which would be impaired or destroyed.

(3) There shall be a perimeter setback and berming, as found to be necessary by the City, for the purpose of buffering the development in relation to surrounding properties. If the PUD project includes non-residential uses adjacent to a district authorizing residential uses, and/or if the project is larger than one acre area, such perimeter setback shall be established with a dimension from the property line of up to 100 feet in the discretion of the City Council, taking into consideration the use or uses in and adjacent to the development. The setback distance need not be uniform at all points on the perimeter of the development.

(4) Thoroughfare, drainage and utility design shall meet or exceed the standards otherwise applicable in connection with each of the respective types of uses served.

(5) There shall be underground installation of utilities, including electricity and telephone, as found necessary by the City.

(6) Pedestrian walkways shall be separated from vehicular circulation, as found necessary by the City.

(7) Signage, lighting, landscaping, building materials for the exterior of all structure and other features of the project shall be designed and completed with the objective of achieving an integrated and controlled development, consistent with the character of the community, surrounding development or developments and natural features of the area.

(8) Where non-residential uses adjoin off-site residentially zoned property, noise reduction and visual screening mechanisms such as earthen and/or landscape berms and/or decorative walls shall be employed. The City, in its discretion, shall review and approve the design and location of such mechanisms.

(9) The City Council, upon the recommendation of the Planning Commission, shall resolve all ambiguities as to applicable regulations using the Zoning Ordinance, General Development Plan and other City standards or policies as a guide.

(Ord. No. 2017-02, 10-18-2017)

Sec. 151.155. - Phasing and commencement of construction.

- (A) *Phasing.* Where a project is proposed for construction in phases, the planning and designing shall be such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities and open space, and shall contain the necessary components to ensure protection of natural resources and the health, safety and welfare of the users of the PUD and the residents of the surrounding area. In addition, in developments which include residential and non-residential uses, the relative mix of uses and the scheduled completion of construction for each phase shall be disclosed and determined to be reasonable in the discretion of the City Council from the Planning Commission.
- (B) *Commencement and completion of construction.* To ensure completion of required improvements, the City is authorized to impose performance guarantees in accordance with Section 151.037. Construction shall be commenced within one year following final approval of a PUD development and shall proceed substantially in conformance with the schedule set forth by the applicant, as required by subsection 151.152(C). If construction is not commenced within such time, any approval of a site plan on the project shall expire and be null and void, provided, an extension for a specified period may be granted by the City Council upon good cause shown if such request is made to the City Council prior to the expiration of the initial period. Moreover, in the event a site plan has expired, the City Council, based on a recommendation from the Planning Commission, shall be authorized to rezone the property in any reasonable manner, and, if the property remains classified as PUD, a new application shall be required and shall be reviewed in light of the existing and applicable law and ordinance provisions.

(Ord. No. 2017-02, 10-18-2017)

#### Sec. 151.156. - Effect of approval.

When approved, the PUD amendment, with all conditions imposed, if any, shall constitute the land use authorization for the property, and all improvement and use shall be in conformity with such amendment. Notice of adoption of the final PUD plan and conditions shall be recorded by the applicant at the Iron County Register of Deeds, evidence of which shall be supplied to the Zoning Administrator. Notice of adoption of the amendment to the zoning map shall be published in a newspaper of general circulation as required in the Michigan Zoning Enabling Act.

(Ord. No. 2017-02, 10-18-2017)

#### ARTICLE VIII. - SIGNS

##### *Footnotes:*

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**Editor's note—** *Non-conforming uses of signs: please see section 151.209.*

#### Sec. 151.171. - Purpose and intent.

The intent of this chapter is to regulate the location, size, construction and manner of display signs and outdoor advertising in order to minimize their harmful effects on the public health, safety and welfare. While this chapter recognizes that signs and outdoor advertising are necessary to promote commerce and public information, failure to regulate them may lead to poor identification of individual businesses, deterioration and blight of the business and residential areas of the City, conflicts between different types of land use, and reduction in traffic safety to pedestrians and motorists.

To achieve its intended purpose, this chapter has the following objectives:

- (A) To prevent the placement of signs in a manner that will conceal or obscure signs of adjacent businesses;
- (B) To keep the number of signs and sign messages at the level reasonably necessary to identify a business and its products;
- (C) To keep signs within a reasonable scale with respect to the buildings they identify;
- (D) To reduce visual distraction and obstructions to motorists traveling along, entering or leaving streets;
- (E) To promote a quality manner of display, which enhances the character of the City;
- (F) To prevent the proliferation of temporary signs, which might promote visual blight.
- (G) To eliminate the potential for any adverse effects on the neighboring properties.
- (H) To prevent signs that is potentially dangerous to the public due to structural deficiencies or disrepair.

(Ord. No. 2017-02, 10-18-2017)

#### Sec. 151.172. - General conditions.

- (A) *Location.* All signs must advertise a business or service on the premises upon which the sign is located and to which the sign is an accessory, unless otherwise specified herein.

A sign advertising or promoting activity not located on that property may be authorized as a conditional use. The Planning Commission shall consider sign density, sign size, impact on motorist visibility, location of sign and public service information before granting the use.

- (B) *Illumination.*

- (1) No sign shall be illuminated by other than electrical means. The use of exposed neon light bulbs, light pans or exposed light bulbs are prohibited.

- (2) The light from illuminated signs shall be directed and shielded in a manner that will not interfere with the vehicular traffic or the enjoyment and use of a properties.
  - (3) Internal illumination shall be permitted under the following circumstances:
    - (a) Individual back-lit letters which are silhouetted against softly illuminated walls.
    - (b) Individual letters with translucent faces, containing soft lighting elements inside each letter.
    - (c) Metal-faced box signs with cut-out letters and soft-glow fluorescent tubes.
  - (4) Only indirect illuminated signs shall be allowed in any residential district.
  - (5) Internally-illuminated plastic signs with dark-colored detachable letters shall be strictly prohibited in all districts, except as otherwise permitted.
  - (6) Gas-filled light types (fluorescent) shall be allowed for indirect illumination and when placed in such a manner that the tubes are not exposed to view from any point along the roadway or sidewalk.
- (C) *Safety.*
- (1) All signs shall be erected and maintained in compliance with all applicable building codes, and other applicable ordinances governing construction within the City. In the event of conflict between this chapter and other laws, the most restrictive shall govern.
  - (2) All signs shall be so placed as to not interfere with the visibility of effectiveness of any official traffic sign or signal; driver vision at any access point or intersection; or, pedestrian movement on any public sidewalk.
  - (3) No sign shall be erected, relocated or maintained so as to obstruct firefighting or prevent free access to any door, window, or fire escape.
- (D) *Landscape quality and preservation.* In the application of this chapter, it is the intent to protect the public welfare and to enhance the appearance and economic value of the landscape by providing that signs:
- (1) Do not interfere with scenic views.
  - (2) Do not constitute a nuisance to occupancy of adjacent and continuous property because of their brightness, size, height, or movement.
  - (3) Are not detrimental to land or property values.
- (E) *Signs prohibited in all districts.*
- (1) Roof signs.
  - (2) Signs affixed to utility poles, trees, rocks, shrubs or similar natural features, except, signs denoting a site of historic significance.
  - (3) Signs which imitate traffic signals, traffic direction signs, or similar traffic control devices, and signs which make use of words such as "Stop," "Look," "Danger," or any other words, phrases, symbols or characters, in such a manner as to interfere with, mislead or confuse traffic.
  - (4) Signs other than those erected by a public agency which are located within or overhang the public right-of-way or on public property, unless otherwise specified herein.
  - (5) Any sign or sign structure which constitutes a hazard to public health and safety due to inadequate maintenance.
  - (6) Any sign unlawfully installed, erected or maintained.
  - (7) Any sign advertising or promoting activity not located on that property unless otherwise specified herein.
- (F) *Signs permitted in all districts.*
- (1) Nameplates not exceeding two square feet in size.
  - (2) Political signs for public office or issues to be determined by election may be erected 45 days prior to an election. Before such signs may be erected, a deposit must be paid to the City of Iron River according to the current fee schedule. Such signs shall be erected on private property only and no less than 100 feet from any entrance to a building in which a polling place is located. No signs shall be placed in public rights-of-way. All such signs shall be removed within five days following Election Day or deposit will be forfeited. Sizes of signs are limited as follows:
    - (a) Six square feet in R-1A, R-1B, R-2 and CBD districts.
    - (b) Sixteen square feet in the C-1 district.
    - (c) Thirty-two square feet in C-2, I, and AG/OS districts.
    - (d) No sign shall exceed a maximum height of eight feet.
  - (3) Directional signs which indicate the direction of traffic flow on private property. Directional signs shall not exceed two square feet in size, shall contain no advertising, and may be illuminated.
  - (4) *Street number.* The sign shall not exceed two square feet.
- (G) *Sign removal.*
- (1) The Zoning Administrator may direct the removal of non-conforming signs if the non-conforming sign is not removed or made conforming within five days of the property owner receiving written notice.
  - (2) The Zoning Administrator may seek reimbursement for the cost of removing non-conforming signs or impose a civil infraction as established by the City Council.

Sec. 151.173 - Permitted freestanding signs.

(A) *General requirements.*

- (1) One freestanding sign shall be permitted per premise which has frontage on only one public road.
- (2) Two freestanding signs shall be permitted per premise which has frontage on two public roads. One sign shall not exceed the area requirements set forth herein. The second sign shall not exceed 50 percent of the area requirements set forth herein and is to be placed at least 100 feet from the first sign and along the other street.
- (3) A freestanding sign shall have a minimum setback of five feet from a public road right-of-way and a setback distance equal to the height of the sign from all other property boundaries.
- (4) A freestanding sign which advertises multi-businesses located on that property may have a sign 50 percent larger than otherwise permitted.
- (5) The supporting sign structure shall not be more than one foot higher than the height of the permitted sign.
- (6) In lieu of a freestanding sign, a sign may be attached to an independent standing canopy as long as no part of the sign or support structure extends over the property line, that the bottom of the sign is a minimum of ten feet from the ground or sidewalk level, that the total square footage of the sign is 30 square feet or less, and that any illumination does not present a safety issue with a passing motorist.

(B) *Specific requirements.* Freestanding signs shall be permitted by District in accordance with the following requirements:

District	Sign Height: As measured from the level of the ground to the top of the sign or sign support whichever is higher	Area
(1)CBD Districts	Six feet	20 square feet per side. If the sign is to be placed in front of the business, there must be at least 20 feet between the building and the property line.
(2)C-1 and G Districts	Eight feet	<u>32</u> square feet per side.
(3)AG/OS Districts	12 feet	36 square feet per side.
(4)C-2 District	14 feet	48 square feet per side.
(5)I District	16 feet	64 square feet per side.
(6)R-1A, R-1B, R-2 Districts for all non-residential public permitted and special uses such as schools, churches, parks and municipal buildings.	Six feet	20 square feet per side.
(7)R-1A, R-1B, R-2 Districts	Six feet	16 square feet per side.
(8)R1-A, R-1B, R-2 Districts Identification signs for Subdivisions or other Residential developments.	Six feet	<u>32</u> square feet per side.

(Ord. No. 2017-02, 10-18-2017)

Sec. 151.174. - Permitted wall signs.

The following wall signs shall be permitted in the following districts in accordance with the regulations herein.

(A) *General requirements.*

- (1) No wall sign shall be erected to extend above the top of the wall to which it is attached, or extend beyond the ends of the wall to which it is attached. Signs erected on the vertical portion of a mansard roof are considered to be wall signs.
- (2) All wall signs shall be safely and securely attached to the building.

- (3) There shall be no more than two wall signs permitted for each side of the building. Total square foot area requirements set forth in subsection (B), are for each sign.
- (4) For buildings with distinct and separate uses, separate wall signs shall be permitted for each such use. However, the total allowable square footage shall not exceed the maximum allowable square footage specified for each district.
- (5) Signage on awnings are regulated as wall signs. Lettering on the awning cannot exceed 50 percent of the area on the awning. Rear-illuminated (backlit) awnings are prohibited.
- (6) Vertical wall signs are allowed and must adhere to the specifications and sign size for the district the sign is located.

(B) *Specific requirements.* Wall signs shall be permitted by the District in accordance with the following requirements.

District	Sign Height	Area
(1) CBD, C-1 and G Districts	Four feet	One square foot for each lineal foot of building wall not to exceed a total of <u>32</u> square feet
(2) C-2 Districts	Six feet	One square foot for each lineal foot of building wall not to exceed a total of 64 square feet.
(3) AG/OS and I Districts	Eight feet	Two square feet for each lineal foot of building wall not to exceed a total of 120 square feet.
(4) R-1A, R-1B, R-2 Districts	Four feet	One square foot for each lineal foot of building wall not to exceed a total of 20 square feet.

(Ord. No. 2017-02, 10-18-2017)

Sec. 151.175. - Permitted projecting signs.

- (A) Projecting signs shall be permitted in CBD Central Business Districts.
- (B) The surface area of the projecting or suspended sign shall not exceed 20 square feet on each side or a total of 40 square feet. The total square feet of the projecting sign (both sides) shall be subtracted from the total allowable wall signage square footage permitted for the District which the sign is located.
- (C) The bottom of the projecting sign shall be a minimum of eight feet above the surface of the sidewalk or ground area, or otherwise be located so as not to interfere with pedestrian traffic. The sign is not to protrude beyond four feet from the wall.

(Ord. No. 2017-02, 10-18-2017)

Sec. 151.176. - Permitted temporary signs.

The following temporary signs shall be permitted in accordance with the regulations herein.

- (A) *Real estate.*
  - (1) One non-illuminated sign used for advertising land or buildings for rent, lease, or sale shall be permitted in any district provided such signs are located on the property intended to be rented, leased, or sold. Such signs shall not exceed an area of six square feet and a height of four feet from grade in all single-family residential districts and an area of 32 square feet and a height of six feet from grade in all other districts.
  - (2) One non-illuminated freestanding sign listing persons or firms connected with a development's construction work being performed. Such signs shall not exceed 32 square feet in area and a height of six feet from grade, and shall be removed within 30 days of issuance of the certificate of occupancy.
- (B) *Temporary signs and promotional banners.*
  - (1) In all districts, the Zoning Administrator may allow a business, to use a temporary sign for up to a 30-day period four times per year with a sign permit. All temporary signs permitted under this provision shall otherwise comply with all requirements pertaining to height and size for the zoning district in which the sign is located.



- (2) Special event signs require a permit and shall be allowed for a period of not more than 30 days prior to the event. Before such signs may be erected must be paid for the City of Iron River according to the current fee schedule. Such signage shall be removed as soon as practical, not to exceed five completion of the event or deposit will be forfeited. A site/signage plan will be submitted no later than 90 days prior to the event for approval by the Administrator.
- (3) Within the CBD, C-1 and C-2 Districts, one promotional banner is permitted per premise at any given time. Only those businesses with direct pedestrian access from the public right-of-way shall be permitted to have a promotional banner. The temporary promotional banners shall not exceed 20 square feet in area. Neither the height nor the width of a temporary promotional banner shall exceed ten feet. Temporary promotional banners shall not be located in a public right-of-way, must be affixed to the principal building of the business and shall be located and designed to avoid interference with or distraction to vehicular and pedestrian traffic. Temporary promotional product signs are included as a promotional banner regulated as the same.
- (4) All banners which are not properly maintained shall be removed at the order of the Zoning Administrator.
- (5) All other banners are strictly prohibited.
- (6) Product advertising signs either free standing or wall, are limited to two per business. The product sign must be in good repair not be in place over 30 days, and not to exceed a total of 16 square feet.

(Ord. No. 2017-02, 10-18-2017)

Sec. 151.177. - Permitted billboards.

The following regulations shall apply to billboards:

- (A) *Where permitted.* Billboards shall be permitted only in the I District, subject to the standards contained herein, and the Highway Advertising Act of 1972, as amended.
- (B) *Spacing.*
  - (1) Not more than three billboards may be located per linear mile of street or highway regardless of the fact that such billboards may be located on different sides of the street or highway. The linear mile measurement shall not be limited to the boundaries of the City of Iron River where the particular street or highway extends beyond such boundaries. Double-faced billboard structures (i.e., structures having back-to-back billboard faces) and V-type billboard structures having only one face visible to traffic proceeding from any given direction on a street or highway shall be considered as one billboard. Additionally, billboard structures having tandem billboard faces (i.e., two parallel billboard faces facing the same direction and side by side to one another) or stacked billboard faces (i.e., two billboard faces facing the same direction with one face being directly above the other) shall be considered as one billboard. Otherwise, billboard structures having more than one billboard face shall be considered as two billboards and shall be prohibited in accordance with the minimum spacing requirement set forth in Subsection (2) below.
  - (2) No billboard shall be located within 1,000 feet of another billboard on either side of the same street or highway.
  - (3) No billboard shall be located within 200 feet of a residential zone and/or existing residence. If the billboard is illuminated, this required distance shall be 300 feet.
  - (4) No billboard shall be located closer than 75 feet from a property line adjoining a public right-of-way or ten feet from any interior boundary lines of the premises on which the billboard is located.
- (C) The height of a billboard shall not exceed 30 feet above the level of the street or road upon which the billboard faces or to which the message upon the billboard is directed. In the event that the billboard is situated upon two streets or roads having different levels, the height of the billboard shall be measured from the higher street or road.
- (D) *Surface area.* The surface display area of any side of a billboard may not exceed 300 square feet. In the case of billboard structures with the tandem or stacked billboard faces, the combined surface display area of both faces may not exceed 300 square feet.
- (E) *Illumination.* A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is located so as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of on-coming vehicles or any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
- (F) *Construction and maintenance.*
  - (1) No billboard shall be on top of, cantilevered or otherwise suspended above the roof of any building.
  - (2) A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces that can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment of structure, continued structural soundness and continued readability of message.

(Ord. No. 2017-02, 10-18-2017)

Sec. 151.178. - Miscellaneous permitted signs.

- (A) *Directory signs.* For offices, office parks, industrial parks, and multi-tenant buildings, directory signs which identify only the names and locations of occupants or uses within a building on a lot shall be permitted in addition to other signs permitted under these regulations.

- (1) No more than one directory sign per lot is permitted, except where a lot has frontage on two or more roads.
  - (2) No directory sign shall exceed 24 square feet in area or six feet in height from finished grade.
  - (3) No directory sign shall be located closer than ten feet to any property line in all districts and shall not be a projecting sign.
- (B) *Menu board.* One menu board for a restaurant shall be permitted in addition to other signs permitted under these regulations provided such sign does not exceed 20 square feet in area. The sign shall be a wall sign or mounted on an existing freestanding sign.
- (C) *Changeable copy signs.* Manual changeable copy signs shall be permitted when incorporated into a permitted wall or freestanding sign provided that the area devoted to changeable copy does not exceed 20 percent of the permissible sign area.
- (1) Lettering used on manual changeable copy signs directed to local or collector streets shall not exceed four inches in height.
  - (2) Lettering used on manual changeable copy signs directed to secondary or major arterial streets shall not exceed six inches in height.
  - (3) Lettering used on manual changeable copy signs directed to pedestrians shall be at least two inches in height, but not more than three inches in height.
- (D) *Off-premise directional signs.* Off-premise directional signs directing vehicular traffic to a church, governmental building, or educational institution may be permitted in all districts subject to the review of the Zoning Administrator and the following standards:
- (1) No more than two signs per use shall be permitted.
  - (2) The size of an off-premise directional sign shall not exceed two square feet in size.
  - (3) The height of an off-premise directional sign shall be no less than three feet nor exceed six feet from grade. However, variations in height may be granted by the Planning Commission to ensure its visibility to motorists.
  - (4) Illumination shall not be permitted.
  - (5) Permission of the property owner where the proposed sign is to be located must be provided and included with the permit application.
- (E) *Historic markers.* If a structure or site within the City has been designated a State Historical Site or listed in the National Register of Historic Places, then a marker designating that fact, obtained from the appropriate state or federal agency, shall be permitted in addition to any other sign or signs which may lawfully be placed on the structure or the property on which the structure is located.

Anyone wishing to place a historic marker on a structure or property shall complete and file a sign permit application with the Zoning Administrator. No fee shall be charged for a historic marker application. The sign shall not exceed 24 square feet.

The Planning commission shall review the proposed placement of the historic marker and no historic marker shall be placed on any structure or property unless a permit has been approved by the Planning Commission.

- (F) *Window signs.*
- (1) Any sign, including the posting of hours of operation, display of credit cards, illuminated open sign, and/or street and building address, which is painted or mounted onto a window pane, or which is placed or hung within six inches of the window does not require a permit or fee.
  - (2) Window signs shall not exceed more than 30 percent of the window area in which they are displayed.
  - (3) Window signs as described in (1) and (2) above do not count in the calculation of total building signage permitted.
  - (4) Permanent and/or illuminated window signs, not excepted in (1), require a permit.
- (G) *Mural signs.* When a mural, painted wall sign or graphic includes identification of an establishment or specific services, good or products provided on the site, only the advertising frontage of the mural will count towards the total permitted wall sign area.

Murals are subject to the approval based from the Zoning Administrator and the following standards:

- (1) No mural may be placed on any building or structure that displays non-conforming signs.
- (2) No more than two exterior walls, on the surface of a building or structure may be used for a mural.
- (3) A wall, façade, or surface that is used for a mural pertaining to the business on which is located shall be counted as one sign. Larger advertising murals shall be permitted when determined to demonstrate at least one of the following:
  - (a) Accentuates the historic features of the building.
  - (b) Masks an unattractive building façade.
  - (c) Creates an aesthetically pleasing amenity.
  - (d) Superior is aesthetics to an attached wall sign.
- (4) The owner of record of the building or structure on which the proposed mural is to be placed, shall in writing, consent to the placement of said mural on the property, and shall agree to restore the wall, façade or surface upon which the mural is placed to its prior existing condition if and at such time the mural is not maintained by the applicant. The permit application shall include a statement detailing the applicant's plans for the maintenance of the mural.
- (5) In the review of the application, the Zoning Administrator shall grant approval only if the following criteria are met:
  - (a) The placing of the proposed mural at the location selected by the applicant would not constitute a significant traffic safety hazard.
  - (b) Neither the mural, nor the placement of the mural, would endanger the public's health, safety, or general welfare.

- (c) Neither the mural, nor the placement of the mural, would be injurious to the use and enjoyment of other property in the immediate vicinity of the p location.
- (d) The mural is compatible with any other existing mural within 300 feet.
- (6) Murals and other decorative art items placed on buildings that are an artistic expression rather than direct advertising is permitted without fee and does not count toward allowable wall signage.
- (H) *Message sign.* Non-profit organizations, churches, and public entities may have a permanent message sign in addition to other permitted signs provided the sign does not exceed 16 square feet and is not over six feet in height from the ground.
- (I) Sandwich style signs are to be removed when the business is not open for business. The panels of these signs shall not exceed two feet by four feet nor be less than two feet by two feet. A sign permit is not required, however, these signs must be registered and adhere to the Ordinance.
- (J) In addition to a wall sign, free standing sign and window sign, a pylon sign is allowed in the C-2, AG/OS and I Districts. In C-2, the maximum height is 24 feet with a maximum of 200 square feet. In AG/OS and I, the maximum height is 24 feet with a maximum of 240 square feet. All pylon signs must have eight feet or more clearance from the ground.
- (K) Tourist-oriented directional signs provided such signs are otherwise approved by the Michigan Department of Transportation pursuant to P.A. 299 of 1996 as amended. The Zoning Administrator may approve or reject the placement and size of any tourist-oriented directional sign within the city's jurisdiction.

(Ord. No. 2017-02, 10-18-2017; Ord. No. 2018-05, 9-19-2018)

Sec. 151.179. - Permits required.

- (A) It shall be unlawful to display, erect, relocate, or alter any sign without obtaining a sign permit, except where otherwise specifically noted within the Ordinance.
- (B) A permit shall be issued by the Zoning Administrator only if the proposed sign meets all requirements of the Ordinance. If an alteration of an existing sign is limited to the information communicated on the sign, without increasing its size or creating a structural modification, as allowed in subsection 151.209(B), then the alteration is allowed without a fee.
- (C) When a sign permit has been issued by the City, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of said permit without prior approval of the zoning official. A written record of such approval shall be entered upon the original permit application and maintained in the files of the City.
- (D) The application for a sign permit shall be made by the owner or tenant of the property on which the sign is to be located, or his authorized agent, or a sign contractor. Such applications shall be made in writing on forms furnished by the City and shall be signed by the applicant.
- (E) The application for a sign permit shall be accompanied by the following plans and other information;
  - (1) The name, address, and telephone number of the owner or persons entitled to possession of the sign and of the sign contractor or erector.
  - (2) The location by street address of the proposed sign structure.
  - (3) Complete information as required on application forms including a site plan and elevation drawings of the proposed sign, caption of the proposed sign, and such other data as are pertinent to the application.
  - (4) Plans indicating the scope and structural detail of the work to be done, including details of all connections, guy lines, supports and footings, and materials to be use.
  - (5) An application, including all required information, for an electrical permit if the sign will have an electrical connection.
  - (6) A statement of valuation.
- (F) Temporary real estate signs, and address identification signs do not require a sign permit. However, these signs must otherwise adhere to the Ordinance.
- (G) Temporary signs and banners, and political signs, does not need a sign permit. However, these signs must be registered with the Zoning Administrator and adhere to the Ordinance.
- (H) Temporary portable style signs do not need a sign permit. However, these signs must be registered and adhere to the Ordinance. In the CBD District, these signs must not occupy an eight foot sidewalk clear area space. In all other districts, the signs shall not be placed in a public right-of-way.

(Ord. No. 2017-02, 10-18-2017)

ARTICLE IX. - OFF-STREET PARKING AND LOADING

*Footnotes:*

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**Editor's note**— *Ord. of 2-19-2020(1), § 20, adopted February 19, 2020, changed the name of this article from Off-Site Parking to Off-Street Parking.*

Sec. 151.191. - Purpose and intent.

The purpose of this section is to ensure the provision of off-street parking facilities that are sufficient in number, adequately sized and properly designed to meet the range of parking needs and demands that are associated with land uses now in place in the City or with land uses allowed by this chapter.

(Ord. No. 2017-02, 10-18-2017)

Sec. 151.192. - General conditions.

- (A) *Where required.* In all zoning districts, off-street parking facilities for the storage and parking of self-propelled motor vehicles for the use of occupants, employees and patrons of the buildings hereafter erected, altered or extended after the effective date of this chapter, shall be provided as herein prescribed. Such space shall be maintained and shall not be encroached upon so long as said main building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this chapter.
- (B) *Existing off-street parking at effective date of Ordinance.* Off-street parking existing at the effective date of the Ordinance from which this Chapter derives which serves an existing building or use, shall not be reduced in size to less than that required under the terms of this chapter.
- (C) *Required greenbelt and setbacks.* Off-street parking, including maneuvering lanes, shall not be located within the required front greenbelt in accordance with subsection 151.122(F). Off-street parking shall be permitted within the required side or rear yard setbacks, provided a minimum five-foot setback is maintained between off-street parking and the side and rear lot lines of all adjoining properties. In C-1 and CBD Districts, the parking lot design may incorporate the area in the front, side and rear of the building without regard to setbacks or green space requirements provided the actual use adjacent to the property is compatible.
- (D) *Parking duration.* Except when the land is used as storage space in connection with the business of a repair or service garage, a 24-hour time limit for parking in non-residential off-street parking areas shall prevail, it being the purpose and intention of the foregoing that the requirement of maintaining vehicle storage or parking space is to provide for the public safety in keeping parked cars off the streets, but such requirement is not designed to or intended to provide, and it shall be unlawful to permit, the storage or prolonged parking on any such parking area in any such district wrecked or junked cars or creating a junk yard or a nuisance in such area.
- (1) Vehicles being stored in an off-street parking lot in connection with the business of a repair or service garage shall not exceed 28 days in duration.
- (2) No vehicle being stored on a public street right-of-way in connection with the business of a repair or service garage shall exceed 24 hours in duration.
- (E) *Units and Methods of Measurement.* For the purpose of determining off-street parking requirements, the following units of measurement shall apply:
- (1) *Floor area.* Where floor area is the unit for determining the required number off off-street parking spaces, said unit shall mean the gross floor area, excluding that floor areas within the principal building used for parking, incidental service and storage, housing of mechanical equipment, heating systems and similar uses need not be included.
- (2) *Employees.* For requirements stated in terms of employees, the calculation shall be based upon the maximum number of employees likely to be on the premises during the largest shift.
- (3) *Places of assembly.* in stadiums, sports arenas, churches and other places of assembly in which those in attendance occupy benches, pews or other similar seating facilities, each 24 inches of such shall be counted as one seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.
- (4) *Fractional requirements.* When units of measurements determining number of required parking spaces result in requirement of a fractional space, any fraction shall require one parking space.
- (F) *Location of parking.*
- (1) *One- and two-family dwellings.* The off-street parking facilities required for one- and two-family dwellings shall be located on the same lot or plot of ground as the building they are intended to serve, but shall be considered a parking lot under the provisions of this Article. Existing non-conforming driveways within the five-foot setback may be paved, repaved, asphalt or re-asphalted.
- (2) *Multiple-family residential.* The off-street parking facilities for multiple-family dwellings shall be located on the same lot or plot of ground as the dwellings they are intended to serve, and shall consist of a parking lot as set forth in this Article. In no event shall any parking space be located nearer than ten feet to any main building.
- (3) *Other land uses.* The off-street parking facilities required for all other uses shall be located on the lot or within 300 feet of the permitted uses requiring such off-street parking, such distance to be measured along lines of public access to the property between the nearest point of the parking facility to the building to be served.
- (4) *Restriction on parking on private property.* It shall be unlawful for any person, firm or corporation to park any motor vehicle on any private property without the authorization of the owner or agent of such property.

(Ord. No. 2017-02, 10-18-2017; Ord. of 2-19-2020(1), § 21, 2-19-2020)

Sec. 151.193. - Off-street parking requirements.

- (A) The amount required off-street parking spaces for new uses or buildings, and additions to existing buildings shall be determined in accordance with the Schedule set forth in Section 151.194. Parking requirements listed in Section 151.194 shall not include off-street stacking spaces for drive-through facilities set forth in Section 151.197.

- (B) *Similar uses and requirements.* When a use is not specifically mentioned, the requirements of off-street parking for a similar use shall apply.
- (C) *Collective provisions.* Nothing in this Section shall be construed to prevent collective provisions of off-street parking facilities for two or more buildings or uses, provided such facilities collectively shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with Section 151.194 of this article.
- (D) *Parking exemption.* As the effective date of this chapter, buildings and uses located within the CBD shall be exempt from providing off-street parking. However, in no case should a building or use be expanded to remove off-street parking established before the effective date of this chapter.
- (E) *Flexibility in application.* The City recognizes that, due to the specific requirements of any given development, flexible application of the parking standards set forth in Section 151.194 may be required to prevent traffic congestion, unauthorized parking on adjacent streets or neighboring site, excessive paving and storm water runoff, and misuse of space which could otherwise be left as open space.

The Planning Commission, based on a recommendation from the Zoning Administrator may permit deviations from the requirements of Section 151.194 and may require more or allow less parking whenever it finds that such deviations are more likely to provide a sufficient number of parking spaces to accommodate the specific characteristics of the use in question.

The Planning Commission may attach conditions to the approval of a deviation from the requirement of Section 151.194 that bind such approval to the specific use in question. Where a deviation results in a reduction of parking, the Planning Commission may further impose conditions which ensure that adequate reserve area is set aside for future parking, as needed.

The Planning Commission, based on a recommendation from the Zoning Administrator, may allow deviations from the hard durable surface lot requirement for seasonal or auxiliary lots. The recommended surface shall be suitable for the given parking area in question.

- (F) *Residential driveways.* Driveways in R-1A or R-1B Districts shall be a minimum of ten feet in width. Driveways may not be located within 30 feet of a street intersection. Driveways must be a minimum distance of five feet from a side or rear lot line unless application is made for a joint driveway with an adjacent premise.
- (G) Residential driveways and curb cuts must be approved through a Land Use Permit prior to construction.

(Ord. No. 2017-02, 10-18-2017)

Sec. 151.194. - Table of off-street parking requirements.

The amount of required off-street parking space for new uses or buildings, and additions to existing buildings shall be determined in accordance with the following table:

Required Number of Parking Spaces  
Per Each Unit of Measure as Follows:

Use:	
<b>(A) Residential Uses</b>	
(1) Single- or Two-Family Dwelling	2 per each dwelling unit
(2) Multiple-Family Dwelling	2 Per each dwelling, plus 1 per each ten dwelling units
(3) Senior Citizen Housing and Senior Assisted Living	1 per each dwelling, plus 1 per each ten dwelling units, plus 1 per each employee
<b>(B) Institutional Uses</b>	
(1) Churches	1 per each eight seats based on maximum seating capacity in the main place of assembly therein
(2) Private Clubs, Lodges and Senior Centers	1 Per each three individual members allowed within the maximum occupancy load as established by fire and/or building codes

(3) Hospitals, Senior Assisted Living	1 per each four beds, plus 1 per staff doctor, plus 1 per each employee at peak shift
(4) Convalescent Homes, Homes for Aged, Children's Homes	1 per each five beds, plus 1 per staff doctor, plus 1 per each employee at peak shift
(5) High Schools, Trade Schools, Colleges and Universities	1 per each teacher, plus 1 per each ten students, plus 1 per each employee
(6) Elementary and Middle Schools, Senior Assisted Living	1 per each teacher, plus 1 per each 25 students, plus 1 per each employee
(7) Child Care Center, or Nursery Schools	1 per each five children, plus 1 per each employee
(8) Family Child Care Homes or Group Child Care Homes	1 per each employee and/or caregiver
(9) Stadiums, Sports Arenas and Auditoriums	1 per each four seats based on maximum seating capacity
(10) Libraries and Museums	1 per each 500 square feet of floor area
<b>(C) General Commercial Uses. (Subject to subsection <u>151.193(E)</u>)</b>	
(1) Retail Stores, except as otherwise noted	1 per each 300 square feet of floor area below as specified herein
(2) Supermarkets, Drugstores, and other self-serve retail establishments	1 per 200 square feet of floor area
(3) Convenience Stores and Video Stores	1 per 100 square feet of floor area
(4) Planned Shopping Center	1 per 150 square feet of floor area for the first 15,000 square feet, plus 1 per 300 square feet of floor area in excess of 15,000 square feet
(5) Furniture, Appliances, Hardware, Household Equipment Sales	1 per each 600 square feet of floor area, plus 1 per each employee
(6) Motels and Hotels	1 per each guest bedroom, plus 1 per each 10 guest bedrooms, plus 1 per each employee, plus amount required for accessory uses, such as a restaurant or cocktail lounge
(7) Fast Food Restaurants	1 per each 25 square feet of floor area, plus 1 per each employee during peak shift
(8) Sit-Down Restaurants	1 per each 4 seats for the first 48 seats and 1 per each 8 seats for the next <u>52</u> seats and 1 per each 12 seats over 100, plus 1 per each employee during peak shift

(9) Taverns and Cocktail Lounges	1 per each four persons allowed within the maximum occupancy load as established by fire and/or building codes, plus 1 per each employee during peak shift
(10) Garden Stores, Building Material Sales	1 per each 800 square feet of lot area for said business as provided for herein
(11) Movie Theaters	1 per each four seats based on the maximum seating capacity, plus 1 per each employee
(12) Wholesale Stores, Machinery Sales and other similar uses	1 per each 800 square feet of floor area, plus 1 per each employee
<b>(D) Automotive Uses</b>	
(1) Auto Sales	1 per each service stall, plus 1 per each employee, plus 1 per each service vehicle
(2) Automotive Repair Facilities	1 per each 250 feet of floor area 1 per each employee, plus 1 per each service vehicle
(3) Gasoline Stations without Convenience Store	1 per each pump unit, plus 2 per each service stall, plus 1 per each employee
(4) Gasoline Stations with Convenience Store	1 per each pump unit, plus 2 per each service stall, plus 1 per each employee, plus 1 per each 100 square feet of floor area devoted to retail sales and customer service
(5) Car Washes (Self-Serve)	1 per each wash stall, plus 1 per each vacuum station, plus 1 per each employee
(6) Car Washes (Automatic)	1 per each 200 square feet of floor area of customer waiting and service areas, plus 1 per each vacuum station 1 per each employee
(7) Collision or Bump Shops, and other	2 per each stall or service area, or similar uses, plus 1 per each employee
<b>(E) Office and Service Uses</b>	
(1) Medical and Dental Office	1 per each 200 square feet of floor area
(2) Business and Professional Offices	1 per each 200 square feet of floor area
(3) Banks	1 per each 200 square feet of floor area

(4) Barber and Beauty Shops	1 per each chair
(5) Laundromats or Coin Operated Dry Cleaners	1 per each two washing or dry cleaning machines
<b>(F) Recreational Uses</b>	
(1) Bowling Alleys	4 per bowling lane, plus 1 per employee, plus Amount required for accessory uses such as a restaurant or cocktail lounge
(2) Private Tennis, Swim or Golf Clubs or other similar uses	1 per each 10 memberships, plus Amount required for accessory uses such as a restaurant or cocktail lounge
(3) Golf Course, Open to the General Public	4 per each hole, plus 1 Per each employee, plus Amount required for accessory uses such as a restaurant or cocktail lounge
<b>(G) Industrial Uses (Subject to subsection <u>151.193(E)</u>)</b>	
(1) Industrial or Manufacturing or Establishments	1 per each employee, at peak shift, or 1 per each 800 square feet of floor area (whichever is greater)
(2) Warehouses and Storage Buildings	1 per each employee, or 1 per each 2,000 square feet of floor area (whichever is greater)
(3) Contractor's Office	1 per each employee

(Ord. No. 2017-02, 10-18-2017; Ord. of 2-19-2020(1), §§ 22—26, 2-19-2020)

Sec. 151.195. - Off-street parking lot design and construction.

The construction of any parking lot shall be in accordance with the requirements of the provisions of this chapter and such construction shall be completed and approved by the Zoning Administrator before use of the property as a parking lot and before a Certificate of Occupancy is issued. Unless incorporated in a site plan prepared and approved in accordance with Section 151.034, plans of the development of any parking lot must be submitted to the Zoning Administrator, prepared at a scale of not less than 50 feet equals one inch and indicating existing and proposed grades, drainage, pipe sizes, parking of all dimensions, type of curbing, drive and aisle dimensions, lighting, adjacent main buildings, sidewalks, landscaping, surfacing and base materials to be used and the layout of the proposed parking lot.

- (A) All parking lots, driveways or loading areas required for uses other than single- or two-family residential shall be of a hard, durable, smooth and dustless surface and shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be completely constructed prior to a Certificate of Occupancy being issued. Drainage for parking lots shall conform to the standards set forth in Section 151.131. Hard durable surface is defined as cement, bituminous materials (asphalt) or other comparable compacted materials.
  - (1) Parking lots exceeding the minimum parking spaces required by ordinance may be constructed with a compatible surface as approved by the Zoning Administrator.
- (B) All illumination for such parking lots shall meet the standards set forth in Section 151.128.
- (C) Parking lot landscaping and buffering requirements shall meet the standards set forth in subsection 151.122(E) Landscaped islands shall be required for any parking lot exceeding 98 parking spaces.
- (D) Adequate ingress and egress to the parking lot, by means of limited and clearly defined drives, shall be provided for all vehicles.
- (E) Where necessary to prevent encroaching upon pedestrian walkway or damaging required landscaping, wheel stops shall be provided. No portion of a parking lot and/or maneuvering aisle shall obstruct or encroach upon a public sidewalk.
- (F) All parking lots larger than 3,000 square feet or containing more than ten parking spaces shall provide an on-site snow storage area. The minimum



basis for the required area shall be 10:1 ratio to the parking area. Snow storage areas shall be located in such a manner that they do not interfere with clear visibility of traffic on adjacent streets and driveways or interfere with pedestrian passage.

(G) All parking lots must clearly mark parking spaces either by painted lines, wheel stops or the equivalent.

(H) Plans for the layout of street parking facilities shall be in accordance with the following minimum regulations:

Maneuvering Lane Width

Degree of Parking Pattern	One-Way	Two-Way	Minimum Space Width	Minimum Space Length
0 Parallel	12 feet	18 feet	9 feet	18 feet
30—53	12 feet	20 feet	9 feet	18 feet
54—74	18 feet	20 feet	9 feet	18 feet
75—90	20 feet	24 feet	9 feet	18 feet

(Ord. No. 2017-02, 10-18-2017; Ord. of 2-19-2020(1), § 27, 2-19-2020)

Sec. 151.196. - Off-street loading requirements

On the same premise with every building or part thereof, erected and occupied for any uses involving the receipt or distribution of trucks and/or delivery vehicles, material or merchandise, adequate space for loading and unloading shall be provided in accordance with the following:

(A) Such loading and unloading space, unless completely and adequately provided for within a building, shall be an area ten feet by 50 feet, with 14-foot height clearance, and shall be provided according to the following schedule:

Gross Floor Area of Building (Square feet)	Required Loading and Unloading Spaces
0—5,000	None
5,000—10,000	One space with a minimum length of 20 feet
10,000—20,000	One space
20,000—100,000	One space + 1 space for each 20,000 square feet in excess of 20,000 square feet
100,000—500,000	Five spaces + 1 space for each 40,000 square feet in excess of 100,000 square feet
Over 500,000	15 spaces + 1 space for each 80,000 square feet in excess of 500,000 square feet

(B) *Required Greenbelt, Setbacks and Screening.*

(1) Off-street loading areas, including maneuvering lanes shall not be located within the front greenbelt required in accordance with [Section 151.122](#). Off-street loading shall be permitted within the required side or rear yard setbacks, provided a minimum ten foot setback is maintained between off-street loading and the abutting side and rear lot lines.

(2) Off-street loading which abuts residentially zoned or used property shall be screened in accordance with [Section 151.122](#).

(C) *Double Count.* Off-street loading space areas shall not be construed as, or counted toward the supplying of area required as off-street parking space area.

(Ord. No. 2017-02, 10-18-2017)

Sec. 151.197. - Off-street stacking space for drive-through facilities.

All businesses which provide drive-through facilities for serving customers within their automobile, shall provide adequate off-street stacking space and lanes which meets the following requirements:

- (A) Each stacking vehicle space shall be computed on the basis of twelve feet in width and 20 feet in length. Each stacking lane shall be a minimum of 12 feet in width.
- (B) Clear identification and delineation between the drive-through facility and parking lot shall be provided. Drive-through facilities shall be designed in a manner which promotes pedestrian and vehicular safety.
- (C) For all drive-through facilities which have a single stacking lane, an escape lane shall be provided which allows other vehicles to pass those waiting to be serviced.
- (D) The number of stacking vehicle spaces per service lane shall be provided for the following uses:

Use	Stacking Spaces per Service Lane
Pharmacy	2
Banks	4
Photo Service	4
Dry-Cleaning	4
Fast-Food Restaurants	6
Car Washes (self-service):	
Entry	3
Exit	1
Car Washes (automatic) :	
Entry	6
Exit	2

When a use is not specifically mentioned, the requirements for off-street stacking space for the similar use shall apply.

(Ord. No. 2017-02, 10-18-2017; Ord. of 2-19-2020(1), § 28, 2-19-2020)

Sec. 151.198. - Outdoor storage of recreational vehicles.

In all Residential Districts, a recreational vehicle may be parked or stored subject to the following conditions:

- (A) Storage or parking shall not be permitted on vacant lots or parcels, except as approved by the Zoning Administrator.
- (B) Unless within a completely enclosed building, a recreational vehicle shall be parked or stored in one of the following manners:
  - (1) Within the side or rear yard, but no closer than five feet from any side or rear lot line; or,
  - (2) In those instances where the side or rear yard is not accessible or has insufficient clearance for the passage of a recreational vehicle, the Zoning Administrator may allow the parking or storage of a recreational vehicle in the front yard. In those instances where a recreational vehicle is to be parked or stored in a front yard, only the driveway portion of such yard shall be utilized and in no instance shall such recreational vehicle be parked or stored in a manner which obstructs pedestrian or vehicular visibility, as regulated in [Section 151.123\(G\)](#).
- (C) No recreational vehicles shall be used for living, sleeping or housekeeping purposes on the premises, except for occasional living purposes to accommodate visitors not-to-exceed a maximum period of 21 days.
- (D) No recreational vehicle shall be stored on a public street or right-of-way or private road easement.
- (E) A recreational vehicle stored outside shall be in a condition for the safe and effective performance of its intended function.

(Ord. No. 2017-02, 10-18-2017)

#### ARTICLE X. - NON-CONFORMING USES, STRUCTURES AND LOTS

##### Sec. 151.201. - Intent.

Certain existing lots, structures and uses of lots and structures were lawful before this chapter was adopted, but have become non-conformities under the terms of this chapter and its amendments. It is the intent of this chapter to permit such non-conformities to remain until they are discontinued or removed, but not to encourage their survival or, where discontinuance or removal is not feasible, to gradually upgrade such non-conformities to conforming status. Non-conformities shall not be enlarged, expanded or extended, except as provided herein, and shall not be used as grounds for adding other structures and uses of lots and structures which are prohibited. Non-conformities are declared by this chapter to be incompatible with the structures and uses permitted in the various Districts.

(Ord. No. 2017-02, 10-18-2017)

##### Sec. 151.202. - Non-conforming lots.

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this chapter, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this chapter. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width, or both, of the lots shall conform to the regulations for the district in which such lot is located.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this chapter, and if all or part of the lots do not meet the requirements for lot width and area as established by this chapter, the lands involved shall be considered to be an undivided parcel for the purpose of this chapter, and no portion of said parcel or lot shall be used or sold, which does not meet lot width and area requirements established by this chapter, nor shall any division of the parcel or lot be made which leaves remaining any parcel or lot with width or area below the requirements stated in this chapter.

(Ord. No. 2017-02, 10-18-2017)

##### Sec. 151.203. - Non-conforming uses of land.

Where, at the effective date of adoption or amendment of this chapter, lawful use of land exists that is made no longer permissible under the terms of the Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- (A) No such non-conforming uses shall be enlarged or increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter.
- (B) No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this chapter.
- (C) If such non-conforming use of land ceases operation for a period of more than six months, this shall constitute abandonment. Any subsequent use of such land shall conform to the regulations specified by the Ordinance for the district in which such land is located.

(Ord. No. 2017-02, 10-18-2017)

##### Sec. 151.204. - Non-conforming structures.

Where a lawful structure exists, at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued as long as it remains otherwise lawful, subject to the following provisions:

- (A) No such structure may be enlarged or altered in a way which furthers its non-conformity.
- (B) Should such structure be destroyed by any means to an extent of more than 50 percent of replacement value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of the Ordinance.
- (C) Should such structure be moved for any reason, for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(Ord. No. 2017-02, 10-18-2017)

##### Sec. 151.205. - Non-conforming uses of structures and land.

If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this chapter that would not be allowed in the district under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject of the following provisions:

- (A) No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- (1) If an existing Single-Family Dwelling is damaged or destroyed, the use and structure shall be considered conforming, and allowed to be re-established in compliance with restrictions established for the residential district in closest proximity to the property in question. Such structure or use shall be re-established within a two-year period.
- (B) Any non-conforming use may be extended throughout any part of a building which was manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside such building.
- (C) Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations pertaining to the uses permitted in the district in which such structure is located, and the non-conforming use may not thereafter be resumed. Section 151.204 shall apply to any non-conformity relating to the structure(s).
- (D) If such non-conforming use of land and structures ceases operation for a period of more than six months, this shall constitute abandonment. Any subsequent use of such land shall conform to the regulations specified by this chapter pertaining to the uses permitted in the district in which such land is located. Structures occupied by seasonal uses shall be accepted from this provision only so long as seasonal uses shall continue.
- (E) Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.
- (F) If no structural alterations are made, any non-conforming use of structure, or structure and premises, may be changed to another non-conforming use of the same or a more restricted classification provided that the Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this chapter. Where a non-conforming use of a structure, land or structure and land in combination, is hereafter changed to a more restrictive classification, it shall not thereafter be changed to a less restricted classification.

(Ord. No. 2017-02, 10-18-2017)

Sec. 151.206. - Repairs and maintenance.

On any building devoted in whole or in part to any non-conforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or a repair or replacement of non-bearing walls, fixtures, wiring or plumbing to an extent not exceeding 50 percent of the replacement value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this chapter shall not be increased.

A non-conforming structure, non-conforming portion of a structure or a structure containing a non-conforming use which is physically unsafe or unlawful due to lack of repairs and maintenance, as determined by the Building Official, may be restored to a safe condition. Where enlargement or structural alteration is necessary to allow compliance with health and safety laws or ordinances, the cost of such work shall not exceed 25 percent of the structure's fair market value, as determined by the Assessor at the time such work is done.

(Ord. No. 2017-02, 10-18-2017)

Sec. 151.207. - Uses allowed as conditional approval uses, not non-conforming uses.

Any use in existence at the time of adoption of this article for which conditional approval is permitted as provided in this chapter shall not be deemed a non-conforming use, but shall, without further action, be deemed a conforming use in such district.

(Ord. No. 2017-02, 10-18-2017)

Sec. 151.208. - Change of tenancy or ownership

There may be a change of tenancy, ownership or management of any existing non-conforming uses of land, structures and premises provided there is no change in the nature or character of such non-conforming uses except in conformity with the provisions of this chapter.

(Ord. No. 2017-02, 10-18-2017)

Sec. 151.209. - Non-conforming uses of signs.

- (A) Any sign, billboard, commercial advertising structure or object which existed and was maintained at the time this Zoning Ordinance was adopted, and which are subject to the regulations of this Zoning Ordinance because of any changes or additions made by this new Ordinance, shall be deemed a non-conforming sign. Non-conforming signs may remain provided they are not expanded, enlarged or reduced other than routine maintenance and upkeep of the sign itself. Any non-conforming sign shall be removed or made to conform to the provision of this chapter within 30 days of the happening of any of the following events.
- (1) The change of the activity advertised thereon.
- (2) Change in the use of the property on which the sign is located.

- (3) Any alterations or changes to the sign.
- (4) Relocation of the sign.
- (5) Substantial change to the sign.
- (B) Any sign that is non-conforming, where the business has ceased operations for at least six months shall remove the sign or make the sign conform to the Ordinance. Upon failure to comply, and after receiving written notice, the City may remove the sign and recover its cost as a nuisance special assessment to the property.

(Ord. No. 2017-02, 10-18-2017)

#### ARTICLE XI. - ZONING BOARD OF APPEALS

##### Sec. 151.221. - Authority.

There is hereby established a Zoning Board of Appeals (ZBA), the membership, powers, duties of which are prescribed in Act 110 of the Public Acts of the State of Michigan of 2006, as amended. The ZBA, in addition to the general powers and duties conferred upon it, by said Act, in specified cases and subject to appropriate conditions and safeguards, shall interpret and determine the application of the regulations established under this chapter in harmony with their purpose and intent as hereinafter set forth.

(Ord. No. 2017-02, 10-18-2017)

##### Sec. 151.222. - Membership.

- (A) The City Council shall act as the ZBA.
- (B) A member of the ZBA who is also a voting member of the Planning Commission shall not participate in a public hearing on, or vote on the same matter that the member voted on as a member of the Planning Commission. However, the member may consider and vote on other unrelated matters involving the same property.

(Ord. No. 2017-02, 10-18-2017; Ord. No. 2017-04, 12-20-2017; Ord. of 2-19-2020(1), § 29, 2-19-2020)

##### Sec. 151.223. - Meetings.

- (A) All decisions of the Board shall be made at a meeting open to the public. All deliberations of the Board constituting a quorum of its member shall take place at a meeting open to the public except as provided in compliance with the Open Meetings Act, Act 267 of 1976 as amended.
- (B) A majority of the members of the Board shall constitute a quorum for purposes of transacting the business of the Board and the Open Meetings Act, Act 267 of 1976, as amended. Each member of the Board shall have one vote.
- (C) Regular meetings of the Board shall be called as needed in response to receipt of a Notice of Appeal. The meeting can be called by the Zoning Administrator, the Chair of the Appeals Board, or, in his/her absence, the Vice-Chair. Public notice of the date, time and place of a public meeting of the Board shall be given in the manner prescribed in Section 151.037.
- (D) The business of the Board of Appeals shall be conducted in accordance with its adopted bylaws.
- (E) The Chair, or in his/her absence, Vice-Chair may administer oaths and compel the attendance of witnesses.

(Ord. No. 2017-02, 10-18-2017)

##### Sec. 151.224. - Powers and duties.

- (A) *General.* The Board has the power to act on matters as provided in this chapter and Act 110, of the Public Acts of 2006, as amended. The specific powers of the Board are enumerated in the following sections of this article.
- (B) *Voting.* The concurring vote of a majority of the members of the Board shall be necessary to reverse an order, requirements, decision or determination of an administrative official or body, or to decide in favor of the Applicant a matter upon which the Board is required to pass under an ordinance, or to effect a variation in an ordinance except that a concurring vote of two thirds of the members of the Board shall be necessary to grant a variance from uses of land permitted in an ordinance.

A member shall be disqualified from a vote in which there is a conflict of interest. Failure of a member to disclose a conflict of interest and not be disqualified from a vote shall constitute misconduct in office.

- (C) *Administrative review.* The Board shall hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision or refusal made by the Zoning Administrator or other duly authorized enforcing agent, in enforcing any provision of this chapter.
- (D) *Interpretation.*

- (1) The Board shall hear and decide requests for interpretation of this chapter or the Zoning Map taking into consideration the intent and purpose of the Ordinance and the General Development Plan.

- (2) A record shall be kept by the Board of all decisions for interpretation of this chapter or Zoning Map and land uses which are approved under the terms of this section. The Board shall request the Planning Commission to review any ordinance amendment it deems necessary.
- (E) *Variances*. Upon an appeal, the Board is authorized to grant a variance from the strict provisions of this chapter, whereby extraordinary or exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon the Owner of such property provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this chapter. In granting a variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this chapter. Further, in granting a variance, the Board shall state the grounds upon which it justifies the granting of a variance as outlined below. When granting any variance, the Board must ensure that the spirit of the Ordinance is observed, public safety secured and substantial justice done.

Decisions of the Board shall be based on the following:

- (1) *Use variance*. The Applicant must present evidence to show that if the Zoning Ordinance is applied strictly, unnecessary hardship to the Applicant will result, and that all four of the following requirements are met:
- (a) That the property could not be reasonably used for the purposes permitted in that zone;
  - (b) That the appeal results from unique circumstances peculiar to the property and not from general neighborhood conditions.
  - (c) That the use requested by the variance would not alter the essential character of the area; and
  - (d) That the alleged hardship has not been created by any person presently having an interest in the property.
- (2) *Nonuse variances*. The Applicant must present evidence to show that if the Zoning Ordinance is applied strictly, practical difficulties will result to the Applicant and:
- (a) That the Ordinance restrictions unreasonably prevent the Owner from using the property for a permitted purpose;
  - (b) That the variance would do substantial justice to the Applicant as well as to other property owners in the district, and a lesser relaxation than that requested would not give substantial relief to the Owner of the property or be more consistent with justice to other property owners;
  - (c) That the plight of the landowner is due to the unique circumstances of the property; and
  - (d) That the alleged hardship has not been created by any person presently having an interest in the property.

(Ord. No. 2017-02, 10-18-2017)

Sec. 151.225. - Procedure for appeal.

- (A) An Applicant requesting any action by the Board shall commence such request by filing a Notice of Appeal, on the form supplied by the City, accompanied by such appeal fee as determined by the City Council, and all plans, studies and other information and data as applicable, all of which shall be made a part of the record.
- (B) Every appeal from a determination of the Zoning Administrator or other duly authorized enforcing agent shall be made by the Applicant within 30 days of the date of the order issuance or refusal to issue permit, requirement or refusal.
- (C) The Board shall fix a time for a hearing on the appeal, notice of which shall be given as prescribed in [Section 151.037](#).
- (D) Any person may appear in person at the Public Hearing, or be represented by an agent or attorney, and present any evidence in support of their appeal. The Board of Appeals shall have the power to require the attendance of witness, administer oaths, compel testimony and otherwise cause the production of books, papers, files and other evidence pertaining to matters properly coming before the Board of Appeals.
- (E) The Board shall not decide an appeal until after a Public Hearing.
- (F) The Board may reverse, affirm, vary or modify any order, requirement or determination, as to which it has the power to consider, and have all the powers of the officer or body from whom the appeal was taken and may issue or direct the issuance of a permit.
- (G) The Board may impose conditions with any decision. Such conditions imposed shall meet all of the following requirements:
- (1) Be designed to protect natural resources, public health, safety and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the Community as a whole.
  - (2) Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
  - (3) Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards. Violations of any of these conditions shall be deemed a violation of this chapter, enforceable as such, and/or may be grounds for revocation or reversal of such decision.
- (H) All decisions of the Board shall be in writing and so far as it is practicable, in the form of a general statement or resolution reciting the conditions, facts and findings of the Board. The applicant shall be advised of the decision after the public hearing unless the Board moves for a continuation of such hearing.
- (I) Any decision of the Board favorable to the Applicant shall remain valid only as long as the information or data relating thereto, are found to be correct, and the conditions upon which the decision was based are maintained.
- (J) The Board may reconsider an earlier decision, if, in the opinion of the Board, circumstances justify taking such action.

(K) No order of the Board of Appeals permitting the erection or alteration of a building shall be valid for a period of longer than one year, unless a building permit for such erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

No order of the Board of Appeals permitting a use of a building or premises shall be valid for a period longer than one year, unless such use is established within such period; provided, however, that such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with such permit.

(L) Any person or persons, or any board or department of the City having an interest affected by a decision of the Board shall have the right to appeal to the Circuit Court on questions of law and fact. An appeal from a decision of a ZBA shall be filed within 30 days after the ZBA issues its decision in writing signed by the chairperson, if there is a chairperson, or signed by the members of the ZBA, if there is no chairperson, or within 21 days after the ZBA approves the minutes of its decision.

(Ord. No. 2017-02, 10-18-2017)

## ARTICLE XII. - PLANNING COMMISSION

### Sec. 151.241. - Purpose and intent.

The Planning Commission shall consist of seven members, appointed by the Mayor with the approval of the City Council by majority vote. Members must be qualified electors of the City of Iron River. The Mayor, one or more members of the City Council, or any combination thereof, may be appointed to the Planning Commission, as ex officio members. However, not more than one-third of the members of the Planning Commission may be ex officio members.

(Ord. No. 2017-02, 10-18-2017)

### Sec. 151.242. - Term.

Except as provided herein, an elected officer or employee of the City is not eligible to be a member of the Planning Commission. The term of an ex officio member of the Planning Commission shall be as follows:

- (A) The term of the Mayor shall correspond to his/her term as Mayor; and
- (B) The term of a Council Person shall expire with their term on the Legislative Council.

(Ord. No. 2017-02, 10-18-2017)

### Sec. 151.243. - Conflict of interest.

The City Council may remove a member of the Planning Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. Before casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the Planning Commission. The member is disqualified from voting on the matter if so provided by the bylaws or by a majority vote of the remaining members of the Planning Commission. Failure of a member to disclose a potential conflict of interest as required herein constitutes malfeasance in office. Unless the City Council, by ordinance, defines conflict of interest for purposes of this subsection, the Planning Commission shall do so in its bylaws.

(Ord. No. 2017-02, 10-18-2017)

### Sec. 151.244. - Officers.

The Planning Commission shall elect a chairperson and secretary from its members and create and fill other offices as it considers advisable. An ex officio member of Planning Commission is not eligible to serve as chairperson. The term of each officer shall be one year, with the opportunity for re-election as specified in herein.

The Planning Commission may appoint advisory committees whose members are not members of the Planning Commission.

(Ord. No. 2017-02, 10-18-2017)

### Sec. 151.245. - Bylaws; adoption.

- (A) The Planning Commission shall adopt bylaws for the transaction of business, and shall keep a public record of its resolutions, transactions, findings and determinations.
- (B) The Planning Commission shall make an annual written report to the City Council concerning its operations and the status of planning activities, including recommendations regarding actions by the City Council related to planning.

(Ord. No. 2017-02, 10-18-2017)

### Sec. 151.246. - Meetings.

- (A) The Planning Commission shall hold not less than four regular meetings each year, and by resolution, shall determine the time and place of the meetings. Unless the bylaws provide otherwise, a special meeting of the Planning Commission may be called by the Chairperson or by two other members, upon written request to the Clerk. Unless the bylaws provide otherwise, the Clerk, when possible, shall send written notice of a special meeting to Planning Commission members not less than 48 hours before the meeting.
- (B) The business that the Planning Commission may perform shall be conducted at a public meeting of the Planning Commission held in compliance with the Open Meetings Act, 1976 PA267, M.C.L.A. 15.261—15.275. Public notice of the time, date and place of a regular or special meeting shall be given in the matter required by that Act.
- (C) A writing prepared, owned, used, in the possession of, or retained by the Planning Commission in the performance of an official function shall be made available to the public in compliance with the Freedom of Information Act, 1976 PA442, M.C.L.A. 15.231—15.246.

(Ord. No. 2017-02, 10-18-2017; Ord. of 2-19-2020(1), § 30, 2-19-2020)

Sec. 151.247. - Compensation; budget.

- (A) Member of the Planning Commission may be compensated for their services as provided by the City Council.
- (B) After preparing the annual report required herein, the Planning Commission may prepare a detailed budget and submit the budget to the City Council for approval or disapproval. The City Council annually may appropriate funds for carrying out the purposes and functions permitted here and may match local government funds with federal, state, county or other local government or private grants, contributions or endowments.

(Ord. No. 2017-02, 10-18-2017)

ARTICLE XIII. - REPEAL OF EXISTING ZONING ORDINANCE

Sec. 151.261. - Repeal.

The existing zoning regulations of the City of Iron River being the City of Iron River Zoning Ordinance, adopted May 3, 2006, and as amended from time to time, hereby is repealed. The adoption of this chapter, however, shall not affect or prevent any pending or future resection of, or action to abate, any existing violation of the aforementioned chapter, as amended, if the use so in violation is in violation of the provisions of this chapter.

(Ord. No. 2017-02, 10-18-2017)

CHAPTER 152. - PROPERTY MAINTENANCE

*Footnotes:*

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**Cross reference**— *Petition and order to repair sidewalks, see § 93.03*

Sec. 152.01. - Title.

These regulations shall be known as the Property Maintenance Code of the City of Iron River, hereinafter referred to as "this code."

(Ord. No. 1-2014, 10-15-2014)

Sec. 152.02. - Utility service required.

Every occupied structure shall be supplied with hot and cold water, sanitary sewer service, heating capacity and electricity, unless otherwise provided for by this chapter. Services not contracted by the occupant shall be the responsibility of the owner.

(Ord. No. 1-2014, 10-15-2014)

Sec. 152.03. - Application of other codes.

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the building codes, electrical codes, plumbing codes, and mechanical codes, which have been adopted and are being applied by the County of Iron, State of Michigan.

(Ord. No. 1-2014, 10-15-2014)

Sec. 152.04. - Fees.

The fees, if any, for activities and services performed by the city in carrying out its responsibilities under this chapter shall, from time to time, be established by a resolution of the City Council.



(Ord. No. 1-2014, 10-15-2014)

Sec. 152.05. - Dwellings.

No person or persons shall occupy or allow the occupancy of any structure or vehicle which is not designed or constructed for approved human habitation.

(Ord. No. 1-2014, 10-15-2014)

Sec. 152.06. - Municipal civil infraction.

A person who violates any provision of this chapter is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$100.00, plus costs, actual attorney fees incurred in prosecution, and other sanctions, for each infraction. Repeat offenses under this chapter shall be subject to increased fines as provided by Section 31.02.

(Ord. No. 1-2014, 10-15-2014)

Sec. 152.07. - Actions or proceedings.

(A) In the event a person fails to comply with any provision of this chapter, the city may proceed to use a notice of violation and pursue prosecution as provided for in Section 91.17 and Section 91.18. The authorized City Official, as necessary, may ask the City Attorney to proceed at law or in equity against the person responsible for the violation for the purpose of ordering that person:

- (1) To restrain, correct or remove the violation or to refrain from any further execution of work;
- (2) To restrain or correct the erection, installation, maintenance, repair or alteration of such structure;
- (3) To require the removal of work in violation;
- (4) To prevent the occupancy of the structure that is not in compliance with the provisions of this chapter; or
- (5) To take other appropriate action.

(B) Any cost for action taken or initiated by the authorized city official(s) shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

(Ord. No. 1-2014, 10-15-2014)

Sec. 152.08. - Vacancy maintained.

Any structure that is vacant at the time a violation notice is issued for a hazardous, unsafe or unsanitary condition shall not be occupied until the cited violation has been corrected.

(Ord. No. 1-2014, 10-15-2014)

Sec. 152.09. - Notice to vacate.

Upon declaring a structure to be unfit for human occupancy and entry, the city shall issue a notice to vacate. The notice shall inform the occupants and owner of the basis for the notice, and order the occupants to vacate the affected structure.

(Ord. No. 1-2014, 10-15-2014)

Sec. 152.10. - Failure to vacate.

Any occupant that fails to comply with a notice to vacate issued under Section 152.09 shall be guilty of a misdemeanor violation and shall be subject to a fine not exceeding \$100.00, plus costs of prosecution, or imprisonment not exceeding 90 days, or both.

(Ord. No. 1-2014, 10-15-2014)

Sec. 152.11. - Emergency orders.

If the authorized City Official determines that any emergency condition exists or is likely to exist, the authorized City Official shall immediately attempt to verbally inform the owner and all occupants of the structure of nature of the condition. The authorized city official shall also immediately attempt to verbally order the responsible person or owner to correct the condition. Such an order shall be effective immediately. Written notice called for by this chapter shall be prepared and mailed to the owner and occupants as soon as practicable after the verbal notice is given (or attempted to be given). Any person who fails to comply with any emergency order shall be guilty of a misdemeanor violation and shall be subject a fine not exceeding \$100.00, plus costs of prosecution, or imprisonment not exceeding 90 days.

(Ord. No. 1-2014, 10-15-2014)

## Sec. 152.12. - Failure to comply.

If the owner of a premises fails to comply with a demolition order within the time prescribed, the Zoning Administrator may seek an order for the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real property upon which the structure is located and shall be a lien upon such real property. Failure to comply shall also constitute a municipal civil infraction as provided by Chapter 31.

(Ord. No. 1-2014, 10-15-2014)

## Sec. 152.13. - Definitions.

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

*Accessory building.* See Section 151.003.

*Animal.* See Section 151.003.

*Basement.* That portion of an enclosed space under a building which is partially or wholly below grade and which has poured concrete, block, stone or similar durable bearing walls and a poured concrete floor.

*Basic structural element.* The parts of a building which provide the principal strength, stability, integrity, shape and safety, including, without limitation, plates, studs, joints, joists, rafters, stringers, stairs, subflooring, flooring, sheeting, (sic) lathing, roofing, siding, window frames, door frames, porches, railings, eaves, chimneys, flashing, masonry and all other essential components.

*City.* See Section 151.003.

*Deterioration or deteriorated.* The fact or process of decay or degeneration which has progressed to the point where it has resulted in or will soon result in making an object or mechanism unsafe, unsanitary, inoperable, unusable or unsuitable for its intended use, including, without limitation, the advanced stage of rot, rust, mold, insect ingestion, infestation or destruction.

*Domestic animal.* See Section 151.003.

*Dwelling unit.* See Section 151.003.

*Emergency.* A condition of imminent danger calling for immediate action in order to avoid death, injury or illness to a human or the destruction or severe damaging of real personal property.

*Family.* A person living alone in a single dwelling unit or two or more persons whose domestic relationship is of a continuing, nontransient character and who reside together as a single house-keeping unit in one dwelling unit. This definition shall not include a collective number of individuals occupying a motel, fraternity, sorority, society, club, boarding or lodging house, a state licensed residential facility providing resident services for more than six persons, and any other collective number of individuals whose domestic relationships is of a transient or seasonal nature.

*Good repair.* To be properly installed, stable and maintained sufficiently free of defects or deterioration so as to be functional for its present use and to be safe and sanitary.

*Good workmanship.* Completing a task of construction, repair or replacement to commonly accepted industry standards, using materials, finishes and design equal to or equivalent to those being repaired or replaced. The result shall be free of defects, operate as intended and create no unsafe conditions.

*Household pet.* See Section 151.003.

*Interior fixture.* Those interior items and hardware which provide customary finished amenities and protection within a dwelling. Interior fixtures include, without limitation, doors, door knobs, latches, locks, hinges, handles, hooks, light fixtures, electric outlet or switch cover plates, vent or opening grates, railings and mirrors.

*Kitchen.* A room used or intended to be used for the preparation of food or for both the preparation and consumption of food, but not for any other living or sleeping purposes.

*One-family dwelling.* See Section 151.003.

*Rubbish.* Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust and other similar materials.

*Safe.* A condition which is not likely to do harm to humans or to real or personal property.

*Sanitary.* Free of grease, excrement, dirt, food residue, garbage, rust or similar matter which can harbor bacteria unsafe to humans or animals, or which produces strong odors, or which provides food for, or is an available source of food for, animals or insects.

*Structure.* Anything constructed or placed upon a property which is supported by the ground or which is supported by any other structure except a currently licensed vehicle.

*Trash.* Waste materials and items which are broken or discarded and which are of little or no value, including, without limitation, plaster, paper, wrappings, plant cuttings, household furnishings, building materials, appliances, equipment, machinery, packing and clothing.

*Two-family dwelling.* A building containing two dwelling units.

*Unsafe.* A condition which is reasonably likely to do harm to humans or property if not corrected or stopped.

*Vermin.* Rodents, birds and insects which are destructive of real or personal property or injurious to health.

(Ord. No. 1-2014, 10-15-2014)

Sec. 152.14. - Compliance.

All buildings, structures, premises and accessory buildings, whether occupied or unoccupied, shall meet or exceed the standards of this chapter.

(Ord. No. 1-2014, 10-15-2014)

Sec. 152.15. - Sanitation.

All exterior property and premises shall be maintained in a clean, safe, and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition. Outdoor storage of material of value shall not be permitted on a front or side porch or deck. Material kept outside shall be stored in a safe and sanitary manner and shall not have openings which may provide harborage for vermin.

(Ord. No. 1-2014, 10-15-2014)

Sec. 152.16. - Sidewalks and driveways.

All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of good repair, and maintained free from hazardous conditions. Stairs shall comply with the requirements of the building codes, which has been adopted and are being applied by County of Iron, State of Michigan.

(Ord. No. 1-2014, 10-15-2014)

Sec. 152.17. - Steps.

Any walkway, passageway or stairway with a vertical drop of more than eight inches shall be provided with a step or steps not greater than eight inches in height.

(Ord. No. 1-2014, 10-15-2014)

Sec. 152.18. - Trees and shrubs.

Trees and shrubs which have or could damage a structure or accessory building shall be trimmed or removed so as to prevent potential or further damage.

(Ord. No. 1-2014, 10-15-2014)

Sec. 152.19. - Basement floors.

Basement floors shall be maintained in good repair.

(Ord. No. 1-2014, 10-15-2014)

Sec. 152.20. - Operable windows.

Every window, other than a fixed window, shall be maintained in good repair and easily operable and capable of being held in position by window hardware.

(Ord. No. 1-2014, 10-15-2014)

Sec. 152.21. - Insect screens.

During the months of May through October, a tight-fitting insect screen maintained in good repair shall be fit over every operable window. Doors used for natural ventilation shall be fitted with screen doors in good repair and shall have a self-closing device in good working order.

(Ord. No. 1-2014, 10-15-2014)

Sec. 152.22. - Doors.

All exterior doors and hardware shall be maintained in good repair. Locks at all entrances to dwelling units, rooming units and guest rooms shall tightly secure the door.

(Ord. No. 1-2014, 10-15-2014)

## Sec. 152.23. - Exterior attachments.

Exterior attachments to basic structural elements including, without limitation, gutters, downspouts, screening, vents, antennas, awnings, and utility connections shall be maintained in good repair.

(Ord. No. 1-2014, 10-15-2014)

## Sec. 152.24. - Interior surfaces.

All interior surfaces, including windows and doors, shall be maintained in good repair, and in a clean and sanitary condition. Peeling paint, cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

(Ord. No. 1-2014, 10-15-2014)

## Sec. 152.25. - Interior flooring.

All floors in any room where a water faucet is present shall be protected by an unbroken waterproof or water-resistant covering such as water-resistant paint, tile, linoleum or carpet. Such coating or covering shall be maintained in good repair.

(Ord. No. 1-2014, 10-15-2014)

## Sec. 152.26. - Handrails and guards.

Every handrail and guard shall be firmly fastened and capable of supporting imposed loads and shall be maintained in good condition.

(Ord. No. 1-2014, 10-15-2014)

## Sec. 152.27. - Interior fixtures.

Interior fixtures shall be maintained in full operating condition and in good repair.

(Ord. No. 1-2014, 10-15-2014)

## Sec. 152.28. - Interior equipment.

Appliances or facilities required by this chapter or otherwise present in the structure shall be maintained in good repair.

(Ord. No. 1-2014, 10-15-2014)

## Sec. 152.29. - Exits unblocked.

No marked exit shall be partially or totally blocked. An exit or egress from any space shall open easily and shall not have a dead bolt, or locking device which requires a key or knowledge of a combination lock or code to unlock from the inside. Hasp hardware is prohibited on any exit door.

(Ord. No. 1-2014, 10-15-2014)

## Sec. 152.30. - Accumulation of rubbish or garbage.

All exterior property and premises, and the interior of every structure shall be free from any accumulation of rubbish or garbage. All trash and garbage shall be removed from a structure, yard or premises at least once per week.

(Ord. No. 1-2014, 10-15-2014)

## Sec. 152.31. - Single occupancy.

Unless otherwise provided for by this chapter, each occupant of a one-family dwelling shall be responsible for maintaining the standards set forth in this chapter for the structure and property.

(Ord. No. 1-2014, 10-15-2014)

## Sec. 152.32. - Habitable spaces.

At least one required window or skylight in a habitable room must open safely, readily and directly to the outdoors, unless mechanical ventilation which meets the requirements of this section is provided. Any opening window or skylight shall be maintained in good repair. A permanently and properly installed mechanical cooling or fresh air ventilation system controlled by the occupants and maintained in good repair may be used in place of natural ventilation provided provisions for natural light are maintained, and further provided that required means of egress provisions are met as utilized by the Iron County Construction Code.

(Ord. No. 1-2014, 10-15-2014)

Sec. 152.33. - Clothes dryer exhaust.

Clothes dryer venting systems shall be independent of all other systems and shall be vented to the outdoors.

(Ord. No. 1-2014, 10-15-2014)

Sec. 152.34. - Minimum occupancy area.

The minimum occupancy area shall be as defined in subsection 151.066(D)(2).

(Ord. No. 1-2014, 10-15-2014)

Sec. 152.35. - General.

All plumbing fixtures shall be properly connected to either a public sanitary sewer system or to an approved private sewage disposal system which is in good repair and free of leaks.

(Ord. No. 1-2014, 10-15-2014)

Sec. 152.36. - Facilities required.

Every occupiable structure shall have a permanent central heating system installed pursuant to a valid permit, and maintained in good repair.

(Ord. No. 1-2014, 10-15-2014)

Sec. 152.37. - Residential occupancies.

Every dwelling shall be provided with heating facilities capable of maintaining a room temperature of 68°F in all habitable rooms, bathrooms and toilet rooms based on the outside design temperature required for the locality by the mechanical code which is utilized in Iron County, Michigan.

(Ord. No. 1-2014, 10-15-2014)

Sec. 152.38. - Installation.

All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner in good repair.

(Ord. No. 1-2014, 10-15-2014)

## CHAPTER 153. - ABANDONED VACANT BUILDINGS

Sec. 153.01 - Definitions.

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

*Abandoned vacant property.* Improved real property with at least one building that has been vacant for 30 days or more and meets any of the following criteria:

- (1) Has one or more broken or boarded windows;
- (2) Has utilities disconnected or not in use;
- (3) Is not maintained in compliance with this chapter and Chapter 152;
- (4) Is only partially completed and is not fit for human occupancy and there are no active building permits for the property that will result in restoration of the premises to be in safe and habitable conditions; or
- (5) Show evidence of vacancy, which would lead a reasonable person to believe the property is vacant. Such conditions include, but are not limited to, overgrown and/or dead vegetation, accumulation of newspapers or other regularly delivered items, abandoned vehicles, conditions of blight, or evidence of property foreclosure. Abandoned vacant property shall not mean property that is temporarily unoccupied while the residents of the property are away on vacation or personal business, so long as such vacancy does not exceed a period of six months. If such vacancy exceeds a period of six months, the owner shall register the property in accordance with this chapter. Property that is listed for sale and/or for lease shall not be considered abandoned vacant property so long as it continues to be actively marketed and advertised.

*Building.* A structure with a roof supported by columns or walls to serve as a shelter or enclosure.

*Owner.* An individual, co-partnership, association, corporation, company fiduciary, or other person or legal entity having a legal or equitable title or any interest in any real property.

(Ord. No. 2-2014, 10-15-2014)

Sec. 153.02. - Registration of abandoned vacant property.

An owner of abandoned vacant property shall register that property with the City Zoning Administrator, or his or her designee, by complying with the registration and inspection fee requirements in this chapter within 45 days of the vacancy.

(Ord. No. 2-2014, 10-15-2014)

Sec. 153.03. - Registration requirements.

- (A) Owners shall submit a completed registration form containing the information specified in this section. The registration form may be provided by an agent for an owner provided the agent's written authorization from the owner is provided with the registration. The registration form shall include the following:
- (1) The name of the owner of the abandoned vacant property;
  - (2) The name of the person or entity responsible for the care and control of the abandoned vacant property. Such individual may be the owner, or may be someone other than the owner provided that the owner has contracted with such person or entity to act as owner's agent for the purpose of this chapter; and
  - (3) A current address, mailing address (if different), telephone number, facsimile number, and email address where communications may be sent that will be acknowledged as received by the individual responsible for the care and control of the abandoned vacant property.
- (B) If certified return receipt requested mail is sent to the address provided pursuant to this section and the mail is returned marked "refused" or "unclaimed," or if ordinary mail sent to the address provided is returned for whatever reason, then such occurrence shall be prima facie proof that the owner has failed to properly comply with the requirements of this section.

(Ord. No. 2-2014, 10-15-2014)

Sec. 153.04. - Requirement to keep information current.

If at any time the information contained in the registration form required pursuant to Section 153.03 is no longer valid, the owner has ten days to file a new registration form containing valid, current information. There shall be no fee to update an existing registered owner's current information.

(Ord. No. 2-2014, 10-15-2014)

Sec. 153.05. - Inspections.

- (A) Abandoned vacant property, including the surrounding real property, is subject to an initial safety and maintenance inspection by the city upon registration and any necessary follow-up inspections. Such inspection shall include all of the standards set forth in Chapter 152 and all other applicable city codes. The owner shall pay the inspection fees, if any, as established from time to time by the City Council.
- (B) In the event such inspection reveals any violations, the owner shall apply for any necessary permits within ten days and shall complete all repairs required resulting from such inspection within 30 days, or such additional period as permitted by the city. Further, any violations of Chapter 152 shall be fully repaired and remedied within 30 days' notice to the owner, or such additional time as permitted by the city.

(Ord. No. 2-2014, 10-15-2014)

Sec. 153.06. - Maintenance and security requirements.

An owner of abandoned vacant property shall comply with the requirements of Chapter 152.

(Ord. No. 2-2014, 10-15-2014)

Sec. 153.07. - Reoccupancy.

Abandoned vacant property shall not be occupied until a certificate of occupancy has been issued by the city within 30 days immediately prior to occupancy, and all violations have been corrected in accordance with the applicable requirements of all codes and ordinances. All mechanical, electrical, plumbing, and structural systems shall be inspected and approved by the city. In addition, a certificate of occupancy shall not be issued until all outstanding fees, assessments and/or liens owed to the city have been paid in full.

(Ord. No. 2-2014, 10-15-2014)

Sec. 153.08. - Appeals.

An appeal of the decision of the city as to the city's determination of a property being an abandoned vacant property or as to violations of this chapter shall be made in writing to the City Zoning Administrator, or his or her designee, within ten days of the determination and/or notice of violation being sent by the city to the address provided on the registration form submitted under Section 153.03. If dissatisfied with the City Zoning Administrator's, or his or her designee's decision, the owner may appeal said decision to the City Zoning Board of Appeals by providing the City Zoning Administrator with a written appeal within ten days of said decision. The appeal shall be set for consideration at an upcoming City Zoning Board of Appeals meeting and the owner shall have the right to be heard.

(Ord. No. 2-2014, 10-15-2014)

Sec. 153.09. - FOIA requests.

The city recognizes that the dissemination of the registration information and other documents identifying property as being abandoned vacant property could result in the improper use of that information. The city considers such information to be of a personal nature, the public disclosure of which would constitute a clearly unwarranted invasion of the owner's privacy. As such, such information will be treated as exempt under the Freedom of Information Act, M.C.L.A. § 5.243(1) (a) as may be amended, and will not be disclosed without a court order.

(Ord. No. 2-2014, 10-15-2014)

Sec. 153.10. - Registration, inspection and other fees.

All fees applicable to this chapter shall be set from time to time by resolution of the City Council, which fees may include a registration fee, an inspection fee, a reinspection fee, and such other related fees established by the City Council. There shall also be a fee for the filing of a new owner's registration form. For abandoned vacant properties that are not registered within the required time, an additional fee for the added cost of the city's expenses in having to determine ownership, which may include, but is not limited to, title searches, shall be assessed and immediately payable. Payment of all fees required under this chapter shall be paid within 30 days after an invoice for such fee(s) is sent to the owner at the address contained in the registration form. All fees shall constitute a debt in favor of the city. Any unpaid fees shall be specially assessed and entered upon the next tax roll as a lien against the property, which shall be collected and entered in the same manner and with the same interest and penalties as general property taxes against such property.

(Ord. No. 2-2014, 10-15-2014)

Sec. 153.99. - Penalty.

- (A) Any person who shall violate a provision of this chapter, or who fails to comply therewith, or with any of the requirements thereof, shall be guilty of a municipal civil infraction as defined in Chapter 31.
- (B) Unless otherwise provided in this chapter, any person, firm, corporation, or any owner of any building, structure, or premises, or part thereof, where any condition in violation of this chapter shall exist or shall be created, shall be responsible for a municipal civil infraction. A violation includes any act which is prohibited or made or declared to be unlawful or an offense by this chapter, or any omission or failure to act where the act is required by this chapter. Upon a finding of responsibility, a defendant shall be responsible for civil fine for each infraction as provided for in Chapter 31, plus any costs, damages, expenses and other sanctions, as authorized under Chapter 31, Chapter 87 of Act 236 of the Public Acts of 1961, as amended, and other applicable laws.
- (C) For a first offense, a civil fine of not less than \$100.00 plus costs shall be levied. The civil fine for any first repeat offense shall be not less than \$200.00 plus costs. A civil fine for any offense which is a second repeat offense or any subsequent repeat offense shall be not less than \$500.00 plus costs. A sanction shall be a civil fine as provided for above, plus costs, damages, expenses, actual attorney fees and other sanctions, as authorized under Chapter 87 of Act 236 of the Public Acts of 1961, as amended, and other applicable laws. As used in this chapter, repeat offense means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision:
  - (1) Committed by a person or entity within any 12-month period; and
  - (2) For which the person admits responsibility or is determined to be responsible.
- (D) Each day on which any violation of this chapter continues shall constitute a separate offense and shall be subject to penalties or sanctions as a separate offense. In addition to any remedies available at law, the city may bring an action for an injunction or other process against a person to restrain, prevent or abate any violation for any section of this chapter which is declared to be a civil infraction.
- (E) In the event that a person or entity who is found responsible fails to obey any correction order or order of mandamus which may be issued by a court, such person or entity may be required by a court of law to pay all reasonable costs and expenses which are incurred by the city in making the corrective action or actions.

(Ord. No. 2-2014, 10-15-2014)

CHAPTER 154. - RENTAL REGISTRATION AND INSPECTION

Sec. 154.01. - Definitions.

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

*Dwelling unit.* See [Section 151.003](#).

*Landlord.* Any person who owns or controls a dwelling, dwelling unit, or rental unit and rents such unit, either personally or through a designated agent, to any person.

*Owner.* The legal title holder of a rental unit or the premises within which the rental unit is situated.

*Owner-occupied rental unit.* A rental unit that is occupied in whole or in part by an individual whose name specifically appears on the deed for the property where the rental unit is located.

*Person.* Any natural individual, firm, partnership, association, joint stock company, joint venture, public or private corporation or received, executor, personal representative, trust, trustee, conservator or other representative appointed by order of any court.

*Premises.* A lot, plot or parcel of land, including the buildings or structures thereon, which also includes dwelling units and dwellings.

*Rental unit.* Any dwelling unit or residential structure containing sleeping units, including but not limited to apartments, boarding houses, or sleeping rooms, which is leased or rented from the owner or other person in control of such units, to any tenant, whether by day, week, month, year or any other term.

*Responsible local agent.* A natural person having his or her place of residence in the State of Michigan and designated by the property owner as the agent responsible for operating such property in compliance with the ordinances adopted by the city.

*Tenant.* Any individual who has the temporary use and occupancy of real property owned by another person in subordination to that other person's title and with that other person's consent; for example, a person who rents or leases a dwelling, dwelling unit, or rental unit from a landlord.

(Ord. No. 3-2014, 10-15-2014)

#### Sec. 154.02. - Requirements.

No person shall lease, rent, occupy, or otherwise allow a rental unit within the city to be occupied, unless all of the following requirements have first been met:

- (A) The owner of the rental unit shall have registered the rental unit with the Building Official and Zoning Department by completing and filing a current registration form with the City Zoning Administrator, or his or her designee, as provided in [Section 154.03](#);
- (B) An inspection shall have been completed to the satisfaction of the City Zoning Administrator, or his or her designee;
- (C) A valid certificate of compliance shall have been issued by the City Zoning Administrator, his or her designee or by an official engaged by the Iron County Housing Commission; and
- (D) All fees, if any, charged by the city for the registration and inspection of the rental unit shall be paid in full.

(Ord. No. 3-2014, 10-15-2014)

#### Sec. 154.03. - Registration.

No person shall lease, rent, occupy, or otherwise allow a rental unit within the city to be occupied without first registering the rental unit with the City Zoning Administrator, or his or her designee, and designating a responsible local agent.

- (A) *Registration forms.* Registration shall be made upon forms furnished by the City Zoning Administrator, or his or her designee, and shall require all of the following information:
  - (1) The street address of the rental unit(s);
  - (2) The number and types of rental units within the rental property;
  - (3) Name, business and residence address, telephone number, and where applicable an e-mail address, mobile telephone number, and facsimile number of all property owners of the rental unit(s);
  - (4) Name, business and residence address, telephone number, and where applicable an e-mail address, mobile telephone number, and facsimile number of the responsible local agent designated by the owner;
  - (5) The maximum number of occupants proposed for each rental unit;
  - (6) Name, residence address, telephone number, and where applicable an e-mail address, mobile telephone number, and facsimile number of the person authorized to order repairs or services for the property if different than the owner or responsible local agent, if in violation of city or state codes, if the person is other than the owner or the responsible local agent; and
  - (7) Information relating to the size of all habitable rooms.
- (B) *Accurate and complete information.* All information provided on the registration form shall be accurate and complete. No person shall provide inaccurate information for the registration of a rental unit, or fail to provide the information required for such registration. The registration form shall be signed by the property owner(s) or the designated responsible local agent. Where the owner is not a natural person, the owner information shall



be that of the president, general manager, or other chief executive of the organization.

- (C) *Change in registration information or transfer of property.* The property owner of a rental unit registered with the city shall re-register within 30 calendar days after any change occurs in the registration information. If the property is transferred to a new owner, the new property owner of a registered rental unit shall re-register the rental unit within 30 calendar days following the transfer of the property. If a transfer of ownership occurs and there is a current certificate of compliance on file, the new owner will only have to pay the registration fee upon the expiration of the current registration. It will still be required that the new owner fill out a new registration form.
- (D) *Responsible local agent.* The designated responsible local agent shall be responsible for all of the following:
- (1) Operating the registered rental unit in compliance with all applicable city ordinances;
  - (2) Providing access to the rental unit for the purpose of making any and all inspections necessary to ensure compliance with the applicable city ordinances, except where the tenant has refused entry;
  - (3) Maintaining a list of the names and number of occupants of each rental unit for which he or she is responsible; and
  - (4) Accepting all legal notices or services of process with respect to the rental unit.

(Ord. No. 3-2014, 10-15-2014)

Sec. 154.04. - Inspections.

- (A) *Registration requirements.* All facilities, areas and rental units governed by this chapter shall be inspected and shall comply with the standards and provisions of the ordinances and codes adopted by the city, including Chapter 152. The City Zoning Administrator, or his or her designee, may inspect buildings and structures to secure the health safety and welfare of the occupants and of the general public and to obtain and maintain compliance with the standards of this chapter. Landlords may request a pre-compliance review before yielding to an inspection.
- (B) Unless the rental unit has been inspected by an official of the Iron County Housing Commission and found to be in conformance with standards issued by the United States Department of Housing and Urban Development, the property owner shall provide to the city an inspection certification report on a form as provided by the city which is signed by a licensed residential building contractor or residential maintenance contractor that rental unit is in satisfactory condition. Such an inspection certification report shall be provided when an applicant applies for a certificate of compliance and/or after it has been determined that the rental unit does not meet a code requirement.
- (C) The City Zoning Administrator, or his or her designee, may not inspect a residential rental more than once every three years, except under any of the following circumstances:
- (1) If registration and/or re-registration and certification of a rental unit is required by this chapter;
  - (2) Upon the request of an owner of a rental unit for an advisory inspection;
  - (3) Upon receipt of a complaint from an owner or occupant that the premises are in violation of this chapter;
  - (4) Upon receipt of a report or a referral from the police department, other public agency or department, or any individual indicating that the premises are in violation of this chapter, which report or referral is based on the personal knowledge of the person making the report or referral;
  - (5) If an exterior survey of the premises gives the enforcing officer probable cause to believe that the premises are in violation of this chapter;
  - (6) Upon the enforcing officer's receipt of information that a rental unit is not registered with the city as required by this chapter;
  - (7) Upon receiving a report or making an observation that a dwelling unit is unoccupied and unsecured or that a dwelling is damaged by fire;
  - (8) If there is a need to determine compliance with a notice or an order issued by the city;
  - (9) Annually if the dwelling unit had a problem with its heating system, hot water heater, or if five or more code violations were present at the last regular inspection prior to any re-inspections or at the time of a complaint inspection; or
  - (10) If a life safety issue or an emergency is observed or is reasonably believed to exist.
- (D) *Term.* A certificate of compliance is valid for three years from the date of issuance. A new inspection and certificate shall not be required prior to a transfer if a certificate of compliance was issued within one year prior to the transfer of title.
- (E) *Transfer exemptions.* For purposes of this section, only a sale or transfer does not include a transfer:
- (1) After which the transferor retains an ownership interest in the property;
  - (2) The property is transferred to a trust for the benefit of the transferor; or
  - (3) The transfer is from a trust or estate to beneficiaries of the trust or estate without consideration.
- (F) *Compliance before transfer.* All major violations cited shall be corrected prior to transfer of title, unless the new owner submits a signed affidavit prior to the transfer to the Building Official and Zoning Department in which the new owner states that the new owner will assume responsibility to make the necessary corrections.
- (G) *Inspection procedures.*
- (1) Once the City Zoning Administrator, or his or her designee, has determined that a rental unit is in compliance with all of the ordinances adopted by the city, the inspection required for issuance of a certificate of compliance shall be satisfied.
  - (2) If, upon completion of an inspection, the premises are found to be in violation of one or more provisions of the applicable city code, the City Zoning

Administrator, or his or her designee, shall provide the registered local agent and/or owner with written notice of such violations. The City Zoning Administrator, or his or her designee, shall set a re-inspection date before which such violation shall be corrected. If such violation has been corrected within that period, the inspection required for issuance of a certificate of compliance shall be satisfied. If such violations have not been corrected within that period, the City Zoning Administrator, or his or her designee, shall not issue the certificate of compliance and may take any action necessary to enforce compliance with applicable city and state codes and ordinances.

- (3) If there is a complaint filed on a property with the City Zoning Administrator, or his or her designee, the owner and/or responsible local agent will be notified in writing. In the event that the complaint is of an emergency nature, as determined by the City Zoning Administrator, or his or her designee, it will require immediate compliance with Chapter 152. If the complaint is not of an emergency nature, the owner will be granted an appropriate period of time to correct such violation, after this a reinspection or written verification from owner and/or responsible local agent and complaining party that the violation has been corrected will be required.
- (4) If an inspection is initiated by a complaint and no violation is found to exist, no inspection fee will be assessed against the owner of the inspected rental unit in compliance.
- (5) Where a re-inspection must be made to ensure conformity with this chapter or before a certificate of compliance is issued for those rental units that have been issued violation notices, the city will charge a separate inspection fee for every inspection when the violation has not been abated or corrected as provided in this chapter.
- (6) If an inspection is scheduled and the owner or responsible local agent fails to appear, an inspection fee shall be assessed against the owner and/or the responsible local agent, and an additional inspection fee shall be charged for the actual inspection.

(H) *Transfer of ownership inspections.*

- (1) When there is a transfer of ownership of any rental unit, including an owner-occupied rental unit, and a current certificate of compliance exists for the unit, then the City Zoning Administrator, or his or her designee, shall waive the inspection if a certificate of compliance was issued within one year prior to the transfer of title. The new owner shall comply with the requirements of Section 154.03 by re-registering the rental unit within 30 calendar days following the transfer of property.
- (2) When there is a transfer of ownership of any rental unit, including an owner occupied rental unit, and a current certificate of compliance which is less than one year old does not exist for the unit, then the City Zoning Administrator, or his or her designee, shall conduct an inspection within 30 calendar days following the notification of the transfer of ownership as required by Section 154.03. If violations of this chapter or any other city ordinance or code are found, a notice of violation shall be issued to the owner.
- (3) If ownership of any rental unit is transferred contrary to subsections (1) or (2) of this subsection (H), or if the new owner fails to re-register a rental unit as required by Section 154.03, the property will not be in compliance with this chapter and the certificate of compliance and rental unit registration shall be deemed to expire within 60 days of the transfer unless appropriate steps are taken to obtain a rental unit registration and certificate of compliance.
- (4) Within 30 calendar days of the transfer of ownership of a rental unit, the new owner shall notify all residents of a rental unit which undergoes a transfer of ownership while the individuals are residing in that unit, including an owner-occupied rental unit, of the transfer of ownership.

(Ord. No. 3-2014, 10-15-2014; Ord. of 2-19-2020(1), § 32, 2-19-2020)

Sec. 154.05. - Certificate of compliance.

No person shall own, operate, lease, rent, occupy, or otherwise allow a rental unit within the city to be occupied unless there is a valid certificate of compliance or temporary certificate issued by the City Zoning Administrator, or his or her designee, for the rental unit. A certificate of compliance shall be issued for each building containing a rental unit.

(A) *Requirements.* A certificate of compliance shall be issued only after all of the following requirements have been satisfactorily completed:

- (1) Registration of the rental unit with the Building Official and Zoning Department;
- (2) Designation of the responsible local agent;
- (3) Payment in full of any and all required fees for registration and inspection fees; and
- (4) Inspection by the Building Official and Zoning Department resulting in a determination that the rental unit and the property complies with all city ordinances and state law.

(B) *Temporary certificates.*

- (1) Temporary certificates of compliance for up to three years may be issued without prior inspection by the Building Official and Zoning department for those occupied rental units existing as of September 29, 2014. Such temporary certificates of compliance may be issued as of the effective date of the initial registration following September 29, 2014, to allow property owners to operate such rental units until such time as an inspection may be made by the City Zoning Administrator, or his or her designee. At such time as an inspection is made and the City Zoning Administrator, or his or her designee, has determined that provisions of this chapter have been complied with, the temporary certificate shall expire.
- (2) When a rental certificate of compliance is required, the City Zoning Administrator, or his or her designee, may issue a temporary rental certificate of compliance if all of the following circumstances exist:

- (a) The City Zoning Administrator, or his or her designee, is unable to complete an inspection of a rental unit to verify compliance with this chapter;
  - (b) The enforcing officer is not aware of any current major violations;
  - (c) The property owner has paid the annual registration fee and the inspection fees assessed against the property owner; and
- (3) The City Zoning Administrator, or his or her designee, may issue a temporary rental certificate of compliance for a newly registered rental unit.
  - (4) The City Zoning Administrator, or his or her designee, may issue a temporary rental certificate of compliance for a rental unit subject to a housing order notice containing major or minor violations if the property owner is in the process of correcting such violations and can show proof of same.
  - (5) Except as otherwise provided, a temporary rental certificate of compliance shall be valid until the enforcing officer completes an inspection and issues an order granting or denying a rental certificate of compliance. A temporary rental certificate of compliance may also be revoked by the Building Official if the property owner refuses to schedule and/or permit an inspection after having been given a 14-day notice that an inspection must be scheduled, unless the tenant has refused access to the Building Official.

(Ord. No. 3-2014, 10-15-2014)

Sec. 154.06. - Suspension and expiration.

- (A) The City Zoning Administrator, or his or her designee, may suspend a three-year rental certificate of compliance for a rental unit if the responsible person fails to comply with a housing order notice which was issued as the result of any required inspection, or if the responsible person fails to pay any fee as required by this chapter.
- (B) In such event, the enforcing officer may placard the property and order that it be vacated. The City Zoning Administrator, or his or her designee, shall reinstate a suspended certificate of compliance upon a determination that all violations are corrected and upon payment of the re-inspection fees. The reinstated rental certificate of compliance shall be issued for a period of not more than three years from the date of the original certificate.
- (C) A certificate of compliance or a temporary rental certificate of compliance shall expire on the date stated on the certificate. Sixty days after such expiration date, no person shall occupy a rental unit unless a new certificate of compliance has been issued.
- (D) If the City Zoning Administrator, or his or her designee, suspends a rental certificate of compliance, or if a three-year rental certificate of compliance has expired, then the City Zoning Administrator, or his or her designee, shall notify the occupant(s) of the suspension or expiration. The notice shall inform the occupant(s) that he or she may pay rent into a self-established escrow account until he or she vacates the unit, the rental certificate of compliance is reinstated or renewed, or a temporary rental certificate of compliance has been issued, whichever occurs first. This section shall not apply if the property owner establishes that the suspension of the rental certificate of compliance is due to violations that were caused by the occupant(s) of the rental unit. Once the rental certificate of compliance is reinstated or a temporary rental certificate of compliance has been issued, the rent shall again become due and payable in accordance with the terms of the lease or other agreement between the property owner and the occupant(s) or as determined by a court of law.
- (E) The City Zoning Administrator, or his or her designee, shall immediately notify the owner of any decision affecting the status of a rental certificate of compliance and advise the owner of their right to appeal and the procedures therefore. A tenant shall be notified if a certificate of compliance is revoked.

(Ord. No. 3-2014, 10-15-2014)

Sec. 154.07. - Fees.

- (A) The annual registration fee per dwelling unit shall be determined, from time to time, by the Iron River City Council. The annual registration fee shall be owing as of June 1 of each and/or at the time that a dwelling unit is first rented. Property owners who have dwelling units which are being rented at the time of this chapter or who are seeking to renew the annual registrations shall be billed at least 30 days prior to the due date of the annual registration fee. The annual registration fee shall not be prorated for any partial rental year.
- (B) In addition to any annual registration fee, a rental inspection fee shall be charged. The rental inspection fee and rates shall be as established by the City Council from time to time. The rental inspection fee, if any, shall be due at the time that a property owner is required to apply for a certificate of compliance and also at the time that a property owner is required to apply for a renewal of a certificate of compliance. The rental inspection fee shall be owing in accordance with the following:
  - (1) For one re-inspection following the initial inspection or the initial notice of deficiency, no additional fee shall be owing;
  - (2) If an inspection is initiated by a complaint and no violation is found to exist, no inspection fee will be assessed against the owner of the inspected rental unit in compliance;
  - (3) If an inspection is initiated by a complaint and if a violation is found to exist, a fee of \$35.00 shall be owing;
  - (4) For the second additional inspection following the initial inspection and notice of deficiency, an additional fee of \$100.00 shall be owing; and
  - (5) For all inspections after the second additional inspection and notice of deficiency, an additional fee of \$200.00 per inspection shall be owing. All rental inspection fees shall be paid within 30 days of billing. If the rental inspection fees are not paid within such time period, then at the option of the city, the certificate of compliance shall be suspended, and the dwelling unit for which the rental inspection fee is not paid is to be vacated by the tenant(s).

(Ord. No. 3-2014, 10-15-2014)

## Sec. 154.08. - Maintenance of records.

All records, files and documents pertaining to the rental registration and inspection ordinance shall be maintained by the City Zoning Administrator, or his or her designee, and made available to the public as allowed or required by state law.

(Ord. No. 3-2014, 10-15-2014)

## Sec. 154.09. - Enforcement authority.

- (A) *Enforcing officer.* It shall be the duty and responsibility of the City Zoning Administrator, or his or her designee, to enforce the provisions of this chapter as herein provided. The term enforcing officer shall mean the City Zoning Administrator, or his or her designee. The enforcing officer has authority to issue and serve a municipal civil infraction citation in regard to the enforcement of this chapter and is hereby designated as an authorized local official to write municipal civil infraction tickets.
- (B) *Coordination of enforcement.* Inspection of premises and the issuing of orders in connection therewith under the provisions of this chapter shall be the exclusive responsibility of the enforcing officer. Wherever, in the opinion of the enforcing officer, it is necessary or desirable to have inspections of any condition by any other department, he or she shall arrange for this to be done in such manner that the owners or occupants of buildings shall not be subjected to visits by numerous inspectors or to multiple or conflicting orders, to the extent reasonably practicable under the circumstances. No order for correction of any violation under this chapter shall be issued without the approval of the enforcing officer.
- (C) *Administrative liability.* Except as may otherwise be provided by state statute, local law or ordinance, an officer, agent or employee of the city charged with the enforcement of this chapter shall not render himself or herself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his or her duties under this chapter. A person who institutes or assists in a prosecution under this chapter shall not be liable for damages, hereunder, as long as the person who institutes or assists in the prosecution has reasonable cause to believe that the party accused or prosecuted was responsible of any unlawful act or omission. Any suit brought against any officer, agent or employee of the jurisdiction, as a result of any act required or permitted in the discharge of his or her duties under this chapter, shall be defended by the legal representative of the city until the final determination of the proceedings.
- (D) *Inspections.* The enforcing officer may make or cause to be made inspections to determine the conditions of all structures and premises in order to safeguard the safety, health and welfare of the public under the provisions of this chapter.
- (E) *Right of entry.* When an inspection shall be made, the enforcing officer may request permission to enter the premises at any reasonable time for the purpose of performing his or her duties under this chapter. Permission to access the premises may be granted by the owner of the premises, his or her agent, or a tenant occupying the premises or any other occupant of the premises. If there is an emergency, then the enforcing officer shall have the right to enter at any time.
- (F) *Access by owner.* Every tenant or other occupant of a property in the city shall give the owner thereof, or his or her agent or employee, access to any part of the premises at reasonable times for the purpose of making such inspections, maintenance, repairs or alterations as are necessary to comply with the provisions of this chapter.

(Ord. No. 3-2014, 10-15-2014)

## Sec. 154.10. - Other enforcement actions.

The city shall have the right to obtain an order of mandamus and/or an injunction so as to enforce the terms and conditions of this chapter. All remedies which are provided by this chapter shall be cumulative.

(Ord. No. 3-2014, 10-15-2014)

## Sec. 154.99. - Penalty.

- (A) Any person who shall violate a provision of this chapter, or who fails to comply therewith, or with any of the requirements thereof, shall be guilty of a municipal civil infraction as defined in Chapter 31.
- (B) Unless otherwise provided in this chapter, any person, firm, corporation, or any owner of any building, structure, or premises, or part thereof, where any condition in violation of this chapter shall exist or shall be created, shall be responsible for a municipal civil infraction. A violation includes any act which is prohibited or made or declared to be unlawful or an offense by this chapter, or any omission or failure to act where the act is required by this chapter. Upon a finding of responsibility, a defendant shall be responsible for civil fine for each infraction as provided for in Chapter 31, plus any costs, damages, expenses and other sanctions, as authorized under Chapter 31, Chapter 87 of Act 236 of the Public Acts of 1961, as amended, and other applicable laws.
- (C) For a first offense, a civil fine of not less than \$100 plus costs shall be levied. The civil fine for any first repeat offense shall be not less than \$200.00 plus costs. A civil fine for any offense which is a second repeat offense or any subsequent repeat offense shall be not less than \$500.00 plus costs. A sanction shall be a civil fine as provided for above, plus costs, damages, expenses, actual attorney fees and other sanctions, as authorized under Chapter 87 of Act 236 of the Public Acts of 1961, as amended, and other applicable laws. As used in this section, repeat offense means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision:
  - (1) Committed by a person or entity within any 12-month period; and

- (2) For which the person admits responsibility or is determined to be responsible.
- (D) Each day on which any violation of this chapter continues shall constitute a separate offense and shall be subject to penalties or sanctions as a separate offense. In addition to any remedies available at law, the city may bring an action for an injunction or other process against a person to restrain, prevent or abate any violation for any section of this chapter which is declared to be a civil infraction.
- (E) In the event that a person or entity who is found responsible fails to obey any correction order or order of mandamus which may be issued by a court, such person or entity may be required by a court of law to pay all reasonable costs and expenses which are incurred by the city in making the corrective action or actions.

(Ord. No. 3-2014, 10-15-2014)

#### STATE LAW REFERENCE TABLE

This table shows the location within this Code, either in the text or notes following the text, of references to the Michigan Compiled Laws Annotated.

M.C.L.A. Section	Section this Code
5.243(1)(A)	<u>153.09</u>
15.231 et seq.	Charter <u>8.03</u>
	Charter <u>33.01</u>
15.231—15.246	<u>111.15</u>
	<u>111.28</u>
	<u>151.241</u>
15.243(1)(g)	<u>151.103</u>
15.261—15.275	Charter 10.05
	Charter <u>2.10</u>
	<u>95.08</u>
	<u>151.241</u>
24.201 et seq.	<u>70.55</u>
117.01—117.83	Charter <u>1.01</u>
	Charter Preamble
123.51 et seq.	<u>95.02</u>
124.1—124.4	<u>50.001</u>
125.651 et seq.	<u>30.01</u>
125.1651—125.1681	<u>150.01</u>
125.1651a	<u>150.01</u>
181.3104(3)	<u>111.18</u>

211.44	Charter <u>6.14</u>
247.651 et seq.	<u>111.24</u>
257.951—257.955	<u>70.01</u>
324.11101 et seq.	<u>51.06</u>
	<u>92.21</u>
324.21101 et seq.	<u>92.21</u>
324.81101 et seq.	<u>70.30</u>
324.82101 et seq.	<u>70.15</u>
	<u>70.99</u>
325.1001 et seq.	<u>52.01</u>
333.7101 et seq.	<u>130.02</u>
333.7201 et seq.	<u>130.03</u>
399.251	<u>151.083</u>
484.310(1)	<u>111.15</u>
484.2102	<u>111.03</u>
484.2251	<u>111.15</u>
484.3101 et seq.	<u>111.01</u>
	<u>111.03</u>
484.3103	<u>111.03</u>
484.3104(2)	<u>111.27</u>
484.3105(3)	<u>111.15</u>
484.3105(4)	<u>111.15</u>
484.3106(1)	<u>111.15</u>
	<u>111.16</u>
484.3106(2)	<u>111.15</u>
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484.3106(5)	<u>111.15</u>
484.3106(6)	<u>111.16</u>

484.3106(7)	<u>111.19</u>
484.3106(8)	<u>111.19</u>
484.3108	<u>111.21</u>
	<u>111.22</u>
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484.3110(4)	<u>111.24</u>
484.3110(5)	<u>111.25</u>
484.3113(1)	<u>111.22</u>
484.3113(4)	<u>111.22</u>
484.3113(5)	<u>111.23</u>
484.3113(6)	<u>111.26</u>
484.3115	<u>111.16</u>
484.3115(2)	<u>111.29</u>
484.3115(3)	<u>111.16</u>
484.3115(4)	<u>111.16</u>
484.3115(5)	<u>111.20</u>
600.101 et seq.	<u>31.01</u>
600.8395	<u>71.04</u>
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600.8701—600.8735	<u>31.01</u>
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600.8707(6)	<u>31.01</u>

600.8709	<u>31.06</u>
610.8701 et seq.	<u>93.99</u>
712A.1—712A.28	<u>91.99</u>
	<u>130.99</u>
712A.1—712A.32	<u>71.99</u>
	<u>93.99</u>
712A.2	<u>130.03</u>

## REFERENCES TO ORDINANCES

Ord. No.	Date Passed	Disposition
138	6-15-1966	<u>30.01</u>
—	5-7-1999	<u>150.01</u>
1	7-1-2000	<u>31.01</u> —31.07
3	7-1-2000	<u>50.001</u> —50.004, <u>50.020</u> —50.024
		<u>50.035</u> , <u>50.036</u> , <u>50.050</u> —50.056
		<u>50.070</u> —50.080, <u>50.095</u> —50.099
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4	7-1-2000	<u>51.01</u> —51.13, <u>51.99</u>
5	7-1-2000	<u>52.01</u> , <u>52.02</u>
		<u>52.15</u> —52.33, <u>52.45</u> , <u>52.60</u> —52.63
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2	8-31-2000	<u>70.01</u>
7	8-31-2000	<u>90.01</u> , <u>90.99</u>
8	8-31-2000	<u>130.01</u> , <u>130.99</u>
9	8-31-2000	<u>130.02</u> , <u>130.99</u>
10	8-31-2000	<u>130.03</u> , <u>130.99</u>
11	8-31-2000	<u>91.01</u> —91.03, <u>91.99</u>
13	8-31-2000	<u>91.30</u> —91.34, <u>91.99</u>



15	8-31-2000	<u>71.01</u> —71.05, <u>71.99</u>
16	8-31-2000	<u>130.04</u> , <u>130.99</u>
12	9-30-2000	<u>91.15</u> —91.18, <u>91.99</u>
14	1-22-2001	<u>93.25</u> —93.31, <u>93.99</u>
17	2-19-2001	<u>92.01</u> —92.07, <u>92.99</u>
18	3-5-2001	<u>92.20</u> , <u>92.22</u> —92.25
—	5-7-2001	<u>50.001</u> —50.004, <u>50.020</u> —50.024
		<u>50.035</u> , <u>50.036</u> , <u>50.050</u> —50.056
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		<u>52.60</u> —52.63, <u>52.65</u> —52.72, <u>52.99</u>
—	5-21-2001	<u>91.15</u> —91.18, <u>91.99</u>
19	5-21-2001	<u>32.01</u> —32.14, <u>32.99</u>
20	5-30-2001	<u>93.01</u> —93.11, <u>93.99</u>
21	6-18-2001	<u>70.15</u> —70.18, <u>70.99</u>
22	7-18-2001	<u>70.30</u> —70.32, <u>70.99</u>
—	5- -2002	<u>50.002</u> —50.004, <u>50.020</u> —50.024
		<u>50.035</u> , <u>50.036</u> , <u>50.050</u>
—	5-1-2002	<u>50.001</u> , <u>50.051</u> —50.056
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		<u>50.115</u> , <u>50.116</u> , <u>50.130</u> , <u>50.999</u>
—	5-15-2002	<u>31.01</u> —31.07
—	6-10-2002	<u>70.31</u> , <u>70.32</u> , <u>70.99</u>
—	7-10-2002	<u>70.30</u>
23	10-23-2002	<u>111.01</u> —111.04
		<u>111.15</u> —111.30, <u>111.99</u>

A-2003	- -2003	<u>110.01</u> —110.16
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		T.S.O. I
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C-2003	- -2003	T.S.O. I
—	7- -2003	<u>50.002</u> —50.004, <u>50.020</u> —50.024
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—	7-2-2003	<u>50.001</u> , <u>50.051</u> —50.056
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		<u>50.115</u> , <u>50.116</u> , <u>50.130</u> , <u>50.999</u>
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—	8- -2003	<u>50.076</u>
—	4-15-2004	<u>52.01</u> , <u>52.02</u> , <u>52.15</u> —52.33, <u>52.45</u> , <u>52.60</u> — <u>52.63</u> , <u>52.65</u> —52.72, <u>52.99</u>
—	6-23-2004	<u>32.01</u> —32.14, <u>32.99</u> , <u>91.15</u> —91.18, <u>91.30</u> — 91.34, <u>91.99</u> , <u>92.01</u> —92.07, <u>92.99</u>
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—	5-3-2006	<u>151.001</u> —151.017
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27	1-17-2007	<u>150.01</u>
—	4-24-2007	<u>52.67</u>
—(Res.)	4-23-2008	<u>50.076</u>
—	2-18-2009	<u>51.01, 51.04, 51.06</u>
—	7-2-2009	<u>91.15—91.17, 91.34, 91.99</u>
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—	10-20-2010	<u>151.002, 151.003, 151.013,</u>
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		<u>151.088, 151.100, 151.101,</u>
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		<u>151.121, 151.124, 151.128,</u>
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—	12-19-2012 Rpld	<u>151.108</u>
—	7-17-2013	<u>151.003, 151.009</u>
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—	7-31-2013	<u>52.01, 52.60, 52.62</u>
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—	7-31-2013	<u>50.074, 50.076</u>
—	7-16-2014	<u>91.16</u>
1-2014	10-15-2014	<u>152.01</u> —152.38
2-2014	10-15-2014	<u>153.01</u> —153.10
		<u>153.99</u>
3-2014	10-15-2014	<u>154.01</u> —154.10
		<u>154.99</u>
1-2016	8-17-2016	<u>70.55</u> —70.61
		<u>70.99</u>
—	9-21-2016	151.181

TABLE OF SPECIAL ORDINANCES

Table I. FRANCHISES

Ord. No.	Date Passed	Description
A-2003	-- 2003	Cable franchise granted to Iron River Co-Operative Antenna Corp.
B-2003	--	Cable franchise granted to Stambaugh Cable Company
C-2003	--	Cable franchise granted to Caspian TV Corporation