

HAZEL PARK MUNICIPAL CODE 1976

A Codification of the General Ordinances
of the City of Hazel Park, Michigan

Beginning with Supp. No. 10,
Supplemented by Municipal Code Corporation



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PREFACE

The Hazel Park, Michigan Municipal Code, originally published by Book Publishing Company in 1976, has been kept current by regular supplementation by Matthew Bender & Company, Inc., its successor in interest.

Beginning with Supplement No. 10, Municipal Code Corporation will be keeping this code current by regular supplementation.

During original codification, the ordinances were compiled, edited and indexed by the editorial staff of Book Publishing Company under the direction of Raymond Retrauskas, city attorney.

The code is organized by subject matter under an expandable three-factor decimal numbering system which is designed to facilitate supplementation without disturbing the numbering of existing provisions. Each section number designates, in sequence, the numbers of the Title, chapter, and section. Thus, Section 2.12.040 is Section .040, located in Chapter 2.12 of [Title 2](#). In most instances, sections are numbered by tens (.010, .020, .030, etc.), leaving nine vacant positions between original sections to accommodate future provisions. Similarly, chapters and titles are numbered to provide for internal expansion.

In parentheses following each section is a legislative history identifying the specific sources for the provisions of that section. This legislative history is complemented by an ordinance disposition table, following the text of the code, listing by number all ordinances, their subjects, and where they appear in the codification; and beginning with Supplement No. 10, legislation can be tracked using the "Code Comparative Table and Disposition List."

A subject-matter index, with complete cross-referencing, locates specific code provisions by individual section numbers.

This supplement brings the Code up to date through Ordinance [04-21](#), passed May 11, 2021.

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HOW TO USE YOUR CODE

This code is organized to make the laws of the city as accessible as possible to city officials, city employees and private citizens. Please take a moment to familiarize yourself with some of the important elements of this code.

Numbering System.

The numbering system is the backbone of a Code of Ordinances; Municipal Code Corporation uses a unique and versatile numbering structure that allows for easy expansion and amendment of this Code. It is based on three tiers, beginning with title, then chapter, and ending with section. Each part is represented in the code section number. For example, [Section 2.04.010](#) is Section .010, in [Chapter 2.04](#) of [Title 2](#).

Title.

A title is a broad category under which ordinances on a related subject are compiled. This code contains about [15](#) to 20 titles. For example, the first title is [Title 1](#), General Provisions, which may contain ordinances about the general penalty, code adoption and definitions. The titles in this code are separated by tabbed divider pages for quick reference. Some titles are Reserved for later use.

Chapter.

Chapters deal with more specific subjects, and are often derived from one ordinance. All of the chapters on a related subject are grouped in one title. The chapters are numbered so that new chapters which should logically be placed near certain existing chapters can be added at a later time without renumbering existing material. For example, Chapter 2.06, City Manager, can be added between [2.04](#), City Council, and Chapter 2.08, City Attorney.

Section.

Each section of the code contains substantive ordinance material. The sections are numbered by "tens" to allow for expansion of the code without renumbering.

Tables of Contents.

There are many tables of contents in this code to assist in locating specific information. At the beginning of the code is the main table of contents listing each title. In addition, each title and chapter has its own table of contents listing the chapters and sections, respectively.

Ordinance History Note.

At the end of each code section, you will find an "ordinance history note," which lists the underlying ordinances for that section. The ordinances are listed by number, section (if applicable) and year. (Example: (Ord. 272. [§ 1](#), 1992).)

Beginning with Supplement No. 10, a secondary ordinance history note will be appended to affected sections. Ordinance history notes will be amended with the most recent ordinance added to the end. These history notes can be cross referenced to the code comparative table and disposition list appearing at the back of the volume preceding the index.

Statutory References.

The statutory references direct the code user to those portions of the state statutes that are applicable to the laws of the municipality. As the statutes are revised, these references will be updated.

Cross-Reference Table.

When a code is based on an earlier codification, the cross-reference table will help users find older or "prior" code references in the new code. The cross-reference table is located near the end of the code, under the tabbed divider "Tables." This table lists the prior code section in the column labeled "Prior Code Section" and the new code section in the column labeled "Herein."

As of Supplement No. 10, this table will no longer be updated.

Ordinance List and Disposition Table.

To find a specific ordinance in the code, turn to the section called "Tables" for the Ordinance List and Disposition Table. This very useful table tells you the status of every ordinance reviewed for inclusion in the code. The table is organized by ordinance number and provides a brief description and the disposition of the ordinance. If the ordinance is codified, the chapter (or chapters) will be indicated. (Example: (2.04, [6.12](#), [9.04](#).) If the ordinance is of a temporary nature or deals with subjects not normally codified, such as budgets, taxes, annexations or rezones, the disposition will be "(Special)." If the ordinance is for some reason omitted from the code, usually at the direction of the municipality, the disposition will be "(Not codified)." Other dispositions sometimes used are "(Tabled)," "(Pending)," "(Number Not Used)" or "(Missing)."

Beginning with Supplement No. 10, this table will be replaced with the "Code Comparative Table and Disposition List."

Code Comparative Table and Disposition List.

Beginning with Supplement No. 10, a Code Comparative Table and Disposition List has been added for use in tracking legislative history. Located in the back of this volume, this table is a chronological listing of each ordinance considered for codification. The Code Comparative Table and Disposition List specifies the ordinance number, adoption date, description of the ordinance and the disposition within the code of each ordinance. By use of the Code Comparative Table and Disposition List, the reader can locate any section of the code as supplemented, and any subsequent ordinance included herein.

Index.

If you are not certain where to look for a particular subject in this code, start with the index. This is an alphabetical multi-tier subject index which uses section numbers as the reference, and cross-references where necessary. Look for the main heading of the subject you need, then the appropriate subheadings:

BUSINESS LICENSE

See also BUSINESS TAX

Fee [5.04.030](#)

Required when [5.04.010](#)

The index will be updated as necessary when the code text is amended.

Instruction Sheet.

Each supplement to the new code will be accompanied by an Instruction Sheet. The Instruction Sheet will tell the code user the date of the most recent supplement and the last ordinance contained in that supplement. It will then list the pages that must be pulled from the code and the new pages that must be inserted. Following these instructions carefully will assure that the code is kept accurate and current. Removed pages should be kept for future reference.

Page Numbers.

When originally published, the pages of this code were consecutively numbered. As of Supplement No. 10, when new pages are inserted with amendments, the pages will follow a "Point Numbering System". (Example: 32,

32.1, 32.2, 32.2.1, 32.2.2., 33). Backs of pages that are blank (in codes that are printed double-sided) will be left unnumbered but the number will be "reserved" for later use.

Electronic Submission.

In the interests of accuracy and speed, we encourage you to submit your ordinances electronically if at all possible. We can accept most any file format, including Word, WordPerfect or text files. If you have a choice, we prefer Word, any version. You can send files to us as an e-mail attachment, by FTP, on a diskette or CD-ROM. Electronic files enable us not only to get you your code more quickly but also ensure that it is error-free. Our e-mail address is: ords@municode.com.

For hard copy, send two copies of all ordinances passed to:

Municipal Code Corporation
P.O. Box 2235
Tallahassee, FL 32316

Customer Service.

If you have any questions about this code or our services, please contact Municipal Code Corporation at 1-800-262-2633 or:

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SUPPLEMENT HISTORY TABLE

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 and are considered "Included." Ordinances that are not of a general and permanent nature are not codified in the Code and are considered "Omitted."

In addition, 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	Included/Omitted
Supp. No. 14		
06-10	12-14-2010	Included
01-11	1-11-2011	Included
02-11	1-25-2011	Included
03-11	4-26-2011	Omitted
04-11	6-14-2011	Omitted
Supp. No. 15		
05-11	6-28-2011	Included
06-11	8-23-2011	Included
07-11	9-15-2011	Included
08-11	9-15-2011	Included
09-11	9-15-2011	Omitted
10-11	9-27-2011	Included

11-11	11-15-2011	Included
12-11	11-26-2011	Included
Supp. No. 16		
01-12	1-24-2012	Included
02-12	3-27-2012	Included
03-12	3-27-2012	Included
Supp. No. 17		
04-12	<u>6</u> - 5-2012	Included
05-12	6-26-2012	Included
06-12	7-24-2012	Included
01-13	2-12-2013	Omitted
02-13	2-12-2013	Omitted
03-13	2-12-2013	Omitted
04-13	2-12-2013	Omitted
05-13	2-12-2013	Omitted
06-13	3-26-2013	Included
07-13	4-23-2013	Included
08-13	4-23-2013	Omitted
Supp. No. 18		
09-13	5-14-2013	Included
10-13	6-25-2013	Included
11-13	6-25-2013	Omitted
12-13	9-24-2013	Included
13-13	9-24-2013	Included
14-13	11-12-2013	Included
15-13	12-10-2013	Included
Supp. No. 19		
01-14	3-11-2014	Included
02-14	3-11-2014	Included
Ord. of	<u>8</u> - 5-2014	Included
03-14	11- 6-2014	Included
Supp. No. 20		
01-15	7-14-2015	Included
02-15	11-10-2015	Omitted
03-15	<u>12</u> - 8-2015	Included
01-16	<u>2</u> - 9-2016	Included
Supp. No. 21		
05-16	<u>8</u> - 9-2016	Included
06-16	9-27-2016	Included

07-16	10-11-2016	Included
Charter Am. No. 1	11- 8-2016	Included
Charter Am. No. 2	11- 8-2016	Included
01-17	3-14-2017	Omitted
02-17	3-14-2017	Included
03-17	3-14-2017	Included
Supp. No. 22		
04-17	<u>5</u> - 9-2017	Included
05-17	7-11-2017	Included
06-17	7-11-2017	Included
07-17	9-12-2017	Included
01-18	<u>1</u> - 4-2018	Omitted
02-18	<u>1</u> - 4-2018	Omitted
03-18	1-16-2018	Included
Supp. No. 23		
01-19	5-14-2019	Included
02-19	5-14-2019	Included
03-19	5-21-2019	Included
Supp. No. 24		
<u>04-19</u>	8-27-2019	Included
<u>05-19</u>	10-22-2019	Included
<u>06-19</u>	12-10-2019	Included
<u>01-20</u>	2-25-2020	Included
<u>02-20</u>	4-28-2020	Included
<u>03-20</u>	6-23-2020	Included
<u>04-20</u>	8-11-2020	Included
<u>05-20</u>	8-11-2020	Included
<u>06-20</u>	<u>9</u> - 8-2020	Included
<u>07-20</u>	<u>9</u> - 8-2020	Included
<u>08-20</u>	10-13-2020	Included
<u>09-20</u>	<u>12</u> - 8-2020	Included
<u>01-21</u>	4-13-2021	Included
<u>02-21</u>	4-13-2021	Included
<u>03-21</u>	4-13-2021	Omitted
<u>04-21</u>	5-11-2021	Included

CHARTER

We, the People of the City of Hazel Park, pursuant to authority granted by the constitution and statutes of the State of Michigan, and in order to secure the benefits of efficient self-government, and otherwise to promote our

common welfare, do hereby ordain and establish this charter to better provide for the interests and welfare of all our people.

(ft.nt.- For provisions on power of electors of a city to adopt a charter, see Mich. Const., Art. VII § 22.)

CHAPTER I - BOUNDARIES AND WARDS OF THE CITY

CITY BOUNDARIES

SECTION 1.1.

The following described territory, together with all territory that may hereafter be annexed thereto, shall constitute the City of Hazel Park, and shall be subject to the municipal control of said city:—

Beginning at the southeast corner of Royal Oak Township, County of Oakland, Michigan; thence westerly along the south line of said Township approximately one and one-third miles to the centerline of West End Avenue; thence northerly along the centerline of West End Avenue one mile to the line common to Sections 35 and 26; thence westerly along said common line 145 feet, more or less, to the centerline of Pilgrim Avenue thence northerly along the centerline of Pilgrim Avenue, one-half mile to the east-west quarter line of Section 26; thence westerly along said quarter line 643 feet, more or less, to the center of Section 26; thence northerly one-half mile to the north quarter corner of Section 26; thence easterly along the north line of Sections 26 and 25, one and one-half miles to the east line of said Township; thence southerly two miles to the point of beginning; said territory comprising all of Sections 25 and 36, and the easterly part of Sections 26 and 35 of Town 1 North, Range 11 East.

WARDS

SECTION 1.2.

The city shall be comprised of one ward.

(ft.nt.- For statutory provisions requiring cities to establish one or more wards by city charter, see MCL § 117.3(e).)

CHAPTER II - OFFICIAL TITLE

NAME OF THE CITY

SECTION 2.1.

The official name and Title of the city above described and bounded shall be the "City of Hazel Park."

(ft.nt.- For provisions on general powers of a city, see Mich. Const., Art. VII §§ 22 and 34, and MCL § 117.4j(3).)

CHAPTER III - GENERAL MUNICIPAL POWERS

POWERS OF THE CITY

SECTION 3.1.

Unless otherwise provided in this chapter, the City of Hazel Park and its officers shall be vested with any and all powers and immunities, expressed and implied, which cities and their officers are, or hereafter may be, permitted to exercise or to provide for in their charters under the constitution and laws of the State of Michigan, including all powers and immunities granted to cities and officers of Home Rule Cities by Act. No. 279 of the Public Acts of 1909 as amended, as fully and completely as though those powers and immunities were specifically enumerated and provided for in this charter, and in no case shall any enumeration of particular powers or immunities in this charter be held to be exclusive. The City and its officers shall have power to exercise all municipal powers in the management and control of municipal property and in the administration of the

municipal government, whether such powers be expressly enumerated or not; to do any act to advance the interest of the city, the good government and prosperity of the municipality and its inhabitants, and through its regularly constituted authority, to pass and enforce all laws, ordinances, and resolutions relating to its municipal concerns, subject to the constitution and general laws of the State and the provisions of this charter.

(April 3, 1950).

EXERCISE OF POWERS

SECTION 3.2.

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

(April 3, 1950).

CHAPTER IV - THE CITY COUNCIL CREATION AND POWERS OF CITY COUNCIL

SECTION 4.1.

There is hereby created a City Council which shall have full power and authority, except as herein otherwise provided, to exercise all the legislative powers conferred upon the city and the legislative bodies of cities by the constitution and general laws of the State of Michigan and by this charter.

In all instances in this charter, where the word "Council" is used, the same shall mean and refer to the "City Council" herein created.

(ft.nt.- For statutory provisions requiring cities to provide by charter for a legislative body, see MCL § 117.3(a).)

COMPOSITION OF CITY COUNCIL

SECTION 4.2.

Except as provided in [Section 4.19](#), the Council shall consist of Mayor and four (4) Councilpersons, who shall be elected on a general ticket from the city at large and shall serve a term of four (4) years, or until their successors are elected and have qualified. The Mayor shall be the presiding officer at the meetings of the Council.

(November 8, 2016)

(ft.nt.- For statutory provisions requiring cities to provide by charter for a legislative body, see MCL § 117.3(a); for provisions on the election and term of office of city officers, see MCL § 168.321.)

QUALIFICATIONS

SECTION 4.3.

Only registered voters of the city shall be eligible to hold the office of Councilmember or Mayor. The Council shall be the sole judge of the eligibility for office, election, and qualification of its own members, subject to review by the courts. No member of the Council shall, during the term of office to which he/she has been elected or appointed, hold any other city office unless otherwise provided in this Charter.

(Amended at the general election held 11-4-97)

(ft.nt.- For statutory provisions requiring cities to provide by charter for the qualifications of city officers, see MCL § 117.3(d); for provisions on the qualifications of city officers, see MCL § 168.321.)

TERMS OF OFFICE

SECTION 4.4.

Except as provided in [Section 4.19](#), the Mayor and each Councilperson shall hold office for a term of four (4) years from the Monday immediately following the regular city election at which they are elected, however, in all cases where a member of the Council seeks the nomination for any other elective office in the City, the filing of a petition and the failure of such member to withdraw the same within the period provided for the withdrawal of petitions in this Charter shall constitute and effect resignation of such council member and create a vacancy in the office of councilperson for the unexpired portion of such term.

(November 8, 2016)

(April 3, 1950)

(ft.nt.- For statutory provisions requiring cities to provide by charter for the qualifications of city officers, see MCL § 117.3(d); for provisions requiring cities to provide by charter for election of a mayor and legislative body, see MCL § 117.3(a); for provisions on terms of office of city officers, see MCL § 168.321.)

RESTRICTION ON POWERS OF THE COUNCIL

SECTION 4.5.

No member of the Council, nor other officer, shall be interested directly or indirectly, in the profits of any contract, job, or work, or be financially interested, directly or indirectly, in the sale to the city of any land, materials, supplies, or services (other than the official services of his/her office). Any member of the Council or other officer of the city, offending against the provisions of this section, shall be guilty of misconduct in office. Except as otherwise provided in this charter, no ordinance or resolution shall be adopted or passed except by the affirmative vote of at least three (3) members of the Council. The Council shall make no contract with any person who is in default to the city.

(ft.nt.- For statutory provisions requiring cities to provide by charter for adoption of ordinances, see MCL § 117.3(k); for statutory provisions prohibiting cities from contracting with one in default to the city, see MCL § 117.5(f); for statutory provisions on conflicts of interest on public contracts, see MCL §§ 15.321 – 15.329.)

ORGANIZATION OF THE COUNCIL

SECTION 4.6.

At 7:30 o'clock p.m. on the first Monday following the regular municipal elections, the Council shall meet at the usual place for holding the meetings of the Council, at which time the members of the new Council shall assume the duties of their office.

(ft.nt.- For statutory provisions requiring cities to provide by charter for the election of a legislative body, see MCL § 117.3(a); for provisions requiring cities to provide by charter for the duties of its officers, see MCL § 117.3(d).)

REGULAR MEETINGS OF THE COUNCIL

SECTION 4.7.

Regular meetings of the Council shall be held at least once each month in the evening at the usual place of holding meetings of the Council at such times as the Council shall by ordinance prescribe.

(ft.nt.- For statutory provisions requiring cities to provide by charter for the duties of its officers, see MCL § 117.3(d).)

SPECIAL MEETINGS OF THE COUNCIL

SECTION 4.8.

Special meetings of the Council may be called by the City Clerk on the written request of the Mayor or any two (2) members of the Council on at least twenty-four (24) hours written notice to each member of the Council, designating the purpose of such meeting and served personally or left at his/her usual place of residence by the Clerk or some one designated by him/her; but any special meeting at which all members of the Council are present or have waived notice in writing, shall be a legal meeting for all purposes, without such notice.

(ft.nt.- For statutory provisions requiring cities to provide by charter for duties of its officers, see MCL § 117.3(d); for provisions requiring public notice of special public meetings, see MCL § 15.265.)

MEETINGS OF THE COUNCIL TO BE PUBLIC

SECTION 4.9.

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

(ft.nt.- For statutory provisions requiring cities to provide by charter that all meetings of its legislative body be public, see MCL § 117.3(1); for provisions requiring open public meetings, see MCL §§ 15.261 – 15.275.)

QUORUM

SECTION 4.10.

Three (3) members of the Council shall be a quorum for the transaction of business, but, in the absence of a quorum, two (2) or more members may adjourn any regular or special meeting to a later date.

(ft.nt.- For statutory provisions authorizing cities to provide by charter for the administration of municipal government, see MCL § 117.4j(3).)

RULES OF ORDER

SECTION 4.11.

The Council shall determine its own rules and order of business and shall keep a journal of all its proceedings in the English language which shall be signed by the Mayor and the City Clerk. The vote upon the passage of all ordinances, and upon the adoption of all resolutions shall be taken by "Yea" and "Nay" votes and entered upon the record, except that where the vote is unanimous, it shall only be necessary to so state. Each member of the Council who shall be recorded as present shall vote on all questions decided by the Council unless excused by the unanimous consent of the members present. Any citizen shall have access to the minutes and records of all regular and special meetings of the Council at all reasonable times. There shall be no standing committees of the Council.

(ft.nt.- For statutory provisions requiring cities to provide by charter for the duties of its officers, see MSA § 117.3(d); for provisions requiring cities to provide by charter for the keeping of a journal of its legislative body, see MSA § 117.3(m); for provisions requiring cities to provide by charter that municipal records shall be public, see MSA § 117.3(l); for provisions authorizing cities to provide by charter for the administration of municipal government, see MCL § 117.4j(3).)

SALARIES, ABSENCES

SECTION 4.12. - (a)

The salary of each member of the council shall be five dollars (\$5.00) per Council meeting attended, but not to exceed one hundred eighty dollars (\$180.00) in any one fiscal year, except that of the Mayor, who shall receive seven dollars and fifty cents (\$7.50) per Council meeting attended, but not to exceed two hundred seventy dollars (\$270.00) in any one fiscal year. Such salaries shall be payable monthly and shall constitute the only salary or wages which may be paid for services performed by such officers of the city for the performance of any official duty or duties for and on behalf of the city during their term of office. Upon authorization of the Council, reasonable expenses may be allowed for expenses incurred for and on behalf of the city.

(b)

Absence of a member of the Council from four (4) consecutive regular meetings of the Council, unless authorized or excused by a majority vote of the members thereof, shall operate to vacate the seat of such member.

(ft.nt.- For statutory provisions requiring cities to provide by charter for the qualifications, duties and compensation of its officers, see MCL § 117.3(d).)

DISCIPLINE

SECTION 4.13.

The Council may, by a vote of not less than two (2) of its members, compel the attendance of its members, and other officers of the city at its regular meetings and enforce orderly conduct therein; and any member of the Council or other officer of the city who refuses to attend such meetings and conduct himself/herself in an orderly manner thereat shall be deemed guilty of misconduct in office.

(ft.nt.- For statutory provisions requiring cities to provide by charter for the duties of its officers, see MCL § 117.3(d).)

PUBLICATION

SECTION 4.14.

The proceedings of the Council may be published once in a legal newspaper, having a general circulation in the city, after a contract shall have been entered into with such newspaper; but if no contract can be so made that shall be satisfactory to the Council, it shall publish said proceedings in such other manner as it may prescribe.

(ft.nt.- For statutory provisions requiring cities to provide by charter for the keeping of a journal of its legislative body, see MCL § 117.3(m); for provisions authorizing cities to provide by charter for the administration of municipal government, see MCL § 117.4j (3).)

INVESTIGATIONS

SECTION 4.15.

The Council or any person or committee authorized by it shall have power to inquire into the conduct of any department, office, or officer of the city and to make investigations as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths, and compel the production of books, papers and other evidence. Failure to obey such subpoena or to produce books, papers or other evidence as ordered under the provisions of this section shall constitute misconduct in office.

(ft.nt.- For statutory provisions authorizing cities to provide by charter for the administration of municipal government, see MCL § 117.4j(3); for provisions requiring cities to provide by charter for a body with legislative power, see MCL § 117.3(a).)

DUTIES OF MAYOR

SECTION 4.16. - (a)

Insofar as required by law, and for all ceremonial purposes, the Mayor shall be recognized as the executive head of the city. He/she shall be a member of the council and shall have an equal voice and vote in the proceedings of that body, but shall have no veto powers.

(b)

He/she shall authenticate by his/her signature such instruments as the Council, this charter, or the laws of the State of Michigan or of the United States shall require.

(c)

He/she shall exercise only such powers as the State laws, this charter, or the Council shall specifically confer upon him/her.

(ft.nt.- For statutory provisions requiring cities to provide by charter for the duties of its officers, see MCL § 117.3(d).)

THE MAYOR PRO TEM

SECTION 4.17.

At the organization meeting of the Council, held on the first Monday following each regular city election, the Council shall elect one of its members Mayor Pro Tem. The Mayor Pro Tem shall perform all the duties of the Mayor, when, on account of absence from the city, or disability, or otherwise, the Mayor is temporarily unable to perform the duties of his/her office, or in case of vacancy in the office of Mayor, until such vacancy is filled by the Council.

(ft.nt.- For statutory provisions requiring cities to provide by charter for duties of its offices, see MCL § 117.3(d); for provisions on filling vacancies in city offices, see MCL § 201.37.)

VACANCIES—COUNCIL AND OTHER ELECTIVE OFFICERS

SECTION 4.18. - (a)

In addition to other provisions of this charter, a vacancy shall be deemed to exist in any elective office when any such officer dies, resigns, is removed from office, moves from the city, is convicted by a court of competent jurisdiction of a felony, or of misconduct in office under this charter, or is judicially declared to be mentally incompetent.

(b)

In case of a vacancy in the office of any member of the Council, the vacancy shall be filled for the unexpired term by the remaining members of the Council within thirty (30) days after such vacancy occurs. Vacancies in other elective offices of the city shall be filled in the manner prescribed in the appropriate chapters of this charter pertaining to such officers. If more than two (2) vacancies in the membership of the Council shall exist simultaneously, such vacancies shall be filled by the Governor of the State of Michigan. Any person appointed to fill a vacancy by the Governor shall hold office until his/her successor has been elected for the balance of the

unexpired term at the next regular city election, and has qualified in accordance with the provisions of this charter.

(ft.nt.- For statutory provisions on creation and filling of vacancies in public offices, see MCL §§ 201.3 and 201.37; for provisions requiring cities to provide by charter for the qualifications of its officers, see MCL § 117.3(d); for provisions requiring cities to provide by charter for elections, see MCL § 117.3(c).)

TWO-YEAR TERMS OF OFFICE

SECTION 4.19.

The Mayor and each Councilperson shall hold office at noon on the Monday immediately following the regular city election at which they were elected. The Mayor and each councilperson shall hold office, for four-year staggered terms, beginning at the November 2017 election. The Mayor and two Councilpersons with the highest number of votes shall receive a four-year term and the other two councilpersons elected shall take office for a term of two years; subsequent staggered terms of office shall be four (4) years. In addition, the Mayor and each council person elected in November, 2015 shall hold office for a term of two (2) years.

(November 8, 2016)

(November 3, 1987).

(ft.nt.- For statutory provisions requiring cities to provide by charter for election of a mayor and legislative body, see MCL § 117.3(a); for provisions on terms of office of city officers, see MCL § 168.321.)

CHAPTER V - CITY LEGISLATION ORDINANCE ENACTMENT

SECTION 5.1. - (a)

All legislation of the City of Hazel Park shall be by ordinance. Each ordinance shall be identified by a number and a short title. Each proposed ordinance shall be introduced in written or printed form. The style of all ordinances passed by the Council shall be, "The City of Hazel Park Ordains." Except in the case of ordinances which are declared to be emergency ordinances, no ordinance shall be finally passed by the Council at the same meeting at which it is introduced. No ordinance shall be revised, altered, or amended by reference to its title only, but the section or sections of the ordinance revised, altered, or amended shall be reenacted and published at length, and all ordinances, when enacted, shall be immediately recorded by the Clerk in a book to be called "The Ordinance Book"; and it shall be the duty of the Mayor and Clerk to authenticate such record by their official signatures thereon. All ordinances except ordinances declared by the Council to be emergency ordinances shall become effective ten (10) days following date of publication. Emergency ordinances shall become effective immediately after publication.

(ft.nt.- For statutory provisions requiring cities to provide by charter for the adopting, continuing, amending, repealing and publication of ordinances, see MCL § 117.3(k); for provisions requiring cities to provide by charter for duties of its officers, see MCL § 117.3(d).)

PENALTIES

SECTION 5.2.

The Council shall provide in each ordinance for the punishment of those who violate its provisions. No punishment for the violation of any city ordinance or for the commission by any officer of the city of any act declared by this charter to constitute misconduct in office shall exceed a fine of five hundred dollars (\$500.00) or imprisonment for ninety (90) days, or both in the discretion of the court, except that any officer of the city found guilty of any act, declared by this charter to constitute misconduct in office, shall, in addition to such fine or imprisonment, or both, forfeit his/her office.

(ft.nt.- For statutory provisions authorizing cities to provide by charter for penalties for violations of its laws or ordinances, see MCL § 117.4i(k); for provision on removal of city officers see MCL § 168.321.)

PUBLICATION OF ORDINANCES

SECTION 5.3.

Within five (5) days after the adoption of an ordinance by the Council, and before the same shall become effective, such ordinance shall be published once in some legal newspaper circulated in said city, or in the manner provided in Section 21.3.

(ft.nt.- For statutory provisions requiring cities to provide by charter for publication of ordinances before they become operative, see MCL § 117.3(k).)

TECHNICAL CODES

SECTION 5.4.

The Council may adopt any provision of State law or any detailed technical regulations as a city ordinance or code by citation of such provision of State law or by reference to any recognized standard code, official or unofficial, provided that any such provision of State law or recognized official or unofficial standard code shall be clearly identified in the ordinance adopting the same as an ordinance of the city. Where any recognized official or unofficial standard code is so adopted, publication by the City Clerk may be made by having a copy of same or the amendments thereto available for public inspection and copying thereof for a reasonable charge as determined by the City Council.

(November 3, 1987).

(ft.nt.- For statutory provisions empowering cities to adopt technical codes and requiring that printed copies be kept in the city clerk's office, see MCL § 117.3(k).

IMPROVEMENTS, FRANCHISES AND CONTRACTS

SECTION 5.5.

Every ordinance or resolution appropriating money or ordering any street improvement, or sewer or water main to be installed therein; or making or authorizing the making of any contract, or granting any franchise or right to occupy or use the streets, highways, bridges, or public places in the city for any purpose shall be complete in the form in which it is finally passed, and remain on file with the Clerk for public inspection for at least one (1) week before the final passage or adoption thereof.

(ft.nt.- For statutory provisions requiring cities to provide by charter for the adoption of ordinances, see MCL § 117.3(k).)

CONTRACT FOR SEWAGE DISPOSAL

SECTION 16.6.

The City Council upon a three-fifths vote of the members elect shall have power to contract from time to time with any city, county, metropolitan district or other political subdivision, or any agency of the foregoing, for the disposal of sanitary and/or storm water sewage from the city, for a period not to exceed forty years; provided that before authorizing the execution of any such contract, the City Council shall cause a copy of the same to be deposited with the city clerk and a notice of such deposit to be published in a newspaper of general circulation in the city at least once not less than ten days prior to such authorization. The contract as so deposited may be amended before execution without further notice. No such contract after it has become effective shall be declared invalid for want of proper notice. The amounts to be paid from time to time by the city under any such contract

shall not constitute an indebtedness of the city within the meaning of any charter debt limitation. The City Council shall impose rates, charges, and/or assessment upon the users and beneficiaries of sewage disposal services and facilities sufficient to promptly meet the obligations under such contract but in event the receipts therefrom are not sufficient to pay all sums when due under the contract, then the city shall be responsible for any deficit. Such rates, charges, and/or assessments shall be made and the payment thereof enforced, by any method permissible by law. The provisions of this section shall not be limited by those of any other section or sections of this charter. If there be included in this section any provision which is not permissible under the state law at the time of the adoption hereof and which in the future shall become permissible because of subsequent state legislation, then such provision shall automatically become operative without again being re-adopted. All acts and proceedings within the scope of this section heretofore done or taken, are hereby ratified and confirmed. Approved at election held November 3, 1942.

COMPILATION

SECTION 5.6. - (a)

Copies of all ordinances which are in effect and all amendments to this charter shall be prepared and kept on hand in the office of the Clerk available for public distribution, at cost.

(b)

In the year 1946 and at least once in every ten (10) years thereafter the Council may direct the compilation or codification and the publication in book form of the charter and of all ordinances of the city, then in force, and may provide for a reasonable charge for copies thereof. No further publication of any such compilation or codification shall be required for the validity thereof.

The copies of ordinances and publications referred to in this section may be certified by the Clerk under the authority of the Council and, when so certified shall be competent evidence in all courts and legally established tribunals as to the matters contained therein.

(ft.nt.- For statutory provisions authorizing cities to codify ordinances, see MCL § 117.5b.)

INITIATIVE AND REFERENDUM

SECTION 5.7.

An ordinance may be initiated by petition, or a referendum on an ordinance enacted by the Council may be had, by a petition, as hereinafter provided.

(ft.nt.- For statutory provisions authorizing cities to provide by charter for initiative and referendum, see MCL § 117.4i(g))

PETITIONS

SECTION 5.8.

An initiatory or referendary petition shall be signed by at least five (5%) percent of the registered qualified electors of the city. Before being circulated for signatures, all such petitions shall be approved as to form by the City Clerk. No such petition need be on one paper, but may be the aggregate of two (2) or more petition papers. Each signer of a petition shall sign his/her name on ink or indelible pencil, and shall place thereon, after his/her name, the date and his/her place of residence by street and number, or by other customary designation. To each petition paper there shall be attached a sworn affidavit by the circulator thereof, stating the number of signers thereto and that each signature thereto is the genuine signature of the person whose name it purports to be, and that it was made in the presence of the affiant. Such petition shall be filed with the Clerk who shall, within ten (10) days, canvass the names thereon to determine the sufficiency thereof. If found to contain an insufficient number of names of qualified electors of the city, or to be improper as to form or compliance with the provisions

of this section, the City Clerk shall notify the person filing such petition forthwith and ten (10) days from such notification shall be allowed for the filing of supplemental petition papers. When found sufficient and proper, the Clerk shall present the petition to the Council at its next regular meeting.

(November 8, 2016)

(ft.nt.- For statutory provisions authorizing cities to provide by charter for initiative and referendum, see MCL § 117.4i(g); for provisions requiring cities to provide by charter for the duties of its officers, see MCL § 117.3(d).)
COUNCIL PROCEDURE

SECTION 5.9.

Upon receiving an initiatory or referendary petition from the Clerk, the Council shall, within thirty (30) days, either,

(a)

If it be an initiatory petition, adopt the ordinance as submitted in the petition;

(b)

If it be a referendary petition, repeal the ordinance to which the petition refers; or

(c)

In either case, determine to submit the proposal to the electors.

(ft.nt.- For statutory provisions authorizing cities to provide by charter for initiative and referendum, see MCL § 117.4i(g); for provisions requiring cities to provide by charter for the adopting, amending and repealing of its ordinances, see MCL § 117.3(k).)

SUBMISSION TO ELECTORS

SECTION 5.10.

Should the Council decide to submit the proposal to the electors, it shall be submitted at the next election held in the city for any other purpose or, in the discretion of the Council, at a special elections. The result shall be determined by a majority vote of the electors voting thereon, except in cases where otherwise required by the constitution or laws of the State of Michigan.

(ft.nt.- For statutory provisions authorizing cities to provide by charter for initiative and referendum, see MCL § 117.4i(g); for provisions requiring cities to provide by charter for the time, manner and means of holding elections, see MCL § 117.3(c); for provisions requiring cities to provide by charter for adopting, amending and repealing of ordinances, see MCL § 117.3(k).)

GENERAL PROVISIONS

SECTION 5.11.

The certification by the Clerk of the sufficiency of a referendary petition within twenty (20) days after the passage of the ordinance to which such petition refers shall automatically suspend the operation of the ordinance in question pending repeal by the council or final determination by the electors as the case may be. An ordinance adopted by the electorate through initiatory proceedings may not be amended or repealed by the Council. Should two (2) or more ordinances, adopted at the same election, have conflicting provisions, the one receiving the highest vote shall prevail as to those provisions.

(ft.nt.- For statutory provisions authorizing cities to provide by charter for initiative and referendum, see MCL § 117.4i(g); for provisions requiring cities to provide by charter for the amending or repealing of ordinances, see MCL § 117.3(k).)

CHAPTER VI - THE ADMINISTRATIVE SERVICE

THE ADMINISTRATIVE OFFICERS—GENERAL

SECTION 6.1. - (a)

The administrative officers of the city shall be the City Manager, City Clerk, City Treasurer, City Assessor, City Attorney, City Engineer, Chief of Police, and Fire Chief. No person shall be eligible to appointment as an administrative officer of the city unless he/she be a citizen of the United States of America.

(b)

The City Manager shall hold office by virtue of appointment by the Council, which body shall also set his/her salary. He/she shall hold office at the pleasure of the Council. The City Clerk, City Treasurer, City Assessor, and City Attorney shall be appointed by the City Manager with the approval of the Council, which body shall set the salaries for such officers.

(c)

The City Engineer, the Chief of Police, the Fire Chief, and such other officers, subordinates, or clerks as may be determined by the Council to be necessary to properly conduct the business or public works of the city, and all positions for which no other mode of appointment is provided shall be appointed by the City Manager who shall set their salaries or wages in accordance with budget appropriations. All such appointees or employees, except as otherwise provided in this charter, may be suspended or removed by the City Manager subject to the provisions of [Section 6.15](#).

(d)

The Council may by resolution, create such additional administrative offices and prescribe the duties thereof as it may deem necessary for the proper operation of the city government. All appointments to such additional offices shall be made by the City Manager.

(e)

The administrative officers of the city, except the City Attorney, and the City Clerk, insofar as their duties as attorney and clerk for the Council are concerned, shall, in the performance of the duties of their respective offices, be subordinate to and under the direction of the City Manager and shall report and be directly responsible to him/her.

Neither the Council nor any of its members or committees shall dictate the appointment of any person to office or employment by the City Manager, except as provided in [Section 6.1](#)(b), or in any manner interfere with the city Manager to prevent him/her from exercising his/her judgment in the appointment of officers and employees in the administrative service. Except as provided in [Section 6.1](#)(c), and for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the City Manager, and neither the Council nor any member thereof shall give orders to any of the subordinates of the City Manager.

(ft.nt.- For statutory provisions requiring cities to provide by charter for the qualifications, duties and compensation of its officers, see MCL § 117.3(d); for provisions requiring cities to provide by charter for a clerk, treasurer, assessor and other officers deemed necessary, see MCL § 117.3(a); for provisions authorizing cities to provide by charter for the administration of municipal government, see MCL § 117.4j(3).)

CITY MANAGER

SECTION 6.2.

The Council shall, on or before the first day of May, 1943, appoint a City Manager who shall be responsible to the Council. The City Manager shall be the chief administrative officer of the city government. He/she shall be selected on the basis of training and ability alone, without regard to his/her political or religious preferences and need not be a resident of the city at the time of his/her appointment but shall become a resident of the city within thirty (30) days after his/her appointment and shall so remain throughout his/her tenure of office. No person shall be appointed to the office of City Manager during the first two (2) years after this charter shall become law unless he/she shall have been a City Manager or an assistant City Manager for a period of three (3) years immediately prior to the time of his/her appointment. The Council shall designate an officer or other employee of the city to perform the duties of the City Manager during his/her temporary absence or incapacity. The Council shall designate one qualified person to perform the duties of City Manager during a vacancy in the office. Any vacancy in the office of City Manager shall be filled by the Council within ninety (90) days after the effective date of such vacancy. No person who has been elected a member of the Council under this charter shall be eligible for appointment as City Manager or acting City Manager until two (2) years have elapsed following the expiration of the term for which he/she was elected.

(ft.nt.- For statutory provisions requiring cities to provide by charter for the qualifications of its officers, see MSA § 117.3(d).)

FUNCTIONS OF THE CITY MANAGER

SECTION 6.3.

The functions of the City Manager shall be:

(a)

He/she shall see that all laws and ordinances are enforced;

(b)

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

(c)

He/she shall see that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise, or in any contract, are faithfully kept and performed;

(d)

He/she shall attend all meetings of the Council, with the right to take part in discussions but without the right to vote;

(e)

He/she shall be a member, ex officio, of all committees of the Council;

(f)

He/she shall prepare and administer the annual budget under policies formulated by the Council and keep the Council fully advised at all times as to the financial condition and needs of the city.

(g)

He/she shall recommend to the Council for adoption such measures as he/she may deem necessary or expedient.

(h)

He/she shall be responsible to the Council for the efficient administration of all departments of the city government.

(i)

He/she shall assume all the duties and responsibilities as personnel director of all city employees or delegate such duties to some other officer or employee of the city. Provided that such delegation shall not relieve him/her of any responsibility for the proper conduct of such duties;

(j)

He/she shall exercise and perform all administrative functions of the city that are not imposed by this charter or any city ordinance upon some other official;

(k)

He/she shall perform such other duties as may be prescribed by this charter or as may be required of him/her by ordinance or by direction of the Council.

(ft.nt.- For statutory provisions requiring cities to provide by charter for the duties of its officers, see MCL § 117.3(d); for provisions authorizing cities to provide by charter for the administration of municipal government, see MCL § 117.4j(3).)

CITY CLERK

SECTION 6.4. - (a)

The City Clerk shall be clerk of the Council. He/she shall attend all meetings of the Council and shall keep a permanent journal in the English language of its proceedings. He/she shall keep a record of all ordinances, resolutions, and regulations of the Council.

(b)

He/she shall be custodian of the city seal, and shall affix it to all documents and instruments requiring the seal, and shall attest the same. He/she shall also be custodian of all papers, documents, and records pertaining to the City of Hazel Park, the custody of which is not otherwise provided for. He/she shall give to the proper department or officials ample notice of the expiration or termination of any franchises, contracts, or agreements. He/she shall administer all oaths required by this charter or by the Council.

(c)

He/she shall certify by his/her signature all ordinances and resolutions enacted or passed by the Council, and perform any other duties required of him/her by this charter or by the Council.

(ft.nt.- For statutory provisions requiring cities to provide by charter for the duties of its officers, see MCL § 117.3(d); for provisions requiring cities to provide by charter for the keeping of a journal of the sessions of the legislative body, see MCL § 117.3(m).)

INTERNAL ACCOUNTING

SECTION 6.5. - (a)

The City Clerk shall keep books of account of the receipts and expenditures of the city.

(b)

He/she shall keep accurate detailed accounts of:

1.
All taxes assessed by the City, and all moneys due the City from any and every source.
2.
Monies received and the several sources from which derived.
3.
All funds of the city and disbursements made therefrom.

(c)

The City Clerk shall examine and audit all accounts and claims against the city except claims for unliquidated damages. He/she shall not issue or sign any draft, check, or warrant until he/she has verified the correctness of the account for which the same is issued; neither shall he/she allow the payment of any account unless the money has been appropriated therefor, nor shall he/she issue or sign any draft, check, or warrant for any account against the city unless sufficient money is in the fund on which it is drawn.

(d)

At the close of the fiscal year, and at any time upon direction of the Council, he/she shall examine and audit all books of account kept by any official, board or department; provided, however, that he/she shall examine and audit all books of account of the City Treasurer and the Justice Court at least once each month.

(e)

All the books of account of the city shall be balanced at the end of each calendar month, and a report made thereon by the City Clerk to the City Manager.

(f)

The City Clerk, in the performance of his/her duties relative to city accounts, shall perform such other duties as may be required of him/her in these duties by this charter or by the City Manager.

(ft.nt.- For statutory provisions requiring cities to provide by charter for a system of accounts, see MCL § 117.3(n); for provisions requiring cities to provide by charter for the duties of its offices, see MCL § 117.3(d); for statutory provisions on uniform accounting for local governments, see MCL § 141.421 et seq.; for provisions requiring the legislature to provide for uniform accounting for local governments, see Mich. Const., Art. IX § 21.)

CITY ATTORNEY

SECTION 6.6. - (a)

The City Attorney shall act as legal advisor to, and attorney and counsel for the Council and all its members in matters relating to their official duties. He/she shall give written opinions to any official or department of the city when requested in writing by the Council or the City Manager so to do, and shall file a copy of the same with the City Clerk.

(b)

He/she shall conduct for the city all cases in all courts and before all legally constituted tribunals whenever the city is a party thereto.

(c)

He/she shall prepare, or officially pass upon, all contracts, bonds, and other instruments in writing, in which the city is concerned, and shall certify before execution as to their legality and correctness of form.

(d)

He/she shall file in the office of the City Clerk the original copy of all franchises granted by the city, of all contracts and agreements entered into by or in behalf of the city, and of all papers constituting a part of the proceedings in all courts or legally constituted tribunals to which the city is a party, together with the proper data and information concerning the same.

(e)

He/she shall be charged with the responsibility of calling to the attention of the Council and the City Manager all matters of law and changes or developments therein affecting the city.

(f)

He/she shall perform such other duties as may be prescribed by this charter or by the Council.

(g)

Upon the recommendation of the City Attorney, approved by the City Manager, or upon its own motion, the Council may retain special legal counsel to handle any matter to which the city is a party or in which the city has an interest, or to assist and co-counsel with the City Attorney therein.

(ft.nt.- For statutory provisions requiring cities to provide by charter for the duties of its officers, see MCL § 117.3(d).)

CITY TREASURER

SECTION 6.7. - (a)

The City Treasurer shall have the custody of all monies of the city, the City Clerks bond, and all evidences of value belonging to the city, or held in trust by the city.

(b)

He/she shall receive all moneys belonging to and receivable by the city, including license fees, taxes, assessments, and all other charges belonging to and payable to the city and shall in all cases give a receipt therefor.

(c)

He/she shall keep and deposit all moneys or funds in such manner and only in such places as the Council may determine. He/she shall report the same in detail to the City Clerk.

(d)

He/she shall have such powers and duties in regard to the collection and custody of state, county, school district, and city taxes and moneys as may be conferred upon him/her by this charter or by state law.

(e)

He/she shall perform such other duties as may be prescribed for him/her by this charter or by the City Manager.

(ft.nt.- For statutory provisions requiring cities to provide by charter for duties of its officers, see MCL § 117.3(d); for provisions requiring cities to provide for the collection of taxes, see MCL § 117.3(i); for provisions on the duties of the city treasurer to collect taxes, see MCL § 211.46; for provisions requiring cities to provide by charter for the collection of state, county and school taxes in conformity with state law, see MCL § 117.3(i); for provisions making city collecting officers subject to certain state tax statutes, see MCL § 211.107.)

DEPUTY CLERK OR TREASURER

SECTION 6.8.

The City Clerk and the City Treasurer may deputize a member of his/her office as deputy clerk or deputy treasurer, as the case may be, subject to the written confirmation of the City Manager. The City Clerk and the City Treasurer may terminate the status of any deputy at pleasure, upon notice to the City Manager. Each deputy shall possess all the powers and authorities of his/her superior officer except as the same may be from time to time limited by his/her superior or by the City Manager.

(ft.nt.- For statutory provisions on the authority of tax officer deputies, see MCL § 211.109; for provisions requiring cities to provide by charter for city officers as may be necessary, see MCL § 117.3(a); for provisions requiring cities to provide by charter for duties of its officers, see MCL § 117.3(d); for provisions on the applicability of state tax statutes regarding townships to cities, see MCL § 211.107; for provisions on deputy township treasurers, see MCL § 211.111.)

CITY ASSESSOR

SECTION 6.9. - (a)

The City Assessor shall possess all the power vested in and shall be charged with all the duties imposed upon assessing officers by the general laws of the state.

(b)

He/she shall make and prepare all regular and special assessment rolls in the manner prescribed by this charter and the general laws of the state.

(c)

He/she shall act for the city as one of the members of the Board of Supervisors.

(d)

he/she shall perform such other duties as may be prescribed for him/her in this charter or by the City Manager.

(ft.nt.- For statutory provisions requiring cities to provide by charter for an assessor, see MCL § 117.3(a); for provisions requiring cities to provide by charter for the duties of its officers, see MCL § 117.3(d); for provisions requiring cities to provide by charter for a taxation procedure, see MCL § 117.3(i); for provisions on assessment of taxes by city assessing officers, see MCL § 211.10.)

PURCHASING AGENT

SECTION 6.10. - (a)

The City Manager shall be Purchasing Agent for the city and shall make all purchases of supplies for the city, subject to such limitations as the Council may prescribe. He/she shall approve all vouchers for the payment of

the same before referring them to the City Clerk for audit. He/she shall also conduct all sales of personal property which the Council may authorize to be sold as having become unnecessary or unfit for the city's use.

(b)

All purchases and sales shall conform to such regulations as the Council may from time to time prescribe, but in either case, if an amount in excess of Five Hundred Dollars (\$500.00) is involved, opportunity for competition shall be given.

(ft.nt.- For statutory provisions requiring cities to provide by charter for the duties of its officers, see MCL § 117.3(d); for provisions authorizing cities to provide by charter for disposal of city property, see MCL § 117.4e(3); for provisions authorizing cities to provide by charter for the exercise of municipal powers in the management and control of municipal property, see MCL § 117.4j(3).)

BONDS (SURETY) REQUIRED

SECTION 6.11.

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

(ft.nt.- For statutory provisions requiring cities to provide by charter for the qualifications and duties of its officers, see MCL § 117.3(d).)

OATH OF OFFICE

SECTION 6.12.

Every officer appointed to any city office, before entering upon the duties of this office, shall take and subscribe to the oath of office prescribed, by Article XI, Section 1, of the State Constitution of 1963 for officers of the state. The oath of office of each office of the city shall be filed and kept in the office of the City Clerk. In case any such officer shall fail to take such oath, within ten (10) days after the time fixed for taking office, he/she shall be deemed to have declined the office unless the time therefore shall be extended by the Council.

(Amended at the general election held 11-4-97)

(ft.nt.- For provisions on the oath of public officers, see Mich. Const. Art. XI [§ 1](#); for statutory provisions requiring cities to provide by charter for the qualifications and duties of its officers, see MCL § 117.3(d).)

NEPOTISM

SECTION 6.13.

Except and unless relatives by blood or marriage of the Mayor, any Councilman, or the City Manager, within the second degree of consanguinity or affinity, are bona fide appointive officers or employees of the city at the time of the election of such officers or appointment of such City Manager, such relatives shall be disqualified from holding any appointive office or from being employed by the city, during the term for which such Mayor or Councilman was elected, or during the tenure of office of such City Manager.

(ft.nt.- For statutory provisions requiring cities to provide by charter for the qualifications of its employees, see MCL § 117.3(d).)

RESTRICTIONS CONCERNING OTHER OFFICES

SECTION 6.14.

No appointive city officer or employee shall seek any elective city office, unless he/she resigns from his/her position with the city. Members of the city police force may be appointed to the office of Deputy Sheriff and members of the fire service may be appointed to the office of deputy Fire Marshal.

(ft.nt.- For statutory provisions requiring cities to provide by charter for the qualifications and duties of its officers, see MCL § 117.3(d).)

CIVIL SERVICE—GENERAL

SECTION 6.15.

The Council shall, within one (1) year after the date on which this charter shall become law, provide, by ordinance, for a merit system of personnel management for all employees in the service of the city. Such ordinance shall not prohibit the employees of the city from organizing and bargaining with the City collectively. The City shall make available to its employees or the employees of any department an actuarially sound pension plan, provided the same shall not include any death or accident benefits and may also make available to them any recognized standard plan of group life insurance or similar health, accident, hospitalization or other benefits of this type.

(April 4, 1949)

(ft.nt.- For statutory provisions authorizing cities to provide by charter for a system of civil service, see MCL § 117.4i(h); for provisions on collective bargaining rights of public employees, see MCL §§ 423.209 and 423.201 et seq.; for provisions requiring cities to provide by charter for the compensation of its officers, see MCL § 117.3(d); for provisions authorizing cities to provide by charter for a system of compensation for its employees and their dependents in the case of disability, injury or death of such employees, see MCL § 117.4i(i); for provisions authorizing cities to provide by charter for the administration of municipal government, see MCL § 117.4j(3); for provisions on merit systems for local units of government, see Mich. Const. Art. XI, § 6.)

CHAPTER VI - THE ADMINISTRATIVE SERVICE

TENURE OF OFFICE

SECTION 6.16.

Notwithstanding any other provisions of this Charter, the tenure of office of the City Manager or any officer appointed by him/her, shall not be terminated for a period of not less than ninety (90) days after the date the new council takes office, except for misfeasance, malfeasance or nonfeasance in office. No employee, except temporary employees, hired by the City Manager shall be discharged within the above mentioned period except for misfeasance, malfeasance or nonfeasance.

(ft.nt.- For statutory provisions requiring cities to provide by charter for the duties of its officers, see MCL § 117.3(d); for provisions authorizing cities to provide by charter for the administration of municipal government, see MCL § 117.4j(3).)

RESIDENCY

SECTION 6.17.

An administrative officer or an employee of the City of Hazel Park, if not a resident at the time of appointment or hire, shall become a resident of the City of Hazel Park within one (1) year thereafter and shall remain a resident while so employed. Violations of this requirement by an administrative officer or employee shall be grounds for dismissal from the appointed position or from employment. The continued appointment of an administrative officer or the employment of an employee appointed or employed before the effective date of this Section is not subject to this residency requirement, but compliance with the requirement shall be a condition to the promotion of any such administrative officer or employee. Upon a specific finding that the interest of the City of Hazel Park and its residents would be served in a given case, by granting relief from this Section, the City Council may grant appropriate relief.

(Added by affirmative vote, City General Election, November 2, 1999)

CHAPTER VII - ELECTIONS QUALIFICATIONS OF ELECTORS

SECTION 7.1.

Each person, who has the constitutional qualifications of an elector in the State of Michigan or who will have such qualifications at the next regular or special election to be held in the city, shall be entitled to register as an elector of the City of Hazel Park in the election precinct in which he/she resides.

(ft.nt.- For statutory provisions requiring cities to provide by charter for the registration of electors, see MCL § 117.3(c); for provisions on the qualifications of electors, see MCL §§ 168.10 and 168.11, and MCL §§ 168.491—168.524, and Mich. Const., Art. II §§ 1 and 2.)

STATE LAWS TO GOVERN—PARTY PROCEDURE NOT TO APPLY

SECTION 7.2.

The general election laws of the state shall apply to and control all procedure relating to registration of electors in the city and to the conduct of primary, regular, and special city elections therein, except as such general laws relate to political parties or partisan procedure, or require more than one (1) publication of notice, and except as otherwise provided by this charter.

(ft.nt.- For statutory provisions requiring cities to provide by charter for the election of its officers, see MCL § 117.3(a); for the nomination of its elective officers, see MCL § 117.3(b) and for the time, manner and means of holding elections, see MCL § 117.3(c); for provisions on elections, see MCL §§ 168.1—168.992; for provisions on elections for city offices, see MCL §§ 168.321—168.327.)

NOMINATIONS

SECTION 7.3.

The nomination of candidates for any elective office under this charter shall be by nomination petitions therefore signed by not less than fifty (50) nor more than two hundred (200) registered electors of the city and filed with the City Clerk not later than 4 o'clock p.m. on the (12th) Tuesday preceding the November General Election. In the event that said last day for filing falls on a legal holiday then the last day, in that event, for filing said petitions shall be the next succeeding working day. Official blank petitions in substantially the same form as required by state law for the state and country officers, except for references to party, shall be prepared and furnished by the City Clerk. All nomination petitions filed with the City Clerk shall be preserved by the City Clerk until the first day of April following the November General Election for which the same were filed. At the expiration of that period, the Clerk may destroy all nominations petitions, the return of which has not been requested. In the record of nominating petitions, the officer keeping the record shall cause entries to be made, stating the final disposition of each candidate's petition.

(Amended at the general election held 11-8-05: amended by affirmative vote, City General Election, November 2, 1999)

(ft.nt.- For statutory provisions requiring that cities provide by charter for the nomination of its elective officers, see MCL § 117.3(b); for provisions authorizing cities to provide by charter for nominating petition procedure, except as to petition form, see MCL § 168.322; for provisions on form of nominating petitions, see MCL §§ 168.544(a) and 168.544(c); for provisions on manner of nominating local officers and date of primary election, see MCL § 168.646a.)

APPROVAL OF PETITIONS

SECTION 7.4.

The City Clerk shall accept for filing only nomination petitions on official blanks containing the required number of signatures for candidates having these qualifications required for elective city officers by this charter. Upon receipt of any nomination petition, the City Clerk, shall, forthwith, determine the sufficiency of the signatures on each petition filed, and if he/she finds that any petition does not contain the required number of legal signatures of registered electors, he/she shall immediately notify the candidate of such fact by registered mail addressed to his/her last known address with the reasons therefor. Each petition which is found by the City Clerk to contain the required number of signatures of registered electors for candidates shall be marked "In Order" with the date thereof.

(ft.nt.- For statutory provisions requiring that cities provide by charter for the nomination of its elective officers, see MCL § 117.3(b); for provisions authorizing cities to provide by charter for nominating petition procedure, see MCL § 168.322.)

WITHDRAWAL OF CANDIDATES, NOTICE

SECTION 7.5.

After the filing of a nominating petition of filing fees by or in behalf of a proposed candidate for a city office, the candidate shall not be permitted to withdraw unless a written notice of withdrawal is served on the City Clerk not later than four o'clock, eastern standard time, in the afternoon of the third day after the last day for filing the petition or filing fee as provided in this charter unless the third day falls on a Saturday, Sunday or legal holiday, in which case the withdrawal may be served on the City Clerk up to four o'clock, eastern standard time, on the next secular day.

(November 3, 1987).

(ft.nt.- For statutory provisions on withdrawal of proposed candidates for city office, see MCL § 168.322a.)

ELECTION COMMISSION

SECTION 7.6.

An Election Commission is hereby created, consisting of the City Clerk, City Manager, and City Attorney. The City Clerk shall be chairman. The Election Commission shall have charge of all activities and duties required of it by state law and this charter relating to the conduct of elections in the city, including the appointment of the election personnel for each election precinct. The compensation of election personnel shall be determined in advance by the Election Commission, and shall be a fixed amount for each election; provided, that the total compensation paid in any fiscal year shall not exceed the amount appropriated for elections in the budget, unless such increase shall first have been approved by the Council as other increases in appropriations are approved for any department, service, or function.

(ft.nt.- For statutory provisions requiring cities to provide by charter for the manner and means of holding elections, see MCL § 117.3(c); for provisions authorizing cities to provide by charter for the administration of municipal government, see MCL § 117.4j(3); for provisions authorizing cities to provide by charter for a board of city election commissioners, see MCL § 168.25.)

TIME OF REGULAR CITY ELECTIONS

SECTION 7.8.

Regular non-partisan city elections shall be held in November on the first Tuesday after the first Monday in each odd-numbered year.

(November 3, 1987).

(ft.nt.- For statutory provisions setting the date of biennial spring elections, see MCL § 168.4; for provisions requiring cities to provide by charter for the time of holding elections, see MCL § 117.3(c); for provisions setting local election dates as provided in local charters, see MCL § 168.646.)

NAMES OF BALLOTS

SECTION 7.9.

The form of the ballot used in any city election shall conform to that prescribed by the general laws of the state, except that no party designation or emblem shall appear upon any city ballot. Unless voting machines are used, the names of candidates for each office to be filled at such election shall be rotated under the title of the office for which they are candidates for election. The candidate for the office of Mayor receiving the greatest number of votes shall be elected. The candidates for the office of City Council receiving the greatest number of votes equal to the number of council terms listed on the ballot shall be deemed elected for said term.

(Amended at the general election held 11-8-05)

(ft.nt.- For statutory provisions requiring cities to provide by charter for the nomination of elective officers, see MCL § 117.3(b); for provisions requiring cities to provide by charter for the manner and means of holding elections, see MCL § 117.3(c); for provisions on preparation of ballots, see MCL § 168.323; for provisions on forms of primary ballots, see MCL §§ 168.560—168.573; for provisions on the necessity of primaries where no more than twice the number of candidates have filed as there are persons to be elected, see MCL § 168.540.)

VOTING MACHINES

SECTION 7.10.

In accordance with the provisions of state law, and subject further to the provisions of this charter relative to political parties and partisan procedure in city elections, the city shall have the power to acquire and use voting machines.

(ft.nt.- For statutory provisions on voting machines, see MCL §§ 168.584—168.588 and MCL §§ 168.770—168.793; for provisions requiring cities to provide by charter for the manner and means of holding elections, see MCL § 117.3(c).)

SPECIAL ELECTIONS

SECTION 7.11.

Special city elections shall be held when called by resolution of the Council at least twenty-one (21) days in advance of such election, or when required by this charter or the general laws of the state. Any resolution calling a special election shall set forth the purpose of such election.

(ft.nt.- For statutory provisions requiring cities to provide by charter for the time, manner and means of holding elections, see MCL § 117.3(c); for provisions on special elections, see MCL §§ 168.631—168.639.)

VOTING HOURS

SECTION 7.12.

The polls of all elections shall be opened at 7 a.m., or as soon thereafter as may be, and shall be kept open until not later than 8 p.m. of that same day. Every qualified elector present and in line at the polls at the hour prescribed for the closing thereof shall be allowed to vote.

(ft.nt.- For statutory provisions on voting hours, see MCL §§ 168.720—168.722; for provisions requiring cities to provide by charter for the time of holding elections, see MCL § 117.3(a).)

CITY BOARD OF CANVASSERS

SECTION 7.13.

The City Board of Canvassers shall consist of four (4) members. Members of the Board shall be qualified and registered electors of the city in which they serve. No person shall be appointed to a board of canvassers unless such person shall have filed with the city clerk an affidavit on a form approved by the state bureau of elections containing at least the following information: name, home address, political party affiliation, date of birth, employment and statement of physical disability, if any. The City Clerk shall notify the county clerk of the name, address and political affiliation of board members, and the county clerk shall maintain a list at his/her office. If at any time during his/her term of office he/she or any member of his/her immediate family serves as an election inspector or becomes a candidate for any elective public office at an election to be canvassed by his/her board of canvassers or serves as a member of the governing body of the unit for which his/her board is established the Board member's office shall be deemed vacated.

(November 3, 1987).

(ft.nt.- For statutory provisions on city boards of canvassers, see MCL §§ 168.30a—168.30g; for statutory provisions requiring cities to provide by charter for the time, manner and means of holding elections, see MCL § 117.3(a).)

NOTICE OF ELECTION

SECTION 7.14.

Notice of the election of any officer of the city and of the requirement of any official bond to be given by any such officer, shall be given him/her by the City Clerk in writing, by registered mail addressed to his/her at the address given in the nomination petition, and mailed within five (5) days after the canvass of the vote by which he/she was elected.

(November 3, 1987).

(ft.nt.- For statutory provisions on local elections and certificates of election, see MCL §§ 168.809 and 168.826; for provisions requiring cities to provide by charter for the election of local officers, see MCL § 117.3(a); for provisions requiring cities to provide by charter for the manner and means of holding elections, see MCL § 117.3(c); for provisions requiring cities to provide by charter for the qualifications and duties of its officers, see MCL § 117.3(d); for provisions authorizing cities to provide by charter for the administration of municipal government, see MCL § 117.4j (3); for provisions declaring a public office vacant for neglect or refusal to take the oath of office or give a required bond, see MCL § 201.3).)

OATH OF OFFICE

SECTION 7.15.

Before entering upon the duties of his/her office, each elective officer shall take and subscribe to the oath of office prescribed by the Michigan State Constitution, 1963, Article XI, Section 1. The oath of office of each elective officer of the City shall be filed and kept in the Office of the City Clerk. Failure to take the oath of office by any elected official shall be deemed a refusal to serve and the office shall be considered vacant.

(November 3, 1987).

(ft.nt.- For provisions on the oath of office, see Mich. Const., Art. XI § 1; for provisions requiring cities to provide by charter for the qualifications and duties of its officers, see MCL § 117.3(d); for provisions authorizing cities to provide by charter for the administration of municipal government, see MCL § 117.4j (3).)

RECALL

SECTION 7.16.

Any elective official may be removed from office by the electors of the city in the manner provided by the general laws of the state. A vacancy created by the recall of any elective officer shall be filled by election in the manner prescribed by state law. No person who has been removed from office by recall, or who has resigned from office while recall proceedings are pending against him/her shall be appointed to any office within two (2) years after such recall or resignation.

(ft.nt.- For statutory provisions authorizing cities to provide by charter for recall of city officials, see MCL § 117.4i(6); for provisions requiring state recall statutes and setting petition signature requirements, see Mich. Const., Art. II § 8; for statutory provisions on recall, see MCL §§ 168.951 — 168.976; for provisions on the filling of city vacancies, see MCL § 201.37; for provisions requiring cities to provide by charter for the qualifications of its officers, see MCL § 117.3(d).)

CHAPTER VIII - GENERAL FINANCE CITY BUDGET AND FUNDS CITY PROPERTY AND FUNDS

SECTION 8.1.

All moneys and other forms of personal property, and all real estate belonging to the city shall be carried in the name of the City of Hazel Park.

(ft.nt.- For statutory provisions authorizing cities to provide by charter for powers inspecting city property, see MCL §§ 117.4e(3) and 117.4j(3).)

FISCAL YEAR

SECTION 8.2.

Beginning July 1, 1942, the fiscal year of the city shall be the twelve months period from July 1st of one year to June 30th of the following calendar year.

(ft.nt.- For statutory provisions requiring cities to provide by charter for a system of internal accounts, see MCL § 117.3(n); for provisions requiring cities to provide by charter for annual taxation and appropriation of monies for municipal purposes, see MCL §§ 117.3(g) and 117.(h), respectively; for provisions authorizing cities to provide by charter for the administration of municipal government, see MCL § 117.4j(3).)

BUDGET

SECTION 8.3.

At the second regular meeting in April of each year, the City Manager shall submit to the Council a budget estimate of all income and expenditures of the city for the ensuing year. The budget estimate shall contain the

following information:

1.

A brief and concise budget summary, showing the estimated receipts and expenditures of each fund and the total for all funds.

2.

A statement of the detailed estimates of all proposed expenditures for each fund, itemized for each department and activity by objects of expenditure showing in parallel columns, the expenditures for the preceding year, the appropriation and expenditures for the current year and the recommendations of the City Manager as to the appropriations to be made for the ensuing year, including an appropriation for contingencies and showing increases or decreases in the recommended appropriations over the expenditures for the current year.

Expenditures for the current year shall be computed as the actual expenditures to April 1st, plus the estimated expenditures for April, May, and June.

3.

Detailed statements of estimates of all anticipated income of the city from sources other than current taxes and borrowing, compared with the amount received by the city from each of the same or similar sources for the last preceding and for the current year. Receipts for the current year shall be computed as the actual receipts to April 1st, plus the estimated receipts for April, May, and June.

4.

A statement of the estimated financial condition of each city fund reflecting the estimated surplus or deficit in each such fund.

5.

A statement of the bonded and other indebtedness of the city showing the amount required in the ensuing year for retirement of principal on the debt, for interest and for a sinking fund or funds for term bonds if such a fund or funds be required.

6.

A statement of outstanding delinquent taxes and special assessments which have been levied during the current and preceding fiscal years of the city and an estimate of the amount thereof which may reasonably be expected to be collected or realized upon during the next fiscal year of the city.

7.

An estimate of the amount of money proposed to be raised by taxation and the amount to be raised from bond issues which together with the estimated income from other sources will be necessary to meet the proposed expenditures.

8.

Such other information as may be required by the Council.

(ft.nt.- For statutory provisions requiring cities to provide by charter for an annual appropriation of money for municipal purposes, see MCL § 117.3(h); for provisions authorizing cities to provide by charter for the administration of municipal government, see MCL § 117.4j (3); for provisions requiring cities to prepare a fiscal year budget, see MCL § 211.209.)

BUDGET HEARING

SECTION 8.4.

A public hearing on the proposed annual budget shall be held before its final adoption. Notice of the time and place of holding the meeting shall be given by publication at least one (1) week prior thereto. A true copy of the budget estimate submitted to the Council by the City Manager shall be on file in the office of the City Clerk for public inspection and not less than one hundred (100) additional copies thereof shall be placed in the office of the City Clerk for public distribution at least one (1) week prior to such meeting.

(ft.nt.- For provisions requiring a public hearing before adoption of a local budget, see Mich. Const., Art. VII § 32; for statutory provisions on public hearings before adoption of a local budget, see MCL §§ 141.411 — 141.415.)

APPROPRIATIONS

SECTION 8.5.

At the second regular meeting of the Council in May of each year, the Council shall pass an annual appropriation resolution, which shall be based on the budget submitted by the City Manager, as approved or amended by the Council. The total amount of the appropriation shall not exceed the revenues of the city as estimated by the Council, based upon a tax levy for all city purposes which shall not exceed twenty (20) mills on the dollar of assessed value of all real and personal property in the city plus all miscellaneous revenues derived by the city in accordance with the provisions of State Law, this Charter, and the Ordinances of the City. On or before the first day of July of each fiscal year of the city, the City Clerk shall prepare and have available in his/her office for the public a copy of same for public inspection and shall make copies for the public at a reasonable fee to be determined by the City Council.

(November 3, 1987).

(ft.nt.- For statutory provisions requiring cities to provide by charter for an annual appropriation of money for municipal purposes, see MCL § 117.3(h); for provisions authorizing cities to provide by charter for the administration for the municipal government, see MCL § 117.4j(3); for provisions requiring cities to provide by charter for the annual levying of taxes on property, see MCL § 117.3(g); for provisions on tax limitations in city charters, see MCL § 211.203(2) and Mich. Const., Art. IX, § 6.)

ADMINISTRATION OF THE BUDGET

SECTION 8.6.

Each department or service of the city shall limit its expenditures for the various purposes set forth in the budget to the sums provided therein for such purposes. It shall be the duty of each department head to see that amounts appropriated in the budget for the various purposes therein set forth shall in no event be exceeded unless by specific authority of the Council in the form of a resolution. It shall be the duty of the City Clerk to report to the City Manager, at least once a month, any violations of the foregoing provisions. All books, warrants, orders, and vouchers, or other official references to any appropriation shall indicate the appropriated fund involved or to be drawn upon by code number or other designation set forth in the budget. The Council may transfer any part of an unincumbered balance of an appropriation to a purpose or object for which the appropriation for the current year has proved insufficient, or may authorize a transfer to be made between items appropriated to the same office or department, or between activities. Any unused or unincumbered balances of appropriations at the end of the fiscal year shall revert into the general fund.

(ft.nt.- For statutory provisions requiring cities to provide by charter for appropriation of money for municipal purposes, see MCL § 117.3(h); for provisions requiring cities to provide by charter for a system of accounts, see MCL § 117.3(n); for provisions authorizing cities to provide by charter for the administration of municipal government, see MCL § 117.4j(3).)

COLLECTION AND DEPOSIT OF MONIES

SECTION 8.7.

Except as otherwise provided in this charter, all taxes, special assessments, water bills, license fees, and other monies regardless of their source, accruing to the city, shall be collected by the City Treasurer who shall in all cases give receipts therefor. The Treasurer shall deposit each day's receipts of each fund intact in such responsible banking institutions as may be designated by the Council. All interest on such deposits shall accrue to the benefit of the city.

(ft.nt.- For statutory provisions requiring cities to provide by charter for the duties of its officers, see MCL § 117.3(d); for provisions requiring cities to provide by charter for the collection of taxes, see MCL § 117.3(g); for provisions authorizing cities to provide by charter for the collection of rents, tolls and excises, see MCL § 117.4i(a); for provisions authorizing cities to provide by charter for the management and control of municipal property and the administration of municipal government, see MCL § 117.4j(3); for provisions providing for the city treasurer's tax collection duties, see MCL § 211.46; for provisions on the deposit of public monies, see MCL §§ 129.11 – 129.15.)

FEES

SECTION 8.8.

Except as otherwise provided in this charter, all fees payable to any administrative officer of the city in the performance of any duties which may be required of him/her under the ordinances of the city, this charter, or by state law, shall belong to the city and shall be paid to the City Treasurer. Where any such fees or any part thereof are collected by the city for or on behalf of the State of Michigan or any political subdivision thereof as required by state law, the City Treasurer shall pay such fees or part thereof to the appropriate officer or agency of the State of Michigan or of its political subdivisions which are designated by law to receive them.

(ft.nt.- For statutory provisions requiring cities to provide by charter for the collection and return of state, county and school taxes in conformity with state law, see MCL § 117.3(i); for provisions requiring cities to provide by charter for the duties of its officers, see MCL § 117.3(d); for provisions authorizing cities to provide by charter for the management and control of municipal property and the administration of municipal government, see MCL § 117.4j(3).)

DISBURSEMENT OF CITY MONIES

SECTION 8.9.

All claims and demands against the city together with any counter claims that may be credited thereto, shall be received and audited by the City Clerk. No money shall be drawn from the city treasury except upon warrant checks signed by the City Manager and the City Clerk and countersigned by the City Treasurer. Every warrant check shall specify the fund from which it is payable and the bank account on which it is drawn. No warrant check shall be drawn which will overdraw the cash balance of the fund from which it should be paid.

(ft.nt.- For statutory provisions authorizing cities to provide by charter for the administration of municipal government, see MCL § 117.4j(3).)

AUDIT

SECTION 8.10.

Not later than thirty (30) days after the close of each fiscal year, the Council shall provide that an annual audit be made of the accounts of all officers and departments of the city government, by certified public accountants. Said audit shall be completed within sixty (60) days after the close of each fiscal year.

(ft.nt.- For statutory provisions authorizing cities to provide by charter for the administration of municipal government, see MCL § 117.4j(3); for provisions requiring that cities provide by charter for a system of accounts, see MCL § 117.3(n); for provisions requiring the legislature to provide for the auditing of local governments, see Mich. Const., Art. IX § 21; for provisions requiring annual audits of certain local governments, see MCL §§ 141.425—141.433.)

SINKING FUND FOR CAPITAL EXPENDITURES

SECTION 8.11.

The Council shall have power to levy a tax of not to exceed five (5) mills on the assessed value of all real and personal property in the city in excess of any tax limitation herein provided, for a period not to exceed five (5) years, for any sinking fund or sinking funds created for the purchase of fire equipment or of real estate sites for, and the construction and repair of a city hall and other public buildings of the city; provided the proposition of levying such tax to create such sinking fund shall be submitted, at any regular or special city election, to the electors of the city who are qualified to vote on questions involving the direct expenditures of public money or the issuance of bonds and approved by a majority of those voting thereon. The Council shall have the power to place in any sinking fund all or any part of any unused or unencumbered balances of appropriations which shall revert to the general fund at the end of the fiscal year of the city. The monies constituting any such sinking fund shall be used solely for the purpose for which the fund was established unless a different use thereof is approved by a four-fifths (4/5) vote of the Council, or by the electors of the city in the same manner as the approval for the creation of the sinking fund was given in the first place . . . where any part of such fund shall be comprised of tax monies levied as herein authorized.

(ft.nt.- For statutory provisions on public building funds, see MCL §§ 141.261—141.265; for statutory provisions requiring cities to provide by charter for the levying of taxes, see MCL § 117.3(g); for provisions authorizing cities to provide by charter for the acquisition of public buildings, see MCL § 117.4e(1); for provisions prohibiting increases in the rate of taxation except by popular vote see MCL § 117.5(a); for provisions on city tax limitations, see Mich. Const., Art. IX § 6 and MCL §§ 211.203(2) and 211.203(3).

CHAPTER IX - GENERAL TAXATION SUBJECTS OF TAXATION

SECTION 9.1.

The subjects of taxation for municipal purposes shall be the same as for State, County, and School purposes under the general law. No exceptions from taxation upon such subjects shall be allowed, except such exemptions as are expressly required to be made by state law. Except as otherwise provided by this charter, city taxes shall be levied, collected, and returned in the manner provided by state law.

(ft.nt.- For statutory provisions requiring that cities provide by charter that the subjects of taxation be the same as provided under general law, see MCL § 117.3(f); for provisions on the levy, collection and return of taxes, see MCL §§ 211.201—211.217a, 211.1—211.77 and 211.83—211.157; for provisions making certain state tax statutes applicable to cities, see MCL § 211.107.)

TIME FOR MAKING ASSESSMENT ROLLS

SECTION 9.2.

Between January 1 and the first meeting of the Board of Review in each year, the City Assessor shall make and complete an assessment roll in the manner and form provided in the general tax law.

(ft.nt.- For statutory provisions authorizing cities to provide by charter for the time of preparation of the assessment roll, see MCL § 117.3(i); for provisions on preparation of the assessment roll, see MCL §§ 211.24—211.27.)

VALUING OF REAL AND PERSONAL PROPERTY

SECTION 9.3.

Said City Assessor shall estimate, according to state law, the value of every parcel of real property and set the same down opposite the description thereof. He/she shall also estimate the value of all taxable personal property of each person and set the same down opposite the name of such person. All personal property shall be assessed to the owner thereof on the first day of April of the year in which the assessment is made.

(ft.nt.- For statutory provisions authorizing cities to provide for the time of preparation of assessment rolls, see MCL § 117.3(i); for provisions on the valuation of the property, see MCL §§ 211.24—211.27 and Mich. Const., Art. IX, § 3.)

DELIVERY OF ASSESSMENT ROLL

SECTION 9.4.

The City Assessor shall sign and deliver the assessment roll to the Board of Review at its first meeting.

(ft.nt.- For statutory provisions authorizing cities to provide by charter for the time of preparation of assessment rolls, see MCL § 117.3(i).)

BOARD OF REVIEW—APPOINTMENT OF MEMBERS

SECTION 9.5.

There shall be a Board of Review, consisting of three members who are owners of property assessed for taxes in, and who are electors of, the City of Hazel Park, to be appointed by the Council in January of each year, and whose terms shall commence on the first day of March next following and shall continue for one (1) year. Vacancies in said board may be filled by the Council at any time. The compensation of the Board of Review shall be set by the Council at the time of its appointment. Such compensation shall be on a per diem basis and shall be paid to members of the board only for meetings of the Board of Review actually attended.

(ft.nt.- For statutory provisions requiring cities to provide by charter for a board of review, see MCL § 117.3(a); for provisions requiring cities to provide by charter for the qualifications and compensation of its officers, see MCL § 117.3(d).)

ORGANIZATION AND FUNCTIONS OF THE BOARD OF REVIEW

SECTION 9.6.

On the first day of its meeting in each year, the Board of Review shall elect one of its members chairman. The City Assessor shall be clerk of the Board and shall consult with and advise the board and take part in its deliberations, but shall not be entitled to vote. It shall be the duty of the clerk of the board to keep a permanent record of all proceedings, and to enter therein all resolutions and decisions of the board. A majority of the members of the board shall constitute a quorum. The members of said board shall take the constitutional oath of office which shall be filed with the City Clerk. For the purpose of reviewing and correcting assessments, the Board of Review shall have the same powers and perform like duties in all respects, as are by the general tax law conferred upon and required of the Board of Review in townships, in reviewing assessments in townships for township, state, and county taxes. It shall hear the complaints of all persons considering themselves aggrieved by assessments, and if it shall appear that any person or property has been wrongfully assessed, or omitted from the roll, the Board shall correct the roll in such manner as it shall deem just. All corrections in the roll shall be based upon the status of the taxable property located in the city on the first day of April preceding the meeting of the Board of Review.

(ft.nt.- For statutory provisions requiring cities to provide by charter for the duties of its officers, see MCL § 117.3(d); for provisions on the duties of boards of review, see MCL §§ 211.29—211.33; for provisions on the date for determination of the taxable status of persons and property, see MCL § 211.2.)

NOTICE OF MEETING

SECTION 9.7.

The City Clerk shall publish notice to the public of the time and place of meeting of the Board of Review not less than six (6) days immediately preceding such meeting.

(ft.nt.- For statutory provisions authorizing cities to provide by charter for the time of meetings of the board of review, see MCL § 117.3(i); for provisions on notice of public meetings, see MCL §§ 15.261—15.275.)

MEETING OF BOARD OF REVIEW.

SECTION 9.8.

On the Tuesday immediately following the first Monday in March, the Board of Review shall meet at such time of day and place as shall be designated by the Assessor for the purpose of considering and correcting the Roll. The Board of Review shall convene its second session on the date, and at such time of day and place as shall be designated by the Assessor and shall continue in session until all interested persons have had an opportunity to be heard. No assessment shall be changed in any way except by a motion or resolution regularly put and adopted by a majority of the members of said Board, which motion or resolution shall state the amount at which the assessment is fixed as reviewed by the Board. Each day's proceedings of said Board shall be read, approved and signed by the chairman thereof. At the conclusion of the review of said roll, said Board shall prepare a signed statement, showing the amount in gross and the addition or deductions made in total of the assessed valuations of the real and personal property made by them, and shall approve and endorse said roll in the manner required by state law for the approval and endorsement of assessment rolls. No person other than the Board of Review shall make any change upon or additions or corrections to said roll.

(Amended by affirmative vote, City General Election, November 2, 1999; amended by affirmative vote, City Special Election, August 8, 1989).

(ft.nt.- For statutory provisions authorizing cities to provide by charter for the time of meetings of the board of review, see MCL § 117.3(i); for provisions requiring completion of review of assessments by boards of review by the first Monday in April, see MCL § 211.30a; for provisions on the approval and endorsement of assessment rolls, see MCL § 211.30; for provisions requiring cities to provide by charter for the duties of its offices, see MCL § 117.3(d).)

VALIDITY OF TAX ROLL

SECTION 9.9.

Upon completion of said roll and its endorsement in the manner aforesaid, the same shall be conclusively presumed by all courts to be valid and shall not be set aside, except for causes mentioned in the general tax laws of the state. The total of said completed roll shall, at all times, appear thereon, and all of said roll shall be a public record.

(ft.nt.- For statutory provisions on the validity of tax rolls, see MCL § 211.31.)

SERVES FOR ALL TAX PURPOSES

SECTION 9.10.

The assessment roll herein provided for shall be the assessment roll for county, school, and city taxes and for any other taxes on real and personal property that may be authorized by law.

(ft.nt.- For statutory provisions requiring cities to provide by charter for the levy of state, county and school taxes in conformity with state law, see MCL § 117.3(i); for provisions on the assessment taxes according to the valuations on the assessment roll, see MCL § 211.39.)

CLERK TO CERTIFY TAX LEVY

SECTION 9.11.

The City Clerk shall certify to the City Assessor the total amount which the Council determines shall be raised by general taxes, all amounts of special assessments which the Council requires to be assessed or re-assessed upon any property or against any person; and all other amounts which the Council may determine shall be charged, assessed, or re-assessed against any person or property.

(ft.nt.- For statutory provisions requiring cities to provide by charter for the duties of its officers, see MCL § 117.3(d); for provisions requiring cities to provide by charter for the annual laying of taxes, see MCL § 117.3(g), for provisions authorizing cities to provide by charter for the administration of municipal government, see MCL § 117.4j(3).)

CITY TAX ROLL

SECTION 9.12.

After the approval of the assessment roll by the Board of Review, the City Assessor shall prepare a copy thereof to be known as the "City Tax Roll," and upon receiving the said certification of the several amounts to be raised as provided in the preceding section, the City Assessor shall proceed to spread upon said tax roll the several amounts determined by the Council to be charged, assessed, or re-assessed against persons or property; and shall also proceed to spread the amounts of the general city tax according to and in proportion to the several valuations set forth in said assessment roll. For the purpose of avoiding fractions in computation, the Assessor may add to the amount of the several taxes to be raised not more than one percent (1%); said excess shall belong to the general fund of the city. Such taxes shall be separately assessed and may be entered in separate columns, or may be entered as one (1) total sum; provided, that if such taxes are entered as one (1) total sum, there shall be printed upon the face of each tax bill and receipt the percentage which each such tax is of said total sum.

(ft.nt.- For statutory provisions on completion and entry of tax assessments, see MCL § 211.39.)

TAXES LIEN ON PROPERTY

SECTION 9.13.

The city taxes thus assessed shall become at once a debt due to the city from the persons to whom they are assessed, and the amount assessed on any interest in real property shall on the first day of July become a lien upon such real property, and the lien for such amounts and for all interest and other charges thereon shall continue until payment thereof. All personal taxes shall also be a first lien, prior, superior, and paramount, upon all personal property of the persons so assessed from and after the first day of July in each year and shall so remain until paid, which said tax liens shall take precedence over all other claims, encumbrances, and liens upon said personal property whatsoever, whether created by chattel mortgage, execution, levy, judgment, or otherwise, and whether arising before or after the assessment of said personal taxes, and no transfer of personal property assessed for taxes thereon shall operate to divest or destroy such lien except where such personal property is actually sold in the regular course of retail trade.

(ft.nt.- For statutory provisions requiring cities to provide by charter for the collecting of taxes, see MCL § 117.3(g); for provisions requiring cities to provide by charter for the levy, collection and return of state, county

and school taxes in conformity with state law, see MCL § 117.3(i); for provisions on tax liens, see MCL § 211.40.)

PROTECTION OF CITY LIEN

SECTION 9.14.

The city shall have power to acquire by purchase any premises within the city at any tax or other public sale, or by direct purchase from the State of Michigan or the fee owner, when such purchase is necessary to protect the lien of the city for taxes or special assessments, or both, on said premises and may hold, lease, or sell the same for the purpose of securing therefrom the amount of such taxes or special assessments, or both, together with any incidental expenses incurred in connection with the exercise of this power. And such procedure exercised by the city in the protection of its tax lien shall be deemed to be for a public purpose.

(ft.nt.- For statutory provisions requiring cities to provide by charter for the collection of taxes, see MCL § 117.3(g); for provisions authorizing cities to provide by charter for the control of city property, see MCL §§ 117.4e and 117.4j; for provisions on sale of delinquent taxpayers' property, see MCL § 211.60.)

TAXES DUE

SECTION 9.15.

City taxes shall be due on the first day of July of the year when levied and shall be payable as stated in the warrant of the Mayor annexed to said roll.

(ft.nt.- For statutory provisions requiring cities to provide by charter for the collection of taxes, see MCL § 117.3(g); for provisions specifying the date when taxes shall become debt due the city, see MCL §§ 211.40 and 211.2.)

TAX ROLL CERTIFICATION FOR COLLECTION

SECTION 9.16.

After extending the taxes aforesaid, the City Assessor shall certify said tax roll and the Mayor shall annex his/her warrant thereto, directing and requiring the City Treasurer to collect from the several persons named in said roll the several sums mentioned therein opposite their respective names as a tax or assessment, and authorizing him/her, in respect to taxes on personal property, in case any person named therein shall neglect or refuse to pay such sums, to levy the same by distress and sale of his/her or their goods and chattels, together with the costs and charges of such distress and sale. Said warrant shall direct that all of said taxes may be paid in full on or before the 31st day of August or may be paid in eight equal installments, one of which installments shall fall due on the 31st day of August of the same year and one each of the rest of such installments shall fall due on the last day of each of the seven (7) respective succeeding months thereafter and may be paid without additional charge other than the one percent (1%) collection fee, while not in default.

(Amended at the general election held 11-7-00)

(ft.nt.- For statutory provisions requiring cities to provide by charter for the collection of taxes, see MCL § 117.3(g); for provisions on preparation of tax rolls, see MCL § 211.42; for provisions on the collection of taxes by the city treasurer, see MCL §§ 211.44—211.47.)

PROPERTY TAX ADMINISTRATION FEES AND CHARGES

SECTION 9.17.

Upon all taxes paid to the City Treasurer he/she shall add one percent (1%) for property tax administration fees and if any installments of such taxes be not paid on or before the respective due date or dates thereof, then there

shall be added to said delinquent installment or installments an additional charge computed thereon at the rate of six percent (6%) per annum, from August 31st preceding, while such default continues. The additional charges herein before provided for shall become the property of the city as reimbursement of the expense of such tax collection, and the City Treasurer shall collect such charges and fees, in the same manner as he/she is authorized to collect such charges and fees, in the same manner as he/she is authorized to collect the tax, and for the purpose of their collection such charges and fees shall be deemed and taken to be a part of the tax. Said city tax roll and annexed warrant, together with a true copy of duplicate thereof, shall be delivered by the City Assessor to the City Treasurer on or before the 15th day of June of the year when made.

(Amended at the general election held 11-7-00)

(ft.nt.- For statutory provisions requiring cities to provide by charter for the collection of taxes, see MCL § 117.3(g); for provisions on dates for payment of taxes, see MCL § 211.40; for provisions on collection fees and charges, see MCL § 211.44.)

NOTIFICATION OF TAXES DUE

SECTION 9.18.

Within twenty (20) days after receiving the "City Tax Roll," and within like time after receiving the "General Tax Roll" covering county and school taxes, the City Treasurer shall give notice by mail to each tax payer whose name and post office address appears on the assessment roll, stating the amount of taxes assessed to him/her and a brief description of the property against which the tax is levied, the assessed valuation of such property, and the amount of the tax thereon. The expense of preparing and mailing such statement for the "General Tax Roll" shall be paid by the County of Oakland. Neither the failure to send or to receive such notice nor any error in such notice shall invalidate the legality of the tax levy or prejudice the right to collect or to enforce the payment of any tax.

(ft.nt.- For statutory provisions requiring cities to provide by charter for the collection of taxes, see MCL §§ 117.3(g) and 117.3(i); for provisions on notification of taxes due, see MCL § 211.44.)

TAX ROLL TO COUNTY TREASURER

SECTION 9.19.

If the City Treasurer has been unable to collect any of the city taxes on said roll on real property before the first day of March following the date when said roll was received by him/her, then it shall be his/her duty to return in the same manner and with like effect as returns by township treasurers of township, school, and county taxes. Such returns shall be made upon a delinquent tax roll which the City Treasurer shall make in duplicate and shall include all the additional charges and fees hereinbefore provided which charges shall, in such return, be added to the amount assessed in said tax roll against each description. The City Treasurer shall retain the duplicate copy of said delinquent tax roll in the files of his/her office. The taxes thus returned shall be collected in the same manner as other taxes returned to such county treasurer are collected under the provision of the general tax laws of the state. All taxes upon lands so returned to the county treasurer as delinquent shall be and remain a lien thereon until paid.

(ft.nt. - For statutory provisions requiring cities to provide by charter for the collection of taxes, see MCL §§ 117.3(g) and 117.3(i); for provisions on collection of delinquent taxes by the county treasurer, see MCL §§ 211.55—211.59.)

ERRORS IN ROLL

SECTION 9.20.

The Council shall have the power; when it shall appear that any city tax or special assessment has been illegally assessed, to refund the same or such illegal portion, if collected, or if not collected, to vacate the tax or

assessment, in whole or in part. No such action on the part of the Council shall in any way affect or invalidate any other tax or assessment levied or collected in said city. In event of the refund or vacation of a tax or special assessment illegally assessed, the Council shall have power to order the same or any portion thereof to be re-assessed if a valid assessment might have been made in the first instance.

(ft.nt.- For statutory provisions requiring cities to provide by charter for the laying and collecting of taxes, see MCL § 117.3(g); for provisions authorizing cities to provide by charter for the administration of municipal government, see MCL § 117.4j(3).)

APPORTIONING OF TAX ON PORTION OF TAXED ITEM

SECTION 9.21.

Any person owning an undivided share or other part of any parcel of real property, assessed in one description, may pay on the share or part thus owned by paying an amount having the same relation to the whole tax as the value of the part on which payment is made as to the value of the whole parcel. The person making such payment shall accurately describe the part or share on which he/she makes payment and the receipt given and the record of the receiving officers shall show such description and by who paid, and in case of the sale of the remaining part or share, for nonpayment of taxes, he/she may purchase the same in like manner as any disinterested person could. The values above referred to shall be determined by the City Assessor who before making such determination shall set a time for hearing and shall notify the interested parties by registered mail at their last known addresses, such notice to be mailed at least ten (10) days before the hearing. Any person aggrieved by such determination may appeal therefrom to the Board of Review by filing notice thereof with the City Clerk within ten (10) days after receiving notice of such decision. The Board of Review shall then without delay meet and review such decision and either affirm or modify it. The determination of the Board of Review as to the facts in the subject matter of any such appeal shall be final and conclusive as to such facts. The Board of Review shall not convene to hear any such appeal until the person or persons desiring such review shall have paid to the City Treasurer the cost thereof as determined by the Council.

(ft.nt.- For statutory provisions requiring cities to provide for the collection of taxes, see MCL §§ 117.3(g) and 117.3(i); for provisions on payment of taxes on undivided share of land, see MCL § 211.53.)

COUNTY AND SCHOOL TAXES

SECTION 9.22.

In all proceedings in relation to assessment, spreading, and collection of taxes for county and school purposes, and in relation to the receipt and disbursement of all moneys belonging to the county and the school district, the City Assessor, City Clerk, and City Treasurer shall have like powers and duties as are prescribed by the laws of the state for supervisors of townships, township clerks, and township treasurers respectively. Before and after the tenth day of January the City Treasurer shall add to such taxes, as collection fees, the same amounts as are permitted by state law to be added by township treasurers.

(ft.nt.- For statutory provisions requiring cities to provide for the levy, collection and return of state, county and school taxes in conformity with state law, see MCL § 117.3(i); for provisions making applicable to cities certain tax statutes relating to townships, see MCL § 211.107; for provisions on collection fees charged by township treasurers, see MCL § 211.44.)

CERTIFICATES SHOWING LIENS

SECTION 9.23.

It shall be the duty of the City Treasurer, upon request made by any party, to issue his/her certificate showing all unpaid taxes, special assessments, and other charges of the city which are a lien upon any specified property, and which are payable at his/her office, and he/she may upon being authorized by the Council charge the party requesting the same such fee as the Council shall establish, which fee shall be paid into the city treasury and

credited to the general fund. The issuance of such certificate shall not create any liability upon the part of the city or City Treasurer, except that, in event of fraud in the issuance thereof, the person actually issuing the same shall be liable therefor.

(ft.nt.- For statutory provisions on liens for nonpayment of taxes, see MCL § 211.40.)

TAX PENALTIES

SECTION 9.24.

The fees and penalties provided for by this charter or the general laws of the state for the collection of all taxes and the interest provided thereby to be paid or charged on city taxes, assessments, or charges shall belong to the city and shall be credited to the general fund.

(ft.nt.- For statutory provisions requiring cities to provide by charter for the collection of taxes, see MCL § 117.3(g); for provisions authorizing cities to provide by charter for the administration of municipal government, see MCL § 117.4j(3)).

CHAPTER X - BONDS

ISSUANCE OF

SECTION 10.1.

Subject to the applicable provisions of state law and this charter, the Council, by proper ordinance or resolution, may authorize the borrowing of money for any purpose within the scope of the powers vested in the city and the issuance of bonds of the city or other evidences of indebtedness therefor, and may pledge the full faith, credit and resources of the city for the payment of the obligations created thereby. The net bonded indebtedness of the city for all public purposes shall not at any time exceed ten percent (10%) of the assessed value of all real and personal property in the city: Provided that in computing the net bonded indebtedness for the purposes hereof, bonds issued in anticipation of the payment of special assessments, even though they are also a general obligation of the city, mortgage bonds which are secured only by a mortgage on the property or franchise of a public utility, and revenue bonds which are not a general obligation of the city, shall not be included, and the resources of the sinking fund pledged for the retirement of any outstanding bonds, shall also be deducted from the amount of the bonded indebtedness. No bonds of the city shall be sold at a price which would make the net interest rate on the money borrowed exceed six percent (6%) per year, nor shall any bond of the city be sold for less than its face or par value. (April 1, 1946)

(ft.nt.- For provisions authorizing cities to provide by charter for the issuance of bonds, see MCL § 117.4a(1); for provisions restricting the power of cities to issue bonds, see MCL §§ 117.5(e) and 117.5(g); for provisions on the borrowing of money by municipalities, see MCL §§ 131.1—138.2; for provisions on the power of cities to borrow, subject to state regulation, see Mich. Const., Art. VII § 21 and Art. IX [§ 13](#).)

SPECIAL ASSESSMENT BONDS

SECTION 10.2.

The council shall, subject to the applicable provision of the general laws of the state, have authority to borrow money, at interest rates not to exceed six percent (6%) per annum, in anticipation of the payment of special assessments made for the purpose of defraying the cost of any public improvement, or in anticipation of the payment of any combination of such special assessments, and to issue bonds therefor. Such special assessment bonds shall be secured by the full faith and credit of the special assessment district to which they apply, and in the discretion of the Council there may also be pledged the full faith, credit and resources of the city for the prompt payment of the principal thereof and interest thereon without the approval of the electors: Provided that the total principal amount of special assessment bonds pledging the full faith, credit and resources of the city, issued in any one calendar year, shall not exceed one percent (1%) of the assessed valuation of the city according to the last tax assessment roll, nor shall the total amount of such bonds at any one time outstanding exceed three

percent (3%) of such assessed valuation, unless approved by three-fifths (3/5) of the qualified electors voting thereon at a general or special election. Where bonds have been issued in anticipation of the collection of special assessments, all collections of principal, interest or penalties on such special assessments shall be set apart in a separate fund and bank account for the payment of the principal and interest of the bonds issued in anticipation thereof, and shall be used for no other purpose. The improvement for which such special assessments shall have been levied shall not be begun nor contracted for until the city shall have received from the sale of bonds or from other sources the estimated cost of such improvement; Provided, that this limitation shall not apply to the preliminary plans and estimates and the cost thereof.

(April 1, 1946)

(ft.nt.- For statutory provisions authorizing cities to provide by charter for borrowing in anticipation of special assessments, see MCL § 117.4a(2); for provisions restricting the power of cities to issue bonds, see MCL §§ 117.5(e) and 117.5(g); for provisions on the borrowing of money by municipalities, see MCL §§ 131.1—138.2; for provisions authorizing cities to provide by charter for special assessments, see MCL § 117.4d.)

GENERAL OBLIGATIONS SPECIAL IMPROVEMENT BONDS

SECTION 10.3.

Whenever any portion of the cost of any improvement shall be assumed by or charged to the city at large and the balance of such cost assessed to the property benefited, if the Council shall provide for the payment of the city's portion of such cost in installments, then in such cases, bonds may be issued in anticipation of the payment of the amount assessed to the city at large the same as they may be issued in anticipation of the payment of the amount assessed to the benefited property. There shall be appropriated each year an amount sufficient to pay the interest and principal on such bonds issued against the city's portion when the same shall fall due. Nothing in this section contained shall be construed to require financing of the city's portion of the cost of any improvement in the manner herein specified.

(ft.nt.- For provisions requiring cities to provide by charter for annual appropriations of moneys for municipal purposes, see MCL § 117.3(h); for provisions authorizing cities to provide by charter for the issuance of bonds in general and in the anticipation of special assessment payments, see MCL § 117.4a; for provisions authorizing cities to provide by charter for the assessing of costs of public improvements to special districts, see MCL § 117.4d; for provisions exempting issuance of bonds for the city's portion of local improvements from a popular vote, see MCL § 117.5(e); for provisions limiting the power of cities to issue bonds, see MCL § 117.5(g); for provisions on the borrowing of money by municipalities, see MCL §§ 131.1—138.2.)

MORTGAGE BONDS

SECTION 10.4. When the city is authorized to acquire, own, or operate any public utility, it may, in accordance with the provisions of Sections 23, 24, and 25 of Article VIII of the Michigan Constitution of 1908, issue mortgage bonds therefor beyond the general limit of bonded indebtedness prescribed by law.

(ft.nt.- For statutory provisions on the issuance of mortgage bonds by a city authorized to acquire any public utility, see MCL § 117.4c; for provisions restricting the powers of cities to issue bonds, see MCL § 117.5(e) and 117.5(g); for provisions on the borrowing of money by municipalities, see MCL §§ 131.1—138.2.)

REVENUE BONDS

SECTION 10.5.

The city shall have power to issue revenue or other types of bonds in the manner and for the purpose permitted by the Constitution and general laws of the State of Michigan.

(ft.nt.- For statutory provisions authorizing cities to provide by charter for the issuance of bonds, see MCL § 117.4a(1); for provisions limiting the power of cities to issue bonds, see MCL §§ 117.5(e) and 117.5(g); for

provisions on revenue bonds, see MCL §§ 141.101—141.139; for provisions on the borrowing of money by municipalities, see MCL §§ 131.1—138.2.)

CALAMITY BONDS

SECTION 10.6.

In case of fire, flood, or other calamity, the Council by a majority vote of its full membership may borrow for the relief of the inhabitants of the city and for the preservation of municipal property a sum not to exceed three-eighths (3/8) of one percent of the assessed valuation of all real and personal property in the city, due in not more than five (5) years, even if such loan would cause the indebtedness of the city to exceed the limit fixed in this charter.

(ft.nt.- For statutory provisions authorizing cities to provide by charter for the issuance of calamity bonds, see MCL § 117.4a(1); for provisions limiting the powers of cities to issue bonds, see MCL §§ 117.5(e) and 117.5(g); for provisions on the borrowing of money by municipalities, see MCL §§ 131.1—138.2)

UNISSUED BONDS

SECTION 10.7.

If any bonds which have been properly authorized are not issued within three (3) years after authorization, the authorization for the issuance of such bonds shall thereafter be null and void.

(ft.nt.- For statutory provisions authorizing cities to provide by charter for the issuance of bonds, see MCL § 117.4a(1); for provisions on the borrowing of money by municipalities, see MCL §§ 131.1—138.2.)

PROCEEDS FROM SALE OF BONDS

SECTION 10.8.

When the proceeds from the sale of any bonds shall have been paid into the city treasury, the principal thereof shall be credited to the fund for which the bonds were issued, and be applied exclusively to the purpose for which the bonds are authorized. No monies received from the sale of any bonds issued for any permanent public improvement shall be used for the maintenance thereof. The premiums and accrued interest received, if any, shall be credited to the interest fund.

(ft.nt.- For statutory provisions requiring cities to provide by charter for a system of accounts, see MCL § 117.3(n); for provisions authorizing cities to provide by charter for the management and control of municipal property, see MCL § 117.4j(3); for provisions on use of proceeds bonds for public improvements, see MCL § 141.116.)

TAX LEVIES TO COVER OBLIGATIONS

SECTION 10.9.

It shall be the duty of the Council to include in the amount of taxes levied each year an amount sufficient to pay the annual interest on all loans, any installments of the principal thereof falling due before the time of the following tax collections, and all payments required to be made to the sinking funds of the city, notwithstanding any tax limitations in this charter contained provided that the foregoing requirements shall not cause the annual tax levy for all city purposes to exceed one and eight-tenths percent (1.8%) of the assessed value of the real and personal property in the city.

(April 1, 1946)

(ft.nt.- For statutory provisions on the duty to levy taxes to cover obligations, see MCL § 137.1a; for provisions requiring cities to provide by charter for the annual laying and collecting of taxes, see MCL § 117.3g.)

INVESTMENT OF SINKING FUNDS

SECTION 10.10.

The Council shall make such investment of the moneys in the sinking fund or funds of the city, and make such disposal of securities held in such fund or funds as they may deem expedient; provided, however, that investments shall be made in only such securities as are approved by the laws of the state for sinking fund purposes. The City Treasurer shall have the custody of all securities and moneys held in the sinking funds of the city.

(ft.nt.- For statutory provisions requiring sinking funds for certain bond issues, see MCL § 117.5(g); for provisions on investment of sinking funds, see MCL § 137.2; for provisions authorizing cities to provide by charter for the control of city property, see MCL §§ 117.4e(3) and 117.4j(3).)

SIGNING AND RECORD OF BONDS, USE OF FUNDS

SECTION 10.11.

All bonds and other evidences of indebtedness issued by the city shall be signed by the Mayor and countersigned by the City Treasurer, under the seal of the city. Interest coupons may be executed with the facsimile signature of the City Treasurer. Each bond or other evidence of indebtedness shall contain on its face a statement specifying the purpose for which the same is issued and it shall be unlawful for any officer of the city to use the proceeds thereof for any other purpose, and any officer who shall violate this provision shall be deemed guilty of misconduct in office. A complete and detailed record of all bonds and other evidences of indebtedness and the totals thereof issued by the city shall be kept by the City Clerk and shall be a public record.

(ft.nt.- For statutory provisions authorizing cities to provide by charter for the issuance of bonds, see MCL § 117.4a(1); for provisions requiring cities to provide by charter for the duties of its officers, see MCL § 117.3(d); for provisions requiring cities to provide by charter for the public nature of city records, see MCL § 117.3(l).)

REGISTRATION

SECTION 10.12.

The Council may, if it deems advisable, provide for the registration of any bonds issued by the city.

(ft.nt.- For statutory provisions on the registration of bonds, see MCL § 133.3.)

BORROWING IN ANTICIPATION OF TAX COLLECTION

SECTION 10.13.

The city shall have the power to borrow money and issue notes in anticipation of the collection of taxes in accordance with the provisions of Michigan Compiled Laws 134.1 et seq., as amended.

(Amended at the general election held 11-4-97)

(ft.nt.- For statutory provisions on the borrowing of money by cities in anticipation of tax collection, see MCL §§ 134.1—134.8; for provisions authorizing cities to provide by charter for the borrowing of money by the city, see MCL § 117.4a.)

CANCELLED WHEN PAID

SECTION 10.14.

All bonds and evidences of debt which have been paid or which shall have been refunded, shall be properly cancelled.

(ft.nt.- For statutory provisions on cancellation of refunded obligations, see MCL § 136.9; for statutory provisions authorizing cities to provide by charter for the issuance of bonds, see MCL § 117.4a.)

CHAPTER XI - SPECIAL ASSESSMENTS

GENERAL

SECTION 11.1.

The council shall have power to determine that the whole or any part of the cost of a public improvement shall be defrayed by special assessments upon the property especially benefited. The cost of surveys and plans for a public improvement and all expenses incident to the proceedings for the making of such improvement and the special assessments therefor and for the issuance of bonds in anticipation of such special assessments, shall be deemed to be a part of the cost of the improvement.

(April 1, 1946)

(ft.nt.- For statutory provisions authorizing cities to provide by charter for the assessments of costs of any public improvement to a special district, see MCL § 117.4d(1).)

ACTION OF THE COUNCIL

SECTION 11.2.

When the Council shall propose to make any public improvement, any part of the cost of which is to be defrayed by special assessment, it shall refer the matter to the City Manager who shall prepare or cause to be prepared plans showing the improvement and the location thereof, and an estimate of the cost thereof. Upon receipt of such plans and estimate the Council shall order the same to be filed with the City Clerk and if it shall desire to proceed with the improvement it shall by resolution declare its intention to make such public improvement and shall designate the special assessment district and what part or proportion of the cost of said improvement shall be made by special assessment against the lots and parcels of land in said special assessment district and what part, if any, shall be paid from the general funds of the city. The Council shall also fix a time and place when it will meet and hear any objections to such improvement and to the special assessment district, and shall cause notice of such hearing to be given by publication thereof twice prior to such hearing in a newspaper circulating in the city, the first publication to be at least one week prior to the time of such hearing. Such notice shall state that the plans and estimate are on file with the City Clerk and shall contain a description of the proposed assessment district. At the time of such hearing, or any adjournment thereof, which may be without further notice, the Council shall hear any objections to such improvement and to the special assessment district, and may without further notice, revise, correct, amend or change the plans, estimate and/or district, provided that no property shall be added to the district until notice be given as above provided or by personal service upon the owners thereof, and a hearing afforded such owners. The Council, in order to ascertain whether or not a reasonable number of property owners to be assessed desire a public improvement to be made under the provisions of this chapter, may request that a petition therefor be presented to it but in event a petition be so filed it shall be advisory only and shall not be jurisdictional.

(April 1, 1946)

(ft.nt.- For statutory provisions authorizing cities to provide by charter for the assessment of the costs of a public improvement to a special district, see MCL § 117.4d(1), for provisions on notice of hearings on special assessments, see MCL §§ 211.741—211.745.)

SPECIAL ASSESSMENT ROLL

SECTION 11.3.

After the hearing provided for in the preceding section, if the Council desires to proceed with such improvement it shall by resolution determine to make such improvement and shall approve said plans and estimate as originally presented or as revised, corrected, amended or changed. The Council shall also direct the City Assessor to make a special assessment roll in which shall be entered and described all the lots and parcels of land to be assessed, with the names of the respective owners thereof, if known, and the amount to be assessed against each such lot or parcel of land, which amount shall be such relative portion of the whole sum to be levied against all the lots and parcels of land in the special assessment district as the benefit to such lot or parcel of land bears to the total benefits to all lots and parcels of land in the special assessment district. There shall also be entered upon said roll the amount which has been assessed to the city at large. When the City Assessor shall have completed the assessment roll, he/she shall affix thereto a certificate stating that it was made pursuant to a resolution of the Council of said city adopted on a specified date and that in making such assessment roll he/she has, according to his/her best judgment, conformed in all respects to the directions contained in such resolution and to the charter of the city.

(April 1, 1946)

(ft.nt.- For statutory provision authorizing cities to provide by charter for the assessment of the costs of public improvements to special districts, see MCL § 117.4d.)

ASSESSMENTS OF SINGLE LOTS

SECTION 11.4.

When any expense shall be incurred by the city upon or in respect to any separate or single lot, parcel of land, or premises, which by the provisions of this charter the Council is authorized to charge and collect as a special assessment against the same, which is not of that class of special assessments required to be made pro rata upon several lots or parcels of land in a special assessment district, an account of the labor or services for which such expense was incurred, verified by the officer or person performing the labor or services, or causing the same to be done, with a description of the lot or premises upon or in respect to which the expense was incurred, and the name of the owner or person, if known, chargeable therewith, shall be reported to the Council in such manner as they shall prescribe. The provisions of the preceding sections of the charter with reference to special assessment generally, and the proceedings necessary to be had before making the improvement shall not apply to assessments contemplated in this section.

(ft.nt.- For statutory provisions authorizing cities to provide by charter for the assessment of the costs of public improvements to a special district, see MCL § 117.4d(1).)

HAZARDS AND NUISANCES

SECTION 11.5.

When any lot, building, or structure within the city, because of accumulation of refuse or debris, the uncontrolled growing of weeds, or age or dilapidation, or because of any other condition or happening, becomes in the opinion of the Council a public hazard or nuisance which is dangerous to the health or safety of the inhabitants of the city or of those of them residing or habitually going near such lot, building, or structure, the Council may, after investigation give notice to the owner of the land upon which such nuisance exists, or to the owner of the building or structure itself, specifying the nature of the nuisance and requiring such owner to alter, repair, tear down, or remove the nuisance promptly and within a time to be specified by the Council which shall be commensurate with the nature of the nuisance. If, at the expiration of the time limit in said notice, said owner has not complied with the requirements thereof, or in any case where the owner of the land or of the building or structure itself is not known, the Council may order such hazard or nuisance abated by the proper department or

agency of the city which is qualified to do the work required and the cost of such abatement assessed against the lot, premises, or description of real property upon which such hazard or nuisance was located.

(ft.nt.- For statutory provisions requiring cities to provide for the public peace, health and safety, see MCL § 117.3(j); for provisions authorizing cities to provide by charter for the enforcement of local, police and sanitary regulations, see MCL § 117.4i(j).)

AMOUNT, COUNCIL TO DETERMINE

SECTION 11.6.

The Council shall determine what amount or part of every such expense shall be charged, and the person, if known, against whom, and the premises upon which the same shall be levied as a special assessment; and as often as the Council shall deem it expedient, it shall require all of the several amounts so reported and determined, and the several lots or premises and the persons chargeable therewith respectively to be reported by the City Clerk to the Assessor who shall spread such amounts against the several persons or descriptions of real property chargeable therewith on the next tax roll for the collection of city taxes.

(ft.nt.- For statutory provisions authorizing cities to provide by charter for the assessment of costs of public improvements to a special district, see MCL § 117.4d(1).)

COST OF CONDEMNED PROPERTY ADDED

SECTION 11.7.

Whenever any property is acquired by condemnation or otherwise for the purpose of any special improvement, the cost thereof may be added to the cost of such special improvement.

(ft.nt.- For statutory provisions on the cost of public improvements for special districts including condemnation costs, see MCL § 117.4d.)

PUBLIC HEARING

SECTION 11.8.

When any special assessment roll shall be reported by the Assessor to the Council, the same shall be filed in the office of the Clerk. Before confirming such assessment roll, the Council shall appoint a time and place when it will meet and review the same, and hear any objections thereto, and shall cause notice of such hearing and of the filing of such assessment roll, to be published twice prior to such hearing in a newspaper circulating in the city, the first publication to be at least one week before such hearing. Such hearing may be adjourned without further notice. Any person objecting to the assessment roll shall file his/her objections thereto in writing with the Clerk before the close of such hearing or within such further time as the Council may grant. After such hearing the Council may confirm such special assessment roll as reported to it by the Assessor, or may correct the same as to any matter appearing therein and confirm it as so corrected, or may refer it back to the Assessor for revision or may annul it and direct a new roll to be made. When a special assessment roll shall be confirmed, the Clerk shall endorse thereon the date of the confirmation. After such confirmation, the special assessment roll and all assessments therein shall be final and conclusive. Special assessments to defray the cost of any improvement shall be confirmed before making the improvement.

(April 1, 1946)

(ft.nt.- For provisions on notice of hearings on special assessments, see MCL §§ 211.741—211.745; for provisions authorizing cities to provide by charter for the assessment of the costs of a public improvement to a special district, see MCL § 117.4d(1).)

INSTALLMENTS

SECTION 11.9.

Special assessments shall be payable in one installment or in such number of approximately equal annual installments not exceeding ten (10) as the Council may determine. The amount of each installment (if more than one) need not be extended upon the special assessment roll until after confirmation. The first installment of a special assessment shall be due on or before such time after confirmation as the Council shall fix, and the several subsequent installments shall be due at intervals of twelve (12) months from the due date of the first installment. All unpaid installments prior to their transfer to the city tax roll, shall bear interest, payable annually, at a rate to be fixed by the Council not exceeding six percent (6%) per annum from the date the first installment becomes due. The whole assessment against any lot or parcel of land may be paid to the City Treasurer at any time in full with interest and penalties accrued to the date of such payment. If any installment of a special assessment is not paid when due, then the same shall be deemed to be delinquent and there shall be collected thereon, in addition to interest as above provided, a penalty at the rate of one-half of one percent ($\frac{1}{2}$ of 1%) for each month or fraction thereof that the same remains unpaid before being reported to the Council for reassessment upon the city tax roll.

(April 1, 1946)

(ft.nt.- For statutory provisions on the payment of special assessments, see MCL § 211.53; for provisions authorizing cities to provide by charter for the assessment of the costs of public improvements to special districts, see MCL § 117.4d(1).)

SECTION 11.10.

All special assessments contained in any special assessment roll, including any part thereof deferred as to payment, shall from the date of the confirmation of such roll, constitute a lien upon the respective lots or parcels of land assessed and until paid shall be a charge against the respective owners of the several lots and parcels of land. Such lien shall be of the same character and effect as the lien created for city taxes and shall include accrued interest and penalties. No judgment or decree, nor any act of the Council vacating a special assessment, shall destroy or impair the lien of the city upon the premises assessed, for such amount of the assessment as may be equitably charged against the same, or as by a regular mode of proceeding might be lawfully assessed thereon.

(April 1, 1946)

(ft.nt.- For statutory provisions on liens for overdue taxes, see MCL § 211.40.)

APPORTIONMENT OF LIEN

SECTION 11.11.

Should any lot or parcel of land be divided after a special assessment thereon has been confirmed and before the collection thereof, the Council may require the Assessor to apportion the uncollected amounts upon the several parts of such lot or parcel of land. The report of such apportionment when confirmed shall be conclusive upon all parties, provided that before such confirmation, notice of hearing shall be given to all the interested parties either by personal service or by publication as above provided in case of an original assessment roll.

(April 1, 1946)

(ft.nt.- For statutory provisions authorizing cities to provide by charter for the assessment and reassessment of the costs of public improvements to a special district, see MCL § 117.4d(1); for provisions on notice of hearings on special assessments, see MCL §§ 211.741—211.745.)

ADDITIONAL ASSESSMENTS, REFUNDS

SECTION 11.12.

Should the assessments in any special assessment roll prove insufficient for any reason, including the non-collection thereof, to pay for the improvement for which they were made or to pay the principal and interest on the bonds issued in anticipation of the collection of such assessments, then the Council shall make additional pro rata assessments to supply the deficiency, but the total amount assessed against any lot or parcel of land shall not exceed the value of the benefits received from the improvement. Should the amount collected on assessments prove larger than necessary by five percent (5%) or less of the amount of the original roll, the Council may place the excess in any of the funds of the city, but if such excess shall exceed such five percent (5%), then the same shall be refunded pro rata to the several owners of the lots and parcels of land in the special assessment district at the time of the passage of the resolution ordering such refund, in accordance with the amount paid by each such owner or his/her predecessor in title.

(April 1, 1946)

(ft.nt.- For statutory provisions authorizing cities to provide by charter for the assessment and reassessment of the costs of public improvements to a special district, see MCL § 117.4d(1).)

VALIDITY

SECTION 11.13.

Whenever any special assessment shall, in the opinion of the Council, be invalid by reason of irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the Council shall, whether the improvement has been made or not, or whether any part of the assessment has been paid or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All proceedings on such reassessment and for the collection thereof shall be conducted in the same manner as provided for the original assessment, and whenever the assessment, or any part thereof, levied upon any premises has been so set aside, if the same has been paid and not refunded, the payment so made shall be applied upon the reassessment and the reassessment shall to that extent be deemed satisfied.

(April 1, 1946)

(ft.nt.- For statutory provisions authorizing cities to provide by charter for the assessment and reassessment of costs of public improvements to a special district, see MCL § 117.4d(1).)

COLLECTION

SECTION 11.14.

When any special assessment shall be confirmed, the Council shall direct the assessments so made in the special assessment roll to be collected. The City Clerk shall thereupon deliver to the City Treasurer said special assessment roll to which he/she shall attach his/her warrant commanding the City Treasurer to collect from each of the persons assessed in said roll the amount of money assessed to and set opposite his/her name therein, and in case any such person shall neglect or refuse to pay his/her assessment, or any part thereof, upon demand after the same has become due, then to levy and collect the same by distress and sale of the goods and chattels of such person. Said warrant shall further require the City Treasurer on the first day of May following the date when any such assessments, or any part thereof, have become due, to submit to the Council a sworn statement setting forth the names of the persons delinquent, if known, a description of the lots and parcels of land upon which there are delinquent assessments, and the amount of such delinquency, including accrued interest and penalties computed to May first of such year.

(April 1, 1946)

(ft.nt.- For statutory provisions authorizing cities to provide for the assessment and reassessment of the costs of public improvements to a special district, see MCL § 117.4d.)

PUBLIC AUCTION

SECTION 11.15.

Upon receiving such special assessment roll and warrant, the Treasurer shall proceed to collect the several amounts assessed therein. If any person shall neglect or refuse to pay his/her assessment upon demand, the Treasurer shall seize and levy upon any personal property belonging to such person, found within the city or elsewhere within the State of Michigan, and sell the same at public auction, first giving six (6) days' notice of the time and place of such sale by posting such notice in three (3) of the most public places in the city or township where such property may be found, the proceeds of such sale, or so much thereof as may be necessary for that purpose, shall be applied to the payment of the assessment and the cost and expenses of such seizure and sale, and the surplus shall be paid to the person entitled thereto.

(April 1, 1946)

(ft.nt.- For statutory provisions authorizing cities to provide by charter for the assessment and reassessment of the costs of public improvements to a special district, see MCL § 117.4d.)

TRANSFER TO TAX ROLL

SECTION 11.16.

In case the Treasurer, pursuant to the provisions of Section 13.14, shall report as delinquent any assessment or part thereof, the Council shall certify the same to the Assessor who shall reassess on the next annual city tax roll in a column headed special assessments, the sum so delinquent with interest and penalty to May first of such year and an additional penalty of three percent (3%) of such total amount, and when so reassessed upon said tax roll shall be collected in all respects as provided for the collection of city taxes, except from and after the 31st day of July of the year of such reassessment and until March first of the following year, there shall be added a penalty of one percent (1%) for each month or fraction thereof that the same remains unpaid. Unpaid special assessments reassessed upon a city tax roll shall be returned to the County Treasurer for collection, at the same time and in the same manner as city taxes.

(April 1, 1946)

(ft.nt.- For statutory provisions authorizing cities to provide by charter for the assessment and reassessment of costs of public improvements to a special district, see MCL § 117.4d; for provisions requiring cities to provide by charter for the collecting of city taxes, see MCL § 117.3(g); for provisions on the collection of taxes, see MCL §§ 211.44—211.59.)

COURT PROCEDURE

SECTION 11.17.

In addition to any other remedies and without impairing the lien therefor, any delinquent special assessment together with interest and penalties may be collected in an action of assumpsit in the name of the city against the person assessed, in any court having jurisdiction of the amount. If in any such action it shall appear that by reason of any irregularities or informalities the assessment has not been properly made against the defendant or upon the premises sought to be charged, the court may, nevertheless, on satisfactory proof that expense has been incurred by the city, which is a proper charge against the defendant or the premises in question, render judgment for the amount properly chargeable against such defendant or upon such premises.

(April 1, 1946)

(ft.nt.- For statutory provisions on collection of delinquent special assessments through an action of assumpsit, see MCL §§ 211.501 and 211.502.)

ADDITIONAL PROCEDURE

SECTION 11.18.

In any case where the provisions of this chapter may prove to be insufficient to carry into full effect the making of any special assessment, the Council may by resolution provide any additional steps or procedure required to effect the improvement by special assessment.

(April 1, 1946)

(ft.nt.- For statutory provisions authorizing cities to provide by charter for the assessment and reassessment of the costs of public improvements to a special district, see MCL § 117.4d.)

CHAPTER XII - POLICE POWERS

GENERAL

SECTION 12.1.

The city shall have and possess all of the police powers possessed, permitted to, and exercised by cities in the State of Michigan. The Council shall provide, by ordinance, for the public peace and health and for the safety of persons and property.

(ft.nt.- For statutory provisions requiring cities to provide by charter for the public peace, health and safety, see MCL § 117.3(j); for statutory provisions requiring cities to provide by charter for the adoption of ordinances, ordinances, see MCL § 117.3(k); for provisions authorizing cities to provide by charter for the enforcement of police regulations, see MCL § 117.4i.)

CITY POLICE SERVICE

SECTION 12.2.

The Council shall provide, by ordinance, for a city police force to enforce laws of the State of Michigan and the ordinances of the City of Hazel Park, to effectually preserve peace and good order within the city and upon all city property, to preserve the inhabitants of the city from personal violence, and to protect private and public property from destruction by fire and from unlawful depredation. The personnel of the police force of the City of Hazel Park, in the performance of the duties prescribed in such ordinance, shall possess all of the powers, privileges, immunities, and jurisdiction possessed by police officers in cities under the laws of the State of Michigan. Subject to the provisions of [Section 6.15](#) of this charter and ordinances enacted in accordance otherwise, the Council shall make and establish rules and regulations for the government and regulation of the personnel of the police service. The Chief of Police shall have superintendence and direction of the city police force and, in the performance of the duties of his/her office, he/she shall be responsible to the City Manager. As a peace officer the Chief of Police shall be vested with all of the powers conferred upon sheriffs for the preservation of quiet and good order.

(ft.nt.- For statutory provisions requiring cities to provide for the duties of its officers, see MCL § 117.3(d); for provisions requiring cities to provide by charter for the public peace and safety, see MCL § 117.3(j); for provisions authorizing cities to provide by charter for a system of civil service, see MCL § 117.4i(h); for provisions authorizing cities to provide for the enforcement of its regulations, see MCL § 117.4i(j); for provisions authorizing cities to provide by charter for the establishment of city departments, see MCL § 117.4j(i); for provisions on the powers of city police officers, see MCL § 117.34; for provisions on arrests by city police officers, see MCL §§ 764.2, 764.3, 764.9—764.25; for provisions on local assistance to state police, see MCL §§ 28.6, 28.53, 28.55; for provisions on powers of a chief of police during riots, see MCL § 750.526; for

provisions on duties of police officers with regard to election law violations, see MCL § 168.941; for provisions on the extraterritorial authority of a city police officer, see MCL § 257.726a.)

CITY FIRE SERVICE

SECTION 12.3.

The Council shall, by ordinance, establish and enforce such regulations as it shall deem necessary to guard against the occurrence of fires, and to protect the property and persons of the inhabitants of the city against damage and accident resulting therefrom. For this purpose, the Council may establish and maintain a city fire service and, subject to the provisions of this charter and ordinances enacted in accordance therewith make and establish rules and regulations for the government of the employees, firemen, and officers thereof, and acquire and provide for the care and management of engines, apparatus, property, and buildings pertaining to the fire service. The Fire Chief shall have superintendence and direction of the fire service and, in the performance of his/her duties, he/she shall be responsible to the City Manager. The Fire Chief, or any person acting in his/her stead, may command any person present at a fire to aid in the extinguishment thereof and to assist in the protection of property thereat. Refusal to obey any such lawful requirement shall constitute a misdemeanor.

(ft.nt.- For statutory provisions requiring cities to provide by charter for the duties of its officers, see MCL § 117.3(d); for provisions requiring cities to provide by charter for the public peace, health and safety, see MCL § 117.3(j); for provisions authorizing cities to provide by charter for a civil service, see MCL § 117.4i(h); for provisions authorizing cities to provide by charter for the acquisition of fire stations, see MCL § 117.4e(1); for provisions authorizing cities to provide by charter for the maintenance of city property, see MCL § 117.4e(1); for provisions authorizing the purchase of firefighting equipment by municipalities, see MCL § 141.451.)

STREETS AND ALLEYS

SECTION 12.4.

The right to establish and vacate and to use, and to control and regulate the use of its streets, alleys, bridges, and public places (whether such public places be located within or without the limits of the city) and the space above and beneath them is hereby reserved to the city. Such right shall include, but not be limited to the proper policing and supervision thereof and to the licensing and regulation, or the prohibition of the placing of signs, awnings, awning posts, and things which are of such nature as to impede or make dangerous the use of sidewalks, upon or over the sidewalks of the city, and the licensing and regulation of the construction and use of openings in the sidewalks, and of all vaults, structures, and evacuations under the same.

(ft.nt.- For statutory provisions requiring cities to provide by charter for the public peace, health and safety, see MCL § 117.3(j); for provisions authorizing cities to provide by charter for acquisition of boulevards, streets, alleys and other public places, see MCL § 117.4e(1); for provisions authorizing cities to provide by charter for the maintenance, operation and disposal of city property, see MCL § 117.4e(3); for provisions authorizing cities to provide by charter for the use, regulation, improvement and control of streets, alleys and public ways, and of the space above and beneath them, see MCL § 117.4h(1); for provisions authorizing cities to provide by charter for the use of streets, alleys and public places in the operation of a public utility, see MCL § 117.4h(2); for provisions authorizing cities to provide by charter for plan of streets and alleys, see MCL § 117.4h(3); for provisions authorizing cities to provide by charter for the regulation of billboards, see MCL § 117.4i(f); for provisions preserving the right of local units of government to control their highways, streets and alleys, see Mich. Const., Art. VII § 29.)

TRANSFER OF JURISDICTION OVER STREETS AND ALLEYS

SECTION 12.5.

All streets, alleys, and highways located in the city, which have, prior to September 20, 1941, been county roads by virtue of the provisions of Act No. 130 of the Public Acts of 1931 shall be under the jurisdiction of the City of Hazel Park and the city shall succeed to all the rights and privileges therein possessed by Royal Oak Township

and the County of Oakland; provided that any street or highway in the city which has been made a part of the state highway system by proper agreement between the State of Michigan and Royal Oak Township or the County of Oakland while said streets or highways were under the control of either of them, shall be and remain a part of said state highway system, and that Ten Mile Road, Nine Mile Road, John R Street, Dequindre Road shall remain a part of the Oakland County road system, the same, in each case, as before the adoption of this charter, except for such rights of usage, control, and regulation thereof as is permitted to the city by the constitution and the general laws of the State of Michigan. The city may adopt a plan of streets, alleys, and public highways within its limits and so far beyond its limits as may be permitted by state law.

(ft.nt.- For statutes authorizing cities to provide by charter for a plan of streets and alleys, see MCL § 117.4h(3); for provisions on state trunkline highways, county roads and city streets, see MCL §§ 347.651—347.672; for provisions preserving the right of local units of government to control their streets, highways and alleys, see Mich. Const., Art. VII § 29; for provisions authorizing cities to provide by charter for the regulation of streets, alleys and public ways, see MCL § 117.4h(1).)

HEALTH

SECTION 12.6.

The Council shall have and exercise within and for the city all the powers and authority conferred upon the Boards of Health by Michigan Compiled Laws 333.2401 et seq. and all amendments thereto insofar as the same are applicable and consistent with the provisions of this Charter and may enact such ordinances as may be deemed necessary for the preservation and protection of the health of the city's inhabitants. Insofar as the same may be in the best interest of the city, the Council may elect to join with the Health Department of the County of Oakland in the administration of all health laws and the control of communicable diseases in the city.

(Amended at the general election held 11-4-97)

(ft.nt.- For provisions requiring cities to provide for the public health, see § 117.3(j).)

HOUSE TRAILERS

SECTION 12.7.

The Council may, by ordinance, provide for the prohibition or regulation of the use, occupancy, sanitation, and parking of house trailers within the city. The right of the Council to so regulate any house trailer shall not be abrogated because of any detachment thereof from its wheels or because of placing it on, or attaching it to, the ground by means of any temporary or permanent foundation or in any manner whatsoever.

(ft.nt.- For statutory provisions requiring cities to provide for the public peace, health and safety, see MCL § 117.3(j); for provisions authorizing cities to provide by charter for zones related to the use of structures, see MCL § 117.4i(c); for provisions authorizing cities to enact use, occupancy and sanitation regulations stricter than statutory minimums for dwellings, including trailers, see MCL §§ 125.408 and 125.402(1); for provisions on city zoning powers, see MCL § 125.581 et seq.; for provisions on trailers not in licensed parks, see MCL §§ 125.741—125.745; for provisions on trailer coach parks, see MCL §§ 125.1001—125.1097; for provisions on regulation of campgrounds, see MCL §§ 325.651—325.665; for provisions on registration of persons in trailer camps, see MCL §§ 125.781—125.784.)

CHAPTER XIII - RIGHTS OF CITY WITH REGARD TO PROPERTY POWER TO ACQUIRE AND OWN PROPERTY

SECTION 13.1.

The city shall have the power to acquire by purchase, gift, condemnation, lease, construction or otherwise, either within or without its corporate limits, and either within or without the County of Oakland, the following improvements, including the necessary lands therefor, viz: City hall, police stations, fire stations, boulevards,

streets, alleys, parking lots, public parks, cemeteries, recreation grounds, libraries, museums, airports, city prisons, hospitals, utilities for supplying water, light, heat, power, transportation, and sewage disposal, garbage disposal plant, rubbish disposal plant, market places, public works and public buildings of all kinds, and the enlargement thereof or the making of additions thereto; and to acquire by purchase, gift, condemnation, lease, or otherwise, private property, either within or without its corporate limits, and either within or without the County of Oakland, for any public use or purpose within the scope of its powers, whether herein specifically mentioned or not.

(ft.nt.- For statutory provisions authorizing cities to provide by charter for the acquisition of certain property, see MCL §§ 117.4a(1), 117.4a(2), 117.4f(3), 117.4f(4) and 123.241; for provisions on the power of cities to acquire, own and maintain certain property, see Mich. Const., Art. VII §§ 23, 24 and 25.)

DEVELOP, LEASE AND SALE OF PROPERTY

SECTION 13.2.

The city may maintain, develop, operate, lease, and dispose of its property subject to any restrictions placed thereupon by law or by this charter; provided, that no property of a value in excess of two dollars (\$2.00) per capita according to the last preceding United States census, or any park, cemetery, or any part thereof, shall be sold, nor shall the city engage in any business enterprise requiring an investment of money in excess of ten cents (10¢) per capita, unless approved by three fifths ($\frac{3}{5}$) majority of the electors voting thereon.

(ft.nt.- For statutory provisions authorizing cities to provide by charter for the maintenance, development, operation, lease, sale or disposal of city property, see MCL § 117.4e(3); for provisions on the sale of certain property and investment of city moneys, see MCL § 117.5(a).)

CHAPTER XIV - CONTRACTS CITY MAY PERFORM PUBLIC WORK

SECTION 14.1.

The Council shall have power to do any public work or make any public improvement by the employment of the necessary labor and the purchase of the necessary supplies and materials with separate accounting as to each improvement so made, or to do such work by contract duly let after competitive bidding. The Council shall also have power to do any public work or make any public improvement under any legally constituted plan under which the labor is furnished by any other governmental unit, department, or agency of the United States or the State of Michigan and the necessary supplies and materials therefor provided by the city.

(ft.nt.- For provisions on the power of cities to establish and maintain certain public property and public works, see Mich. Const., Art. VII §§ 23 and 24; and provisions on public internal improvements, see Mich. Const., Art. III § 6; for provisions requiring cities to provide by charter for a system of accounts, see MCL § 117.3(n); for provisions authorizing cities to provide by charter for the installation of sewers and waterworks, see MCL § 117.4b(2); for provisions authorizing cities to provide by charter for installation of conduits to municipal light plants, see MCL § 117.4b(3); for provisions authorizing cities to provide by charter for assessing the costs of public improvements and boulevard lighting, see MCL § 117.4d; for provisions authorizing cities to provide by charter for certain public works and public buildings, see MCL § 117.4e(1); for provisions authorizing cities to provide by charter for maintenance, development and operation of city property, see MCL § 117.4e(3); for provisions authorizing cities to provide by charter for the construction of transportation facilities, see MCL § 117.4f(2); for provisions authorizing cities to equip and maintain land and buildings for a recreation and playgrounds system, see MCL § 123.51; for provisions authorizing joint public improvements by adjoining cities or villages, see MCL § 123.71; for provisions on the construction of municipal lighting works, see MCL §§ 123.91 — 123.93; for provisions on the construction of joint water supply systems by 2 or more cities, see MCL §§ 123.151 — 123.155; for provisions requiring the construction of not less than one public convenience station by a city, see MCL § 123.171; for provisions authorizing the construction of municipal waste disposal systems, see MCL §§ 123.241 — 123.253; for provisions authorizing the construction of municipal sewage disposal plants, see MCL §§ 123.201 — 123.220; for provisions authorizing cities to construct public improvements, see MCL §§

141.101—141.106; for provisions authorizing cities to provide by charter for construction of water, light, heat and power facilities, see MCL § 117.4f(3); for provisions authorizing cities to provide by charter for construction of a rapid transit system, see MCL § 117.4g; for provisions authorizing cities to provide by charter for improvement of streets, alleys and public ways, see MCL § 117.4h(1); for provisions authorizing cities to provide by charter for the establishment and maintenance of parking facilities, see MCL § 117.4h(6); for provisions authorizing cities to contract for the joint construction and maintenance of public buildings by different governmental entities, see MCL §§ 123.921—123.925; for provisions authorizing 2 or more cities to create a hospital authority to construct and maintain community hospitals see MCL §§ 331.1—331.11; for provisions on the construction of water supply works by cities, see MCL §§ 123.111—123.130; for provisions authorizing 2 or more cities to create a joint authority to construct a water supply system, see MCL §§ 123.251—123.262; for provisions on joint operation by 2 or more cities of a sewage disposal system, see MCL §§ 123.231—123.235; for provisions on joint sewage disposal and water supply authorities for 2 or more municipalities, see MCL §§ 124.281—124.287; for provisions authorizing cities to accept federal grants for the construction of water pollution prevention works, see MCL § 323.102; for provisions authorizing cities to construct exhibition areas for certain product displays, see MCL § 123.651; for provisions authorizing cities to establish authorities for the construction of public markets, see MCL §§ 123.671—123.674; for provisions authorizing cities to create downtown development authorities to construct downtown improvements, see MCL §§ 125.1651—125.1657; for provisions authorizing cities to construct housing facilities, see MCL § 125.652; for provisions authorizing cities to construct improvements and public works to aid housing projects, see MCL § 125.604; for provisions authorizing cities to make certain improvements as part of a shopping area redevelopment project, see MCL §§ 125.981—125.983; for provisions authorizing cities to construct industrial buildings, see MCL § 125.1253; for provisions on joint exercise of powers by 2 or more governmental entities, see Mich. Const., Art. VII § 28, and MCL §§ 124.501—124.512.)

PLANS AND SPECIFICATIONS

SECTION 14.2.

The responsibility for the preparation of plans and specifications, estimating of the cost, advertising for bids, supervision and approval of the work upon or for any public work or public or special improvement is vested in the City Manager.

(ft.nt.- For statutory provisions requiring cities to provide by charter for the duties of its officers, see MCL § 117.3(d); for provisions authorizing cities to provide by charter for the administration of municipal government, see MCL § 117.4j(3).)

CONTRACTS

SECTION 14.3.

Whenever it becomes desirable for the city to enter into a contract with a second party for any purpose whatever, such instrument shall be drawn or approved as to form by the City Attorney and certified to by the City Clerk as to sufficiency of funds. The lettings and making of such contracts is hereby vested in the Council. The Council, in its discretion, shall have the power to reject any or all bids. Copies of all contracts shall be filed in the office of the City Clerk.

(ft.nt.- For statutory provisions requiring cities to provide by charter for the duties of its officers, see MCL § 117.4(d); for provisions authorizing cities to provide by charter for the administration of municipal governments, see MCL § 117.4j(3).)

MODIFICATIONS IN CONTRACTS

SECTION 14.4.

When it becomes necessary in the prosecution of any work or improvement done under contract to make alterations or modifications in such contract, such alterations or modifications shall be made only upon resolution

of the Council. No such order shall be effective until the price to be paid for the material and work, or both, under the altered or modified contract shall have been agreed upon in writing and signed by the contractor and the City Manager upon authority of the Council and a copy thereof and of the proceedings authorizing such alteration or modification certified by the City Clerk, attached by the City Clerk to the original contract on file in his/her office. If any officer or employee of the city shall knowingly permit or allow any deviation from the plans and specifications as shown by the record in the office of the City Clerk, he/she shall be deemed guilty of misconduct in office.

(ft.nt.- For statutory provisions authorizing cities to provide by charter for the administration of municipal government, see MCL § 117.4j(3).)

OFFICIAL INTEREST IN CONTRACTS

SECTION 14.5.

No person holding any elective or appointive office in, or employment by, the city shall be permitted to enter into any contractual relation with the city in which such officer or employee shall or may have any direct or indirect pecuniary interest. The city shall not have power to make any contract with any person, firm, or corporation who or which is in default to the city.

(ft.nt.- For statutory provisions prohibiting cities from contracting with anyone in default to the city, see MCL § 117.5(f); for provisions on conflicts of interest in respect to public contracts, see MCL §§ 15.321 – 15.329.)

COUNCIL SHALL PRESCRIBE DETAIL

SECTION 14.6.

The Council shall, by ordinance, prescribe such detailed procedures as shall be necessary to effectually carry out the provisions of this chapter.

(ft.nt.- For provisions authorizing cities to provide for the administration of municipal government, see MCL § 117.4j(3).)

CHAPTER XV - FRANCHISES—PERMITS

GENERAL

SECTION 15.1.

No franchise or grant which is not revocable at the will of the Council shall be granted or become operative until the same shall have been referred to the people at a regular or special election and has received the approval of three-fifths (3/5) of the electors voting thereon at such election.

(ft.nt.- For provisions on the granting of public utility franchises by cities, see Mich. Const., Art. VII § 25.)

FRANCHISES

SECTION 15.2.

All irrevocable public utility franchises and all renewals, extensions, and amendments thereof shall be granted only by ordinance. No such ordinance shall be adopted before thirty (30) days after application therefor has been filed with the Council, nor until a full public hearing has been held thereon. No such ordinance shall be submitted to the electors at an election to be held less than thirty (30) days after the grantee named therein has filed with the City Clerk its unconditional acceptance of all of the terms of such franchise, and it shall not be submitted to a special election unless the expense of holding the election, as determined by the Council, shall have been paid to the Treasurer by the grantee. No exclusive franchises shall ever be granted and no franchise shall be granted for a longer term than thirty (30) years.

(ft.nt.- For provisions on local franchises for public utilities, see Mich. Const., Art. VII § 29; for provisions on elections for the granting of local franchises, see Mich. Const., Art. VII § 25; for provisions limiting the duration of local franchises, see Mich. Const., Art. VII § 30; for provisions on the holding of special elections to grant franchises, see MCL § 117.5(i); for provisions authorizing cities to provide by charter for the regulation of public utilities in the use of property located in streets, alleys and public places, see MCL § 117.4h(2).)

CONTROL AND REVOCATION

SECTION 15.3.

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

(ft.nt.- For provisions on local franchises for public utilities and preservation of control of local streets, alleys and public places in local governments, see Mich. Const., Art. VII § 29; for provisions authorizing cities to provide by charter for the regulation of public utilities in use of property located in streets, alleys and public places, see MCL § 117.4h(2); for statutory provisions authorizing cities to provide by charter for enforcement of local regulations, see MCL § 117.4i(k); for provisions authorizing cities to provide by charter for punishment of violators of city laws and ordinances, see MCL § 117.4i(10).)

PROVISIONS STATED NOT TO BE EXCLUSIVE

SECTION 15.4. The enumeration and specification of particular matters in this charter which must be included in every franchise or grant shall never be construed as impairing the right of the Council to insert in such franchise or grant any other and further matters, terms or conditions as may be within the power of the city to impose or require and which the Council shall deem proper to protect the interests of the people of the city.

(ft.nt.- For provisions on local franchises for public utilities and preservation of control of local streets, alleys and public places in local governments, see Mich. Const., Art. VII § 29; for provisions authorizing cities to provide by charter for the regulation of public utilities in use of property located in streets, alleys and public places, see MCL § 117.4h(2); for provisions authorizing cities to provide by charter for the passing of ordinances relating to municipal concerns, see MCL § 117.4j(3).)

RIGHT OF REGULATION

SECTION 15.5.

All public utility franchises granted after the adoption of this charter, whether it be so provided in the granting ordinance or not, shall be subject to the right of the city (a) to repeal the same for misuse, or non-use, or for failure to comply with the provisions thereof; (b) to require proper and adequate extension of plant and service and maintenance thereof at the highest practicable standard of efficiency; (c) to establish reasonable standards of service and quality of products, and prevent unjust discrimination in service or rates; (d) to require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period thereof; (e) to impose such other regulations as may be determined by the Council to be conducive to the safety, welfare, and accommodation of the public.

(ft.nt.- For statutory provisions authorizing cities to provide by charter for the regulation of public utilities in the use of property located in streets, alleys and public places, see MCL § 117.4h(2); for provisions on local franchises for public utilities and preservation of control of local streets, alleys and public places in local government, see Mich. Const., Art. VII § 29.)

REGULATION OF RATES

SECTION 15.6.

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

(ft.nt.- For statutory provision authorizing cities to provide by charter for the regulation of public utilities in the use of property located in streets, alleys and public places, see MCL § 117.4h(2); for provisions on local franchises for public utilities and preservation of control over local streets, alleys and public places in local governments, see Mich. Const., Art. VII § 29; for provisions on precedence of local franchise agreements' rate provisions over state public service commission rate-making powers, see MCL §§ 460.6 and 460.54.)

REVOCABLE PERMITS

SECTION 15.7.

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

(ft.nt.- For provisions on authorizing cities to provide by charter for the regulation of public utilities in the use of property located in streets, alleys and public places, see MCL § 117.4h(2); for provisions requiring public utilities to obtain consent of a city for operation upon streets, alleys or public places, see Mich. Const., Art. VII § 29.)

USE OF STREETS BY UTILITY

SECTION 15.8.

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

(ft.nt.- For provisions on preservation of control over local streets, alleys and public places in local governments, see Mich. Const., Art. VII § 29; for provisions authorizing cities to provide by charter for the regulation of streets, alleys and public ways, see MCL § 117.4h(1); for provisions authorizing cities to provide by charter for the regulation of public utilities in the use of property located in streets, alleys and public places, see MCL § 117.4h(2).)

LICENSE FEES—WHAT MAY BE TAXED

SECTION 15.9.

The city shall have the right to license and impose a license fee on street cars, telephones, gas meters, electric meters, water meters, or any other device used for measuring service, also telephone, telegraph, electric light and power poles and wires. All said license fees shall be exclusive of and in addition to other lawful taxes upon the property of the holder thereof.

(ft.nt.- For statutory provisions authorizing cities to provide by charter for the laying of rents, tolls and excises, see MCL § 117.4i(a); for provisions on power of cities to levy certain taxes, see Mich. Const., Art. VII § 21.)

CHAPTER XVI - MUNICIPALLY OWNED UTILITIES GENERAL POWERS RESPECTING UTILITIES

SECTION 16.1.

The city shall possess and hereby reserves to itself all the powers granted to cities by the constitution and general laws of the State of Michigan to acquire, construct, own, operate, improve, enlarge, extend, repair, and maintain, either within or without its corporate limits, public utilities including public utilities for supplying water, light, heat, power, gas, sewage and garbage disposal facilities, and transportation facilities or any of them, to the municipality and the inhabitants thereof; and may also sell and deliver water, light, heat, power, and gas without its corporate limits to an amount not to exceed twenty-five percent (25%) of that furnished by it within the corporate limits.

(ft.nt.- For provisions on the powers of cities to acquire, construct and maintain public utilities, see Mich. Const., Art. VII § 24 and MCL §§ 117.4b, 117.4c, 117.4e(1), 117.4f, 117.4g, and 117.4h(6); for provisions authorizing cities to construct, operate and maintain municipal light works, see MCL §§ 123.91—123.93; for provisions authorizing cities to construct, operate and maintain a water supply system, see MCL §§ 123.111—123.130; for provisions authorizing cities to construct, operate and maintain a municipal waste disposal system, see MCL §§ 123.241—123.253; for provisions authorizing cities to construct, operate and maintain a sewage disposal system, see MCL §§ 123.201—123.220; for provisions authorizing improvements by cities of public utilities, see MCL §§ 123.361—123.374; for provisions exempting municipally owned utilities from regulation by the public service commission, see MCL § 460.6.)

CONTROL OF UTILITIES

SECTION 16.2.

The Council may enact such ordinances and adopt such resolutions as may be necessary for the care, protection, preservation, control, and operation of any public utilities which the city may in any manner acquire, own, or operate and all fixtures, appurtenances, apparatus, buildings, and machinery connected therewith or belonging thereto, and to carry into effect the powers conferred upon the city by the provisions of this charter, including the fixing of just and equitable rates and charges as may be deemed advisable for supplying the inhabitants of the city and others with water, with electricity for light, heat, and power and with such other utility services as the city may acquire.

(ft.nt.- For provisions on the powers of cities to operate and maintain public utilities, see Mich. Const., Art. VII § 24; for provisions authorizing cities to provide by charter for the maintenance and operation of municipal property, see MCL § 117.4e(3); for provisions authorizing cities to provide by charter for the maintenance and operation of certain public utilities, see MCL §§ 117.4f and 117.4g; for provisions authorizing cities to provide by charter for the operation of parking facilities, see MCL § 117.4h(6); for provisions authorizing cities to provide by charter for the laying of rents, tolls and excises, see MCL § 117.4i(1); for provisions authorizing cities to acquire lands necessary for disposing of sewage or protection of a water supply system, see MCL § 117.35; for provisions authorizing cities to operate and maintain municipal light works, see MCL §§ 123.91—123.93; for provisions authorizing cities to operate and maintain a municipal water supply system, see MCL §§ 123.111—123.138; for provisions authorizing cities to operate and maintain a waste disposal system, see MCL §§ 123.241—123.253; for provisions authorizing cities to operate and maintain a sewage disposal system, see MCL §§ 123.201—123.220; for provisions authorizing cities to provide for a garbage disposal equipment system, see MCL §§ 123.361—123.374; for provisions authorizing certain public improvements on public utilities, see MCL §§ 141.101—141.139; for provisions exempting municipally owned utilities from regulatory powers of public service commission, see MCL § 460.6.)

UTILITY CHARGES—COLLECTION

SECTION 16.3.

The city shall possess all of the powers and privileges granted or permitted by state law to make effective the collection of any charges for any public utility services rendered by the city.

(ft.nt.- For provisions on the power of cities to operate public utilities, see Mich. Const., Art. VII § 24; for provisions authorizing cities to provide by charter for the operation of municipal property, see MCL § 117.4d(3); for provisions authorizing cities to provide by charter for the operation of public utilities, see MCL §§ 117.4f and 117.4g; for provisions authorizing cities to provide by charter for the collecting of rents, tools and excises, see MCL § 117.4i(a); for provisions exempting charges of municipally owned utilities from regulation by the public service commission, see MCL §§ 460.6 and 460.54; for provisions authorizing cities to operate municipal lighting works, see MCL §§ 123.91 — 123.93; for provisions authorizing cities to operate a municipal water supply system, see MCL §§ 123.111 — 123.130; for provisions on collection of water supply charges by municipally owned utilities, see MCL §§ 123.161 — 123.167; for provisions authorizing cities to operate a municipal waste disposal system, see MCL §§ 123.241 — 123.253; for provisions authorizing cities to operate a sewage disposal system, see MCL §§ 123.201 — 123.220; for provisions authorizing cities to operate a garbage disposal equipment system, see MCL §§ 123.361 — 123.374; for provisions authorizing cities to make certain public improvements on municipally owned public utilities, see MCL §§ 141.101 — 141.139.)

ACCOUNTS

SECTION 16.4.

Separate accounts shall be kept for each public utility owned or operated by the city distinct from other city accounts, and in such manner as to show the true and complete financial result of such city ownership or operation, or both, including all assets, liabilities, revenues, and expenses. The Council shall annually cause to be made and printed for public distribution a report showing the financial results of such city ownership or operation, or both, which report shall give, for each utility, the information specified in this section, and such further information as the Council shall deem expedient.

(ft.nt.- For statutory provisions requiring cities to provide by charter for a system of accounts, see MCL § 117.3(n); for provisions on the power of cities to operate public utilities, see Mich. Const., Art. VII § 24; for provisions authorizing cities to provide by charter for the operation of municipal property, see MCL § 117.4e(3); for provisions authorizing cities to provide by charter for the operation of public utilities, see MCL §§ 117.4f and 117.4g.)

DISPOSAL OF PLANTS

SECTION 16.5.

The city shall not sell, exchange, lease, or in anyway alien or dispose of the property, easements, income or other equipment, privilege, or asset belonging to and appertaining to any utility which it may acquire, unless and except the proposition for such purpose shall first have been submitted, at a special election held for the purpose in the manner provided in this Charter, to the electors of the city who are qualified to vote on questions involving the direct expenditure of money or the issuance of general obligation bonds of the city and approved by them by a majority vote of the electors voting thereon. All contracts, negotiations, licenses, grants, leases, or other forms of transfer in violation of this provision, shall be void and of no effect as against the city. The provisions of this section shall not, however, apply to the sale or exchange of any articles or equipment of any city owned utility as are worn out or useless, or which could, with advantage to the service, be replaced by new and improved machinery or equipment.

(Amended at the general election held 11-4-97)

(ft.nt.- For provisions on the sale of municipally owned public utilities, see Mich. Const., Art. VII § 25; for provisions authorizing cities to provide by charter for the disposal of municipal public utility property, see MCL § 117.4e(3).)

AUTHORIZATION TO CONTRACT

SECTION 16.6.

The City Council upon a three-fifths (3/5) vote of the members elect shall have power to contract from time to time with any city, county, metropolitan district or other political subdivision, or any agency of the foregoing, for the disposal of sanitary and/or storm water sewage from the city, for a period not to exceed forty years; provided that before authorizing the execution of any such contract, the City Council shall cause a copy of the same to be deposited with the City Clerk and a notice of such deposit to be published in a newspaper of general circulation in the city at least once not less than ten days prior to such authorization. The contract as so deposited may be amended before execution without further notice. No such contract after it has become effective shall be declared invalid for want of proper notice. The amounts to be paid from time to time by the city under any such contract shall not constitute an indebtedness of the city within the meaning of any charter debt limitation. The City Council shall impose rates, charges and/or assessment upon the users and beneficiaries of sewage disposal services and facilities sufficient to promptly meet the obligations under such contract but in event the receipts therefrom are not sufficient to pay all sums when due under the contracts, then the city shall be responsible for any deficit. Such rates, charges and/or assessments shall be made and the payment thereof enforced, by a method permissible by law. The provisions of this section shall not be limited by those of any other section or sections of this charter. If there be included in this section any provision which is not permissible under the state law at the time of the adoption hereof and which in the future shall become permissible because of subsequent state legislation, then such provision shall automatically become operative without again being readopted. All acts and proceedings within the scope of this section heretofore done or taken, are hereby ratified and confirmed.

(November 3, 1942)

(ft.nt.- For provisions on contracts between 2 or more governmental entities for joint administration of public functions, see Mich. Const., Art. VII § 28; for provisions on contracts between political subdivisions for furnishing of sewage disposal services, see MCL §§ 123.231 — 123.236; for provisions on intergovernmental transfers of functions, see MCL §§ 124.531 — 124.536; for provisions on interlocal agreements, see MCL §§ 124.501 — 124.512; for provisions authorizing cities to operate a sewage disposal system, see MCL §§ 123.201 — 123.220.)

CHAPTER XVII - CITY LIABILITY CONDITIONS OF LIABILITY

SECTION 17.1.

In the event damages are sustained by any person, either by bodily injuries or to his/her property, because of the defective condition of any highway, street, sidewalk, crosswalk, culvert bridge, building, or other structure belonging to the city, it will be necessary, as a condition precedent to right of recovery, to show that such person did serve written notice upon the city within sixty (60) days from the time of the happening of such injury before recovery therefor can be had. Said notice may be served upon any member of the Council, the City Manager, City Clerk, or City Attorney and shall specify the location and a detailed description of the character of the defective condition alleged to have caused such injury or damages, the injury sustained, and the names of the witnesses known at the time of the claimant. If required by the Council, or a committee thereof, said claimant shall produce his/her witnesses before the Council or committee thereof and they and other persons familiar with the facts may be sworn and examined as to the nature of the claim, the amount thereof, and the extent of the injury. The Council or committee thereof shall have power to subpoena witnesses and other persons familiar with the facts for such hearing. Failure to file claim or to produce witnesses in the manner required in this section shall forever bar any action or proceeding in any court for the collection of such claim. On trial, or action on such claim, no witness shall be competent to testify for the claimant, who was known and not named in the claim filed with the city, or not produced upon demand as herein required. All actions in court under this section must be brought within the period limited by law from the time said injury or damages were sustained. No official of the city shall have power to make any representation or recital of fact in any franchise, contract, document, or agreement, contrary to any public record of the city. Any such representation shall be void and of no effect as against the city.

(ft.nt.- For statutory provisions on municipal tort liability in certain cases, see MCL §§ 691.1401—691.1415; for provisions authorizing cities to provide by charter for the administration of municipal government, see MCL § 117.4j(3).)

CHAPTER XVIII - CITY PLAN CITY PLANNING

SECTION 18.1.

The Council shall, within (1) year after the date that this charter shall become law, appoint a City Planning Board in accordance with the provisions of state law relating to such boards or commissions, and provide for the making of a comprehensive plan for the city. For such purposes the Council may appropriate the necessary fund and provide all needed rules, regulations and ordinances for carrying the same into effect.

(ft.nt.- For statutory provisions on the creation of municipal planning commissions, see MCL §§ 125.31—125.45; for provisions requiring cities to provide by charter for the appointment of city officers, see MCL § 117.3(a).)

PLATS

SECTION 18.2.

No lands or premises shall hereafter be laid out, divided and platted into lots, streets, and alleys, within the city, except by permission and approval of the Council. The Council shall have authority to impose reasonable terms and conditions upon the approval of any plat. No plat shall be permitted or approved by the Council which shall contain any residential lot or lots of less than one hundred and ten (110) feet in depth, or less than fifty (50) feet in width, unless such plat shall be of an irregular shape, thereby making certain lots unavoidably of less than one hundred and ten (110) feet in depth; in which event the Council shall require the said lot or lots to be of sufficient additional width so that the total number of square feet contained in any lot shall not be less than five thousand five hundred (5,500) square feet except lots platted in accordance with the provisions of this charter or ordinances of the city providing for business frontage. No plat shall be approved unless it conforms to such general plan as may be adopted by the Council for the width and location of streets and alleys, which plan, however, shall not conflict with any such state or county plan, nor unless the person, firm, or corporation owning the land proposed to be platted shall first install therein all public improvements required to place the area to be platted on an equal footing with respect thereto with the property adjacent to and surrounding such land proposed to be platted. The Council shall have authority to impose reasonable terms and conditions upon the approval of any plat.

(ft.nt.- For statutory provisions on municipal planning, see MCL §§ 125.31—125.45 and §§ 125.51—125.55; for provisions on municipal zoning, see MCL §§ 125.581—125.591; for provisions on approval of plats, see MCL §§ 560.101—560.293.)

CHAPTER XIX - MISCELLANEOUS DEFINITIONS

SECTION 19.1.

Wherever used in this charter the word "state" shall mean the "State of Michigan"; the word "city" shall mean the "City of Hazel Park"; the word "Council" shall mean the "City Council"; words referring to the several offices where not preceded by the word "city" shall be deemed to mean such offices of the city unless the context implies otherwise; the terms "Council" and "City Council" shall be construed as meaning "commission," "council," or "common council," or "governing body" for the purpose of such general laws of the state as use one or the other of such latter terms in referring to the legislative body of the city; words imparting the singular number only may extend to and embrace the plural number, and words imparting the plural number may be applied and limited to the singular number; words imparting the masculine gender only may extend and be applied to those of the feminine or neuter gender. The word "person" may extend and be applied to bodies

corporate as well as to individuals. The words "written" and "in writing" may be construed to include printing, engraving, typewriting, and lithographing, and to telegraphic communications except that this rule shall not apply to provisions requiring written signatures, unless it be otherwise expressly herein provided.

RECORDS OPEN TO PUBLIC

SECTION 19.2.

All records of the city shall be public and open to inspection at all reasonable times. All books, papers, records, and accounts of any officer elected or appointed, or of any office or department of the city, shall be the property of the city, and shall at all times be subject to audit, examination, or inspection by the Council, or by any person employed or designated by the Council for that purpose. All such books, papers, records, files, and accounts shall be kept in such place as may be designated by the Council.

(ft.nt.- For statutory provisions requiring cities to provide by charter that all records of the municipality shall be public, see MCL § 117.3(1).)

PUBLICATION OF NOTICES, PROCEEDINGS AND ORDINANCES

SECTION 19.3.

Notices or proceedings requiring publication, and all ordinances passed by the Council, shall, unless otherwise provided by this charter, be published either once in a legal newspaper which has a general circulation in the city, to be selected by the Council, or the Council may order such notices, proceedings, or ordinances printed and posted in at least five (5) public places within the city, one of which shall be posted prominently at the usual place of meeting of the Council. Where publication is made by posting, the location of such posting shall be published in a legal newspaper having a general circulation in the city within seven (7) days after such posting. Immediately after such publication, the City Clerk shall enter in his/her records a certificate of publication made by the printer of the newspaper in which the same was inserted or by some person in his/her employ knowing the facts, or by the person who did the posting, if such publication was made by posting, stating the date and the name of the newspaper in which, and a list of places where, such publication of ordinances shall be entered in the "Ordinance Book" in a blank space which shall be left for such purpose just following the ordinance to which it refers. Such certificate shall be prima facie evidence of the due publication of such notice, proceeding or ordinance.

(ft.nt.- For statutory provisions requiring cities to provide by charter for the publication of ordinances, see MCL § 117.3(k); for provisions on notice of public meetings, see MCL §§ 15.261—15.275.)

OFFICIAL TIME

SECTION 19.4.

Eastern standard time shall be the official time of the city until otherwise changed by the Council, or by the state law. Any reference herein to time shall be construed to be according to the official time of the city; except that if the law of the state shall fix a different time the state law shall prevail.

(ft.nt.- For statutory provisions authorizing cities to provide by charter for the administration of municipal government, see MCL § 117.4j(3).)

WHEN CERTAIN DAYS ARE SUNDAYS OR HOLIDAYS

SECTION 19.5.

Whenever the day upon which some action or thing shall be done under the provisions of this charter falls upon a Sunday or holiday, then such Sunday or holiday shall be excluded in computing time, and such action or thing shall be done on the first succeeding secular day.

(ft.nt.- For statutory provisions authorizing cities to provide by charter for the administration of municipal government, see MCL § 117.4j(3).)

BOOKS, RECORDS, CITY PROPERTY

SECTION 19.6.

After any elected or administrative officer or employee of the city has qualified for the office or position to which he/she has been elected or appointed, his/her predecessor in such office or position shall surrender to him/her forthwith all the books, papers, records, and other city property which may be in his/her possession. The failure of such predecessor to comply with this provision shall constitute a misdemeanor.

(ft.nt.- For statutory provisions requiring cities to provide by charter for the duties of their officers, see MCL § 117.3(d); for provisions authorizing cities to provide by charter for the administration of municipal government, see MCL § 117.4j(3); for provision authorizing cities to provide by charter for control of municipal property, see MCL §§ 117.4e(3) and 117.4j (3); for provisions making the willful refusal by a public officer to turn over public books, papers, money or property to his/her successor a felony, see MCL § 750.480.)

RESIDENCE REQUIREMENTS

SECTION 19.7.

Whenever in this charter or in any ordinance passed hereunder, a residence in the City of Hazel Park for a set time shall be required, in determining the time of such residence, residence in that part of Royal Oak Township, County of Oakland, now comprising the City of Hazel Park shall be included.

(ft.nt.- For statutory provisions requiring cities to provide by charter for the qualifications of their officers, see MCL § 117.3(d).)

SECTION 19.8.

The chapter and section headings used in this charter are for conveniences only and shall not be considered to be a part of this charter.

EFFECT OF ILLEGALITY OF ANY PART OF CHARTER

SECTION 19.9.

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

AMENDMENTS

SECTION 19.10.

This charter may be amended at any time in the manner provided in Act No. 279 of the Public Acts of 1909, state general law, see Mich. Const., Art. VII § 22.)

CHAPTER XX - SCHEDULE ELECTION TO ADOPT CHARTER

SECTION 20.1.

This charter shall be submitted to a vote of the qualified electors, as hereinafter defined, of the voters of the city of Hazel Park.

FORM OF BALLOT

SECTION 20.2.

The form of the ballot on submission of this charter shall be as follows:

Instruction— A cross (X) in the square after the word "Yes" is in favor of the adoption of the proposed charter, and a cross (X) in the square after the word "No" is against the adoption of the proposed charter.

"Shall the proposed charter, drafted by the Charter Commission elected on September 22, 1941, be adopted?"

For Adoption of the Charter - Yes

For Adoption of the Charter - No

(ft.nt.- For statutory provisions on the election to adopt a charter, see MCL §§ 117.15 and 117.23.)

FIRST ELECTION UNDER THIS CHARTER

SECTION 20.3.

The first election of officers under this charter shall be held at the same election at which this charter is submitted to the people of Hazel Park for adoption; at which time there shall be elected a Mayor, four (4) City Councilmembers, A Justice of the Peace, and a Constable. The four (4) candidates for the office of City Councilmember receiving the largest number of votes at said election shall be elected and shall hold office until their successors shall have been elected and qualified.

(ft.nt.- For statutory provisions on the election of the first city officers under a new charter, see MCL § 117.15.)

ELECTORS

SECTION 20.4.

Any registered elector of Royal Oak Township who is a resident of that part of Royal Oak Township now constituting the City of Hazel Park, as in [Section 1.1](#) of this charter defined and bounded, according to the registration books of said township at 8:00 o'clock p.m., on December 27, 1941, shall be entitled to vote at the election prescribed herein for the submission of the question of the adoption of this charter and the election of the first officers of the city thereunder. The provisions of the general election laws of the state relative to the registration of electors on election day shall also apply for the registration of electors entitled to so register thereunder at such election.

(ft.nt.- For provisions on the election to adopt a charter and to select the first city officers under a new charter, see MCL § 117.15; for provisions on the registration of electors, see MCL §§ 168.498—168.524; for provisions requiring cities to provide by charter for the registration of electors, see MCL § 117.3(c).)

POLLS

SECTION 20.5.

The polls for said election shall be open at seven o'clock a.m., or as soon thereafter as may be, and shall be continued open until eight o'clock p.m. of the same day. Said election shall be conducted by such inspectors and clerks as shall be hereafter designated by the resolution of this Charter Commission.

(ft.nt.- For statutory provisions on the hours for the opening and closing of polls, see MCL § 168.720; for provisions on the conduct of the election to adopt a charter, see MCL § 117.15.)

NOMINATION OF CANDIDATES

SECTION 20.6.

Candidates to be elected at such first election shall be nominated by petition, in the same manner as persons are nominated to stand for selection at city primary elections under this charter. The primary election shall, however, be omitted for this first election. The final date and hour for filing nomination petitions for candidates for election at such election shall be Saturday, December 27, 1941, at 12:00 o'clock noon. Official nomination petition blanks may be secured from the Clerk of Royal Oak Township. Nomination petitions shall be filed with the Clerk of Royal Oak Township and such Clerk shall do and perform for this first election, all the duties required by this charter of the City Clerk in connection with regular city elections. The Charter Commission shall constitute the election commission for and in connection with said first city election and shall do and perform all of the duties required of election commissions by this charter in connection with the conduct of such first city election.

(ft.nt.- For statutory provisions on the nomination of candidates for the first elective officers under a new charter, see MCL § 117.15.)

FIRST MEETING OF COUNCIL

SECTION 20.7.

The Council first elected under this charter shall assemble in the Children's Reading Room of the Hazel Park Public Library at nine (9:00) p.m. on Monday, February 2, 1942, and when it shall have been sworn in as prescribed in this charter for the qualification of elective officers of the city by the Clerk of Royal Oak Township, County of Oakland, and called to order by the chairman of the Charter Commission, the office and term of the Mayor and of each and every member of the Council shall commence. At the time that the clerk of Royal Oak Township administers the oath of office to the Mayor and members of the Council as prescribed herein, he/she shall also administer said oath to the Justice of the Peace and Constable elected at the first city election and the terms of office of such officers shall thereupon commence.

(ft.nt.- For statutory provisions requiring cities to provide by charter for the qualifications and duties of their officers, see MCL § 117.3(d).)

TERMS OF OFFICE AND SUCCESSION OF CITY OFFICERS

SECTION 20.8.

The Mayor elected at such first city election shall hold office until the first Monday following the regular city election held in April of 1944, or until his/her successor has been elected and qualified, after which a Mayor shall be elected for a full term of two (2) years, as in this charter prescribed, at the regular city election held in even numbered years. The two (2) persons elected to the office of Councilmember at such first city election who receive the largest number of votes shall hold office until the first Monday following the regular city election held in 1944, or until their successors in office have been elected and qualified, and thereafter two (2) Councilmembers shall be elected for a full term of two (2) years, as in this charter prescribed, at the regular city election held in even numbered years. The two (2) persons elected to the office of Councilmember at such first city election who receive the lesser number of votes shall hold office until the first Monday following the regular city election held in 1943, or until their successors have been elected and qualified, and thereafter two (2) Councilmembers shall be elected for a full term of two (2) years, as in this charter prescribed, at the regular city election held in odd numbered years. The Justice of the Peace elected at such first city election shall hold office until his/her successor in office, who shall be elected at the regular city election held in April, 1943, qualifies and assumes office on the fourth day of July, 1943. The Constable elected at such first city election shall hold office until his/her successor in office, who shall be elected at the regular city election held in April, 1943, qualifies and assumes office on the fourth day of July, 1943. No regular city election shall be held in April of 1942.

(ft.nt.- For statutory provisions requiring cities to provide by charter for the time of holding elections, see MCL § 117.3(c); for provisions requiring cities to provide by charter for the election of city officers, see MCL § 117.3(a); for provisions requiring cities to provide by charter for the qualifications and duties of their officers, see MCL § 117.3(d).)

PROVISIONARY ADMINISTRATIVE OFFICERS

SECTION 20.9.

The Council first elected under this charter shall appoint one (1) of its members to the office of City Clerk and one (1) of its members to the office of City Treasurer, it shall also appoint a City Assessor and a Board of Review who shall not be elective officers of the city. The appointments herein required shall be provisional only and the persons so appointed shall hold the offices assigned to them only until a City Clerk, a City Treasurer, and a City Assessor have been regularly appointed and assume their offices in the manner prescribed in this charter. The City Clerk and City Treasurer herein required to be appointed shall receive no salary or other remuneration for the performance of the duties required of them by such appointment.

(ft.nt.- For statutory provisions requiring cities to provide for appointment of officers, see MCL § 117.3(a); for provisions requiring cities to provide by charter for the duties, qualifications and compensation of their officers, see MCL § 117.3(d).)

DIVISION OF ASSETS AND LIABILITIES OF ROYAL OAK TOWNSHIP

SECTION 20.10.

The Council shall, as promptly as is reasonably possible, arrange a settlement with Royal Oak Township whereunder the city's share of the personal property and liabilities of said township shall be accepted and assumed by the city in accordance with the provisions of that part of [Section 14](#) of Act No. 279 of the Public Acts of 1909, same being Section 2250 of the Compiled Laws of 1929 pertaining to the incorporation of new cities. In making such settlement, the Council shall, unless the interests of the city are best served otherwise, arrange for the city to accept and assume its proportionate share of each asset and of each legal liability of the township which the city is required by law to assume. When such division of the personal property and of the liabilities of the township, or of any part of such property and liabilities, has been completed, the city may enter into negotiations with Royal Oak Township, to refund any of the liabilities of the township and those assumed by the city so that each will assume its share of such liabilities in its own name, in the manner prescribed in Act. No. 13 of the Public Acts of the First Extra Session of 1932, as amended, or any other appropriate state law, where the best interests of the city will be served thereby.

(ft.nt.- For statutory provisions on the succession to property and liabilities when a city is formed from part of a township, see MCL § 117.14; for provisions on the refunding of assumed obligations by municipalities, see MCL § 136.3.)

BUDGET ADJUSTMENTS

SECTION 20.11.

The first Council elected under this charter shall have authority to make any interim budget required to defray the cost of operating the city until July 1, 1942, and the expenses incurred by the County of Oakland, Royal Oak Township, and the Charter Commission in the incorporation of the City of Hazel Park. Any amount of funds required to meet such budget, in addition to the funds constituting the city's share of the assets of Royal Oak Township in accordance with the provisions of state law shall be paid out of any taxes of the city collected beginning July 1, 1942.

(ft.nt.- For statutory provisions requiring cities to prepare budgets, see MCL § 211.209; for provisions requiring cities to provide by charter for an annual appropriation of money for municipal purposes, see MCL § 117.3(h);

for provisions on the pro rata distribution of revenues to cities formed from part of townships, see MCL § 117.14.)

FILING OF CHARTER

SECTION 20.12.

If this charter is adopted, the clerk of the Charter Commission shall on or before January 8, 1942, certify the adoption of this charter upon his/her journal, and six (6) printed copies thereof shall be duly certified by the clerk of the Charter Commission; two (2) such certified copies, together with the vote for and against, duly certified by such clerk shall be filed with the Secretary of State, and a like number with the County Clerk and the City Clerk respectively.

(ft.nt.- For statutory provisions on the filing of adopted city charters, see MCL § 117.24.)

RENUMBERING OF CHARTER WHEN AMENDING

SECTION 20.13.

It is directed that when this Charter is amended by election or otherwise as a matter of law when the State Legislature repeals same by passage of laws contrary thereto that the City Clerk shall renumber the Chapters, Sections, and Amendments of this Charter.

(November 3, 1987).

RESOLUTION OF ADOPTION

At a meeting of the Charter Commission of the City of Hazel Park held on the 9th day of December, 1941, the following resolution was offered by Commissioner Westfall:

Resolved that the Charter Commission of the City of Hazel Park does hereby adopt the foregoing proposed City Charter, and the clerk of this Commission is directed to forthwith transmit a copy thereof to the Governor of the State of Michigan for his approval in accordance with the statute of the State.

The resolution was seconded by Commissioner Ashley, and adopted by the following vote:

Yeas: Adams, Ashley, Bauer, Campbell, Czamanske, Erickson, Hall, Jones, Westfall.

Nays: None.

The chairman declared the foregoing resolution carried unanimously and requested the members of the Charter Commission to authenticate said resolution and also the copy of the charter presented to the Governor and filed with the City Clerk by attesting their names thereto in the following manner:

Attested by Commissioners:

CLARENCE M. ADAMS,
 GEORGE W. ASHLEY,
 ERNEST BAUER,
 JOHN G. CAMPBELL,
 PAUL W. CZAMANSKE,
 JOHN E. ERICKSON,
 DELMER HALL,
 JOHN R. JONES,
 GEO. C. WESTFALL.

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

STATE OF MICHIGAN:

SS

COUNTY OF OAKLAND:

Rev. Paul W. Czamanske, Clerk of the Charter Commission of the City of Hazel Park, being duly sworn says that at an election duly called and held in the City of Hazel Park on the 22nd day of September, 1941, the following named persons were duly elected as a commission to frame a charter for the City of Hazel Park, namely: Clarence M. Adams, George Ashley, Ernest W. Bauer, John G. Campbell, Paul W. Czamanske, John E. Erickson, Delmer Hall, John R. Jones, George C. Westfall and that the annexed and foregoing charter was duly framed and adopted by said Charter Commission by the foregoing resolution which is a true and correct copy thereof and, that the said Charter Commission directed that said charter be presented to the electors of the City of Hazel Park in accordance with the requirements of the laws of the State of Michigan which provide therefor.

Further deponent saith not.

PAUL W. CZAMANSKE,

Clerk of Charter Commission of the city of Hazel Park.

Dated: December 16, 1941.

Subscribed and sworn to before me this 16th day of December, 1941.

LOUISE O. MANY,

Notary Public Ingham County, Mich.

My commission expires November 24, 1944.

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

Dated: December 17, 1941.

MURRAY D. VAN WAGONER,

Governor of the State of Michigan.

I do hereby certify that the above and foregoing is a true copy of the proposed charter of the City of Hazel Park which has this day been approved by the Charter Commission of the City of Hazel Park.

Dated: December 9, 1941.

PAUL W. CZAMANSKE,

Rev. Paul Czamanske, Clerk of the Charter Commission of the City of Hazel Park.

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Title 1 - GENERAL PROVISIONS

Chapters:

Chapter 1.01 - CODE ADOPTION*

Sections:

1.01.010 - Adoption.

There is adopted the Hazel Park Municipal Code, as compiled, edited and published by Book Publishing Company, Seattle, Washington.

(Ord. 577 § 1, 1977)

1.01.020 - Title—Citation—Reference.

This code shall be known as the "Hazel Park Municipal Code" and it shall be sufficient to refer to this code as the "Hazel Park Municipal Code" in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the "Hazel Park Municipal Code." Further reference may be had to the titles, chapters, sections and subsections of the "Hazel Park Municipal Code" and such references shall apply to that numbered title, chapter, section or subsection as it appears in the code.

(Ord. 577 § 2, 1977)

1.01.030 - Codification authority.

This code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the city of Hazel Park, Michigan, codified pursuant to the provisions of Section 117.56 of the Michigan Compiled Laws and Section 5.6(b) of the City Charter.

(Ord. 577 § 3, 1977)

1.01.040 - Ordinances passed prior to adoption of the code.

The last ordinance included in the initial code is Ordinance 570, passed June 28, 1976. The following ordinances, passed subsequent to Ordinance 570, but prior to adoption of this code, are adopted and made a part of this code: Ordinance Nos. 571, 572, 573, and 574.

(Ord. 577 § 4, 1977)

1.01.050 - Reference applies to all amendments.

Whenever a reference is made to this code as the "Hazel Park Municipal Code" or to any portion thereof, or to any ordinance of the city of Hazel Park, Michigan, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.

(Ord. 577 § 5, 1977)

1.01.060 - Title, chapter and section headings.

Title, chapter, and section headings contained in this code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section of this code.

(Ord. 577 § 6, 1977)

1.01.070 - Reference to specific ordinances.

The provisions of this code shall not in any manner affect matters of record which refer to or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code.

(Ord. 577 § 7, 1977)

1.01.080 - Effect of code on past actions and obligations.

Neither the adoption of this code nor the repeal or amendments hereby of any ordinance or part or portion of any ordinance of the city of Hazel Park shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date of this code; nor shall be construed as a waiver of any license, fee or penalty at said effective date due and unpaid under such ordinances; nor shall be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee or penalty, or the penalty provision applicable to any violation thereof; nor shall affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance; and all rights and obligations thereunder appertaining shall continue in full force and effect.

(Ord. 577 § 8, 1977)

1.01.090 - Effective date.

This code shall become effective on the date the ordinance adopting this code as the "Hazel Park Municipal Code" shall become effective.

(Ord. 577 § 9, 1977)

1.01.100 - Constitutionality.

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the code. The council declares that it would have passed this code and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional; and, if for any reason this code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

(Ord. 577 § 10, 1977)

Chapter 1.04 - GENERAL PROVISIONS

Sections:

1.04.010 - Definitions.

A.

The following words and phrases whenever used in this code, shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

1.

"City/town" means the city of Hazel Park, Michigan, or the area within the territorial limits of the city, and such territory outside of the city over which the city has jurisdiction or control by virtue of any constitutional or statutory provision.

2.

"Computation of time" means the time within which an act is to be done. It is computed by excluding the first day and including the last day; and if the last day is Sunday or a legal holiday, that day is excluded.

3.

"Council" means the city council of the city. "All its members" or "all councilmembers" means the total number of councilmembers provided by the Charter of the city.

4.

"County" means the county of Oakland, Michigan.

5.

"Law" denotes applicable federal law, the constitution and statutes of the state of Michigan, the ordinances of the city, and, when appropriate, any and all rules and regulations which may be promulgated thereunder.

6.

"May" is permissive.

7.

"Month" means a calendar month.

8.

"Must" and "shall." Each is mandatory.

9.

"Oath" includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" are equivalent to the words "affirm" and "affirmed."

10.

"Ordinance" means a law of the city; provided, that a temporary or special law, administrative action, order or directive, may be in the form of a resolution.

11.

"Owner," applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of such building or land.

12.

"Person" means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.

13.

"Personal property" includes money, goods, chattels, things in action and evidences of debt.

14.

"Preceding" and "following" mean next before and next after, respectively.

15.

"Property" includes real and personal property.

16.

"Real property" includes lands, tenements and hereditaments.

17.

"Sidewalk" means that portion of a street between the curblineline and the adjacent property line intended for the use of pedestrians.

18.

"State" means the state of Michigan.

19.

"Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in the city which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of the state.

20.

"Tenant" and "occupant," applied to a building or land, include any person who occupies whole or a part of such building or land, whether alone or with others.

21.

Title of Office. Use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the city.

22.

"Written" includes printed, typewritten, mimeographed or multigraphed.

23.

"Year" means a calendar year.

B.

All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

(Ord. 568 § 1(A), (B), 1976)

1.04.020 - Grammatical interpretation.

The following grammatical rules shall apply in the ordinances of the city:

A.

Gender. Designation in the form of any gender includes the masculine, feminine, and neuter genders.

B.

Singular and Plural. The singular number includes the plural and the plural includes the singular.

C.

Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable.

D.

Use of Words and Phrases. Words and phrases not specifically defined shall be construed according to the context and approved usage of the language.

(Ord. 568 § 2, 1976)

1.04.030 - Act by agent deemed act by principal.

When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent.

(Ord. 568 § 1(C), 1976)

1.04.040 - Prohibited acts include causing and permitting.

Whenever in the ordinances of the city any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission.

(Ord. 568 § 3, 1976)

1.04.050 - Construction.

The provisions of the ordinances of the city and all proceedings under them are to be construed with a view to effect their objects and to promote justice.

(Ord. 568 § 4, 1976)

1.04.060 - Repeal not to revive any ordinances.

The repeal of an ordinance shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed thereby.

(Ord. 568 § 5, 1976)

Chapter 1.08 - RIGHT OF ENTRY

Sections:

1.08.010 - Official inspection duty.

Whenever any officer or employee of the city is authorized to enter any building or premises for the purpose of making an inspection to enforce any ordinance, he or she may enter such building or premises at all reasonable times to inspect the same; provided, that he or she shall effect entry in the manner provided in [Section 1.08.020](#), except in emergency situations, or when consent of the person having charge or control of such building or premises has been otherwise obtained.

(Ord. 569 § 1, 1976)

1.08.020 - Procedure.

If the building or premises to be inspected is occupied, the authorized officer or employee shall first present proper credentials and demand entry; and if such building or premises is unoccupied, he or she shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and demand entry. If consent to such entry is not given, the authorized officer or employee shall have recourse to every remedy provided by law to secure entry.

(Ord. 569 § 2, 1976)

1.08.030 - Applicability.

This chapter shall be controlling over any other ordinance or part of an ordinance on the same subject, whether heretofore or hereafter adopted, unless such ordinance or part of an ordinance provides differently by an express reference to this chapter. Notwithstanding any other ordinance of this city, whether heretofore or hereafter adopted, it shall not be a violation of this chapter to refuse or fail to consent to an entry for inspection.

(Ord. 569 § 3, 1976)

Chapter 1.12 - GENERAL PENALTY*

Sections:

1.12.010 - Violation—Penalty.

Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the ordinances of the city shall be guilty of a misdemeanor. Except in cases where a different punishment is prescribed by any ordinance of the city, any person convicted of a misdemeanor under the ordinances of Hazel Park shall be punished by a fine of not more than five hundred dollars (\$500.00), or by imprisonment not to exceed ninety (90) days, or by both such fine and imprisonment.

(Ord. 570 § 1, 1976)

1.12.020 - Violation—Deemed separate offense.

Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this code is committed, continued, or permitted by any such person, and he or she shall be punished accordingly.

(Ord. 570 § 1, 1976)

1.12.030 - Nuisance per se.

Any building or structure erected, used, moved, occupied, or maintained in violation of this chapter is declared to be a nuisance per se. Upon application to any court of competent jurisdiction, the court may order the nuisance and/or the violation, or threatened violation, restrained and enjoined and order the costs of abating said nuisance against the property in conformity with the Hazel Park City Charter.

(Ord. 780 § 1, 1989)

Chapter 1.13 - PENALTY—PROBATION—DELAYED SENTENCE

Sections:

1.13.010 - Probation—Delayed sentence.

A.

In all prosecutions for misdemeanors, other than for major controlled substance offenses, if the defendant has been found guilty upon verdict or plea and the court determines that the defendant is not likely again to engage in an offensive or criminal course of conduct and that the public good does not require that the defendant suffer the penalty imposed by law, the court may place the defendant on probation under the charge and supervision of a probation officer.

B.

In an action in which the court may place the defendant on probation, the court may delay sentencing the defendant for not more than one year to give the defendant an opportunity to prove to the court his or her eligibility for probation or other leniency compatible with the ends of justice and the defendant's rehabilitation, such as participation in a drug treatment court under M.C.L. 600.1060 to 600.1082. When sentencing is delayed, the court shall enter an order stating the reason for the delay upon the court's records. The delay in passing sentence does not deprive the court of jurisdiction to sentence the defendant at any time during the period of delay.

C.

If a defendant is before the court and the court delays imposing sentence under subsection B of this section, the court shall include in the delayed sentence order that the department of corrections shall collect a supervision fee of not more than one hundred thirty-five dollars (\$135.00) multiplied by the number of months of delay ordered, but not more than twelve (12) months. The fee is payable when the delayed sentence order is entered, but the fee may be paid in monthly installment if the court approves installment payments for the defendant. In determining the amount of the fee, the court shall consider the defendant's projected income and financial resources. The court shall use the following table of projected monthly income in determining the amount of the fee to be ordered:

Projected Monthly Income	Amount of Fee
\$ 0—249.99	\$ 0
250.00—499.99	10.00
500.00—749.99	25.00
750.00—999.99	40.00
1,000.00 or more	5% of projected monthly income but not more than \$135.00

The court may order a higher amount than indicated by the table, up to the maximum of one hundred thirty-five dollars (\$135.00) multiplied by the number of months of delay ordered but not more than twelve (12) months, if the court determines that the defendant has sufficient assets or other financial resources to warrant the higher amount. If the court orders a higher amount, the amount and the reasons for ordering that amount shall be stated in the court order. The fee shall be collected as provided in Section 25a of the Corrections Code of 1953, 1953 PA 232, M.C.L. 791.225a. A person shall not be subject to more than one supervision fee at the same time. If a supervision fee is ordered for a person for any month or months during which that person already is subject to a supervision fee, the court shall waive the fee having the shorter remaining duration.

(Ord. 09-05 § 1, 2005)

Chapter 1.20 - LIVING WAGE

Sections:

1.20.010 - Purpose.

The purpose of this chapter is to improve the lives of working people and their families by requiring employers that contract with the city or which receive financial assistance from the city to pay their employees a wage sufficient to meet basic subsistence needs, defined herein as a living wage.

(Ord. 06-03 (part), 2003)

1.20.020 - Definitions.

For purpose of this chapter the following terms and phrases shall be defined as follows:

"Auditor" means the compliance auditor as set forth in [Section 1.20.040](#).

"Continuous basis" means employing employees on each working day in each of twenty (20) or more calendar weeks in the current or preceding year.

"Contract" means a written contract for the performance of services, including the subcontracting of services, where the total expenditure for such contract exceeds fifty thousand dollars (\$50,000.00); however, contracts for the purchase of goods and contracts to lease or purchase property are excluded. Granting of a business license or other license by the city shall not be considered a contract for purposes of this chapter.

"Contractor" means a person who enters into a contract with the city.

"Employee" means an adult individual who is employed by another for at least forty (40) hours per week to provide labor in exchange for payment of wages or salary.

"Employer" means an individual who is employee by another to provide labor in exchange for payment of wages or salary.

"Federal poverty level" means the official poverty level as defined by the Office of Management and Budget based on Bureau of Census data for a family of four, as adjusted to reflect the percentage change in the Consumer Price Index for all Urban Consumers.

"Grant" means any financial subsidy from the city in the form of any federal, state, or local grant program administered by the city, including but not limited to, revenue bond financing, tax increment financing, direct grant, or any other form of financial subsidy, that exceeds fifty thousand dollars (\$50,000.00) in any twelve (12) month period. This chapter shall not be construed to include any community block grants (CDBG) or the Hazel Park Neighbor Initiative (HPNI).

"Grantee" means a person who is the recipient of a grant which is administered by the city.

"Health care benefits" means comprehensive medical coverage fully paid for by the contractor or grantee, whether provided on an insured yourself-funded basis. Health care benefits may include membership in a health maintenance organization (HMO) or similar entity, if the membership or subscription fee is fully paid for by the contractor or grantee. Health care benefits means medical coverage for the employee and the employee's dependents if the employee is married or otherwise legally responsible for the care of a dependent.

"Living wage" means an hourly rate which on an annual basis (based on forty (40) hours per week, fifty (50) weeks per year is equivalent to either of the following:

A.

One hundred and fifteen (115) percent of the federal poverty lever; or

B.

One hundred (100) percent of the federal poverty level, if health care benefits are provided to the employee.

"Person" means and includes firms, joint ventures, partnerships, corporations, clubs and all associations or organizations of natural person, either incorporated or unincorporated, however operating or names, and whether acting by themselves or by a servant, agent or fiduciary, and includes all legal representative, heirs, successors and assigns thereof.

(Ord. 06-03 (part), 2003)

1.20.030 - Payment of living wage.

The city, except by a vote of the city council, shall not enter into any contract for services with any contractor or provide any grant to a grantee who does not demonstrate that it pays its employees a wage commensurate with the provisions of this chapter. The contractor or grantee shall be required to maintain wages commensurate with this chapter for the duration of the contract or grant period.

(Ord. 06-03 (part), 2003)

1.20.040 - Adjustments in the federal poverty level, notice.

The compliance auditor, who shall be the city's finance director, shall monitor the federal poverty level and shall notify all contractor or grantees of any adjustment in the federal poverty level. The auditor shall request all contractors and grantees to annually demonstrate compliance with the requirements contained in [Section 1.20.030](#). In addition, any contractor or grantee who is required to pay its employees a living wage under [Section 1.20.030](#) shall post a notice of such requirement in the work place during the contract or grant period. The notice shall also state that if the contractor or grantee has failed to comply with the requirement of [Section 1.20.030](#), an employee may file a notice of noncompliance, subject to [Section 1.20.050](#), upon the city auditor. All city agencies shall be provided with standard notices which set forth the requirements of this chapter for inclusion in the solicitation of proposals, bids or applications for city contracts or financial assistance. Agencies shall include said notices in their request for proposals, quotes, specifications, application materials, notices of funding availability, notices inviting bids or any other solicitations for contracts or notices for applications or other processes related to the application for city financial subsidy.

(Ord. 06-03 (part), 2003)

1.20.050 - Notice of noncompliance.

Any employee of a contractor or grantee who believes the contractor or grantee has failed to comply with this chapter may file a notice with the auditor, who shall promptly serve it on the contractor or grantee. The notice shall include documented evidence of the alleged noncompliance. The auditor shall notify the contractor or grantee to submit evidence of compliance within thirty (30) days. Failure to comply shall be grounds for termination of the contract or grant. The auditor shall have sixty (60) days to investigate and remedy the complaint, commencing at the expiration of the above thirty (30) day evidentiary period. This chapter shall not be construed to limit an employee's right to bring legal action for violation of any other minimum compensation or wage and hour law.

(Ord. 06-03 (part), 2003)

1.20.060 - Noncompliance.

In the event that the auditor determines that contractor or grantee has failed to comply with the provisions of this chapter, the failure to rectify the noncompliance within thirty (30) days shall be grounds for the termination of the contract or grant. A contractor or grantee who violates the living wage requirement shall pay to each employee affected the amount of deficiency, for each day the violation continues. Any employer who willfully violates the provisions of this chapter shall be fined not more than fifty dollars (\$50.00) per violation for each day the violation continues. The city may withhold from contract payments, grants, or financial assistance such amount as are necessary to effectuate the payments provided in this section.

(Ord. 06-03 (part), 2003)

1.20.070 - Fraudulent claims of noncompliance prohibited.

Any employee or other person who knowingly files a false claim of noncompliance against an employer shall be guilty of a civil-infracton, and shall be fined not more than one hundred dollars (\$100.00).

(Ord. 06-03 (part), 2003)

1.20.080 - Limitation on bid acceptance.

The city, except by a vote of the city council, shall not accept any bids or grant applications or requests for a period of four years from any contractor or grantee who has failed on three separate occasions to comply with [Section 1.20.030](#) during the previous four-year period.

(Ord. 06-03 (part), 2003)

1.20.090 - Retaliation prohibited.

An employer shall not discharge, demote, or otherwise discriminate or retaliate against an employee for exercising any rights under this chapter, including but not limited to the filing of a complaint. Any employer who is found by a court of competent jurisdiction to have taken such action against an employee shall have its contract or grant terminated immediately. Such employer shall be barred from bidding on or entering into any contracts with the city or from receiving any financial assistance from the city in the future, except that a vote of the city council may remove such a disability. The auditor may order the employer to pay appropriate restitution to the employee, including back pay, and may withhold such amounts from contract or grant payments due the employer as are necessary to make the employee whole.

(Ord. 06-03 (part), 2003)

1.20.100 - Exemptions from application of this ordinance.

The following exceptions from compliance with this chapter shall apply:

A.

Any government owned and/or operated corporation shall be exempt from the provisions of this chapter.

B.

The ordinance codified in this chapter shall not apply to high school, college, or graduate students temporarily employed or enrolled in a student job training program, summer or youth employment program, or work study program, for the period of training or employment in the program not exceeding ninety (90) days. For all periods of a student's employment in the program exceeding ninety (90) days, the employee shall be subject to this chapter.

C.

Nonprofit contractors or grantees which are recognized by the Internal Revenue Service as tax exempt under Section 501(c)(3) of the Internal Revenue Code shall be exempt from the provisions of this chapter.

D.

Any employer which employs ten or fewer employees on a continuous basis shall be exempt from the provisions of this chapter.

E.

Any contract which shall be fully performed in less than thirty (30) days shall be exempt from the provisions of this chapter.

F.

Any contract for the building, purchase, maintenance or management of any sporting arena or field.

G.

Any contract which the city has already entered into before the adoption of the ordinance codified in this chapter shall be exempt from the provisions of this chapter.

(Ord. 06-03 (part), 2003)

1.20.110 - Record keeping.

Contractors and grantees shall maintain a listing of the name, address, date of hire, occupation classification, rate of pay and benefits paid for each of their employees covered by this chapter who have filed a complaint for noncompliance, and shall submit a copy of the list to the auditor by December 31 of each year covered by the contract or grant. Failure to provide this list within five business days of the due date may result in a civil penalty of fifty dollars (\$50.00) per day; provided, however, that the penalty may be waived by the auditor for good cause shown. Employers shall permit access, on no less than seventy-two (72) hours notice from the auditor, to relevant payroll records for the auditor or a duly authorized representative of the auditor for the purpose of monitoring compliance with this chapter; investigating employee complaints of noncompliance, and evaluating the operation and effects of this chapter. In addition to any other penalties set forth herein, employers who fail to submit documents, declarations or information required by the auditor as authorized by this chapter shall be deemed noncompliant or non responsive and shall have contract payment or grant payment or financial subsidies suspended until compliance is demonstrated.

(Ord. 06-03 (part), 2003)

1.20.120 - Reporting.

The auditor shall submit annual reports to the city council, which shall include the following information: a listing and the status of all contracts and grants of financial assistance to which this chapter applies, including the term, dollar amount and the services performed or assistance provided; a listing of all complaints, hearings, determinations and findings; a report on adjustments to the wage levels as mandated by the ordinance codified in this chapter made during the previous reporting period, if any; and report any significant administrative problems encountered and recommendations for more efficient and effective administration of the provisions of this chapter.

(Ord. 06-03 (part), 2003)

1.20.130 - Automatic expiration.

The ordinance codified in this chapter shall automatically expire no later than fourteen (14) months after its adoption, at which time the City Council may re-enact this chapter.

(Ord. 06-03 (part), 2003)

1.20.140 - Severability.

Should any section, subdivision, clause or phrase of the ordinance codified in this chapter be declared by a court of competent jurisdiction to be unconstitutional, unenforceable, or otherwise invalid, the remaining provisions shall remain in full force and effect.

(Ord. 06-03 (part), 2003)

1.20.150 - Effective date—Publication.

The provisions of the ordinance codified in this chapter shall become effective fifteen (15) days after its adoption and shall be published within fifteen (15) days of its adoption by publication of a brief notice in the newspaper circulated in the city stating the date of the enactment and the effective date of the ordinance codified in this chapter and such other facts as the clerk shall deem pertinent, and that a copy of the ordinance codified in this chapter is available for public use and inspection at the office of the city clerk.

(Ord. 06-03 (part), 2003)

Title 3 - REVENUE AND FINANCE

Chapters:

Chapter 3.03 - TAX EXEMPTION—PARKHAVEN MANOR RETIREMENT COMMUNITY

Sections:

3.03.010 - Preamble.

It is acknowledged that it is a proper public purpose of the state of Michigan and its political subdivisions to provide housing for its elderly citizens and low income and to encourage the development of such housing by providing for a service charge in lieu of property taxes in accordance with the State Housing Development Authority Act of 1966 (1966 PA 346, as amended, MCLA Section 125.1401 et seq., MSA Section 116.114(1) et seq.). The city is authorized by said Act to establish or change the service charge to be paid in lieu of taxes by any or all classes of housing exempt from taxation under the Act at any amount it chooses not to exceed the taxes that would be paid but for the Act. It is further acknowledged that such housing for persons of low income is a public necessity, and as the city will be benefitted and improved by such housing, the encouragement of same by providing certain real estate tax exemption therefor is a valid public purpose; further, that the continuance of the provisions of this chapter for tax exemption and the service charge in lieu of taxes during the periods hereinafter contemplated are essential to the determination of economic feasibility of housing developments which are constructed and financed in reliance thereon.

The city acknowledges that the Housing and Finance Associates, Inc., (sponsor) has offered, subject to receipt of a mortgage loan from the authority, to erect, own and operate a housing development identified as Parkhaven Manor Retirement Community on certain property on an approximate 6.21 acre site on the north side of Woodward Heights, in the city as described in Exhibit "A" as set out in [Section 3.03.060](#) to partially serve persons of low income, and that the owner has offered to pay the city an annual service charge for public services in lieu of all taxes.

(Ord. 796 § 2, 1990)

3.03.020 - Definitions.

For the purpose of this chapter, the words set out in this section shall have the following meanings:

A.

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

B.

"Annual shelter rent" is as defined by the State Housing Development Authority Act, being Public Act 346 of 1966, of the State of Michigan, as amended.

C.

"Authority" means the Michigan State Housing Development Authority.

D.

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

E.

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

F.

"Owner" means one or more individuals, corporations, partnerships or other legal entities that hold valid legal title to the project that is the subject of this chapter.

G.

"Sponsor" means persons or entities which have applied to the authority for a mortgage loan to finance a housing development.

(Ord. 783 § 1 (part), 1989)

3.03.030 - Establishment of annual service charge.

The housing development identified as the Parkhaven Manor Retirement Community and the property on which it shall be constructed shall be exempt from all property taxes from and after the commencement of construction. The city, acknowledging that the sponsor and the authority have established the economic feasibility of the housing development in reliance upon the enactment and continuing effect of this chapter and the qualification of the housing development for exemption from all property taxes and a payment in lieu of taxes as established herein, and in consideration of the sponsor's offer, subject to receipt of a mortgage loan from the authority, to construct, own and operate said housing development, hereby agrees to accept payment of an annual service charge for public services in lieu of property taxes. The annual service charge shall be four percent of the annual shelter rents.

(Ord. 783 § 1 (part), 1989)

3.03.040 - Payment of service charge.

The service charge in lieu of taxes for the immediately preceding year as determined hereunder shall be payable to the city on or before March 1st of each year.

(Ord. 783 § 1 (part), 1989)

3.03.050 - Duration.

This chapter shall remain in effect and shall not terminate so long as the mortgage loan remains outstanding and unpaid or the authority has any interest in the property.

(Ord. 783 § 1 (part), 1989)

3.03.060 - Exhibit "A".

Exhibit "A" is as follows:

A parcel of land located in part of the N.W. ¼ of Section 25, T.1N., R.11E., city of Hazel Park, Oakland County, Michigan described as beginning at the S.W. corner of Lot No. 1 of Carol Park Subdivision as recorded in Liber 31, Page 18, Oakland County Records, said point also being a point on the north 43 foot right-of-way line of Woodward Heights Ave.; thence from said point of beginning N. 88 Deg., 18'06" W., 217.50 feet along said north right-of-way line; thence N. 00 Deg., 30'00" E., 550.00 feet; thence N. 87 Deg., 45'17" W., 223.70 feet to a point on the east subdivision line of Andresen Park Subdivision as recorded in Liber 31, Page 6, Oakland County Records; then N. 00 Deg., 30'00" E., 337.95 feet along said east subdivision line to a point on the south subdivision line of "Karam Brothers Court" Subdivision as recorded in Liber 63, Page 32, Oakland County Records; thence S. 87 Deg., 55'04" E., 445.36 feet along said south subdivision line to a point on the west subdivision line of said Carol Park Subdivision; thence S. 00 Deg., 46'03" W., 887.05 feet along said west subdivision line to the point of beginning said point also being the S.W. corner of said Lot No. 1 of said Carol Park Subdivision, containing 6.21 acres of land and subject to any easements of record.

(Ord. 796 § 1, 1990)

3.03.070 - Contractual effect of ordinance.

Notwithstanding the provisions of [Section 15\(a\)\(5\)](#) of the Act to the contrary, a contract between the city and the sponsor with the authority as third party beneficiary thereunder, to provide tax exemption and accept payments in third party beneficiary thereunder, to provide tax exemption and accept payments in lieu thereof as previously described is effected by enactment of the ordinance codified in this chapter.

(Ord. 783 § 1 (part), 1989)

Title 5 - BUSINESS LICENSES AND REGULATIONS

Chapter 5.03 - LICENSING AND REGISTERING

5.03.010 - Short title.

This chapter shall be known as the "registering and licensing ordinance."

(Ord. 314 § 2, 1962)

5.03.020 - License or permit—Required.

No person, corporation, firm, partnership or other entity shall directly or indirectly operate, conduct, maintain or manage any business, commercial occupancy, trade, occupation or premises for commercial or business reasons without obtaining a business license/certificate of occupancy and paying a fee as established by resolution of the city council.

(Ord. 869 § 1, 1994: Ord. 664 § 1, 1981: Ord. 314 § 3, 1962)

5.03.030 - Registration required.

No person shall, directly or indirectly, engage in any business, trade, profession, or occupation unless such person shall first register, and register annually by the thirtieth day of April in each year with the city clerk for tax purposes. He or she shall state such facts as may be required and his or her name, business, trade or occupation, and the address of the proposed business premises. Application for such registration shall be made by the individual, one of the partners, or an officer of the corporation, as the case may be. Such registration shall be filed either in person or by mail with the city clerk.

(Ord. 361 § 1, 1965: Ord. 314 § 4, 1962)

5.03.040 - State license or permit not exemption.

The fact that a license or permit has been granted to any person by the state to engage in the operation, conduct, maintenance or management of any business, trade, occupation or premises shall not exempt such person from the necessity of procuring a license or permit from the city, if such license or permit is required by any ordinance of the city.

(Ord. 314 § 5, 1962)

5.03.050 - License—Application—Contents.

Each person required to procure a license from the city shall make application for such license to the city clerk in the form and manner prescribed by him or her and shall state, under oath, such facts as may be required for, or applicable to, the granting of such license, including the following:

A.

The full names, business addresses and residence addresses of all owners of applicant's business; the names and addresses of each officer, if the applicant is a corporation;

B.

The place or places in the city where it is proposed to maintain applicant's business, and the length of time during which it is proposed that such business be conducted; and the days and hours of operation that business will be conducted;

C.

The name and address of all suppliers of the goods, wares or merchandise to be sold or offered for sale by applicant;

D.

The nature and kind of business which applicant proposes to conduct and the manner of operating same;

E.

A list of all assumed, trade, or firm names under which applicant intends to do business;

F.

The name and address of all owners of the building in which the business is to be conducted;

G.

Whether or not the applicant or person conducting or managing applicant's business has been convicted of a felony or misdemeanor other than a traffic violation, or the violation of any municipal ordinance, and, if so, full particulars in connection therewith.

(Ord. 10-01 § 1, 2001; Ord. 314 § 6, 1962)

5.03.055 - Requirements for license or renewal of license.

A.

Each person required to procure or renew a business license shall make application for such license to the city clerk in the form and manner prescribed by him or her.

B.

Upon a determination being made by the clerk that the application is complete, a copy thereof shall be given to the applicant who shall submit the same within twenty-four (24) business hours to the building department and schedule a date for inspection.

C.

The building inspector shall inspect the premises, and shall forward a copy of their findings to the applicant with a copy to the clerk's office within four working days of the inspection.

D.

If the inspection shows that the premises is in compliance with the requirements of this chapter, the clerk's office shall be notified of said compliance.

E.

If the inspection reveals that repairs are necessary, the same shall be noted in the inspection report and a copy provided to the clerk's office and the applicant stating the date that repairs are to be completed.

F.

The applicant shall contact the building department prior to the date that repairs are designated to be completed and schedule a follow up inspection.

G.

Should the applicant fail to schedule any inspection within the time required herein, the building department shall notify the clerk, of noncompliance. No license shall be granted to any applicant until such applicant has complied with all the provisions of this chapter. No license shall be issued if the approval of any officer of the city is required until such approval is made.

H.

Upon receipt of each departments determination of compliance, as required in this chapter, the clerk shall notify the applicant, no later than sixty (60) days after the submission of the application, of the grant or denial of the license.

(Ord. 07-04 § 2, 2004)

5.03.060 - License—Expiration date.

Business licenses shall be issued on a biennial basis. The expiration date of each license shall be April 30th of each odd-numbered year.

(Ord. 814 § 1, 1991; Ord 314 § 7, 1962)

5.03.070 - Compliance with state law.

No license or permit required by any ordinance of the city shall be issued to any person who is required to procure a license or permit from the state until such person submits evidence that the required state license or permit has been issued and that all fees appertaining thereto have been paid.

(Ord. 314 § 8, 1962)

5.03.080 - Compliance with city ordinances.

No license shall be granted to any applicant until such applicant has complied with all the provisions of this chapter and every other ordinance of the city pertaining to the business for which application for the license is made. No license shall be granted, if the approval of any officer of the city is required, until such approval is made. Approval in each instance means written approval by the designated officer upon the face of the application for a license, subscribed by such officer, and the date of the approval.

(Ord. 314 § 9, 1962)

5.03.085 - Recommendation following investigation.

Upon receipt of an application for any license or renewal of any license under this chapter, the clerk shall forward a copy of such application to the chief of police and the community development director or such other city department(s) as may be necessary, for their review, investigation and recommendation in accordance with the following:

A.

Background Check by Chief of Police. The chief of police shall have twenty (20) days to review the application, investigate the background of the applicant and note any complaints filed against the business or the applicant with the police department. Upon completion of the investigation, the chief of police shall provide his findings to the clerk's office, together with his recommendation in accordance with this chapter regarding the issuance or denial of the license; and

B.

Building Department Check. If the premises is owner occupied, the applicant shall follow the procedure set forth in [Section 5.03.055](#) of this chapter. A premises not occupied by the owner shall have in place a valid landlord license prior to occupancy by the tenant. Inspection for those businesses which are not owner occupied shall be pursuant to [Chapter 5.42](#), Landlord and Tenant of this title. Upon completion of the investigation the building department shall provide their findings to the city clerk's office, together with a recommendation in accordance with this chapter.

(Ord. 07-04 § 1, 2004; Ord. 01-03 § 1, 2003; Ord. 10-01 § 2, 2001)
5.03.090 - License—Issuance—Personal property tax payment.

No license shall be issued or renewed under the provisions of this chapter or any other ordinance of the city until any and all personal property taxes levied and assessed against such person by the city which may be due and payable at the time of the filing of the application for such license have been paid.

(Ord. 314 § 10, 1962)

5.03.100 - Fees—Exemptions.

No license fee shall be required from any person exempt from payment of the fee by state or federal law. Such persons shall comply with all other provisions of this chapter or any other ordinance of the city. The city clerk shall, in all such cases, issue to such persons licenses which are clearly marked as to such exemption and the reason therefor. Those persons who would ordinarily require a vendor's, peddler's, or solicitor's license, but who present a valid Michigan veteran's license, shall be exempt from the payment of the fee requirements in this chapter.

(Ord. 314 § 11, 1962)

5.03.110 - License—Denial—Causes.

A.

Issuance of Licenses. Upon receipt of the investigations and recommendations by the chief of police, the community development director and such other city departments as may be necessary, the clerk shall issue, within ten days of receipt thereof, the applicable license to the applicant upon payment of the applicable license fee, unless inspections, investigations or recommendations find reason for denial as set out in subsection B of the section.

B.

Denial of License. Reasons for denial include any of the following:

1.

The application fee has not been tendered to the city, and in the case of a check or bank draft dishonored for payment upon presentment; or

2.

The establishment, as proposed by the applicant would not comply with all applicable laws, rules and regulations of the state or local ordinances;

3.

The applicant has made a false, misleading or fraudulent statement of fact in the application or in any document required by this chapter in conjunction therewith; or

4.

The applicant and/or application does not meet all of the requirements of this chapter or other ordinance code provisions of the city pertaining to business establishments including, but not limited to, fire, health, building and construction codes of the city, and the zoning ordinance.

5.

The business is conducted or proposed to be conducted in violation of federal, state or local law or federal or state rules or regulations.

C.

Notification of Reasons for Denial. In the event the clerk denies the application, the reasons of the denial shall be specified in writing and mailed by first-class mail to the applicant at the address set forth on the application.

D.

An aggrieved person whose license is denied shall have the right to appeal the decision to the city council by filing a written request therefore in accordance with [Section 5.03.150](#).

(Ord. 10-01 § 3, 2001; Ord. 314 § 12, 1962)

5.03.120 - Renewal of license.

A.

Written Application to Renew. Anytime after the expiration of twenty-one (21) months after the date of issuance of any license issued under this chapter, but before such license expires, the licensee may file with the clerk a written application to renew such license on a form to be furnished by the clerk.

1.

Supplement to Original Application. Such application shall contain the information required herein for an original license.

2.

Accompanied by Renewal Fee. Such application shall be accompanied by a renewal application fee as set forth by resolution of city council.

B.

Issued unless fails to meet requirements. The clerk shall issue such renewal license upon payment of the applicable license fee, unless the chief of police, director of community development or such other city departments as may be necessary finds that the requirements of this chapter for the issuance of a license are not satisfied.

(Ord. 10-01 § 4, 2001; Ord. 859 § 1, 1993; Ord. 597 § 1, 1972; Ord. 314 § 13, 1962)

5.03.130 - License—Revocation—Suspension.

A.

Suspension of License.

1.

By Mayor After recommendation. Any license issued under this chapter may be suspended by the mayor for a period not to exceed ninety (90) days upon the investigation and written recommendation of the chief of police, fire chief, community development director or enforcement officer for any violation of this chapter by such licensee, or by an agent, servant or employee of the licensee, provided such violation occurred on the premise of such licensee.

2.

Written Notice Served Upon Licensee. Written notice of such suspension shall be served upon the licensee by delivering the same to the licensee, by delivering the same to the establishment, or by depositing the same in the United States mail, postage prepaid, certified or registered mail, return receipt requested, addressed to the licensee at the address shown on the license. Such notice shall be deemed served upon the licensee upon deposit thereof in the United States mail.

3.

Contents of Notice. The notice shall inform the licensee of the reason for such suspension, the duration of the suspension, the beginning date of such suspension, and the right to appeal under the provisions of this chapter.

4.

Effective Date. Suspension of a license shall be effective ten days after written notice thereof is serviced upon the licensee.

5.

Right to Appeal to the City Council. The suspension of a license by the mayor may be appealed by the licensee to the city council in accordance with the provisions of this chapter.

B.

Revocation of License.

1.

Any License for Cause Upon Investigation. Any license issued under this chapter may be revoked by the mayor upon the investigation and written recommendation of the chief of police, fire chief, community development director or enforcement officer for a violation of this chapter by the licensee; or if the licensee no longer qualifies for a license or if the licensee's license has been suspended three times in a ten-year period; or if the licensee has misrepresented or withheld information on the original application or any renewal application.

2.

Written Notice Served Upon Licensee. Written notice of such revocation shall be served upon the licensee by delivery to the licensee, by delivery of the establishment, by depositing the same in the United States mail, postage prepaid, certified or registered mail, return receipt requested, addressed to the licensee at the address

shown on the license. Such notice shall be deemed served upon the licensee upon deposit thereof in the United States mail.

3.

Contents of Notice. The notice of revocation shall inform the licensee of the reasons for such revocation, and the right of appeal under the provisions of this chapter.

4.

Effective Date. Such revocation shall be effective ten days after written notice is delivered to the licensee.

5.

Right of Appeal to the city council. Any revocation by the mayor may be appealed to the city council.

(Ord. 10-01 § 5, 2001; Ord. 314 § 14, 1962)

5.03.150 - Denial, suspension or revocation—Appeal.

A.

Licensee May Appeal to City Council. Within ten days of service of the written notification of denial, suspension or revocation of a license, the applicant or licensee, as the case may be, may appeal such action to the city council.

B.

Accompanied by a Cash Bond. Such appeal shall be accompanied by a cash bond in the sum of one hundred and fifty dollars (\$150.00).

1.

Action Set Aside. If the denial, suspension or revocation of a license is set aside, such bond shall be refunded in full.

2.

Action Upheld. If the denial, suspension or revocation is upheld by the city council, such bond shall be forfeited to the city as a reasonable estimate of the expenses associated with a hearing before the city council and the appeal process.

C.

Action Initiated by Written Objection. The appeal to the city council shall be initiated by filing a written objection to the action denying, suspending or revoking a license with the clerk. The written objection shall state what action is being appealed from and shall have attached thereto a copy of the written notice of the action complained of and shall specifically state the reasons for believing the action was erroneous.

D.

Hearing Scheduled by Clerk. Upon receipt of an appeal, the clerk shall schedule such appeal for a hearing before the city council at its next regularly scheduled meeting and inform the person who initiated the appeal of the time and place of such meeting and of the opportunity to appeal and be heard by the city council at such meeting.

E.

Stay Pending Final Decision. An appeal of any suspension or revocation shall automatically stay such suspension or revocation pending the final decision of the city council.

F.

City Council Authority Conferred. The city council may set aside the action appealed from and grant a license to an applicant, or reinstate a license which has been suspended or revoked by the mayor as the facts may warrant based upon the provisions of this chapter or other conditions as the council may deem advisable.

1.

Time Limit and Notification. The decision of the city council shall be made within ten days of the date of the meeting and the clerk shall notify the person who initiated the appeal of such decision in writing at such person's last known address.

2.

Decision Final. Such decision by the city council shall be a final decision.

G.

Further Appeal to Circuit Court. Any person aggrieved by the final decision of the city council may pursue an appeal of such decision to the Oakland County circuit court. The time and procedure for filing such appeal shall be in accordance with the state of Michigan Administrative Procedures Act of 1969, as amended, being M.C.L. 24.302 et seq and the Michigan Court Rules.

(Ord. 10-01 § 7, 2001; Ord. 314 § 16, 1962)

5.03.160 - License—Carrying—Display.

No licensee shall fail to carry any license issued in accordance with the provisions of this chapter, or any other ordinance of the city, upon his or her person at all times when engaged in the operation, conduct or maintenance of any business for which the license was granted; except that whenever such business is operated, conducted or maintained at a fixed place or establishment, the license shall be displayed at all times in some conspicuous place in the business premises, and the licensee shall produce the license for examination when applying for a renewal thereof or when requested to do so by any city police, fire or health officer, the building inspector or the city treasurer.

(Ord. 314 § 17, 1962)

5.03.170 - Vehicles and mechanical devices—Tags and insignia—Display.

No licensee shall fail to display conspicuously on each vehicle or mechanical device or machine required to be licensed, such tags or insignia as may be furnished by the city clerk and required by any ordinance of the city.

(Ord. 314 § 18, 1962)

5.03.180 - License and permit—Transfer prohibited.

No license or permit issued under the provisions of any ordinance of the city shall be transferable.

(Ord. 314 § 19, 1962)

5.03.190 - License—Fees—Liability.

The fact that any person represents himself or herself as being engaged in any business, trade or occupation for the transaction of which a license is required, or the fact that such person exhibits any sign, price tags, or

advertisement indicating that he or she is engaged in such business, trade or occupation, shall be prima facie evidence of the liability of such person to pay the required license fee, and generally to comply with the provisions of this chapter.

(Ord. 314 § 20, 1962)

5.03.200 - Separate license required for separate business.

A separate license and fee shall be required of any person operating under any of the separate categories for which a license is required in this title.

(Ord. 314 § 21, 1962)

5.03.210 - Half-year licenses.

Any license applied for later than April 1st of each even-numbered year, and issued, will be charged at the rate of one-half the normal fee.

(Ord. 814 § 2, 1991; Ord. 314 § 22, 1962)

5.03.220 - Failure to renew—Penalty.

A penalty of twenty-five (25) percent of any required license fee shall be assessed and paid upon the failure of any licensee to renew such license on or before the expiration date thereof.

(Ord. 664 § 2, 1981; Ord. 314 § 23, 1962)

5.03.230 - Application—Approval.

No license required under the provisions of this chapter shall be issued until the application has been approved by the police chief, fire chief or fire inspector, building inspector, health inspector and city treasurer; except as otherwise provided in this chapter.

(Ord. 314 § 35, 1962)

5.03.250 - Violation—Penalty.

Any person violating any of the provisions of this chapter shall be responsible for a civil infraction. A person found responsible for a civil infraction violation shall be fined not less than two hundred fifty dollars (\$250.00) and not more than five hundred dollars (\$500.00). Each day that a violation exists shall be deemed a separate offense.

(Ord. 10-01 § 8, 2001)

Chapter 5.04 - COMMERCIAL MARIHUANA FACILITIES

Footnotes:

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Editor's note— Ord. No. [06-20](#), adopted Sept. 8, 2020, repealed the former Ch. 5.04, §§ 5.04.010—5.04.090, and enacted a new Ch. 5.04 as set out herein. The former Ch. 5.04 pertained to Medical Marihuana Facilities Licensing Act and derived from Ord. No. 07-17, pt. I, adopted Sept. 12, 2017; Ord. No. 03-18, pt. I, adopted Jan. 16, 2018; and Ord. No. [05-19](#), adopted Oct. 22, 2019.

5.04.010 - Purpose and intent.

An ordinance to amend [Chapter 5.04](#), Commercial Marihuana Facilities, of the city of Hazel Park's code of ordinances, to protect the public's health, safety, and welfare and to implement certain provisions of the Michigan Medical Marihuana Act of 2008, MCL 333.26421 et seq., the Michigan Medical Marihuana Facilities Licensing Act of 2016, MCL 333.26421 et seq., the Marihuana Tracking Act of 2016, MCL 333.27901 et seq., the Michigan Regulation and Taxation of Marihuana Act of 2018, MCL 333.27951 et seq., the Michigan Zoning Enabling Act, MCL 125.3101 et seq., and the state of Michigan marihuana administrative rules, as amended and future amendments. This chapter shall authorize and provide for the regulations and licensing of certain commercial marihuana facilities within the city of Hazel Park; to establish the maximum number of licenses and locations where commercial marihuana facilities may be located; to establish procedures for the granting of licenses; to provide for an assessment of fees; and to provide penalties for violations.

This chapter does not authorize unlicensed marihuana activity, marihuana home occupation, or marihuana accessory use. Any unlicensed marihuana activity, marihuana home occupation, or marihuana accessory use is strictly prohibited by federal, state, and local law. A marihuana facility or activities associated with the licensed growing, processing, testing, transporting, sales, events, or consumption of marihuana shall not be permitted as a home business or accessory use nor shall anything in this chapter be interpreted to include accessory uses.

Nothing in this chapter or in any provision adopted in any other provision of a city of Hazel Park ordinance is intended to grant nor shall it be construed as granting immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marihuana not in strict compliance with Hazel Park municipal code, the acts, and the administrative rules.

Federal law is not affected by the Hazel Park municipal code, the acts, or the administrative rules; nothing in this chapter or in any regulatory provision adopted in any other provision of a city of Hazel Park ordinance is intended to grant nor shall it be construed as granting immunity from criminal prosecution under federal law. The Hazel Park municipal code, the acts, and the administrative rules do not protect users, primary caregivers, or the owners of properties on which the use of marihuana is occurring from federal prosecution or from having property seized by federal authorities under the Federal Controlled Substances Act.

(Ord. No. [06-20](#), 9-8-2020)
5.04.020 - Definitions.

Unless otherwise indicated, definitions shall have the same meaning as defined under the Michigan Medical Marihuana Act of 2008 (MMMA), MCL 333.26421 et seq., the Michigan Medical Marihuana Facilities Licensing Act of 2016 (MMFLA), MCL 333.26421 et seq., the Marihuana Tracking Act of 2016, MCL 333.27901 et seq., the Michigan Regulation and Taxation of Marihuana Act of 2018 (MRTMA), MCL 333.27951 et seq., the Michigan Zoning Enabling Act, MCL 125.3101 et seq., and the state of Michigan marihuana administrative rules, as amended and future amendments.

A.

"Acts" means the Michigan Medical Marihuana Act (MMMA), MCL 333.26421 et seq., the Michigan Medical Marihuana Facilities Licensing Act (MMFLA), MCL 333.26421 et seq., the Marihuana Tracking Act, MCL 333.27901 et seq., the Michigan Regulation and Taxation of Marihuana Act (MRTMA), MCL 333.27951 et seq., and the Michigan Zoning Enabling Act, MCL 125.3101 et seq.

B.

"Annual fee" means an annual non-refundable fee of five thousand dollars (\$5,000.00) per license to help defray administrative and enforcement costs associated with the operation of a marihuana facility in the municipality.

C.

"Applicant" means a named and specific individual who is identified as an owner of a proposed marihuana facility in an application submitted to the city for a city operating license.

D.

"Application" means a form provided by the city for an applicant to complete for submission to the city for a city operating license and/or a form provided by the state of Michigan for an application for state licensing.

E.

"Application fee" means a non-refundable application fee of five thousand dollars (\$5,000.00) per license.

F.

"Business license" means a person authorized by the city of Hazel Park to operate, conduct, maintain, or manage any business, commercial occupancy, trade, occupation, or premises for commercial or business reasons.

G.

"Caregiver" means a person registered by the Department of Licensing and Regulatory Affairs under MMMA to provide medical marihuana to a caregiver's own designated patient(s).

H.

"City" means the city of Hazel Park.

I.

"City operating license" means a license issued by the city of Hazel Park that allows a person to operate a marihuana facility.

J.

"Co-location" means separate marihuana licenses that authorize a licensee to operate at a single location/property as a grower and/or processor and/or retailer and/or designed consumption establishment, but with separate business suites, partitions, or addresses.

K.

"Designated consumption establishment" means a commercial space that is licensed and authorized to permit adults 21 years of age and older to consume marihuana products at the location indicated on the license.

L.

"Department" means the Department of Licensing and Regulatory Affairs.

M.

"Equivalent license" means any of the following license types issued under MMFLA and/or MRTMA:

1.

Grower of any class.

2.

Processor.

3.

Marihuana retailer or provisioning center.

4.

Secure transporter.

5.

Safety compliance facility.

N.

"Establishment" means a location at which a license holder is licensed to operate as a medical and/or recreational grower, safety compliance facility, processor, microbusiness, retailer, provisioning center, secure transporter, or designated consumption establishment.

O.

"Excess marihuana grower" means a license issued to a person holding five class C recreational marihuana grower licenses and licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana facilities.

1.

An excess marihuana grower license shall only be issued to an entity that holds five stacked class C recreational grower licenses and at least two grower class C medical licenses.

P.

"Facility" means a location at which a license holder is licensed to operate as a medical and/or recreational grower, safety compliance facility, processor, microbusiness, retailer, provisioning center, secure transporter, or designated consumption establishment.

Q.

"Grower" means a licensed commercial entity that cultivates, dries, trims, or cures and packages marihuana for sale to licensed marihuana establishments except for a safety compliance facility and a secure transporter. There are three levels of a grower license, which are provided below:

1.

For medical grower licenses:

a.

Class A, up to 500 plants.

b.

Class B, up to 1,000 plants.

c.

Class C, up to 1,500 plants.

2.

For recreational grower licenses:

a.

Class A, up to one hundred (100) plants.

b.

Class B, up to 500 plants.

c.

Class C, up to 2,000 plants.

R.

"Licensed" or "licensed facility" means a marihuana facility where a person holds both a state operating license and a city operating license at a specified location.

S.

"Marihuana" or "marijuana" means the term as defined in the Public Health Code, MCL 333.7106 et seq. and all future amendments.

T.

"Marihuana event organizer" means a person licensed to apply for a temporary marihuana event license.

U.

"Marihuana-infused product" means a topical formulation, tincture, beverage, edible substance, or similar product containing any usable marihuana that is intended for human consumption in a manner other than smoke inhalation.

V.

"Marihuana microbusiness" means a licensed commercial entity that can cultivate not more than 150 marihuana plants; process and package marihuana; and sell or transfer marihuana to individuals who are 21 years of age or older, but not to other licensed marihuana establishments.

W.

"Marihuana retailer" means a licensed commercial entity that purchases or transfers marihuana from a licensed grower and/or processor and sells or transfers to individuals who are 21 years of age or older. A licensed retailer may also sell or transfer to registered patients or registered caregivers with the equivalent medical license.

X.

"MMMA" means Michigan Medical Marihuana Act, MCL 333.26421 et seq.

Y.

"MMFLA" means Michigan Medical Marihuana Facilities Licensing Act, MCL 333.26421 et seq.

Z.

"MRTMA" means Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq.

AA.

"Patient" means an individual registered through the department under the MMMA with a qualified debilitating condition or a patient with a valid card from another state with a medical marihuana program.

BB.

"Person" or "licensee" means an individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.

CC.

"Processor" means a licensed commercial entity that extracts resin from the marihuana from a licensed grower and/or processor for sale and/or transfer in packaged form to a licensed retailer or another processor.

DD.

"Provisioning center" means a licensed commercial entity that purchases or transfers marihuana from a licensed grower and/or processor and sells or transfers to registered patients and registered caregivers. A licensed provisioning center may also sell or transfer to individuals who are 21 years of age or older with the equivalent recreational license.

EE.

"Retailer" means a licensed commercial entity that purchases or transfers marihuana from a licensed grower and/or processor and sells or transfers marihuana to a person 21 years of age or older. A licensed retailer may also sell or transfer to individuals who are a registered patient or registered caregiver with the equivalent medical license.

FF.

"Safety compliance facility" means a licensed commercial entity authorized to receive marihuana from, test marihuana for, and return marihuana to a licensed marihuana facility, caregiver or patient.

GG.

"Secure transporter" means a licensed commercial entity that can store and transport marihuana to and from licensed marihuana establishments for a fee.

HH.

"Stacking" means a location licensed to have more than one class C license issued to a single licensee at the same location to operate as a grower.

II.

"State operating license" means a license issued by the department that allows a person to operate a marihuana facility.

JJ.

"Temporary marihuana event license" means a license held by a marihuana event organizer for an event where the onsite sale or consumption of marihuana products, or both, are authorized at the location indicated on the license during the dates and times indicated on the license.

(Ord. No. [06-20](#), 9-8-2020)

5.04.030 - Location, number and types of licenses.

A.

The city of Hazel Park establishes the type and number of facilities it may authorize within its boundaries and additional regulations pertaining to a facility.

B.

The following chart indicates each facility type and designated zoning districts where a facility can apply to locate:

Zoning District:	LB-M	LB	CB	BC-1	M-1
Zoning Ordinance Section:	17.45.060	17.44.060	17.46.060	17.48.060	17.52.070
License Type:					
Designated Consumption Establishment	X	X	X	X	
Grower	X				X
Microbusiness	X	X		X	
Processor	X	X		X	X
Retail	X	X		X	
Safety Compliance	X	X	X	X	X
Secure Transporter	X	X	X	X	X

C.

Every facility shall meet the requirements of the city of Hazel Park ordinances, the acts, and state of Michigan marihuana administrative rules, as amended and future amendments.

D.

All proposed facilities shall meet the specific zoning district requirements as outlined in the city of Hazel Park's zoning ordinance.

E.

All facilities must maintain dual licensure of the equivalent license type pursuant to the MMFLA and the MRTMA as defined in Section 5.04.020.M and under the administrative rules. City council may consider a waiver for a facility licensed under MMFLA that does not wish to maintain licensure under MRTMA.

F.

Applicants currently authorized for a city operating license under the MMFLA shall be given first opportunity and priority for the equivalent license type for a city operating license, at the same location, under the MRTMA.

G.

All applicants granted a city operating license of any type shall be required to be fully operational no later than six months from the date in which the city operating license was granted. A licensee may submit to the Hazel Park city clerk department in writing, 30 days prior to the date in which the facility is required to be fully operational, a request for up to a six-month extension. An extension request will be reviewed for consideration by city administration. Licensees who are not fully operational within the allotted time may result in its city operating license being revoked by the city manager without contention from the licensee.

H.

The city of Hazel Park authorizes the following types of facilities. There shall be no more than a maximum of six physical locations for each type of facility. A facility operating as a grower and/or processor and/or retailer shall be counted as separate physical locations for each city operating license held at that location. There shall be no more than six city operating licenses for each license type permitted in the city of Hazel Park.

1.

For medical operations:

a.

Class A grower; up to 500 plants.

b.

Class B grower; up to 1,000 plants.

c.

Class C grower; up to 1,500 plants.

d.

Processor.

e.

Secure transporter.

f.

Provisioning center (retailer).

g.

Safety compliance facility.

2.

For recreational operations:

a.

Class A grower; up to 100 plants.

b.

Class B grower, up to 500 plants.

c.

Class C grower; up to 2,000 plants.

d.

Processor.

e.

Secure transporter.

f.

Retailer.

g.

Safety compliance facility.

I.

Microbusinesses shall be limited to two city operating licenses within city boundaries.

J.

Designated consumption establishments shall be limited to two city operating licenses within city boundaries.

K.

Excess marihuana grower is prohibited.

L.

No medical or recreational marihuana facilities shall be permitted in certain art, culinary and retail portions of John R Road located within the LB District. Facilities shall be prohibited on John R Road from Elza to Madge, Granet to Woodruff and Tucker to Garfield. This provision shall not apply to any approved or pending application(s) received prior to the adoption of this chapter on John R from Elza to Madge and Granet to Woodruff.

M.

The foregoing city operating license quantities shall be subject to the availability of locations in areas zoned for facilities and shall be reduced to the extent locations are unavailable in such areas.

N.

Applications for available city operating license(s) shall be accepted for consideration defined by a specific time period. The specific time period for the city to accept new applications shall be recommended by the city manager and codified by a resolution of city council.

O.

An increase in the number of licenses issued to a facility or an increase in the number of facility locations shall only be considered by a resolution of city council.

P.

A co-located facility must meet all facility requirements and zoning requirements for all facility types in which the applicant intends to operate within a co-located facility.

Q.

Operation at the same location that includes a licensed retailer shall have the entrance and exit to the retail portion of the facility clearly marked so that persons can clearly identify the retail entrance and exit.

R.

No medical marijuana patient or primary caregiver registered under and defined by the MMMA may utilize a commercial building in the CB, LB, LB-M, BC-1, M-1 or PUD Zoning Districts for purposes of growing plants for patients under the MMMA. Further, the licensed patient or primary caregiver may not utilize a commercial building in a residential area (RA-1, 2, 3; RB; RC; or RC-1) that has a continuing, existing nonconforming commercial use. A primary caregiver may only utilize a house in a residentially zoned district that they reside in to grow marijuana under the MMMA. In addition, the growing of marijuana in said residence may not constitute a nuisance, affecting the neighbor's quiet enjoyment of their property, and the house utilized for growing marijuana under the MMMA must meet all building, electrical, mechanical and plumbing code standards.

(Ord. No. [06-20](#), 9-8-2020)

5.04.040 - Facility requirements, and where applicable, temporary marijuana event requirements.

All facilities operating within the city shall be subject to the following additional requirements and restrictions:

A.

The use of marijuana shall comply with the acts, state administrative rules, and the department of community health, as amended and future amendments.

B.

A facility shall obtain, and at all times must maintain, a city business license under the Hazel Park municipal code, [Title 5, Chapter 5.03](#), Licensing and Registering, prior to operating.

C.

Facility surveillance and security camera recordings are subject to inspection for purposes of determining compliance with state and local laws, without a search warrant.

D.

Premises liability and casualty damage insurance in the amount of one million dollars (\$1,000,000.00) shall be maintained and proof shall be submitted to the city when the applicant has been notified that they are ready for final approval. Proof of adequate premises liability and casualty insurance policy in the amount of no less than one million (\$1,000,000) dollars, covering the marijuana facility and naming the city as an additional insured party, available for the payment of any damages arising out of an act or omission of the applicant or its stakeholders, agents, employees, or subcontractors. Proof of executed insurance shall be provided to the city clerk within 30 days of the issuance of the city operating license as proposed in the application.

E.

A marijuana event organizer licensee shall file a proof of financial responsibility for liability for bodily injury when applying for a temporary marijuana event license.

F.

Each facility shall be bonded to guarantee that all accounting and taxes are paid in full, according to the law, and that the facility will perform in accordance with all federal, state, and local government standards.

G.

No marihuana facility shall have an entrance or exit which provides direct access to another type of business, residence, or living quarters, except where permitted by the MMFLA, MRTMA, or corresponding administrative rules.

H.

No marihuana facility shall allow the inhalation, use, or the consumption of marihuana, tobacco, or alcohol, except where permitted by the MMFLA, MRTMA, or corresponding administrative rules.

I.

Alcoholic beverages and nicotine products shall not be sold, conveyed, or consumed on the premises of any facility. Nor shall any person be present on the premises of a facility while intoxicated and/or under the influence of alcohol or any other controlled substance.

J.

No marihuana may be smoked, used, or consumed at any marihuana establishment except a designated consumption establishment or a temporary marihuana event that has been approved by the state and city for consumption and/or sales.

K.

The facility shall be subject to inspection by law enforcement, city officials, officials from the department, or the state department of community health during the hours of operation.

L.

Facilities shall have electrical, fire safety, plumbing, filtration, and waste disposal systems, which are compliant, appropriate and consistent with best industry practices, city and state rules and regulations for the business being conducted.

M.

The portion of the facility, such as a grow room, and the storage of any chemicals, such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the city of Hazel Park Fire Chief, or his or her duly authorized representative, to ensure compliance with the applicable Michigan Fire Protection Code.

N.

Facilities greater than 12,000 square feet shall install and have approved a fire suppression system, with all square footage of the facility fire suppressed and covered with overhead sprinkler head fire suppression systems, as dictated by the city of Hazel Park Fire Chief, or his or her duly authorized representative.

O.

All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the facility in which electrical wiring, lighting and/or watering devices that support the cultivation, growing, harvesting, or processing of marihuana are located.

P.

No person under the age of 18 years shall be permitted to enter a facility. A person under the age of 18 years who possess a valid medical marihuana card issued by the state or another state, and is accompanied by his/her legal guardian, may enter a licensed medical retailer facility.

Q.

Grow facilities must provide one parking space per employee and add three additional spaces for delivery vehicles.

R.

All litter must be removed from the premises, including the parking lot, sidewalk, and all areas visible to the public at least twice daily.

S.

Each licensee shall be liable for all costs associated with the investigation, prosecution, incarceration, booking, medical treatment, storage and destruction of evidence, and any other unspecified costs, for the failure to comply with the provisions of this chapter which result in the arrest and prosecution of any employee, owner, or patron.

T.

Facility signs shall comply with the city's sign ordinance, [Chapter 15.44](#), and facilities shall not use exterior signage or displays with neon, flashing lights, or similarly noxious or obtrusive lighting or effects. Facilities may not use exterior signage or displays that contain an image of a marihuana leaf or other commonly recognized symbol for marihuana or which utilize any of the following words: marijuana, marihuana, weed, cannabis, blunt, doobie, joint, hooch, hash, or other similar slang term for marihuana or marihuana-related products. Only one sign per building shall be allowed. Signage requirements for marihuana facilities shall be as specified herein:

1.

Retail facilities: Signage shall be limited to one sign, no larger than 75 square feet on the front of the building and shall not be back lit.

2.

All other facilities: Signs shall be limited to one sign located on the front of the building, no larger than 50 square feet and shall be limited to the name of the facility and address only.

3.

All other advertisement or signs are prohibited on the premises including, but not limited to, vehicle signs, sandwich board signs, portable signs, flags, banners, or similar advertisement methods.

U.

All marihuana facilities shall have a decorative canopy or awning over the entrance(s) proportionately designed to fit the facade of the building.

V.

Secured transport and grow facilities shall have bay doors in which a secure transport vehicle can enter to deliver or pick up or store marihuana. Ingress and egress lanes to the bay doors shall be clearly marked to allow entry of secure transport vehicles. Unless required by MMFLA, MRTMA, or state administrative rules, other marihuana facilities shall not be required to have bay doors.

W.

Secure transport parking lot shall be paved, and spaces clearly marked for each vehicle. The number of parking spaces required shall be determined by the number of employees and number of transport vehicles. One additional handicapped parking space shall be provided.

X.

Decorative or ornamental lighting shall be required on the exterior of the building and at all ingress and egress doors.

Y.

Parking shall be in accordance with Chapter 17.28 of the city's zoning ordinance.

Z.

Parking blocks are prohibited.

AA.

Residential uses within the same structure/building is prohibited.

BB.

Outdoor storage is prohibited.

CC.

All facility operations shall occur indoors and out of public view. Mobile facilities, drive throughs, and exterior walk-up windows are prohibited.

DD.

Discharge of chemical(s), toxic, flammable, corrosive, erosive, poisonous, or hazardous materials, including solid or liquid, residual, soil, or otherwise into city sewer or storm drains or disposal upon the land surrounding the facility is prohibited. Disposal by onsite burning is prohibited.

EE.

Facilities shall implement the following security measures:

1.

There must be at least one security guard in place on the site during operating hours, subject to increased security requirements, including 24-hour security guard requirement, upon notice by the city manager.

2.

Facilities shall install and maintain an alarm system, 24 hours per day and seven days a week, and shall have security cameras covering, at a minimum, all parking areas, entrances and exits, points of sale, and all areas where marihuana is stored or handled. Upon the request of the city manager, the licensee shall provide to the city an IP address which provides the city with real-time access to all security camera feeds at the facility, and the facility shall maintain 30 days of historical footage on file. Proof of security installation shall be provided to the city clerk within 30 days of the issuance of the city operating license.

3.

The proposed plan for secured parking and/or fencing must be aesthetically consistent with the area and must be approved by the city manager for each facility.

4.

A safe for all cash, cash equivalents, and marihuana stored in the facility overnight.

5.

A Knox Box shall be required, or an equivalent system designed to allow first responders with immediate access into secure buildings. Proof of Knox Box installation shall be provided to the city clerk within 30 days of the issuance of the city operating license.

FF.

No equipment or process shall be used in any facility which creates or emits noise, dust, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses beyond the property boundary.

GG.

Generators shall be in place to ensure that the air filtration system and security system(s) remain operational in the event of an electrical outage. Generators shall be housed in a containment area to prevent noise emanating to areas outside of the containment shelter.

HH.

Access to secure areas of a facility shall be restricted to the licensee and authorized employee of the licensee. Trade services provided by individuals not normally engaged in the operation of a facility must be reasonably monitored, logged in as a visitor, and escorted through any limited access areas.

II.

All disposal areas and dumpsters shall be secure to prevent unauthorized access. All disposal areas and dumpsters shall be enclosed by a decorative masonry or brick wall on three sides and a wrought iron gate, as authorized by city administration, to provide access only to the licensee, authorized employee, waste hauler, or city official.

JJ.

All chemicals used by the facility shall be kept in a separate locked storage area inside the facility. Material safety data sheets for all chemicals shall be predominately displayed in accordance with the Occupational Safety and Health Administration (OSHA).

KK.

All current state operating license(s) and city operating license(s) shall be prominently displayed within the facility in a location where it can be easily viewed by the public.

LL.

All facilities shall comply with all federal, state, and local codes and regulations.

MM.

All facilities shall obtain appropriate utility upgrades to prevent interference with or a drain on neighboring properties.

NN.

Outdoor cultivation is prohibited.

OO.

All facilities hours of operation shall be no earlier than 9:00 a.m. and no later than 9:00 p.m.

PP.

Windows shall be free and clear of all advertising, shelves, inventory or the like which would impair the view to the exterior of the premises.

QQ.

Windows shall be opaque to the exterior; opaque means that the glass transmits light but does not allow a view of objects on the other side.

RR.

Retailer, processors, and growers shall be required to provide a vestibule at the primary point of entrance/exit of the facility with proper ventilation to further deter odor from emitting from the building or present an alternative odor prevention plan to the city manager for approval.

SS.

For all retail facilities and delivery services, a licensee must first acquire the necessary authorization from the department to deliver to a registered patient, registered caregiver, or persons 21 years of age or older.

TT.

Deliveries shall only take place during hours of operation.

UU.

Secure transporter facilities shall not store marihuana or currency in a secure transport vehicle, nor shall the vehicle bear any markings or identification that it carries marihuana or marihuana-infused products.

VV.

Safety compliance facilities shall have a secured laboratory space that cannot be accessed by the general public.

WW.

Designated consumption establishments shall provide for all marihuana to be contained within the main building in an enclosed, locked facility, and shall at all times be in compliance with the city of Hazel Park's ordinances, the acts, and state of Michigan marihuana administrative rules, as amended and future amendments.

XX.

Designated consumption establishments shall destroy and dispose of any marihuana product left at the establishment that is considered waste in accordance with the city of Hazel Park's ordinances, the acts, and state of Michigan marihuana administrative rules, as amended and future amendments.

YY.

Designated consumption establishments must employ or otherwise retain onsite security personnel during all business hours.

ZZ.

Designated consumption establishments hours of operation shall be within the hours of 7:00 a.m. to 2:00 a.m.

AAA.

Temporary marihuana events must be held within a specific designated area that may include parking lots and the public right-of-way, with the issuance of all necessary local and state permits.

BBB.

The temporary marihuana event organizer shall provide the proposed dates and times of the requested temporary marihuana event. All dates and times shall be subject to the approval of the city manager. The city reserves the right to set the dates and times and the sale and/or consumption for all marihuana events, regardless of what was proposed on the application.

CCC.

A licensed marihuana event organizer shall maintain a clearly legible sign not less than seven inches by 11 inches in size reading, "No Persons Under 21 Allowed" at or near each public entrance to any area where the sale or consumption of marihuana products is allowed. The lettering of the sign shall be no less than one inch in height.

DDD.

The licensed marihuana event organizer shall post signs containing information on the hazards of vaping, the hazards of driving while impaired, and the potential side effects cannabis can have.

EEE.

The marihuana event organizer licensee shall ensure that access to event is restricted to persons 21 years of age or older and ensure that marihuana sales or consumption is not visible from any public place or non-age-restricted area.

FFF.

The marihuana event organizer licensee, who holds the temporary marihuana event license, shall be responsible for ensuring that all rules and requirements for the onsite consumption and/or sales of marihuana products are followed.

GGG.

A marihuana event organizer may apply to the city to facilitate a temporary marihuana event for no more than seven consecutive days. The city reserves the right to approve the number of days a temporary marihuana event is operational. This number may be less than what the marihuana event organizer applied for.

HHH.

The marihuana event organizer licensee shall ensure that all debris, garbage, litter, and marihuana waste generated at a temporary marihuana event shall be collected and disposed of from the temporary marihuana event location including the parking lot, sidewalk, and all areas visible to the public, in accordance with the city

of Hazel Park's ordinances, the acts, and state of Michigan marihuana administrative rules, as amended and future amendments.

III.

The city may require the marihuana event organizer and all participants to cease operations without delay if, in the opinion of the city manager, code department, city officials or law enforcement, it is necessary to protect the public's health, safety or welfare.

(Ord. No. [06-20](#), 9-8-2020)

5.04.050 - Applications and fee requirements.

A.

Each applicant requesting for authorization to operate a facility within the city shall file an application, under oath, upon forms provided by the city. All applications shall be completed in its entirety and submitted to the city clerk's office. All applications shall be submitted in compliance with the city of Hazel Park's ordinances, the acts, and state of Michigan marihuana administrative rules, as amended and future amendments.

B.

Every application shall include site plans for the proposed facility. In addition to the requirements set forth in this chapter and in Section 17.60.080 of the zoning ordinance, the following shall be provided:

1.

Floor plan and layout, including dimensions, maximum storage capabilities, number of rooms, dividing structures, fire walls, entrances and exits, and parking lot plan and layout.

2.

Means of egress, including, but not limited to, delivery and transfer points.

3.

Construction details for structures and fire-rated construction for walls.

4.

Chemical storage shall be identified.

5.

Security plan in full compliance with the state administrative rules.

6.

Succession plan for the business in the event of death or incapacitation of applicant(s).

C.

Without limitation, the applicant shall fill out the city's application form, provide all documentation and information requested by the city and shall specify the property address of the proposed facility, which must be located within an area zoned for such use and provide proof of ownership or tenancy of said property. In the event an applicant supplies a binding purchase agreement and the applicant is otherwise deemed to qualify for a

city operating license, the city may issue a city operating license conditioned on the applicant submitting a deed to the property within 90 days of issuance of the city operating license.

D.

Every application, including renewals, shall include the following non-refundable fees:

1.

Each application submitted to the city requesting to operate a facility within the city shall pay to the city a non-refundable annual fee in the amount of five thousand dollars (\$5,000) per license to help defray administrative and enforcement costs associated with the operation of a marihuana facility in the city.

2.

Each application submitted to the city requesting to operate a facility within the city shall pay to the city, on an annual basis, a non-refundable application fee of five thousand dollars (\$5,000) per license.

3.

Upon approval of a city operating license and before the license will be issued by the city, and at the time of renewal, each licensee shall pay to the city a non-refundable annual inspection fee of four thousand dollars (\$4,000) to defray the cost of city inspections.

a.

All facilities shall be inspected by the city on at least an annual basis to ensure compliance and that appropriate electrical, fire safety, plumbing, filtration, and waste disposal systems are installed and in proper working order.

b.

In addition to the foregoing annual inspections, the city may inspect any facility, at any time, upon reasonable cause to believe that a violation of the city of Hazel Park ordinances, the acts, or state of Michigan administrative rules has occurred.

E.

All applicants must submit a completed application and certify under oath that the information contained therein is true and accurate.

F.

Failure to provide a complete application and/or the required fees may result in a denial of the application and/or renewal application.

G.

Compliance with the application requirements and/or zoning approval does not guarantee a license for any proposed facility.

H.

Applications for a temporary marihuana event must be submitted 90 days prior to the event. The city manager may consider accepting an application for a temporary marihuana event within the 90 days.

I.

Temporary marihuana event applications must include all applicable items as required in [5.04.050](#) and additionally must provide the following:

1.

A diagram of the physical layout of the event identifying all entrances and exits, marihuana consumption area(s), marihuana commercial recreational sales area(s), where marihuana waste will be stored, and all areas where marihuana products will be stored.

2.

A security plan.

3.

The responsible operations plan.

4.

Product and waste management plan.

5.

Marketing plan.

6.

Evidence of insurance for the event.

J.

The marihuana event organizer shall provide to the city ten days prior to the event, a list of all vendors including the name, address, telephone number, and a designated point of contact(s) who shall be onsite during the event.

(Ord. No. [06-20](#), 9-8-2020)

5.04.060 - Application review.

A.

The city manager shall, consistent with the requirements of this chapter, report to city council applications for consideration by city council for a city operating license. In evaluating the applications, the following criteria shall be considered:

1.

Compliance with application requirements;

2.

Compliance with the requirements of this chapter;

3.

Qualifications of the applicant;

4.

Capitalization and means to operate the proposed facility;

5.

Business history and experience;

6.

Business history with Hazel Park;

7.

Prior or current licensure;

8.

Non-marihuana business interests;

9.

Regulatory compliance/legal history;

10.

Strength of business plan;

11.

Stacked licensure requests;

12.

Integrity, moral character, and cooperation level with the city;

13.

Financial benefit to the city;

14.

Alternative use of building;

15.

Neighborhood compatibility:

a.

Consideration of the effects of the proposed operation on nearby properties including, but not limited to, anticipated traffic flow, total number of patrons per day, aesthetics of the building, building capacity. The city may require professional studies to be provided and paid for by the applicant should the proposed establishment require further examination on the impact of the public's health, safety, or welfare. Such professional evaluations include, but are not limited to, traffic, engineering, surveyor, environmental, safety, etc.

b.

Non-marihuana related business(es) you plan to open and operate within the city of Hazel Park.

c.

Total capital investment to be invested, e.g. renovations to the property and surrounding area, equipment, fixtures, and other related items.

d.

If the proposed location is vacant, the number of years in which the property has been vacated.

e.

Proximity to surrounding establishments.

f.

Environmentally friendly design.

g.

Improvements to landscaping, parking, lighting, and surrounding area.

16.

Community involvement;

17.

Whether applicant is proposing to replace an existing business;

18.

Whether applicant and its stakeholders have made or plan to make significant capital improvements to the proposed facility, the surrounding neighborhood, and/or the city. This includes, but is not limited to:

a.

The total overall capital investment in funds to be invested in the renovations to the property and surrounding area including the overall investment in equipment, fixtures, and other related items.

b.

The total number of years that a property or site, to be renovated by the applicant, has been vacant.

c.

How significant the upgrades or renovations to the property and surrounding area are, such as, but not limited to: the extent of renovations to an existing building or buildings; the extent of new construction of a building or buildings; and the extent of renovation(s).

d.

Whether or not the property to be improved has an environmentally friendly design and environmentally friendly production and waste management design and plan.

e.

The extent of upgrades and renovations to the landscaping, parking, lighting and to the site and surrounding area.

19.

Status of state of Michigan licensure;

20.

Security plan;

a.

The extent of, and additions to or extra security measures taken above the minimum-security measures required under state law; the extent of, and additions to or other extra measures taken above the state minimum requirements for growing, processing, testing, transporting or selling medical marihuana.

21.

Any other consideration relevant to the public's health, safety, or welfare.

B.

Upon the receipt of the report from the city manager, the report for a city operating license shall be reviewed by city council. City council shall complete its review of the report in a public forum via city council meetings, special meetings, work or study sessions. City council shall review and evaluate each report received from the city manager. Any application as reported to the city council by the city manager, approved by a simple majority vote of the city council, at a city council meeting, shall be issued a city operating license, not to exceed the number of city operating licenses allowed for in [Section 5.04.030](#) of this chapter.

C.

City operating licenses are non-transferable and non-assignable and shall be specific to the licensee and the location authorized. A transfer of more than 50.0 percent ownership interest in a business entity operating a facility shall be deemed to be a transfer hereunder and is prohibited for licensure.

D.

No person may operate a facility in the city without a city operating license.

(Ord. No. [06-20](#), 9-8-2020)

5.04.070 - Violations, penalties, revocation.

A.

If an applicant or licensee fails to comply with this chapter, if a licensee no longer meets the eligibility requirements for a license under this chapter, or if an applicant or licensee fails to provide information the city requests to assist in any investigation or inquiry, the city manager may deny, suspend, or revoke a license.

B.

Should marihuana cultivation, processing, testing, selling, extracting, or transporting cause property damage, personal injury, or other injury through explosion, fire, release of harmful substances, or any other event reasonably related to the cultivating, processing, testing, selling, extracting, or transporting marihuana, all people involved in or responsible for the marihuana cultivating, processing, testing, selling, extracting, or transporting are jointly and severally liable for all resulting damages. This includes, but is not limited to, expenses associated with the emergency response, property repair, remediation, medical expenses, marihuana disposal, and expenses related to discontinued use, and prosecution.

C.

The city manager may suspend a license without notice or hearing upon a determination by the city manager that the public health, safety or welfare, or the safety or health of patrons or employees, is jeopardized by continuing a facility's operation. If the license is suspended without notice or hearing, a prompt post-suspension hearing must be held to determine if the suspension should remain in effect. The suspension may remain in effect until the city manager determines that the cause for suspension has been abated. The city manager may revoke the license upon a determination that the licensee has not made satisfactory progress toward abating the hazard. A license will automatically be revoked upon revocation or denial of a state operating license from the state of Michigan.

D.

Any party aggrieved by an action of the city manager suspending or revoking a license shall be given a hearing before the city council upon request. A request for a hearing must be made to the city clerk's office, in writing, no later than 21 days after service of notice of the action of the city manager by first-class mail. Service of notice begins on the date of mailing by first-class mail.

E.

The city may conduct investigative and contested case hearings; issue subpoenas for the attendance of witnesses; issue subpoenas duces tecum for the production of books, ledgers, records, memoranda, electronically retrievable data, and other pertinent documents; and administer oaths and affirmations to witnesses as appropriate to exercise and discharge the powers and duties of the state and/or city under the acts and this chapter.

F.

In addition to the remedies provided herein, the city may file for injunctive relief to abate any violation hereof.

G.

Compliance with Laws. All facilities must be operated in compliance with the acts, all regulations promulgated under the acts, and all other applicable federal, state, and local laws, regulations, and ordinances.

H.

No Temporary Certificates of Occupancy. No Facility may operate under a temporary certificate of occupancy. Facilities must be in full compliance with all applicable legal requirements in order to operate.

I.

Termination of Authorization. If a facility is operated in violation of the acts or any applicable ordinance, or if the licensee is found to have submitted false or misleading information in its license application, the city may revoke the license for such facility to operate within the city. The city retains the right to alter the number and type of facilities authorized hereunder at any time. Any license granted hereunder is a revocable privilege granted by the city and is not a property or other legal right.

J.

Penalties. With respect to any facility that is in violation of any requirement or restriction set forth in this chapter, the licensee of a facility, all persons identified pursuant to MCL 333.27401(1)(b), and any on-site manager shall be subject to the following penalties:

1.

Any violation shall be a misdemeanor and punishable by up to 90 days incarceration and/or a fine up to one thousand five hundred dollars (\$1,500.00), plus court costs and expenses.

2.

The penalties set forth herein are non-exclusive and cumulative, and nothing herein shall be deemed to prevent city from enforcing any other applicable ordinance.

3.

Uncorrected violations may be ticketed every 24 hours.

4.

In addition to the remedies provided herein, the city may file for injunctive relief to abate any violation hereof.

K.

Penalties for violation of [5.04.030\(K\)](#). Any violation of [5.04.030\(K\)](#) by a primary caregiver or medical marihuana patient as defined by the MMMA shall be subject to the following penalties:

1.

Any violation shall be a misdemeanor and punishable by up to 90 days incarceration and/or a fine up to one thousand five hundred (\$1,500.00), plus court costs and expenses.

2.

The penalties set forth herein are non-exclusive and cumulative, and nothing herein shall be deemed to prevent city from enforcing any other applicable ordinance.

3.

Uncorrected violations may be ticketed every 24 hours.

4.

In addition to the remedies provided herein, the city may file for injunctive relief to abate any violation hereof.

(Ord. No. [06-20](#), 9-8-2020)

5.04.080 - City responsibility.

Information a municipality obtains from an applicant related to licensure under this chapter is exempt from disclosure under the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246.

(Ord. No. [06-20](#), 9-8-2020)

5.04.090 - Miscellaneous provisions.

A.

Part I—Rights. The operation of a licensed marihuana facility is a revocable privilege and not a right, in conformance with applicable state law. Nothing in this chapter is to be construed to grant a property right for an individual or business entity to engage in the use, distribution, cultivation, production, possession, transportation, or sale of marihuana as a commercial enterprise. Any individual or business entity which purports to have engaged in such activities either prior to or after the enactment of this amendment without obtaining the required

authorization is deemed to be an illegally established use and is not entitled to legal nonconforming status. Nothing in this chapter may be held or construed to grant a vested right, license, permit, or privilege to continued operations within the city.

B.

Part II—Profiteering by City Operating License Holders. The city council has determined that profiteering by a city operating license holder is contrary to the best interests of the city. Accordingly, in order to prevent profiteering, to the full extent authorized by law, the city council shall not approve the transfer of a city operating license within three years of the date of the original issuance of the license. An agreement between the applicant and the city, following recommendation by the city manager shall be prepared and agreed upon to give effect to this provision prior to final action being taken by the city council on an application. The city council may, but is not required to, excuse the above anti-profiteering limitation for any of the following reasons:

1.

If the license holder has had their state operating license revoked and can no longer operate a marihuana establishment under the laws of this state.

2.

If the license holder is a natural person, he or she dies or becomes incapacitated.

3.

If the license holder is a corporation, the majority shareholder dies or becomes incapacitated, or the corporation dissolves for reasons other than to transfer the license.

4.

If the license holder is a business entity and not a natural person, the entity dissolves for reasons other than to transfer the license.

5.

The application of this anti-profiteering limitation will subject the applicant to financial hardship due to no fault of the applicant, such as a change in the business climate, illness or death, labor or supply problems, and/or other factors outside the applicant's control.

C.

Part III—State Law. Nothing in this chapter shall be construed in such a manner as to conflict with the MMMA, MMFLA, or other applicable state marihuana law or rules.

D.

Part IV—Federal Law. Nothing in this chapter, or in any companion regulatory provision adopted in any other provision of this code, is intended to grant, nor shall it be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marihuana not in strict compliance with the acts and the administrative rules. Also, since federal law is not affected by the acts or the administrative rules and, nothing in this chapter, or in any companion regulatory provision adopted in any other provision of this code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under federal law. The Michigan acts do not protect users, caregivers, or the owners of properties on which the use of marihuana is occurring from federal prosecution, or from having their property seized by federal authorities under the Federal Controlled Substances Act.

(Ord. No. [06-20](#), 9-8-2020)

Chapter 5.06 - ALCOHOLIC BEVERAGES

5.06.010 - Licenses—Number allowable.

The number of licenses in the city allowing for consumption of alcoholic beverages on the premises shall be set by resolution of the city council as they shall from time to time determine in compliance with the statutes, rules and regulations of the Michigan Liquor Control Commission.

(Ord. 312 § 1, 1962: Ord. 78 § 1 (part), 1947)

5.06.020 - Definitions.

A.

"Applicant" means any person, firm, corporation, or individual who makes application for a license to sell alcoholic beverages for consumption on the premises and/or for dancing and/or for entertainment.

B.

"Dancing" means rhythmic movement by two or more persons to the accompaniment of music as described in [Section 5.06.060](#).

C.

"Dancing permit" means a permit issued by the city allowing a licensee to have customer dancing within his or her establishment.

D.

"Entertainment" means that which serves as amusement, except that same shall not be lewd, lascivious, obscene, and/or appealing to the prurient interests of the citizens of Hazel Park.

E.

"Entertainment permit" means a permit issued by the city allowing a licensee entertainment within his or her establishment.

F.

"Establishment" means the business premises which is the subject wherein the sale of alcoholic beverages or consumption on the premises, and/or dancing and/or entertainment is permitted.

G.

"Full-time chef" means a person paid a reasonable salary commensurate with his or her talent and who shall be on the premises at all times when the establishment is open for business to the public. The duties of a chef shall be restricted solely to the preparation of meals for the consumption of the public.

H.

"Gross sales" means total annual sales as determined by the dollar volume of sales derived from all sources of the licensee's revenue, including, but not limited to, revenue from the sale of food, beer, wine, and liquor. No deductions, expense items, or depreciation shall be allowed in arriving at the figure of gross sales.

I.

"Licensee" means any person, firm, employee, or corporation which has a license for the sale of alcoholic beverage for consumption on the premises and/or an entertainment permit and/or a dancing permit.

(Ord. 505 § 1, 1972; Ord. 415 § 7, 1967; Ord. 78 § 1 (part), 1947)

5.06.030 - License—Considerations by council.

Among other things, the city council will take into consideration all convictions of crime and all violations of city ordinances and state laws of and by licensees or agents or employees operating establishments engaged in the sale of alcoholic beverages for consumption on the premises, in approving or disapproving applications for original renewal or transfer applications to operate said establishments. It may upon complaints of any person, chief of the police or the fire department, or employee thereof, city manager or other officer of the city, recommend revocation of such licenses on account of violation of the laws of the state, ordinances of the city, convictions of crime or lesser offenses, by and of said licensees or agents or employees, and general reputation concerning the operation of said establishments, contrary to the best interest of the inhabitants of the city.

(Ord. 415 § 1, 1967; Ord. 78 § 2, 1947)

5.06.040 - License—Inspection.

No application for renewal or transfer of license for the operation of an establishment engaged in the sale of alcoholic beverages for consumption on the premises shall be acted upon until an inspection of the premises as to all fire hazards, general cleanliness of the establishment, ample toilets and sanitary conditions thereof, general safety of the patrons and other conditions imposed by state law or regulations of the Liquor Control Commission of the state, and by the police department of all complaints against the establishment or its operators, agents or owners, police record and general reputation of the owners, operators, agents and/or employees thereof, and a written report made thereof to the city council, which shall contain recommendations in relation to the matters herein mentioned.

(Ord. 78 § 3, 1947)

5.06.050 - Location.

No renewal or transfer of license for the operation of an establishment, engaged in the sale of alcoholic beverages for consumption on the premises, shall be approved when the establishment is within five hundred (500) feet of a school, public library or an established church.

(Ord. 78 § 4, 1947)

5.06.060 - License criteria—Dancing or entertainment.

Neither a dancing permit nor an entertainment permit, as distinguished from a license allowing consumption of alcoholic beverages on the premises, shall be granted in connection with an establishment engaged in the sale of alcoholic beverages for consumption on the premises and neither dancing nor entertainment shall be permitted unless all of the following conditions, as judged by the city council, upon proper public hearing and notice to the applicant, have been shown to exist:

A.

Licensee for an entertainment permit must have kitchen facilities, a full-time chef whose duties are devoted solely to the preparation of meals, and must regularly and continuously be capable of preparing full course dinners from a menu.

B.

A licensee for a dance permit is excluded from the provisions of subsection A of this section.

C.

At least thirty (30) percent of the annual total gross sales of the establishment with an entertainment permit which the licensee operates must be derived solely from the sale of food from a menu; further, sales of liquor and/or beer are not to be counted in arriving at the thirty (30) percent figure.

D.

No dancing or movement or expression as entertainment by an employee, agent, entertainer or independent contractor of the licensee, shall be permitted without accompanying music.

E.

Customer dancing only shall be allowed in establishments which contain a dancing permit, provided the applicant complies with all the requirements of state and local laws.

F.

Each licensee applying for a dance permit shall submit in writing in his or her application the amount and type of supervision, number of employees and duties, how music will be provided, seating capacity and other details of the applicant's proposed operation which shall be reviewed by the building inspector, police chief and fire chief prior to submission of the application to the city council.

G.

Dancing shall not be allowed unless there is set aside for dancing on the same floor as the dancing shall take place a minimum dance floor space of two hundred (200) square feet in the establishments which have a seating capacity of less than one hundred (100) persons on the same floor or a minimum dance space of four hundred (400) square feet in any establishment which has a seating capacity of one hundred (100) or more on the same floor as the dancing or entertainment shall take place. Such dance floor shall be well-marked and defined and no tables or chairs or other obstacles shall be allowed thereon during the time the dancing is permitted. The dance permit and/or entertainment permit shall be displayed to the liquor license.

H.

Licensees are held responsible for any and all promotional representations made by his or her paid or unpaid agents, employees, and/or independent contractors, whether such representations are made inside or outside of the jurisdiction of the city.

I.

No licensee shall permit:

1.

Loitering;

2.

Overcrowding on dance floors;

3.

Smoking or drinking on the dance floor;

4.

Contest of any kind in connection with dancing or entertainment;

5.

Topless waitresses;

6.

Go-go dancing girls.

J.

All original applications, renewals or transfer applications for either a dance and/or entertainment permit shall be allowed or disallowed by the city council at a public hearing after submission of the applications and consents and waivers have been presented to the city clerk. The council is authorized to issue or refuse the permit or permits or to revoke the same or to suspend same for an indefinite time, upon a preponderance of proof that the applicant or licensee does not qualify for a permit or continuation of his or her permit for any one of the following reasons:

1.

Fraud, misrepresentation of any false statement made in the application for either permit;

2.

Fraud, misrepresentation of any false statement made in the operation of his or her business;

3.

Any violation of this chapter or of any other ordinance of the city, state law or state regulation;

4.

Conducting the business in an unlawful manner or in such a manner as to constitute a nuisance or a breach of the peace, or to constitute a menace to the health, morals, safety or general welfare of the public;

5.

Failure or inability of the applicant to meet and satisfy the requirements and provisions of this chapter and every other ordinance of the city.

K.

Any person whose permit or permits is the subject of a contemplated suspension or revocation by the city manager shall be notified of same by certified mail from the city manager setting forth reasons and causes, setting a date for a public hearing before the council, the time, place and that the licensee has a right to appear, either in person or by counsel, to answer the charges before the city council which shall either approve or disapprove a contemplated suspension or revocation.

L.

Each application to procure a dance or entertainment permit shall state, under oath such facts as may be required for, or applicable to, the granting of such license, including, but not limited to the following:

1.

Name, business;

2.

Statement of gross sales including food, and their source verified by a certified public accountant;

3.

List of all the assumed names under which he or she does business;

4.

Whether the applicant has been convicted of a felony or a misdemeanor;

5.

Length of time the permit is requested for;

6.

The type of entertainment which will be provided. An approval for an entertainment permit shall be limited to the type requested in the application. Any change in the type of entertainment from that requested in the application and approval by city council shall not be allowed until the applicant submits a new request and approval therefore has been given by city council under the requirements of this chapter.

M.

Each dance permit and/or entertainment permit shall terminate on May 1st of each year. The fee for a dance or entertainment permit shall be established by resolution of the city council. Renewal permits shall be considered by the city council at a public hearing using the same standards as set forth herein for original applications.

N.

No entertainment and/or dancing shall be permitted after the hour of one-thirty a.m.

O.

The council may waive or modify the dance permit and/or entertainment permit fee for charitable, philanthropic, fraternal, or other non-profit organizations, if it is deemed in the public interest to do so.

(Ord. 11-03 § 1, 2003; Ord. 901 § 2 (part), 1997; Ord. 580 § 1, 1977; Ord. 519 §§ 1—3, 1973; Ord. 505 §§ 2—12, 1972; Ord. 415 § 2, 1967; Ord. 78 § 5, 1947)

5.06.070 - Dim lights prohibited.

No licensee shall, by said licensee or another, permit the use of so-called "dim lights," and such licensee shall provide lighting throughout the establishment of at least three and one-half footcandle power intensity as registered by a standard light meter.

(Ord. 78 § 6, 1947)

5.06.080 - Sanitary condition required.

All establishments engaged in the sale of alcoholic beverages on the premises shall be maintained in a clean and sanitary condition at all times, and all glasses and other containers in which beer, liquor, wines and all liquids are served shall be maintained in a clean and sanitary condition; and all glasses and containers, as mentioned in this section, dishes, coils and dispensers shall be sterilized with an approved sterilizing solution.

(Ord. 415 § 13 (part), 1967; Ord. 78 § 7, 1947)

5.06.090 - Screening restrictions.

No screens, shades, partitions or booths, the height of which extends more than forty-two (42) inches from the floor, or other obstructions shall be permitted in a place where beer, wine and/or spirits are sold for consumption on the premises.

(Ord. 415 § 3 (part), 1967; Ord. 78 § 8, 1947)

5.06.100 - View to street.

Where a licensed establishment has windows on the front or sides thereof, said windows shall permit clear and unobstructed view from the street; provided, however, the view shall not be permitted to a height of five feet from the sidewalk.

(Ord. 312 § 2, 1962; Ord. 78 § 9, 1947)

5.06.110 - Employment of minor prohibited.

No licensee shall, by said licensee or by another, by agent or by employees, permit the employment, engagement or use of a minor as a waiter, waitress, musician, entertainer, or in any other capacity or service within the immediate bar area; further, said minors may be employed outside the designated bar area wherein it is unlawful to serve, consume and/or permit consumption of alcoholic beverages even though the entire premises may be located within one building.

(Ord. 505 § 13, 1972; Ord. 408 § 2, 1967; Ord. 78 § 10, 1947)

5.06.130 - Sale prohibited when.

No licensee, agent, owner, employer or other person shall sell, give, or permit any patron or other person to sell or give any liquor, beer or intoxicating beverage to a minor.

(Ord. 901 § 2 (part), 1997; Ord. 503 § 1, 1972; Ord. 443 § 1, 1968; Ord. 78 § 12, 1947)

5.06.150 - Violation—Penalty.

Any person, firm, licensee, employees, and/or independent contractor convicted of a violation of any of the provisions of this chapter shall be punishable as set forth in [Chapter 1.12](#) of this code.

(Ord. 415 §§ 5, 6, 1967; Ord. 78 § 15, 1947)

Chapter 5.07 - USE OF CITY SEAL AND FLAG

5.07.010 - Definitions.

A.

"City seal" means the official seal(s) of the city of Hazel Park, or any prior official seal, including any cut, facsimile, reproduction, incorporation, likeness, or derivation thereof, which consists of:

1.

A seal consisting of the letters "hp" in lower case blue script in a brown distressed circle with the words "HAZEL PARK" to the right of the circle in all capital lettering, which is substantially set forth below:

2.

A seal consisting of a blue cityscape with four houses of varying sizes and the words "hazel park" printed below in blue lower case script with blue two dots centered on each side of the script with a distressed brown line below the words hazel park and the phrase "THE FRIENDLY CITY" in all capital lettering, which is substantially set forth below:

3.

A seal with an arched top window shape with the words "City of Hazel Park" circumferentially written in capital lettering with at the top of the arch and centered over a large brown and green hazelnut tree on the right and a rising two-tone yellow sun on the left with a blue and light brown background, which is substantially as set forth below:



B.

"City flag" means the official flag, or any prior official flag, of the City of Hazel Park, including any cut, facsimile, reproduction, incorporation, likeness, or derivation thereof, which is a flag including the city's seal(s) as substantially set forth above.

(Ord. No. [08-20](#), pt. I, 10-13-2020)

5.07.020 - Use of city seal and city flag for official use.

A.

The city seal(s) and city flag are the exclusive property of the city of Hazel Park.

B.

The city seal may be used by city employees and elected or appointed city officials in connection with the performance of official city business or city sanctioned events, including, but not limited to, placement of the city seal on city vehicles, equipment, stationery, the city flag, city websites, handouts for city training sessions, city brochures, city presentations, city uniforms and city issued articles of clothing, city news releases, programs and bulletins, city-sponsored events, and city memorabilia used to promote the city, or with permission of the city manager.

C.

The city clerk and his or her designee is authorized to use the city seal on any ordinance, resolution or other instrument approved by the city council or executed by the mayor, or other city officials, and to use the city seal to authenticate official documents in the conduct of official city business, or with permission of the city manager.

D.

The city flag may be flown or otherwise displayed by elected or appointed city officials, and by city employees in connection with official city meetings, functions, and events, or with permission of the city manager.

(Ord. No. [08-20](#), pt. I, 10-13-2020)

5.07.030 - Other approved uses.

The city seal or city flag may be used in any other way that is constitutionally, or otherwise legally protected.

(Ord. No. [08-20](#), pt. I, 10-13-2020)

5.07.040 - Prohibited uses.

Except as otherwise expressly allowed in this chapter, no person may knowingly:

A.

Display the city flag or city seal in, or in connection with, any advertisement, poster, circular, book, pamphlet, website, web application, or other publication, public meeting, play, motion picture, telecast, or other production, or on any building, monument, or stationery, for the purpose of obtaining anything of value by confusing, deceiving or misleading anyone into a false impression of city action, support, approval, official sanction, sponsorship, or endorsement; or

B.

Sell, or purchase for resale, any article that displays the city seal or city flag in a manner that gives the false impression of city action, support, approval, official sanction, sponsorship, or endorsement.

(Ord. No. [08-20](#), pt. I, 10-13-2020)

5.07.050 - Offense and remedies.

Each violation of any provision of this chapter shall be a civil infraction, punishable by a civil fine of not more than ten thousand dollars (\$10,000.00) and shall entitle the city to have it enjoined.

(Ord. No. [08-20](#), pt. I, 10-13-2020)

5.07.060 - Severability and conflicts.

If any part or portion of this chapter is, for any reason, held or found to be unlawful or unconstitutional by any court of competent jurisdiction, then such part or portion shall be deemed separate, distinct and independent parts or portions and, to the fullest extent lawful, such holding or finding shall not affect the validity of the remaining parts or portions of this chapter. All ordinances or parts of ordinances in conflict with any of the provisions of this chapter are hereby repealed.

(Ord. No. [08-20](#), pt. I, 10-13-2020)

Chapter 5.09 - AUTOMOBILE AND TRAILER DEALERS

5.09.010 - Defined.

Any person, firm or corporation who buys, sells or exchanges automobiles or who maintains a lot or other place where new or used cars are kept for sale, stored or on display, but not for rental purposes, is an automobile dealer. Any person, firm or corporation who buys, sells or exchanges trailers, or who maintains a building, lot or place where new or used trailers are kept for sale, stored or on display, but not for rental purposes, is a trailer dealer.

(Ord. 314 § 32(a), 1962)

5.09.020 - License—Dealer's rights.

A license for dealing in new or used automobiles shall include the right to deal in new and used trailers, tire, car parts and accessories, but shall not permit the operation of a separate storage yard where used trailers, tires, automobile accessories, automobile parts, etc., are stored. A license for dealing in trailers shall include the right to deal in new and used trailer parts and accessories and to store same on the premises, where the licensee's business is located but shall not permit dealing in new and used tires, automobile accessories or automobile parts or the operation of a separate storage yard. In the interpretation of this section a single platted lot or any group of

continuous lots having one or more common entrances and exits shall be construed as one used car lot or place of business. Any building or lot adjacent to and used in connection with the chief place of business or branch store of the licensee shall be construed as a part of such place of business and use thereof permitted under the same license.

(Ord. 314 § 32(b), 1962)

5.09.030 - Inspection by police department.

Any store, used car lot or other building or buildings or business licensed under this chapter shall be open to inspection at all times by the chief of police or any member of the police department, and any dealer handling used cars or used car parts shall give any such officer, upon request, information regarding the time and manner of buying any such used car or used car part and the name of the person from whom the same was purchased.

(Ord. 314 § 32(c), 1962)

5.09.040 - Sunday sales forbidden.

It is unlawful for any person, firm or corporation to sell or offer for sale any new or used automobile, new or used trailer, automobile or trailer parts or accessories, tires, or to keep such automobile sales room, or used car lot or other place of business open on the first day of the week, commonly called Sunday; provided, however, that nothing in this section shall apply to persons who conscientiously believe the seventh day of the week should be observed as the Sabbath and who actually refrain from secular business on that day.

(Ord, 314 § 32(d), 1962)

5.09.050 - Area required—Building.

Those persons engaged in the open air display for rental or sale of new or used automobiles, new or used trailers, or cement mixers, shall have them in an area of not less than six thousand (6,000) square feet, which shall be used exclusively for the foregoing purposes and shall be maintained with a stable surface that will not retain water, treated so as to prevent the raising of dust or loose particles. Such surfacing may be constructed of crushed stone, slag, gravel, cinders or any type of permanent surfacing drained away from all adjacent lots and streets. The owner or operator of an area so used shall erect and maintain on such an area a permanent-type building at least four hundred (400) square feet in area, for the purpose of servicing such equipment and shall erect and maintain a barrier-type fence not less than eighteen (18) inches in height, on the boundaries of such an area, with only such openings therein as may be necessary for ingress or egress.

(Ord. 314 § 32(e), 1962)

Chapter 5.12 - BENCHES WITH ADVERTISING COPY

5.12.010 - License—Required.

It is unlawful for any person, firm, corporation or partnership or association to install or place in any public place in the city any seat or bench without first obtaining a license therefor under the terms and conditions set forth in this chapter.

(Ord. 140 § 1, 1952)

5.12.020 - Application—Contents.

Application for such license shall be made to the city clerk and shall contain the following information:

A.

The type of bench or seat;

B.

The proposed location thereof;

C.

The written consent of the abutting property owner or tenant, if such property is leased;

D.

Prior to the issuance of such license the applicant shall file with the city clerk a good and sufficient surety company bond or policy of insurance running to the city in the penal sum of not less than five thousand dollars (\$5,000.00) for property damage; and not less than twenty-five thousand dollars (\$25,000.00) for bodily injuries or death to one person or fifty thousand dollars (\$50,000.00) for bodily injuries or death to two or more persons, to indemnify, save and keep harmless the city from any and all costs, damages, expenses or liabilities of every kind whatsoever which may be suffered by the city by reason of the location of such seats or benches on public property or by reason of the neglect, failure or refusal of any person, firm or corporation to comply with the provisions of this chapter applicable to such seats or benches.

(Ord. 140 § 2, 1952)

5.12.030 - City manager—Approval—Specifications.

No such seats or benches shall be installed on any location unless the applicant receives the approval of the city manager as to the location, type of construction and the method by which the same are to be affixed to the ground. No license shall be issued by the city clerk until all of the preliminary requirements of this chapter have been met. The city manager is authorized to refuse to approve the location of any such seats or benches where he or she deems such location will constitute or augment traffic hazards or congestion in the vicinity, and shall in no event approve a location which is an actual impediment to vehicular or pedestrian traffic. Such seats or benches shall be of a firm and stable type of construction and shall be of sufficient weight so as to be rendered stable without the necessity of anchoring unless, in the judgment of the city manager, they are not of sufficient weight, then they shall be securely anchored to the ground. All seats and benches shall be of general uniform construction of high grade materials. The seat must have a minimum width of eighteen (18) inches and a maximum length of seven feet and contain two inch by six inch yellow pine boards; no bench shall be more than forty-two (42) inches high; legs shall be made of steel-reinforced concrete; and all bolt holes are to be counter-sunk and corners rounded. The city manager shall have the authority to approve any and all seats or benches which substantially conform to the requirements enumerated in this section. Nothing herein contained shall be construed to prevent the removal of any seat or bench deemed to be a hazard because of defective support or which has become an impediment to vehicular or pedestrian traffic.

(Ord. 140 § 3, 1952)

5.12.040 - Location.

No bench shall be located at a point less than eighteen (18) inches or more than thirty (30) inches from the face of the curb, and each bench must be kept parallel with the curb.

(Ord. 140 § 4, 1952)

5.12.050 - Advertising.

Advertising displays shall be permitted on such seats or benches. However, no advertising matter or sign shall be displayed upon any bench except upon the front or rear surfaces of the backrest. All advertising copy shall be of a high moral standard and subject to the approval of the city manager.

(Ord. 140 § 5, 1952)

5.12.060 - Fees.

The applicant shall pay to the city clerk with the application a license fee, as set by resolution of the city council, for each bench for a period ending on January 1st following the date of installation. An annual license fee, as set by resolution of the city council, for each bench shall be due and payable to the city clerk on January 1st of each year. Seats or benches placed or installed after the inception of the license year shall be subject to the same terms and conditions as those placed or installed at or prior thereto. In the event that a license is refused, the fees paid with such application shall be refunded. The city council may revoke or suspend such license if the licensee does not appear after notice of hearing, or if he or she cannot be found, after diligent search, at the address shown upon his or her records.

(Amended during 1997 recodification; Ord. 140 § 6, 1952)

5.12.070 - Violation—Penalties.

Any person violating any of the provisions of this chapter shall, upon conviction, be subject to a fine of not to exceed one hundred dollars (\$100.00) or imprisonment not to exceed ninety (90) days in the Oakland County jail, or both such fine and imprisonment in the discretion of the court.

(Ord. 140 § 7, 1952)

Chapter 5.15 - CARNIVALS

5.15.010 - Defined.

"Carnival" or "circus" means an amusement enterprise with mechanical rides, feats, sideshows, various concessions and games of skill operated for a consideration or otherwise, and either enclosed in tents or other temporary structure or unenclosed but concentrated in a prescribed area.

(Ord. 555 § 1 (part), 1974; Ord. 314 § 31(a), 1962)

5.15.020 - Regulations—Zoning, noise, time.

Carnivals and circuses in the city shall comply with all zoning regulations and shall be restricted in operation as determined by council resolution. Curfew times for any minor under the age of seventeen (17) years, as provided for in [Section 9.82.010](#) of this code, is modified to coincide with the operation time of the carnivals and circuses. Noise shall be kept to a minimum, and shall comply with noise abatement orders which may be issued by the building inspector and/or chief of police in order to preserve the quiet and comfort of persons in the neighborhood.

(Ord. 862 § 1, 1993; Ord. 651 § 1, 1981; Ord. 555 § 1 (part), 1974; Ord. 314 § 31(a), 1962)

5.15.030 - License—Bond.

Before any license shall be issued under the provisions of this chapter, a personal bond shall be furnished to the city clerk in the penal sum of one thousand dollars (\$1,000.00). The bond shall be conditioned upon the licensee prohibiting any and all games which violate city ordinances or state laws prohibiting gambling.

(Ord. 651 § 2, 1981; Ord. 555 § 1 (part), 1974; Ord. 314 § 31(b), 1962)

5.15.040 - Violation—Forfeiture—Revocation.

Upon violation of any of the provisions of this chapter, the city is authorized and directed to forfeit the bond as herein provided, order the immediate cessation of such game or gambling activity, and if deemed necessary, revoke the carnival license pursuant to the provisions of [Section 5.03.150](#) of this title.

(Ord. 651 § 3, 1981)

Chapter 5.18 - CHARITABLE SOLICITATIONS*

5.18.010 - Purpose.

The purpose of this chapter is to protect the public health, safety and welfare of the city and its citizens by regulating and licensing certain solicitations for charitable, patriotic, philanthropic, religious and other eleemosynary purposes.

(Ord. 902 § 1 (part), 1997)

5.18.020 - Definitions.

As used in this chapter:

"Charitable" means a benevolent, educational, philanthropic, humane, patriotic and eleemosynary motives, purposes, conduct and practices including:

1.

The bringing of minds and hearts under the influence of education or religion;

2.

The relief of bodies from disease, suffering or constraint;

3.

Helping persons to establish themselves in life;

4.

The erection of public buildings, works or monuments; or

5.

The otherwise lessening of burdens of government.

The term shall not include leverage to influence legislation, caring on of a political campaign or other political propaganda.

"Charitable purpose" means the charitable goals, intentions, plans or programs of a charitable organization as expressed in their articles of incorporation or other governing instrument; its literature, reports, soliciting materials, or other written materials; or its deeds or actions, including statements made during solicitations of funds from the public.

"Duly constituted religious organization" means an ecclesiastical corporation or an association organized primarily for public worship and protecting this organization by a specific Michigan statute or similar statute in another jurisdiction, and includes a group affiliated with and forming an integral part of a religious organization no part of the net income of which inures to the direct benefit of any individual, if it has received a declaration of current tax exempt status from the United States.

"Person" means any individual, firm, partnership, corporation, company, incorporator or unincorporated association, society, trust and any agent, trustee, employee or other representative, or any charitable organization as herein defined.

"Solicit" and "solicitation" mean the act or practice of seeking from the public for one's or another's behalf or on behalf of an uncertain or indefinite class of persons the promise or grant of any money, services or property of any kind or value, including the promise to pay, or payment for merchandise or rights of any description, regardless of whether an article, right or privilege is given the donor. Solicitation includes the selling of memberships in an organization unless the membership confers the right to vote for the officers and directors of the organization and on its policy confers on the member control or reorganization to the same extent and degree as every other member.

"Soliciting for religious activity" means the solicitation of any funds in support of any activity conducted by or on behalf of any duly constituted religious organization, which is directly or indirectly incidental to the distribution or dissemination of any religious belief, doctrine, propaganda or ideas. Such term shall not include ordinary commercial methods of sales of articles to raise propaganda funds.

(Ord. 902 § 1 (part), 1997)
5.18.030 - License.

No person shall solicit or cause any solicitation on their behalf for any charitable purpose within the city without a license granted by the city clerk.

A.

Exclusions. Provided, however, that the provisions of this chapter shall not apply to:

1.

Solicitations within an organization. Solicitations conducted exclusively within the membership of an organization by its own officers and members; nor

2.

Soliciting for religious activity. A duly constituted religious organization soliciting funds in support of religious activity, except as hereinafter provided. A person soliciting funds in support of religious activity.

B.

Application. An application for a license shall be filed with the office of the city clerk and shall include:

1.

Names and addresses of the applicant and verification thereof by driver's license or other documentation;

2.

The names of the organization and the name under which it intends to solicit contributions;

3.

The principal address of the organization and the address of any office in this state. If the organization does not maintain a principal office, the name and address of the person having custody of its financial records;

4.

The names and addresses of the officers, directors, trustees, chief executive officer, if any, and of the persons who will direct the conduct of solicitations and all the solicitors;

5.

Where and when the organization was legally established, the form of its organization, and its tax exempt status;

6.

The purpose for which it is organized and the purpose for which contributions to be solicited will be used;

7.

The fiscal year date of the organization;

8.

Where the organization is or ever has been enjoined from soliciting contributions;

9.

All methods by which solicitations will be made;

10.

Copies of contracts between charitable organizations and professional fundraisers relating to financial compensation or profit to be derived by the professional fundraisers. When the contract was executed after filing of the application statement, a copy shall be filed within ten days of the date of execution;

11.

The time when solicitations are to be made, given proposed dates for the beginning and ending of same;

12.

The name of the person by whom the receipts of such solicitation shall be disbursed;

13.

The gross amount of any wages, fees and commissions to be paid in connection with the solicitation and to whom paid and the amount thereof;

14.

A statement of all expenses relating to the solicitations, including but not limited to, the cost of all articles, tags, tickets, emblems, publications and subscriptions used in the solicitations;

15.

A financial statement for the last preceding year, including the following:

a.

A summary of financial activities with the percentage of charitable contributions expended on charitable purpose, management and fundraising. A detailed schedule of income from public support, business activity and all other sources; a list of the ten highest paid officers outside the state of Michigan, five highest paid officers inside the state of Michigan; a list of fundraisers and solicitors and income; and a balance sheet,

b.

The financial statements shall be certified over the following statement: "I certify that the information furnished in this report is true and correct to the best of my knowledge",

c.

The financial statement shall be signed by the chief fiscal officer of the organization,

d.

If no financial statement is available, a statement of the reason for the absence of the same and a statement of all funds, if any, collected in the last preceding year;

16.

The name and address of the resident agent in Michigan for service of process;

17.

A copy of the articles of incorporation and by-laws of the person applying, if any;

18.

A statement of the character and extent of charitable, civic, educational, patriotic, philanthropic or religious work done or being done by the applicant within the city;

19.

Documentation, such as a letter, resolution or other written proof, that the applicant has authority to act on behalf of the charitable organization;

20.

Proof of license from the state of Michigan, pursuant to MCLA 400.271 et seq. as required by that act;

21.

The application shall be filed under oath over the following statement: "The information set forth in this application for the purpose of obtaining a license pursuant to the Charitable Solicitation Ordinance is true and complete to the best of my knowledge and beliefs";

22.

The application shall be signed by the president or other officer of the organization, or by some person authorized to act in such matters by said organization.

C.

Filing False Application. No person shall make any knowing or materially false statement upon an application for a license.

D.

Fee. At the time of filing of the application, a fee in the amount established by resolution of the city council shall be paid by the applicant.

E.

Grant of License. The city clerk shall either grant or deny the application for a license within ten days following the filing of the application.

1.

Requirements for Approval. The city clerk shall grant a license, if the clerk finds that based on the application the following facts and conditions exist:

a.

The applicant will be engaged in charitable, patriotic, civic, educational, philanthropic or religious activity, or engaged in raising funds for distribution to an organization or person having said purposes;

b.

The net proceeds from any solicitation shall be used for charitable, patriotic, civil, educational, philanthropic or religious purposes;

c.

The application and supporting materials conform to the requirements of this chapter.

2.

Terms and Conditions.

a.

All solicitations by licensee shall be made during daylight hours only, unless otherwise authorized by the city council.

b.

A license granted hereunder shall be valid for three months from the date of its issuance; provided, however, that the city council may limit a license to a longer or shorter term.

c.

Any other limiting term or condition may be made by the city council at the time of issuance where the same is reasonably related to the protection of the health, safety or welfare of the citizens of the city.

d.

All solicitors who have not yet attained the age of majority must be under the direct supervision of an adult.

(Ord. 902 § 1 (part), 1997)

5.18.040 - License nontransferable.

Any license issued under this chapter shall not be transferable.

(Ord. 902 § 1 (part), 1997)

5.18.050 - Revocation.

A.

Basis for Such Action. Where the city mayor has reason to believe that:

1.

Any licensee, its employees, servant, officer or other representative has knowingly misrepresented a material fact in the application for a license;

2.

Licensee is violated and has violated a term or condition of a license; or

3.

Solicitations by a licensee are in violation of any provision of this chapter or other law.

b.

Hearing. The city mayor may request a hearing before the city council to be held within ten days. Licensee shall be notified of such a hearing and may appear at said hearing and if at the conclusion of same, the city council finds that the licensee has committed or allowed to be committed any of the above stated acts, the license may thereupon be revoked.

(Ord. 902 § 1 (part), 1997)

5.18.060 - Violation—Penalty.

Any person, firm, corporation or association violating any of the provisions of this chapter shall, upon conviction thereof, be punished as set forth in [Chapter 1.12](#).

(Ord. 902 § 1 (part), 1997)

Chapter 5.21 - CHRISTMAS TREE SALES

5.21.010 - License—Required.

All persons, partnerships, associations or corporations not already registered or licensed for doing business under this title who engage in the sale of trees sold for decorative purposes during the Christmas season within the city shall be required to first obtain a license for the sale of the same. The fee for such license shall be set by resolution of the city council. The license shall be conditioned upon a showing by the applicant that the premises shall be adequately lighted during business hours and that sanitary facilities are reasonably available either on or within one hundred (100) feet of the premises.

(Amended during 1997 recodification; Ord. 326 § 1, 1962)

5.21.020 - Bond required.

In addition, such person or persons as defined in [Section 5.21.010](#) shall further be required to post a cash bond in an amount to be set by resolution of the city council at the office of the city clerk at the time and as a condition precedent to the obtaining of the license described in [Section 5.21.010](#). The condition of the bond shall be such that the licensee will agree that at the termination of the operation of sales, which for purposes of this chapter shall be deemed to be no later than December 31st of each succeeding year, he or she shall leave the premises generally free from debris and refuse and in a condition of cleanliness as good as that which existed at the time of the commencement of the operation. It is a further condition of such bond that the licensee must, at the time of termination of sales, apply at the office of the city clerk for the return of the bond money which shall be returned as soon as practicable after an inspection of the premises by the building inspector of the city and conditioned upon his or her approval.

(Amended during 1997 recodification; Ord. 326 § 2, 1962)

5.21.030 - Compliance.

In the event the building inspector determines that the premises is not in a condition as good as it was prior to the commencement of business, the licensee shall have five days in which to comply with the written requirements of the inspector. In the event the requirements are not met within such time, the city shall have the right to bring the condition of the premises into compliance with the requirements of the building inspector and deduct the cost of labor and materials, including disposal charges, and deduct same from the amount of the cash bond deposit, the balance, if any, to be refunded to the licensee at the place designated by the licensee on his or her license application.

(Ord. 326 § 3, 1962)

Chapter 5.27 - CONTRACTORS—RESIDENTIAL CONSTRUCTION*

5.27.010 - Registration certificate required.

In order to safeguard and to protect homeowners and persons undertaking to become homeowners, it is unlawful on and after the effective date of the ordinance codified in this chapter for any person to engage in the business of or to act in the capacity of a residential builder and/or residential maintenance and alteration contractor within the corporate limits of the city without first obtaining a registration certificate therefor from the building inspector.

No building registration certificate shall be issued to any person unless such person is licensed as a residential builder and/or residential maintenance and alteration contractor by the Michigan Department of Licensing and Regulation.

(Amended during 1997 recodification; Ord. 451 § 1, 1969)

5.27.020 - Definitions.

For the purpose of this chapter, the following terms shall be construed to have the meanings given them in this section:

"City building inspector" means the director of the building department of the city or his or her designated agent.

"Registrant" means any person registered under the provisions of this chapter.

"Residential builder" means any person engaged in the construction of residential structures or a combination of residential and commercial structures who, for a fixed sum, price, fee, percentage, valuable consideration or other compensation, other than wages, undertakes with another or offers to undertake or purports to have the capacity to undertake with another for the erection, construction, replacement, repair, alteration or any addition to, subtraction from, improvement, movement of, wrecking of, or demolition of, a residential structure, or combination of residential and commercial structure, or any person who erects a residential structure or combination of residential and commercial structure except for his or her own use and occupancy on his or her own property, and who is licensed as such by the Michigan Department of Licensing and Regulation pursuant to Act No. 299 of the Michigan Public Acts of 1980, as amended.

"Residential maintenance and alteration contractor" means any person who, for a fixed sum, price, fee, percentage, valuable consideration or other compensation, other than wages, undertakes with another for the repair, alteration or any addition to, subtraction from, improvement of, movement of, wrecking of, or demolition of, a residential structure or combination of residential and commercial structure, or building of a garage, or laying of concrete on residential property, except for his or her own use and occupancy, and who is licensed as such by the Michigan Department of Licensing and Regulation pursuant to Act No. 299 of the Michigan Public Acts of 1980, as amended.

(Amended during 1997 recodification; Ord. 451 § 2, 1969)

5.27.030 - Applicability.

This chapter shall not apply to:

A.

An authorized representative of the United States government, the state, or any county, township, city, village or other political subdivision of this state;

B.

Owners of property, with reference to structures thereon for their own use and occupancy, who, by way of affidavit swear that they alone and/or members of their family shall physically perform all work to be done and that they have no contract with another to provide said service;

C.

Officers of a court acting within the terms of their office;

D.

Any person who engages solely in the business of performing work and services under contract with a residential builder and/or builders or a residential maintenance and alteration contractor or contractors licensed under this chapter;

E.

The sale of any products or materials; or the sale or installation of articles of merchandise which are not actually fabricated into and do not become a permanent fixed part of the structure; and

F.

Any work or operation on one undertaking or project by one or more contracts, the aggregate contract price for which labor, materials, and all other items is less than two hundred dollars (\$200.00), such work or operations being considered as of a casual, minor or inconsequential nature. This exemption does not apply in any case wherein the work of a construction is only a part of a larger or major operation, whether undertaken by the same or a different residential builder and/or residential maintenance and alteration contractor, or in which a division of the operation is made in contracts of amounts less than two hundred dollars (\$200.00), for the purpose of evasion of this chapter or otherwise.

(Ord. 451 § 3, 1969)

5.27.050 - Application for registration.

Applicants for registration under this chapter shall file a written sworn application on forms furnished by the building department signed by the applicant, if an individual; by all partners, if a partnership; by all associates, if an association; and by the president, if a corporation. Such application shall be filed with the city building inspector and shall provide the following information:

A.

The full name and permanent address of the applicant, both business and residence;

B.

Set forth the period of time, if any, during which said applicant has been engaged in the business;

C.

A description of the type of business entity, i.e., corporation, partnership, sole proprietorship;

D.

Names, home addresses and titles of all corporation officers, partners or sole owners;

E.

Applicant's Michigan Department of Licensing and Regulation license, from which a copy may be made for the commission's records, provided that if the applicant has applied to the state for his or her license, but has not yet received same, applicant may obtain a certificate hereunder on condition that the license be obtained within a period of one hundred twenty (120) days;

F.

Such other information as to the identity or character of the applicant, or of any of the officers or members of any such applicant, as the city building inspector may deem proper to fulfill the purpose of this chapter in the protection of the public good.

(Amended during 1997 recodification; Ord. 451 § 5, 1969)

5.27.060 - Registration certificate—Qualifications.

The city building inspector, upon proper application, may issue a residential builder's registration certificate to any applicant who shall qualify therefor, which shall authorize the registrant to engage in the business of or to act in the capacity of a residential builder within the corporation limits of the city. The city building inspector may issue a residential maintenance and alteration contractor's certificate to any applicant who qualifies therefor, according to his or her qualifications with respect to any one or more of the following crafts and trades: carpentry, concrete work, garage building, swimming pools, floor laying, lathing, excavation and sewer installation, insulation work, plastering, roofing and siding, masonry work, sheet metal work, tile and marble work, and house wrecking. Such registration certificate when issued shall specify the particular crafts and trades for which the registrant has qualified. The commission shall not require any applicant to pay more than one registration fee, regardless of the number of crafts and trades for which he or she is registered. Nothing contained in this section shall prohibit a specialty contractor from taking and executing a contract involving the use of two or more crafts or trades if the performance of the work in the crafts or trades other than in which he or she is registered is incidental and supplemental to the performance of work in the craft for which the specialty contractor is registered.

(Ord. 451 § 6(a), 1969)

5.27.070 - Denial or suspension.

If application for a registration certificate is made by any person whose certificate has been denied, suspended or revoked as a result of disciplinary action for violation of any of the provisions of this chapter or of the rules and regulations adopted pursuant thereto, the commission may require as a condition precedent to the issuance of a registration certificate to such applicant or the removal of suspension, that such applicant file or have on file with the commission a bond issued by an admitted surety insurer or cash in a sum to be fixed by the commission, based upon the magnitude of the operations of the applicant, not to exceed the sum of one thousand dollars (\$1,000.00) in which the city shall appear as the insured. If the commission requires the filing of such bond or the posting of such cash deposit, every person injured by the unlawful acts or omissions of such applicant may bring an action in a proper court on the bond or a claim against the cash deposit for the amount of the damage he or she suffered as a result thereof to the extent covered by the bond or cash deposit. The claim of any employee of the applicant for wages shall be a preferred claim against any bond or cash deposit required by order of the commission.

(Ord. 451 § 6(b) 1964).

5.27.080 - Registration fee.

The registration fee for a residential builder's certificate, and the registration fee for a residential maintenance and alteration contractor shall be set by resolution of the city council, which sums shall be payable to the city treasurer. Each certificate shall be issued for a period of one year; provided, however, that the first certificate issued hereunder shall expire after December 31st, and thereafter all certificates shall be renewable on January 1st of each year. All applications for renewal of certificates shall be made in proper form, accompanied with the proper fee, before the date of expiration, and proper submission of the renewal application automatically grants the applicant permission to operate pending the actual issuance or refusal of renewal certificates. Every registrant shall report to the city building inspector all changes of members and addresses of persons registered under this chapter within thirty (30) days after same shall occur.

(Amended during 1997 recodification; Ord. 451 § 6(c), 1969)

5.27.090 - Cause for suspension, nonrenewal.

The building administrator may, upon its motion, and may, upon the written verified complaint of any person, investigate the actions of any residential builder and/or residential maintenance and alteration contractor or any person who assumes to act in such capacity within the city and shall have the power to refuse to issue or to renew, or to suspend or to revoke, any certificate issued under the provisions of this chapter at any time. The following causes shall be grounds upon which the building administrator shall have the power to refuse to issue, renew, or suspend or revoke any certificate issued under the provisions of this chapter:

A.

Suspension or revocation of registrant's residential builder's or residential maintenance and alteration contractor's license issued by the Michigan Department of Licensing and Regulation as required by the provisions of Act No. 299 of the Michigan Public Acts of 1980, as amended, or failure to obtain or to renew the license;

B.

Abandonment without legal excuse of any construction project or operation engaged in or undertaken by the registrant or applicant;

C.

Diversion of funds or property received for prosecution or completion of a specific construction project or operation, or for a specified purpose in the prosecution or completion of any construction project or operation, and their application or use for any other construction project or operation, obligation or purpose;

D.

Failure to account for or to remit any moneys coming into registrant's or applicant's possession which belong to others;

E.

Wilful departure from or disregard of plans or specifications in any material respect and prejudicial to another, without consent of the owner or his or her duly authorized representative and without the consent of the person entitled to have the particular construction project or operation completed in accordance with such plans and specifications;

F.

Wilful or deliberate disregard and violation of the building or other ordinance or regulations of the city or the building laws of the state;

G.

Misrepresentation of a material fact by an applicant in obtaining a registration certificate;

H.

Making any substantial misrepresentation, or making any false promise of a character likely to influence, persuade or induce;

I.

Advertising in any manner whatsoever that said residential builder or residential maintenance and/or alteration contractor is registered under this chapter;

J.

Changing business location without notification to the city building inspector within thirty (30) days from the date of change;

K.

Any conduct, whether of the same or of a different character than specified, which constitutes dishonesty or unfair dealings.

(Amended during 1997 recodification; Ord. 903 § 3 (part), 1997; Ord. 451 § 7(1), 1969)

5.27.100 - Written complaint.

The building administrator may consider only those complaints which are presented to it in writing and verified under oath and which are made within eighteen (18) months after completion, occupancy or purchase of a residential structure; provided, however, that complaints presented by the proper authorities charged with enforcement of the city ordinances, codes and regulations governing construction of residential structures shall be considered by the commission only if made by written verified complaint within sixty (60) days after completion, occupancy, or purchase of the structure.

(Ord. 903 § 3 (part), 1997; Ord. 451 § 7(2), 1969)

5.27.110 - Notice—Hearing.

The building administrator shall, before refusing to issue or to renew, or before suspending or revoking, a registration certificate, and at least ten days prior to the date set for the hearing, notify in writing the applicant or registrant of any charge made, and shall furnish the applicant or registrant with a copy of the complaint and afford the applicant or registrant an opportunity to be heard in person or by counsel in reference thereto. Such written notice shall be served by delivery of same personally to the applicant or registrant. The hearing on such charges shall be at such time and place as the building administrator shall prescribe. The building administrator shall bring before it and take the testimony of any person in the same manner as in judicial proceedings in the civil courts. If the building administrator finds that the applicant or registrant is guilty of any violation of any of the provisions of this chapter, the building administrator shall, as the case may be, refuse to issue or to renew the registration certificate of the applicant or registrant, or shall suspend or revoke same for such period of time as shall be determined by the building administrator.

(Ord. 903 § 3 (part), 1997; Ord. 451 § 7(3), 1969)

5.27.120 - Appeal.

Any person whose registration certificate is suspended or revoked, or any person whose application for issuance or renewal of a registration certificate is refused, shall have the right of appeal to the city council, provided that a

written request therefor is filed with the city clerk's office within ten days following such refusal, suspension or revocation by the building administrator. The city council shall grant a hearing on such appeal and may affirm or reverse any action of the building administrator, and the decision of the city council shall be final.

(Ord. 903 § 3 (part), 1997; Ord. 451 § 7(4), 1969)
5.27.130 - Administration and enforcement.

It shall be the duty of the building administrator to administer and provide for the enforcement of all of the provisions of this chapter. The building administrator is expressly vested with the power and authority to make and enforce any and all rules and regulations not inconsistent with the provisions of this chapter. Copies of all rules and regulations of the building administrator shall be sent to all registrants when license or renewal thereof is delivered to the registrants.

(Ord. 903 § 3 (part), 1997; Ord. 451 § 8, 1969)

5.27.140 - Violation—Penalty.

Any person, firm or corporation convicted of a violation of any provision of this chapter, or any rule or regulation adopted or issued in pursuance thereof, shall be punished as set forth in [Chapter 1.12](#). Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense.

(Ord. 451 § 10, 1969)

Chapter 5.30 - FOOD TRUCKS

5.30.010 - Intent and adoption.

In the interest of encouraging mobile food vendors who add to the vibrancy and desirability of the city of Hazel Park, while providing a framework under which such businesses operate, this chapter is established, and to adopt Public Act 92 of 2000, as amended, and subsequent amendments.

(Ord. No. [02-21](#), pt. I, 4-13-2021)

5.30.020 - Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

A.

"Food truck" means a self-contained, motorized vehicle, identified generically as a "mobile food vending unit," which is used for the preparation and distribution or sale of food.

B.

"Mobile food vending" means vending, serving, or offering for sale food and/or beverages from a mobile food vending unit which meets the definition of a "food service establishment" under Public Act 92 of 2000, and which may include the ancillary sales of branded items consistent with the food or vendor, such as a tee shirt that bears the name of the company, restaurant or organization engaged in mobile food vending.

C.

"Mobile food vending unit" means any motorized or nonmotorized vehicle, trailer, food truck, or other device designed to be portable and not permanently attached to the ground from which food is vended, served, or offered for sale.

D.

"Vendor" means any individual, company, restaurant or organization engaged in the business of mobile food vending; if more than one individual is operating a single cart, food truck, or other means of conveyance, then "vendor" shall mean all individuals operating such means of conveying food.

E.

"Operate" means all activities associated with the conduct of including setup and takedown and/or hours of operation and locations where the mobile food vending units are allowed to be open for business.

(Ord. No. [02-21](#), pt. I, 4-13-2021)
5.30.030 - Permit required.

A.

No vendor shall engage in mobile food vending without a permit that is reviewed by the city manager's office and issued by city of Hazel Park Clerk's office, authorizing such vending. The Hazel Park City Council shall prescribe the form of such permits and the application for such permits.

B.

All permits shall be prominently displayed on the mobile food vending unit. A permit for vending shall not be issued by the clerk's office unless the vending unit meets the definitions of "mobile food vending" and "mobile food vending unit" and operates in the locations or areas defined by this chapter.

(Ord. No. [02-21](#), pt. I, 4-13-2021)

5.30.040 - Duration of permit; non-transferability.

Permits issued by the city of Hazel Park Clerk's office shall be valid only for the calendar year in which they are issued and for the mobile food vending unit identified on the permit. Any permit issued under this chapter is nontransferable from vendor to vendor or from food truck/mobile food vending unit to food truck/mobile food vending unit.

(Ord. No. [02-21](#), pt. I, 4-13-2021)

5.30.050 - Application for permit.

The application for a food truck license shall include:

A.

The name of the establishment or business; the establishment or business address, including county of location;

B.

The name of the establishment or property owner, the owner's address, phone number and email of the property owner;

C.

A copy of the food service establishment license issued by the Oakland County Health Department;

D.

A copy of the food truck operator's driver's license and copy of registration of the vehicle with the state of Michigan's Secretary of State;

E.

Proof of an insurance policy in an amount not less than one hundred thousand dollars (\$100,000.00) for property damage and injuries, including injury resulting in death caused by the operation of the food truck; and

F.

A site map indicating the location of the vendor proposes to operate the food truck.

(Ord. No. [02-21](#), pt. I, 4-13-2021)

5.30.060 - Single-event permits.

A single-event application is also available from the city of Hazel Park's Clerk office for vendors wishing to operate a food truck or mobile food vending unit during a special event or to operate at a public or private event held on public property or in a public park. The application for a permit shall be accompanied by a fee as set forth by resolution by Hazel Park City Council. Single event vendors shall comply with all annual permit requirements contained in [Section 5.30.080](#) except subsections 5.30.080.A and 5.30.080.J.

(Ord. No. [02-21](#), pt. I, 4-13-2021)

5.30.070 - Fees.

An application for a permit shall be accompanied by a fee in the amount established by resolution by the Hazel Park City Council. Permits shall only be for the calendar year in which the permit is issued. There shall be no proration of fees. Fees are nonrefundable once a permit has been issued by the clerk's office.

(Ord. No. [02-21](#), pt. I, 4-13-2021)

5.30.080 - Annual permit requirements.

Any vendor engaging in mobile food vending shall comply with the following requirements:

A.

Food trucks/mobile food vending units shall only operate in districts zoned LB, LB-M, BC-1 and M-1, or Planned Unit Development Districts, or other districts approved by the Hazel Park City Council.

B.

Vendors shall not operate on city-owned property or on public streets without prior authorization and approval of the city manager's office. No food service shall be allowed on the driving lane side of the mobile food vending unit.

C.

No food shall be sold, prepared or displayed outside of the food truck or mobile food vending unit while on the location noted on the permit.

D.

Vendors shall provide appropriate waste receptacles at the site of the unit and remove all litter, debris and other wastes attributable to the vendor and/or customers on a daily basis.

E.

Vendors shall not place equipment outside the trucks, including tables, other dining furniture, fixtures, and equipment without review by the city manager or his/her designee.

F.

Vendors must be licensed with the Oakland County Health Department and provide proof of license to the city of Hazel Park.

G.

Vendors shall not use any flashing, blinking or strobe lights or similar effects to draw attention to the food truck or mobile food vending unit; all exterior lights over 60 watts shall contain opaque hood shields to direct the illumination downward.

H.

Vendors shall not use loud music, amplification devices or crying out or any other audible methods to gain attention which causes a disruption or safety hazard as determined by the city of Hazel Park.

I.

There shall be no signage used by vendors except for what is allowed on the vehicle, food truck or mobile food vending unit itself.

J.

No food truck may be parked on an unimproved surface, including, but not limited to, grass, dirt, gravel or any other surface. The vendor's food truck must be parked on a code-approved asphalt or concrete surface.

K.

A vendor's food truck may not be parked or stored on private property for more than a four-day period without being open or operating at that location.

L.

The vendor's food truck must remain licensed with the state of Michigan's Secretary of State in good and working order. No unlicensed or inoperable food truck may operate, park or be stored at a permitted location.

M.

No vendor shall utilize any electricity or power without the prior written authorization of the power customer; no power cable or similar device shall be extended at or across any street or sidewalk except in a safe manner. If the unit is not self-contained and requires electric service, a permit issued by the city of Hazel Park Building Department is required.

N.

Vendors shall comply with all applicable city laws, regulations, and ordinances, including those regulating noise, signage, and loitering.

O.

Vendors shall not represent the granting of a permit under this chapter as an endorsement of the city.

(Ord. No. [02-21](#), pt. I, 4-13-2021)

5.30.090 - Other permits.

A permit obtained under this chapter shall not relieve any vendor of the responsibility for obtaining any other permit or authorization required by any other resolution, ordinance, statute, or administrative rule.

(Ord. No. [02-21](#), pt. I, 4-13-2021)

5.30.100 - Suspension or revocation of license.

Any license issued under this article may be suspended or revoked for any of the following reasons:

A.

Fraud or misrepresentation in the application for the license.

B.

Fraud or misrepresentation in the course of conducting business.

C.

The vendor fails to meet any requirement of this chapter or violates any other federal, state or local law, ordinance or regulation; or conducts activity in a manner that is adverse to the protection of the public health, safety, and welfare.

D.

Intervention by the Oakland County Health Department due to uncorrected health or sanitation violations.

E.

Upon suspension or revocation, the city shall deliver written notice to the license holder stating the action taken and the reasons supporting such action. The written notice shall be delivered to the license holder's place of business or mailed to the license holder's last known address.

(Ord. No. [02-21](#), pt. I, 4-13-2021)

5.30.110 - Appeals.

Vendors whose licenses under this article have been suspended or revoked may appeal by filing a written notice of appeal with the city clerk in accordance with [Section 5.03.150](#) of the Hazel Park Code of Ordinances.

(Ord. No. [02-21](#), pt. I, 4-13-2021)

5.30.120 - Civil infraction.

Any person violating any of the provisions of this chapter shall be responsible for a civil infraction. A person found responsible for a civil infraction shall be fined not less than two hundred fifty dollars (\$250.00) and not more than five hundred (\$500.00). Each day that a violation exists shall be deemed a separate offense.

(Ord. No. [02-21](#), pt. I, 4-13-2021)

Chapter 5.33 - GASOLINE SERVICE STATIONS

5.33.010 - Violation prohibited.

No person shall violate any laws of the state of Michigan nor any rule or regulation adopted by any duly authorized agency of the state pertaining to gasoline service stations.

(Ord. 314 § 30(a), 1962)

5.33.020 - Defined.

"Gasoline service station" means any premises, including all buildings and structures thereon, devoted to selling or dispensing at retail or wholesale gasoline or volatile liquids as fuel for any motor-propelled vehicle, watercraft or aircraft.

(Ord. 314 § 30(b), 1962)

5.33.030 - Filling of fuel tank.

No fuel tank shall be filled at a retail gasoline service station except through a hose connected to a pump of a type approved by the Underwriters Laboratories, Incorporated.

(Ord. 314 § 30(c), 1962)

5.33.040 - Open receptacle or glass container prohibited—Exception.

No gasoline or flammable liquid shall be kept or conveyed in open receptacles or in glass bottles or other breakable containers on the premises of a gasoline service station, except in glass bottles of not more than eight ounces capacity used for sample purposes, and shall not be used for cleaning purposes on such premises. No glass container gasoline pump shall be installed in any building.

(Ord. 314 § 30(d), 1962)

5.33.050 - Metal receptacle required for rubbish.

All combustible waste and rubbish, including crankcase drainings, shall be kept in metal receptacles, fitted with a tight cover, until removed from the premises.

(Ord. 314 § 30(e), 1962)

5.33.060 - Drainage, accumulation prohibitions.

No gasoline, oil, grease, or flammable liquid shall be allowed to flow into or be placed in the drainage system. Oil and grease shall not be allowed to accumulate on the floor. Sawdust shall not be kept in any gasoline service station or place of storage, and sawdust or other combustible materials shall not be used to absorb oil, grease or gasoline.

(Ord. 314 § 30(f), 1962)

5.33.070 - Gasoline leak tracing.

All gasoline service station proprietors and attendants, upon being notified by the fire chief of the presence of gasoline or volatile liquids in sewers shall cooperate in ascertaining the reason therefor. Any expense to the city in tracing gasoline leaks shall be paid by the owner of the station or the equipment to which each gasoline leak is traceable.

(Ord. 314 § 30(g), 1962)

5.33.080 - Fire extinguisher required.

There shall be constantly maintained in good working order at least one two and one-half gallon fully charged, portable foam-type fire extinguisher at each gasoline service station.

(Ord. 314 § 30(h), 1962)

5.33.090 - Dismantling—Removal of underground tanks.

When a gasoline service station is discontinued or dismantled, the owner thereof shall forthwith remove all underground tanks that were used in connection therewith.

(Ord. 314 § 30(i), 1962)

5.33.100 - Location.

No gasoline service station shall be permitted to operate within the boundaries of any street, alley or public place.

(Ord. 314 § 30(j), 1962)

5.33.110 - Interference with sidewalk prohibited.

All apparatus for the servicing of motor vehicles shall be so placed that any and all motor vehicles can be serviced while standing upon the property of the service station with no part of the vehicle projecting over the sidewalk area. The provisions of this section shall not apply to stations constructed or in process of construction at the time the ordinance codified in this chapter becomes effective except to such stations as habitually and seriously interfere with pedestrian right-of-way.

(Ord. 314 § 30(k), 1962)

5.33.120 - Posting of payment policy.

All gasoline service stations which have a policy of accepting only exact payment for purchases and decline to make change either during their entire period of operation, or during certain hours, shall post such policy, and the hours during which it is in effect, prominently and in lettering which may be easily read at a distance of one hundred (100) feet.

(Ord. 567 § 1, 1976; Ord. 314 § 30(1), 1962)

Chapter 5.36 - HANDBILLS

5.36.010 - Purpose.

To protect the people against the nuisance of, and incident to, the promiscuous distribution of commercial handbills and circulars, as herein defined, with the resulting detriment and danger to public health and safety, the public interest, convenience and necessity requires the regulation thereof, and to that end the purposes of this chapter are specifically declared to be as follows:

A.

To protect the people against the unlawful activities or operations of solicitors, canvassers or handbill distributors, by requiring the registration of all such solicitors, canvassers or handbill distributors, together with the names of their employers, and by regulating the business of handbill and advertising distribution through the imposition of reasonable license fees;

B.

To protect local residents against trespassing by solicitors, canvassers or handbill distributors upon the private property of such residents if they have given reasonable notice that they do not wish to be solicited by such persons or do not desire to receive handbills or advertising matter;

C.

To protect the people against the health and safety menace and the expense incident to the littering of the streets and public places by the promiscuous and uncontrolled distribution of advertising matter and commercial handbills.

D.

To preserve to the people their constitutional right to receive and disseminate information not restricted under the ordinary rules of decency and good morals and public order, by distinguishing between the nuisance created by promiscuous distribution of advertising and commercial circulars and the right to deliver noncommercial handbills to all who are willing to receive the same.

(Ord. 904 § 1 (part), 1997; Ord. 385 § 34(1), 1966)
5.36.020 - Definitions.

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

"Commercial handbill" means and includes any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copies of any matter or literature:

1.

Which advertises for sale any merchandise, product, commodity or thing; or

2.

Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sale; or

3.

Which directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind for which an admission fee is charged for the purpose of private gain or profit; but the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition or event of any kind, when either of the same is held, given or takes place in connection with the dissemination which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order; provided, that nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition or event of any kind without a license, where such license is or may be required by any law of this state or any ordinance of the city; or

4.

Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for private benefit and gain of any person so engaged as an advertiser or distributor.

"Handbill distributor" means and includes any person engaging or engaged in the business for hire or gain of distributing commercial handbills, other than newspapers distributed to subscribers thereof, and any person

receiving compensation directly or indirectly for the distribution of such handbill.

"Newspaper" means and includes any newspaper of general circulation as defined by general law, any newspaper duly entered with the post office department of the United States, in accordance with federal statute of regulation and any newspaper filed and recorded with any recording officer as provided by general law; and in addition thereof, means and includes any periodical or current magazine regularly published but not less than four issues per year, and sold to the public.

"Noncommercial handbill" means and includes any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper booklet, or any other printed or otherwise reproduced original or copies of any matter or literature not included in the aforesaid definitions of a commercial handbill, or a newspaper.

"Private premises" means and includes any dwelling house, building or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or pertinent to such dwelling, house, building or other structure.

"Public place" means and includes any and all streets, boulevards, avenues, lanes, alleys or other public ways, and any and all public parks, squares, spaces, plazas, grounds and any buildings.

(Ord. 904 § 1 (part), 1997: Ord. 385 § 34(2), 1966)
5.36.030 - Throwing handbills in public place prohibited.

It is unlawful for any person to deposit, place, throw, scatter or cast any commercial handbill in or upon any public place within this city; and it is also unlawful for any person to hand out or distribute or sell any commercial handbill(s) in any public place provided, however, that it is not unlawful for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill in any public place to any person willing to accept such noncommercial handbill.

(Ord. 904 § 1 (part), 1997: Ord. 385 § 34(3), 1966)

5.36.040 - Placing in vehicles prohibited.

It is unlawful for any person to distribute, deposit, place, throw, scatter or cast any commercial or noncommercial handbill in or upon any automobile or other vehicle. The provisions of this section shall not be deemed to prohibit the handing, transmitting or distributing of any noncommercial handbill to the owner or other occupant of any automobile or other vehicle who is willing to accept the same.

(Ord. 904 § 1 (part), 1997: Ord. 385 § 34(4), 1966)

5.36.050 - Distribution on vacant lot prohibited.

It is unlawful for any person to knowingly distribute, deposit, place, throw, scatter or cast any commercial or noncommercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.

(Ord. 904 § 1 (part), 1997: Ord. 385 § 34(5), 1966)

5.36.060 - Prohibited where posted.

It is unlawful for any person to distribute, deposit, place, throw, scatter or cast any commercial or noncommercial handbill upon any premises, if requested by anyone thereon not to do so or if there is placed on the premises in a conspicuous position near the entrance thereof a sign bearing the words: "no handbills," "no advertisement" or any similar notice indicating in any manner that the occupants of the premises do not desire to be molested or to have their right of privacy disturbed or to have any such handbills left upon such premises.

(Ord. 904 § 1 (part), 1997: Ord. 385 § 34(6), 1966)
5.36.070 - Distribution on inhabited private premises.

A person licensed under the provisions of this chapter, or any other person, shall distribute, deposit, place, throw, scatter or cast any commercial or noncommercial handbill in or upon any private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant, or any other person then present in or upon such private premises; provided, however, that in case of inhabited private premises which are not posted as provided in this chapter, the licensed or other person, unless requested by an adult occupant of such premises not to do so, may place or deposit any such handbill in or upon such inhabited private premises, if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or elsewhere, except that mailboxes may not be so used when so prohibited by federal postal laws or regulations.

(Ord. 904 § 1 (part), 1997: Ord. 385 § 34(7), 1966)

5.36.080 - Hours of distribution.

It is unlawful for any person to distribute, deposit, place, throw or scatter any commercial handbill before the hour of eight a.m., prevailing time, and after the hour of six p.m., prevailing time, or at any time on Sundays and the following holidays: New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving and Christmas.

(Ord. 904 § 1 (part), 1997: Ord. 385 § 34(8), 1966)

5.36.090 - Distributors—License—Fee.

A.

It is unlawful for any person to engage as a handbill distributor for hire, or for any person to distribute commercial or noncommercial handbills, without first complying with the terms of this chapter and all other relevant laws and regulations; provided, that nothing contained in this chapter shall apply to any person advertising his or her business or activity upon his or her own premises, in accordance with [Chapter 15.44](#) of this code if such business or activity is regularly established at a definite location in the city, and also if a license has been obtained therefor, if such license is required under the terms of any applicable law or ordinance.

B.

Any person desiring to engage, as principal, in the business of distributing commercial or noncommercial handbills for hire, shall make application to and receive from the city clerk a license in the manner and for the period prescribed by the terms of this chapter. Such applicant shall make written application to the city clerk upon a form or forms provided for such purpose by the city clerk. Such forms shall contain, among other things that may be required, the name, business address, telephone number, and a brief description of the nature of the business to be conducted by the applicant, the approximate number of agents and employees to be engaged, together with a request for a license for the period for which the applicant seeks to engage in such business.

C.

Each day that distribution of handbills is to be made within the city under a license, the licensee or his or her agent shall first register with the police chief and shall provide the police department with the following information: the name under which the license is issued, the license number, the agent's name, the address and the telephone number at which the licensee or his or her agent or the person in charge of the distribution may be reached during the period of distribution, the number of handbill distributors at work in the city and their respective names and addresses, the length of time required to complete the distribution, a sample copy of the item being distributed, and such other information as may be required by the police chief from time to time to properly enforce this chapter.

D.

Without excluding other just grounds for revocation the city council may revoke any license obtained under an application containing a false or fraudulent statement knowingly made by the applicant with intent to obtain a license by means of false or fraudulent representations, or for violation of this chapter, or any other grounds specified by law, such application to be accompanied by the fee hereinafter provided for in this chapter. No license issued under this chapter shall be transferable; and if such license is surrendered by the licensee therein named, or is revoked for cause, neither the licensee therein named, in such license, nor any other person, shall be entitled to any refund or any part of such fee.

E.

License fees under the terms of this chapter, and for such purpose, shall be as provided by resolution of city council.

(Ord. 904 § 1 (part), 1997: Ord. 385 § 34(9), 1966)
5.36.100 - Exemptions.

The provisions of this chapter shall not be deemed to apply to the distribution of mail by the United States, nor to newspapers as defined in this chapter, nor to handbills primarily or solely pertaining to religious, social or political activities.

(Ord. 904 § 1 (part), 1997: Ord. 385 § 34(10), 1966)

5.36.110 - Certain existing ordinances not affected.

This chapter shall not be deemed to repeal, amend or modify any ordinance ever ordained, either prohibiting, regulating or licensing canvassers, hawkers, peddlers or transient merchants, or any person, using the public streets or places for any private business or enterprise, or for commercial sales not covered in this chapter.

(Ord. 904 § 1 (part), 1997: Ord. 385 § 34(11), 1966)

Chapter 5.39 - JUNK DEALERS AND COLLECTORS

5.39.010 - License—Required.

No person, persons, firm or corporation shall either directly or indirectly by his, her, their or its officers, agents or employees carry on or engage in the occupation or business of junk collector, in the city, without first having applied for and obtained a license therefor, or without having an annual renewal of a license heretofore issued, and without complying with the provisions of this chapter or with other applicable ordinances.

(Ord. 83 § 1, 1947)

5.39.020 - Defined.

For the purpose of this chapter, "junk collector" is defined to be any person, having no fixed place of business in the city, engaging in or carrying on the business of collecting, buying or selling any old rags, sacks, bottles, cans, papers, metals or other articles of junk.

(Ord. 83 § 1, 1947)

5.39.030 - License—Conditions.

No person shall engage in the business of dealer in scrap iron, scrap metal, scrap wood, used auto parts or any form of goods, commonly considered junk, nor assemble the same at one location for the purpose of sale without first obtaining a license therefor. No such license shall be granted:

A.

Unless the applicant therefor files with his or her application the written consent of sixty (60) percent of the owners of exclusively residential property within a radius of five hundred (500) feet of the property where such business is to be conducted; or

B.

Unless the applicant conducts such business on a vacant lot or in a partially enclosed structure unless such property is enclosed with a properly maintained, tight-board or other type fence approved by the building inspector, at least seven feet above the street grade, or if the fence line grade is higher than that of the street, at least seven feet above the fence line grade, and erected in such a manner as to conceal the premises from public view.

(Ord. 314 § 26(a), 1962)

5.39.040 - License—Fee.

The annual license fee for each junk collector, licensed under the provisions of this chapter shall be set by resolution of the city council.

(Amended during 1997 recodification: Ord. 363 § 1, 1965: Ord. 83 § 3, 1947)

5.39.050 - License—Display.

Each licensee shall carry his or hers or its license at all times while engaged in the conduct of the business of collecting junk. Such licensee shall exhibit the license upon the request of any officer of the city, or of any police officer or any citizen. Refusal to so exhibit a license shall be prima facie evidence of failure to obtain license.

(Ord. 83 § 4, 1947)

5.39.060 - Vehicle tag.

Each licensee who uses a vehicle or car in the conduct of his or her business shall obtain two metal tags from the city clerk containing the year issued and the words, "Junk Collector, City of Hazel Park." One of the tags shall be fastened to each side of the vehicle or cart used by the licensee.

(Ord. 83 § 5, 1947)

5.39.070 - License—Application.

Application for such license shall be made to the city clerk, upon blanks which shall be provided therefor, and no license shall be issued until the person applying therefor has paid the whole sum of money chargeable therefor to the city clerk.

(Ord. 83 § 6, 1947)

5.39.080 - Application—Contents.

Application for such license shall set forth the full name and residence of the applicant, or members of the firm or corporation, residence for the past five years, the junk dealer or operator of the junkyard, to whom the junk collected in the city is to be delivered, sold, stored and disposed of, and whether the applicant has been arrested and convicted of any misdemeanor or felony.

(Ord. 83 § 7, 1947)

5.39.090 - Purchase from minor prohibited—Exception.

No junk collector licensed under the provisions of this chapter shall purchase any junk, goods, article or thing whatsoever from any minor under eighteen (18) years of age without the consent of the parent or guardian of such minor, specifically designating such junk, goods, article or thing.

(Ord. 83 § 8, 1947)

5.39.100 - Regulations generally.

No licensee shall purchase or receive any article:

A.

Between the hours of seven p.m. and seven a.m.;

B.

On any Sunday;

C.

From any person under the age of seventeen (17) years, without the written consent of parent or guardian;

D.

From a person known or reasonably suspected to be a thief or a receiver of stolen property.

(Ord. 314 § 26(b), 1962)

5.39.110 - License—Expiration.

All licenses granted under the provisions of this chapter shall expire on the first day of May next after they were issued, and shall be renewed annually on or before such date. The license fee shall be the same for any part or portion of a year, and all licenses issued hereunder shall not be transferable, except upon application as provided in this chapter, nor shall it be used by any person other than is named in the license. Transfers of license shall be applied for at the office of the city clerk.

(Ord. 83 § 9, 1947)

5.39.120 - Police chief approval.

All applications for licenses under the provisions of this chapter, renewals and/or transfers, shall be approved by the chief of police, only as to the character of the applicant.

(Ord. 83 § 10, 1947)

5.39.130 - Exceptions.

The provisions of this chapter shall not apply to dealers in scrap metal, on call from or under contract with manufacturers, machine shops or other similar places of business in the city.

(Ord. 903 § 5, 1997; Ord. 83 § 11, 1947)

5.39.140 - Violation—Penalty.

Any person or persons violating this chapter, in failing to comply with the provisions hereof, are guilty of a misdemeanor, and upon conviction thereof shall be punished, by a fine of not less than twenty-five dollars

(\$25.00), nor more than one hundred dollars (\$100.00), or by imprisonment in the Oakland County jail, for a period not exceeding ninety (90) days, or by both such fine and imprisonment in the discretion of the court.

(Ord. 83 § 12, 1947)

Chapter 5.42 - LANDLORDS AND TENANTS

5.42.005 - Transfer of property by land contract.

A.

An owner of property, either residential or commercial, may not avoid the provisions and requirements of this chapter by an alleged transfer of property by land contract, unless the land contract has been recorded with Oakland County deeds and records and a transfer affidavit has been filed with the city assessing department prior to occupancy by the land contract purchaser.

(Ord. No. 09-13, pt. I, 5-14-2013)

5.42.010 - Definitions.

"Enforcing officer" or "enforcing agent" means the Hazel Park building administrator or his or her designee.

"Landlord" means the owner or lessor of the rental unit or property and in addition means a person authorized to exercise any aspect of the management of the premises, and/or engaged in the business of leasing or renting an apartment building, commercial building or any part thereof, multiple dwellings, rooming house, dwelling or dwellings to another.

"Leasing" or "renting" means providing property to a person for any period of time in exchange for monetary remuneration or other benefit.

"North end" means that property located on Nine Mile Road and all property located north of Nine Mile Road.

"South end" means that property located in the city of Hazel Park, south of Nine Mile Road.

"Tenant" or "occupant" means a person who occupies a rental unit or property for residential or commercial purposes for an agreed upon consideration.

(Ord. 02-03 § 2, 2003; Ord. 09-01 § 1, 2001; Ord. 931 § 1 (part), 1998; Ord. 855 § 1 (part), 1993)

5.42.015 - Compliance with ordinance—Owner, occupant.

A.

The owner of premises regulated by this chapter shall comply with all applicable provisions hereof.

B.

The occupant of premises regulated by this chapter shall comply with the provisions hereof specifically applicable to him or her.

(Ord. 931 § 1 (part), 1998)

5.42.020 - Registration and fee schedule.

A.

Each rental unit, as categorized in the fee schedule set out below, shall be registered with the city clerk or designated agent on an annual basis prior to any premises or part thereof being offered for occupancy, and shall not be occupied without acquiring a landlord license in accordance with the requirements of this chapter.

B.

Registration and licensing of rental units shall be January 31st of each odd numbered year for those properties located in the North end as defined in this chapter and January 31st of each even numbered year for those properties located in the South end as defined in this chapter. Rental units licensed in between those dates shall be pro-rated.

C.

The bi-annual registration/license fee schedule shall be established by city council resolution.

D.

Rental unit registration is construed to be an application for a rental license, and admission of fact by the applicant that the applicant is conducting a rental unit operation as defined by this chapter. It shall be the duty of all landlords to apply for the rental license required by this chapter and obtain all necessary inspections, repairs, approvals required and/or necessary to obtain the license. A registration and/or fee, once tendered, may not be refunded or transferred.

E.

Rental units must be currently registered during all periods of occupancy. All unpaid registration and inspection fees shall be specially assessed against the property as provided by city charter.

F.

Rental units shall not be occupied unless and until a license has been issued by the city clerk. A license shall only be issued upon inspection of the premises by the enforcing agency and compliance with the provisions of this chapter, except as provided in [Section 5.42.060](#).

(Ord. 02-03 § 3, 2003; Ord. 931 § 1 (part), 1998; Ord. 855 § 1 (part), 1993)
5.42.025 - Application for landlord license.

A.

Each person required to procure a landlord license shall make application for such license to the city clerk in the form and manner prescribed by him or her.

B.

Upon a determination being made by the clerk that the application is complete, a copy thereof shall be given to the applicant who shall submit the same within twenty-four (24) business hours to the building department and schedule a date for inspection, which shall take place no later than ten days after the date of application for a landlord license.

C.

The building inspector shall inspect the premises within ten days of the application date, and shall forward a copy of their findings to the applicant with a copy to the clerk's office within four working days of the inspection.

D.

If the inspection shows that the premises is in compliance with the requirements of this chapter, the clerk's office shall be notified of said compliance.

E.

If the inspection reveals that repairs are necessary, the same shall be noted in the inspection report and a copy provided to the clerk's office and the applicant stating the date that repairs are to be completed.

F.

The applicant shall contact the building department prior to the date that repairs are designated to be completed and schedule a follow up inspection.

G.

Should the applicant fail to schedule any inspection within the time required herein, the building department shall notify the clerk, of non-compliance. No license shall be granted to any applicant until such applicants has complied with all the provisions of this chapter. No license shall be issued if the approval of any officer of the city is required until such approval is made.

H.

Upon receipt of each departments determination of compliance, as required in this chapter, the clerk shall notify the applicant, no later than forty-five (45) days after the submission of the application, of the grant or denial of the license.

(Ord. 09-01 § 3, 2001)

5.42.030 - Rental licenses.

A.

All rental units must be licensed during any period of occupancy. Rental licenses are not transferable between landlords or rental units.

B.

The following approvals must be obtained by the landlord in order to obtain a rental license:

1.

The building department shall determine that the rental unit under application has been inspected and approved within the past twenty-four (24) months as in compliance with the various codes appropriate to property maintenance and construction trades as codified in the Hazel Park Code of Ordinances and that the mechanical system has been checked and certified by a licensed mechanical contractor that the system is in safe and proper working order according to the applicable code. A building approval that has been issued within the past twenty-four (24) months does not restrict the official from requiring additional inspections as permitted by code(s), or when there is a complaint or other probable cause to suspect that a violation or violations of any code or section of this chapter may exist.

2.

A zoning official shall determine whether the structure(s) and uses comply with or are exempt from the city zoning requirements. All rental units shall comply with the city zoning ordinance or obtain a determination of lawful nonconformity from the zoning official or zoning board of appeals, as provided for in the zoning ordinance.

3.

Fire marshal approval shall be required for commercial structures and those residential uses regulated by the Fire Code.

4.

City treasurer approval shall be required certifying that the property taxes for the parcel in question are not delinquent.

C.

Upon a finding of compliance with the provisions hereof and payment of the required fees a license shall be issued.

D.

At any time, that a finding is made by the enforcing agency that a condition exists which would constitute a hazard to health or safety, no license shall be issued and a license issued shall be suspended and an order to comply with this chapter shall be issued immediately and served upon the owner in accordance with [Section 5.42.100](#). On reinspection and proof of compliance, the order shall be rescinded and a license issued or reinstated.

(Ord. 02-03 § 4, 2003; Ord. 931 § 1 (part), 1998; Ord. 855 § 1 (part), 1993)

5.42.035 - Vacation of premises while license withheld—Issuance on condition—Actions for rent and possession.

A.

When a license has been withheld, or suspended pending compliance, or revoked, no premises which have not been occupied shall be so occupied and those premises which have been or are occupied may be ordered vacated until reinspection and proof of compliance, in the discretion of the enforcing agency.

B.

A license may be issued on condition that the premises remain in safe, healthful and fit condition for occupancy. If upon reinspection the enforcing agency determines that conditions exist which constitute a hazard to health or safety, the license shall be immediately suspended and the premises may be vacated as provided in subsection A of this section. When a license has been suspended, revoked or has not been issued, actions for rent and/or possession may not be maintained.

(Ord. 04-05 §§ 1—3, 2005; Ord. 931 § 1 (part), 1998)

5.42.036 - Vacation of premises—Escrow of rent while premises unlicensed.

A.

When a license for a rental property, either residential or commercial, has been withheld, suspended pending compliance, revoked or not issued, no premises which have not been occupied shall be occupied and those premises which have been occupied may be ordered vacated until inspection and proof of compliance. In lieu of vacation, the tenant shall place rent into escrow with the City of Hazel Park Treasurer's Office until issuance of the landlord license.

B.

During such time as the rental premises are unlicensed; actions for rent and for possession of the premises for nonpayment of rent may not be maintained.

(Ord. No. 03-09, pt. I, 9-8-2009)

5.42.040 - Right of inspection.

A.

City inspectors are duly authorized to inspect properties in conjunction with this chapter. Inspectors shall not be harassed, stalked, threatened, hindered, assaulted or otherwise interfered with in the performance of their duties. In the event that an inspection request is refused, the inspector or code officer is authorized to seek an administrative search warrant through a court of competent jurisdiction.

B.

In the event of an emergency no warrant shall be required.

(Ord. 931 § 1 (part), 1998; Ord. 855 § 1 (part), 1993)

5.42.050 - Liability.

The issuance of approvals and a license does not grant a warranty, express or implied, as to the health, safety and welfare of life and property in conjunction with the property. The city and its agents shall not be held liable for any damages in conjunction with inspections, approvals or licensing acts that are conducted in good faith and in the lawful discharge of duties in conjunction with this chapter.

(Ord. 931 § 1 (part), 1998; Ord. 855 § 1 (part), 1993)

5.42.055 - Cleanliness of dwellings.

Every dwelling and every part thereof shall be kept clean and shall also be kept free from by accumulation of dirt, filth, rubbish, garbage, or other matter in or on the same, or in the yards, connected therewith. The owner shall be responsible for complying with the provisions of this section except that the tenants shall be responsible for the cleanliness of those parts of the premises and yard that they occupy and control.

(Ord. 931 § 1 (part), 1998)

5.42.056 - Water bills.

A payment agreement for unpaid or late water bills, pursuant to [Title 13, Chapter 13.04](#) Water Supply System, [Section 13.04.140](#) of the Hazel Park Municipal Code, shall not be entered into with the city without the written consent of the property owner, which must be maintained on file with the city.

(Ord. 931 § 1 (part), 1998)

5.42.060 - Conditional licenses.

A.

A conditional license, not to exceed one hundred twenty (120) days, may be authorized by the enforcing officer under the following conditions:

1.

Application is made by the owner for a conditional license;

2.

No violations are in existence which would preclude habitation or threaten the health, safety or welfare of the occupants or community, or create nuisance conditions;

3.

Conditions set forth by any approving agent or agency are set forth in writing on the conditional license. The duration of the conditional license, not to exceed one hundred twenty (120) days, shall be established by the enforcing officer and be set forth in writing on the license;

4.

A cash bond, in the amount of five hundred dollars (\$500.00), must be posted to guarantee compliance with the conditions, including deadlines, of the conditional license;

5.

The water account has no delinquent balances;

6.

The applicant has not defaulted on previously issued conditional licenses and/or no conditional license for the property in question has been previously defaulted upon;

7.

Payment of a nonrefundable conditional license fee in an amount established by resolution of city council;

8.

Payment of all back annual license fees.

B.

Conditional licenses shall be revoked when there is noncompliance with any condition stated therein, fraud or misrepresentation by the applicant, violations of city codes or ordinances, or for other just cause. Revocation or expiration of a conditional license without compliance on the conditions stated therein shall result in the forfeiture of the aforementioned bond.

(Ord. 22-04 § 1, 2004; Ord. 931 § 1 (part), 1998; Ord. 855 § 1 (part), 1993)

5.42.070 - Code compliance.

All rental units must comply with the applicable portions of the Hazel Park Municipal Code. A violation of an applicable code is cause for denial, suspension or revocation of a rental license. Appeal of a license denial, suspension or revocation shall be as set forth in [Chapter 5.03](#). Appeal regarding non conforming use decisions shall be as set forth in [Chapter 17](#).

(Ord. 02-03 § 5, 2003; Ord. 931 § 1 (part), 1998; Ord. 855 § 1 (part), 1993)

5.42.075 - Inspection—Policy—Records— Checklist of reoccurring violations.

A.

It is the policy of this city that the inspection procedures are established in the public interest, to secure the health and safety of the occupants of dwellings and of the general public.

B.

The enforcing agency shall keep a record of all inspections.

C.

The enforcing agency shall make available to the general public a checklist of commonly reoccurring violations for use in examining premises offered for occupancy.

(Ord. 931 § 1 (part), 1998)

5.42.076 - Violations—Recording in registry—Notice—Order to correct, reasonable time— Reinspection.

A.

If, upon inspection, the premises or any part thereof are found to be in violation of any provision of this chapter, the violation shall be recorded by the enforcing agency in the registry of owners and premises.

B.

The owner, and in the discretion of the enforcing agency the occupant, shall be notified in writing of the existence of the violation. The notice shall state the date of the inspection, the name of the inspector, the nature of the violation and the time within which the correction shall be completed.

C.

A violation which is determined by the inspector to constitute a hazard to the health or safety of the occupants, under circumstances where the premises cannot be vacated, shall be ordered corrected within the shortest reasonable time and notice of having begun compliance shall be given the enforcing agency by the owner within three days. All other violations shall be corrected within a reasonable time as determined by the enforcing agency.

D.

The enforcing agency shall reinspect after such reasonable time for the purpose of ascertaining whether the violations have been corrected.

(Ord. 931 § 1 (part), 1998)

5.42.077 - Action to enforce provisions of act.

A.

If the owner or occupant fails to comply with the order contained in the notice of violation, the enforcing agency may bring an action to enforce the provisions of this act and to abate or enjoin the violation.

B.

An owner or occupant of the premises upon which any violation exists may bring an action to enforce the provisions of this act in his own name. Upon application by the enforcing agency, or upon motion of the party filing the complaint, the local enforcing agency may be substituted for, or joined with, the complainant in the discretion of the court.

C.

When the violation is uncorrected and creates an imminent danger to the health and safety of the occupants of the premises, or if there are not any occupants and the violation creates an imminent danger to the health and

safety of the public, the enforcing agency shall file a motion for a preliminary injunction or other temporary relief appropriate to remove the danger during the pendency of the action.

D.

Owners and lienholder of record or who are found by the complainant upon the exercise of reasonable diligence shall be served with a copy of the complaint and a summons. The complainant shall also file a notice of pendency of the action in the office of the register of deeds for the county in which the premises are located.

E.

The court, having obtained jurisdiction, shall make such orders and determinations as are consistent with the objectives of this act. The court may enjoin the maintenance of any unsafe, unhealthy or unsanitary condition, or any violations of this act, and may order the defendant to make repairs or corrections necessary to abate the conditions. The court may authorize the enforcing agency to make repairs or to remove the structure. When an occupant is not the cause of any unsafe, unhealthy or unsanitary condition, or any violation of this act, and is the complainant, the court may authorize the occupant to correct the violation and deduct the cost thereof from the rent upon such terms as the court determines to be just. Whenever the court shall find that the occupant is the cause of any unsafe, unhealthy or unsanitary condition, or any violation of this act, then the court may authorize the owner to correct the violation and assess the cost thereof against the occupant or his security deposit.

F.

No building shall be removed, pursuant to this chapter, unless the cost of repair of the building will be greater than the state equalized value of the building.

G.

When the expenses of repair or removal are not otherwise provided for, the court may enter an order approving the expenses and providing that there shall be a lien on the real property for the payment thereof. The order may establish the priority of the lien and may provide that it shall be a lien senior to all other liens, except taxes and assessments; except that a mortgage of record having a recording date prior to all other liens of record shall retain its first priority if, at the time of recording of that mortgage or at any time subsequent thereto, a certificate of compliance as provided for in this article is in effect on the subject prop, the order may also specify the time and manners for foreclosure of the lien if not satisfied. A true copy of the order shall be filed in the office of the register of deeds for the county where the real property is located within ten days after entry thereof in order to perfect the lien granted in the order.

H.

This section does not preempt, preclude or interfere with the authority of the city to pursue enforcement or order demolition of any building or structure declared to be a nuisance per se pursuant to [chapter 8.04](#).

(Ord. 931 § 1 (part), 1998)

5.42.080 - Denial, suspension, revocation— Appeal.

The code enforcement officer may deny, suspend or revoke a rental license for just cause. The city clerk shall send notice to the landlord by first class mail, advising of the adverse action. Landlords may appeal such actions in the following manner:

A.

All code violations may be appealed to the city code commission, as enumerated in the respective code;

B.

All zoning violations may be appealed to the zoning board of appeals.

(Ord. 9-00 § 1, 2000: Ord. 931 § 1 (part), 1998: Ord. 855 § 1 (part), 1993)

5.42.090 - Limits on remedy.

It is the duty of the landlord to bi-annually acquire a landlord license in order to be designated a landlord with the city and be entitled to rents and/or to evict tenants and/or occupants residing or located on the premises, except as otherwise provided in [Section 5.42.035](#).

(Ord. 02-03, § 6, 2003: Ord. 931 § 1 (part), 1998: Ord. 855 § 1 (part), 1993)

5.42.100 - Notice.

Constructive and actual notice shall be deemed to have occurred when notice is sent via first class mail to the landlord at the address listed on the most recent rental registration and/or first class mail notification to the taxpayer of record, personal delivery to the landlord or publication of the notice in a newspaper of general circulation in the community.

(Ord. 931 § 1 (part), 1998: Ord. 855 § 1 (part), 1993)

5.42.110 - Nuisance per se.

A rental unit in violation of this chapter is considered to be a nuisance per se, and, as such, subject to abatement in a manner prescribed by the city charter, state statute and/or law.

(Ord. 931 § 1 (part), 1998: Ord. 855 § 1 (part), 1993)

5.42.120 - Violation—Penalty.

A violation of any provision of this chapter shall be a misdemeanor and shall be punishable by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) and/or imprisonment, of not more than ninety (90) days or any combination thereof. Individuals, partnerships, corporations and/or their agents or managers may be cited for noncompliance with this chapter.

(Ord. 931 § 1 (part), 1998: Ord. 855 § 1 (part), 1993)

5.42.130 - Separate offenses.

Each day upon which a violation of the chapter occurs shall be considered a separate offense.

(Ord. 931 § 1 (part), 1998: Ord. 855 § 1 (part), 1993)

Chapter 5.44 - SHORT-TERM RENTAL

5.44.010 - Purpose and legislative findings.

The purpose of this chapter is to secure the public health, safety and general welfare of city residents and property owners, as well as visitors to the city, by regulating short-term rental properties to prevent nuisances and safety hazards that interfere with city residents' or property owners' rights to conduct normal, daily activities without unreasonable interference and to provide safe and healthy living arrangements for visitors who rent property on a short-term basis.

(Ord. No. [07-20](#), § 1, 9-8-2020)

5.44.020 - Definitions.

As used in this chapter, the following words and phrases shall have the meanings herein ascribed to them:

A.

"Accessory building" means a building that is subordinate or incidental to the principal building on the same zoning lot on which the accessory building is located, or as otherwise defined by the city zoning ordinance.

B.

"Bedroom" means a room in a dwelling which is intended, arranged, or designed to be occupied by one or more persons primarily for sleeping purposes.

C.

"City" means the city of Hazel Park.

D.

"City block" means the smallest area of land in the city bounded on all sides by public streets or highways. A city block may contain public or private alleys, which, for purposes of this chapter are not considered to be a public street.

E.

"Dwelling" means any house, room, boarding house/rooming house or apartment, which is wholly or partly used or intended to be used for living, sleeping, cooking, and eating. Hotels, motels, bed and breakfasts, resorts, recreational equipment (including, but not limited to, travel trailers, pickup campers, motorized homes, folding tent trailers, private buses, boats and boat trailers and utility trailers), tents and accessory buildings shall not be defined as a dwelling for purpose of this chapter.

F.

"Driveway" means the route of access for vehicles from a public or private street or alley across a premises to a parking or loading area, garage, dwelling or other structure or area on the same premises, and that is located and constructed in accordance with the requirements of the city code.

G.

"License" means a short-term rental license issued by the city to the owner of a premises authorized to be used as a short-term rental. No licensee shall acquire by virtue of having been granted a license, a right of automatic renewal, nor shall any licensee have or acquire a property or liberty interest in or expectation of an initial or renewed license. All licenses terminate upon transfer of ownership, and may not be assigned, transferred, or hypothecated, in whole or in part.

H.

"Licensee" means the owner(s) or lessor holding a license and in addition means a person authorized to exercise any aspect of the management of the premises, and/or engaged in the business of renting a condominium unit, any loft associated with a mixed use building or live/work unit or any part thereof, apartment unit, attached single family residential, single family detached residential, multiple dwellings, rooming house, dwelling or dwellings to another for the purpose of a short-term rental.

I.

"Limited short-term rental" means the rental of any premises for not more than two rental periods of up to 14 days, not to exceed 14 days total, in any calendar year.

J.

"Maximum occupancy" means the maximum number of allowable occupants for the premises.

K.

"Nuisance means" an offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeated invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects an individual, or the generation of an excessive or concentrated effects from movement of people or things including, but not limited to: noise; dust; smoke; odor; glare; fumes; flashes; vibration; objectionable effluent; noise from a congregation of people, particularly at night; passing traffic; or invasion of street frontage by traffic generated from an adjacent premises which lacks sufficient parking and vehicle circulation facilities.

L.

"Occupant" means a non-owner individual living in, sleeping in, or otherwise having possession of a premises.

M.

"Owner" means a person holding legal or equitable title to the premises. An owner may designate an agent to perform duties or receive notice under this chapter.

N.

"Person" means any individual, company, partnership, corporation, limited liability company, trust or other entity having the legal capacity to own or lease real property or any of their agents.

O.

"Premises" means real property, and all fixtures and improvements, including the dwelling, located on it.

P.

"Rent" or "rental" means to permit, provide for, or offer possession or occupancy of a dwelling on a premises on which the owner does not reside for a period of time to a person who is not the owner, pursuant to a written or unwritten agreement.

Q.

"Short-term rental" means the rental or subletting of any dwelling on a premises for a term of 28 days or less.

R.

"Transfer of ownership" has the meaning ascribed to it by MCL 211.27a or any subsequent sections or statutes of the same import.

(Ord. No. [07-20](#), § 1, 9-8-2020)

5.44.030 - Applicability and transfer of property by land contract.

A.

All requirements, regulations, and standards imposed by this chapter are intended to apply in addition to any other applicable requirements, regulations, and standards imposed elsewhere in other ordinances of the city, including the Hazel Park City Code, Zoning Ordinances, and International Property and Maintenance Code (IPMC), not inconsistent with this chapter, including [Chapter 5.42](#) (Landlords and Tenants). Further, this chapter

does not affect additional requirements placed on use of property (or a portion thereof) imposed by deeds, restrictive covenants, associations rules, regulations or bylaws or rental agreements.

B.

An owner of property may not avoid the provisions and requirements of this chapter by an alleged transfer of property by land contract, unless the land contract has been recorded with Oakland County deeds and records and a transfer affidavit has been filed with the city assessing department.

(Ord. No. [07-20](#), § 1, 9-8-2020)
5.44.040 - License required.

A.

General Regulations. It shall be unlawful for any person to offer any premises as a short-term rental or conduct or operate a short-term rental on any premises within the city without a valid short-term rental license issued by the city.

B.

Specific Regulations. Persons seeking to operate a short-term rental must be registered with and licensed by the city prior to the commencement of any short-term rental activity. All short-term rental operations shall comply at all times with the requirements of this chapter.

(Ord. No. [07-20](#), § 1, 9-8-2020)

5.44.050 - Exceptions.

This chapter shall not apply to the following:

A.

Family Occupancy. A member of the owner's family, as well as that family member's guests, may occupy a premises as long as a member of that family retains ownership of the premises. The family occupancy exemption also exempts family occupancy of guest houses or similarly separate dwellings lawfully located on the same premises, when occupied by family guests, exchange students, visitors, medical caregivers, and child caregivers, without compensation to the owner.

B.

House Sitting. During the temporary absence of the owner and the owner's family, the owner may permit non-owner occupancy without remuneration to the owner.

C.

Dwelling Sales. Occupancy following closing by a prior owner after the sale of a premises for the length of time agreed to by the parties to the dwelling sale agreement.

D.

Estate Representative. Occupancy by a personal representative, trustee, or guardian (including family members) of the estate of the owner, with or without compensation. The estate shall notify the city of the owner's name, date of death or incapacity, and name of the person occupying the premises.

E.

Bed and Breakfasts. Occupancy of a structure originally constructed for residential purposes and used as temporary lodging and meals for travelers or guests where bedrooms are rented on a nightly basis and managed by an on-site owner, subject to the limitations outlined in this chapter and pursuant to a valid land use or special use permit issued by the city under the city zoning ordinance. Meals may or may not be included in the price of the room.

F.

Commercial/Non-Profit Facilities. Transitional housing operated by a non-profit entity, group homes such as nursing homes and adult foster care homes, hospitals, or housing provided by a substance-abuse rehabilitation clinics, mental-health facilities, or other health-care related clinics.

G.

Limited Short-Term Rentals. The rental of any premises for not more than one total rental period of up to seven days, in any calendar year.

(Ord. No. [07-20](#), § 1, 9-8-2020)

5.44.060 - Licensing procedure and criteria.

A.

Application. Applicants for a short-term rental license shall file an application to conduct a short-term rental operation with the city for that purpose. In addition to the application required for landlord license, the application shall include:

1.

The name, mailing address, and phone number of the owner(s) of the premises to be licensed.

2.

The name, mailing address, and phone number of the applicant if different than the owner.

3.

A notarized letter of authorization from the owner to the applicant if the applicant is not the owner of the premises sought to be licensed.

4.

A description and address of the premises proposed to be used for short-term rentals, including, but not limited to:

a.

Number of bedrooms.

b.

Number of bathrooms.

c.

Maximum occupancy (two adults per bedroom).

d.

Number of off-street parking spaces available for the premises.

e.

Tax parcel ID number and legal description.

f.

Proof of payment of current taxes and water bills with the city.

5.

A non-refundable application fee in an amount set from time to time by resolution of the city council or its designee.

6.

Written confirmation that the premises owner does not have an ownership interest in more than one premises for which a short-term rental license has been issued or is being sought in the city of Hazel Park.

7.

A statement whether the applicant has ever been cited for a violation of this chapter or had a short-term rental license revoked.

8.

A statement whether the applicant has ever been cited for a violation of any building or code ordinance in the city of Hazel Park.

9.

A copy of the proposed rental contract that shall be used with the property and that includes all required provisions under this chapter.

10.

A copy of good neighbor guidelines that will be provided to each renter by the licensee and all applicable local ordinances.

11.

The name and contact information of the property management company/cleaning company that will be used for the property.

12.

Any other relevant information requested by the city.

All applicants selected to receive a license shall also file with the city prior to issuance of the license, the following:

1.

A licensing fee in an amount set from time to time by city council or its designee.

2.

A certificate of general liability insurance coverage issued by an insurance company licensed to do business in the state of Michigan covering the premises and insuring the licensee against risks arising from commercial rental activities on the premises.

B.

Inspection. Upon the selection of a completed license application from the applicant pool, the licensee shall schedule and have an inspection of the short-term rental premises with the city building inspector and pay any associated costs. Inspections shall be scheduled by the licensee with the city building inspector every six months (two times per year) thereafter. The building inspector will visit the premises and assess its fitness and safety for short-term rental operations using the standards contained in this chapter. The owner(s) of the premises described in the application shall be the only permitted short-term rental licensee, but may designate in writing to the city a local agent for purposes of receiving notices under this chapter and shall do so if required within this chapter. The applicant/licensee is responsible for scheduling these inspections every six months. Failure by the applicant/licensee to schedule an inspection may result in denial of the application or the revocation of the license.

C.

Limits on Issuance of Licenses. The city may issue up to 30 short-term rental licenses, under the following conditions:

1.

A license may only be issued for a premises with two or fewer dwelling units. For the purposes of this subsection, "dwelling unit" means a dwelling encompassing areas for living, sleeping, cooking, and eating that is a self-contained unit separated from other dwellings on the premises, if any exist.

2.

No more than one license may be issued in any city block.

3.

Regardless of the number of applicants, no person may hold more than one license at the same time.

4.

Licenses are valid for a period one year, unless revoked, commencing at 12:01 a.m., on the first day of January of the first year following adoption of this chapter, and ending at midnight of the 31st day of December of the first year following adoption of this chapter. Licenses may be issued at any time, but licenses issued after the first day of the first year of the one-year licensing period will be valid only until the expiration of that licensing period, such that all short-term rental licenses issued by the city will expire at the same time, on December 31.

5.

Licenses which terminate due to revocation by the city, death of the owner, a transfer of ownership of the premises, or any other reason will become available for re-issuance the next succeeding November, but will expire at the end of the then one-year licensing period.

6.

Licenses will be issued on the basis of first come, first-served availability to qualified applicants.

7.

Licenses are non-transferrable, non-assignable and remain the sole property of the city. Death of licensee who is a natural person, or a transfer of interest of more than 50 percent or a lesser but controlling interest in a partnership, corporation, limited liability company, trust, or other legal entity that owns the licensed premises, terminates a license immediately.

8.

Notwithstanding any other provision of this chapter, all licenses expire at the end of the one-year licensing period. If the city chooses to continue issuing short-term rental licenses pursuant to this chapter, any person desiring to continue operating a short-term rental must renew their license. Any person desiring to commence operating a short-term rental must apply for a license in should the city choose to continue its short-term rental program in order to have the opportunity to obtain a short-term rental license.

(Ord. No. [07-20](#), § 1, 9-8-2020)

5.44.070 - Short-term rental regulations.

Premises licensed for short-term rentals under this chapter shall comply at all times with all of the following requirements, in addition to any other applicable requirements, regulations, and standards imposed elsewhere in other ordinances of the city, including the Hazel Park City Code, Chapter 5.24 of the city code for landlords and tenants, Building and Zoning Ordinances (including International Property and Maintenance Code—IPMC), not inconsistent with this chapter.

A.

Licenses must be available to receive notices and respond to complaints from neighbors or the city, 24 hours per day, seven days per week. Licensees who do not reside permanently in Oakland County, Michigan or who do not maintain a permanent business location in Oakland County, Michigan shall designate in writing to the city, as part of its application, the name, physical address, phone number(s), fax number (if available) and email address of a local agent. The local agent must be within a 45-minute distance. Notwithstanding the local agent's actual authority, the local agent shall be deemed to be the licensee's authorized agent for purposes of serving notice under this chapter, including service of a citation. The licensee or local agent's name and 24-hour contact information and phone number must be displayed and visible from outside of the main entrance when the premises is rented in a minimum of 16-point type/font.

B.

The address of the premises must be prominently displayed inside the main area of the dwelling so that occupants will have it available in case of an emergency.

C.

The licensee's name, address, phone number(s) and email address must be displayed prominently in the main part of the dwelling, along with the name, address, phone number(s), fax number and email address of a designated local agent, and supplied in writing to all persons who rent the premises and provided via US mail to all addresses/neighbors within 500 feet of the unit, including a 24-hour telephone contact number for a local agent.

D.

A copy of good neighbor guidelines and pertinent local ordinances must be provided to the occupants and with your application for license.

E.

Fire extinguishers, smoke detectors and carbon monoxide detectors adequate for the dwelling, as determined by the city building inspector as part of the inspection of the premises, shall be provided, properly mounted and kept fully charged and in good working order at all times. Notwithstanding any inspection by the city building inspector, the fire chief may inspect any building pursuant to the city code.

F.

All exterior signage must have a valid use permit issued by the city pursuant to the city's zoning ordinance.

G.

Dwellings may not be sublet by any tenant of the licensee.

H.

Licensee shall provide secure trash receptacles and must make those receptacles accessible by weekly trash removal services for occupants' use. Receptacles must be designed to prevent intrusion by animals and to ensure proper trash removal from the premises. Commercial dumpsters are not allowed on any premises used for short-term rentals. Applicable trash ordinances must be provided to the occupants by licensee.

I.

Licensee must ensure that the premises complies with all applicable parking regulations under the city code. Licensee shall provide occupants with a copy of all relevant city parking ordinances.

J.

Open burning shall not be allowed for recreational fires such as outdoor fire pits. Licensee shall provide occupants with a copy of all relevant city open burning ordinances.

K.

No fireworks shall be ignited, discharged, or used at a premises licensed for short-term rentals when occupied by anyone other than the actual owner of the property and then only in accordance with the city code.

L.

All short-term rentals shall be for purposes of renting as a temporary dwelling only and may not include any commercial activities such as yard sales, festivals, retreats, class reunions, house parties, home occupations, or similar uses.

M.

Quiet hours for short-term rentals when occupied by renters are from the hours of 8:00 p.m. to 7:00 a.m. and must be included as a part of the rental contract.

N.

Maximum occupancy of a premises used for short-term rentals shall be not more than as established by the city or state fire/health codes and the maximum number of people as indicated on the license application and must be displayed and visible at the main entrance to the short-term rental when occupied. Maximum occupancy shall also not exceed two adults per bedroom, plus two total additional guests and may not exceed ten occupants in any circumstance. (Example: one-bedroom home equals four total person maximum occupancy, two-bedroom home equals six total person maximum occupancy, three-bedroom home equals eight total person maximum occupancy, four-bedroom home equals ten total person maximum occupancy).

O.

Short-term rental contracts must stipulate that the licensee or local agent reserve the right to immediately terminate the contract for violations of any city ordinance or other applicable law.

P.

A short-term rental may not be rented more than 90 days per calendar year.

(Ord. No. [07-20](#), § 1, 9-8-2020)

5.44.080 - Licensee responsibility.

The licensee and/or the licensee's local agent shall have the duty to remedy any violations of this chapter, or any violation of state law or city ordinance, city zoning (including the International Property Maintenance Code—IPMC), including specifically, (disturbing the peace; disorderly conduct, garbage violations, parking violations, house party and nuisance violations) by the occupants of a short-term rental and/or the guests of such occupants. For any violation of the foregoing provisions of the city code, city zoning, the city may (in addition to other remedies) notify the licensee and/or local agent of such violation by telephone or return receipt email at the phone number and email address posted on the interior notice or supplied in the licensee's application. The licensee and/or local agent shall be considered to have received notice of the violation upon receiving the telephone call or when a return receipt email message is received by the city, whichever is soonest. Upon receiving notice of the violation, the licensee and/or local agent shall ensure that the violation is remedied within two hours of receipt of such notice. Failure to remedy the violation within two hours after receiving notice of the violation, without good cause, shall constitute a material violation of this chapter and may subject the licensee to a municipal civil infraction citation and court enforcement proceedings and the penalties imposed by law. Nothing in this section limits the city or its authorized designee's right or ability to enforce violations of the city code against occupants.

(Ord. No. [07-20](#), § 1, 9-8-2020)

5.44.090 - Violations and penalties.

A.

Violation. A violation of this chapter is hereby declared to be a public nuisance and a nuisance per se and is declared to be offensive to the public health, safety, and welfare.

B.

Penalties. Any person who violates any provision of this chapter shall be responsible for a misdemeanor and shall be subject to the penalties or sanctions stated in this subsection, plus the costs and attorney fees of the city in the enforcement. Individuals, partnerships, corporations and/or their agents or managers may be cited for noncompliance with this chapter. In addition, this chapter shall be specifically enforceable by order of the court to prohibit or enjoin future activities on or about the premises in violation of this chapter. Each day this chapter is violated shall be considered as a separate violation. Individuals, partnerships, corporations and/or their agents or managers may be cited for non-compliance with this chapter.

1.

First Violation: Fine of no less than two hundred fifty dollars (\$250.00).

2.

Second Violation: Fine of no less than five hundred dollars (\$500.00) and at least double the previous fine.

3.

Third Violation: Fine of no less than five hundred dollars (\$500.00) and at least triple the previous fine and permanent revocation of license. A person whose license has been revoked is ineligible to apply for or receive a license in the future. Appeal from revocation of a short-term rental license is allowed pursuant to the terms of this section.

4.

More than three violations of the city ordinances, codes, or other laws of the state occur in one calendar year by any person at the premises, may result in permanent revocation of the short-term rental license for the premises.

C.

Revocation Appeal Procedure. Upon a finding by the city code enforcement officer or his or her designee of a third violation, the city code enforcement officer or his or her designee shall prepare or cause to be prepared a written notice specifying the alleged violation and the factual basis for this belief and a statement that the city intends to revoke the license.

1.

The written notice shall inform the licensee of a right to an appeal hearing to show cause as to why the license should not be revoked by filing with the city clerk a written notice of appeal within 14 days of service of the written notice by the city code enforcement officer or his or her designee.

2.

If an appeal hearing is requested within 14 days of service of the written notice, the city clerk shall refer a copy of this notice and the request for appeal hearing to an appeals panel consisting of the city manager or his or her designee, chief of police or his or her designee, and a representative of the building department or his or her designee. Upon receipt of the written notice and request for appeal, the city clerk shall confer with the appeals panel to schedule a hearing. The hearing shall be held as soon as practical, after the filing of the notice of appeal with the city clerk. The hearing provided for shall be conducted by the appeals panel.

3.

At the hearing, the licensee shall be given an opportunity to present evidence and legal arguments. The licensee may also be represented by an attorney, and the appeals panel may request the assistance of the city attorney. The appeals panel's decision shall specify the factual evidence upon which it is based and shall be a final decision.

D.

Fraudulent Complaints. Any person who knowingly files a fraudulent, false, or fictitious complaint about a short-term rental shall be deemed to be in violation of this chapter and may be found responsible for a civil infraction and a fine of no less than two hundred fifty dollars (\$250.00) for the first violation and a fine of no less than five hundred dollars (\$500.00) for subsequent violations and any other penalties applicable under the city code.

(Ord. No. [07-20](#), § 1, 9-8-2020)

5.44.100 - Enforcement.

A.

The code enforcement officer or his or her designee, any police officer having jurisdiction in the city, and other persons as may be appointed from time to time by the city council are hereby designated as the authorized local officials to issue municipal citations for violation of this chapter.

B.

In addition to enforcing this chapter through the use of a municipal proceedings, the city may initiate proceedings to abate or eliminate the nuisance per se or any other violation of this chapter or other applicable chapters.

C.

The remedies provided in this chapter are cumulative and the city's exercise of one remedy shall not bar the exercise of other remedies available to it.

D.

Any provisions of the city code, not inconsistent with this chapter, including zoning, the IPMC, and [Chapter 5.42](#) (Landlords and Tenants) is enforceable and applicable under this chapter.

(Ord. No. [07-20](#), § 1, 9-8-2020)

5.44.110 - Review of short-term rental licensing program; sunset provision.

The city council or its designee shall review the city of Hazel Park short-term rental program described in this chapter by the end of the initial one-year licensing period on 31st day of October of the first year following adoption of this chapter. If the city council does not renew the short-term rental licensing program by that date, the provisions of this chapter shall expire such that no existing license shall be renewed and no licenses shall be granted to applicants on the waiting list.

(Ord. No. [07-20](#), § 1, 9-8-2020)

5.44.120 - Severability.

If any section, clause, or provision of this chapter is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, such declaration shall not affect the remainder of the chapter. The city council hereby declares that it would have adopted this chapter and each part, section, subsection, phrase, sentence, and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences, or clauses is declared invalid.

(Ord. No. [07-20](#), § 1, 9-8-2020)

5.44.130 - Repeal.

All ordinances in conflict herewith are hereby repealed to the extent of the conflict.

(Ord. No. [07-20](#), § 1, 9-8-2020)

5.44.140 - Effective date.

This chapter shall become effective immediately.

(Ord. No. [07-20](#), § 1, 9-8-2020)

Chapter 5.45 - MASSAGE LICENSING AND REGULATIONS*

5.45.010 - Findings.

The city finds that protection of public health, safety, welfare and morals is a matter of paramount public concern; the operation and establishment of unlicensed and unregulated massage establishments, health clubs, health spas, sauna baths, turkish baths and steam baths and the practice of massage and myomassology by unlicensed and unregulated myomassologist has a destructive impact and effect upon the public health, safety,

welfare and morals and the community, and tends to encourage illicit sexual conduct and to increase the spread of communicable and contagious diseases.

(Ord. 02-04 § 1 (part), 2004)

5.45.015 - Intent and purpose.

The intent and purpose of this chapter is:

A.

To promote and protect the public health, safety, welfare and morals;

B.

To assist in the prevention of illegal sexual conduct; and

C.

To reduce and minimize the spread of communicable contagious diseases by licensing and regulating massage establishments and certain individuals who practice massage or myomassology.

(Ord. 02-04 § 1 (part), 2004)

5.45.020 - Definitions.

For the purposes of this chapter, the following terms, words and phrases and their derivatives, shall have the meanings ascribed to them by this section:

"Chief of police" means the chief of police of the city police department and/or his or her duly authorized agent.

"City" means the city of Hazel Park, Oakland County, Michigan.

"City council" means the city council of the city.

"Clerk" means the city clerk.

"Director" means the building director of the city and/or his or her duly authorized agent.

"Employee" means any individual who renders any service in connection with the operation of an establishment and receives compensation therefor from the owner of such establishment or its patrons.

"Enforcement officer" means the enforcement officer of the city.

"Establishment" means a massage establishment.

"Fire chief" means the fire chief of the city fire department and/or his or her duly authorized agent.

"Health care providers" mean medical doctors, doctors of osteopathic medicine, doctors of chiropractic medicine, dentists, orthodontists, podiatrists, physical therapists and psychiatrists, who are licensed to practice their respective professions in the state of Michigan, or who are permitted to practice temporarily under the laws of the state of Michigan and who administer massage in the normal course of their nursing duties.

"Instructor" means a person who is a licensed myomassologist and teaches in a school of massage.

"Massage" means the rubbing, kneading, stroking, tapping, pounding, compressing, vibration or stimulation of, or the application of pressure, friction or percussion to the external parts of the human body of another individual, or any part of such other individual, by the use of one's extremities or with the aid of any mechanical

or electrical apparatus, device or appliance, with or without supplementary aids such as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, salt glows, hot and cold packs, or other similar preparations commonly used in the practice.

"Massage establishment" means any building, room, place, establishment or institution in which massage is practiced for any form of consideration by anyone who is not a duly licensed physician, osteopath, chiropractor, registered nurse or practical nurse operating under a physician's direction, physical or occupational therapists who administer therapy upon the prescription of a licensed physician, osteopath or chiropractor and operates only under the direction of such health care professional. The term "massage establishment" shall include, but is not limited to, massage parlors, health clubs, health spas, sauna baths, turkish bathhouses and steam baths.

"Mayor" means the mayor of the city.

"Myomassologist" means a person who offers massage for any form of consideration or who administers a massage, alcohol rub, fomentation, bath, electronic or magnetic massage procedures, manipulation of the body or similar procedure for any form of consideration.

"Owner" means a person who owns or operates an establishment.

"Patron" means any individual who receives a massage at an establishment.

"Person" means any individual, partnership, corporation, association or other form of business organization or operation.

"Practice of massage" or "myomassology" means the scientific art of massage, whether by use of one's extremities or with a non-powered mechanical or electrical apparatus, device or appliance for the purpose of massage or contouring and the use of foil rubs, salt glows, hot and cold packs, and baths.

"Zoning ordinance" means the zoning ordinance of the city.

Terms, words and phrases not otherwise specifically defined in this chapter shall have the meanings ascribed to them in the zoning ordinance.

(Ord. 02-04 § 1 (part), 2004)

5.45.040 - License applications.

A.

Massage Establishment License. Any person required by this chapter to have a massage establishment license shall file a written application therefor with the clerk, on a form to be furnished by the clerk, which application shall include all of the following:

1.

The full name, complete address and telephone number of the applicant, and whether the applicant is an individual, partnership, corporation or other form of business entity, and, if a corporation, the state of incorporation;

2.

The name, style and designation under which the massage establishment is to be operated;

3.

The business address where the massage establishment will be operated;

4.

An executed copy of the lease for the premises where the massage establishment is to be operated and a separate written consent from the owner of the premises authorizing the use of the premises as a massage establishment, if the premises are not owned by the applicant;

5.

The days and hours the massage establishment will be open to provide service to patrons;

6.

An election as to whether the massage establishment will accommodate male or female patrons, or both, and the days and times such patrons will be accommodated;

7.

Business history and experience during the ten-year period immediately prior the date of application, including, but not limited to, whether or not such individual has previously operated in the township or another municipality under a similar license or permit, whether or not such individual has had such license or permit denied, suspended or revoked and the reason therefor, and the business activities or occupations subsequent to such action of denial, suspension or revocation, the location for which a license is held, and the status of such license;

8.

All criminal convictions, other than civil infractions, fully disclosing the jurisdiction in which convicted, the original charge, the offense for which convicted, the date of the conviction, and the penalty imposed;

9.

The application shall be accompanied by the following:

a.

Proof that an assumed name certificate of co-partnership has been filed with the Oakland County clerk, if the applicant is to operate the massage establishment as a partnership,

b.

Proof that a certificate of co-partnership has been filed with the Oakland County clerk, if the applicant is to operate the massage establishment as a partnership,

c.

Proof that the applicant is a corporation or a limited partnership or other form of business entity, by furnishing an appropriate certificate of good standing,

d.

A complete set of fingerprints taken by a police department;

10.

An executed authorization for the city, its agents, servants and employees to conduct an investigation into the truth of all statements set forth in the application and the qualifications of the applicant for a massage

establishment license;

11.

A written declaration duly dated and signed by the applicant and given under oath or affirmation and under penalty of perjury, that the information contained in and attached to the application is true and correct.

(Ord. 02-04 § 1 (part), 2004)

5.45.050 - Recommendation following investigation.

Upon receipt of an application for any license under this chapter, the clerk shall forward a copy of such application to the chief of police and the director for their review, investigation and recommendation in accordance with the following:

A.

Background Check by Chief of Police. The chief of police shall have fifteen (15) days to review the application and investigate the background of the applicant and to make a recommendation, accompanied by a concise statement of the reason therefor, to the clerk as to the issuance of the applicable license; and

B.

Location Check by the Director. The director shall have fifteen (15) days to review the application and to inspect the premises where the establishment is to be located and make a recommendation, accompanied by a concise statement of the reasons therefor, to the clerk as to the issuance of a massage license.

(Ord. 02-04 § 1 (part), 2004)

5.45.070 - Issuance or denial of licenses and fee.

A.

Issuance of Licenses. Upon receipt of the investigations and recommendations by the chief of police, and the director, if required, the clerk shall issue, within thirty (30) days of receipt thereof, the applicable license fee, unless the inspections, investigations or recommendations find reason for denial as set out in subsection B of this section.

B.

Denial of License.

1.

Massage Establishment. In relation to an application for a massage establishment license, reason for denial includes any of the following:

a.

The application fee has not been tendered to the city, and, in the case of a check or bank draft, honored for payment upon presentment; or

b.

The applicant has knowingly made false, misleading or fraudulent statement of fact in the application or in any document required by this chapter in conjunction therewith; or

c.

The applicant did not designate whether the establishment would accommodate male or female patrons, or both, or the days and times that such patrons would be accommodated; or

d.

The applicant and/or application does not meet all of the requirements of this chapter or other ordinance code provisions of the city pertaining to business establishments including, but not limited to, fire, health, building and construction codes of the city, and the zoning ordinance.

C.

Notification of Reasons for Denial. In the event the clerk denies the application, the reasons of the denial shall be specified in writing and mailed by first-class mail to the applicant at the address set forth on the application.

(Ord. 02-04 § 1 (part), 2004)

5.45.080 - Licenses.

A.

Application and License Fees. Any person required to obtain a license pursuant to this chapter shall pay a nonrefundable application fee at the time of application, a nonrefundable renewal application fee at the time of application for renewal of a license, and a nonrefundable license fee upon the issuance of a license in the amounts established by resolution of the city council. Such fees shall be payable to the city treasurer and shall be in addition to any other license, permit or fee required under this or any other city code provision.

B.

Duration. Each license issued in accordance with this chapter shall be valid for only one year from the date of its issuance as shown thereon.

C.

Displayed at All Times. Each license issued in accordance with this chapter shall:

1.

Licenses. Be displayed at all times in an open and conspicuous place in the lobby of the establishment for which it was issued.

D.

Renewal of License.

1.

Written Application to Renew. Anytime after the expiration of eleven (11) months after the date of issuance of any license issued under this chapter but before such license expires, the licensee may file with the clerk a written application to renew such license on a form to be furnished by the clerk.

a.

Supplemental to Original Application. Such application shall contain the information required herein for an original license to the extent that such information would not be duplicative.

b.

Accompanied by Renewal Fee.

Such application shall be accompanied by a renewal application fee.

2.

Issued Unless Fails to Meet Requirements. The clerk shall issue such renewal license upon payment of the applicable license fee, unless the chief of police and, where applicable, the director finds that the requirements of this chapter for the issuance of the license are not satisfied.

E.

Suspension of License.

1.

By Mayor After Recommendation. Any license issued under this chapter may be suspended by the mayor for a period not to exceed ninety (90) days upon the investigation and written recommendation of the chief of police, fire chief, director or enforcement officer for any violation occurred on the premises of such licensee.

2.

Written Notice Served Upon Licensee. Written notice of such suspension shall be served upon the licensee by delivering the same to the licensee, by delivering the same to the establishment, or by depositing the same in the United States mail, postage prepaid, certified or registered mail, return receipt requested, addressed to the licensee at the address shown on the license. Such notice shall be deemed served upon the licensee upon deposit thereof in the United States mail.

3.

Contents of Notice. The notice shall inform the licensee of the reason for such suspension, the duration of the suspension, the beginning date of such suspension, and the right to appeal under the provisions of this chapter.

4.

Effective Date. Suspension of a license shall be effective ten days after written notice thereof is served upon the licensee.

5.

Right of Appeal to the City Council. The suspension of a license by the mayor may be appealed by the licensee to the city council in accordance with the provisions of this chapter.

F.

Revocation of License by Mayor.

1.

Any License for Cause Upon Investigation. Any license issued under this chapter may be revoked by the mayor upon the investigation and written recommendation of the chief of police, fire chief, director or enforcement officer for a significant violation of this chapter by the licensee; or if the licensee no longer qualifies for a license; or if the licensee's license has been suspended three times in a ten-year period; or if the licensee has misrepresented or withheld information on the original application or any renewal application.

G.

Divisible Transfer Prohibited. A license issued pursuant to this chapter confers authority only upon the licensee named therein and shall not be transferrable, assigned, separated or divided by the licensee.

H.

Sale or Transfer of an Establishment.

1.

New Application Required. Upon the sale or transfer of any interest in an establishment, the license issued thereto shall be null and void. An application shall be made by any persons desiring to own or operate an establishment.

2.

Full Compliance with Provisions. The sale or transfer of any interest in an establishment shall require full compliance with all of the provisions of the chapter.

(Ord. 02-04 § 1 (part), 2004)

5.45.090 - Denial, suspension or revocation—Appeal.

A.

Licensee May Appeal to City Council. Within ten days of service of the written notification of denial, suspension or revocation of a license, the applicant or licensee, as the case may be, may appeal such action to the city council.

B.

Accompanied by a Cash Bond. Such appeal shall be accompanied by a cash bond in the sum of one hundred dollars (\$100.00).

1.

Action Set Aside. If the denial, suspension or revocation of a license is set aside, such bond shall be refunded in full.

2.

Action Upheld. If the denial, suspension or revocation is upheld by the city council, such bond shall be forfeited to the city as a reasonable estimate of the expenses associated with a hearing before the city council and the appeal process.

C.

Action Initiated by Written Objection. The appeal to the city council shall be initiated by filing a written objection to the action denying, suspending or revoking a license with the clerk. The written objection shall state what action is being appealed from and shall have attached thereto a copy of the written notice of the action complained of and shall specifically state the reasons for believing the action was erroneous.

D.

Hearing Scheduled by Clerk. Upon receipt of an appeal, the clerk shall schedule such appeal for a hearing before the city council at its next regularly scheduled meeting and inform the person who initiated the appeal of the time

and place of such meeting and the opportunity to appear and be heard by the city council at such meeting.

E.

Stay Pending Final Decision. An appeal of any suspension or revocation shall automatically stay such suspension or revocation pending the final decision of the city council.

F.

City Council Authority Conferred. The city council may set aside the action appealed from and grant a license to an applicant, or reinstate a license which has been suspended or revoked by the mayor, as the facts may warrant based upon the provisions of this chapter or other conditions as the council may deem advisable.

1.

Time Limit and Notification. The decision of the city council shall be made within ten days of the date of the meeting and the clerk shall notify the person who initiated the appeal of such decision in writing at such person's last known address.

2.

Decision Final. Such decision by the city council shall be a final decision.

G.

Further Appeal to Circuit Court. Any person aggrieved by the final decision of the city council may pursue an appeal of such decision to the Oakland County circuit court. The time and procedure for filing such appeal shall be in accordance with the state of Michigan Administrative Procedures Act of 1969, as amended, being MCL 24.302 et seq. and the Michigan Court Rules.

(Ord. 02-04 § 1 (part), 2004)

5.45.110 - Regulations and prohibitions.

A.

Regulations. The following regulations shall be applicable to licensees under this chapter:

1.

All establishments are declared to be public places, and shall not, during business hours have doors to the entrances and exits of such establishments locked or obstructed in any way so as to prevent free ingress and egress of persons; provided, however, such doors may be closed.

2.

Every establishment shall be open for inspection by duly authorized representatives of the city concerned with the licensing and supervision of such establishments during business hours for the purpose of enforcing any of the provisions of this chapter or any ordinance code provision or regulation of the city relating to the public health, safety and welfare.

3.

No establishment shall be open for business between the hours of eight p.m. and eight a.m. local prevailing time.

4.

Every person conducting or operating an establishment shall keep the same at all times in a clean and sanitary condition. All instruments, apparatus, devices and appliances, or parts thereof, that come into contact with the human body shall be sterilized by an approved method of sterilization before each use. Any such instruments, apparatus, devices or appliances, or parts thereof, after having been used upon one patron, shall be so sterilized before being used upon another patron. Towels and linens furnished for use of another patron until thoroughly laundered.

5.

All walls, ceilings, floors, pools, showers, bathtubs, steam rooms and other physical facilities of an establishment shall be kept in good repair and maintained in a clean and sanitary condition.

6.

Wet and dry heat rooms, steam or vapor rooms, steam or vapor cabinets, shower compartments, and toilet facilities shall be thoroughly cleaned at least once each day the establishment is open to patrons.

7.

Bathtubs and/or showers shall be thoroughly cleaned after each use.

8.

No massage shall be performed within any cubicle, room, booth or any area within an establishment which is fitted with a door capable of being locked.

9.

No employee shall massage a patron whose genitals are exposed.

10.

No patron shall knowingly expose his or her genitals during a massage.

11.

Massage shall be administered using a massage table, a massage chair, or functionally similar apparatus or device.

12.

No beds, water mattresses, cots, or other equipment designed for sleeping shall be permitted in an establishment.

13.

All employees in an establishment shall clean their hands thoroughly with an antiseptic soap or detergent before administering massage to a patron.

B.

Prohibitions. It is unlawful:

1.

For any individual to massage any individual under the age of eighteen (18) years, except on the written prescription of a licensed doctor or other licensed health care professional; or unless the individual under the age

of eighteen (18) is accompanied by his or her parent or legal guardian during the massage;

2.

For an individual to massage any other individual for illegal purposes;

3.

For any individual to have any contact with the genitals, pubic area, buttocks, anus or perineum of any patron, or the vulva or breasts of any female patron in a manner intended to arouse, appeal to, or gratify the lust, passions or sexual desire of the patron;

4.

For any individual for any form of compensation to have any intentional contact with the genitals, pubic area, buttocks, anus or perineum of any patron, or the vulva or breasts of a female patron;

5.

For any person to refuse entry to an establishment by duly authorized representatives of the city for the purpose of making any lawful inspection;

6.

For any person to knowingly make any false, fraudulent or untruthful statement, either written or oral, or in any way knowingly conceal any material fact, or to give or use any fictitious name, in applying for a license under this chapter; or

7.

For any person to violate any regulation established by this chapter.

(Ord. 02-04 § 1 (part), 2004)

5.45.130 - Exemptions.

This chapter shall not apply to:

A.

Health and beautification providers: Health care providers, licensed cosmetologists, licensed beauticians or licensed barbers, or any individual working under the direct supervision and control of such licensed individuals, while performing functions authorized under the license held;

B.

Athletic trainer: Any athletic trainer who has been certified by the National Athletic Trainers Association or who is employed by one of the public schools of state approved nonpublic schools as those terms are used in MCLA 380.1561; or

C.

Therapeutic massage in medicare facility: The administration of massage for therapeutic purposes in a hospital, nursing home, or other medical care facility.

(Ord. 02-04 § 1 (part), 2004)

5.45.140 - Applicability to existing establishments.

A.

To All Persons Described in This Chapter. This chapter shall be applicable to all persons described in this chapter, whether the described activities were instituted before or after the effective date of this chapter.

B.

Sixty (60) Days From the Date Adopted. Those establishments operating prior to the effective date of this chapter shall have sixty (60) days from the date of adoption within which to comply with all the conditions and requirements of this chapter; provided, however, that the provisions dealing with the required facilities and licensing requirements, shall require immediate compliance.

C.

Additional Extension For Good Cause. The city clerk may grant an additional extension for a period not to exceed sixty (60) days for good cause. "Good cause" means delays in complying with the provisions of this chapter which are beyond the control of existing establishment.

(Ord. 02-04 § 1 (part), 2004)

5.45.150 - Violation—Penalty.

A.

Misdemeanor. Any person violating, or neglecting, or refusing to comply with any provision of this chapter shall upon conviction be guilty of a misdemeanor and shall be punished by a fine of not to exceed five hundred dollars (\$500.00), or by imprisonment for a period not to exceed ninety (90) days, or by imposition of both fine and imprisonment within the discretion of the court, together with costs of prosecution.

B.

Violations. Each day that violation continues shall constitute a separate offense under this chapter.

(Ord. 02-04 § 1 (part), 2004)

5.45.160 - Repealer.

All ordinances or parts of ordinances in conflict herewith are repealed only to the extent necessary to give this chapter full force and effect. Provided, however, the ordinance codified in this chapter shall not repeal, and shall be in addition to, zoning ordinance regulations and requirements.

(Ord. 02-04 § 1 (part), 2004)

5.45.170 - Severability.

Should any section, subdivision, clause or phrase of this chapter be declared by the courts to be invalid, the same shall not affect the validity of the chapter as a whole or any part thereof, other than the part so invalidated.

(Ord. 02-04 § 1 (part), 2004)

5.45.180 - Savings.

All proceedings pending and all rights and liability existing, acquired or incurred at the time the ordinance codified in this chapter takes effect, are saved and may be consummated according to law in force when they are

commenced.

(Ord. 02-04 § 1 (part), 2004)

Chapter 5.46 - BODY ART LICENSING AND REGULATIONS

5.46.010 - Findings.

The city finds that protection of the public health, safety and welfare is a matter of paramount public concern; the operation and establishment of unlicensed and unregulated body art establishments is an enduring practice and injuries, infections and occasional disease transmission is occurring.

(Ord. 10-00 § 1 (part), 2000)

5.46.020 - Intent and purpose.

The intent and purpose of this chapter is:

A.

To promote and protect the public health, safety and welfare;

B.

To reduce and minimize the spread of communicable and contagious diseases by licensing and regulating body art establishments.

(Ord. 10-00 § 1 (part), 2000)

5.46.030 - Definitions.

A.

"Antiseptic" means an agent that destroys disease causing microorganisms on human skin or mucosa.

B.

"Body art" means the practice of physical body adornment by permitted establishments and practitioners utilizing, but not limited, to the following techniques: body piercing, tattooing, cosmetic tattooing, branding and scarification. It does not include practices or procedures which are considered to be medical procedures by the state medical board, such as, hair or skin implants or plastic surgery.

C.

"Body art establishment" means any place or premises, whether public or private, transient, temporary or permanent in nature or location, where the practice of body art, whether or not for profit, is carried out.

D.

"Body piercing" means any method of piercing the skin or mucosa, except an ear lobe, in order to place any object, including but not limited to rings, studs, bars or other forms of jewelry or ornamentation, through the skin or mucosa.

E.

"Contaminated waste" means any liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid

state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; and contaminated sharps and pathological and microbiological wastes containing blood and other potentially infectious materials, as defined in 29 Code of Federal Regulations, a Part 1910.1030 (latest edition), known as Occupational Exposure to Blood Borne Pathogens.

F.

"Cosmetic tattooing" means the practice of depositing pigment into the epidermis, utilizing needles, which is either permanent, semi-permanent or temporary by someone other than a state licensed physician. Cosmetic tattooing shall also mean the same as permanent cosmetics, dermography, micro-pigmentation, permanent color technology and micro-pigment implantation.

G.

"Disinfection" means the killing of those microorganisms on inanimate objects or surfaces which cause disease in humans.

H.

"Equipment" means all machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks, and all other apparatus and appurtenances used in connection with the operation of a body art establishment.

I.

"Handsink" means a lavatory equipped with hot and cold running water under pressure used solely for washing hands, arms and other portions of the body.

J.

"Instruments used for body art" means hand pieces, needles, needle bars and other instruments that may come in contact with a client's body fluid during body art procedures.

K.

"Invasive" means entry into the body either by incision or insertion of an instrument into or through the skin or mucosa, or by any other means intended to compromise the skin or mucosa.

L.

"Operate/operator" means an individual who is self-employed and conducts his or her own body art establishment, or who is employed by another person to directly manage the day-to-day activities of a body art establishment.

M.

"Person" means a natural person, any form of business or social organization and any nongovernmental legal entity including but not limited to a corporation, partnership, limited liability company, association, trust or unincorporated organization.

N.

"Practitioner" means any person who controls, operates, manages, conducts or practices body art activities, and who is responsible for compliance with these regulations, whether or not actually currently performing body arts activities. The term includes technicians and persons who assist in the actual performance of body art activities.

O.

"Procedure surface" means any surface that contacts a client's unclothed body during a body art procedure or any associated work area that may require sanitizing.

P.

"Sanitize/sanitation" means a treatment of the cleanable surfaces of equipment by a product registered with the United States Environmental Protection Agency as being effective in reducing the number of microorganisms to a safe level.

Q.

"Sharps" means any sterilized object that is used for the purpose of penetrating the skin or mucosa including, but not limited to, needles, scalpel blades, razor blades and broken glass.

R.

"Sharps container" means a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation and disposal, and is labeled with the international "biohazard" symbol.

S.

"Single use" means products or items that are intended for one-time, one-person use and are disposed of after use on each client including, but not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing needles, scalpel blades, stencil ink cups and protective gloves.

T.

"Sterilize/sterilization" means destruction of all forms of microbotic life, including spores.

U.

"Tattooing" means any method of placing ink or other pigment into or under the skin or mucosa by the aid of needles or any other instruments used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This includes all forms of cosmetic tattooing.

(Ord. 10-00 § 1 (part), 2000)

5.46.040 - Licenses required.

A.

A person shall not operate a body art establishment without an annual license from the city. The license shall be conspicuously displayed within the reception area of the establishment. The license is not transferable to other persons or establishments.

B.

A license shall not be issued or renewed before the full fee is paid, the premises, equipment and operations of the establishment have been inspected and the operation has complied with all inspection deficiencies.

C.

A permit may be revoked pursuant to the procedures set forth in [Chapter 5.03](#) if an inspection determines that a practitioner has failed to follow standard disease control techniques, or has failed to keep required records of

services performed, or has provided services to an underage person without the required consent and presence of a parent or legal guardian.

(Ord. 10-00 § 1 (part), 2000)

5.46.050 - Body art prohibitions.

A.

A practitioner shall not perform a body art procedure upon a person who is under the age of eighteen (18) without the written consent and presence of a parent or legal guardian of that minor. A practitioner shall require positive proof of age from all prospective clients who reasonably appear to be less than twenty-five (25) years of age, such as a driver's license or equivalent photo identification card, and shall make and keep a photocopy of that proof of age as part of the practitioner's permanent client record.

B.

A practitioner shall not perform a body art procedure upon any person who appears to be under the influence of alcohol or other drugs.

C.

A practitioner shall not perform a body art procedure upon a person who has not completed a medical screening questionnaire. This questionnaire shall ask whether the client falls within one or more of the following risk group categories. To protect confidentiality, a client may not be asked to specify the risk group.

1.

History of jaundice or hepatitis;

2.

History of AIDS, or positive HIV test;

3.

History of skin disease or skin cancer at site of service;

4.

History of allergies or anaphylactic reaction to pigments, dyes or other sensitivities;

5.

History of hemophilia;

6.

Is taking medications which thin blood and prevent clotting;

7.

History of any other known medical condition which would influence or impair the healing process.

The client shall sign a written statement, witnessed and also signed by the operator, that the above statements are true and complete to the client's best knowledge and ability.

(Ord. 10-00 § 1 (part), 2000)

5.46.060 - Exemptions.

A.

Physicians licensed to practice in the state of Michigan, who use body art procedures as part of patient treatment are exempt from these regulations.

B.

An establishment whose practice is limited to the piercing of ear lobes only is exempt from the permit requirements of these regulations.

(Ord. 10-00 § 1 (part), 2000)

5.46.070 - Client notice requirements.

A.

Before performing any body art procedure, a prospective client shall be provided with written factual information regarding the effects, risks, and permanence of that body art procedure. This written information shall first be submitted for approval of the city to insure completeness. Before undertaking a procedure, a client shall acknowledge on a copy of the written information that he or she has read and understands the information, and this copy shall be retained in the permanent file for that client.

B.

After a procedure is completed, a client shall also be provided with written instructions on proper care of the body art site. These instructions shall at a minimum advise the client to consult a physician at the first sign of infection; shall contain the name, address and phone number of the establishment; and shall name the city and phone number to which to make a complaint. This document shall be executed in at least two copies and signed by both the practitioner and the client. A copy shall be provided to the client and another shall be retained in the permanent record.

(Ord. 10-00 § 1 (part), 2000)

5.46.080 - Required records.

A.

An establishment shall maintain a record of all clients who have had body art services performed. This record shall indicate the name, address, phone number, and date of birth of the client; a signed acknowledgment of understanding the pre-procedure information; a signed medical screening questionnaire; a description of procedures performed and name of each practitioner performing the services; proof of age where relevant; proof of parent or guardian consent and presence where relevant; and a signed copy of the aftercare instructions.

B.

These records shall be retained for at least five years. These records shall be made available to the city inspector immediately upon request, but shall otherwise be maintained in confidence.

(Ord. 10-00 § 1 (part), 2000)

5.46.090 - Standards for premises.

A.

A body art establishment shall meet all of the following minimum standards and specifications:

1.

All walls, floors, ceilings and doors shall be smooth, free of holes and cracks, light-colored, washable and in good repair.

2.

All procedure surfaces, including client chairs/benches, shall be made of materials which are easily cleaned and sanitized after each client.

3.

The establishment shall be completely separated by a solid floor to ceiling wall from any room or area or any other activity which may cause contamination of procedure surfaces.

4.

All surfaces shall be maintained in a clean and sanitary condition.

5.

The premises shall be kept free of vermin, insects or rodents.

6.

Animals shall not be allowed on the premises, except service animals used by persons with limitations.

7.

The establishment shall be well ventilated and provided with an artificial light source equal to at least twenty (20) footcandles three feet from the floor and at least one hundred (100) footcandles within all parts of the working zone within which body art is performed and where sharps and other instruments are assembled.

8.

At least sixty (60) square feet of working space shall be provided for each practitioner within the establishment, and each space shall be separated from others by dividers, curtains or partitions.

9.

The establishment shall have at least one readily accessible handsink for each three practitioners, with hot and cold running water; under pressure with wrist operated levers, and supplied with liquid antimicrobial soap and disposable paper towels, and a covered waste receptacle near each handsink.

10.

An establishment shall have at least one covered waste receptacle in each practitioner work area for nonbio-hazard waste. These waste receptacles shall be emptied daily and solid wastes removed from the premises at least weekly. Refuse containers shall be lidded, cleanable and kept clean.

11.

Contaminated waste shall be placed in an approved "red" bag which is marked with the international bio-hazard symbol. It shall be picked up for disposal at least weekly by a waste hauler licensed by the state of Michigan.

Sharps ready for disposal shall be placed in approved sharps containers.

12.

All instruments and supplies shall be stored in clean, dry, covered containers.

13.

If reusable cloth items are used, they shall be mechanically washed with detergent and dried after each client. Cloth items shall be stored in a dry, clean cabinet until used.

14.

A person shall not be allowed to smoke, eat or drink within an area where body art is performed.

15.

A person or establishment shall comply with all rules on blood-borne pathogens which are prescribed by the Occupational Safety and Health Administration and by the Michigan Occupational Safety and Health Act.

(Ord. 10-00 § 1 (part), 2000)

5.46.100 - Suspension or revocation of license.

A.

In addition to causes for denial, revocation or suspension of a business license as provided in [Chapter 5.03](#) hereof, a license may be suspended for failure of the licensee to comply with one or more requirements of this chapter.

B.

If a permit is suspended for failure to comply with one or more requirements of this chapter, the licensee may apply at any time for immediate reinstatement of the permit. If a reinspection fee, in an amount established by city council, is first paid the city shall respond promptly and in not less than ten working days to a request for reinstatement. If the reinspection reveals that the licensee has come into compliance, the permit shall be promptly reinstated.

C.

For serious or repeated violations of the requirements of this chapter, the city may permanently revoke a license. Before issuing a permanent revocation, the city shall give notice in writing of its intent and the reasons therefore, and conduct a hearing as outlined in [Section 5.03.150](#) of this chapter.

(Ord. 10-00 § 1 (part), 2000)

5.46.110 - Violation—Penalties.

Any person who violates any of the provisions of this chapter shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars (\$500.00) and/or ninety (90) days in jail.

(Ord. 10-00 § 1 (part), 2000)

Chapter 5.48 - MOTORCYCLE RENTING OR LEASING

5.48.010 - License—Required.

It is unlawful for any person to engage in the business of renting or leasing motorcycles or motor-driven cycles without first having obtained a license to operate such business and a license plate for such vehicle to be rented or leased.

(Ord. 411 § 1, 1967)

5.48.020 - Definitions.

The following words and phrases when used in this chapter shall have the following meanings:

A.

"Motorcycle" means every motor vehicle having a saddle or seat for the use of a rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

B.

"Motor-driven cycle" means every motorcycle, including every motor scooter, with a motor which produces not to exceed five maximum brake horsepower, and every bicycle with motor attached.

C.

"Person" means every natural person, firm, copartnership, association or corporation.

(Ord. 411 § 2, 1967)

5.48.030 - License—Application.

Application for a license shall be made to the city clerk on forms provided by the city clerk and shall set forth the following information:

A.

If the applicant is an individual, the name and address of the individual; if the applicant is a partnership, the names, residential and business addresses of each partner; if the applicant is a corporation, the state in which incorporated and the names, residential and business addresses of all officers and directors;

B.

The location of the proposed business and the number of motorcycles and/or motor-driven cycles that will be maintained on the premises for rental purposes;

C.

A plot plan of the premises upon which shall be indicated the location and size of all structures and the location of access and exit ways to public streets;

D.

Such other information as may be required by the city clerk in order to process the license application.

(Ord. 411 § 3, 1967)

5.48.040 - License—Fees—Plates.

The annual license fee for each location from which motorcycles and motor-driven cycles are rented shall be set by resolution of the city council, and the annual license fee for each motorcycle and motor-driven cycle to be

rented or leased shall be set by resolution of the city council. All licenses shall expire on December 31st following the issuance thereof; provided, that all licenses purchased prior to January 1, 1967, shall not expire until December 31, 1967. The city clerk shall issue for each licensed vehicle one license plate, which will bear the legend "LICENSED RENTAL VEHICLE NO. _____, HAZEL PARK, MICHIGAN." Such license plate shall be firmly affixed to the rear of the vehicle in such position as to be plainly visible.

(Amended during 1997 recodification; Ord. 411 § 4, 1967)

5.48.050 - Transfer.

In the event of the sale of a licensed business, the license may be transferred from the seller to the purchaser of the business upon compliance by the purchaser with the provisions of this chapter. Application for such transfer of license shall be made to the city clerk and shall be accompanied by a license transfer fee in an amount to be set by resolution of the city council.

(Amended during 1997 recodification; Ord. 411 § 4A, 1967)

5.48.060 - Insurance required.

The licensee shall submit proof that he or she carries a motor vehicle liability policy of the same type and coverage as that outlined in Section 520 of Act 300, Public Acts of 1949, as amended, for each motorcycle or motor-driven cycle so rented or leased.

(Ord. 411 § 5, 1967)

5.48.070 - Distance requirement.

It is unlawful to engage in the business of renting motorcycles or motor-driven cycles within three hundred (300) feet of any residential building. This provision shall not apply to any person engaged in such business on the effective date of this chapter.

(Ord. 411 § 5A, 1967)

5.48.080 - Examination of premises—Plot plan—Application.

Upon receipt of the license application and accompanying documents, the city clerk shall refer the same to the city manager, who shall cause the application, plot plan and premises to be examined and make written report thereon to the city council.

(Ord. 411 § 6, 1967)

5.48.090 - License—Issuance.

If the city commission determines that the provisions of this chapter have been complied with by the applicant, the city council shall direct the city clerk to issue the license subject to such proper and reasonable conditions as the city council may impose. If the application is rejected by the city council the applicant shall be notified in writing to that effect, and shall be given an opportunity to be heard by the city council, either in person or by his or her attorney, and present evidence pertaining to the application, whereupon the city council shall take final action upon the application.

(Ord. 411 § 7, 1967)

5.48.100 - License—Renewal.

Applications for renewal of licenses shall be made, and processed in the same manner as provided for original applications, except that a plot plan shall not be required.

(Ord. 411 § 8, 1967)

5.48.110 - Duties of licensee and employees.

Licenseses and employees of licenseses shall:

A.

Maintain records of vehicle rental indicating the name, date of birth, address and driver's license number of every person to whom rental is made, the date and hour of rental, the time of return of the rented vehicle, and description of rented vehicle;

B.

Rent vehicles only to persons who possess and exhibit a valid motor vehicle operator's license;

C.

Rent a vehicle to a person under eighteen (18) years of age only if a parent or legal guardian of such person appears with such person before the licensee or his or her agent and acknowledges in writing that the applicant has permission of such parent or legal guardian to rent a vehicle;

D.

Provide crash helmets of a type approved by the chief of police for use by persons renting vehicles and any passengers;

E.

Maintain all vehicles in a safe manner and provide each with all equipment required by law;

F.

Keep all vehicles stored within a building structure when not in use;

G.

Explain the operation of the vehicle being rented and rent vehicles only after being satisfied that the person to whom the vehicle is being rented is competent to operate such vehicle with safety;

H.

Not permit vehicle motors to be running on the premises except for necessary use in connection with ingress to and egress from the premises; or when necessary, in order to repair or maintain a vehicle, and then only when the vehicle is within a building structure;

I.

Maintain the licensed premises in a clean and sanitary condition and control the actions of patrons so as to prevent any loud, boisterous or improper conduct upon the premises;

J.

Keep each vehicle equipped with a muffler in good working order to prevent excessive or unusual noise. The director of public safety may promulgate rules and regulations requiring the installation of such specified types of noise muffling equipment as may be deemed practical and necessary, and the licensee shall comply with the terms of any such rules and regulations;

K.

Rent vehicles only between the hours of eight a.m. and eight p.m. There shall be no renting out of vehicles between the hours of eight p.m. and eight a.m.

(Ord. 411 § 9, 1967)

5.48.120 - Duties of persons renting vehicles.

Any person to whom a motorcycle or motor-driven cycle is rented shall:

A.

Not rent, sublease or otherwise authorize the use of the vehicle by any other person;

B.

Not carry any passenger unless the vehicle is designed and equipped to carry a passenger;

C.

Return the vehicle to the rental agency not later than eight p.m. on the day on which the vehicle is rented unless the rental contract provides for use of the vehicle until at least eight a.m. of the following day.

(Ord. 411 § 10, 1967)

5.48.130 - License—Revocation—Suspension.

The city council may revoke or suspend a license issued pursuant to this chapter or any other governing law, ordinance or regulation, but only after due notice to the licensee of the nature of the complaint against him or her and a hearing thereon before the city council, at which time the licensee shall be given an opportunity to defend himself or herself.

(Ord. 411 § 11, 1967)

5.48.140 - Penalty.

Any person who violates or aids or abets in the violation of any provision of this chapter or any rule or regulation promulgated pursuant thereto shall be punished as set forth in [Chapter 1.12](#).

(Ord. 411 § 12, 1967)

Chapter 5.51 - OPEN PARKING STATIONS

5.51.010 - Definitions.

The following definitions shall apply in this chapter:

A.

"Open parking station" means any plot, piece or parcel of land used for the purpose of storing motor vehicles where the owner or person storing such vehicles is charged a fee and includes such plots where shelters that are not completely enclosed are erected.

B.

"Person" means any individual, partnership, firm, association or corporation.

(Ord. 114 § 1, 1959)

5.51.020 - License—Required.

No person, firm or corporation shall maintain or conduct an open parking station within the city without first having obtained a license therefor from the city clerk.

(Ord. 422 §§ 1, 5 (part), 1968: Ord. 114 § 2, 1959)

5.51.030 - Application.

Applications for licenses to conduct an open parking station of Class I shall be made from forms furnished by the city clerk, and shall set forth the name under which and the place where the open parking station is to be operated. It shall give the name and address of the applicant, and if the applicant is a partnership, the name and address of each partner; if a corporation, the names and addresses of the officers and the time and place where such corporation was incorporated. The applicant shall state whether the premises are owned or leased by the applicant and if leased, the name and address of each owner or part owner thereof; the number of motor vehicles at any one time to be stored upon the premises; the hours during which motor vehicles may be stored; a complete schedule of the rates to be charged for storing motor vehicles, and such other information as the clerk may deem necessary for the proper enforcement of this chapter.

(Ord. 422 § 5 (part), 1968: Ord. 114 § 3, 1959)

5.51.040 - License—Fee.

An annual license fee shall be paid prior to the issuance of any license under this chapter as provided by resolution of the city council.

(Ord. 904 § 2, 1997: Ord. 422 § 5 (part), 1968: Ord. 265 § 1, 1959: Ord. 114 § 4, 1959)

5.51.050 - Issuance.

If the clerk is reasonably satisfied that the applicant has a good reputation and that the statements set forth in the application are correct, and if the proper fee has been paid, the clerk shall issue to the applicant a license for an open parking station, setting forth the place where the business is to be conducted and the name of the licensee, which license shall continue in full force and effect until the thirtieth day of April following the issuance thereof, or until revoked by the council.

(Ord. 422 § 5 (part), 1968: Ord. 114 § 5, 1959)

5.51.060 - Entrance and exits.

Prior to issuance of any license the police department shall cause an inspection of the proposed open parking station and shall certify that the entrances and exits thereto from the public roadway have the proper curb cut and are paved between the sidewalk and curb where there is a concrete paved roadway or properly tiled across the gutter of any unpaved streets. Driving of cars across curb or sidewalk at any location other than a proper driveway entrance or exit is prohibited at any time.

(Ord. 422 § 5 (part), 1968: Ord. 114 § 6, 1959)

5.51.070 - Signs required.

Each person operating an open parking station shall maintain at each entrance and exit thereof signs suitable to apprise persons using such open parking station of the person in whose name the license has been issued, the hours of the day during which such place is open for storing motor vehicles, and the rates charged.

(Ord. 422 § 5 (part), 1968: Ord. 114 § 7, 1959)

5.51.080 - Sanitary regulations.

Every open parking station shall at all times be kept in a clean and sanitary condition; no litter, rubbish, refuse, garbage, paper, broken or unbroken glass, tacks, tin cans or other similar containers or other objects of unsightly nature or of a nature likely to cause injury to tires shall be permitted to be thrown, placed or left upon any open parking station, and it shall be the duty of any person licensed under this chapter to keep the premises where he or she conducts such open parking station at all times free from such objects or things.

(Ord. 422 § 5 (part), 1968: Ord. 114 § 8, 1959)

5.51.090 - Claim checks.

At the time of accepting a motor vehicle for storing or parking in an open parking station, the person conducting the same, his or her agent or employee, shall furnish to the person parking the vehicle, a distinctive check numbered to correspond to a coupon placed upon such vehicle, which check shall contain the name and address of the person owning or operating such open parking station and upon which shall be written or stamped the date of accepting the vehicle and the license number of the vehicle; provided, however, the above requirements shall not apply where cars are stored on a weekly or monthly fee basis.

(Ord. 422 § 5 (part), 1968: Ord. 114 § 9, 1959)

5.51.100 - Unauthorized operation of parked cars prohibited.

It is unlawful for any licensee, his or her agent, servants or employees to drive or suffer or permit to be driven by any other person, from the licensed premises any parked or stored motor vehicle without the consent of the owner or the person having control of the motor vehicle in the open parking station.

(Ord. 422 § 5 (part), 1968: Ord. 114 § 10, 1959)

5.51.110 - Change of rate—Procedure.

No licensee shall make any charge for storing any motor vehicle in excess of that set forth in his or her application for license unless and until he or she has notified the clerk in writing of the charge, and posted signs showing such increase as set forth in [Section 5.51.070](#).

(Ord. 422 § 5 (part), 1968: Ord. 114 § 11, 1959)

5.51.120 - License not assignable.

No license issued under this chapter shall be transferred or assigned after it is issued, nor shall the business of conducting an open parking station be conducted in any other place than that designated in the license.

(Ord. 422 § 5 (part), 1968: Ord. 114 § 12, 1959)

5.51.130 - Notification of claims.

Each licensee shall immediately notify the chief of police and the city clerk of any claim made by reason of any loss, theft or conversion occurring upon his or her premises during the regular hours of attendance as posted upon the signs in the open parking station, or of any claim for damages arising from the operation of his or her open parking station.

(Ord. 422 § 5 (part), 1968: Ord. 114 § 14, 1959)

5.51.140 - Limitation of liability.

No contract, agreement, lease, rule or regulation shall exempt any person operating an open parking station from damage or loss caused by the negligence of such person, or any employee of such person.

(Ord. 422 § 5 (part), 1968: Ord. 114 § 14, 1959)

5.51.150 - Revocation.

The council may revoke any license if at any time the licensee has knowingly made false statement in the application, the licensee violates or knowingly permits the violation of any provision of this chapter, or if the licensee violates or knowingly permits the violation of any provision of penal law or ordinance regarding theft, larceny or conversion of a motor vehicle or the operation of a motor vehicle without the owner's consent, whether such licensee or other person is convicted of such offense or not.

(Ord. 422 § 5 (part), 1968: Ord. 114 § 15, 1959)

5.51.160 - Suspension.

The city manager may at any time suspend such license if he or she has good reason to believe the licensee has violated any of the provisions of this chapter, or any of the penal laws of the state, which suspension shall be in effect until the second regular meeting of the city council occurring after such suspension.

(Ord. 422 § 5 (part), 1968: Ord. 114 § 16, 1959)

5.51.170 - Inspection.

The city manager or any officer charged with the enforcement of the provisions of this chapter shall at all reasonable times be permitted free access to any and all parts of the open parking stations and shall be allowed to investigate and inspect the same for the purpose of seeing that the open parking stations are conducted properly and in accordance with the provisions of this chapter.

(Ord. 422 § 5 (part), 1968: Ord. 114 § 18, 1959)

5.51.180 - Fire hazard.

Open parking stations shall be equipped with proper fire-extinguishing apparatus subject to the approval of the chief of the fire department and all motor vehicles shall be so stored that they may be reached readily in case of fire or other emergency.

(Ord. 422 § 5 (part), 1968: Ord. 114 § 19, 1959)

5.51.190 - Vending of goods, wares or merchandise.

No licensee shall sublet, sublease or otherwise permit any open parking station or any portion thereof to be used by any vendor of goods, wares or merchandise or services for the conduct of such vendor's business unless the same is conducted in a permanent building or structure.

(Ord. 422 § 5 (part), 1968: Ord. 114 § 20, 1959)

5.51.200 - Penalty.

Any person, partnership, firm, association or corporation violating any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine of not more than one hundred dollars (\$100.00), or imprisonment in the Oakland County jail for a period of not more than ninety (90) days, or both such fine and imprisonment in the discretion of the court.

(Ord. 422 § 5 (part), 1968: Ord. 114 § 21, 1959)

Chapter 5.54 - PAWNBROKERS

5.54.010 - License—Bond required.

Before any license to engage in the business of pawnbroker is issued, the applicant therefor shall furnish a corporate surety bond in the penal sum of two thousand dollars (\$2,000.00) with sufficient surety to be approved by the city clerk, which bond shall be conditioned for the due observance during the time of the license of all laws of the state and all ordinances of the city. Any person aggrieved by the action of any such licensee shall have a right of action on the bond for the recovery of money or damages, or both. Such bond shall remain in full force and effect for a period of ninety (90) days after the expiration or cancellation of any such license or after the termination of any action upon such bond. If upon violation of any of the provisions of this chapter, the city is permitted and directed by the licensee to forfeit the bond as provided in this section, the proceeds are to be placed in the general fund.

(Ord. 314 § 27(a), 1962)

5.54.020 - Licensee—Recordkeeping.

The licensee shall keep a daily record of all persons with whom he or she does business and of all property coming into his or her possession together with a record of the disposition of each article, and shall report same to the police chief weekly on forms prescribed by the police chief. The police chief shall at all times have access to such daily record or records.

(Ord. 314 § 27(b), 1962)

Chapter 5.55 - SCRAP METAL DEALERS

5.55.010 - Definitions.

A.

"Scrap metal dealer" means any person, corporation, partnership, limited liability company, or association, which, in whole or in part, engages in transactions of buying or receiving scrap metal from the public.

B.

"Scrap metal" means any type or form of metal not characterized as precious metals as defined in the Precious Metal and Gem Dealer Act of the Michigan Statutes.

C.

"Chief of police" means the chief of the Hazel Park police department.

(Ord. 14-06 § 1 (part), 2006)

5.55.020 - Record keeping.

A scrap metal dealer shall keep a legible daily record, in English, at the time the scrap metal dealer receives any metal, that includes a description of the scrap and the place where the seller acquired the scrap from, the name, residence, general description and driver license number, official state personal identification card number, or government identification number of the person from whom the scrap metal was received and the day and hour when the scrap metal was received. The scrap metal dealer shall keep a record of the amount of money the dealer paid to the seller for the scrap metal at its place of business which shall be made available upon request of the chief of police during normal business hours.

A scrap metal dealer shall provide a copy of each daily record to the chief of police on a weekly basis.

(Ord. 14-06 § 1 (part), 2006)

5.55.030 - Acceptance from posted person or minor unlawful.

A scrap metal dealer shall not receive or accept any scrap metal from any person under eighteen (18) years of age or a person the scrap metal dealer suspects as having stolen the scrap metal.

(Ord. 14-06 § 1 (part), 2006)

5.55.040 - Violation—Penalty.

Any person who shall violate any of the provisions of this chapter, whether as owner, or as a clerk, agent, servant, or employee, shall be guilty of a misdemeanor and upon conviction thereof be fined five hundred dollars (\$500.00) or imprisoned, up to ninety (90) days in the county jail, or both such fine and imprisonment in the discretion of the court.

(Ord. 14-06 § 1 (part), 2006)

Chapter 5.57 - PEDDLERS AND SOLICITORS

5.57.010 - License—Required.

No person shall engage in the business of hawking, peddling, or soliciting orders for any goods or merchandise, nor shall any person who is a pollster, surveyor, canvasser, or those persons otherwise engaged in the obtaining of prospective customers for the immediate or eventual obtaining of profit for their company or any other company, operate without first obtaining a license or permit therefor.

(Ord. 314 § 28(a), 1962)

5.57.020 - License—Fingerprinting, photograph.

No such license or permit shall be granted to any person unless a complete set of fingerprints of such person and any person assisting him or her are on file in the noncriminal identification file of the police department, and a health card and suitable photograph of any such person or persons are submitted to the city clerk.

(Ord. 314 § 28(b), 1962)

5.57.030 - Limitation on helpers.

No licensed peddler or hawker shall be entitled to more than one helper on foot or for each vehicle used in the business.

(Ord. 314 § 28(c), 1962)

5.57.040 - Peddling meat on street prohibited.

No person shall hawk or peddle meat upon any street, alley or public place.

(Ord. 314 § 28(d), 1962)

5.57.050 - Stopping or standing for other than sale prohibited.

No licensee shall stop or remain in any one place upon any street, alley or public place longer than necessary to make a sale for a customer wishing to buy.

(Ord. 314 § 28(e), 1962)

5.57.055 - Noise regulated.

A.

A licensee, employee and/or agent may use bells to advertise his or her presence while in the business of peddling and/or soliciting goods, wares or other items for sale within the city; provided, that the use of such bells shall not emit a shrill or penetrating sound of high pitch.

B.

A licensee, employee and/or agent is prohibited from using any mechanical and/or electronic amplification device or apparatus in the business of hawking, peddling, and/or soliciting for the sale of goods, wares, services or other items within the city.

(Ord. 771 § 1, 1989)

5.57.060 - Hours of business.

No licensee shall engage in retail street vending or in the sale of merchandise from a street vehicle or any other mechanical contrivance which traverses the municipality's thoroughfares, sidewalks or streets between the hours of eight p.m. and eight a.m. of any day, said activities being prohibited during such times.

(Ord. 314 § 28(f), 1962)

5.57.070 - Location restrictions—Limited duration permit.

No peddler, vendor, hawker, solicitor or salesperson shall be permitted to conduct business from a stationary location in the public right-of-way, or from any other location unless permitted by the zoning regulations of the city, provided however, that any educational, religious, civic or charitable organization based within the city may apply to the city council for a permit to operate an outdoor enterprise for a limited duration and under conditions specified by the city council.

(Ord. 691 § 1, 1985)

Chapter 5.60 - POOLROOMS AND POOL TABLES*

5.60.010 - License required.

Any person or persons, firm, company or corporation, in order to establish or operate within the limits of the city any billiard parlor, pool room or other place for playing at games by the public, shall first obtain a license therefor, in accordance with the provisions of this chapter, except that prior to the issuance of any license for the establishment of a pool hall, the application must be approved by the city council. Before the city council approves any application for a pool hall license, the applicant or person to be in charge of the premises shall submit himself or herself to the chief of police for fingerprinting, which shall be checked through the proper channels. The chief of police shall make a report on his or her investigations and findings to the city council with a recommendation.

(Ord. 905 § 1 (part), 1997)

5.60.020 - Location regulations.

No license to operate a pool room or billiard establishment shall be granted to any establishment located within five hundred (500) feet of any public library, public or private school, playground or park; such distance shall be measured from the nearest point to the front entrance of the establishment to the nearest point of the entrance of the public building, or, in the case of a park or playground, to the nearest point of the park or playground.

(Ord. 905 § 1 (part), 1997)

5.60.030 - Loitering and betting prohibited.

The licensee shall be responsible for maintaining quiet and good order at all times in and about the premises, and no person or persons shall be permitted to loiter or stand in or about the doorway, or in front of the premises. No person shall be permitted to play any games on which a bet or wager is laid, and no person shall be permitted to pay any wager or bet on the outcome or result of any game on the premises. No person licensed under the provisions of this chapter shall operate, or permit to be operated, any card tables for the public playing of cards, and shall not permit within the premises licensed for the playing of billiards, pool or other public games, and playing at cards or dice.

(Ord. 905 § 1 (part), 1997)

Chapter 5.63 - PUBLIC DANCES AND PUBLIC DANCEHALLS

5.63.010 - Definition.

"Public dance" includes any dance to which admission may be gained by the general public, but does not include any dance to which admissions are restricted to invited guests.

(Ord. 314 § 25(a), 1962)

5.63.020 - Special police officer required.

No person shall conduct any public dance without providing the services of a special police officer who shall enforce the provisions of this chapter and all applicable city ordinances for the duration of the dance.

(Ord. 314 § 25(b), 1962)

Chapter 5.66 - SECONDHAND MERCHANTS

5.66.010 - Receiving goods from minor prohibited—Exception.

No person engaged in the business of dealing in secondhand or used personal property or chattels shall as a condition of his or her license, receive any article from any person under the age of eighteen (18) years, without the written consent of parent or guardian.

(Ord. 904 § 3, 1997; Ord. 314 § 29(a), 1962)

5.66.020 - Licensee—Recordkeeping duty.

No licensee shall fail to keep a daily record of all persons with whom he or she does business and of all property coming into his or her possession together with a record of the disposition of each article, nor shall any licensee fail to report the same weekly to the police chief on forms prescribed by the state or, if no such forms are prescribed by the state, by the police chief. The police chief shall at all times have access to such daily record.

(Ord. 314 § 29(b), 1962)

Chapter 5.69 - SELF-SERVICE CARWASHES

5.69.010 - Purpose.

For the purposes of this chapter any facilities permitting the self-service washing of motor vehicles for a fee, whether coin-operated or otherwise, fall within the scope of this chapter.

(Ord. 410 § 1, 1967)

5.69.020 - License—Required.

No person, firm, corporation, limited liability company or association shall engage in the business of providing facilities for the self-service washing of motor vehicle without first securing a license. Application for such application shall be made to the city clerk on forms to be provided by the city clerk. Each application shall be accompanied by a license fee in an amount set by resolution of the city council.

(Ord. 904 § 4 (part), 1997; Ord. 410 § 2(A), 1967)

5.69.030 - Examination of premises—Plot plan—Application.

Upon receipt of the license application and accompanying documents, the city clerk shall refer same to city manager, who shall cause the application, plot plan and premises to be examined and make written report thereon to the city council.

(Ord. 410 § 2(B), 1967)

5.69.040 - License—Issuance.

If the city council determines that the provisions of this chapter have been complied with by the applicant, the city council shall direct the city clerk to issue the license subject to such proper and reasonable conditions as the city council may impose. If the application is rejected by the city council the applicant shall be notified in writing to that effect, and shall be given an opportunity to be heard by the city council, either in person or by his or her attorney, and present evidence pertaining to the application, where upon the city council shall take final action upon the application.

(Ord. 904 § 4 (part), 1997; Ord. 410 § 2(C), 1967)

5.69.050 - Regulations.

The following regulations shall apply to all self-service automobile washing businesses, and failure to comply with any of said regulations shall constitute a violation of this chapter:

A.

The time of operation of such businesses shall be only between the hours of seven a.m. and eleven p.m.

B.

After the effective date of the ordinance codified in this chapter, no such business shall be established within three hundred (300) feet of any land zoned or used for residential purposes; provided, that in any instance where site plan approval has been obtained from the city planning commission prior to the effective date of the ordinance codified in this chapter, a vested interest to proceed in accordance with such approved site plan is recognized, provided that a building permit is obtained and construction commenced within ninety (90) days after the effective date of the ordinance codified in this chapter.

C.

All lights used in connection with such auto washes shall be so shielded as not to cast light upon adjacent properties.

D.

All land used for the entrance, exit, or storage of motor vehicles shall be paved and adequate drainage shall be provided by the installation of one or more catch basins, as necessary, which shall be connected to a city sewer. Permission from the building department is required prior to the installation of such catch basins.

E.

No steam hose for public use shall be located upon the premises.

F.

It shall be the duty of the licensee to maintain the premises and adjacent street areas free from rubbish, waste products and other debris.

G.

It is unlawful for any patron or for any other person on the premises to race the motor of any vehicle, stop or start a vehicle suddenly, or create any noise or disturbance which shall impair the peace and quiet of the community.

H.

Access points shall be limited to not more than two drives, each of which shall not be more than twenty (20) feet in width and at least ten feet apart, and such drives shall be located not less than ten feet from the exterior lot lines and not less than thirty-five (35) feet from any intersecting street right-of-way lines. This regulation shall not apply to facilities in existence on the effective date of the ordinance codified in this chapter.

I.

An unpierced masonry wall six feet in height shall be constructed along such portion of the boundaries of the premises as are contiguous to or directly across a public alley from residentially zoned property, but this regulation shall not apply to facilities in existence on the effective date of the ordinance codified in this chapter.

J.

The owner and/or manager shall not permit storage or backup of vehicles awaiting service to occur upon any street.

(Ord. 410 § 3, 1967)

5.69.060 - Violation—Penalty.

Any person, firm, association or corporation, or any person acting on behalf of any such person, firm, association or corporation, violating any provision of this chapter shall be punished as set forth in [Chapter 1.12](#). Each day any violation is allowed to continue in existence shall constitute a separate offense.

(Ord. 904 § 5, 1997; Ord. 410 § 5, 1967)

Chapter 5.72 - SELF-SERVICE LAUNDRY

5.72.010 - Defined.

For purposes of this chapter, "self-service laundry" means any place of business available to the general public for the purpose of washing, drycleaning and/or drying commonly laundered articles by means of mechanical devices operable by the patrons.

(Ord. 346 § 1 (part), 1964; Ord. 314 § 33A(a), 1962)

5.72.020 - License—Required.

Every person, firm, partnership or corporation operating a self-service laundry within the city shall first be required to obtain a license in compliance with the provisions of this chapter.

(Ord. 346 § 1 (part), 1964; Ord. 314 § 33A(b), 1962)

5.72.030 - Hours of operation.

It is unlawful for any person, firm, partnership or corporation to operate a self-service laundry between the hours of twelve midnight and five a.m.; except, that such businesses may be open during such hours provided there remains continuously upon the premises the owner or a duly authorized agent of the owner who is twenty-one (21) years of age or older.

(Ord. 346 § 1 (part), 1964; Ord. 314 § 33A(c), 1962)

5.72.040 - Illumination requirement.

The minimum level of illumination in self-service laundries shall not be less than thirty-five (35) footcandles throughout the entire area accessible to the public measured at a height of four feet above the floor. All switches for control of illumination shall not be accessible to the public.

(Ord. 346 § 1 (part), 1964; Ord. 314 § 33A(d), 1962)

Chapter 5.75 - TAXICABS

5.75.010 - Purpose.

The transportation of persons for hire by means of taxicabs is a matter closely affecting the public interest and welfare. The health, safety and welfare of the people of Hazel Park require that taxicab drivers be persons of good character and that the taxicab itself be in sound and safe condition.

(Ord. 257 Art. 1 § 1, 1958)

5.75.020 - Definitions.

The following definitions shall apply in this chapter:

A.

"Annual certificate" means certificate of public convenience and necessity issued by the city authorizing the holder thereof to conduct a taxicab business in the city for any period expiring December 31st of any given year.

B.

"Cruising" means the driving of a taxicab on the streets, alleys or public places of the city in search of or soliciting prospective passengers for hire.

C.

"License" means the permission granted by the city to a person to drive a taxicab upon the streets of the city.

D.

"Person" includes an individual, corporation, partnership, unincorporated association or any other legal entity.

E.

"Seasonal certificate" means a certificate of public convenience and necessity issued by the city for a period of time each year during the harness and flat or thoroughbred season at the Hazel Park Race Track as determined by the Racing Commissioner for the state of Michigan; and which is restricted in use to the taking of passengers for hire only from within the area of the grounds known as the Hazel Park Race Track. Where a period not to exceed

sixty (60) days exists between the termination of harness racing and the commencement of flat or thoroughbred racing, or vice versa, the seasonal certificate shall be considered valid continuously from the commencement of one type of racing to the conclusion of the other.

F.

"Taxicab" means a motor vehicle regularly engaged in the business of carrying passengers for hire, having a seating capacity of less than seven persons and not operated on a fixed route. Hearses, ambulances, hotel buses, sightseeing buses, school buses and motor coach buses shall not be construed to be taxicabs.

(Ord. 349 §§ 1, 2, 1964; Ord. 257 Art. II §§ 1—5, 1958)

5.75.030 - Certificate of public convenience and necessity—Required.

No person shall operate or permit a taxicab owned or controlled by him or her to be operated as a vehicle for hire upon the streets of the city without having first obtained an annual certificate of public convenience and necessity from the city in the manner specified in this chapter and the total number of taxicabs permitted under the certificates to operate in the city shall be limited to no more than fifty (50); except, that seasonal certificates shall permit the operation of additional taxicabs during the times, periods, and places in which they are effective. Unless specifically otherwise provided, the requirements for the issuance, retention and termination of seasonal certificates shall be the same as for annual certificates. Such seasonal certificates shall not be limited in their number so long as they are in conformance with the requirements of this chapter. Subject to the foregoing, seasonal certificates shall not be limited in their number; except, that the clerk shall issue the first seasonal certificates to the extent that they number two for each then-existing active annual certificate, in the following order of preference:

A.

First, to those persons or companies actually holding active annual certificates who apply for same and are approved at least forty-five (45) days prior to the official opening of the racetrack season;

B.

Next, if any seasonal certificates are not entirely allotted to the holder of annual certificates, to those other businesses or persons holding active annual certificates who apply for same and are approved at least thirty (30) days prior to the official opening of the racetrack season.

(Ord. 683 § 1, 1983; Ord. 671 § 1, 1982; Ord. 349 § 3, 1964; Ord. 307 § 1, 1961; Ord. 306 § 1, 1961; Ord. 276 § 1, 1960; Ord. 272 § 1, 1959; Ord. 257 Art. III § 1, 1958)

5.75.040 - Periods of required operation.

All certificates or licenses issued under this chapter shall require any certificated person or licensee to continue the operation of the taxicab for which it is authorized for reasonable periods of time on a daily or weekly basis. Failure to keep the vehicle in use for reasonable periods of time on a daily or weekly basis shall be grounds for revocation of the certificate or license by the city manager as hereinafter provided. It is further provided that failure to use a taxicab for which a certificate of public convenience and necessity has been authorized for any continuous period of thirty (30) days after the authorization, shall be prima facie grounds for revocation thereof.

(Ord. 306 § 2, 1961; Ord. 257 Art. III § 1.1, 1958)

5.75.050 - Application—Information.

Any person desiring to operate or conduct a taxicab business in the city shall file with the city clerk an application therefor on forms to be provided by said clerk and shall furnish the following information and such additional information as may be required:

A.

The name and residence of the person applying for the certificate;

B.

The previous taxicab experience of the person;

C.

Whether or not the applicant intends to drive the taxicab himself or herself;

D.

The proposed color scheme and monogram or insignia to be used;

E.

The horsepower, make, ownership, engine number and license number of the automobile to be used in the business and its seating capacity; and

F.

A written report from the department of public service describing the age, appearance, general condition, mechanical condition, and all aspects of the motor vehicle affecting the safety or convenience of the cab to be certificated.

(Ord. 903 § 6 (part), 1997; Ord. 349 § 4, 1964; Ord. 257 Art. III § 2, 1958)

5.75.060 - Application—Investigation.

The city clerk shall forward all such applications which have been properly filled out to the city manager. The city manager, or his or her duly authorized representative, shall cause an investigation to be made of the fitness of the applicant as to character and ability. This investigation shall include the financial status of the applicant, including the amounts of all unpaid judgments and the nature of the transaction or accounts giving rise to such judgments, the experience of the applicant in the transportation of passengers, whether or not the applicant has a criminal record and any other facts which in the opinion of the city manager are relevant to the fitness of the applicant to secure a certificate of public convenience and necessity.

(Ord. 257 Art. III § 3, 1958)

5.75.070 - Certificate—Approval—Fee.

The city manager shall file his or her findings with the city council, which shall determine whether the public convenience and necessity require a granting of the certificate. After the application of the applicant for a certificate is approved, the city clerk shall issue an annual certificate upon payment of a fee to be set by resolution of the city council, or a seasonal certificate upon the payment of a fee to be set by resolution of the city council, without proration, per taxicab, but for no more taxicabs than are permitted in the certificate.

(Amended during 1997 recodification; Ord. 349 § 5, 1964; Ord. 258 § 1 (part), 1958; Ord. 257 Art. III § 4, 1958)

5.75.080 - License plates.

The clerk, after approval of the city council of a certificate of convenience, shall issue two license plates, with the words "Licensed Taxicab No. , Hazel Park, Michigan."

(Ord. 257 Art. III § 5, 1958)

5.75.090 - Certificate—Not transferable.

No certificate may be sold, assigned, mortgaged or otherwise transferred to any other vehicles owned by the certificate holder or to any other person, firm, partnership or corporation without the consent of the city council.

(Ord. 276 § 2, 1960; Ord. 257 Art. III § 6, 1958)

5.75.100 - Certificate—Expiration.

All annual certificates shall expire on the last day of December next following and all seasonal certificates shall expire the last day of authorized racing at the Hazel Park Race Track.

(Ord. 349 § 6, 1964; Ord. 257 Art. III § 7, 1958)

5.75.110 - Taxicab driver's license required.

No person shall operate a taxicab for hire upon the streets of the city, and no person who owns or controls a taxicab shall permit it to be so driven and no taxicab licensed by the city shall be so driven at any time for hire unless the driver of said taxicab shall have first obtained and shall have then in force a taxicab driver's license issued under the provisions of this chapter.

(Ord. 257 Art. IV § 1, 1958)

5.75.120 - Application—Operator's license.

Application for a license to operate or drive a taxicab accompanied by an advance payment of five dollars (\$5.00) without proration shall be made to the city clerk upon forms to be furnished by said clerk. Each applicant shall have attained twenty-one (21) years of age and shall furnish the following:

A.

A recent photograph of the applicant taken within six months before the time of filing the application;

B.

Evidence that applicant is free from contagious or infectious disease or infirmity which might make him or her an unsafe or unsatisfactory driver, and that his or her fingerprints are on file in the police department;

C.

His or her date of birth, present residence and the length of time at present residence;

D.

How long the applicant has been licensed to drive an automobile; and

E.

Registration number of chauffeur's license.

(Ord. 903 § 6 (part), 1997; Ord. 349 § 7, 1964; Ord. 258 § 1 (part), 1959; Ord. 257 Art. IV § 2, 1958)

5.75.130 - Uniform required.

No person shall operate a taxicab for hire upon the streets of the city, and no person who owns or controls such taxicab shall permit it to be driven, without being dressed in some garment or article of clothing which is emblematic and uniform among all licensees of the same company.

(Ord. 349 § 8, 1964: Ord. 257 Art. IV § 3, 1958)

5.75.140 - Manager—Applicant approval.

The city manager, or his or her duly authorized representative, shall make an examination into the qualifications of the applicant to determine whether said applicant is of good and moral character. After the application of applicant is approved by the city manager, or his or her duly authorized representative, the clerk shall issue the license.

(Ord. 257 Art. IV § 4, 1958)

5.75.150 - Expiration—Generally.

All licenses shall expire on the last day of December next following.

(Ord. 257 Art. IV § 5, 1958)

5.75.160 - Revocation.

A violation of any of the provisions of this chapter or of the traffic ordinance or the disorderly ordinance of the city, or of the statutes of the state, shall be sufficient grounds for the revocation of any certificate or license issued under this chapter and shall be considered sufficient ground for the refusal to grant a certificate or license in the first instance. The city manager shall have the authority to revoke any certificate or license when it is found there are sufficient grounds for revocation, as stated above; provided, that said person may appeal to the city manager within thirty (30) days from the date of such revocation, and the action of the city council thereon shall be final.

(Ord. 349 § 9, 1964: Ord. 306 § 3, 1961: Ord. 276 § 3, 1960: Ord. 257 Art. V § 1, 1958)

5.75.170 - Identification card—Posting.

After the application of the applicant for a license is approved, the city clerk shall deliver to the applicant an identification card which shall contain the following:

A.

Name;

B.

License number;

C.

Age;

D.

Height;

E.

Weight;

F.

Color of hair;

G.

Color of eyes;

H.

Photograph.

The identification card provided for in this section shall be posted by the driver of such taxicab in a conspicuous place in the inside of such taxicab and in full view of each occupant thereof. The identification card shall be presented for inspection upon the request of any person desiring to inspect same.

(Ord. 257 Art. VI §§ 1, 2, 1958)

5.75.180 - License and card not transferable.

Certification, licenses and identification cards issued pursuant to the terms of this chapter shall not be transferred or assigned to any other person nor shall the holder of such certificate, license or identification card allow any other person to use the same for any purpose.

(Ord. 257 Art. VII § 1, 1958)

5.75.190 - Regulations generally.

It is unlawful:

A.

For any person to drive any taxicab while under the influence of intoxicating liquor or narcotic or stupefying drug or to drink any intoxicating liquor whatsoever while driving a taxicab;

B.

For any taxicab driver to knowingly procure or transport or to aid or abet in the procuring or transporting of any intoxicating liquor;

C.

For any person to allow any taxicab to be used for unlawful or immoral purposes, or to procure or aid in procuring any person or persons for immoral purposes;

D.

For any person to charge in excess of the rates therein fixed by resolution of the city council;

E.

To smoke, swear, or act in a boisterous manner while actually carrying passengers in such vehicle;

F.

To fail to notify the police department immediately after any accident, giving the time and location of the accident, the name of any person injured, the character of injuries so far as known and in case of property damage, the estimated amount of such damage;

G.

To allow any person excepting the driver to ride on the front seat of any taxicab, except when the back seat is occupied by two or more persons;

H.

To solicit passengers for such vehicles upon the streets of the city except when sitting upon the driver's seat of such vehicle and parked in a regularly established stand;

I.

To ask or request any person or persons to take passage in such vehicle when waiting in an established loading point for a bus to take passage on a bus;

J.

To use other than dimmed driving lights while traveling or parking upon the city streets, alleys and other public places;

K.

To fail to notify the chief of police of the discharge or withdrawal of a public driver from his or her place of employment within twelve (12) hours after such discharge or withdrawal occurs;

L.

To fail to mark conspicuously on both sides of each taxicab or motor vehicle for hire, the name of the company or person owning such vehicle;

M.

To fail to have the city taxicab or motor vehicle for hire license plates affixed to the state license plates on each vehicle.

(Ord. 257 Art. VIII § 1, 1958)

5.75.200 - Lost and found department.

Each holder of a certificate of public convenience and necessity shall maintain a lost and found department, and each taxicab driver operating under the authority of the person or company holding such certificate of public convenience or necessity shall forthwith turn over to such lost and found department all lost articles found in said taxicab. Failure to turn over such lost articles found in said taxicab within twenty-four (24) hours after the same is found, shall be a violation of this chapter. The holder of such certificate of public convenience and necessity shall keep a list and description of such articles found in its taxicab or taxicabs, together with the date such article was turned over to it and shall make a report to the police department every thirty (30) days of all articles and full descriptions thereof, together with the dates found.

(Ord. 257 Art. VIII § 2, 1958)

5.75.210 - Stopping or standing when not loading or unloading prohibited—Exception.

It is unlawful for any person to use any portion of the public streets or alleys as a taxicab stand or permit a taxicab in his or her charge to stand upon any portion of the public streets or alleys, except for such time as is necessary to load or unload passengers, excepting in such portion of the public streets or alleys as shall have been set apart by the city council as taxicab stands. Cruising is prohibited.

(Ord. 257 Art. VIII § 3, 1958)

5.75.220 - Uniform color scheme required.

Each holder of a certificate of public convenience and necessity shall have a uniform color scheme, monogram or insignia on all of its cabs and/or on all taxicabs operated, and/or owned by it. All legal entities, whether individual, corporation, partnership, unincorporated association, who, by reason of interlocking directorates holding company control or control of the stock of any corporation, are ultimately controlled by the same company, shall be considered as entitled to only one uniform color scheme, monogram or insignia, which shall be used on all of the taxicabs. No color scheme, monogram or insignia shall be used upon taxicabs unless approved by the city manager or his or her duly authorized representatives.

(Ord. 257 Art. VIII § 4, 1958)

5.75.230 - Manager—Rules and regulations.

The city manager, with the approval of the city council, is authorized to adopt such additional rules and regulations as may be necessary for the health, safety and welfare of the citizens of Hazel Park.

(Ord. 257 Art. VIII § 5, 1958)

5.75.240 - Insurance policy required.

It is unlawful for any person to drive or operate any taxicab upon any street unless the owner thereof files with the city clerk a certificate of insurance or duplicate policy of insurance, which insurance policy shall insure the owner or operator of such taxicab against any and all claims for damages arising out of any bodily injury received or suffered by any person or persons by reason of the operation of such taxicab, and which injury or damages are a legal liability of the owner or operator of such taxicab; such insurance for bodily injury is to be in the minimum amount of fifty thousand dollars (\$50,000.00) for any one person and one hundred thousand dollars (\$100,000.00) for any one accident; and such insurance policy shall also insure the owner or operator of such taxicab against any or all claims for damages arising out of any injury to property, suffered by any person or persons, by reason of the operation of such taxicab, which injury or damages are a legal liability of the owner or operator of such taxicab; such insurance for property damage shall be in the minimum amount of five thousand dollars (\$5,000.00) for one accident, with a minimum aggregate limit of ten thousand dollars (\$10,000.00). Any policy of insurance, issued and filed pursuant to the provisions of this chapter, shall provide therein that the same shall not be cancelled by either the insurer or the insured except upon the giving of notice in writing to the city of such cancellation, ten days prior to the effective date thereof. The filing of such certificate of insurance shall be subject to the approval of the city manager and the city attorney as to the form and sufficiency thereof.

(Ord. 499 §§ 1, 2, 1972; Ord. 257 Art. IX § 1, 1958)

5.75.250 - Indemnity bond in lieu of insurance policy.

In lieu of the filing of a certificate of insurance or duplicate policy of insurance, as provided in this chapter, any person owning or operating one or more taxicabs upon any street in the city may file with the city clerk an indemnity bond in the penal sum of forty thousand dollars (\$40,000.00), which bond shall be conditioned upon the prompt payment of all claims for damages arising out of bodily injury received or suffered by any person or persons by reason of the operation of such taxicabs, or any and all claims for damages arising out of any injury to property suffered by any person or persons by reason of the operation of such taxicabs, which injury or damages are a legal liability of the owner or operator of such taxicabs; such indemnity bond shall inure to and be for the benefit of any such person or persons receiving or suffering such bodily injury or property damage. Such bond shall be subject to the approval of the city manager and the city attorney as to form and sufficiency thereof. When by reason of claims asserted against the owner or operator of such taxicabs or by reason of the nonpayment of liabilities finally determined against such owner or operator or by reason of any circumstances, conditions or matters of any nature whatsoever, the city council determines by resolution that such indemnity bond in the amount herein provided is insufficient indemnification for the purpose herein set forth, then the city council may require such owner or operator to file additional indemnity bond in such amounts as may be

determined by it, or the city council may require such owner or operator to file an insurance policy as heretofore provided in this section; provided, however, no owner or operator shall be required to file any additional bond or insurance policy until given a hearing before the city council upon not less than seven days' notice, such notice to be by registered mail addressed to such owner or operator's place of business as set forth in the license application made by such owner or operator.

(Ord. 257 Art. IX § 2, 1958)

5.75.260 - Combination of policy and bond.

In lieu of the filing of an insurance policy or an indemnity bond, as provided in this chapter, it shall also be permissible to file a combination of both an insurance policy and an indemnity bond, whereby the owner or operator of a taxicab shall be insured against such liabilities as have been heretofore set forth in the manner and to the extent hereinbefore provided with reference to the requirements of the insurance policies.

(Ord. 257 Art. IX § 3, 1958)

5.75.270 - Bond and policy approval.

All policies of insurance, certificates of insurance, duplicate policies of insurance or bonds provided for under this chapter shall be submitted for the approval of the city attorney and the city manager.

(Ord. 257 Art. IX § 4, 1958)

5.75.280 - Compliance with workmen's compensation.

The holders of all certificates of public convenience and necessity shall comply with the workmen's compensation laws of the state and the rules and regulations of the Workmen's Compensation Commission.

(Ord. 257 Art. IX § 5, 1958)

5.75.290 - Refusal to convey passengers.

It is unlawful for the driver of any taxicab not already engaged, to refuse or neglect when applied to, and tender of fare made, to convey any person or persons as passengers to any place or places within the city, and on the person or persons as passengers being placed in such conveyance, the same shall be driven by the most direct and safe route to the place to which person or persons as passengers wish to go. This shall not be construed to require any taxicab driver to take as a passenger any person requiring the use of their taxicab for illegal purpose or purposes.

(Ord. 257 Art. X § 1, 1958)

5.75.300 - Refusal by passenger to pay.

Any person who shall solicit and receive the services of any taxicab within the city without paying therefor, with the intent to defraud the owner or operator of such taxicab out of the pay for the service rendered, shall be liable to the punishment provided in this chapter. Proof that any person refused and neglected to pay for such service on demand, or left such taxicab without paying or offering to pay for such service, shall be prima facie proof of fraudulent intent.

(Ord. 257 Art. X § 2, 1958)

5.75.310 - Interurban operations.

Nothing in this chapter shall be construed to prohibit any taxicab licensed by a community other than the city from coming into the city to discharge passengers accepted for transportation outside the city. While said vehicle is in the city, no roof light or other special light shall be used to indicate that the vehicle is vacant or subject to

hire, and a white card bearing the words "Not for Hire" printed in black letters not less than two inches in height shall be displayed in at the front right corner of the windshield of the vehicle, in such manner as not to obscure the vision of the driver. No person shall be solicited by the driver of, or accepted in said vehicle for transportation to any place from within the city; provided, that the above shall not operate during periods of emergency as declared by the council to prevent the taking of passengers for hire by such cabs when they respond to telephone requests from persons within the city limits, when such cabs are licensed in communities which recognize the reciprocal right of cabs licensed in the city to so operate in their communities.

(Ord. 350 § 1, 1964: Ord. 349 § 10, 1964: Ord. 315 § 1, 1962: Ord. 257 Art. X § 3, 1958)

5.75.320 - Meter required.

All taxicabs shall be equipped with lighted meters in good working condition, subject to inspection at all times.

(Ord. 257 Art. XI § 1, 1958)

5.75.330 - Clean taxicab— Inspection.

Each taxicab operating under this chapter shall be kept in a clean, safe and sanitary manner and condition. All taxicabs shall be subject to inspection at all times by the city to insure that the safety and mechanical devices are in safe and proper working order and that their general condition is clean and sanitary.

(Ord. 257 Art. XI § 2, 1958)

5.75.340 - Enforcement.

The police department is charged with the enforcement of this chapter. To this end, any police officer has the right to stop and inspect any taxicab, except when the same is carrying a passenger, or except when the officer is satisfied that such taxicab is enroute in pursuance of a call for taxi service.

(Ord. 257 Art. XI § 3, 1958)

5.75.350 - Unsafe taxicab— Report to police chief.

Where on inspection by an authorized officer, it appears that any taxicab is mechanically unsafe, he or she shall forthwith report such unsafe condition to the chief of police, who is authorized and directed to order the owner of such taxicab to forthwith discontinue operation, and to refrain from operating such taxicab until necessary repairs have been made, and such taxicab restored to a safe mechanical condition. If repairs required are such as cannot be completed within twenty-four (24) hours, the owner of such taxicab shall secure permission for the substitution of another vehicle, or the temporary cessation of service.

(Ord. 257 Art. XI § 4, 1958)

5.75.360 - Unclean taxicab— Remedy requirement.

When any police officer shall find any taxicab to be in an untidy or unclean condition, or which is not maintained as required by this chapter, he or she shall notify the owner or driver to remedy any defects, and upon failure of the owner to so remedy defects, and to bring such taxicab into full compliance with requirements of this chapter within twenty-four (24) hours shall report such findings to the chief who shall take steps for the enforcement of the provisions of this chapter.

(Ord. 257 Art. XI § 5, 1958)

5.75.370 - Semiannual inspection.

A.

All licensees shall report semiannually to the chief of police, or to such officer of the police department or taxicab inspector as shall be designated by him or her, and shall submit all taxicabs licensed to him or her for inspection. If such taxicabs are found to comply in all respects to requirements of this chapter, the officer making such inspection shall affix to some portion of said vehicle a sticker or a design approved by the city manager showing such approval. Such sticker shall be visible from the exterior of such taxicab, and shall not be removed or altered except by the police department. If any taxicab is found to be deficient in some respect, which deficiency does not immediately require its removal, the licensee thereof shall be granted a period of not to exceed seventy-two (72) hours within which to remedy defects, and it shall be the duty of such licensee to report back within that period, and to show that such defects have been corrected. If any taxicab is found to be in an unsafe condition, the same shall be removed forthwith from further operation, as provided in [Section 5.75.350](#). Semiannual inspections hereunder shall be made during the months of December and June of each year.

B.

Failure of any licensee to come in for a semi-annual inspection during the periods specified shall operate automatically as a revocation of the annual certificate of public convenience for all vehicles which are not inspected on a timely basis. After revocation, relicensing will require payment of a new fee of fifty dollars (\$50.00) and inspection of the vehicle.

(Ord. 683 § 2, 1983; Ord. 671 § 2, 1982; Ord. 257 Art. XI § 6, 1958)
5.75.380 - Taxicab marking.

All taxicabs shall be marked only with the name and color scheme as designated on the certificate.

(Ord. 257 Art. XI § 7, 1958)

5.75.390 - Trip sheet required.

Each driver shall keep and shall maintain a continuous and progressive trip sheet dated for each twenty-four (24) hours, and such record shall be subject to inspection by the city manager, or his or her duly authorized representative at all times. Trip sheets shall be filed and retained and available for inspection for a period of at least one year from date thereon.

(Ord. 257 Art. XI § 8, 1958)

5.75.400 - Parking unattended taxicab prohibited.

All taxicabs with city bond plates are prohibited from parking on any taxicab parking zone either in a public street or on private property unless the respective taxicab driver is seated inside his or her taxicab. The city shall obtain from the owner of private property on which there are taxicab parking zones authorization to enforce this chapter.

(Ord. 469 § 1 (part), 1970; Ord. 465 § 1 (part), 1970; Ord. 527 Art. XI § 9, 1958)

5.75.410 - Parking unattended taxicab—Towing.

All taxicabs with city bond plates ticketed under [Section 5.75.400](#) of this chapter may be towed away from the zone by the city and impounded until the towing charges and storage charges for same are paid. No taxicab shall be towed away under this section unless the taxicab zone is posted with signs indicating towing of taxicabs without drivers inside will take place.

(Ord. 469 § 1 (part), 1970; Ord. 465 § 1 (part), 1970; Ord. 527 Art. XI § 10, 1958)

5.75.420 - Rates established.

The city council is authorized to establish by resolution rates for the transportation of persons for hire in the city. In fixing such rates the city council shall take into consideration the number of passengers carried and the distance traveled, and may establish graduated rates based thereon.

(Ord. 527 Art. XII § 1, 1958)
5.75.430 - Rates—Posting.

There shall be posted by the owner or driver of each taxicab in a conspicuous place in the inside of such taxicab and in full view of each occupant thereof, a card containing the rates of fares to be charged for the use thereof. Such cards shall be furnished by the city.

(Ord. 527 Art. XII § 2, 1958)

5.75.440 - Brokerage permitted.

Brokerage shall be permitted. "Broker" and "brokerage" shall be defined as follows: A person who, owning his or her own taxicab and having his or her own license, shall operate under the certificate of convenience and public necessity issued to other person as defined in [Section 5.75.020](#), provided, however, that the taxicab operated by a holder of public convenience and necessity under brokerage shall be counted in the number of taxicabs permitted under the said certificate of public convenience and necessity. All bond and insurance requirements provided for under Sections [5.75.240](#) through [5.75.280](#) hereof shall attach to broker taxicabs and be part of the responsibility of the holder of the certificate of public convenience and necessity and/or the taxicab driver as the case may be in the same manner as though the taxicabs were operated by the holder of the certificate of public convenience and necessity.

(Ord. 257 Art. XIII § 1, 1958)

5.75.450 - Violation—Penalty.

Any person who violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as set forth in [Chapter 1.12](#).

(Ord. 257 Art. XV § 1, 1958)

5.75.460 - Violation—Notice—Fines.

The police department and its peace officers are empowered to issue ordinance violation notices to those persons, corporations, or businesses violating any of the foregoing provisions of this chapter. The municipal judge shall establish, from time to time, a schedule of fines which will be imposed upon the offenders, upon finding or plea of guilty.

(Ord. 315 § 2, 1962; Ord. 257 Art. XV § 2, 1958)

Chapter 5.79 - MECHANICAL OR ELECTRONIC AMUSEMENT DEVICES

5.79.010 - Definitions.

The term "mechanical or electronic amusement device" as used in this chapter means any machine containing no automatic payoff device, which may, on insertion of a coin or slug, be operated or used as a game, contest or amusement of any sort or description, and which is so constructed that it may not be converted into an automatic payoff device for the return or discharge of money or tokens, checks or merchandise, or which provides no such payoff by any means whatsoever, including, but not limited to, "pinball machines" and electronic video games which consist solely of electronic play appearing on a video screen.

(Ord. 658 § 1 (part), 1981)

5.79.020 - License—Required.

It is unlawful for any person to establish, maintain, control, operate or keep any mechanical or electronic amusement devices as above defined within the city without first having procured an operator's license therefor. Further, it is unlawful for any distributor to rent, sell or otherwise provide or place for use by any operator any mechanical or electronic amusement device without first procuring a distributor's license. The clerk shall issue no more than two licenses for any one permitted location. The license shall be prominently displayed on each licensed machine.

(Ord. 658 § 1 (part), 1981)

5.79.030 - License—Fees.

A.

An annual license fee, to be set by resolution of the city council, shall be paid for each coin-operated amusement device.

B.

An annual license fee in an amount, to be set by resolution of the city council, shall be paid by each distributor. Such fee shall entitle the licensee to rent, sell or otherwise place coin-operated amusement devices within the city.

(Amended during 1997 recodification; Ord. 658 § 1 (part), 1981)

5.79.040 - Gambling prohibited.

No person being the owner or person in control of the premises wherein any mechanical or electronic amusement device or similar devices are located, shall knowingly permit the use or occupancy thereof for gambling for money or other things of value.

(Ord. 658 § 1 (part), 1981)

5.79.050 - Incidental activity.

The use of mechanical or electronic amusement devices shall be incidental to the operation of the main business at which the devices are located. No more than two mechanical or electronic amusement devices shall be located within any licensed premises.

(Ord. 658 § 1 (part), 1981)

5.79.060 - Hours of operation.

A.

The use and operation of electronic or mechanical amusement devices by persons seventeen (17) years or older shall be permitted during the normal hours of operation of the principal business.

B.

The use and operation of electronic or mechanical amusement devices by minors under the age of seventeen (17) years shall be permitted during the following hours:

1.

Regularly scheduled school days — three p.m. to ten-thirty p.m.;

2.

Saturday and Sunday — seven a.m. to ten-thirty p.m.;

3.

Vacations and holidays — seven a.m. to ten-thirty p.m.;

4.

Friday and Saturday evenings — fifteen (15) and sixteen (16) year olds will be permitted use of the devices until twelve a.m. pursuant to the provisions of Hazel Park Municipal Code, [Section 9.82.010](#).

(Ord. 658 § 1 (part), 1981)

5.79.070 - Safety requirements.

A.

The minimum open floor space which shall be required per mechanical or electronic amusement device is sixty (60) square feet. Furthermore, every application for a license shall be referred to the building inspection department for the necessary inspection to determine if the location where it is proposed to operate amusement devices complies with the electrical code, mechanical code, and other applicable ordinances under the jurisdiction of the building inspector.

B.

The application shall also be referred to the fire marshal, who shall inspect the premises to determine if there is compliance with the fire prevention code and that the location of any amusement device will not interfere with egress from the building.

(Ord. 658 § 1 (part), 1981)

5.79.080 - Severability.

No other portion, paragraph or phrase of this code shall be affected by this chapter except as to the above sections, and in the event any portion, section or subsection of this chapter shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this chapter or of this code.

(Ord. 658 § 1 (part), 1981)

Chapter 5.84 - PENALTY

5.84.010 - Violation—Penalty.

Any person or corporation who violates any provision of this title, upon conviction thereof, shall be punished as set forth in [Chapter 1.12](#) of this code.

(Ord. 384 § 2, 1966; Ord. 314 § 37, 1962)

Title 12 - STREETS, SIDEWALKS AND PUBLIC PLACES

Chapters:

Chapter 12.04 - SIDEWALK CONSTRUCTION, REPAIR AND USE

Sections:

12.04.010 - Payment of cost or removal.

Any person, firm or corporation maintaining, at the time of the passage of this chapter, any driveway or other obstruction over or through any gutter, drain or drainage ditch in or abutting upon any street, road or alley shall, within twenty (20) days of receiving notice thereof from the city clerk, pay to the city clerk the established cost per foot of width of such obstruction or shall remove such obstruction within the same period.

(Ord. 10 § 3, 1942)

12.04.020 - Construction permit—Display.

It is unlawful for any person to construct or repair any sidewalk, except in accordance with the line, grade, slope and specifications established by the city engineer or the person designated to perform engineering services for the city, and without first obtaining a written permit from the city clerk. The permit shall be in writing and shall be prominently displayed on the construction site. The applicant shall pay the following fees:

A.

Sidewalk permit, to be set by resolution of the city council;

B.

Driveway permit, to be set by resolution of the city council;

C.

Curb cut permit, to be set by resolution of the city council;

D.

Approach permit, to be set by resolution of the city council. (Amended during 1997 recodification; Ord. 622_§ 1, 1980; Ord. 162 § 1.0, 1953)

12.04.030 - Unsafe condition unlawful.

It is unlawful for any person to cause or permit any sidewalk adjoining his or her premises to fall into a state of disrepair or to become unsafe for pedestrian travel.

(Ord. 162 § 2.0, 1953)

12.04.035 - Removal of snow and ice from sidewalks required.

The occupant of any premises, or the owner of any unoccupied premises, is required to keep the sidewalks in front of or adjacent to such premises cleared, so far as is practicable and reasonable, from snow and ice to facilitate pedestrian use. Where there are no sidewalks, the occupant or owner shall clear a path free from snow and ice where a sidewalk would otherwise be, to facilitate pedestrian use. Whenever any snow or ice has fallen or accumulated, it shall be cleared within twenty-four (24) hours after it has fallen or accumulated.

(Ord. 736 § 1, 1988)

12.04.036 - Notice of compliance.

A.

The city shall notify by certified mail with return receipt requested, the owner, agent or occupant of any land on which snow has not been cleared from the sidewalk. Failure of the city to give such notice shall not, however, constitute a defense to any action to enforce the payment provided for or debt created of any penalty under this act. If the owner, agent, or occupant refuses to clear the snow within twenty-four (24) hours after it has fallen or accumulated, the city shall enter upon the land and clear the snow. Any expense incurred in the removal and/or clearing of snow shall be paid by the owner or owners of the land on which the sidewalk is located and the city shall have a lien against the land for the amount of the expense, which lien shall be enforced in the manner now provided by law and city charter.

B.

In lieu of the notice required by subsection A of this section the city may publish notice in a newspaper of general circulation in the county during the month of September that snow not cleared from the sidewalks in accordance with this chapter will be cleared by the city and the owner of the property charged with the cost under the provisions hereof.

(Ord. 02-08 § 1, 2008)

12.04.037 - Clearing of snow by city—Cost lien on property.

If a sidewalk has not been cleared of snow as provided in this chapter, the city manager may cause such snow to be cleared by the city. The actual cost of such clearing or removal, plus a fee, to be set by resolution of the city council, for inspection and any other cost in connection therewith, shall be certified by the city manager and shall become a lien upon the property on which such sidewalk is located and such charges shall be assessed and collected in the same manner provided in the Charter of the city wherein any cost is incurred in connection with a single lot or parcel of land.

(Ord. 02-08 § 2, 2008)

12.04.040 - Unsafe sidewalk repair—Notice.

A.

The city engineer shall have the power and it shall be his or her duty to direct the building, rebuilding or repair of any sidewalks whenever he or she deems the same necessary for the public health and safety, or on any street on the side or sides of any block in which sixty (60) percent of the frontage has been built upon for residence, business or manufacturing purposes. In either of such cases, the city engineer shall cause to be served upon the owner, agent or occupant of the private property fronting the sidewalk either personally, or by registered mail, return receipt requested, a notice which may be in the following form:

"SIDEWALK NOTICE

CITY ENGINEER

HAZEL PARK, MICHIGAN

TO ALL WHOM IT MAY CONCERN:

Take notice that by order of the City Engineer of the City of Hazel Park, Michigan, you are required to:

Build Rebuild Repair

within twenty days from the date hereof, sidewalks on the _____ side of _____ Street fronting the following described lots

(Insert Description)

Dated ____ day of _____, 19____

_____."

City Engineer

B.

If the owner, agent or occupant of any of such lots or parcels is unknown, or the address of such owner is unknown, the city engineer shall cause a copy of such notice to be published in a newspaper, published or circulated in the city, once at least twenty (20) days before the expiration of the time limit in such notice and file proof of such publication with the city clerk. It shall be the duty of any owner, agent or occupant of any such lot or lots or parcel of land, within twenty (20) days after the date of such notice or within twenty (20) days after the publication thereof, to build, rebuild or repair such sidewalk in accordance with the ordinances of the city and the specifications for building, rebuilding and repairing sidewalks furnished by the city engineer. If said owner, agent or occupant neglects or refuses to build, rebuild or repair such sidewalk within the time specified in such notice, it shall be the duty of the city engineer to cause all such improvement as set forth in said notice to be performed as soon as practicable.

(Ord. 281 § 1.0, 1960: Ord. 162 § 3.0, 1953)

12.04.050 - Failure to repair—City may do work.

In all cases where the owner of the premises, upon which such sidewalk or proposed sidewalk abuts, fails, refuses or neglects to comply with the provisions of any notice to build, rebuild, or repair any sidewalk, in accordance with the provisions of [Section 12.04.040](#), the city may proceed to build, rebuild or repair, or cause the same to be built, rebuilt or repaired, in the manner set forth under the provisions of the Charter of the city, as amended.

(Ord. 162 § 4.0, 1953)

12.04.060 - Single lot assessment.

Whenever it becomes necessary for the city to build, rebuild or repair any sidewalk, or cause the same to be done on any separate or single lot in the city, after the notice, as required in [Section 12.04.040](#), the city manager shall report to the council the total cost for such improvement and the council shall, without further notice, establish a special assessment district for the same and authorize the levying of a tax against the premises benefitted by such improvement, payable forthwith, plus interest at the rate of six percent, provided the same is not paid within thirty (30) days after the approval of such assessment roll.

(Ord. 162 § 5.0, 1953)

12.04.070 - Repair without notice—Assessment.

In all cases where the city engineer deems that a sidewalk requires immediate repairs for the protection of the public health and safety, he or she may, without notice or the approval of the council, make such repairs, and the city manager shall report to the council the total cost thereof, and the council shall levy the assessment for the full cost thereof to the abutting property owner in the same manner as is set forth in [Section 12.04.060](#) and Section 13.4 of the Charter of the city, as amended.

(Ord. 281 § 2.0, 1960: Ord. 162 § 6.0, 1953)

12.04.080 - Special assessment district for general construction.

In all other cases of the construction and maintenance of any sidewalk in the city, the same shall be accomplished by the establishment of a special assessment district for such improvement, in accordance with the provisions in the Charter of the city.

(Ord. 162 § 7.0, 1953)

12.04.090 - Prohibited uses.

It is unlawful for any person to use any public sidewalk in the city in such a manner as to destroy the same or cause the same to become in a state of disrepair. The use of public sidewalks in the city is prohibited for the transportation of machinery, tools, equipment, manufactured and all other products, wares, goods and merchandise, either by motor-driven or nonmotor-driven vehicles, excepting in those instances where such transportation takes place on the sidewalk immediately in front of or to the side of the premises from or to which such deliveries are made, but under no circumstances, over sidewalks which are in front of or abutting on premises of one other than the person for or by whom such transportation is effected.

(Ord. 162 § 8.0, 1953)

12.04.100 - Driveway aprons.

Any existing driveway apron which is not paved with concrete shall be so paved within five years after the passage of the ordinance codified in this section, or at the time when a sidewalk improvement program is conducted in a particular area, whichever event comes first. If the owner or occupant does not arrange for paving and payment himself or herself, then the approach shall be paved as part of the sidewalk improvement program and the cost and expense shall be charged to such owner or occupant as part of the sidewalk improvement special assessment in the manner provided by the City Charter. If said driveway apron is not paved within five years or at the time of sidewalk improvement in the area, the building inspector shall give the owner or occupant thirty (30) days' notice to pave the same and if such person neglects or refuses to do so, then the building inspector shall cause said driveway apron to be paved and he or she shall make a detailed report to the council of the cost and expense of performing the work, which cost and expense shall be charged to such owner or occupant in the manner provided by the Charter, relative to special assessments.

(Ord. 512 § 1, 1972; Ord. 511 § 1 (part), 1972; Ord. 162 § 8.1, 1953)

12.04.110 - Driveway aprons—New construction.

Whenever any building is hereafter constructed on or other use made of any land adjoining a street heretofore paved with concrete or other comparable material, and a driveway is provided as a means of access to said property from such street, a driveway apron shall be constructed and paved with concrete, or other comparable material, on or before the occupancy of said building, or the commencement of use of the land. When the occupancy occurs or use begins during the months when such paving cannot be done because of weather conditions, the paving may be postponed until weather conditions are favorable, but not longer than thirty (30) days thereafter.

(Ord. 511 § 1 (part), 1972; Ord. 162 § 8.2, 1953)

12.04.120 - Driveway aprons—After street paving.

Whenever any street is hereafter paved with concrete or other comparable material every existing driveway providing access to said street shall have a driveway apron constructed and paved with concrete or other comparable material, on or before six months after the installation of said street paving.

(Ord. 511 § 1 (part), 1972; Ord. 162 § 8.3, 1953)

12.04.130 - Unsafe driveways and crosswalks—Repair.

Whenever any driveway, crosswalk or other paved area between the sidewalk and the curb is or becomes so defective that it is not reasonably safe or fit for travel, and, in the opinion of the building inspector, the same should be immediately repaired, he or she shall give the owner or occupant of the premises adjacent to such driveway, crosswalk or other paved area notice to repair the same within thirty (30) days. In default thereof, the building inspector shall have the power to cause the same to be repaired, and he or she shall make a detailed report to the council of the cost and expense of performing the work, which cost and expense shall be charged to such owner or occupant in the manner provided by the Charter relative to special assessments.

(Ord. 511 § 1 (part), 1972; Ord. 162 § 8.4, 1953)

12.04.140 - Violation—Penalty.

Any person violating any of the provisions of this chapter, is guilty of having committed a misdemeanor and shall be punishable, upon conviction, by a fine of two hundred fifty dollars (\$250.00) and/or ninety (90) days in jail or both.

(Ord. 03-04 § 1, 2004; Ord. 162 § 10.0, 1953)

Chapter 12.12 - OBSTRUCTION OF GUTTERS AND DRAINS

Sections:

12.12.010 - Obstruction of gutter or drain.

It is unlawful for any person, firm or corporation to obstruct any gutter, drain or drainage ditch in or abutting upon any street, road or alley unless such person, firm or corporation complies with the terms and provisions of this chapter.

(Ord. 10 § 1, 1942)

12.12.020 - Permit and fee for obstruction.

The person, firm or corporation desiring any driveway or obstruction as mentioned in [Section 12.12.010](#) shall make application to the city clerk for permission to construct such obstruction, setting forth the nature and size of the intended obstruction, and shall pay to the city clerk an amount per foot as determined from time to time according to the width of said obstruction. Upon receiving such application and money, the city clerk shall, within a reasonable time, cause the proper culvert to be constructed and proper crock or other suitable conduit to be installed at the place designated by the person, firm or corporation making application. Any such crock or conduit shall be not less than ten inches in diameter.

(Ord. 10 § 2, 1942)

12.12.030 - Violation—Penalty.

Any person, firm or corporation who violates any of the terms of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed one hundred dollars (\$100.00) or by imprisonment in a municipal jail for not more than ninety (90) days, or by both such fine and imprisonment in the discretion of the court. Continuous violations extending over a twenty-four (24) hour period shall be considered separate offenses for each twenty-four (24) hour period.

(Ord. 10 § 4, 1942)

Chapter 12.16 - ICE AND SNOW REMOVAL

Sections:

12.16.010 - License—Required.

No person shall engage in the business of snow removal by the use of mechanically driven vehicles without first obtaining a license therefor.

(Ord. 235 § 1, 1957)

12.16.020 - License—Application and fee.

Application for licenses required by this chapter shall be made to the city clerk. For such license a fee, to be set by resolution of the city council, shall be paid for the first piece of mechanically driven equipment so licensed and a fee, to be set by resolution of the city council, for each and every additional mechanically driven vehicle. (Amended during 1997 recodification; Ord. 541 § 1, 1974: Ord. 235 § 2, 1957)

12.16.030 - Application contents.

Every application shall show the name and address of applicant; type of mechanical equipment to be used; the street or streets, or portion of said streets, upon which the same is to be used; the weight of the vehicle, including any personnel that may be included in operating same, if same is a self-propelled vehicle; a description of the type of tire and wheel to be used on the vehicle; and such other information as the city manager shall require.

(Ord. 235 § 3, 1957)

12.16.040 - Granting license.

The city manager shall determine, after consulting with the department of public works of the city, whether the type of equipment and the weight thereof would be detrimental or tend to be damaging to the alleys, sidewalks or easements in which the same is proposed to be used. If, in the opinion of the city manager, the equipment would damage or would tend to damage the sidewalks or other pedestrian areas in which it is proposed to be used, the application shall be denied. If the city manager determines that the vehicle or equipment will not damage or tend to damage the sidewalk or pedestrian easement, the application shall be granted, upon payment of the fee and filing of bond or insurance in the amounts provided for in this chapter.

(Ord. 235 § 4, 1957)

12.16.050 - Insurance required.

Every person engaged in the business of snow removal as regulated by this chapter shall furnish public liability insurance in the amount of one hundred thousand dollars (\$100,000.00) per individual, three hundred thousand dollars (\$300,000.00) aggregate and one hundred thousand dollars (\$100,000.00) property damage.

(Ord. 674 § 1, 1982: Ord. 235 § 5, 1957)

12.16.060 - Equipment licensed.

Any license issued under this chapter shall be deemed applicable only to the equipment described in the application for such license. No licensee shall use other equipment without first obtaining a license therefor based on an application describing such other equipment which shall be deemed a new application for all purposes.

(Ord. 235 § 6, 1957)

12.16.070 - Violation—Penalty.

Any person violating this chapter shall, upon conviction thereof, be punished by a fine of not more than one hundred dollars (\$100.00) and costs of prosecution or by imprisonment for not more than twenty (20) days, or by both such fine and imprisonment.

(Ord. 235 § 7, 1957)

Chapter 12.20 - SHADE TREES AND SHRUBBERY—OVERHANGING VEGETATION

Sections:

12.20.010 - Permit required for working on trees.

It is unlawful for any person, firm or corporation or any individual connected with such firm or corporation for any reason whatsoever to do or cause to be done any of the following acts on any public grounds, highway or park within the city, without first having obtained the written permission of the forester of the city:

A.

Cut, prune, break, injure or remove any tree, shrub, or plant, or cut, disturb or interfere in any way with any root of a tree or shrub;

B.

Spray with any chemical any tree, shrub or plant;

C.

Fasten any rope, wire, sign or other device to a tree or shrub or any guard about such tree or shrub;

D.

Remove or injure any guard or device placed to protect any tree or shrub;

E.

Close or obstruct any open space provided about the base of a tree or shrub to permit the access of air, water and fertilizer to the roots of such tree or shrub.

(Ord. 138 § 1, 1952)

12.20.015 - Tree planting, maintenance, removal—Tree board.

A.

The tree board shall prepare, maintain and annually update a schedule of permitted species of trees.

B.

A tree board is established and shall consist of five members, who shall be appointed by the city council, at their first regular meeting after enactment of the ordinance codified in this chapter, and who shall serve for a term of three years, and shall serve at the pleasure of the city council. The director of the department of public works shall be an ex-officio member of the tree board.

C.

Qualification of Members. Members of the tree board must demonstrate a genuine interest in and a reasonable amount of knowledge of tree management and preservation.

D.

Tree Management/Preservation Program. The tree board shall develop a comprehensive tree management and preservation program for the city. It shall serve as a clearing house for information on trees. The board shall present an annual report to the city council.

(Ord. 2-00 § 1 (part), 2000)
12.20.020 - Planting permit.

It is unlawful for any person, firm or corporation or any individual connected with such firm or corporation to plant any shade or ornamental tree or shrub on any public grounds, highway or park in the city without first obtaining a permit therefor from the city forester and having the place where the same is to be planted designated by him or her.

(Ord. 138 § 2, 1952)

12.20.025 - Bond and insurance.

No contractor shall engage in the business of removing or trimming any public tree in the city without first obtaining an annual license from the city. No license shall be granted except upon presentation of a bond and necessary insurance certificates in such form as to protect the city and any person from damage to person or property resulting from the contractor's or its employees' or agents' negligence or intentional acts. The bond shall be equal to the amount of the deductible on the contractor's existing liability insurance coverage, but in no event be less than five hundred dollars (\$500.00). Liability insurance shall be at least three hundred thousand dollars (\$300,000.00) per person, five hundred thousand dollars (\$500,000.00) per occurrence and two hundred thousand dollars (\$200,000.00) for property damage per occurrence. No license shall be granted unless the contractor provides proof of workmen's compensation insurance coverage for all employees who are required to be covered by the Workers Disability Compensation Act. Each contractor shall pay an annual license fee.

(Ord. 2-00 § 1 (part), 2000)

12.20.030 - Public nuisance when.

Any tree or shrub or part thereof, located in, overhanging, or interfering with the use of any public grounds, highway or park or public place which is determined by the city forester to be dangerous to the life, health, safety or property of the public shall be by such determination declared to be a public nuisance. Notice of such determination shall be given to the owner by the forester or by publication in a local newspaper giving such owner a reasonable time in which to correct or remove the nuisance condition. In the event the condition is not corrected or removed within the time allowed, the forester shall cause said nuisance to be corrected or abated.

(Ord. 138 § 3, 1952)

12.20.040 - Injurious materials prohibited.

It is unlawful for any person, firm or corporation or any individual connected with such firm or corporation to place salt, brine, oil or any other substance injurious to plant growth in any public grounds, highway or park in such a manner as to injure any tree or shrub growing thereon.

(Ord. 138 § 4(a), 1952)

12.20.050 - Heat or vapors prohibited near plants.

It is unlawful for any person, firm or corporation or any individual connected with such firm or corporation to build any fire or station any tar kettle, road roller, or other engine in any public grounds, highway or park in such a manner that the heat, vapors or fumes therefrom may injure any tree or shrub growing thereon.

(Ord. 138 § 4(b), 1952)

12.20.060 - Gas leak near tree root.

It is unlawful for any person, firm or corporation or any individual connected with such firm or corporation to knowingly permit any leak to exist in any gas pipe or main within the root zone of any tree or shrub in any public grounds, highway or park.

(Ord. 138 § 4(c), 1952)

12.20.065 - Utilities.

Public utilities shall maintain their overhead or underground pipes or lines in a manner as to prevent leakage. In the event of such leakage, the public utility charged with maintaining the line shall be charged with the cost of removal and replacement of any public or private trees which occur in order to repair the leak.

(Ord. 2-00 § 1 (part), 2000)

12.20.070 - Protection during building.

In connection with the erection, altering or repairing of any building or construction, the owner and the contractor shall be individually and jointly responsible for placing such guards around all nearby trees on public grounds, highways and parks as will effectually prevent injury to such trees during the period of such construction.

(Ord. 138 § 5(a), 1952)

12.20.080 - Excavation near tree—Permit required.

It is unlawful for any person, firm or corporation or any individual connected with such firm or corporation to do any excavating within fifteen (15) feet of any tree or shrub on any public grounds, highway or park without first obtaining the written permission of the forester.

(Ord. 138 § 5(b), 1952)

12.20.090 - Operation of machines.

It is unlawful for any person, firm or corporation or any individual connected with such firm or corporation to operate or cause to be operated any steam shovels or any and all other machines, implements or tools in any manner as will damage or destroy any trees, shrubs, or plants on any public grounds, highway or park.

(Ord. 138 § 5(c), 1952)

12.20.100 - Permit required for stringing wire.

It is unlawful for any person, firm or corporation or any individual connected with such firm or corporation to string any wire or wires through or across any public grounds, highway or park without the written permission of the forester.

(Ord. 138 § 6(a), 1952)

12.20.110 - Tree trimming.

Every person, firm or corporation having or maintaining any electric, telephone, telegraph or other wires running through any public grounds, highway or park shall maintain such wires in such a manner as will safeguard the trees and shrubs and shall make periodical adjustments whenever necessary to prevent damage to trees and shrubs growing in any public grounds, highway or park. All trimming shall be done by workmen under skilled foremen who understand the principles of tree trimming. Work shall be done in accordance with the accepted practice of tree experts.

(Ord. 138 § 6(b), 1952)

12.20.120 - Permit required for fastening material.

It is unlawful for any person, firm or corporation or any individual connected with such firm or corporation to attach or fasten any wire, sign or other material to any tree or shrub in any public grounds, highway or park without first obtaining the written permission of the forester.

(Ord. 138 § 6(c), 1952)

12.20.130 - Utility protection.

It shall be the duty of any person, firm or corporation maintaining utility structures in any public grounds, highway or park to assume responsibility for the protection of such facilities during the progress of tree operations deemed essential by the forester.

(Ord. 138 § 6(d), 1952)

12.20.140 - Interference.

No person, firm or corporation shall prevent, delay or in any manner interfere with the forester or his or her authorized agents in the performance of their lawful duties.

(Ord. 138 § 7, 1952)

12.20.150 - Forester designated.

The city manager shall designate the forester for the city.

(Ord. 138 § 8, 1952)

12.20.160 - Violation—Penalty.

Any person, firm or corporation violating any of the provisions of this chapter shall, upon conviction, be subject to a fine of not to exceed one hundred dollars (\$100.00) or imprisonment not to exceed ninety (90) days in the Oakland County jail, or both such fine and imprisonment in the discretion of the court. Every day of continued violation after conviction shall constitute a separate offense.

(Ord. 138 § 9, 1952)

Chapter 12.50 - STREET MAINTENANCE

Sections:

12.50.010 - Street maintenance—Parking regulations.

A.

Street maintenance day shall be as designated on the map attached to the ordinance codified in this chapter to allow the opportunity for the department of public works to provide concentrated city services, each week, such as street sweeping, catch basin cleaning and the like. The city manager may suspend street maintenance day for holidays and/or special events.

B.

No vehicle shall be parked on any residential street in the city between the hours of seven a.m. and four p.m. on the day designated as street maintenance day to create the opportunity for the department of public works to provide concentrated city services, street sweeping and catch basin cleaning, and the like.

C.

The city, at its sole discretion, may designate certain areas such as those around schools or other intense uses or those streets with narrow residential lots and limited off-street parking, for alternate parking restriction. In those areas, parking may be restricted to one side of the street during the hours of seven a.m. to eleven a.m. and the opposite side of the street during the hours of 11:01 a.m. to four p.m.

1.

Where parking is restricted to one side of the street on street maintenance day, residents on both sides of the street that have driveways must park their vehicles in the driveway.

D.

Any vehicle parked contrary to the provisions of this chapter may be ticketed and/or towed away at the risk and expense of the owner by any authorized agent or employee of the department of public works, police department, or code enforcement officer.

E.

A violation of this chapter is a civil infraction.

F.

Nothing in this section shall be construed to permit parking at any time or place where same is forbidden by any other provision of law.

G.

Temporary signs shall be placed, by the DPW, in designated areas on business day prior to the designated day of maintenance for that area. Failure to post designated sign shall not in any way relieve the owner of said vehicle from complying with the requirements of this chapter.

H.

Parking Permits. In all areas of the city, an owner of a motor vehicle who resides at a premises which does not have a driveway, shall be exempt from the requirement to move said motor vehicle upon application and issuance of a parking permit from the department of public works (DPW). Owners of motor vehicles which have been designated by a traffic control order as handicapped parking from the Hazel Park Police Department shall also be exempt from the provisions of this chapter. Permit fees shall be established by resolution of city council for either an annual or biannual permit. No more than two (2) permits shall be granted for each household.

(Ord. 04-08 § 1, 2008)

(Ord. No. 02-14, pts. I, II, 3-11-2014)

Title 13 - PUBLIC UTILITIES

Chapters:

Chapter 13.02 - USE OF PUBLIC WAYS BY TELECOMMUNICATIONS PROVIDERS

Sections:

13.02.010 - Purposes.

The purposes of this chapter are to regulate access to and ongoing use of public rights-of-way by telecommunications providers for their telecommunications facilities while protecting the public health, safety, and welfare and exercising reasonable control of the public rights-of-way in compliance with the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (Act No. 48 of the Public Acts of 2002) ("Act") and other applicable law, and to ensure that the city qualifies for distributions under the Act by modifying the fees charged to providers and complying with the Act.

(Ord. 19-02 § 1 (part), 2002)

13.02.020 - Conflict.

Nothing in this chapter shall be construed in such a manner as to conflict with the Act or other applicable law.

(Ord. 19-02 § 1 (part), 2002)

13.02.030 - Terms defined.

The terms used in this chapter shall have the following meanings:

"Act" means the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (Act No. 48 of the Public Acts of 2002), as amended from time to time.*

"City" means the city of Hazel Park.

"City council" means the city council of the city of Hazel Park 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" means the city manager or his or her designee.

"Permit" means 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.

All other terms used in this chapter shall have the same meaning as defined or as provided in the Act, including without limitation the following:

"Authority" means the Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority created pursuant to [Section 3](#) of the Act.

"MPSC" means the Michigan Public Service Commission in the Department of Consumer and Industry Services, and shall have the same meaning as the term "commission" in the Act.

"Person" means an individual, corporation, partnership, association, governmental entity, or any other legal entity.

"Public right-of-way" means the area on, below, or above a public roadway, highway, street, alley, easement or waterway. Public right-of-way does not include a federal, state, or private right-of-way.

"Telecommunication facilities" or "facilities" means the equipment or personal property, such as copper and fiber cables, lines, wires, switches, conduits, pipes, and sheaths, which are used to or can generate, receive, transmit, carry, amplify, or provide telecommunication services or signals. Telecommunication facilities or facilities do not include antennas, supporting structures for antennas, equipment shelters or houses, and any ancillary equipment and miscellaneous hardware used to provide federally licensed commercial mobile service as defined in Section 332(d) of Part I of Title III of the Communications Act of 1934, Chapter 652, 48 Stat. 1064, 47 U.S.C. 332 and further defined as commercial mobile radio service in 47 CFR [20.3](#), and service provided by any wireless, two-way communication device.

"Telecommunications provider", "provider" and "Telecommunications services" mean those terms as defined in Section 102 of the Michigan Telecommunications Act, 1991 PA 179, MCL 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 CFR [20.3](#), or service provided by any wireless, two-way communication device. For the purpose of the Act and this chapter only, a provider also includes all of the following:

1.

A cable television operator that provides a telecommunications service.

2.

Except as otherwise provided by the Act, a person who owns telecommunication facilities located within a public right-of-way.

3.

A person providing broadband internet transport access service.

(Ord. 19-02 § 1 (part), 2002)

* A copy of the Act can be obtained on the internet at <http://www.cis.state.mi.us/mpsc/comm/rightofway/rightofway.htm>.
13.02.040 - Permit required.

A.

Permit Required. Except as otherwise provided in the Act, a telecommunications provider using or seeking to use public rights-of-way in the city for its telecommunications facilities shall apply for and obtain a permit pursuant to this chapter.

B.

Application. Telecommunications providers shall apply for a permit on an application form approved by the MPSC in accordance with [Section 6\(1\)](#) of the Act. A telecommunications provider shall file one copy of the application with the city clerk, one copy with the city manager, and one copy with the city attorney. Upon receipt, the city clerk shall make four copies of the application and distribute a copy to the city attorney, city manager, finance director and department of public works. Applications shall be complete and include all information required by the Act, including without limitation a route map showing the location of the provider's existing and proposed facilities in accordance with [Section 6\(5\)](#) of the Act.*

C.

Confidential Information. If a telecommunications provider claims that any portion of the route maps submitted by it as part of its application contain trade secret, proprietary, or confidential information, which is exempt from the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246, pursuant to [Section 6\(5\)](#) of the Act, the telecommunications provider shall prominently so indicate on the face of each map.

D.

Application Fee. Except as otherwise provided by the Act, the application shall be accompanied by a one-time non-refundable application fee in the amount of five hundred dollars (\$500.00).

E.

Additional Information. The city manager may request an applicant to submit such additional information which the city manager deems reasonably necessary or relevant. The applicant shall comply with all such requests in compliance with reasonable deadlines for such additional information established by the city manager. If the city and the applicant cannot agree on the requirement of additional information requested by the city, the city or the applicant shall notify the MPSC as provided in [Section 6\(2\)](#) of the Act.

F.

Previously Issued Permits. Pursuant to [Section 5\(1\)](#) of the Act, authorizations or permits previously issued by the city under Section 251 of the Michigan Telecommunications Act, 1991 PA 179, MCL 484.2251 and authorizations or permits issued by the city to telecommunications providers prior to the 1995 enactment of Section 251 of the Michigan Telecommunications Act but after 1985 shall satisfy the permit requirements of this chapter.

G.

Existing Providers. Pursuant to [Section 5\(3\)](#) of the Act, within one hundred eighty (180) days from November 1, 2002, the effective date of the Act, a telecommunications provider with facilities located in a public right-of-way in the city as of such date, that has not previously obtained authorization or a permit under Section 251 of the Michigan Telecommunications Act, 1991 PA 179, MCL 484.2251, shall submit to the city an application for a permit in accordance with the requirements of this ordinance. Pursuant to [Section 5\(3\)](#) of the Act, a telecommunications provider submitting an application under this subsection is not required to pay the five hundred dollar (\$500.00) application fee required under subsection (D) above. A provider under this subsection shall be given up to an additional one hundred eighty (180) days to submit the permit application if allowed by the Authority, as provided in [Section 5\(4\)](#) of the Act.

(Ord. 19-02 § 1 (part), 2002)

* A copy of the application form as approved by the Commission can be obtained on the internet at <http://www.cis.state.mi.us/mpsc/comm/rightofway/rightofway.htm>.
13.02.050 - Issuance of permit.

A.

Approval or Denial. The authority to approve or deny an application for a permit is hereby delegated to the city manager. Pursuant to [Section 15\(3\)](#) of the Act, the city manager shall approve or deny an application for a permit within forty-five (45) days from the date a telecommunications provider files an application for a permit under [Section 13.02.040\(B\)](#) of this chapter for access to a public right-of-way within the city. Pursuant to [Section 6\(6\)](#) of the Act, the city manager shall notify the MPSC when the city manager has granted or denied a permit, including information regarding the date on which the application was filed and the date on which permit was granted or denied. The city manager shall not unreasonably deny an application for a permit.

B.

Form of Permit. If an application for permit is approved, the city manager shall issue the permit in the form approved by the MPSC, with or without additional or different permit terms, in accordance with Sections [6\(1\)](#), [6\(2\)](#) and 15 of the Act.*

C.

Conditions. Pursuant to [Section 15\(4\)](#) of the Act, the city manager may impose conditions on the issuance of a permit, which conditions shall be limited to the telecommunications provider's access and usage of the public right-of-way.

D.

Bond Requirement. Pursuant to [Section 15\(3\)](#) of the Act, and without limitation on subsection (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. 19-02 § 1 (part), 2002)

* Copies of the permit forms currently approved by the MPSC can be obtained on the internet at <http://www.cis.state.mi.us/mpsc/comm/rightofway/rightofway.htm>.

13.02.060 - Construction/Engineering permit.

A telecommunications provider shall not commence construction upon, over, across, or under the public rights-of-way in the city without first obtaining a construction or engineering permit as required under this code, as amended, for construction within the public rights-of-way. No fee shall be charged for such a construction or engineering permit.

(Ord. 19-02 § 1 (part), 2002)

13.02.070 - Conduit or utility poles.

Pursuant to [Section 4\(3\)](#) of the Act, obtaining a permit or paying the fees required under the Act or under this chapter does not give a telecommunications provider a right to use conduit or utility poles.

(Ord. 19-02 § 1 (part), 2002)

13.02.080 - Route maps.

Pursuant to [Section 6\(7\)](#) of the Act, a telecommunications provider shall, within ninety (90) days after the substantial completion of construction of new telecommunications facilities in the city, submit route maps showing the location of the telecommunications facilities to both the MPSC and to the city. The route maps should be in paper or electronic format unless and until the MPSC determines otherwise, in accordance with [Section 6\(8\)](#) of the Act.

(Ord. 19-02 § 1 (part), 2002)

13.02.090 - Repair of damage.

Pursuant to [Section 15\(5\)](#) of the Act, a telecommunications provider undertaking an excavation or construction or installing telecommunications facilities within a public right-of-way or temporarily obstructing a public right-of-way in the city, as authorized by a permit, shall promptly repair all damage done to the street surface and all installations under, over, below, or within the public right-of-way and shall promptly restore the public right-of-way to its preexisting condition.

(Ord. 19-02 § 1 (part), 2002)

13.02.100 - Establishment and payment of maintenance fee.

In addition to the non-refundable application fee paid to the city set forth in [Section 13.02.040\(D\)](#), a telecommunications provider with telecommunications facilities in the City's public rights-of-way shall pay an annual maintenance fee to the authority pursuant to [Section 8](#) of the Act.

(Ord. 19-02 § 1 (part), 2002)

13.02.110 - Modification of existing fees.

In compliance with the requirements of [Section 13\(1\)](#) of the Act, the city hereby modifies, to the extent necessary, any fees charged to telecommunications providers after November 1, 2002, the effective date of the Act, relating to access and usage of the public rights-of-way, to an amount not exceeding the amounts of fees and charges required under the Act, which shall be paid to the authority. In compliance with the requirements of [Section 13\(4\)](#) of the Act, the city also hereby approves modification of the fees of providers with telecommunication facilities in public rights-of-way within the city's boundaries, so that those providers pay only those fees required under [Section 8](#) of the Act. The city shall provide each telecommunications provider affected by the fee with a copy of this ordinance, in compliance with the requirement of [Section 13\(4\)](#) of the Act. To the extent any fees are charged telecommunications providers in excess of the amounts permitted under the Act, or which are otherwise inconsistent with the Act, such imposition is hereby declared to be contrary to the city's policy and intent, and upon application by a provider or discovery by the city, shall be promptly refunded as having been charged in error.

(Ord. 19-02 § 1 (part), 2002)

13.02.120 - Savings clause.

Pursuant to [Section 13\(5\)](#) of the Act, if [Section 8](#) of the Act is found to be invalid or unconstitutional, the modification of fees under [Section 13.02.110](#) of this chapter shall be void from the date the modification was made.

(Ord. 19-02 § 1 (part), 2002)

13.02.130 - Use of funds.

Pursuant [Section 10\(4\)](#) of the Act, all amounts received by the city from the authority shall be used by the city solely for rights-of-way related purposes. In conformance with that requirement, all funds received by the city from the authority shall be deposited into the major street fund and/or the local street fund maintained by the city under Act No. 51 of the Public Acts of 1951.

(Ord. 19-02 § 1 (part), 2002)

13.02.140 - Annual report.

Pursuant to [Section 10\(5\)](#) of the Act, the city manager shall file an annual report with the authority on the use and disposition of funds annually distributed by the authority.

(Ord. 19-02 § 1 (part), 2002)

13.02.150 - Cable television operators.

Pursuant to [Section 13\(6\)](#) of the Act, the city shall not hold a cable television operator in default or seek any remedy for its failure to satisfy an obligation, if any, to pay after November 1, 2002, the effective date of the ordinance codified in this chapter, 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. 19-02 § 1 (part), 2002)
13.02.160 - Existing rights.

Pursuant to [Section 4\(2\)](#) of the Act, except as expressly provided herein with respect to fees, this chapter shall not affect any existing rights that a telecommunications provider or the city may have under a permit issued by the city or under a contract between the city and a telecommunications provider related to the use of the public rights-of-way.

(Ord. 19-02 § 1 (part), 2002)

13.02.170 - Compliance.

The city hereby declares that its policy and intent in adopting this ordinance is to fully comply with the requirements of the Act, and the provisions hereof should be construed in such a manner as to achieve that purpose. The city shall comply in all respects with the requirements of the Act, including but not limited to the following:

A.

Exempting certain route maps from the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246, as provided in [Section 13.02.040\(C\)](#) of this chapter;

B.

Allowing certain previously issued permits to satisfy the permit requirements hereof, in accordance with [Section 13.02.040\(F\)](#) of this chapter;

C.

Allowing existing providers additional time in which to submit an application for a permit, and excusing such providers from the five hundred dollar (\$500) application fee, in accordance with [Section 13.02.040\(G\)](#) of this chapter;

D.

Approving or denying an application for a permit within forty-five (45) days from the date a telecommunications provider files an application for a permit for access to and usage of a public right-of-way within the city, in accordance with [Section 13.02.050\(A\)](#) of this chapter;

E.

Notifying the MPSC when the city has granted or denied a permit, in accordance with [Section 13.02.050\(A\)](#) of this chapter;

F.

Not unreasonably denying an application for a permit, in accordance with [Section 13.02.050\(A\)](#) of this chapter;

G.

Issuing a permit in the form approved by the MPSC, with or without additional or different permit terms, as provided in [Section 13.02.050\(B\)](#) of this chapter;

H.

Limiting the conditions imposed on the issuance of a permit to the telecommunications provider's access and usage of the public right-of-way, in accordance with [Section 13.02.050\(C\)](#) of this chapter;

I.

Not requiring a bond of a telecommunications provider which exceeds the reasonable cost to ensure that the public right-of-way is returned to its original condition during and after the telecommunication provider's access and use, in accordance with [Section 13.02.050\(D\)](#) of this chapter;

J.

Not charging any telecommunications providers any additional fees for construction or engineering permits, in accordance with [Section 13.02.060](#) of this chapter;

K.

Providing each telecommunications provider affected by the city's right-of-way fees with a copy of the ordinance codified in this chapter, in accordance with [Section 13.02.110](#) of this chapter;

L.

Submitting an annual report to the authority, in accordance with [Section 13.02.140](#) of this chapter; and

M.

Not holding a cable television operator in default for a failure to pay certain franchise fees, in accordance with [Section 13.02.150](#) of this chapter.

(Ord. 19-02 § 1 (part), 2002)

13.02.180 - Reservation of police powers.

Pursuant to [Section 15\(2\)](#) of the Act, this chapter shall not limit the city's right to review and approve a telecommunication provider's access to and ongoing use of a public right-of-way or limit the city's authority to ensure and protect the health, safety, and welfare of the public.

(Ord. 03-03 § 1, 2003; Ord. 19-02 § 1 (part), 2002)

13.02.190 - Severability.

The various parts, sentences, paragraphs, sections, and clauses of this chapter are hereby declared to be severable. If any part, sentence, paragraph, section, or clause of this chapter is adjudged unconstitutional or invalid by a court or administrative agency of competent jurisdiction, the unconstitutionality or invalidity shall not affect the constitutionality or validity of any remaining provisions of this chapter.

(Ord. 19-02 § 1 (part), 2002)

13.02.200 - 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 chapter violations bureau) for violations under this chapter as provided by the city code.

(Ord. 19-02 § 1 (part), 2002)

13.02.210 - Municipal civil infraction.

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 civil infraction and subject to a fine of five hundred dollars (\$500.00) for each offense. 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. 19-02 § 1 (part), 2002)

Chapter 13.04 - WATER SUPPLY SYSTEM

Sections:

13.04.010 - Permit required for legal connection.

No person, company, or corporation shall tap any water main or distribution pipe of the waterworks system, or insert therein any corporation cock, stopcock or any other fixture or appliance, or alter or disturb any service pipe, corporation stop, curb stop, gate valve, hydrant, water meter or any other attachment, belonging to the waterworks system and attached thereto. No person shall install any water service pipe or connect or disconnect any such service pipe with or from the mains or distribution pipe of said waterworks system, nor with or from any other service pipe now or hereafter connected with the system, nor make any repairs, additions to, or alterations of any such service pipe, tap, stop cock or any other fixture or attachments connected with any such service pipe, without proper permit for same.

(Ord. 122 § 1, 1951)

13.04.020 - Permit—Application.

Before any service connection is made to any part of the waterworks system, or any work is performed upon old or new connections, a permit shall be obtained from the water department. Such permit shall be issued upon written application on forms prepared for that purpose obtainable from the water department. Applicants for water service shall furnish and lay and install all that portion of the service not provided by the water department, at their own expense; subject, however, to the supervision and inspection of the city water department.

(Ord. 122 § 2, 1951)

13.04.030 - Tapping fee.

Upon filing application for a permit to connect with any water main or distribution pipe of the waterworks system, there shall be paid to the water department such tapping fee as shall be prescribed by resolution of the city council. Such fees are to include all the costs of tapping the main, installing the corporation cock, furnishing and laying the service pipe to the service shutoff box, and installing the stopcock and shutoff box; all such materials are to be and remain the property of the city water system.

(Ord. 685 § 1, 1984; Ord. 122 § 3, 1951)

13.04.040 - Users not to supply water to others.

The owner or occupant of any buildings or premises entitled to the use of water from the system shall not supply water to other persons, companies or corporations, except upon written permission of the city manager, nor shall he or she permit unnecessary waste of water.

(Ord. 122 § 4, 1951)

13.04.050 - Service pipe permit.

No person shall turn the water from any main or distribution pipe into any service pipe without a permit in writing from the city water department.

(Ord. 122 § 5, 1951)

13.04.060 - Inspection of lines.

All service pipes connecting with the distribution mains of the waterworks system, from the city main to the stop and waste inside building, shall be laid under the supervision of the water department and in accordance with the provisions of the rules and regulations governing the waterworks system.

(Ord. 122 § 6, 1951)

13.04.070 - Disconnection for violations.

Whenever the water is turned off from any premises because of any such violations, the same shall not be turned on again until the owner or occupant has paid a turn-on fee which will be determined and set by resolution of the city council.

(Ord. 685 § 2, 1984; Ord. 122 § 7, 1951)

13.04.080 - No city liability.

The city shall not be liable under any circumstances for any failure or deficiency in the supply of water to consumers whether occasioned by shutting off the water to make necessary repairs or connections or for any other cause.

(Ord. 122 § 8, 1951)

13.04.090 - Limitation use on one connection.

In all cases where a water service is intended to supply more than one tenement, shop, store or building, it shall be the duty of the person making such service connection, or causing the same to be made, to install a branch with a stopcock for each branch outside the line of premises so to be supplied, to be suitably protected and marked as to be easily located. In no case shall one service supply more than one lot unless occupied by a single building covering more than one lot used for a single industry or enterprise.

(Ord. 122 § 9, 1951)

13.04.100 - Lawn sprinkling—Irrigation restrictions.

A.

Purpose and Intent. By restricting the days and times during which lawn irrigation can occur, this section is intended to improve overall water demand management in the city; provide for a decrease in maximum water usage at peak hours in order to achieve a favorable water consumption charge from the Detroit Water and Sewerage department; and result in a decrease in peak water usage in order to achieve better water pressure throughout the entire system during peak flows, thereby protecting the public, health, safety, and welfare.

B.

Definitions. The following definitions shall apply in the interpretation and enforcement of this ordinance:

(1)

"Automatic lawn and landscape irrigation" refers to use of either an underground or above-ground sprinkling system that is activated by time or controller that is centralized, programmable, or weather-based.

(2)

"City" means the City of Hazel Park.

(3)

"City Manager" is the city manager of the City of Hazel Park or, in his/her absence, the duly designated and acting representative.

(4)

"Irrigation" means the application of water to land areas to satisfy the water and nutrient needs of plants, lawns and landscaping.

(5)

"Manual lawn and landscape irrigation" refers to use of either an underground or above-ground sprinkling system that is controlled by human being who attends and monitors the system during the irrigation period and who physically turns on and turns off the system at the beginning and end of the irrigation period.

(6)

"Municipal water system" is the public water distribution system which is owned, operated and maintained by the City of Hazel Park, and which is connected to the regional water distribution system owned, operated, and maintained by the Detroit Water and Sewerage department.

(7)

"Person" means any individual, co-partnership, corporation, association, governmental agency or authority, club, joint venture, estate, trust and any other group or combination acting as a unit, and the individuals constituting such group or unit, and any other legal person.

C.

Property which may or may not be connected to the municipal water system is hereby restricted to irrigation during the following days and times between May 15 and October 15:

(1)

Automatic lawn and landscape irrigation is permitted only between the hours of twelve a.m. midnight and six a.m., Eastern Daylight Time.

(2)

Manual lawn and landscape irrigation is permitted only between the hours of twelve a.m. and six a.m., Eastern Daylight Time.

(3)

A property with an even-numbered address may be irrigated only on even-numbered dates within a month.

(4)

A property with an odd-numbered address may be irrigated only on odd-numbered dates within a month.

(5)

If a property has mixed odd and even-numbered addresses, the lowest numbered property address shall determine whether irrigation is permitted on odd or even-numbered dates within a month.

(6)

If the property has an undetermined address, the city manager or designee shall assign an odd/even designation for the purpose of compliance with this ordinance.

(7)

A property with a newly seeded or sodded lawn or newly planted trees, shrubs or bushes may, for the first twenty-one (21) days after planting, be irrigated as often as required, except that irrigation is permitted only between the hours of twelve a.m. and six a.m., Eastern Daylight Time. Proof of purchase, including the date of sale or installation of the new lawn, trees, shrubs, or bushes, must be provided in order to qualify for the exception.

D.

Enforcement Responsibility. This section may be enforced by code enforcement officers, the building official, department of public works and water department personnel, and members of the police department, who are "authorized local officials" within the meaning of and pursuant to MCL 600.8701 for purposes of this section.

E.

Violations. Any person, firm or corporation, violating any of the provisions of this section shall be deemed responsible for a civil infraction for which a civil fine in the amount of fifty dollars (\$50.00) shall be ordered. A separate offense shall be deemed committed on each day during or on which a violation occurs.

(Ord. 122 § 10, 1951)

(Ord. No. 01-10, pt. I, 1-26-2010)

13.04.110 - Large users—Connections for firefighting purposes.

The properties of manufacturing institutions, lumberyards, warehouses, elevators, stores, hotels, schools and other public buildings wishing to install large pipes with hydrant and hose couplings, to be used only in case of fire, will be permitted to connect with the street main at their own expense, upon application to the city manager and under his or her direction and supervision, but shall pay for such connection in an amount to be prescribed by the city council.

(Ord. 122 § 11, 1951)

13.04.120 - Inspection and meter reading.

The city manager or any of his or her agents shall have power and authority at all reasonable hours to enter upon any premises where water is furnished from the city waterworks system, for the purpose of reading meters or the inspection of all pipes and fixtures connected with said waterworks system, and they shall have power and authority to require any defective pipes or fixtures to be repaired, removed or replaced where the same are not in compliance with the provisions of the rules and regulations pertaining to the waterworks system, and any person refusing or neglecting to make such repairs when so ordered shall be deemed guilty of a violation of this chapter and liable to prosecution therefor.

(Ord. 122 § 12, 1951)

13.04.130 - Meters—Assessment for damage.

Water meters are the property of the city. Water meters may be installed upon any premises supplied with water and any damage to said meter resulting from the carelessness of the owner, agent or tenant through neglect to properly protect the meter shall be assessed to such owner or tenant. Water consumers shall not tamper with or remove the meter from the service, or interfere with the reading thereof.

(Ord. 685 § 4, 1984; Ord. 122 § 13, 1951)

13.04.140 - Rates—Due dates—Failure to pay—Disconnection.

The rates to be charged consumers of water shall be such as set forth in [Section 13.04.141](#). All charges shall become due at such time and shall be established by resolution of the city council, and if such charges are not paid on or before the specified due date, than a late charge of ten percent shall be added thereto. Interest charge of an additional one percent per month shall be added to the previous balance on any bill not paid within the time due. In addition, in the event that the charges for any such service furnished any premises are not paid within thirty (30) days after the same becomes due, a notice shall be sent to the premises advising that the water supply shall be disconnected and discontinued after seven days, in the event of failure to pay the outstanding bill in full. Thereafter if payment is not received within seven days, the department shall forthwith disconnect and discontinue the water supply to such premises until the charges and penalties are fully paid, or until a payment agreement is executed between the city and the property owner.

(Ord. 18-00 § 2, 2000; Ord. 843 (part), 1992; Ord. 685 § 5, 1984; Ord. 122 § 14, 1951)

(Ord. No. 04-10, pt. I, 8-24-2010)

13.04.141 - Water consumption rate.

A.

The basic water consumption rate shall be as follows:

Usage rate for water:

Residential: \$3.54 per unit.

Minimum monthly usage bill—Two units: \$7.08

Usage rate for water—Commercial: \$3.54 per unit.

Minimum monthly usage bill—Two units: \$7.08

B.

One consumption unit equals seven hundred fifty (750) gallons. The minimum rate is two units for residential and two units for commercial.

C.

These rates shall take effect July 1, 2010. Upon the city of Detroit changing its water costs to the city of Hazel Park after July 1, 2010, the rates set forth in this section shall be adjusted per [Section 13.04.145](#).

(Ord. 05-01 § 1, 2001; Ord. 18-00 § 3, 2000)

(Ord. No. 04-10, pt. II, 8-24-2010)

13.04.145 - Automatic adjustment of water rate.

A.

Should the city of Detroit change its water cost to the city of Hazel Park, that percentage of change shall be applied to the water rates charged by the city of Hazel Park. Any percentage increase shall be rounded upward to the next whole number.

B.

This automatic adjustment of water rates shall occur by operation of this section under the authority granted in [Section 13.04.140](#) of the Hazel Park Municipal Code, as if adopted specifically by resolution.

C.

Any changes in rates shall be published at least once in a newspaper of general circulation within the city, and no charge shall be effective until fifteen (15) days after publication.

D.

Nothing in this section shall, in any way, limit the power of the city council to adjust water rates by resolution independent of the operation of this section.

E.

Any automatic adjustment of water rates, shall be deemed to have fulfilled the requirements of this section.

(Ord. 01-01 § 1, 2001)

13.04.150 - No free service—Hydrant rental.

No free service shall be furnished by the system to the city or to any person, firm or corporation, public or private, or to any public agency or instrumentality. The city shall pay the water department an annual hydrant rental charge for each hydrant located with the city in such amount as shall be set by resolution of the city council.

(Ord. 843 (part), 1992: Ord. 685 § 6, 1984: Ord. 122 § 15, 1951)

13.04.160 - Charges to be lien on premises.

The city shall have, as security for the collection of any water rates or any assessments, charges, penalties, cost of repairs or rentals due or to become due for the use of consumption of water supplied under this chapter to any house or other building or other premises, lot or parcel of land, a lien upon such house or other buildings and upon the premises, lot or parcel upon which such house or other building shall be situated or to which such water was supplied. Such lien shall become effective immediately upon the distribution of the water to the premises or property supplied; and such lien may be enforced by the city in the manner prescribed by the general laws of this state providing for the enforcement of tax liens, provided that the provisions of this section shall not be construed as preventing the city from suing such owner by action in the name of the city for the amount so due to it, or from preventing the city from disconnecting and discontinuing such water services from the premises at any time when such water charges have not been paid as provided above.

(Ord. 843 (part), 1992: Ord. 122 § 16, 1951)

13.04.170 - Discontinuance of service—Resumption—Costs.

Any premises or property may be discontinued from the water main and the supply of water withheld from such premises or property whenever the ordinances, rules and regulations pertaining to the water distribution system have in any manner been violated by the owner or occupant of the premises. Disconnections and withholding of the supply of water to such premises may likewise be made upon the failure of the owner or occupant to pay the metered cost of water consumed and any other charges, penalties or costs in connection with the use of water. Whenever the water is turned off from any premises or property, it shall not then be resumed until all sums due

and owing shall be paid in full with late charges, penalties and interest, and including a turn-on charge as prescribed by resolution of the city council, or until a payment agreement is executed between city and property owner.

(Ord. 843 (part), 1992: Ord. 122 § 17, 1951)
13.04.180 - Funds and recordkeeping.

The accounting of all funds of the water department shall be kept separate from other funds of the city and an accurate independent record of all receipts and disbursements of the water department shall be maintained by the appropriate employee or employees of the city.

(Ord. 843 (part), 1992: Ord. 122 § 19, 1951)
13.04.190 - Rules adopted by city council.

The council shall from time to time make and adopt such rules, resolution and regulations for the operations and use of the water system and the supplying of water to the consumers as the council shall deem expedient and necessary, and such rules, resolutions and regulations when adopted shall be and become a part of this chapter and enforceable hereunder, and the penalties herein prescribed for violation of this chapter shall apply to the violation of any such rules, resolutions and regulations and the same as though such rules, resolutions and regulations were incorporated herein.

(Ord. 843 (part), 1992: Ord. 122 § 20, 1951)
13.04.200 - Violation—Penalty.

Any person who violates any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine of not more than five hundred dollars (\$500.00) and/or up to ninety (90) days imprisonment in the Oakland County jail.

(Ord. 914 § 1, 1997: Ord. 843 (part), 1992)

Chapter 13.05 - ALTERATION OR DESTRUCTION OF WATER SUPPLY SYSTEMS

Sections:

13.05.010 - Violation—Prohibited acts.

A.

A person shall not do any of the following:

1.

Wilfully or fraudulently injure or fraudulently allow to be injured a water meter or appliance belonging to the city water company;

2.

Wilfully or fraudulently prevent a water meter belonging to the city from duly registering the quantity of water measured through the meter, or in any way hinder or interfere with the meter's proper action or just registration.

3.

Attach any apparatus or fixture belonging to the water company of the city;

4.

Break, destroy or alter the seal of a water meter.

B.

A person who violates subsection A of this section is guilty of a misdemeanor.

C.

A criminal prosecution under this section shall not in any way impair the right of the city to full compensation for the actual amount used. If the amount used cannot be accurately determined, the city shall charge a flat rate which shall be based upon a rate of one year usage or any part thereof as applicable to the occupant's residency divided by twelve (12) or the number of months the user has occupied the residence to calculate a median flat fee.

D.

In all prosecutions under this section, proof that the defendant, other than a lessor, had control of or occupied the premises where the offense committed, or received the benefit of the water, shall be prima facie evidence of a violation of this section.

(Ord. 914 § 2, 1997)

Chapter 13.08 - EMERGENCY WATER RESTRICTIONS

Sections:

13.08.010 - Restriction declared when.

Whenever the water department determines that the amount of pumpage of water from its distribution system has reached such a volume that unless restricted the public health, safety and general welfare is likely to be endangered, it shall prescribe rules and/or regulations to conserve the water supply during such emergency.

(Ord. 174 § 1, 1954)

13.08.020 - Violation unlawful—Notice of regulation.

It is unlawful for any person, firm or corporation to violate any such rule and/or regulation; provided, that before any such rule and/or regulation becomes effective it shall be approved by resolution of the city council, and then published in one issue of a newspaper of general circulation in the city.

(Ord. 174 § 2, 1954)

13.08.060 - Effective dates.

These rules shall be effective from June 10th to September 5th, inclusive.

(Ord. 174 Rules § 4, 1954)

13.08.070 - Violation—Penalty.

Any person, firm or corporation violating any provision of this chapter, or of any rule and/or regulation lawfully promulgated therewith, shall, upon conviction thereof be subject to a fine of not more than twenty-five dollars (\$25.00).

(Ord. 174 § 4, 1954)

Chapter 13.12 - SEWER DEPARTMENT

Sections:

13.12.010 - Established.

A sewer department is created under the provisions of this chapter for the operation, maintenance, improvement, and enlargement of the sewage disposal system and storm drain system of the city, which for the purposes of this chapter means all the sewers and their appurtenances, including pumping stations, and other things necessary or useful in the conveyance of sewage and storm water, under the jurisdiction and control of the city.

(Ord. 220 § 1, 1957)

13.12.020 - Connection defined.

"Connection" shall be construed as being any opening for public or private use made on any city sewer for the purpose of providing an outlet for the disposal of sewage or storm water.

(Ord. 220 § 5, 1957)

13.12.030 - Superintendent of department.

The city manager shall appoint a superintendent of the sewer department, who shall report to and be directly responsible to him or her, and who shall have charge of the operation and maintenance of said sewage disposal system and storm drain system.

(Ord. 220 § 2, 1957)

13.12.040 - Budget.

The city manager shall prepare an annual budget for approval by the city council prior to the beginning of each fiscal year which shall begin each July 1st.

(Ord. 220 § 3, 1957)

13.12.050 - Rules and regulations.

The rules and regulations named in this chapter shall be considered a part of the contract with every person, firm or corporation that is supplied with sewer service through the sewage disposal system or the storm drain system of the city.

(Ord. 220 § 4, 1957)

13.12.060 - Service connection regulations.

A.

All residential service connections to the city sewage disposal system shall be made with not less than four inch scheduled 40 PVC or other approved materials connected and sealed. A clean out shall be located immediately upon the entrance to private property, one foot inside of the city sidewalk. The service connection shall be provided with an accessible trap where gases, acids, caustics or any substances of petroleum content are contributed to the sewage system.

B.

Business, industrial or manufacturing service connections and installations, for the protection of the system, shall be made of a size and in a manner prescribed by the engineering and inspection department.

C.

The sewer connections shall be laid in such a manner as to provide at least a one-fourth-inch fall for every three feet of distance from the building to the sewer.

D.

Connection to the sewer line shall be made to existing T's where available. Where T's are not provided, said connection shall be made by means of tapping and attaching a saddle of approved size and type. In no event shall any connection or tap be made which would damage the sewer or in any way obstruct the free flow of sewage therein.

E.

No sanitary or industrial waste connections shall be made to the storm drain system.

(Ord. 12-04 § 1, 2004; Ord. 220 § 6, 1957)

13.12.070 - Connection procedure.

No person shall make any connection to the sewage disposal system except a duly licensed plumber or sanitary engineer; provided, however, that a bona fide property owner may make his or her own connection upon the submission of satisfactory evidence to the engineering and inspection department that he or she is competent to perform said connection in the proper manner.

(Ord. 220 § 7, 1957)

13.12.080 - Valve and pump installation.

In all cases where connection is made to the city sewage disposal system, gate valves and/or backup traps and sump pumps shall be installed inside or near the building at a convenient and accessible location. Said facility must be a recognized and approved type and design and so installed as to provide assurance that basement flooding and/or damage caused by the backing up of sewage during storms and flood conditions will be prevented.

(Ord. 220 § 8, 1957)

13.12.090 - Rainwater spout not to contribute to sewer.

No rainwater shall be contributed to the sewage disposal system by means of downspout or other connections conducting water from the roofs or eaves of buildings.

(Ord. 941 § 1, 1999; Ord. 220 § 9, 1957)

13.12.100 - Connection outside city water system.

No connection to the city sewage disposal system shall be made for any premises where the sewers are not connected with the city water supply system except as authorized by resolution of the city council, which resolution shall determine the charges to be made for such service, the manner of payment thereof, and such other reasonable security for the payment of such charges as may be required by the city council in its discretion.

(Ord. 220 § 10, 1957)

13.12.110 - Connection fee.

Any person who proposes to make connection to said city sewage disposal system shall first obtain a permit therefor from the building and inspection department. The fee to be charged for said permit shall be determined and established by resolution of the city council. Said connection, taps and appurtenances shall be left open and unobstructed from view and no backfill shall be made until inspection and approval has been obtained.

(Ord. 686 § 1, 1984: Ord. 624 § 1, 1980: Ord. 493 § 1, 1971: Ord. 220 § 11, 1957)

13.12.120 - Tapping charge.

On all connections to sewers, there shall be a tapping charge which shall be determined and established by resolution of the city council; said charge is payable in advance at the time of securing a connection permit. The proceeds from charges made under this section shall be placed in the improvement and replacement sewer fund.

(Ord. 686 § 2, 1984: Ord. 493 § 2, 1971: Ord. 220 § 12, 1957)

13.12.130 - Charges for water flow.

The charges for the sewage disposal services furnished by the city through its sewage disposal system and through the contract with the county for disposal by the Southeastern Oakland County sewage disposal system shall be determined and established as provided in [Section 13.12.131](#), sewer rates.

(Ord. 18-00 § 4, 2000: Ord. 686 § 3, 1984: Ord. 220 § 13, 1957)

13.12.131 - Sewer rates.

A.

There shall be a minimum sewage disposal fee equal to the basic fee for seven hundred fifty (750) gallons of water as set by subsection B of this section entered on each bill issued by the department.

B.

The basic sewage disposal fee shall be as follows:

1.

Usage rate for sewer—Residential: \$3.96 per unit;

Minimum monthly usage bill—Two units = \$7.92

2.

Usage rate for sewer—Commercial \$3.96 per unit

Minimum monthly usage bill—Two units = \$7.92

C.

There shall be a ten dollar and eighty-one cents (\$10.81) fee entered on each bill issued by the department for commercial service.

D.

Upon the city of Detroit changing its water costs to the city of Hazel Park after July 1, 2010, the rates set forth in this section shall be adjusted per [Section 13.04.145](#). Upon the city of Detroit changing its sewer costs to the city of Hazel Park after July 1, 2010, the rates set forth in this section shall be adjusted per [Section 13.12.135](#).

(Ord. 05-01 § 2, 2001: Ord. 18-00 § 5, 2000)

(Ord. No. 04-10, pt. III, 8-24-2010)

13.12.132 - Commercial, industrial surcharge and waste control rates.

There shall be entered on each bill issued by the department, the following commercial, industrial surcharge and waste control rates which have been fixed by the Detroit water and sewage department and charged to the consumers.

Size of Meter	Monthly Rate	Size of Meter	Monthly Rate
¾"	\$ 5.99		
5/8 "	3.99		
1"	9.97		
1-½"	21.94		
2"	31.90		
3"	57.82		
4"	79.75		
6"	119.63		
8"	199.38		

These rates shall take effect July 1, 2001.

(Ord. 05-01 § 3, 2001: Ord. 18-00 § 6, 2000)

13.12.135 - Automatic adjustment of sewer rate.

A.

Should the city of Detroit change its sewer cost to the city of Hazel Park, that percentage of change shall be applied to the sewer rates charged by the city of Hazel Park. Any percentage increase shall be rounded upward to the next whole number.

B.

This automatic adjustment of sewer rates shall occur by operation of this section under the authority granted in [Section 13.12.130](#) of the Hazel Park Municipal Code, as if adopted specifically by resolution.

C.

Any changes in rates shall be published at least once in a newspaper of general circulation within the city, and no charge shall be effective until fifteen (15) days after publication.

D.

Nothing in this section shall, in any way, limit the power of the city council to adjust sewer rates by resolution independent of the operation of this section.

E.

Any automatic adjustment of sewer rates, shall be deemed to have fulfilled the requirements of this section.

(Ord. 01-01 § 2, 2001)

13.12.140 - Bill collection—Delinquency.

Charges for such sewage disposal services shall be billed and collected quarterly, except where water charges are billed monthly, in which cases such sewage disposal charges shall be billed monthly. Where possible, sewage disposal charges shall be billed along with charges for water services. Sewage disposal charges shall become delinquent if not paid on the due date as determined by resolution of the city council. If such charges are not paid before they become delinquent, then there shall be added thereto a penalty of ten percent. In the event the user fails to pay the charges for such sewage disposal services furnished to any premises within thirty (30) days after they become delinquent, then sewage disposal services shall be shut off to such premises and/or the water service to such premises shall be discontinued. Services so shut off or discontinued shall not be reinstalled until all delinquent charges, plus a water turn-on fee which shall be set by resolution of the city council have been paid. Nothing herein contained shall prevent the city from bringing action in any proper court for a judgment for the amount of any delinquent charges. In addition to any remedies herein granted, the city may enforce the payment of sewage disposal charges in any manner from time to time authorized or permitted by law.

(Ord. 686 § 4, 1984; Ord. 220 § 14, 1957)

13.12.150 - No free service.

No free service shall be furnished by said sewage disposal system to any person, firm or corporation, public or private, or to any public agency or instrumentality. The city shall pay for all sewage disposal services furnished to it, at the foregoing rates, which charges shall be payable in monthly installments as the services accrue, from the current funds of the city, and the city, within constitutional and statutory limitations, is authorized and required to levy a tax each year sufficient for that purpose.

(Ord. 220 § 15, 1957)

13.12.160 - Fund—Operation and maintenance.

There is established an operation and maintenance fund for the payment of administrative and operational expenses of the sewer department and such maintenance expenses as may be necessary to preserve the sewage disposal system and storm drain system in good repair and working order. The amount to be paid from time to time by the city to the county of Oakland for sewage disposal through the Southeastern Oakland County Sewage Disposal System shall be deemed to be a part of the operating costs.

(Ord. 220 § 16, 1957)

13.12.170 - Fund—Improvement and replacement.

There is established an improvement and replacement fund for the purpose of building up a reasonable reserve for improvements and/or replacement and renewal of said sewage disposal system and storm drain system.

(Ord. 220 § 17, 1957)

13.12.180 - Connection required when.

Whenever a city sanitary sewer is located in a street or alley adjacent to any premises, then the sewage from such premises shall be disposed of through the city sewage system only. No other method for the disposal of sewage from any such premises shall be permitted after a period of sixty (60) days following the completion of any such city sanitary sewer. All owners of premises from which sewage is to be disposed adjoining any such city sanitary sewer shall be required to connect thereto within sixty (60) days after the completion of any such city sanitary sewer.

(Ord. 220 § 18, 1957)

13.12.190 - Water usage.

From and after sixty (60) days following the completion of any city sanitary sewer, it is unlawful for any person, firm, partnership or corporation to use any water which might find its way into the city sewer system on premises adjoining any said city sanitary sewer unless connection has been made to such system as herein provided.

(Ord. 220 § 19, 1957)

13.12.200 - Violation—Penalty.

The failure on the part of any owner of premises, from which sewage is to be disposed, adjoining a city sanitary sewer, to make connection thereto within the time limit provided in Section 13.08.180, or the use of water by a person, firm, partnership or corporation contrary to the provisions hereof, shall constitute a misdemeanor and shall be punishable by a fine of not more than one hundred dollars (\$100.00) or imprisonment for more than ninety (90) days in the Oakland County jail, or both such fine and imprisonment in the discretion of the court.

(Ord. 220 § 20, 1957)

Chapter 13.13 - STORMWATER DETENTION ORDINANCE

Footnotes:

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Editor's note— Ord. No. 13-13, pt. I, adopted Sep. 24, 2013, repealed the former Ch. 13.13, §§ 13.13.010—13.13.190, and enacted a new chapter as set out herein. The former Ch. 13 pertained to stormwater retention and derived from Ord. 942, § 1(part), adopted in 1999.

13.13.010 - Short title.

This chapter shall be known and cited as the "Stormwater Detention Ordinance of the City of Hazel Park" and will be referred to herein as "this chapter."

(Ord. No. 13-13, pt. I, 9-24-2013)

13.13.020 - Purpose.

This chapter is intended to specifically apply to stormwater detention which is a prevailing need and which the absence of detention could endanger the property, health, safety and general welfare of the residents and property owners of the city.

(Ord. No. 13-13, pt. I, 9-24-2013)

13.13.030 - Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

"Addition" means any addition to an existing building.

"Approval" means written approval by the city engineer of the city of Hazel Park, Michigan, or by his duly authorized agents, assistants, or representatives, limited to the specific duties assigned or entrusted to them.

"Basin" means all designated or specified areas or devices where stormwater is detained to meet the requirements of this chapter.

"City" means the city of Hazel Park, Michigan. When used in this chapter in connection with any filing, submittal, delivery or payment to, or review, approval or other action, refers to the city engineer.

"City's right-of-way" or "right-of-way" means any and all public rights-of-way, streets, highways, roads, sidewalks, alleys, thoroughfares, public easements and public places located within the city, including within any curbs, shoulders, landscaped areas and/or other areas incidental and/or appurtenant.

"Development" means any new building, paved driveway, parking lot or sidewalk, not including public roadways.

"Engineer" or "city engineer" means city engineer of the city of Hazel Park, Michigan, or his duly authorized agents, assistants or representatives, limited to the specific duties assigned or entrusted to them.

"Public easement" means any area of land which has been granted or dedicated to the city or to public use, including, but not limited to, road or right-of-way, utility, water main, sewer line, access, drainage, recreation, conservation and other public areas, whether in easements or in fee.

"Renovation" means any existing building converted to other use or structurally altered, and which requires a city building permit and/or site plan for city planning commission review and approval as described in Chapter 17.60.080, Site Plan Review, or any similar ordinance. Also, any paved parking lot, private street, drive or sidewalk removal and replacement. Renovation shall also include the pulverizing and/or crushing of existing pavement for use as a new pavement base material.

"Site improvements" means additions, developments and renovations proposed for a specific property as defined.

"Storm detention system" means all features that comprise the requirements of this chapter, including but not limited to storm detention basins and their required components and finishes, restrictors, pumps and freeboard structures; and all collection and outlet piping, drainage structures and conveyance features, including curbing, swales, ditches; and all fences, gates and signage.

(Ord. No. 13-13, pt. I, 9-24-2013)
13.13.040 - Scope.

Any development, renovation or addition to an existing development within the city, excluding properties used for one- and two-family residential purposes, must manage the stormwater runoff from the improvement on-site, including detention.

(Ord. No. 13-13, pt. I, 9-24-2013)

13.13.050 - Temporary exemption.

A.

Developments, renovations or additions less than 0.14 acre or six thousand one hundred (6,100) square feet in area will not require stormwater detention at the time of the improvement. For such case, a recordable lien to the city may be required to be executed by the property owner. The recordable lien shall state that when the next future improvement occurs on the property which will make the accumulated area of the recorded lien(s) and the future improvement greater than 0.14 acre or six thousand one hundred (6,100) square feet, the property owner will make the stormwater detention improvements as specified in this chapter on the accumulated area.

B.

Renovations and additions that do not involve parking lot, private street, drive or sidewalk removal and replacement will not require stormwater runoff detention at the time of the improvement, unless adequate undeveloped land is available for detention on the property. If stormwater detention is not included as part of the renovation, a recordable lien to the city may be required to be executed by the property owner. The recordable

lien shall state that when the next future improvement occurs on the property, the property owner will make the stormwater detention improvements as specified in this chapter on the accumulated area.

C.

Lien(s) shall be prepared by the property owner using the standard form available from the city engineer.

(Ord. No. 13-13, pt. I, 9-24-2013)

13.13.060 - Method used.

The Oakland County method of detention basin design, as made available by the Oakland County water resources commissioner's office, shall be utilized in determining the volume of detention required. Basins with orifice or pumped outlets will be required to hold the volume for a ten-year storm while basins with no outlets will be required to hold two one-hundred-years storms. Discharge on an orifice or pumped outlet must be throttled to a restricted rate of 0.2 cfs per acre, or throttled to a restricted flow of 0.3 cfs if the total property area requiring detention is one and one-half acres or less.

(Ord. No. 13-13, pt. I, 9-24-2013)

13.13.070 - Submittal procedure.

For city approval of stormwater detention, the applicant shall furnish the city engineer three sets of detention plans, twenty-four (24) inches by thirty-six (36) inches, with detention calculations shown on the plans. The plans shall comply with the following:

A.

A professional engineer, licensed in the state of Michigan, shall affix his or her seal on the plans.

B.

The plans shall not be drawn to a scale smaller than one inch equals forty (40) feet. The city engineer shall review the plans and calculations for conformity to the standards set forth in this chapter, and certify that they are consistent with the overall utility plans of the city, after which he will return a letter of review with appropriate comments. The applicant, after making any changes requested, shall resubmit three sets of the revised plans to the city engineer for approval. The applicant may be required to obtain approval of the city of Hazel Park building department, Oakland County water resources commissioner, the road commission for Oakland County, the road commission for Macomb County or the Michigan Department of Transportation when the outlet discharges to facilities under their jurisdiction.

C.

The detention plans shall clearly indicate the perimeter of all acreage contributing to the detention basin. The perimeter of the water surface for the volume of detention provided shall also be indicated on the plans including the water surface elevation.

D.

The plans shall include the calculation of an overall coefficient of runoff for the acreage contributing to the detention basin. The range of this coefficient shall vary from 0.15 for completely grassed areas to 0.90 for completely paved areas.

E.

The detention calculations for each site shall include the number of total acres calculated to the nearest hundredth contributing to the detention basin. The total cumulative volume of required detention shall be

calculated using all areas of proposed site improvements and shall include previous site improvement areas covered by this chapter.

F.

The detention calculations shall include the sizing of the restricting orifice or structure cover. The calculations for the restricting orifice size or restricted structures cover openings shall be made using a coefficient for a sharp-edged orifice entrance. Details for the restrictor are to be clearly indicated on submitted plans. The smallest pipe orifice size allowed is two and one-half inches in diameter. The orifice size shall be rounded down to the nearest one-half inch from the actual calculated size.

G.

Calculations for the volume of detention provided shall be included on submitted plans. The volume calculations shall be made using standard geometric formulas to determine the volume between appropriate contour elevations. For irregular-shaped basins, the geometric formula for the volume of a frustum of a cone or pyramid shall be used to estimate the volume between appropriate contour elevations.

H.

Plan approval constitutes conformance with this chapter in regards to calculations and method used to control runoff and achieve the required detention. Plan approval does not infer sanction or approval of construction governed by any other permit or subsequent approvals.

I.

After approval of plans, any change to the storm detention system must be submitted to the city engineer for approval prior to its construction.

(Ord. No. 13-13, pt. I, 9-24-2013)

13.13.080 - General basin design and construction.

A.

All basin design shall incorporate components that allow for visual inspection and maintenance by mechanical means of all areas designated for stormwater storage or restricted outflow.

B.

Acceptable means of detention can be achieved through standing water in parking areas, landscaped ponds, or buried vaults, chambers, pipes or other approved buried device. Either one or any combination of these designs may be utilized to achieve the required detention.

C.

All components of storm detention systems shall be constructed entirely on the private property of the proposed development, except for discharge piping and connections to public sewers. No portion of a basin shall be installed within a publicly owned utility easement or right-of-way. Connections to public sewers shall be at locations as approved by the city engineer.

D.

Basins with orifice or pumped outlets must be constructed to drain entirely unless designed to retain a permanent water level that conforms to a planning commission approved landscape plan.

E.

Basins with no outlets must be constructed in soils that have a saturated hydraulic conductivity of at least 0.004 feet per minute.

F.

A minimum of twelve (12) inches of freeboard must be provided above the retained water surface of all detention basins and below the finished floor of all adjacent buildings. A minimum of six inches of freeboard must be provided above the maximum water surface created by the required positive nonerodable overflow to both adjacent buildings and adjacent properties.

G.

A positive nonerodable overflow capable of handling the capacity of a one-hundred-year storm must be provided and clearly identified on the plans, which shall not discharge onto abutting private property.

H.

Drainage from a development, renovation and addition shall not be diverted onto abutting private property. Drainage from a development, renovation and addition requiring detention shall be directed to the detention basin. Discharge from the basin and overflow shall not be diverted onto abutting private property.

I.

The city requires a building permit for all piping and drainage structures for compliance with other codes and ordinances including the current Michigan Plumbing Code requirements for approved materials and drainage pipe cleanouts.

J.

All storm detention systems shall be maintained in proper working order, free of debris, trash or anything else that may adversely affect the operability of the system, the required volume and outlet capacity. The storm detention systems shall be kept free of vermin and any creatures that may cause the system to become inoperable or harm the public. Maintenance of the storm detention system also requires treatment to prevent and control insects and microbes.

(Ord. No. 13-13, pt. I, 9-24-2013)

13.13.090 - Open pond basin construction.

A.

An open channel must be provided along the bottom of all detention basins designed to drain entirely. The open channel shall begin at the outlet for the basin and shall run the entire length of the basin with the channel extending to all pipes discharging into the basin. The channel shall be sized to equal the capacity of the outlet for the basin when flowing full with no pressure head. The channel shall provide a minimum velocity of two feet per second when the basin outlet is flowing full with no pressure head.

B.

The entire basin must be sodded, or have some other city approved method of stabilization. The maintenance of all stabilization and fencing in and around the detention basin shall be the responsibility of the property owner.

C.

All grass and noxious weeds growing in or around the basin shall be maintained in accordance with [Chapter 15.10](#), Landscape and Maintenance, as amended or other similarly adopted property maintenance code. No

hydrophilic plants such as rushes, reeds, water iris, willow or cattails shall be allowed to grow or thrive within an open basin, or any tree, shrub or plant not specifically shown and approved on the required plans.

D.

Minimum grade on the bottom of the detention basin shall be one percent when sodded.

E.

All pipes entering a detention basin shall have either a headwall or end section at the end of the pipe. Bar screens must be installed on all open ends of pipe twelve (12) inches or larger in diameter. Restricting orifices shall be located in an accessible structure outside of the basin limits.

F.

Fencing.

1.

All open pond detention basins must be fenced if the side slopes exceed one vertical to six horizontal, or if the basin is designed to hold water to a depth of more than eighteen (18) inches when filled to capacity. This requirement may be waived by the city planning commission when the design is an integral part of the landscaping and the location and depth does not present a potential hazard.

2.

A three-foot minimum shoulder shall be provided between the fence and the side slopes for the basin. The side slopes shall not exceed one vertical to three horizontal.

3.

Fences shall be a minimum of four feet high chain link or other fencing material of comparable durability and safety as approved by the city planning commission with a locked access gate, ten feet wide with double opening. A key for a city engineer approved lock shall be supplied to the city department of public works.

4.

Depending upon location in relation to adjoining properties or rights-of-way, the city planning commission may require a landscape screen in front of the fencing.

5.

All fencing required shall be maintained to conform to [Chapter 15.12](#), Fences, or other similarly adopted ordinance, as amended.

(Ord. No. 13-13, pt. I, 9-24-2013)

13.13.100 - Pumped basins.

In cases where the drain outlet for the detention basin is not deep enough to completely dewater the basin by gravity, pumps must be installed. The pumps shall be installed in duplicate with each pump capable of handling the flow. Controls shall be set in the receiving water to regulate the flow.

A.

The controls may be electrodes placed inside a galvanized pipe stilling well at a location adequately protected from the backwater curve during discharge.

B.

The controls may be a bubbler system in a stilling well protected as in subsection A above. The operating controls and pumps shall be set in a fully designed pump house with adequate dimensions for working area. The pump house and wet well must be located inside the fenced area.

C.

Pump controls shall be designed in a manner that accounts for the water level in the receiving sewer.

D.

Complete specifications for the pumps and controls and performance curves for the pumps called for must be submitted to the city engineer for approval, including two operation manuals provided from the manufacturer.

E.

The city requires a building permit for all piping, electrical work and concrete structures for compliance with all other codes and ordinances.

F.

A manhole with inside diameter of six feet is required between the lift station and the outlet. The pump will be required to have two discharge lines sized to accommodate the design flow rate. The twin discharge lines shall be ductile iron. They shall enter the manhole and a storm sewer shall be installed from the manhole to the outlet. The manhole cover shall be East Jordan Iron Works (EJIW) No. 8247 hinged type or equivalent.

G.

The pump house and gate to the detention basin shall be locked at all times. A key for a city engineer approved lock to the pump house shall be supplied to the city department of public works.

(Ord. No. 13-13, pt. I, 9-24-2013)

13.13.110 - Easements.

A.

Easement for Discharge Piping. The property owner of any development, renovation or addition that contains a detention basin, excluding surface basins within vehicular parking areas, shall grant the city an easement for the detention basin discharge piping and all discharge piping appurtenances. The easement shall be a minimum twelve (12) feet wide, unless otherwise determined by the city engineer. The grant of easement shall provide the city the rights to access, inspect, and to rectify any city ordinance violation within the easement if the property owner fails to commence work on compliance with twenty-one (21) days from the date of written notification by the city of a violation unless emergency circumstances dictate immediate compliance. All costs incurred by the city in rectifying an ordinance violation shall be assessed to the property owner.

B.

Easement for Basin. The property owner of any development, renovation or addition that contains a detention basin, excluding surface basins within vehicular parking areas, shall grant the city an easement encompassing the detention basin. The limits of the easement shall be a minimum three feet outside any fencing, or six feet from the tip of the side slope for the detention basin and shall include a minimum twelve-foot width to access the gate for the basin. The grant of easement shall provide the city the rights to access, inspect, and to rectify any city ordinance violation within the easement if the property owner fails to commence work on compliance within twenty-one (21) days from the date of written notification by the city of a violation unless emergency

circumstances dictate immediate compliance. All costs incurred by the city in rectifying an ordinance violation or required maintenance shall be assessed to the property owner.

C.

Easement Grants. The property owner shall be responsible for providing the city engineering department with all property and easement descriptions. All grants of easement shall be executed by the property owner prior to city issuance of occupancy permits for the development.

(Ord. No. 13-13, pt. I, 9-24-2013)

13.13.120 - As-built plans.

A.

Prior to formal written acceptance by the city of the storm detention system, all turf must be established in open basins. In addition, a licensed professional engineer must furnish the city engineer two sets of sealed as-built detention plans. As-built plans shall verify that the required detention volume has been provided using calculations based on as-built constructed elevations within and surrounding the basin(s). As-built constructed elevations within and surrounding the basin shall be shown on the plans in sufficient quantity and interval to verify and correspond to the calculations. The required outlet, pump or restrictor installation, grading that conforms to the approved plans, and freeboard features constructed with overflow provided shall also be indicated on the as-built plans.

B.

All differences and deficiencies shall be noted. Plans to correct deficiencies in detention volume, outlet, pump or restrictor, freeboard and overflow features shall be submitted for city engineer approval and included with the as-built plans. All deficiencies in detention volume, outlet, pump or restrictor, freeboard and overflow features shall be corrected prior to city issuance of occupancy permits for the development.

(Ord. No. 13-13, pt. I, 9-24-2013)

13.13.130 - Enforcement; variance.

The city's building official is charged with the enforcement of this chapter. The city engineer shall have the authority to grant variances, with or without conditions, from the stormwater detention regulations contained in this chapter providing the city determines it to be in the best interest of the public and upon a showing of practical difficulty by a property owner. A property owner requesting a variance shall submit a written request specifically stating which provision a variance is being requested from and describing the practical difficulty involved in strict compliance.

(Ord. No. 13-13, pt. I, 9-24-2013)

13.13.140 - Violations and penalties.

A.

Any person, permittee, owner, developer or subsequent property owner who violates any provision of this chapter, including failure to submit plans, obtain permits, pay any fees, charges or surcharges imposed, or any condition or limitation of a permit issued pursuant to [Chapter 15](#), Building and Construction, or who knowingly makes false statement, representations or certification in any application, record, report or plan or other document filed or required to be maintained pursuant to this chapter or who tampers with, alters or fails to maintain, or knowingly renders inoperable any detention basin, restrictor, fence or freeboard required under this chapter is guilty of a civil infraction and shall, upon conviction, be punished by the following:

1.

A person violating this chapter for the first time is responsible for a municipal civil infraction and subject to payment of a civil fine of not less than one hundred dollars (\$100.00) for each day of the violation, plus costs.

2.

A person violating this chapter for the second time is responsible for a municipal civil infraction and subject to payment of a civil fine of not less than two hundred fifty dollars (\$250.00) for each day of the violation, plus costs.

3.

A person violating this chapter for the third time is responsible for a municipal civil infraction and subject to payment of a civil fine of not less than five hundred dollars (\$500.00) for each day of the violation, plus costs.

B.

The Hazel Park building official and Hazel Park Oak code enforcement are hereby authorized to seek, through any authorized prosecutorial official, prosecution of charges against any person violating any provision of this chapter.

(Ord. No. 13-13, pt. I, 9-24-2013)

13.13.150 - Ownership and registration.

Ownership of a storm detention system and its subsequent maintenance and liability fall to the legal ownership of the property. In the case of condominiums or other development where shared ownership of the storm detention system is owned by multiple property owners, associations or entities, the association or joint owners of the detention system shall register the legal owner's name(s), contact representative, current address and telephone numbers with the city clerk office annually before January 30 or thirty (30) days after any change in ownership.

(Ord. No. 13-13, pt. I, 9-24-2013)

Chapter 13.16 - WASTEWATER FACILITIES

Sections:

I. - GENERAL PROVISIONS

13.16.010 - Wastewater discharge control—Purpose.

A.

The purpose of this division is the protection of the environment, and of public health and safety by abating and preventing pollution through the regulation and control of the quantity and quality of wastes admitted to or discharged into the wastewater collection and treatment system under the jurisdiction of the city of Hazel Park and enabling the city to comply with all applicable state and federal laws required by the Federal Water Pollution Control Act, being 33 U.S.C. Section § 1251, et seq), and the General Pretreatment Regulations, being 40 C.F.R. part 403.

B.

The objectives of this division 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, or will pose a hazard to the health or welfare of the people or of employees of the city of Detroit water and sewerage department;

2.

To prevent the introduction of pollutants into the wastewater system which will pass inadequately treated through the system into receiving waters, the atmosphere or the environment, or otherwise be incompatible with the system;

3.

To improve the opportunity to recycle or reclaim wastewater or sludge from the system in an economical and advantageous manner; and

4.

To provide for the recovery of the costs from users of the wastewater collection and treatment system sufficient to administer regulatory activities and meet the costs of the operation, maintenance, improvement or replacement of the system.

C.

This division provides for the regulation of contributors to the Detroit and city of Hazel Park wastewater collection and treatment system through the issuance of wastewater discharge permits to certain users and through the enforcement of general requirements for all users, authorizes monitoring and enforcement, and authorizes fees and penalties.

(Ord. 01-07 § 2, 2007: Ord. 12-01 § 1, 2001: Ord. 797 § 1, 1990)
13.16.020 - Authority.

By virtue of the obligations and authority placed upon the city of Hazel Park by the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, being (33 U.S.C. § 1251 et seq; the 1963 Constitution of the state of Michigan; Public Act 245 of 1929, as amended, being MCL 323.1 et seq, MSA 3.521 et seq, the 1997 City Charter, the National Pollutant Discharge Elimination System (NPDES) permit for the city of Detroit (publicly owned treatment works) (POTW), the Consent Judgment in U.S. EPA v. City of Detroit et al, Federal District Court for the Eastern District of Michigan Case No. 77-1100, as amended; and existing or future contracts between the board of water commissioners and suburban communities or other governmental or private entities; or by virtue of common law usage of the system, this division shall apply to every user contributing or causing to be contributed, or discharging, pollutants or wastewater into the wastewater collection and treatment system of the city of Detroit POTW.

(Ord. 01-07 § 3, 2007: Ord. 12-01 § 2, 2001: (Ord. 797 § 2, 1990)

13.16.030 - Definitions.

A.

For purposes of this division and unless the context specifically indicates otherwise, the following terms and phrases, shall have the meanings ascribed to them by this section:

1.

"Act" or "the act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, being 33 U.S.C. § 1251 et

2.

"Authorized representative of industrial user" means:

a.

Responsible corporate officer, where the industrial user submitting the reports required by this division is a corporation, who is either: (a) the president, vice-president, secretary, or treasurer of a corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or (b) the manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five million dollars (\$25,000,000.00) in second-quarter 1980 dollars, when authority to execute documents has been assigned or delegated to said manager in accordance with corporate procedures; or

b.

A general partner or proprietor where the industrial user submitting the reports required by this division is a partnership or sole proprietorship respectively. (See [Section 13.16.210\(n\)](#))

3.

"Available cyanide" means the quantity of cyanide that consists of cyanide ion (CN) hydrogen cyanide in water (HCNaq), and the cyano-complexes of zinc, copper, cadmium, mercury nickel and silver, determined by EPA method OIA-1677, or other method designated as a Standard Method or approved under 40 CFR 136.

4.

"Best management practices (BMP)" means programs, practices, procedures or other directed efforts initiated and implemented by the user which can or do lead to the reduction, conservation or minimization of pollutants being introduced into the ecosystem, including but are not limited to the Detroit sewer system. BMPs include, but are not limited to, equipment or technology modifications, process or procedure modifications, reformulation or redesign of products, substitution of raw materials, and improvements in housekeeping, maintenance, training, or inventory control and may include technical and economic considerations.

5.

"Biochemical oxygen demand (BOD)" means the quality of dissolved oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure five days at twenty (20) degrees centigrade expressed in terms of mass and concentration (milligrams per liter (mg/l)) as measured by standard methods.

6.

"Board" means the board of water commissioners of the city of Detroit.

7.

"Bypass" means the intentional diversion of a waste stream from any portion of an industrial user's treatment facility. (See 40 C.F.R. § 403.17)

8.

"Centralized waste treatment (CWT) facility" means any facility that treats any hazardous or non-hazardous industrial waste received from off-site by tanker truck, trailer roll-off bins, drums, barges, or any other forms of shipment including:

a.

A facility that treats industrial waste received exclusively from off-site; and

b.

A facility that treats industrial waste generated on-site as well as industrial waste received from off-site.

9.

"City" means the city of Hazel Park.

10.

"Compatible industrial wastewater" means wastewater that is produced by an industrial user which has a pollutant strength or characteristics similar to those found in domestic wastewater, and which can be efficiently and effectively transported and treated with domestic wastewater.

11.

"Compatible pollutant" means pollutants which can be effectively removed by the POTW treatment system to within the acceptable levels for the POTW residuals and the receiving stream.

12.

"Composite sample" means a collection of individual samples which are obtained at regular intervals and collected on a time-proportional or flow-proportional basis over a specified period and which provides a representative sample of the average stream during the sampling period. A minimum of four aliquot per twenty-four (24) hours shall be used where the sample is manually collected. (See 40 C.F.R. § 403, Appendix E)

13.

"Confidential information" means the information which would divulge information, processes or methods of production entitled to protection as trade secrets of the industrial user. (See [Section 13.16.440](#))

14.

"Control authority" means the Detroit water and sewerage department which has been officially designated as such by the state of Michigan under the provisions of 40 C.F.R § 403.12. (See 40 C.F.R. 403.12(a))

15.

"Cooling water" means the non-contact water discharged from any use such as air conditioning, cooling or refrigeration, and whose only function is the exchange of heat.

16.

"Days" mean consecutive calendar days for the purpose of computing a period of time prescribed or allowed by this division.

17.

"Department" means the city of Detroit water and sewerage department, and authorized employees of the department.

18.

"Direct discharge" means the discharge of treated or untreated wastewater directly to the waters of the state of Michigan.

19.

"Director" means the director of the Detroit water and sewerage department, or the director's designee.

20.

"Discharger" means a person who, directly or indirectly, contributes, causes, or permits wastewater to be discharged into the POTW.

21.

"Domestic" sewage means waste and wastewater from humans or household operations which is discharged to, or otherwise enters, a treatment works.

22.

"Environmental Protection Agency" or "administrator" or "EPA administrator" means the United States Environmental Protection Agency or, where appropriate, the authorized representatives or employees of the EPA.

23.

"Facility" means a location, which contributes, causes or permits wastewater to be discharged into the POTW including, but not limited to, a place of business, endeavor, arts, trade or commerce, whether public or private, commercial or charitable.

24.

"Fats, Oils or Grease (FOG)" means any hydrocarbons, fatty acids, soaps, fats, waxes, oils, and any other nonvolatile material of animal, vegetable or mineral origin that's extractable by solvent in accordance with standard methods.

25.

"Flow proportional sample" means a composite sample taken with regard to the flow rate of the waste stream.

26.

"Grab sample" means an individual sample collected over a period of time not exceeding fifteen (15) minutes, which reasonably reflects the characteristics of the stream at the time of sampling.

27.

"Indirect discharge" or "discharge" means the discharge or the introduction of pollutants into the POTW from any non-domestic source regulated under 33 U.S.C. §1317(b), (c) or (d).

28.

"Industrial user means a person who contributes, causes or permits wastewater to be discharged into the POTW, including, but not limited to, a place of business, endeavor, arts, trade or commerce, whether public or private, commercial or charitable but excludes single family and multi-family residential dwellings with discharges consistent with domestic waste characteristics.

29.

"Industrial waste" means any liquid, solid or gaseous waste or form of energy, or combination thereof, resulting from any processes of industry, manufacturing, business, trade or research, including the development, recovery or processing of natural resources.

30.

"Interference" means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

a.

Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and

b.

Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, as amended, being 33 U.S.C. § 1345, the Solid Waste Disposal Act (SWDA), as amended, (including the Resource Conservation and Recovery Act (RCRA), and state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

31.

"May" means permissive.

32.

"National categorical pretreatment standard" means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with 33 U.S.C. § 1317 (b) and (c) which applies to a specific class or category of industrial users.

33.

"National Pollutant Discharge Elimination System (NPDES) permit" means a permit issued pursuant to 33 U.S.C. § 1342.

34.

"New source" means:

a.

Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under 33 U.S.C. § 1317(c) which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided, that:

(i)

The building, structure, facility or installation is constructed at a site where no other source is located; or

(ii)

The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(iii)

The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered; or

b.

Construction on a site where an existing source is located resulting in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs (a)(ii) or (a)(iii) of this definition but otherwise alters, replaces, or adds to existing process or production equipment; or

c.

Construction of a new source has commenced where the owner or operator has:

(i)

Begun, or caused to begin as part of a continuous on site construction program: (1) any placement, assembly, or installation of facilities or equipment; or (2) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities that are necessary for the placement, assembly, or installation of new source facilities or equipment; or

(ii)

Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this section.

35.

"Pass through" means discharge which exits the POTW into waters of the United States in quantities or concentrations, which alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit including an increase in the magnitude or duration of a violation.

36.

"Person" means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, unit of government, school district, or any other legal entity, or their legal representative, agent or assigns.

37.

"pH" means the intensity of the acid or base condition of a solution, calculated by taking the negative base-ten logarithm of the hydrogen ion activity. Activity is deemed to be equal to concentration in moles per liter.

38.

"Pollutant" means any dredged spoil, solid waste, incinerator residue, sewage garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, or industrial, municipal and agricultural waste which is discharged into water.

39.

"Pollution" means the introduction of any pollutant that, alone or in combination with any other substance, can or does result in the degradation or impairment of the chemical, physical, biological or radiological integrity of water.

40.

"Pretreatment" means the reduction of the amount of pollutants, the removal 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 such pollutants into the POTW. The reduction, removal or alteration may be attained by physical, chemical or biological processes, or process changes by other means, except as prohibited by federal, state or local law, rules and regulations.

41.

"Pretreatment requirements" means any substantive or procedural requirements related to pretreatment, other than a national pretreatment standard imposed on an industrial user. (See 40 C.F.R. § 403.3(r))

42.

"Pretreatment standards" means all National Categorical Pretreatment Standards, the general prohibitions specified in 40 C.F.R. § 403.5(a), the specific prohibitions delineated in 40 C.F.R. § 403.5(b), and the local or specific limits developed pursuant to 40 C.F.R. § 403.5(c), including the discharge prohibitions specified in [Section 13.16.210](#) of this code.

43.

"Public sewer" means a sewer of any type controlled by a governmental entity.

44.

"Publicly owned treatment works (POTW)" means a treatment works as defined by 33 U.S.C. § 1292(2)(A) which is owned by a state or municipality, as defined in 33 U.S.C. § 1362, including:

a.

Any devices and systems used in the storage, treatment, recycling, or reclamation of municipal sewage or industrial waste of a liquid nature;

b.

Sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant; or

c.

The municipality, as defined in 33 U.S.C. § 1362, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

45.

"POTW treatment plant" means that portion of the POTW designed to provide treatment to wastewater, including recycling and reclamation of wastewater.

46.

"Quantification level" means the measurement of the concentration of a contaminant obtained by using a specified laboratory procedure calculated at a specified concentration above the detection level. It is considered the lowest concentration at which a particular contaminant can be quantitatively measured using a specified laboratory procedure for monitoring of the contaminant.

47.

"Representative sample" means any sample of wastewater, which accurately and precisely represents the actual quality, character, and condition of one or more pollutants in the waste stream being sampled. Representative samples shall be collected and analyzed in accordance with 40 C.F.R. Part 136.

48.

"Sanitary wastewater" means the portion of wastewater that is not attributable to industrial activities and is similar to discharges from domestic sources including, but not limited to, discharges from sanitary facilities and discharges incident to the preparation of food for on-site non-commercial consumption.

49.

"Shall" means mandatory.

50.

"Significant noncompliance" means any violation which meets one or more of the following criteria:

a.

Chronic violations of wastewater discharge limits, defined as those in which sixty-six (66) percent or more of all of the measurements taken during a six month period exceed by any magnitude the daily maximum limit or the average limit for the same parameter;

b.

Technical review criteria (TRC) violations, defined as those in which thirty-three (33) percent or more of all of the measurements for each pollutant parameter taken during a six- month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);

c.

Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the department determines has caused, alone or in combination with other discharges, interference or pass-through including endangering the health of POTW personnel or the general public;

d.

Any discharge of a pollutant that has caused imminent endangerment to human health or welfare, or to the environment, or has resulted in the POTW's exercise of its emergency authority;

e.

Failure to meet a compliance schedule milestone contained in a local control mechanism, or enforcement order for starting construction, completing construction, or attaining final compliance within ninety (90) days after the scheduled date;

f.

Failure to provide required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules within thirty (30) days after the due date;

g.

Failure to accurately report noncompliance; or

h.

Any other violation or group of violations which the department determines will adversely affect the operation or implementation of the local pretreatment program.

51.

"Significant industrial users" means any user of the POTW who:

a.

Has an average discharge flow of twenty-five thousand (25,000) gallons per day or more of process wastewater excluding sanitary, boiler blowdown, and noncontact cooling water; or

b.

Has discharges subject to the national categorical pretreatment standards; or

c.

Requires pretreatment to comply with the specific pollutant limitations of this division; or

d.

Has in its discharge toxic pollutants as defined pursuant to 33 U.S.C. § 1317, or other applicable federal and state laws or regulations, that are in concentrations and volumes which are subject to regulation under this division as determined by the department; or

e.

Is required to obtain a permit for the treatment, storage or disposal of hazardous waste pursuant to regulations adopted by this state or adopted under the Federal Solid Waste Disposal Act, as amended by the Federal Resource Conservation and Recovery Act, as amended, and may or does contribute or allow waste or wastewater into the POTW including, but not limited to, leachate or runoff; or

f.

Is found by the city of Detroit or city of Hazel Park to have a reasonable potential for adverse effect, either singly or in combination with other contributing industries, on the POTW operation, the quality of sludge, the POTW's effluent quality, or air emissions generated by the POTW.

52.

"Slug" means any discharge of a non-routine episodic nature including, but not limited to, an accidental spill or a non-customary batch discharge.

53.

"Standard industrial classification (SIC)" means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987, as amended.

54.

"Standard methods" mean methods set forth in 40 C.F.R. Part 136, "Guidelines for Establishing Test Procedures for Analysis of Pollutants" or the laboratory procedures set forth in the latest edition, at the time of analysis, of "Standard Methods for the Examination of Water and Wastewater" prepared and published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation, or methods set forth in 40 C.F.R. 136, "Guidelines for Establishing Test Procedures for Analysis of Pollutants." Where these two references are in disagreement regarding procedures for the analysis of a specific pollutant, the methods given in 40 C.F.R. Part 136 shall be followed.

55.

"State" means the state of Michigan.

56.

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

57.

"Suspended solids (total)" means the total suspended matter which floats on the surface of, or is suspended in, water, wastewater or other liquids, and is removable by laboratory filtration or as measured by standard methods.

58.

"Total PCB" means the sum of the individual analytical results for each of the PCB aroclors 1016, 1221, 1232, 1242, 1248, 1254, and 1260 during any single sampling event with any aroclor result less than the quantification level being treated as zero.

59.

"Total phenolic compounds" means the sum of the individual analytical results for each of the phenolic compounds of 2-chlorophenol, 4-chlorophenol, 4-chloro-3-methylphenol, 2,4-dichlorophenol, 2,4-dinitrophenol, 4-methylphenol, 4-nitrophenol, and phenol during any single sampling event expressed in mg/l.

60.

"Toxic pollutant" means any pollutant or combination of pollutants designated as toxic in regulations promulgated by the Administrator of the U.S. Environmental Protection Agency under the provisions of the Clean Water Act, being 33 U.S.C. § 1317, or included in the Critical Materials Register promulgated by the Michigan Department of Environmental Quality, or by other federal or state laws, rules or regulations.

61.

"Trade secret" means the whole, or any portion or phase, of any proprietary manufacturing process or method, not patented, which is secret, is useful in compounding an article of trade having a commercial value, and whose secrecy the owner has taken reasonable measures to prevent from becoming available to persons other than those

selected by the owner to have access for limited purposes but excludes any information regarding the quantum or character of waste products or their constituents discharged or sought to be discharged into the Detroit wastewater treatment plant, or into the wastewater system tributary thereto.

62.

"Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with limits imposed under this division or with national categorical pretreatment standards due to factors beyond the reasonable control of the industrial user but excludes noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

63.

"User" means any person who, directly or indirectly, contributes, causes or permits the discharge of wastewater into the POTW as defined herein.

64.

"Wastewater" or "waste stream" means the liquid and water-carried industrial or domestic wastes of dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which are contributed to or permitted to enter the POTW including infiltration and inflow waters, storm water, and cooling water.

65.

"Wastewater discharge permits" mean permits issued by the Department in accordance with [Section 13.16.330](#) of this code.

66.

"Waters of the state" mean groundwater, lakes, rivers, streams, all other watercourses and waters within the confines of this state as well as bordering this state in the form of the Great Lakes.

B.

For purposes of this division, the following acronyms shall have the meanings designated by this section:

BMR	Baseline monitoring report
BOD	Biochemical Oxygen Demand
C.F.R.	Code of Federal Regulations
EPA	Environmental Protection Agency
FOG	Fats, oil or grease
l	liter
MDEQ	MI. Department of Environment Quality
mg	milligrams
mg/l	milligrams per liter
NPDES	National Pollutant Discharge Elimination System
POTW	Publicly Owned Treatment Works
RCRA	Resource Conservation and Recovery Act, being 42 U.S.C. § 6901 et seq
SIC	Standard Industrial Classification

SWDA	Solid Waste Disposal Act, being 42 U.S.C. § 6901 et seq
TSS	Total Suspended Solids
U.S.C.	United States Code

(Ord. 01-07 § 4, 2007: Ord. 12-01 § 3, 2001: Ord. 797 § 3, 1990)

II. - GENERAL REGULATIONS OF OAKLAND COUNTY DEPARTMENT OF PUBLIC WORKS, COUNTY OF OAKLAND, SEWAGE DISPOSAL SYSTEMS

13.16.050 - Sanitary sewer systems connection requirements—Oakland County department of public works.

All sanitary sewer systems connected directly or indirectly into the intercepting sewer or sewers of the Oakland County department of public works shall meet the requirements set forth in this article.

(Ord. 797 § 5(A), 1990)

13.16.060 - Plans, permits and bonds.

A.

Prior to connection and prior to start of construction, all sanitary sewer systems shall have engineering plans and specifications prepared by a professional engineer and shall be approved by the Oakland County department of public works.

B.

A connection permit shall be obtained by the owner or contractor from the Oakland County department of public works. Said connection permit shall show the location of the work, the extent of the work, information regarding the contractor, the owner and the engineer, and any other pertinent information as shall be determined necessary by the department of public works. A fee shall be charged for said permit to cover the cost of inspection of each connection, and to verify the result of the acceptance test. The permit fee shall be set by city council resolution. Inspection requested during other than normal working hours shall be performed only if deemed necessary by the Oakland County department of public works. The fee for such inspection, to be set by city council resolution, shall be in addition to the normal connection permit fee.

C.

Individual building sewers which are directly connected into the county sanitary sewer system shall conform to all applicable requirements of the chapter. A connection permit, for which a charge of fifty dollars (\$50.00) will be made by the Oakland County department of public works, shall be obtained from the department of public works before such connection is made. Prior to the issuance of such connection permit, the person obtaining such permit shall have obtained the written approval of the local unit of government. Connection shall be made in a workmanlike manner and in accordance with methods and procedures established by the department of public works.

The party to whom such permit is issued shall be responsible for notifying the department of public works twenty-four (24) hours in advance of the date and time when such a connection is made so that proper inspection of same can be made by the department.

D.

Prior to the adjustment, reconstruction, relocation or any other altering of the sewers of the county of Oakland, including manhole structures, the contractor or the person responsible for the work shall first obtain a permit to

do such work from the Oakland County department of public works. Said permit fee shall be determined by the department of public works.

E.

Prior to construction and during the life of permits obtained in accordance with subsections (B), (C) and (D) of this section, all owners or contractors shall: (1) yearly furnish to the Oakland County department of public works a satisfactory surety bond in the amount of five thousand dollars (\$5,000.00) as security for faithful performance of the work in accordance with the plans and specifications and departmental standards, and (2) yearly furnish to the Oakland County department of public works a cash deposit in the amount of five hundred dollars (\$500.00). Such deposit shall provide funds for emergency work and/or such other work as may be deemed necessary by the Oakland County department of public works, arising as a result of construction by the owner or contractor. Such bonds shall not be cancelled by the owner, the contractor or the surety without first having given ten days' written notice to the Oakland County department of public works. Cash deposits may be returned to the owner or contractor within ten days of receipt of written request therefor, except that no deposits will be returned until such time as all outstanding permits have received final inspection and approval. In the event that it becomes necessary for the Oakland County department of public works to expend funds for owner or the contractor, then the cost of such work shall be deducted from the aforementioned cash deposit.

The owner or contractor shall have the right and opportunity to correct any deficiencies promptly before any deposit funds will be spent by the Oakland County department of public works. The owner or contractor shall, within thirty (30) days of the mailing of written notice thereof, pay to the Oakland County department of public works the entire amount of such cost. Failure to comply with these rules and regulations and the standards of the Oakland County department of public works may result in the immediate termination of the surety and cash bonds.

(Amended during 1997 recodification; Ord. 797 § 5(B), 1990)
13.16.070 - Bulkhead.

The contractor shall install a suitable bulkhead to prevent construction water, sand, silt, etc. from entering the existing sewer system. Such bulkhead shall be left in the place until such time as removal is authorized by the Oakland County department of public works.

(Ord. 797 § 5(C), 1990)

13.16.080 - Acceptance test.

All sanitary sewer systems shall be subjected to infiltration, air, or exfiltration tests or a combination thereof in accordance with the following requirements prior to acceptance of the system by the Oakland County department of public works and prior to removal of the bulkhead as required in [Section 13.16.070](#). All final acceptance tests shall be witnessed by the Oakland County department of public works.

A.

Infiltration Test. All sewers over twenty-four (24) inch diameter shall be subjected to infiltration tests. All sewers of twenty-four (24) inch diameter or smaller where the ground water level above the top of the sewer is over seven feet shall be subjected to an infiltration test.

Maximum allowable infiltration shall not exceed two hundred fifty (250) gallons per inch of diameter per mile of pipe per twenty-four (24) hours for the overall project. Maximum allowable infiltration shall not exceed five hundred (500) gallons per inch of diameter per mile of pipe per twenty-four (24) hours for any individual run between manholes.

B.

Air Test or Exfiltration Test. All sewers of twenty-four (24) inch diameter or less, where the ground water level above the top of the sewer is seven feet or less, shall be subjected to air tests or exfiltration tests.

For exfiltration tests, the internal water level shall be equal to the external water level plus seven feet as measured from the top of pipe. The allowable exfiltration rate shall be the same as that permitted from infiltration.

The procedure for air testing of sewers shall be as follows:

The sewer line shall be tested in increments between manholes. The line shall be cleaned and plugged at each manhole. Such plugs shall be designed to hold against the test pressure and shall provide an airtight seal. One of the plugs shall have an orifice through which air can be introduced into the sewer. An air supply line shall be connected to the orifice. The air supply line shall be fitted with suitable control valves and a pressure gauge for continually measuring the air pressure in the sewer. The pressure gauge shall have a minimum diameter of three and one-half inches and a range of 0-10 PSIG. The gauge shall have minimum divisions of 0.10 PSIG and an accuracy of +0.04 PSIG.

The sewer shall be pressurized to four PSIG greater than the greatest back pressure caused by ground water over the top of the sewer pipe. At least two minutes shall be allowed for the air pressure to stabilize between three and five-tenths and four PSIG. If necessary, air shall be added to the sewer to maintain a pressure of three and five-tenths PSIG or greater.

After the stabilization period, the air supply control valve shall be closed so that no more air will enter the sewer. The sewer air pressure shall be noted and timing for the test begun. The test shall not begin if the air pressure is less than three and five-tenths PSIG, or such other pressure as is necessary to compensate for ground water level.

The time required for the air pressure to decrease one and 0/10 (1.0) PSIG during the test shall not be less than the time shown in the "Oakland County Department of Public Works Air Test Tables."

Manholes on sewers to be subjected to air tests shall be equipped with one-half inch diameter galvanized capped pipe nipple extending through the manhole, three inches into the manhole wall and at an elevation equal to the top of the sewer pipe. Prior to the air test, the groundwater elevation shall be determined by blowing air through the pipe nipple to clear it and then connecting a clear plastic tube to the pipe nipple. The tube shall be suspended vertically in the manhole and the groundwater elevation determined by observing the water level in the tube. The air test pressure shall be adjusted to compensate for the maximum ground water level above the top of the sewer pipe to be tested. After all tests are performed and the sewer is ready for final acceptance, the pipe nipple shall be plugged in an acceptable manner.

If a sewer fails to pass any of the previously described tests, the contractor shall determine the location of the leaks, repair them and retest the sewer. The tests shall be repeated until satisfactory results are obtained.

All visible leaks and cracks shall be repaired regardless of test results.

(Ord. 797 § 5(D), 1990)

13.16.090 - Storm and groundwater control.

A.

Yard drains, patio drains, catchbasins, downspouts, weep tile, perimeter and footing drains or any other structure used for the collection and conveyance of stormwater and/or groundwater shall not be permitted to discharge into any sanitary sewer connected directly or indirectly to the county system, except as provided in subsection B of this section.

B.

Perimeter and footing drains from buildings existing before December 16, 1968, shall not be required to disconnect from the sanitary sewer system, provided that federal, state or local law or regulation does not require, or may not require subsequent to the adoption of these standards and regulations, the disconnection of such perimeter and footing drains.

C.

The crock to iron joint shall be sealed by approved flexible adaptor fittings such as those manufactured by Fernco Joint Sealer Company, or as approved by the Oakland County department of public works. The iron pipe inside the building shall be plugged and leaded and remain plugged and watertight until such time as the plumbing is carried on to the first floor, the basement backfilled and the roof is on the building, thereby providing that no water from the excavated basement will enter the sanitary sewer.

(Ord. 797 § 5(E), 1990)

13.16.100 - Building sewers.

House connection sewer from lateral sewer in street or easement to within five feet from house shall be:

A.

Six inch diameter Extra Strength Vitrified Sewer Pipe, manufactured in accordance with current NCPI Designation ER 4-67 Standards, or equal, with DPW approved premium joint; or

B.

Six inch diameter Cement Pipe with Ring-Tite, Fluid-Tite or DPW approved joint; or

C.

Six inch diameter, service strength, cast iron soil pipe with hot poured lead joint, or DPW approved equal; or

D.

Six inch diameter Extra Strength (ES) solid wall pipe extruded from Acrylonitrile-Butadiene-Styren (ABS) plastic meeting the minimum cell classification 2-2-3 as defined in ASTM Specification D1788-68;

E.

Other pipe and joints as may be approved by the Oakland County department of public works. Copies of the Oakland County department of public works approved joint shall be on file at the offices of each community in the systems.

House connection sewers shall be six inch minimum diameter, except that four inch pipe of comparable strength and joint material may be used if permitted by the local unit of government. All joints shall be tight and when tested for infiltration, or exfiltration, shall not exceed the requirements of [Section 13.16.080](#).

(Ord. 797 § 5(F), 1990)

13.16.110 - Septic tank abandonment and waste disposal.

A.

Prior to connecting an individual building sewer to the sewers of the county of Oakland, either directly or indirectly, all existing wastewater treatment facilities, including septic tanks, tile fields, and sump pumps shall be physically and permanently disconnected from the building sewer.

B.

Septic tank sludge shall be discharged into the sewers of the county, directly or indirectly, only at locations specified by the Oakland County department of public works, and only after obtaining proper septic tank dumping tickets.

C.

The liquid and solids from an abandoned septic tank shall not be drained, dewatered, pumped or in any other manner discharged to the sewers of the county, except as provided for above.

(Ord. 797 § 5(G), 1990)

13.16.120 - Ownership, operations and maintenance responsibility.

All new sanitary sewer systems, except individual building sewers, connected directly or indirectly into the intercepting sewer or sewers of the county of Oakland shall be owned, operated and maintained by the governing community. This includes, but is not necessarily limited to, on-site sewer systems serving condominiums, apartment projects, shopping centers and mobile home parks.

(Ord. 797 § 5(H), 1990)

13.16.130 - Manholes.

A.

All manholes constructed on sanitary sewer systems shall be provided with lid frames bolted to the cone section of the manhole with rubber O-ring gaskets compressed between the frame and the top of the cone in accordance with the current "Standard Manhole Detail" of the Oakland County department of public works.

B.

Adjustments to manhole tops shall be accomplished by using precast concrete adjustment rings bolted to the cone section of the manhole with rubber O-ring gaskets compressed between each adjacent ring.

C.

Mortar and brickwork adjustment at the top of manholes will not be allowed. All manhole riser and cone sections shall have modified groove tongue joint with rubber gasket.

D.

The bolted frame, bolts, adjustment rings and O-ring gaskets shall be in accordance with the standards of the Oakland County department of public works.

E.

All manholes shall be provided with "Bolted Waterproof Covers" in accordance with the current "Standard Manhole Detail" of the Oakland County department of public works.

F.

Although not recommended, and only under certain circumstances, consideration will be given to the burying of manholes in lieu of providing bolted covers and only upon written request to the Oakland County department of public works.

(Ord. 797 § 5(I), 1990)

13.16.140 - As-built plans.

Prior to the acceptance of any sewer system and prior to the removal of the bulkhead as required in [Section 13.16.070](#) (except under extenuating circumstances as may be approved by the director), as-built plans shall be provided to the Oakland County department of public works. Said as-built plans shall show a statement by a registered engineer or surveyor certifying this to be "as-built plans" and shall include, but not be limited to, length of sewer, invert elevation, locations with respect to property lines, wye and riser locations and depths, and sewer material and joints used.

(Ord. 797 § 5(J), 1990)

13.16.150 - Combined sewer systems connection requirements—Oakland County.

All combined sewer systems connected directly or indirectly to the intercepting sewer or sewers of the county of Oakland shall meet the following requirements:

A.

Sections [13.16.060](#), [13.16.070](#) and [13.16.100](#) through [13.16.140](#) are required for sanitary sewer system connecting to interceptor sewers of the county of Oakland as hereinbefore mentioned.

B.

Prior to acceptance of the system and prior to removal of the bulkhead as required under [Section 13.16.070](#), all combined sewer systems shall be subjected to an infiltration test in accordance with the infiltration requirements of the Oakland County department of public works as outlined in [Section 13.16.080](#). Said test shall be witnessed by the Oakland County department of public works.

C.

Downspouts and footing drain tile may be connected to a combined sewer if permitted by the local unit of government.

D.

No requirements of the Oakland County department of public works, or permits issued hereunder by said department, shall relieve the property owners of complying with all the rules and regulations of the local unit of government, wherein such property is located, when such rules and regulations are not in conflict with the requirements of the department of public works.

E.

All sewer construction shall comply with the "General Specifications" of the Oakland County department of public works. Copies of said specifications may be obtained from the office of the department of public works.

F.

Construction of new combined sewer systems shall be prohibited except when no prudent or feasible alternative exists.

(Ord. 797 § 5(K), 1990)

III. - GENERAL REGULATIONS OF OAKLAND COUNTY DRAIN COMMISSIONER SEWAGE DISPOSAL SYSTEM

13.16.160 - Purpose.

This article sets forth the procedures and regulations governing the granting of permits to connect into the Twelve Towns relief drains directly and to all other county drains that are tributary directly or indirectly to the facilities under the jurisdiction of the Southeastern Oakland County Sewage Disposal System.

(Ord. 797 § 6(A), 1990)
13.16.170 - General.

A.

Each municipality is requested to furnish an up-to-date plan of its sewerage system. Plan should include the location, size and direction of flow in all existing sewers. Sewers should be identified as separated or combined. Pumping stations, flow regulation and diversion structure should be shown.

B.

Plans for laterals shall be submitted in the name of the municipality by the municipal officials or a firm of consulting engineers officially authorized to do so. Generally, this authority will be vested in the city engineer or a single firm of consulting engineers retained as the city engineer.

All plans submitted to this office shall bear the signature of the above designated official.

C.

A letter requesting the approval of plans by the Oakland County drain commissioner's office and the water quality division of the Michigan Department of Natural Resources (formerly known as the Michigan Health Department) shall be addressed to the Oakland County drain commissioner and be accompanied by a minimum of five sets of plans. Upon approval of the plans, the drain commissioner's office will retain one set and forward the remaining sets to the Michigan Department of Natural Resources along with a letter requesting their approval. Copies of this letter will be sent to the applicant municipality and the consulting engineer. The Michigan Department of Natural Resources, upon their approval of the plans, will return at least three sets of approved plans bearing the construction permit number to the applicant municipality. The applicant municipality will keep one set, send one set to the Oakland County drain commissioner and send one set to the consulting engineer. In the event that the applicant municipality or consulting engineer require an extra set of approved plans, additional sets shall be included with the initial request for approval.

D.

Plan Detail. Plans submitted to this office for review must meet the following requirements:

1.

General location plan which shows the relationship to existing sewerage facilities, including outlet sewer interceptors, pumping stations, etc.;

2.

Detail plan and profile drawings along with criteria of hydraulic design (storm frequency, line capacity, line velocities, tributary areas, etc.);

3.

Material and construction standards, regular and special;

4.

Desirable scale and size for plan and profile drawings are:

a.

Horizontal scale: 1" = 100', 1" = 50'

b.

Vertical scale: 1" = 10', 1" = 5'

c.

Plan size: 24" × 36"

(Ord. 797 § 6(B), 1990)

13.16.180 - Regulations governing connections in combined sewer areas (Including Twelve Towns relief drains and county combined drains tributary thereto).

A.

A connection permit must be obtained prior to connection to a county drain from the Oakland County Drain Commissioner's Office, One Public Works Drive, Pontiac, Michigan 48054 (858-0958). A legal description of the property to be served by the connection is required.

B.

The fee as determined by the drain commissioner for connection permits shall be set by resolution of the city council which is to cover the cost of the inspection of the tap.

C.

The connection to the county drain will be made under the supervision of an inspector from the drain commissioner's office in accordance with approved plans of said connection.

D.

A minimum of twenty-four (24) hours' notice (excluding Saturday, Sunday, and holidays) must be given prior to tap to enable this office to arrange for inspection.

E.

Requests for inspection shall be directed to the technician charged with the responsibility of permit issuance (858-0978).

F.

All lines connected to county drains shall be clean (free from silt, dirt, debris, etc.)

G.

Yard drains, catchbasins, downspouts, weep tile, perimeter drains or other structures used for the collection and conveyance of storm water will be permitted to outlet into the county combined drains, provided said properties lie within said combined drainage district.

H.

The contractor, during the construction of a lateral, shall install a suitable bulkhead to prevent sand, silt, dirt or other debris from entering the county drain. Upon work completion and removal of any debris that may have

collected, the contractor shall contract the inspection office for permission to remove the bulkhead.

I.

Connection from any industrial plant or facility using chemical processes shall be provided with a readily available sampling point (manhole or equivalent).

J.

All wastes discharged into county drains shall meet the standards as specified in Article IV of this chapter.

(Ord. 797 § 6(C), 1990)

13.16.190 - Regulations to prevent the discharge of storm water and groundwater into the Southeastern System from those areas lying outside the designated combined sewer area.

A.

All sanitary sewer systems* (lying in these areas of the S.O.C.S.D.S. district, designated as separated) to be connected directly or indirectly into the intercepting sewer or sewers of the S.O.C.S.D.S. prior to connection shall meet the following requirements:

1.

A connection permit shall be obtained by the owner or contractor from the Oakland County drain commissioner's office. Said connection permit shall show the location of the work, the extent of the work, information regarding the contractor, the owner and the engineer, the scheduled date of infiltration test and any other pertinent information as shall be determined necessary by the Oakland County drain commissioner. A fee shall be charged for said permit to cover the cost of inspection of the connection and system connected.

2.

All sewer systems shall be subjected to infiltration, air, or exfiltration tests or a combination thereof in accordance with the following requirements prior to acceptance of the system by the Oakland County drain commissioner's office.

Infiltration Test. All sewers over twenty-four (24) inch diameter shall be subjected to infiltration tests. All sewers of twenty-four (24) inch diameter or smaller where the ground water level above the top of the sewer is over seven feet shall be subjected to an infiltration test.

Maximum allowable infiltration shall not exceed two hundred fifty (250) gallons per inch of diameter per mile of pipe per twenty-four (24) hours for the overall project. Maximum allowable infiltration shall not exceed five hundred (500) gallons per inch of diameter per mile of pipe per twenty-four (24) hours for any individual run between manholes.

Air Test or Exfiltration Test. All sewers of twenty-four (24) inch diameter or less, where the groundwater level above the top of the sewer is seven feet or less, shall be subjected to air tests or exfiltration tests.

For exfiltration tests the internal water level shall be equal to the external water level plus seven feet as measured from the top of pipe. The allowable exfiltration rate shall be the same as that permitted from infiltration.

The procedure for air testing of sewers shall be as follows:

The sewer line shall be tested in increments between manholes. The line shall be cleaned and plugged at each manhole. Such plugs shall be designed to hold against the test pressure and shall provide an airtight seal. One of the plugs shall have an orifice through which air can be introduced into the sewer. An air supply line shall be

connected to the orifice. The air supply line shall be fitted with suitable control valves and a pressure gauge for continually measuring the air pressure in the sewer. The pressure gauge shall have a minimum diameter of three and one-half inches and a range of 0-10 PSIG. The gauge shall have minimum divisions of 0.10 PSIG and an accuracy of ± 0.04 PSIG.

The sewer shall be pressurized to 4 PSIG greater than the greatest back pressure caused by groundwater over the top of the sewer pipe. At least two minutes shall be allowed for the air pressure to stabilize between 3.5 and 4 PSIG. If necessary, air shall be added to the sewer to maintain a pressure of 3.5 PSIG or greater.

After the stabilization period, the air supply control valve shall be closed so that no more air will enter the sewer. The sewer air pressure shall be noted and time for the test begun. The test shall not begin if the air pressure is less than 3.5 PSIG, or such other pressure as is necessary to compensate for groundwater level.

The time required for the air pressure to decrease 1.0 PSIG during the test shall not be less than the time shown in the "Oakland County Drain Commissioner's Air Test Tables."

Manholes on sewers to be subjected to air tests shall be equipped with a one-half inch diameter galvanized capped pipe nipple extending through the manhole, three inches into the manhole wall and at an elevation equal to the top of the sewer pipe. Prior to the air test, the ground- water elevation shall be determined by blowing air through the pipe nipple to clear it and then connecting a clear plastic tube to the pipe nipple. The tube shall be suspended vertically in the manhole and the groundwater elevation determined by observing the water level in the tube. The air test pressure shall be adjusted to compensate for the maximum ground water level above the top of the sewer pipe to be tested. After all tests are performed and the sewer is ready for final acceptance, the pipe nipple shall be plugged in an acceptable manner.

If a sewer fails to pass any of the previously described tests, the contractor shall determine the location of the leaks, repair them and retest the sewer. The tests shall be repeated until satisfactory results are obtained.

All visible leaks and cracks shall be repaired regardless of test results.

B.

Storm and groundwater control.

1.

Yard drains, patio drains, catchbasins, downspouts, weep tile, perimeter and footing drains or any other structure used for the collection and conveyance of storm water and/or groundwater shall not be permitted to discharge into any sanitary sewer connected directly or indirectly to the county system, except as provided below:

2.

Perimeter and footing drains from buildings existing before July 23, 1981, shall not be required to disconnect from the sanitary sewer system, provided that federal, state or local law or regulation does not require, or may not require subsequent to the adoption of these standards and regulations, the disconnection of such perimeter and footing drains.

3.

The crotch to iron joint shall be sealed by approved flexible adaptor fittings such as those manufactured by Femco Joint Sealer Company, or as approved by the Oakland County drain commissioner's office. The iron pipe inside the building shall be plugged and leaded and remain plugged and watertight until such time as the plumbing is carried on to the first floor, the basement backfilled and the roof is on the building, thereby providing that no water from the excavated basement will enter the sanitary sewer.

C.

Building sewers. House connection sewer from lateral sewer in the street or easement five feet from house shall be:

1.

Six inch diameter Extra Strength Vitrified Sewer Pipe, manufactured in accordance with current NCPI Designation ER 4-67 Standards, or equal, with drain commissioner-approved premium joint; or

2.

Six inch diameter ABS Plastic Solid Wall Sewer Pipe conforming to ASTM designation D-2751 SDR 35 or 23.5; or

3.

Six inch diameter PVC Plastic Solid Wall Sewer Pipe conforming to ASTM designation ASTM D-3034 SDR 35 or ASTM D-2665 Schedule 40;

4.

Other pipe and joints as may be approved by the Oakland County drain commissioner.

House connection sewers should be six inch minimum diameter, however, four inch pipe of comparable strength and joint material may be used if permitted by the local unit of government. All joints shall be tight and when tested for infiltration, shall not exceed five hundred (500) U.S. gallons per inch of diameter, per mile, per twenty-four (24) hours.

The crock to iron joint shall be sealed by an approved bituminous filler, enclosed in concrete to provide a watertight seal. The iron pipe inside the building shall be plugged and leaded and remain plugged and watertight until such time as the plumbing is carried on to the first floor, thereby providing that no water from the excavated basement will enter the sanitary sewer.

The municipality shall issue tap permits for each structure that is connected into the S.O.C.S.D.S. and be responsible to see that the above specifications pertinent to materials and installations are followed.

D.

The S.O.C.S.D.S., through their agent, the drain commissioner, shall, at his or her option, be permitted to set up and operate flow metering equipment to gauge sanitary flow, either on a temporary or permanent basis, in any sanitary sewer lying within the said "separated areas."

E.

Plans and specifications covering the construction of all new sewers, both combined and sanitary (separate) lying within the S.O.C.S.D.S. service area shall be submitted to the office of the Oakland County drain commissioner for review and approval prior to construction.

F.

The quality of domestic and industrial waste outletted into the S.O.C.S.D.S. facilities shall conform to the current city of Detroit ordinance pertinent to domestic and industrial wastes. It is the contractual obligation of the municipality, reference [Section 16](#) of contract with county, to use S.O.C.S.D.S. facilities to enforce these standards.

G.

No requirements of the S.O.C.S.D.S. or permits issued hereunder by said system through their agent, the Oakland County drain commissioner, shall relieve the property owner of complying with all the rules and regulations of the local unit of government, wherein such property is located, where such are not in conflict with requirements of the S.O.C.S.D.S.

H.

All sewer construction shall comply with the general specifications of the Oakland County drain commissioner, copies of said specifications may be obtained from the Office of the drain commissioner.

(Ord. 797 § 6(D), 1990)

* System defined as a lateral having two or more connections. A construction permit from the Michigan State Department of Natural Resources is required for a sewer system.

IV. - WASTEWATER DISCHARGE CONTROL

13.16.200 - Delegation of authority.

The city of Detroit, through the Detroit water and sewerage department, as the state approved control authority, is authorized to administer and enforce the provisions of this chapter on behalf of the city of Hazel Park. The city has executed and hereby ratifies its delegation agreement with the city of Detroit through the Detroit water and sewerage department, which sets forth the terms and conditions of such delegated authority, consistent with this chapter, and shall allow the Detroit water and sewerage department to perform the specific responsibilities of control authority pursuant to state and federal law.

(Ord. 01-07 § 1, 2007: Ord. 12-01 § 5, 2001: Ord. 797 § 7(A), 1990)

13.16.210 - Discharge prohibitions

A.

General Pollutant Prohibitions. No user shall discharge or cause to be discharged into the POTW, directly or indirectly, any pollutant or wastewater which will cause interference or pass through. These general discharge prohibitions shall apply to all users of the POTW whether or not the user is subject to national categorical pretreatment standards or to any other federal, state, or local pretreatment standards or requirements. In addition, it shall be unlawful for a user to discharge into the POTW:

1.

Any liquid, solid or gas, which by reason of its nature or quantity, is sufficient either alone or by interaction with other substances to create a fire or explosion hazard or to be injurious in any other way to persons, to the POTW, or to the operations of the POTW. Pollutants, which create a fire or explosion hazard in a POTW, include, but are not limited to, waste streams with a closed cup flash point of less than 140°F or 60°C using the test methods specified in 40 C.F.R. § 261.21; or

2.

Any solid or viscous substance in concentrations or quantities, which are sufficient to cause obstruction to the flow in a sewer or other encumbrances to the operation of the POTW, including, but not limited to, grease, animal guts or tissues, bones, hair, hides or fleshing, entrails, whole blood, feathers, ashes, cinders, sand, cement, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, strings, fibers, spent grains, spent hops, wastepaper, wood, plastic, tar, asphalt residues, residues from refining or processing of fuel or lubrication oil, mud or glass grinding or polishing wastes, or tumbling and deburring stones; or

3.

Any wastewater having a pH of less than 5.0 units or greater than 11.5 units; or

4.

Any wastewater containing petroleum oil, non-biodegradable cutting oil, products of mineral oil origin, or toxic pollutants in sufficient concentration or quantity either singly or by interaction with other pollutants to cause interference, or pass through, or constitute a hazard to humans or animals; or

5.

Any liquid, gas, solid or form of energy, which either singly or by interaction with other waste is sufficient to create toxic gas, vapor, or fume within the POTW in quantities that may cause acute worker health and safety problems, or may cause a public nuisance or hazard to life, or are sufficient to prevent entry into the sewers for their maintenance and repair; or

6.

Any substance which is sufficient to cause the POTW's effluent or any other product of the POTW, such as residue, sludge, or scum to be unsuitable for reclamation processing where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria guidelines or regulations developed under 33 U.S.C. § 1345, with any criteria, guidelines, or developed and promulgated regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Federal Clean Air Act, the Federal Toxic Substances Control Act, or with State criteria applicable to the sludge management method being used; or

7.

Any substance which will cause the POTW to violate either the consent judgment in U.S. EPA v city of Detroit et al., Federal District Court for the Eastern District of Michigan Case No. 77-1100, or the city of Detroit's National Pollutant Discharge Elimination System permit; or

8.

Any discharge having a color uncharacteristic of the wastewater being discharged; or

9.

Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into a public sewer which exceeds 150°F or which will cause the influent at the wastewater treatment plant to rise above 104°F (40°C); or

10.

Any pollutant discharge which constitutes a slug; or

11.

Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established in compliance with applicable federal or state regulations; or

12.

Any floating fats, oil or grease which are sufficient to cause interference with or pass through the POTW; or

13.

Any solid materials having a specific gravity greater than 1.2 or a cross section dimension of one-half (1/2) inch or greater which are sufficient to cause interference with the POTW.

B.

Specific pollutant prohibitions. No user shall discharge wastewater containing in excess of the following limitations:

1.

Compatible Pollutants. See Appendix C

2.

Non-Compatible Pollutants. No user shall discharge wastewater containing in excess of:

	mg/l
Arsenic (As)	1.0
Cadmium (Cd)	See Appendix C
Chromium (Cr)	25.0
Copper (Cu)	2.5
Cyanide (CN) (Available)	1.0
Iron (Fe)	1000.0
Lead (Pb)	1.0
Nickel (Ni)	5.0
Silver(Ag)	1.0
Zinc(Zn)	<u>7.3</u>
Total Phenolic Compounds	1.0 or See Appendix B

All limitations are based on samples collected over an operating period representative of an industrial user's discharge, and in accordance with 40 C.F.R. part 136.

a.

The Limitation for Total PCB is Non-Detect. Total PCB shall not be discharged at detectable levels, based upon U.S. EPA Method 608, and the quantification level shall not exceed 0.2 ug/m/l, unless a higher level is appropriate because of demonstrated sample matrix interference. Where one or more samples indicate detectable levels of total PCB, the user shall be required to demonstrate compliance. For purposes of this section, this demonstration may be made using analytical data showing that the total PCB concentration is below the detection level, or submission of a BMP in accordance with Section 13.16.460(d).

b.

The Limitation of Mercury (Hg) is Non-Detect. Mercury (Hg) shall not be discharged at detectable levels, based upon U.S. EPA Method 245.1, and the quantification level shall not exceed 0.2 ug/m/l, unless a higher level is appropriate because of demonstrated sample matrix interference. Where one or more samples indicate detectable levels of mercury, the user shall be required to demonstrate compliance. For the purposes of this section, this demonstration may be made using analytical data showing that the mercury concentration is below the detection level, or submission of a BMP in accordance with Section 13.16.460(d).

All limitations are based on samples collected over an operating period representative of an industrial user's discharge, and in accordance 40 CFR Part 136.

3.

Compliance Period. Within thirty (30) days of the effective date of the ordinance codified in this article, the department shall notify all industrial user's operating under an effective wastewater discharge permit of the requirement to submit a compliance report within one hundred eighty (180) days after the effective date of this ordinance. The compliance report shall demonstrate the user's compliance or non-compliance with these limitations, and, in the event of non-compliance, include the submission of a plan and schedule for achieving compliance with the stated limitation. In no event shall a compliance schedule exceed eighteen (18) months from the effective date of the ordinance codified in this chapter. An industrial user who does not demonstrate compliance may petition the department for a second extension as part of an administrative consent order. The department shall include appropriate monitoring, reporting, and penalties into an administrative consent order that relates to a second extension, and shall enter into such an agreement only upon a good-faith showing by the industrial user of the actions taken to achieve compliance with this provision.

C.

National Categorical Pretreatment Standards. All users shall comply with the applicable National Categorical Pretreatment Standards and requirements promulgated pursuant to the act as set forth in 40 C.F.R. Subchapter N, Effluent Guidelines and Standards, which are hereby incorporated by reference and with all other applicable standards and requirements, provided, that where a more stringent standard or requirement is applicable pursuant to state law or regulation, or to this division, then the more stringent standard or requirement shall be controlling. Affected dischargers shall comply with applicable reporting requirements under 40 C.F.R. part 403 and as established by the department. The National Categorical Pretreatment Standards which have been promulgated as of the effective date of this section are delineated in Appendix A.

1.

Intake Water Adjustment. Industrial users seeking adjustment of National Categorical Pretreatment Standards to reflect the presence of pollutants in their intake water must comply with the requirements of 40 C.F.R. 403.15. Upon notification of approval by the department, the adjustment shall be applied by modifying the permit accordingly. Intake water adjustments are not effective until incorporated into an industrial user's permit.

2.

Modification of National Categorical Pretreatment Standards. The department may apply to the U.S. Environmental Protection Agency, or to the Michigan Department of Environmental Quality, whichever is appropriate, for authorization to grant removal credits in accordance with the requirements and procedures in 40 C.F.R. § 403.7. Such authorization may be granted only when the POTW treatment plant can achieve consistent removal for each pollutant for which a removal credit is being sought, provided, that any limitation of such pollutant(s) in the NPDES permit neither are being exceeded nor pose the prospect of being exceeded as a result of the removal credit being granted. Where such authorization is given to the department, any industrial user desiring to obtain such credit shall make an application to the department, consistent with the provisions of 40 C.F.R. § 403.7 and of this division. Any credits which may be granted under this section may be subject to modification or revocation as specified in 40 C.F.R. § 403.7, or as determined by the department. A requisite to the granting of any removal credit may be that the industrial user pay a surcharge based upon the amounts of such pollutants removed by the POTW, such surcharge being based upon fees or rates which the board may establish and, when appropriate, revise from time to time. Permits shall reflect, or be modified to reflect, any credit granted pursuant to this section.

3.

New Sources. Industrial users who meet the new sources criteria shall install, maintain in operating condition, and "start-up" all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge. Within the shortest feasible time and not to exceed ninety (90) days, new sources must meet all applicable pretreatment standards.

4.

Concentration and Mass Limits. When limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the department may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual industrial users. Equivalent limitations shall be calculated in accordance with Sections 40 C.F.R. § 403.6(c)(3) and/or 40 C.F.R. § 403.6(c)(4) and shall be deemed pretreatment standards for the purposes of 33 U.S.C. § 1317(d) and of this division. Industrial users will be required to comply with the equivalent limitations in lieu of the promulgated categorical standards from which the equivalent limitations were derived.

5.

Reporting requirements for industrial users upon effective date of categorical pretreatment standards-baseline report. Within one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or one hundred eighty (180) days after the final administrative decision made upon a category determination submission under Section 40 C.F.R. § 403.6(a)(4), whichever is later, existing industrial users subject to such categorical pretreatment standards and currently discharging into or scheduled to discharge into the Detroit POTW shall submit to the department a report containing the information listed in 40 C.F.R. § 403.12(b)(1-7). Where reports containing this information have already been submitted to the Director or regional administrator in compliance with the requirement of 40 C.F.R. § 128.140(b), the industrial user will not be required to resubmit this information. At least ninety (90) days before commencement of any discharge, each new source and any existing sources that become industrial users after the promulgation of an applicable categorical pretreatment standard shall submit to the department a report which contains the information listed in 40 C.F.R. § 403.12(b)(1-5). In such report, new sources shall include information concerning the method of pretreatment the source intends to use to meet applicable pretreatment standards. New sources shall provide estimates of the information requested in 40 C.F.R. § 403.12(b),(4) and (5).

D.

Dilution Prohibited. Except where expressly authorized to do so by an applicable pretreatment standard or requirement, no user shall increase the use of process water, or in any way dilute or attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the national categorical pretreatment standards, or in any other pollutant specific limitation or requirement imposed by the city of Hazel Park, the city of Detroit or by the state of Michigan.

E.

Hauled in Wastewater. Any waste material or wastewater which is hauled into or within the service region for discharge to the POTW is subject to the requirements of this division including, but not limited to, permits, inspection, monitoring and enforcement. Unloading liquid or solid waste from hauling vehicles, directly or indirectly, into the POTW, with or without the benefit of pretreatment, is prohibited unless the person proposing to unload such waste has applied for and received a permit from the department for unloading such waste in accordance with the board's rules pertaining thereto. The discharger shall be subject to applicable terms and conditions, surcharges, fees or rates as established by the board. Hauled in wastewater shall only be discharged at points designated by the POTW after authorization or approval issued pursuant to the general permit requirements specified in [Section 13.16.330](#) of this code. The department may establish specific limitations for sludge from municipally owned or operated POTW treatment plants which are different than the specific limitations in this division.

F.

Centralized Waste Treatment. It is unlawful for a centralized waste treatment (CWT) facility to discharge any industrial waste or wastewater into the POTW without a wastewater discharge permit from the department. Any authorization granted, or permit issued, by the department to a centralized waste treatment (CWT) facility shall specify the type of wastewater for which treatment is provided, and discharge approval is sought, from the POTW. Unless such industrial waste or wastewater is determined by the department to require further authorization, a centralized waste treatment (CWT) facility that has submitted an application to, and received previous approval from, the department to discharge wastewater is not required to obtain further authorization from the department before discharging such wastewater. An industrial user, that provides centralized waste treatment services and files an application for the treatment and discharge of such types of wastewater to the POTW, shall provide the following minimum information in support thereof:

1.

The general nature, source and process(es) generating the type of wastewater. Any wastewater, which is generated from those processes and is subject to National Categorical Pretreatment Standards as delineated in Appendix A, shall be so designated;

2.

The identity of the toxic pollutants known or suspected to be present in the wastewater;

3.

At least one sample report showing the results of an analysis for the EPA priority pollutants for each type of wastewater for which application is made in subsection (f)(1) of this section;

4.

A statement, that is certified by a professional engineer, which addresses the treatability and compatibility of the wastewater, received or collected by the facility's treatment process(es);

5.

The identity of the materials and/or pollutants whose transport or treatment are regulated by the EPA, by the state, or by any other governmental agency. Upon request, the centralized waste treatment (CWT) facility shall provide a copy of its permit and/or license to the department; and

6.

Other information requested by the department including, but not limited to, information required by [Section 13.16.330\(c\)\(1\) through \(18\)](#) of this code, or by rules adopted by the board. The discharge from a centralized waste treatment (CWT) facility will be deemed approved for those specific types of wastewater delineated in a permit and, upon issuance of such permit in accordance with the procedures contained in [Section 13.16.330](#) of this code, will be deemed approved for discharge into the POTW. The centralized waste treatment (CWT) facility shall comply with all applicable provisions contained in [Section 13.16.330](#) of this code regarding permits. In furtherance of its obligations as control authority, the department may include in the permit a requirement to report at selected intervals the information mandated in subsections (F)(1) through (F)(6) of this section.

All users granted a permit under this section shall maintain records which, at a minimum, identify the source, volume, character, and constituents of the wastewater accepted for treatment and disposal. These records may be reviewed at any time by the department.

G.

Groundwater Discharges. Unless authorization has been granted by the department, the discharge of any groundwater into the POTW is prohibited.

The department may authorize the discharge of groundwater resulting from maintenance and related activities of gas, steam, or electrical utilities through the use of general permits. Subject to appropriate reporting requirements, the general permit shall authorize discharge in accordance with the terms of the permit. Utilities shall comply with this provision within one hundred eighty (180) days after its enactment.

If a person, who proposes to discharge groundwater resulting from purge, response activity, or UST projects, has applied for and received a permit from the department, the department may authorize the discharge of such wastewater. Permits shall be issued in accordance with the procedures contained in [Section 13.16.330](#) of this code, or in accordance with any rules adopted by the board.

H.

City of Hazel Park Right of Revision. The city of Detroit and city of Hazel Park reserve the right to establish rules or regulations adopted by the board, additional or more stringent limitations or requirements on discharges to the POTW. (These rules and regulations shall be adopted in accordance with the rule-making procedures Section 2-111 of the 1997 Detroit City Charter in the 1997, if any.) Ninety (90) days after adoption by the board, industrial users shall comply with such rules and regulations.

I.

Accidental Discharges.

1.

Each industrial user, which does not currently have an approved spill prevention plan or slug control plan, shall provide protection from accidental discharge of prohibited materials or other substances regulated by this division, and all significant industrial users shall submit to the department detailed plans which show facilities and operating procedures to be implemented to provide protection against such accidental discharges. Facilities and measures to prevent and abate accidental discharges shall be implemented, provided, and maintained at the owner's or industrial user's cost or expense. Unless the significant industrial user has an approved spill prevention or slug control plan, all existing significant industrial users shall complete and submit such a plan within sixty (60) days of the effective date of this division (November 19, 1986). New significant industrial users shall submit such a plan prior to the time they commence discharging. For purposes of this section, the information provided shall include the approximate average and maximum quantities of such prohibited materials or substances kept on the premises in the form of raw materials, chemicals and/or waste therefrom and the containment capacity for each. Only substances that are in a form which could readily be carried into the POTW and constitute a concentration of five percent or greater in the raw material, chemical solution or waste material, are required to be reported. Volumes of less than fifty-five (55) gallons, or the equivalent thereof, need not be reported unless lesser quantities could cause pass through or cause interference with the POTW.

The industrial user shall promptly notify the department of any significant changes or modifications to the plan including, but not limited to, a change in the contact person, or substance inventory.

2.

At least once every two years, the department shall evaluate whether a significant industrial user needs a plan to control slug discharges, as defined by 40 C.F.R. § 403.8(f)(2)(v). Unless otherwise provided, all significant users shall complete, implement, and submit such a plan within thirty (30) days of notification by the department.

J.

Notification Requirements. Unless a different notice is provided by this division or applicable law, within one hour of becoming aware of a discharge into the POTW which exceeds or does not conform with federal, state or city of Hazel Park laws, rules, regulations or permit requirements, or which could cause problems to the POTW, or which has the potential to cause the industrial user to implement its plan prepared in accordance with subsection (1) of this section, the industrial user shall telephone the department at its control center and notify the department of the discharge. The notification shall include the name of the caller, the location and time of discharge, the type of wastewater, the estimated concentration of excessive or prohibited pollutants and estimated volume, and the measures taken, or being taken, to abate the discharge into the POTW. Within five calendar days after the discharge, the industrial user shall submit a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences and when required by the department, the industrial user's wastewater discharge permit may be modified to include additional measures to prevent such future occurrences. Such notification shall not relieve the industrial user of any expense, cost of treatment, loss, damages or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other environmental impairment or any other damage to person or property.

K.

Notice to Employees. A notice shall be permanently posted on the industrial user's bulletin board, or other prominent place, advising employees whom to contact in the department in the event of an actual or excessive or prohibited discharge.

L.

Recovery of Costs. Any user discharging in violation of any of the provisions of this division, which produces a deposit or obstruction, or causes damage to or impairs the department's POTW, or causes the department to violate its NPDES permit, shall be liable to the department for any expense, loss, damage, penalty or fine incurred by the department because of said violation or discharge. Prior to assessing such costs, the department shall notify the user of its determination that the user's discharge was the proximate cause of such damage, obstruction, impairment, or violation of the city's NPDES permit and the department's intent to assess such costs to the user. Any such notice shall include written documentation which substantiates the determination of proximate cause and a breakdown of cost estimates. Failure to pay the assessed costs shall constitute a violation of this division. Such charge shall be in addition to, and not in lieu of, any penalties or remedies provided under this division, or this code, or other statutes and regulations, or at law or in equity.

M.

Hazardous Waste Notification. All industrial users, who discharge into the city of Hazel Park collection system, shall notify the department in writing of any discharge of a substance which, if otherwise disposed of, would be a hazardous waste as set forth in 40 C.F.R. Part 261. Such notification must comply with the requirements of 40 C.F.R. § 403.12(p).

N.

Authorized Representative. The authorized representative, as defined in [Section 13.16.030\(a\)\(2\)](#) of this code, may designate a duly authorized representative of the individual designated in [Section 13.16.030\(a\)\(2\)\(i\)](#) or (ii) where:

1.

The authorization is made in writing by the individual defined in [Section 13.16.030\(a\)\(2\)\(i\)](#) or (ii);

2.

The authorization specifies either an individual or a position having responsibility for the overall operation of the facility where the industrial discharge originates, such as the position of plant manager, operator of a well or well

field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and

3.

The written authorization is submitted to the department.

O.

Pollution prevention. The department shall encourage and support industrial users to develop and implement pollution prevention programs that are designed to eliminate or reduce pollutant contributions beyond the levels required by this division. The department may require an industrial user to implement pollution prevention initiatives or BMP, as part of an enforcement response, or as necessary to comply with its NPDES permit.

(Ord. 01-07 § 5, 2007: Ord. 12-01 § 5, 2001: Ord. 797 § 7(B), 1990)

13.16.320 - Fees.

A.

The purpose of this section is to provide for the recovery of costs from users of the POTW. The applicable charges or fees established by the board shall be sufficient to meet the costs of the operation, maintenance, improvement or replacement of the system, or as provided by law or by board action.

B.

The board shall adopt charges and fees which shall include, but not be limited to:

1.

Fees for reimbursement of costs of establishing, operating, maintaining, or improving the department's industrial waste control and pretreatment programs;

2.

User fees based upon volume of waste and concentration or quantity of specific pollutants in the discharge, and treatment costs including sludge handling and disposal;

3.

Reasonable fees for reimbursement of costs for hearings including, but not limited to, expenses regarding hearings officers, court reporters, and transcriptions; and

4.

Other fees, which the board may deem necessary, to carry out the requirements contained herein, or as may be required by law.

(Ord. 01-07 § 6, 2007: Ord. 12-01 (part), 2001: Ord. 797 § 7(M), 1990)

13.16.330 - Wastewater discharge permits.

A.

Required. It shall be unlawful for users to discharge into the POTW any wastewater which will cause interference or pass through, or otherwise not comply with the discharge prohibitions of [Section 13.16.210](#) of this code. It shall be unlawful for a significant industrial user to discharge into the POTW without a wastewater

discharge permit from the Detroit water and sewerage department. Unless otherwise expressly authorized by the department through permit, order, rule or regulation, any discharge must be in accordance with the provisions of this division.

1.

All significant industrial users, which are in existence on the effective date of this division, shall apply for a wastewater discharge permit within thirty (30) days of the effective date of this division. Significant industrial users who are currently operating with a valid wastewater discharge permit are not subject to this provision. These applications are to include all information specified in [Section 13.16.330\(e\)](#) of this code and, where applicable, any additional information which may be needed to satisfy the federal baseline monitoring report requirements of 40 C.F.R. § 403.12(b).

2.

All new significant users shall apply for a wastewater discharge permit at least ninety (90) days prior to commencement of discharge. The application must include all information specified in [Section 13.16.330\(c\)](#) of this code and, where applicable, any additional information that may be needed to satisfy the federal BMR requirements of 40 C.F.R. § 403.12(b). Until a permit is issued and finalized by the department, no discharge shall be made into the POTW.

3.

Any user, who proposes to discharge any wastewater other than sanitary or noncontact cooling water into the POTW, shall request approval from the department for the discharge(s) at least thirty (30) days prior to the commencement of the discharge.

B.

Permit Application or Reapplication. The department may require any user to complete a questionnaire and/or a permit application and to submit the same to the department for determining whether the industrial user is a significant user, or to determine changes in the wastewater discharges from a user's facility. Within thirty (30) days of being so notified, a user shall comply with the department's request in the manner and form prescribed by the department. Failure of the department to so notify a user shall not relieve the user of the duty to obtain a permit as required by this division.

1.

A user, which becomes subject to a new or revised National Categorical Pretreatment Standard, shall apply for a wastewater discharge permit within ninety (90) days after the promulgation of the applicable National Categorical Pretreatment Standard, unless an earlier date is specified or required by 40 C.F.R. § 403.12(b). The existing user shall provide a permit application which includes all the information specified in [Section 13.16.330\(c\)](#) and (g) of this code.

2.

A separate permit application shall be required for each separate facility.

3.

Existing permittees shall apply for permit reissuance a minimum of ninety (90) days prior to the expiration of existing permits on a form prescribed by the department.

C.

Application or reapplication information. In support of an application or reapplication for a wastewater discharge permit, the industrial user shall submit, in units and terms appropriate for evaluation, the following information:

1.

Corporate or individual name, any assumed name(s), federal employer identification number, address, and location of the discharging facility;

2.

Name and title of the authorized representative of the industrial user who shall have the authority to bind the industrial user financially and legally;

3.

All SIC numbers of all processes at this location according to the Standard Industrial Classification manual, issued by the Executive Office of the President, Office of Management and Budget, 1987, as amended;

4.

Actual or proposed wastewater constituents and characteristics for each parameter listed in the permit application form. Such parameters shall include those applicable pollutants having numeric limitations as enumerated in [Section 13.16.210\(a\)](#) and (b) of this code, those pollutants limited by national categorical pretreatment standards regulations for applicable industries and any toxic pollutants known or suspected to be present in the discharge, regulated in the previous permit, or specifically requested by the Detroit water and sewerage department. For each parameter, the expected or experienced maximum and average concentrations during a one year period shall be provided. For industries subject to national categorical pretreatment standards or requirements, the data requested herein shall be separately shown for each categorical process waste stream. Combined waste streams proposed to be regulated by the combined waste stream formula shall also be identified. Sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to 33 U.S.C. § 1314(g) and contained in 40 C.F.R. Part 136, as amended. Where 40 C.F.R. Part 136 does not include sampling or analytical techniques for the pollutants in question, sampling and analysis shall be performed using validated analytical methods approved by the administrator.

5.

A listing and description of activities, facilities and plant processes on the premises. Those processes, which are subject to national categorical pretreatment standards or requirements, shall be so designated. As pertains to subsection (C)(4), of this section, identify which pollutants are associated with each process;

6.

Restricted to only those pollutants referred to in subsection (C)(4), of this section, a listing of raw materials and chemicals which are either used in the manufacturing process or could yield the pollutants referred to in subsection (C)(4). Any user claiming immunity from having to provide such information for reasons of national security shall furnish acceptable proof of such immunity;

7.

A description of typical daily and weekly operating cycles for each process in terms of starting and ending times for each of the seven days of the week:

8.

Denote.

a.

The average and maximum twenty-four (24) hour wastewater flow rates including, if any, daily, monthly and seasonal variations;

b.

Each national categorical process waste stream flow rate and the cooling water, sanitary water and storm water flow rates separately for each connection to the POTW; and

c.

Each combined waste stream;

9.

A drawing showing all sewer connections and sampling manholes by the size, location, elevation and points or places of discharges into the POTW; also a flow schematic showing which connections receive each national categorical process waste stream and which connections receive storm water, sanitary water or cooling water; also show which lines handle each combined waste stream. This schematic shall be cross-referenced to the information furnished in subsection (C)(8) of this section;

10.

Each product produced by type, amount, process or processes and rate of production as pertains to processes subject to production based limits under the national categorical pretreatment standards or requirements only;

11.

A statement regarding whether or not the requirements of this division and of the national categorical pretreatment standards and requirements are being met on a consistent basis and, if not, what additional operation and maintenance work and/or additional construction is required for the industrial user to meet the applicable standards and requirements. This statement shall be reviewed and signed by the authorized representative and, as appropriate, certified by a qualified professional;

12.

Basic information on the program for the prevention of accidental discharges in accordance with the requirements of [Section 13.16.210\(I\)](#) of this code;

13.

Proposed or actual hours of operation of each pretreatment system for each production process;

14.

A schematic and description of each pretreatment facility which identifies whether each pretreatment facility is of the batch type or continuous process type;

15.

If other than Detroit water and sewerage department potable water, the industrial user's source of intake water together with the types of usage and disposal method of each water source, and the estimated wastewater volumes from each source;

16.

If additional construction and/or operation and maintenance procedures will be required to meet the requirements of this division and the national categorical pretreatment standards, the shortest schedule by which the user will provide such additional construction and/or implement the required operation and maintenance procedures;

17.

Identify whether the user has conducted a waste minimization assessment or audit of its operations in order to identify all feasible source reduction and recycling practices that may be employed to reduce or eliminate the generation of pollutants and other waste at the facility; and

18.

Any other information as may reasonably be required to prepare and process a wastewater discharge permit.

D.

Permit Issuance. Upon receipt of an application, the department shall review the application, determine, and so notify the industrial user in writing regarding any of the following:

1.

The industrial user does not meet the definition of a significant industrial user and is not required to have a wastewater discharge permit;

2.

The industrial user does meet the definition of a significant industrial user but is found by the department to have no reasonable potential for adversely affecting the POTW operation or for violating any pretreatment standard or requirement, and is not required to have a wastewater discharge permit. The department shall make such determination in accordance with the requirements of 40 C.F.R. § 403.8(f)(6);

3.

The application is incomplete or the information only partially satisfies the information and data required by 40 C.F.R. § 403.12 or by the department, and that additional information and data are required which shall be promptly furnished. Where appropriate, the industrial user is notified regarding specific information that is missing, or that the application is unacceptable;

4.

The industrial user is required to have a wastewater discharge permit. The department shall notify the industrial user of its determination and the basis of the determination. The department may withhold issuance of a permit to a significant user, which has not submitted an adequate or timely report, or permit application, to the department as the control authority in accordance with the reporting requirements of 40 C.F.R. § 403.12, or whose discharge is in violation of this division. If the department determines that an industrial user is required to have a wastewater discharge permit and has evaluated and accepted the data furnished, the industrial user will be notified accordingly by certified mail. The notification shall contain a copy of the draft permit, so marked, for the industrial user's review. An industrial user has thirty (30) days from the date of mailing to file a response to the draft permit and, in accordance with the procedures contained in [Section 13.16.570](#) of this code, twenty (20) days from the date of mailing to file an appeal regarding a permit issued as final. Upon disposition by the department of any contested terms or conditions, a permit shall be issued as final. Only one facility location shall be included in each permit.

E.

Permit Conditions. Wastewater discharge permits shall contain all requirements of 40 C.F.R. § 403.8(f)(1)(iii) and shall be deemed to incorporate all provisions of this division, other applicable laws, rules, regulations, and user charges and fees established by the city of Detroit or city of Hazel Park without repetition therein. In addition, permits may contain the following:

1.

Limits on the average and maximum wastewater constituents or characteristics which are equivalent, more restrictive than, or supplemental to the numeric limits enumerated in [Section 13.16.210](#) of this code, or the applicable national categorical pretreatment standards;

2.

Limits on average, and maximum rate and time of discharge or requirements for flow regulation and equalization;

3.

Requirements for installation, operation, and maintenance of discharge sampling manholes and monitoring facilities by the industrial user;

4.

Restrictions on which of the user's discharge waste streams are to be allowed to be discharged at each point of connection to the POTW;

5.

Specifications for industrial user monitoring programs which may include sampling locations, frequency and type of sampling, number, types and standards for tests and reporting schedules;

6.

Requirements for the prevention of accidental discharges and the containment of spills or slug discharges;

7.

Restrictions based on the information furnished in the application;

8.

Additional reporting requirements:

a.

All permittees shall submit a report on the form prescribed by the department, or on an alternative form approved by the department, indicating the status of compliance with all conditions enumerated or referred to in the wastewater discharge permit, or made applicable to the permit by this division. Unless required more frequently, the reports shall be submitted at six month intervals on a schedule to be established by the department. Analytical data generated by the department may not be submitted in lieu of the facility's own monitoring data as required by the wastewater discharge permit.

b.

Permittees not subject to national categorical pretreatment standards or requirements shall submit a report in accordance with the requirements of this section. The report shall show the concentration of each substance for

which there is a specific limitation in the permit, or which may be identified by the department in accordance with subsection [13.16.330\(E\)\(9\)](#) and (11) of this section.

c.

Permittees subject to national categorical pretreatment standards or requirements shall submit compliance reports at the times and intervals specified by federal regulations and by the department. A compliance report shall be submitted to the department no later than ninety (90) days following the final compliance date for a standard, or in the case of a new source, no later than ninety (90) days, following commencement of the introduction of wastewater into the POTW, and in accordance with 40 C.F.R. § 403.12(d). A report on continued compliance shall be submitted at six month intervals thereafter on the schedule established by the department and incorporated into the industrial users discharge permit and in accordance with this section. The reports shall be either on a form prescribed by the department or on an alternate form approved by the department, and shall indicate the nature and concentration of all pollutants in the discharge from each regulated process which are limited by national categorical pretreatment standards, or which there is a specific limitation in the permit, or which may be identified by the department in accordance with subsection [13.16.330\(E\)\(9\)](#) and (11) of this section. The report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the discharges regulated by the permit. The combined waste stream formula may be used for reporting purposes after the initial information has been furnished to the department, provided there have been no changes to the elements composing the combined waste stream.

d.

Reports shall contain the results of representative sampling performed during the period covered by the report and of the discharge and analysis of pollutants contained therein, and, for significant industrial users subject to production based standards, shall be cross-referenced to the related flow or production and mass as required to determine compliance with the applicable pretreatment standards. The frequency of monitoring shall be as prescribed in the applicable general pretreatment regulations, being 40 C.F.R. Part 403, or by the department, but no less than is necessary to assess and assure compliance by the industrial user with the most stringent applicable pretreatment standards and requirements. All sampling and analysis shall be performed in accordance with applicable regulations contained in 40 C.F.R. Part 136 and amendments thereto. Where 40 C.F.R. Part 136 does not include sampling or analytical techniques for the pollutants in question, sampling and analysis shall be performed using validated analytical methods approved by the administrator.

If an industrial user monitors any pollutant more frequently than required by the department using the procedures as prescribed in this section, the results of this monitoring shall be included in such report. The report shall state whether the applicable pretreatment standards are being met on a consistent basis and, if not, what additional operation and maintenance practices and/or pretreatment system improvements or changes are necessary to bring the industrial user into compliance with the applicable pretreatment standards.

e.

This report, and those required under Sections [13.16.210\(C\)\(5\)](#) and [13.16.330\(E\)\(8\)\(b\)](#) and (c) of this code, shall include the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction, or supervision, in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of a fine and/or imprisonment for knowing violations."

Said certification shall be signed by the facility's authorized representative, as defined in [Section 13.16.030\(A\)\(2\)](#) of this code. If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a

new authorization satisfying the requirements of the authorized representative definition must be submitted to the department prior to, or together with, any reports to be signed by an authorized representative.

f.

If sampling performed by a permittee indicates a violation, the user shall notify the department within twenty-four (24) hours of the time said user becomes, or should have become, aware of the violation. In addition, the user shall repeat the sampling and analysis, and submit the results of the repeat analysis to the department within thirty (30) days after said user becomes, or should have become, aware of the violation.

9.

In the event the director determines that an industrial user is discharging substances in quality, quantity or at locations which may cause problems to the POTW, or the receiving stream, the department has the authority to develop and enforce effluent limits applicable to the user. To the extent the department seeks to impose restrictions in a permit which are more restrictive than established in this division, the department shall provide written documentation to explain the greater restriction for protection against pass through, interference, or violation of the NPDES permit;

10.

Requirement for pollution prevention initiatives; and

11.

Other requirements reasonably necessary to ensure compliance with this division.

F.

Permit Duration. Permits shall be issued for a specified time period. Except as deemed necessary by the department, or as otherwise provided for under this division, permits shall be issued for a specified period of not more than five years nor less than one year. The existing permit for significant industrial users, who timely submit an application for permit reissuance to the department, shall be automatically extended until a permit is issued as final.

G.

Permit Modification. The terms and conditions of the permit may be subject to modification by the department during the term of the permit as limitations or pretreatment standards and requirements identified in [Section 13.16.210](#) of this code are amended, or other just cause exists. Just cause for a permit modification includes, but shall not be limited to, the following:

1.

Material or substantial changes to an industrial user's facility or operation, or changes in the characteristics of the industrial user's effluent. It shall be the industrial user's duty to request an application form and apply for a modification of the permit within thirty (30) calendar days of the change;

2.

Change(s) in the department's NPDES permit;

3.

Embodiment of the provisions of a legal settlement or of a court order;

4.

Any changes necessary to fulfill the department's role as control authority;

5.

An industrial user's noncompliance with portions of an existing permit,

6.

A change of conditions within the POTW;

7.

A finding of interference or pass through attributable to the industrial user;

8.

Amendments to, or promulgation of, national categorical pretreatment standards or requirements including 40 C.F.R. Part 403 and those delineated in Appendix A of this division. Permittees shall request an application form and apply to the department for a modified permit within ninety (90) days after the promulgation of a new or revised national categorical pretreatment standard to which the industrial user shall be subject. Information submitted pursuant to this subsection shall be confined to that information related to the newly promulgated or amended national categorical pretreatment standard or requirement. However, information previously submitted need not be duplicated, insofar as the previously submitted information continues to be current and applicable. In addition, the department may initiate this action;

9.

Changes in the monitoring location. (See [Section 13.16.420](#) of this code);

10.

Typographical errors or omissions in permits;

11.

The department may modify the permit on its own initiative based on its findings or reasonable belief of the above; or

12.

The user may request a modification of the permit. When initiated by the department, the industrial user shall be informed of any proposed change in its permit. The department will issue a draft permit and an industrial user has thirty (30) days to file a response to the draft modified permit. Thereafter, the department will issue a final permit and, unless appealed in accordance with the procedures contained in [Section 13.16.570](#) of this code, the permit will become effective twenty (20) days after issuance.

H.

Permit Custody and Transfer. Wastewater discharge permits are issued to a specific person as defined herein for a specific discharge. A wastewater discharge permit shall not be reassigned or transferred or sold to a different person, new owner, new industrial user, different premises, or a new or changed operation without notice to and written approval of the department, and providing a copy of the existing permit to the new owner or operator. It shall be the permit holder's duty to notify the department of any such change at least thirty (30) days before the date of the change. Wastewater discharge permits, which do not receive the written approval of the department

prior to the change, shall be null and void regardless of reassignment, or transfer, or sale. If it has occurred, the department may revoke a permit. If a change takes place, the department may require the application for a new or modified permit. Any succeeding person shall comply with the terms and conditions of any existing permit which the department allows to be retained.

I.

Permit Notification Requirements. All industrial users shall promptly notify the department in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous waste for which initial notification under 40 C.F.R. § 403.12(p) has been made, request a permit application form, and apply for a modification of the permit at least thirty (30) calendar days prior to the change. Failure of the industrial user to so apply shall be considered a violation of this division.

(Ord. 01-07 § 7, 2007: Ord. 12-01 (part), 2001: Ord. 797 § 7(N)(1), 1990)
13.16.420 - Monitoring facilities.

A.

Significant industrial users shall provide, operate and maintain at their own expense a sampling manhole or special structure to facilitate monitoring, inspection, sampling, and flow measurement of their discharge by the department and the industrial user, and to enable the department to conduct such other monitoring and sampling as required for determining compliance with discharge requirements, limits and standards as provided for in this division. In the event the department determines that the monitoring facility identified in the permit application is inadequate, a new monitoring facility must be identified, or provided, which shall allow for collection of a representative sample of the wastewater discharged from the facility. Unless otherwise determined at the discretion of the department, said facility shall be provided within ninety (90) days of receipt of notification by the department. The industrial user shall provide the department with:

1.

A drawing showing all sewer connections and sampling manholes by the size, location, elevation, and points or places of discharges into the POTW;

2.

A flow schematic showing:

a.

Which connections receive each national categorical process waste stream;

b.

Which connections receive storm water, sanitary water or cooling water; and

c.

Which lines handle each combined waste stream. This report shall be certified by a professional engineer. If a significant industrial user fails to install the monitoring facilities within the prescribed time limits, then the department may install such structure or device and the significant user shall reimburse the department for any costs incurred therein.

B.

The sampling manhole should be situated on the industrial user's premises in a location readily accessible to the department. When such a location would be impractical or cause undue hardship to the industrial user, the

department may allow the facility to be constructed in the public street or sidewalk area when there is room and the location will not be obstructed by landscaping or parked vehicles. It shall be the responsibility of the industrial user to obtain any necessary approvals which may be required from other government agencies for the location and construction of monitoring facilities. There shall be ample room in or near such sampling or monitoring manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility and any permanently installed sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the industrial user. Whether constructed upon public or private property, the sampling and monitoring facilities shall be provided in accordance with the department's requirements and all applicable local construction standards and specifications. (See [Section 13.16.330\(g\)](#))

(Ord. 01-07 § 8, 2007; Ord. 12-01 (part), 2001; Ord. 797 § 7(D), 1990)
13.16.430 - Inspection, sampling and record-keeping.

A.

For purposes of administering and enforcing this division, any other applicable provisions of this code or applicable state or federal laws and regulations, the department may inspect the establishment, facility or other premises of the industrial user. The department's employees or authorized representative shall have access to the industrial user's premises for purposes of inspection, sampling, compliance monitoring and/or metering activities.

B.

Each such inspection or sampling activity shall be commenced and completed at reasonable times, and in a reasonable manner. Upon arrival at the industrial user's premises, the department shall inform the industrial user, or the industrial user's employees, that sampling and/or inspection is commencing, and that the facility's authorized representative has the right to observe the inspection and/or sampling. The department shall neither refrain from, nor be prevented or delayed from, carrying-out its inspection or sampling duties due to the unavailability of the authorized representative of the facility to observe or participate in the inspection or sampling activity.

C.

While performing work on private property, employees or authorized representatives of the department shall observe all reasonable safety, security and other reasonable rules applicable to the premises as established by the industrial user. Duly authorized employees or representatives of the department shall bear proper credentials and identification, and at the industrial user's option may be accompanied by a duly authorized representative of the industrial user. Duly authorized department representatives shall not be restricted from viewing any of the facility site. Department employees or representatives may take photographs of facilities subject to this division. Which shall be maintained by the department as confidential in accordance with [Section 13.16.440](#) of this code.

D.

Where an industrial user has security measures in force, the industrial user shall make prompt and necessary arrangements with the security personnel so that, upon presentation of appropriate credentials, personnel from the department will be permitted to enter for the purposes of performing their specific responsibilities.

E.

Significant industrial users shall sample and analyze their discharge in accordance with the provisions of their permit. The department may require such samples to be split with the department for the department's independent analysis.

F.

Industrial users shall maintain records of all information from monitoring activities required by this division, or by 40 C.F.R. § 403.12(n). Industrial users shall maintain the records for no less than three years. This period of record retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the industrial user, or the operation of the city of Detroit's industrial waste program, or when requested by the department, by the state, or by the EPA.

G.

Upon the request of the department, industrial users shall furnish information and records relating to discharges into the POTW. Industrial users shall make such records readily accessible to the department at all reasonable times, and allow the department to copy such records.

H.

In the event the department obtains samples, and analyses are made of such samples, a copy of the results of such analyses shall be promptly furnished upon written request by the industrial user's authorized representative. When requested by the industrial user, the department employee or representative shall leave with the user, a portion of any sample of the user's discharge taken from any sampling point on or adjacent to the premises for the user's independent analysis. In cases of disputes arising over shared samples, the portion taken and analyzed by the department shall be controlling unless proven invalid.

I.

In addition to any other violation caused by the discharge described herein, in the event a single grab sample of the industrial user's discharge is obtained by the department, and then analyzed in accordance with 40 C.F.R. Part 136, and found to contain concentrations of pollutants which are two or more times greater than the numeric limitations as listed in [Section 13.16.210\(b\)](#) of this code, or as contained in the facility's wastewater discharge permit, the industrial user shall implement its slug control plan, and shall provide a written report to the department within fourteen (14) days, which describes the cause of greater concentration and provides a description of the means by which future discharge concentrations will be held to values of less than two times the limitation in the future.

(Ord. 01-07 § 9, 2007; Ord. 12-01 (part), 2001; Ord. 797 § 7(P), 1990)

13.16.440 - Confidential information.

A.

Information and data on an industrial user obtained from written reports, questionnaires, permit applications, permits and monitoring programs, and from inspections shall be available to the public or other governmental agencies without restriction unless the industrial user specifically requests and is able to demonstrate to the satisfaction of the department that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the industrial user.

When submitted to the department, all information claimed to be confidential must be clearly marked 'confidential.' When requested by the person furnishing the report, the portions of a report determined by the department to disclose trade secrets or trade secret processes, and which are clearly labeled as confidential, shall not be made available for inspection by the public, but shall be made available upon request to governmental agencies for uses related to this division, to the National Pollutant Discharge Elimination System (NPDES) permit, and to the State Disposal System permit and/or the pretreatment programs, provided, however that information shall be treated as confidential by the governmental agency, until such time as the information has been determined to be non-confidential by the governmental agency. Confidential information on industrial users, which the department releases pursuant to a request of another governmental agency, should be handled by the other governmental agency pursuant to its own confidentiality procedures. The department cannot control how another governmental agency handles such confidential information, and assumes no responsibility for the

disposition of the information released to the governmental agency. The department will use sufficient care to inform the other governmental agency of the existence of the industrial user's confidentiality claim.

The department shall determine whether the information requested to be treated as confidential, in fact, satisfies the requirements of confidential information as defined herein. The decision of the department shall be made in writing.

Wastewater constituents and characteristics will not be recognized as confidential information.

B.

Except as otherwise determined by the department or provided for by applicable law, all information with respect to an industrial user on file with the city shall be made available upon request by such user or the user's authorized representative during normal business hours.

(Ord. 01-07 § 10, 2007; Ord. 12-01 (part), 2001; Ord. 797 § 7(Q), 1990)
13.16.450 - Statutes, laws and regulations.

The National Categorical Pretreatment Standards defined in 40 C.F.R. Chapter I, Subchapter N, Parts 405-471, shall be and are incorporated by reference herein and made a part hereof. Unless otherwise provided, any reference in this division to a code, standard, rule, regulation, or law enacted, adopted, established, or promulgated by any private organization, or by any element or organization of government other than the city of Hazel Park shall be construed to apply to such code, standard, rule, regulation, or law in effect or as amended or promulgated, from the date of enactment of this division.

(Ord. 01-07 § 11, 2007; Ord. 12-01 (part), 2001; Ord. 797 § 7(R), 1990)

13.16.460 - Enforcement.

A.

Violations. It shall be a violation of this division for any user to:

1.

Fail to completely and/or accurately report the wastewater constituents and/or characteristics of the industrial user's discharge;

2.

Fail to report significant changes in the industrial user's operations or wastewater constituents and/or characteristics within the time frames provided in [Section 13.16.330\(G\)\(1\)](#) of this code;

3.

Refuse reasonable access to the industrial user's premises, waste discharge, or sample location for the purpose of inspection or monitoring;

4.

Restrict, lockout or prevent, directly or indirectly, access to any monitoring facilities constructed on public or private property. The locking or securing of the monitoring facility shall not constitute a violation pursuant to this subsection, provided, that upon request reasonable access to the facility is promptly provided to the department;

5.

Restrict, interfere, tamper with, or render inaccurate any of the department's monitoring devices including, but not limited to, samplers;

6.

Fail to comply with any condition or requirement of the industrial user's wastewater discharge permit;

7.

Fail to comply with any limitation, prohibition, or requirement of this division including any rule, regulation, or order issued hereunder. Industrial users acting in full compliance with wastewater discharge permits issued prior to the effective date of this division shall be deemed to be in compliance with the requirements of this division, and such permits shall remain in effect and be enforceable under this division until a superseding permit is effective. Industrial users shall comply with applicable National Categorical Pretreatment standards and requirements on the date specified in the federal regulations, regardless of compliance schedules.

B.

Upsets. An upset shall constitute an affirmative defense to an action brought for noncompliance with National Categorical Pretreatment standards where the requirements of subsection (B)(1) of this section are met.

1.

An industrial user who wishes to establish the affirmative defense shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that:

a.

An upset occurred and the industrial user can identify the cause(s) of the upset;

b.

At the time, the facility was being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;

c.

The industrial user has submitted the following information to the department, orally or in writing, within twenty-four (24) hours of becoming aware of the upset and where this information is provided orally, a written submission must be provided within five days:

(i)

A description of the discharge and cause of noncompliance;

(ii)

The period of noncompliance including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

(iii)

Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.

2.

In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset shall have the burden of proof;

3.

The industrial user shall control production of all discharges to the extent necessary to maintain compliance with this division upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

C.

Bypass. Bypasses are prohibited unless the bypass does not cause a violation of pretreatment standards or requirements, but only if it is for essential maintenance to ensure efficient operation of the treatment system. These bypasses are not subject to the provisions of subsections (C)(1) and (C)(2) of this section.

1.

Notice of Anticipated Bypass. Industrial users anticipating a bypass shall submit notice to the department at least ten days in advance.

2.

Notice of Unanticipated Bypass. An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time the industrial user becomes or should have become aware of the bypass. A written submission shall be provided within five days of the time the industrial user becomes or should have become aware of the bypass. The written submission shall contain a description of the bypass including exact dates and times, and if the bypass has not been corrected, the prevent reoccurrence of the bypass.

3.

Prohibition of Bypass and Enforcement. Bypass is prohibited, and the department may take enforcement action against a user for a bypass, unless:

a.

The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

b.

There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated waste, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

c.

The industrial user properly notified the department as described in subsection (C)(2) of this section.

4.

Bypass Approval. Where it meets all conditions in subsection (C)(3) of this section, the department may approve an anticipated bypass.

D.

Where one or more of the measurements taken for any pollutant defined in [Section 13.16.210\(b\)](#) of this code during a six month period exceed by any magnitude the daily maximum non-detect limit for the same parameter, the industrial user may develop and implement pollution prevention initiatives, or a BMP, as part of its response. The department may, as part of an administrative order, also require development of a BMP as a part of the department's enforcement response. Upon approval of the department, these pollution prevention initiative, or BMPs shall be made an enforceable part of the wastewater discharge permit. Industrial users shall provide, at six month intervals, analytical results and certifications in support of its implementation of an approved pollution prevention initiative or BMPs. Upon demonstration of compliance, the industrial user may request to be relieved of this implementation requirement.

E.

Emergency Suspensions and Orders. The department may order suspension of the sewer or wastewater treatment service and/or a wastewater discharge permit where, in the opinion of the department, such suspension is necessary to stop any actual or threatened discharge which presents or may present an imminent or significant hazard to the health or welfare of persons or to the environment, interferes or may interfere with the POTW, or causes or may cause the city of Detroit to violate any condition of its NPDES permit. Any person notified of a suspension of the sewer or wastewater treatment service and/or the wastewater discharge permit shall immediately stop or eliminate the contribution. In the event the department provides informal notification under this section, written confirmation and an order shall be provided within twenty-four (24) hours. In the event of a failure of the person to comply voluntarily with any suspension or revocation order, the department shall take such steps as deemed necessary, including immediate severance of the sewer connection or services, to prevent or minimize damage to the POTW system or danger to any individual or the environment. In the event such steps are taken, the director shall notify the industrial user within twenty-four (24) hours in writing of such action and order, and the specific recourse available. In any event, the department shall provide the industrial user with an opportunity for a hearing before the director, or his designated representative, within ten days of such action. The industrial user shall submit a detailed written statement to the department within fifteen (15) days of the occurrence describing the causes of the harmful contribution and the measures taken to prevent any future occurrence. Upon proof of elimination of the noncomplying discharge, the department shall reinstate the wastewater discharge permit and/or the sewer or wastewater treatment service.

F.

Notice of Violation. Except in the case of an actual or threatened discharge as specified in subsection E of this section, whenever the department has reason to believe that any industrial user has violated or is violating this division, the department shall serve a written notice stating the nature of the violation upon such industrial user. Where applicable, the department shall pursue appropriate escalating enforcement action as defined within its approved enforcement response plan. The failure of the department to issue a notice of violation shall not preclude the department from escalating its enforcement response.

G.

Administrative Actions. Whenever the department has reasonable grounds to believe that a user is violating, or has violated, a provision of its wastewater discharge permit, or a pretreatment standard or requirement or any prohibition of this division, the department, may initiate appropriate administrative enforcement action, except in the case of emergency or flagrant violation, in order to compel the industrial user to eliminate or to remedy such violation as soon as possible.

1.

a. Conferences. The department may order any person, who violates this division, to attend a conference wherein the department may endeavor to cause the user to eliminate or remedy the violation by establishing an enforceable compliance schedule. The notice of violation shall be served at least ten days before the scheduled

conference and shall set forth the date, time, and place thereof. The conference shall be conducted by a representative of the department. The industrial user shall present a plan and schedule for achieving compliance with this division. Nothing contained herein shall require the department to accept or agree to any proposed plan or schedule, or to prevent the department from proceeding with a show cause hearing as set forth in subsection (G)(2) of this section. If the attendees agree upon a compliance schedule, the user and the department's duly authorized representative may enter, by consent, into a compliance agreement or an administrative order setting forth the terms of such agreement. An industrial user must exhibit good faith and expeditious efforts to comply with this division and any procedures, requirements, and agreements hereunder.

b.

Compliance Schedules. The user and the department may agree upon a schedule which sets forth the terms and conditions, and time periods or schedules for completion of actions to remedy or to eliminate the causes of violation. These schedules may be developed as part of a compliance agreement, administrative consent order. Schedules developed under this subsection shall adhere to the following conditions:

(i)

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 upgraded or additional pretreatment facilities, or to the implementation of additional operation and maintenance procedures required for the industrial user to meet the applicable pretreatment requirements and standards including, but not limited to, hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, and completing construction;

(ii)

No single increment referred to in subsection (G)(1)(b)(i) of this section shall exceed nine months;

(iii)

Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the department including, at a minimum, whether it complied with the increment of progress to be met on such date and, if not, the date which it expects to comply with this increment of progress, the reason(s) for delay, and the steps being taken by the industrial user to return to the established schedule; and

(iv)

Any deviations from the compliance schedule may result in the industrial user being found in violation of this division.

Administrative Orders. The department may order any industrial user, who violates or continues to violate this division or a duly issued permit, to install and to properly operate devices, treatment facilities, or other related appurtenances. In addition, orders may contain such other requirements as might reasonably be necessary and appropriate to address the violation including the installation of pretreatment technology, additional self-monitoring and management practices, implementation of a waste minimization assessment to identify and implement feasible source reduction, and recycling practices to reduce the generation or release of pollutants at the facility. An order may be either an administrative consent order, which is the result of an agreement, or a unilateral administrative order.

2.

Show Cause Hearing. The department may order any industrial user, who violates this division or allows such violation to occur, to show cause before the department why a proposed enforcement action should not be taken.

A notice shall be served upon the industrial user specifying the time and place of a hearing before the department regarding the violation, the reason(s) why the action is to be taken, the proposed enforcement action, and directing the industrial user to show cause before the department why any proposed enforcement action should not be taken. The notice of the hearing shall be served personally, or by registered or certified mail with return receipt requested, at least ten days before the hearing. Service may be made upon any agent or officer of a corporation, or its authorized representative.

a.

Hearing Proceeding. The hearing shall be conducted in accordance with the procedures adopted by the board. A hearings officer shall conduct the show cause hearing and take the evidence, and may:

(i)

In the name of the board, issue notices of hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing;

(ii)

Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the director for action thereon.

b.

Transcript. At any show cause hearing held pursuant to this division, testimony shall be recorded by a court reporter.

3.

Actions. After a show cause hearing has been conducted, the hearings officer shall issue order to the industrial user directing any of the following actions:

a.

Immediate compliance with the industrial user's wastewater discharge permit or with any applicable limitation, condition, restriction or requirement of this division, or applicable local, state or federal law or regulation;

b.

Pretreatment of waste by installation of adequate treatment equipment or proper operation and maintenance of existing treatment equipment be accomplished within a specified time period;

c.

Submission of compliance reports on effluent quality and quantity as determined by self- monitoring and analysis during a specified time period;

d.

Submission of periodic reports on effluent quality and quantity determined by self-monitoring analysis throughout the final period set by a compliance date;

e.

Control of discharge quantities;

f.

Payment of costs for reasonable and necessary inspection, monitoring, and administration of the industrial user's activities by the department during compliance efforts;

g.

Any such other orders as are appropriate including, but not limited to, immediate termination of sewer or wastewater treatment services, or revocation of a wastewater discharge permit, or orders directing that following a specified time period sewer or wastewater treatment service will be discontinued unless adequate treatment facilities, devices, or operation and maintenance practices have been employed; and/or

h.

A finding the user has demonstrated by a preponderance of the evidence that a violation either of this division or of a duly issued permit did not occur.

4.

Public Notification of Significant Noncompliance. The department shall publish in the largest daily newspaper published in the city of Detroit and the list of all industrial users which were in significant noncompliance with applicable pretreatment requirements at any time during the previous twelve (12) months. All industrial users identified in a proposed publication shall be provided with a copy of the proposed notice at least thirty (30) days before publication and allowed an opportunity to comment as to its accuracy.

H.

Legal Actions.

1.

Criminal Action: Any user, who violates any provision of this division including the failure to pay any fees, fines, charges or surcharges imposed hereby, or any condition or limitation of a permit issued pursuant thereto, or who knowingly makes any false statements, representations or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this division or wastewater discharge permit, or who tampers with or knowingly renders inaccurate any monitoring device required under this division, is guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed five hundred dollars (\$500.00) for each violation per day, or by imprisonment for not more than ninety (90) days, or by both. The department is hereby authorized, through its counsel, to seek prosecution of criminal charges against any person violating any provision of this division.

2.

Civil Action: Whenever the department has reasonable grounds to believe that a user is violating, or has violated, a provision of its wastewater discharge permit, a pretreatment standard or requirement or any requirement of this division, the director may commence a civil action to compel compliance in a court of competent jurisdiction to enjoin the user from discharging, and/or to obtain appropriate relief to remedy the violations. The department or board may also seek additional legal and/or equitable relief. The commencement of suit neither constitutes an exclusive election of remedies nor prohibits the department, director, board, or city of Detroit from commencing action in federal court for discharges believed to be in violation of this division, state and federal requirements contained in the Clean Water Act, the city of Detroit's NPDES permit, or other applicable laws or requirements. In addition, the city of Detroit may recover the reasonable attorney fees, court costs, court reporters' fees, and other unusual expenses related to enforcement activities or litigation against the person found to have violated this division, or the orders, rules, regulations and permits issued hereunder.

3.

All fines, costs, and penalties which are imposed by any court of competent jurisdiction shall be payable to the city of Detroit water and sewerage department.

(Ord. 01-07 § 12, 2007: Ord. 12-01 (part), 2001: Ord. 797 § 7(S)(1), 1990)
13.16.570 - Reconsideration and appeal.

Through the procedures of reconsideration and appeal, a user may contest actions, determinations, or decisions of the department which result from its construction, application and enforcement of this division. The procedures contained within this section govern reconsideration and appeal with respect to construction, application, and enforcement of this division.

A.

Selection of Reconsideration or of Appeal.

1.

Except for those actions, determinations, or decisions which are expressly identified as subject only to appeal, reconsideration may be requested by any permit applicant, permittee, authorized industrial wastewater discharger or other discharger, who is adversely affected by any action, determination, or decision that is made by, or on behalf of, the department by the director, or an authorized representative, and that interprets, implements or enforces the provisions of this division.

2.

An appeal may be requested by any permit applicant, permittee, authorized industrial wastewater discharge or other discharger, who is adversely affected:

a.

By a permit issued as final by the department; or

b.

By an administrative order entered after a show cause order and hearing, or after a hearing for reconsideration.

3.

Unless otherwise expressly provided for by this division, a request for reconsideration or appeal must be signed by an authorized representative, and received at the department's general offices within twenty (20) days from the date of the occurrence of the action, determination, or decision in dispute. A request for reconsideration shall contain the requester's name and address, a brief statement of the reason(s), and the factual basis underlying the request.

4.

A request for reconsideration shall be filed in triplicate either by hand delivery or by certified mail to the general offices of the department. Where a request for reconsideration or appeal either is not filed within the time period provided for in this subsection or is improperly made, the action, determination or decision of the director, or the department's authorized representative, is final and any right to reconsideration appeal may be deemed waived.

B.

Reconsideration. Within fifteen (15) days after receipt of a timely and proper request for reconsideration, the department shall notify the applicant of the time and place for a hearing.

1.

A hearing for reconsideration shall be conducted by a hearings officer who is designated by the director and may be an employee of the department. The decision of the hearings officer shall be in the form of a recommendation to the director and embodied in an administrative order. Except for an administrative consent order that was negotiated and agreed to by both parties, an administrative order is appealable in accordance with subsection (C) of this section.

2.

Where improperly or untimely submitted, the department may reject a request for reconsideration. The department shall notify the requester in writing that the request has been rejected.

3.

Unless the date is mutually extended by both parties, the hearing shall be conducted neither less than ten days nor more than thirty (30) days after mailing of the notice. For cause and at the discretion of the hearings officer, the hearing may be continued for a reasonable time.

4.

The hearing for reconsideration shall be an informal consultation and conference where the requester in person, or by counsel, shall present their argument, evidence, data, and proof in connection with the issue(s) being reconsidered. The parties shall not be bound by the Michigan Rules of Evidence. The hearing shall be transcribed and the requester may obtain a copy of the hearing transcript, as appropriate, from the department or from the court reporter.

5.

Within thirty (30) days after the close of the hearing, the hearings officer shall issue a decision, which shall contain a recommendation to the director. The hearings officer shall send such decision to the requester by certified mail.

6.

Unless such action is necessary to prevent pass-through, interference or other harm to the POTW, to the public or to the waters of this state, the filing of a request for reconsideration in accordance with this section shall stay the action by the department that is the subject of the hearing for reconsideration.

C.

Appeal Within thirty (30) days after receipt of a timely and proper request for an appeal, the department shall notify the applicant in writing regarding the time and place for a hearing. The hearing shall be conducted in accordance with procedures set by the board until rules are promulgated pursuant to Section 2-111 of the 1997 Detroit City Charter. In addition:

1.

Any request for an appeal must be made within twenty (20) days of the department's action, determination or decision regarding the request for reconsideration or any permit issued in accordance with this division.

2.

Where a request either is not filed within the time period contained in this subsection or is improperly made, the action, determination or decision of the director, or the department's authorized representative, is final and any

right to appeal may be deemed waived. Where untimely or improperly submitted, the department may reject the request for an appeal, and shall notify the requester in writing that such request has been rejected.

3.

The department shall appoint a hearings officer. The hearings officer shall review the evidence, and within fifteen (15) days after the close of the hearing shall issue a written recommendation to uphold, modify or reverse the action, determination, or decision of the department.

4.

The written recommendation of the hearings officer shall be submitted to the board which shall render a final decision within thirty (30) days of its next regularly scheduled meeting.

5.

In accordance with applicable law, the user or the department may appeal any final decision of the board to a court of competent jurisdiction.

6.

Unless such action is necessary to prevent pass through, interference, or other harm to the POTW, to the public or to the waters of this state, the filing of a request for appeal in accordance with this section shall stay the action by the department that is the subject of the appeal.

(Ord. 01-07 § 13 (part), 2007: Ord. 12-01 (part), 2001: Ord 797 § 7(T), 1990)

Appendix A -

Aluminum Forming	40 C.F.R. Part 467
Asbestos Manufacturing	40 C.F.R. Part 427
Battery Manufacturing	40 C.F.R. Part 461
Builder's Paper and Board Mills	40 C.F.R. Part 431
Canned and Preserved Fruits/Vegetables	40 C.F.R. Part 407
Canned and Preserved Seafood Proc	40 C.F.R. Part 408
Carbon Black Manufacturing	40 C.F.R. Part 458
Cement Manufacturing	40 C.F.R. Part 411
Centralized Waste Treatment	40 C.F.R. Part 437
Coal Mining	40 C.F.R. Part 434
Coil Coating	40 C.F.R. Part 465
Copper Forming	40 C.F.R. Part 465
Dairy Products Processing	40 C.F.R. Part 405
Electrical and Electronic Components I & II	40 C.F.R. Part 469
Electroplating	40 C.F.R. Part 413
Explosives Manufacturing	40 C.F.R. Part 457
Feed Lots	40 C.F.R. Part 412
Ferroalloy Manufacturing	40 C.F.R. Part 424
Fertilizer Manufacturing	40 C.F.R. Part 418
Glass Manufacturing	40 C.F.R. Part 426

Grain Mills	40 C.F.R. Part 406
Gum and Wood Chemicals Mfg	40 C.F.R. Part 454
Hospital	40 C.F.R. Part 460
Ink Formulating	40 C.F.R. Part 447
Inorganic Chemicals Manufacture (I & III)	40 C.F.R. Part 415
Iron and Steel	40 C.F.R. Part 420
Landfills	40 C.F.R. Part 445
Leather Tanning & Finishing	40 C.F.R. Part 425
Meat Products	40 C.F.R. Part 432
Metal Finishing	40 C.F.R. Part 433
Metal Molding and Casting	40 C.F.R. Part 464
Metal Products and Machinery	40 C.F.R. Part 438
Mineral Mining and Processing	40 C.F.R. Part 436
Nonferrous Metals Forming	40 C.F.R. Part 471
Nonferrous Metals Mfg. I	40 C.F.R. Part 421
Nonferrous Metals Mfg. II	40 C.F.R. Part 421
Ore Mining and Dressing .	40 C.F.R. Part 440
Organic Chemicals, Plastics, and Synthetic Fibers	40 C.F.R. Part 414
Paint Formulating	40 C.F.R. Part 446
Paving and Roofing Material	40 C.F.R. Part 443
Pesticide Chemicals	40 C.F.R. Part 455
Petroleum Refining	40 C.F.R. Part 419
Pharmaceutical	40 C.F.R. Part 439
Phosphate Manufacturing	40 C.F.R. Part 422
Photographic	40 C.F.R. Part 459
Plastics Molding and Forming	40 C.F.R. Part 463
Porcelain Enameling	40 C.F.R. Part 466
Pulp, Paper, and Paperboard	40 C.F.R. Part 430 & 431
Rubber Manufacturing	40 C.F.R. Part 428
Soap and Detergent Mfg	40 C.F.R. Part 417
Steam Electric	40 C.F.R. Part 423
Sugar Processing	40 C.F.R. Part 409
Textile Mills	40 C.F.R. Part 410
Timber Products	40 C.F.R. Part 429
Transportation Equipment Cleaning	40 C.F.R. Part 442
Waste Combusters	40 C.F.R. Part 444

(Ord. 01-07 § 13 (part), 2007; Ord. 12-01 (part), 2001)

Appendix B -

An industrial user may elect, in lieu of the total phenols limitation specified in [Section 13.16.210\(B\)\(2\)](#), to substitute specific limitations for each of the eight individual phenolic compounds identified under the total phenols limitation. The following specific limitations, expressed in mg/l, shall be applied in lieu of the total phenols limitation, upon election:

2-Chlorophenol	2.0 mg/l
4-Chlorophenol	2.0 mg/l
4-Chloro-3-methylphenol	1.0 mg/l
2,4-Dichlorophenol	5.5 mg/l
2,4-Dinitrophenol	2.0 mg/l
4-Methylphenol	5.0 mg/l
4-Nitrophenol	15.0 mg/l
Phenol	14.0 mg/l

Following election, the wastewater discharge permit shall be modified to incorporate these substituted parameters and an industrial user shall be responsible for monitoring and reporting compliance with these parameters.

(Ord. 01-07 § 13 (part), 2007)

Appendix C - Interim Discharge Limitations.

No user shall discharge wastewater containing any of the following pollutants in excess of the following interim pollutant discharge limitations:

1.

Compatible Pollutants.

a.

Any fats, oil or grease (FOG) in concentrations greater than one thousand five hundred (1,500) mg/l based on an average of all samples collected within a twenty-four (24) hour period.

b.

Any total suspended solids (TSS) in concentrations greater than seven thousand five hundred (7,500) mg/l.

c.

Any biochemical oxygen demand (BOD) in concentrations greater than seven thousand five hundred (7,500) mg/l.

d.

Any phosphorus (P) in concentrations greater than two hundred fifty (250) mg/l.

Unless otherwise stated, all limitations are based upon samples collected over an operating period representative of a user's discharge, and in accordance with 40 CFR Part 146.

2.

Non-Compatible Pollutants.

Cadmium (Cd)	1.0 mg/l
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(Ord. 01-07 § 13 (part), 2007)

Chapter 13.17 - CROSS CONNECTION CONTROL

Sections:

13.17.010 - Water supply cross connection rules.

The city of Hazel Park adopts by reference the water supply cross connection rules of the Michigan Department of Environmental Quality being R325.11401 to R 325.11407 of the Michigan Administrative Code.

(Ord. 05-02 § 1 (part), 2002: Ord. 17-00 § 1 (part), 2000)

13.17.020 - Inspections.

It shall be the duty of the city manager to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply is deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be as established by the Hazel Park water department and as approved by the Michigan Department of Environmental Quality.

(Ord. 05-02 § 1 (part), 2002: Ord. 17-00 § 1 (part), 2000)

13.17.030 - Entry onto property.

The representative of the city manager shall have the right to enter at any reasonable time any nonresidential property served by a connection to the public water supply system of the city for the purpose of inspecting the piping system or systems thereof for cross connections. On request, the owner, lessees or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connection.

(Ord. 05-02 § 1 (part), 2002: Ord. 17-00 § 1 (part), 2000)

13.17.040 - Water service discontinued.

The Hazel Park water department is authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this chapter exists and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply system. Water service to such property shall not be restored until the cross connection(s) has been eliminated in compliance with the provisions of this chapter.

(Ord. 05-02 § 1 (part), 2002: Ord. 17-00 § 1 (part), 2000)

13.17.050 - Testing of backflow prevention devices.

All testable backflow prevention devices shall be tested initially upon installation to insure that the device is working properly. Subsequent testing of devices shall be conducted at a time interval specified by the city manager and in accordance with Michigan Department of Environmental Quality requirements. Only individuals

approved by the city manager shall be qualified to perform such testing. Those individual(s) shall certify the results of their testing.

(Ord. 05-02 § 1 (part), 2002; Ord. 17-00 § 1 (part), 2000)

13.17.060 - Protection from possible contamination required.

The potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified by this chapter and by the state and Hazel Park plumbing code. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE FOR DRINKING.

(Ord. 05-02 § 1 (part), 2002; Ord. 17-00 § 1 (part), 2000)

13.17.070 - Additional requirements.

This chapter does not supersede the state plumbing code and Hazel Park plumbing ordinance, [Chapter 15.36](#), as amended, but is supplementary to them.

(Ord. 05-02 § 1 (part), 2002; Ord. 17-00 § 1 (part), 2000)

13.17.080 - Violation and penalty.

Any person or customer found guilty of violating any of the provisions of this chapter or any written order of the city manager or Hazel Park water department, in pursuance thereof shall be fined not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00) for each violation. Each day upon which a violation of the provisions of this chapter shall occur shall be deemed a separate and additional violation for the purpose of this chapter.

(Ord. 05-02 § 1 (part), 2002; Ord. 17-00 § 1 (part), 2000)

Chapter 13.18 - PROHIBITION OF GROUNDWATER WELLS

Sections:

13.18.010 - Prohibition of groundwater wells—Findings.

The city of Hazel Park, city council, finds that the public health, safety and welfare will be protected if the use of groundwater wells and water supplied from such wells for human consumption, irrigation or other purposes is prohibited within the city.

(Ord. 06-06 § 1 (part), 2007)

13.18.020 - Definitions.

For the purpose of this chapter, the following definitions shall apply:

A.

"City" means the city of Hazel Park.

B.

"Groundwater" means underground water within the zone of saturation without regard to whether that underground water is within an aquifer.

C.

"Hazardous substance" shall have the same meaning as that term has as M.C.L. 324.20201(1)(t).

D.

"Human consumption" means use in food or drink intended for human ingestion, use in food preparation or food service, use in the interior of a dwelling unit for household purposes and use in any building for personal washing or ingestion by irrigation.

E.

"MDEQ" means the Michigan Department of Environmental Quality, including any successor agency.

F.

"Person" means any individual, co-partnership, corporation, association, club, limited liability company, joint venture, estate, trust, any other group or combination acting as a unit and the individual constituting such group or unit, and any other legal person.

G.

"USEPA" means the United States Environmental Protection Agency, including any successor agency.

H.

"Well" means an opening in the surface of the earth for the purpose of removing fresh water or water contaminated with hazardous substances or a test well, monitoring well, recharge well, waster disposal well or a well used temporarily for de-watering purposes during construction.

(Ord. 06-06 § 1 (part), 2007)

13.18.030 - Wells and groundwater use prohibited.

Except as provided in [Section 13.18.040](#), no person shall install or utilize, or allow, permit or provide for the installation or utilization of a well within the city. Except as provided in [Section 13.18.040](#), no person shall use any groundwater from any property located within the city for any purpose.

(Ord. 06-06 § 1 (part), 2007)

13.18.040 - Exceptions to prohibition.

A person may install or utilize, or allow, permit or provide for the installation or utilization of, a well within the city if any of the following exceptions applies and the requirements of the exception are complied with:

A.

Groundwater Monitoring. A well may be installed or utilized for groundwater monitoring or remediation as part of response activities approved by the USEPA or MDEQ, or consistent with a plan meeting the requirements of applicable federal or state environmental law, without prior approval or issuance of a permit by the city.

B.

Construction De-watering. A well may be used for construction de-watering, subject to issuance of a well permit by the city, if -any of -the following conditions are satisfied:

1.

The use of the de-watering well will not result in unacceptable exposure to contaminated groundwater, possible cross-contamination between saturated zones or adverse hydro geological effects on contaminated groundwater plumes. The burden and cost of making the determinations under this subsection and properly handling and disposing of water shall be borne solely by the person proposing to install the de-watering well, which costs shall include the actual cost for the city's staff or professional contractors reviewing such determinations and issuance of any permit required under this chapter; and

2.

The water generated by the de-watering activity is handled and disposed of in compliance with all applicable laws, rules, regulations, permit and license requirements, orders and directives of any governmental entity or agency of competent jurisdiction. Any exacerbation of contaminated groundwater, any release of hazardous substances or any violation of any other federal, state or local law which is caused by the use of the well under this exception shall be the responsibility of the person operating the de-watering well.

C.

Public Emergencies. A well may be used in the event of a public emergency, as such an emergency is determined by the city.

Under this section, a right-of-way permit shall be required prior to installing any well in a city-owned right of way except in the case of a public emergency.

(Ord. 06-06 § 1 (part), 2007)

13.18.050 - Issuance of permits.

No Person shall dig or drill a well upon any lands within the city pursuant to this chapter without having first secured a permit therefor from the city and paying all fees and costs required hereunder for the issuance of the permit. Additional costs or fees incurred under this chapter shall be billed to the applicant, and shall be paid by the applicant within thirty (30) days. The city may attach a lien to any property for which any costs or fees under this chapter remain unpaid after thirty (30) days. The form of permit and any fee for any permit issued under this chapter shall be determined by the city council.

(Ord. 06-06 § 1 (part), 2007)

13.18.060 - Enforcement responsibility.

The city manager or the city manager's designee shall be responsible for the enforcement of this chapter.

(Ord. 06-06 § 1 (part), 2007)

13.18.070 - Violation.

Whenever in this chapter an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in this chapter the doing of any act is required or the failure to do any act is declared to be unlawful, the violation of any such provision shall be punishable by a fine in the amount not to exceed five hundred dollars (\$500.00), plus costs, or imprisonment for a term not to exceed ninety (90) days, or both. Each day on which any violation exists shall constitute a separate offense.

(Ord. 06-06 § 1 (part), 2007)

13.18.080 - Building or improvement permit.

No permit for building, alteration or other required permit for a premises or improvement thereon shall be issued by the city for any premises found to be in violation of this chapter, or where it is proposed to install or use a well in violation of this chapter.

(Ord. 06-06 § 1 (part), 2007)

13.18.090 - Nuisance.

Any well which does not conform to this chapter is hereby declared and deemed a public nuisance, and shall be immediately taken out of service and properly and lawfully abandoned. Any existing well, the use of which is prohibited by this chapter, shall be plugged or abandoned in conformance with all applicable laws, regulations, rules, permit and license requirements, orders and directives of any governmental entity or agency of competent jurisdiction, or, in the absence of applicable law, rule, regulation, requirement, order, or directive, in conformance with the protocol developed consistent with the American Society for Testing and Materials ("ASTM") Standard #D5299-92. Any person found to be responsible for installing, permitting, maintaining or using such well is subject to being ordered by a court of competent jurisdiction to properly and lawfully remove or abandon such well.

(Ord. 06-06 § 1 (part), 2007)

Chapter 13.20 - GREASE INTERCEPTOR

Sections:

13.20.010 - Grease interceptors.

A.

General Regulations.

1.

Definitions. For purposes of this section of the ordinance code, the following definitions shall apply:

"Grease interceptor" means and includes a device commonly referred to as a "grease trap" and/or "grease interceptor," described as a device to receive the drainage from fixtures and equipment with grease-laden waste located in food preparation areas, such as in restaurants, hotel kitchens, hospitals, bars, cafeterias, and the like, and also described as a device for separating and retaining waterborne greases and grease complexes prior to wastewater exiting the device and entering the sanitary sewer collection system. A grease interceptor is commonly associated with kitchen cleaning appliances such as sinks, woks, and any other drains that collect oil and/or grease so as to prevent unreasonable accumulations of oil and/or grease from infiltrating into the sanitary sewer system and otherwise prohibiting the free flow of wastewater within such system. For purposes of this definition, the term "kitchen" shall refer to an establishment located other than in a single dwelling, primarily intended for activities of preparing, serving or otherwise making available for consumption food stuffs, and which establishments use one or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sauteing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting or poaching; also included are infrared heating, searing, barbecuing, and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing.

2.

Design and Standards. Grease interceptors shall be designed, and shall perform, in the manner provided for Chapter 10 of the Michigan Plumbing Code, governing "traps, interceptors, and separators," as such code is

amended from time-to-time.

3.

Requirement Regarding Installation and Maintenance. All grease interceptors shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects, and shall be capable of performing the function for which such devices are designed, as specified herein. All grease interceptors shall be maintained in a safe, sanitary and functional condition.

4.

Requirement for Testing. The owner and the operator of existing and new establishments with a grease interceptor shall each be responsible to secure the testing of and provide an independent certification that the grease interceptor is functioning as intended. For this purpose, samples of wastewater which have passed through the grease interceptor (and not through any other filter) shall be taken by an independent environmental engineer licensed to practice in the state of Michigan, who shall test and provide a certified report to the city on whether the grease interceptor is functioning in conformance with the standards of the city ordinance code. Such testing and certification shall be undertaken bimonthly, and the certification, which shall include the date the sample was taken, the date of testing, and the test results expressed in terms relating to the standards required herein, and shall be provided to the office of the Hazel Park building department on the first day of each even numbered month. The city shall maintain a list of approved environmental engineers for this purpose, and, at any time, the name of a new engineer may be proposed to the city for inclusion on the list, and, following investigation of the credentials of such engineer by the city. All engineers found to have reasonable credentials shall be included on the list. Failure to provide the bimonthly certifications when required shall constitute a violation of this chapter.

5.

Periodic Clean Out. Each grease interceptor shall be cleaned out and the operator of the establishment shall dispose of the contents in a lawful manner. Such clean out shall be undertaken on a quarterly basis, or on more frequent intervals specified in a written notice provided by the city to the owner and/or operator of the grease interceptor based upon the ownership and/or occupancy records of the city. The intervals specified in the notice shall be formulated based upon the type and size of user, prior inspections, and other relevant information. A certification of the owner and/or operator of the premises, including the date, name of person performing the work, a description of the cleaning undertaken, the amount of solids and grease removed, and an identification of the location of grease disposal shall be provided to the city in writing on the first day of June and December of each year, reflecting all clean out activity in the immediately preceding two quarters. Failure to provide such certifications when required shall constitute a violation of this chapter and the owner and/or the operator shall pay to the city its actual costs in obtaining such certifications.

6.

Posting of Maintenance and Repair Log. In all facilities having a grease interceptor, a maintenance and repair log, showing the date of maintenance and repair, description of maintenance and repair performed, and the identification of the person or persons who performed the maintenance and repairs on each occasion, shall be conspicuously posted on the premises in the immediate vicinity of the grease interceptor facility. Such maintenance log shall be retained by the operator of the establishment for at least one year, and the current and past log records shall be made available to the city inspectors during all reasonable business hours for examination. The failure to maintain such a log shall constitute a violation of this chapter and the owner and/or operator shall pay the city's actual costs in obtaining the log.

7.

Violations and Penalties.

a.

Any property owner or operator of an establishment who violates any provision of this chapter shall be responsible for a municipal civil infraction and shall, upon a finding of responsibility, be punished by paying a fine of two hundred fifty dollars (\$250.00). For each subsequent violation of this chapter, the responsible person or entity shall pay a fine of not less than five hundred dollars (\$500.00).

b.

The city may also seek additional legal and/or equitable relief in the district court or by filing suit in the circuit court. The city may recover its reasonable attorney's fees, court costs, court reporter's fees, and other expenses related to enforcement activities or litigation against the person or entity found to have violated this chapter.

8.

Interim and Emergency Measures. Considering that the ordinance codified in this chapter creates new obligations that will require a period of time for property owners and operators of existing establishments to make arrangements for compliance, the following shall apply:

a.

The requirement to install, maintain and repair grease interceptors on new and existing properties and establishments shall apply upon the effectiveness of this chapter.

b.

The obligation for testing and posting of maintenance logs, as required under subsections D and F of this section, shall not be enforced against existing establishments for a period of six months from the effective date of the ordinance codified in this chapter; provided, in view of the fact that the requirement for the installation of grease interceptors is not newly introduced by this chapter, and has previously been required under the plumbing code, the six month "grace period" for compliance shall not apply to the obligation for installation of grease interceptors in existing establishments.

c.

Notwithstanding that enforcement of the testing and maintenance log requirements shall be deferred for a period of six months from the effective date of the ordinance codified in this chapter, in the event the city determines, in the reasonable exercise of discretion that the failure to maintain and repair a grease interceptor during such six-month period is likely to result in an obstruction in the city's sanitary sewer system, following notice from the city and an opportunity of the property owner or operator of the establishment to cure the defect within the time stated in the notice, such condition is hereby declared to be a public health nuisance that may jeopardize health and property in the city. In the event of such nuisance, the city shall have the right, but not the obligation, to take action to clear the obstruction, in which event the property owner and the operator of the premises shall be required to reimburse the city for all costs and expenses as set forth below, incurred in connection with such action. Notice that curative action is necessary, as contemplated in this subsection, shall be given to the address on the records of the city treasurer for the property in question, and also delivered to the premises.

d.

Fees and Reimbursement of Costs.

1.

In the event of emergency measures, it is the purpose of this section to provide for recovery of costs from the property owner or operator of the establishment responsible for an obstruction in the city's sewer system.

2.

All costs associated with the repairs made by the city or its agent as a part of an emergency measure, including any expense, loss, damage, penalty, attorney's fees, court costs, and court reporter's fees incurred by the city shall be assessed to the property owner or operator of the establishment responsible for an obstruction in the city's sewer system. In addition to the actual costs for material, equipment and labor, the city shall assess actual documented costs for mobilization against the responsible owner or operator.

3.

After completion of the repairs made by the city or its agent as part of an emergency measure, the owner or operator of the offending establishment shall fully restore the property, including repair of roads, sidewalks, driveways and anything else requiring restoration. If the restoration is not made within a reasonable period of time, the city shall have the right but not the obligation to restore the property and shall assess all costs associated with the restoration to the owner or operator of the establishment responsible for the obstruction in the city's sewer system.

(Ord. 15-04 § 2, 2004)

Title 15 - BUILDINGS AND CONSTRUCTION*

Chapters:

Chapter 15.02 - ENFORCING AGENCY

Sections:

15.02.010 - Enforcing agency designated.

Pursuant to the provisions of the Michigan Electrical Code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, the electrical official of the city is designated as the enforcing agency to discharge the responsibility of the city under Act 230 of the Public Acts of 1972, as amended, state of Michigan. The city assumes responsibility for the administration and enforcement of said act throughout its corporate limits.

(Ord. 03-01 § 1, 2001)

Chapter 15.04 - BUILDING CODE

Sections:

15.04.010 - Adoption of 2000 Michigan Building Code.

That certain document, three copies of which are on file in the office of the city clerk's of the city of Hazel Park, being marked and designated as the "2000 Michigan Building Code," is adopted as the building code of the city of Hazel Park, in the state of Michigan; and each and all of the regulations, provisions, penalties, conditions and terms of such building code are referred to, adopted and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in [Section 15.04.020](#) of this chapter.

(Ord. 16-02 § 1 (part), 2002; Ord. 922 § 2, 1997; Ord. 811 § 1, 1991; Ord. 746 § 1, 1988; Ord. 702 § 1, 1986; Ord. 588 § 1, 1978; Ord. 581 § 1, 1977; Ord. 544 § 1, 1974)

15.04.020 - Additions, insertions and changes.

Agency Designated: Pursuant to the provisions of the Michigan Building Code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, the mechanical official of the city of Hazel Park is

designated as the enforcing agency to discharge the responsibility of the city of Hazel Park. The city of Hazel Park assumes responsibility for the administration and enforcement of such Act throughout its corporate limits.

Section 101.1 Insert: Title. These rules shall be known as the Michigan Building Code of the city of Hazel Park, hereinafter referred to as "this code".

(Ord. 06-02 § 1 (part), 2002; Ord. 922 § 3, 1997; Ord. 544 § 2, 1974)
Chapter 15.08 - ELECTRICAL CODE

Sections:

15.08.010 - Adoption of the 1999 National Electrical Code.

The 1999 Edition of the National Electrical Code (NFPA-70-1999), as promulgated and published by the National Fire Protection Association, Part 8 of the Michigan Bureau of Construction Codes, and the RECI 1999 Manual as amended are adopted by reference as a part of this chapter and made a part hereof, as fully set forth herein, and shall govern and be observed and followed in all installations, alterations, repair, conversion, use and maintenance of all new electric wiring, equipment, apparatus and fixtures of any voltage. Notice is given that complete copies of the code and technical amendments are available for public use and inspection at the offices of the city clerk and community development department.

(Ord. 8-00 § 1, 2000; Ord. 921 § 1, 1997)

Chapter 15.09 - INTERNATIONAL PROPERTY MAINTENANCE CODE

Sections:

Footnotes:
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Editor's note— Ord. No. [09-20](#), pts. I, II, adopted Dec. 8, 2020, amended Ch. 15.09, §§ 15.09.010, 15.09.020, and in doing so changed the title of said chapter from "Property Maintenance Code" to "International Property Maintenance Code," as set out herein.

15.09.010 - Adoption of 2018 International Property Maintenance Code.

A certain document, a copy of which is on file in the office of the City Clerk of the city of Hazel Park, being marked and designated as the 2018 Edition of the International Property Maintenance Code, as published by the International Code Council, Inc., and is hereby adopted as the International Property Maintenance Code of the city of Hazel Park, in the state of Michigan, for regulating and governing the conditions and maintenance of all property, buildings, and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit for human occupancy and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees thereof, and each and all of the regulations, provisions, penalties, conditions and terms of such International Property Maintenance Code, 2018 Edition, published by the International Code Council, Inc., and subsequent publications of the International Property Maintenance Code, published by the International Code Council, Inc., on file in the office of the city clerk are hereby referred to, adopted and made a part hereof, as if fully set out in this chapter, with the additions, insertions and changes, if any, prescribed in [Section 15.09.020](#) of this chapter.

(Ord. 10-02 § 1 (part), 2002; Ord. 920 § 2, 1997)

(Ord. No. 05-10, pt. I, 9-14-2010; Ord. No. 05-11, pt. I, 6-28-2011; Ord. No. [09-20](#), pt. I, 12-8-2020)

Editor's note— Ord. No. 09-20, pt. I, adopted Dec. 8, 2020, amended § 15.09.010 and in doing so changed the title of said section from "Adoption of property maintenance code" to "Adoption of 2018 International Property Maintenance Code," as set out herein.

15.09.020 - Additions, insertions, and changes.

Section 101.1. These regulations shall be known as the International Property Maintenance Code of the city of Hazel Park, hereinafter referred to as "this code."

Section 103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated by resolution of City Council.

Section 106.3.1 Civil Infraction. Any person, firm, corporation, partnership or other entity who shall violate a provision of this code shall, upon being found responsible by a court of competent jurisdiction pay the following fine(s):

1st Offense: Two hundred and fifty dollars (\$250.00);

2nd Offense: Five hundred dollars (\$500.00);

3rd Offense: One thousand dollars (\$1,000.00).

Each day that a violation continues after notice has been served pursuant to Section 107.3 of the Code, shall be deemed a separate offense.

Upon proof of rectifying the violation for which the person has been cited, prior to a court date, the citation will be dismissed upon payment of court costs in the following amounts:

A.

Prior to the first scheduled pre-trial date: Fifty dollars (\$50.00).

B.

Prior to the second scheduled court date: One hundred dollars (\$100.00).

C.

Prior to the third scheduled court date: One hundred and fifty dollars (\$150.00).

No ticket shall be dismissed upon payment of court costs only after the third scheduled court date.

Each day that a violation continues after notice has been served pursuant to Section 107.3 of the Code, shall be deemed a separate offense.

Section 112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than Two Hundred and Fifty (\$250.00) dollars or more than One Thousand (\$1,000.00) dollars.

Section 302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight inches in height.

Section 304.14 Insect Screens. During the period from March to November, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured,

packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (19 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Section 602.3 Heat Supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from September to June to maintain a temperature of not less than 68° F (20° C) in all habitable rooms, bathrooms, and toilet rooms.

Section 602.4 Occupiable Work Spaces. Indoor occupiable work spaces shall be supplied with heat during the period from September to June to maintain a temperature of not less than 65° F (18° C) during the period the spaces are occupied.

(Ord. 07-03 § 1, 2003; Ord. 10-02 § 1 (part), 2002; Ord. 920 § 3, 1997)

(Ord. No. 05-10, pt. II, 9-14-2010; Ord. No. 05-11, pt. II, 6-28-2011; Ord. No. 07-13, pt. I, 4-23-2013; Ord. No. [09-20](#), pt. I, 12-8-2020)

Chapter 15.10 - LANDSCAPE AND MAINTENANCE

15.10.010 - Definitions.

"Commercial property" means any real property other than residential located within the City of Hazel Park.

(Ord. No. 11-08, § I, 10-28-08)

15.10.020 - Landscape requirements.

All commercial property shall be required to adhere to the landscaping requirements as provided herein and in [Title 17 Zoning](#), Chapter 17.12.

(Ord. No. 11-08, § I, 10-28-08)

15.10.030 - Landscape maintenance.

(A)

All landscaping shall present at all times, a healthy, neat, clean, orderly, disease free and pest free appearance.

(B)

All landscaping soil and fill shall be free from weeds, refuse and debris at all times.

(C)

Landscaping elements, such as walls and fences, shall be constructed in a sound and workmanlike manner, with adequate support or footings and shall be repaired or replaced, as needed, to preserve an attractive appearance and to function as intended.

(D)

Any dead plant material or material which fails to show healthy growth must be removed within thirty (30) days of notice provided by the city.

(E)

Replacement of removed plant material must take place within ninety (90) days of removal or notification by the city whichever occurs first.

(F)

Any replacement plant material must meet the size and other characteristics of newly planted material, as required by this ordinance or Chapter 17.12.

(G)

Maintenance of all landscaping is the responsibility of the owners and/or lessee/lessor, jointly and separately.

(H)

Trees and large shrubs shall be adequately supported, as necessary, using stakes and guys. Such supports shall be designed so as to protect trees and shrubs from injury. Trees and shrubs shall be fastened to the supports with an acceptable commercial tree tie of plastic or hose covered wire. Stakes and wires to trees and shrubs should be removed at the end of one year to prevent permanent damage.

(I)

Any landscaped area shall not be encroached upon by any type of vehicle. All landscaped areas must be protected by an encroachment barrier. A vehicle may overhang a landscaped area provided that a minimum width of three (3) feet in landscaped area remains.

(J)

The maximum growth height of any landscaping within the sight triangle shall be thirty inches in height.

(K)

Areas within the non-paved street right of way abutting an owner's property shall also be maintained by the owner of the abutting property.

(Ord. No. 11-08, § I, 10-28-08)

15.10.040 - Structure and equipment maintenance.

(A)

The exterior of all structures and equipment shall be maintained in a safe, sanitary and clean condition.

(B)

The exterior of all structures and property shall be kept neat and clean and free of accumulation of garbage or rubbish except in approved containers.

(C)

Exterior lighting, doors and windows shall be kept in good repair and free from peeling paint or rotting wood.

(Ord. No. 11-08, § I, 10-28-08)

15.10.050 - Parking areas—Maintenance.

(A)

All parking areas and lots shall be kept clean and free of weeds, junk and debris.

(B)

Parking areas which show signs of deterioration and or crumbling shall be resurfaced within 120 days of notice provided by the city.

(Ord. No. 11-08, § I, 10-28-08)

15.10.050 - Violation—Penalty.

Violation of this ordinance shall be considered a civil infraction and shall carry a penalty as follows:

(A)

First Offense: One Hundred Dollars (\$100.00)

(B)

Second Offense: Two Hundred and Fifty Dollars (\$250.00)

(C)

Third Offense: Five Hundred Dollars (\$500.00)

There shall be a minimum period of fourteen days between each offense in order for a second and/or third offense to be cited. Repeat offenders must apply to the same property and an offense under the same section number. In addition to imposing the foregoing fines the court shall have the authority to order abatement of any continuing violation.

(Ord. No. 11-08, § I, 10-28-08)

Chapter 15.12 - FENCES*

Sections:

15.12.010 - Definitions.

As used in this chapter:

"Construction site barrier" means a temporary fence erected to protect a construction site from vandalism and unauthorized entry. Construction site barriers do not require a permit unless the barrier will be in place for more than one year.

"Fence" means a structure erected to act as a boundary marker, or erected for the purpose of restricting access to or from a lot or parcel of land, whether enclosing all or part of such lot or parcel.

"Fence building line" means the line established by the main wall of the rear of the primary building, extending to each side lot line.

"Fence owner" means person or entity who owns the property upon which a fence is erected.

"Front building line" means the line established by the main wall of the front of the primary building, extending to each side lot line.

"Front lot line" means the line established by the front of the lot extending to each side lot line.

"Landscape treatment" means a non-sight obscuring decorative structure used to enhance, accent, or protect the landscaping of the site. Landscape treatments include, but are not limited to timbers, boulders planter boxes. Decorative lampposts shall not be considered landscape treatment.

"Landscaping (vegetation)" means decorative plant materials (trees, shrubs, flowers, etc.) When used to enhance the yards or surfaces of a property of parcel. Landscaping does not require a permit.

"Privacy fence" means fences of opaque material having such qualities as to constitute a visual barrier. A visual barrier is provided if the distance or open space between the boards, slats, rails, stanchions or balusters is less than or equal to three inches when viewed and measured at ninety (90) degrees to the fence line.

"Privacy screen structure" means a sight obscuring structure, erected adjacent to or around, but not limited to, a patio, deck, courtyard area, swimming pool or outdoor hot tub, designed to screen, but not enclose the area behind it or within its confines. The term structure as used herein shall also include landscaping when used as a privacy screen.

"Rear building line" means the line established by the main wall of the rear of the primary building, extending to each side lot line.

"Rear lot line" means the lot line opposite the front line.

"Screen walls" means a masonry wall erected to screen a nonresidential lot or parcel from a residential district.

"Side lot line" means any lot lines other than the front lot lines or rear lot lines.

(Ord. 09-06 § 1 (part), 2006; Ord. 01-05 § 1 (part), 2005; Ord. 11-00 § 1 (part), 2000)
15.12.030 - General requirements—All districts.

A.

No wall or fence shall have barbed wire, razor wire, an electric current, concertina wire, nor any other material installed for the purpose of causing injury or harm. Similar material shall be determined by the code enforcement officer.

B.

Each fence or screen wall owner shall maintain their fences or walls in accordance with the provisions of all maintenance codes adopted by the city of Hazel Park.

C.

Fences and screen walls shall be maintained, plumb and true with adequate support and in a safe and sightly manner. The owner of a fence or screen wall shall remove or repair a fence or screen wall that is dangerous, dilapidated, or otherwise in violation of this code.

D.

Wooden fences must be properly surface coated with stain or paint, or, said construction to be of wolmanized or pressure-treated wood which treatment has not deteriorated.

E.

Fences shall be freestanding, straight, secure and not attached to other fences or structures for support.

F.

No fence shall be erected on any easement, alley, roadway, sidewalk or other public property without the express consent of city council.

G.

Any fence erected within ten feet of a driveway/public right-of-way intersection shall permit a motorist an unobstructed view of the public right-of-way when exiting a driveway. The sidewalk shall be visible for a distance of ten feet on both sides of the driveway. Visibility shall be judged from the garage doorjamb or ten feet from the sidewalk along the driveway's edge, whichever is closer. Visibility shall be judged from thirty (30) inches above the sidewalk. The city manager shall be judge of visibility. These requirements shall apply whether or not the fence is on the same property as the driveway.

(Ord. 01-05 § 1 (part), 2005; Ord. 11-00 § 1 (part), 2000)
15.12.040 - General requirements—Residential districts.

A.

Fences shall be constructed of steel, vinyl coating, iron, wood, masonry, or other durable material.

B.

A fence shall only be allowed in the rear yard, and shall not extend beyond the fence building line with the following exceptions:

1.

Fences may be placed on the front building line when the lot adjacent thereto is vacant;

2.

Fences may be placed on the front building line in cases where the adjacent property does not have a driveway which abuts any other driveway or where an adjacent driveway would abut the fence.

C.

Landscape treatments shall not exceed thirty (30) inches in height and shall not exceed twenty (20) percent of the required front yard as defined in [Chapter 17](#), Zoning Ordinance.

D.

Landscape and landscape treatments may be located between the front building line and the front lot line, not to exceed thirty (30) inches in height.

E.

Landscape treatments which fall within the front yard and which are parallel to, or are laced along, a lot line are limited as follows:

1.

An aggregate length not to exceed eight feet.

2.

Set back not less than two feet when adjacent to the front lot line or an adjoining property owner's driveway.

F.

No portion of a fence, landscape treatment, or landscaping shall project beyond the owner's property line.

G.

A fence or privacy fence shall not be erected in excess of six feet four inches in height as measured from the lowest existing adjacent grade. Where a residential property line is adjacent to a nonresidential district, the maximum height shall not exceed eight feet for fences on said property line.

H.

There shall be a maximum of one fence per property line, for each property owner. Agreements regarding ownership and maintenance of the fence shall be recorded with Oakland County Registrar of Deeds prior to erection.

I.

Privacy screen structures shall not exceed six feet in height above the surface of the deck, patio, pool or other area to be screened and shall not be allowed in the front yard.

J.

When erecting a fence next to an existing fence, the maintenance of the area between the fences shall be the responsibility of the person erecting the new fence. Fence panels shall be raised four inches above grade to allow for maintenance of the area between fences.

(Ord. 09-06 § 1 (part), 2006; Ord. 01-05 § 1 (part), 2005; Ord. 11-00 § 1 (part), 2000)
15.12.050 - General requirements—Nonresidential districts.

A.

Screen walls are required on or adjacent to all property lines separating nonresidential property from residential property and shall be eight feet in height, and shall comply with all other requirements of [Title 17](#) of this code and building code applicable to such land use and installations. All other nonresidential fences, in addition to meeting the requirements of this chapter, must receive the approval of the building official as being in compliance with all planning requirements.

B.

Where a screen wall is erected within a twelve (12) foot radius of a driveway/sidewalk intersection, whether within the property or not, the wall height within that radius shall be thirty (30) inches.

(Ord. 01-05 § 1 (part), 2005; Ord. 11-00 § 1 (part), 2000)

15.12.100 - Violation.

Violation of this chapter shall be considered a civil infraction and shall carry a penalty as follows:

A.

First offense: fifty dollars (\$50.00);

B.

Second offense: one hundred dollars (\$100.00);

C.

Third offense: five hundred dollars (\$500.00).

There shall be a minimum period of two weeks between each offense in order for a second and third offense to be cited. Repeat offenders must apply to the same property and substantially same fence. In addition to imposing the foregoing fines the court shall have the authority to order abatement of any continuing violations.

(Ord. 01-05 § 1 (part), 2005; Ord. 11-00 § 1 (part), 2000)

Chapter 15.20 - FIRE PREVENTION CODE

Sections:

15.20.010 - Adoption of 2018 International Fire Code.

A certain document, a copy of which is on file in the office of the City Clerk of the city of Hazel Park, being marked and designated as the 2018 Edition of the International Fire Code, including Appendix B, C, D, E, H, I, K, M, as published by the International Code Council, is hereby adopted by reference as the code of the city of Hazel Park, in the state of Michigan, for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the city of Hazel Park and providing for the issuance of permits for fire suppression systems, fire alarm systems and other uses or operations; and each and all of the regulations, provisions, conditions and terms of such International Fire Code, 2018 Edition, published by the International Code Council, and subsequent publications of the International Fire Code, published by the International Code Council, on file in the office of the city clerk are hereby referred to, adopted and made a part hereof as if fully set out in this chapter.

(Ord. 09-02 § 1 (part), 2002; Ord. 917 § 2, 1997)

(Ord. No. 06-10, pt. I, 12-14-2010; Ord. No. 05-12, pt. I, 6-26-2012; Ord. No. 03-14, pt. I, 11-6-2014; Ord. No. 05-16, pt. I, 8-9-2016; Ord. No. [04-19](#), pt. I, 8-27-2019)

Editor's note— Ord. No. [04-19](#), pt. I, adopted Aug. 27, 2019 amended [§ 15.20.010](#) and in doing so changed the title of said section from "Adoption of 2015 International Fire Code" to "Adoption of 2018 International Fire Code," as set out herein.

15.20.020 - Additions, insertions and changes.

Agency Designated: Pursuant to the provisions of the International Fire Code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, the City of Hazel Park Fire Chief, or his or her duly authorized representative, is designated as the enforcing agency to discharge the responsibility of the City of Hazel Park. The City of Hazel Park assumes responsibility for the administration and enforcement of such Act throughout its corporate limits.

Section 101.1 Title. These regulations shall be known as the Fire Prevention Code of the City of Hazel Park, hereinafter referred to as "this code."

Section 110.4 Violation Penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the code official, or of a permit or certificate used under provisions of this code, shall be guilty of a Misdemeanor, punishable by a fine of not more than \$500.00 or by imprisonment not exceeding 90 days, or both such fine and imprisonment Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 112.3 Notice Waived. The requirement for written notice of violation shall be waived where the code official deems the violation to be an imminent danger to the public health, safety or welfare.

Section 112.4 Failure to Comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a Misdemeanor, punishable by a fine of not more than \$500.00 or by imprisonment not exceeding 90 days, or both. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 1103.5.3. Group I-2 Condition 2. In addition to the requirements of Section 1103.5.2, existing buildings of Group I-2, Condition 2 occupancy shall be equipped through out with an approved automatic sprinkler system in accordance with Section 903.3.1.1. The automatic sprinkler system shall be installed as established by the adopting ordinance. The automatic sprinkler system shall be installed no later than six (6) months from the date of application with the building department. The automatic sprinkler system shall be tested and certified prior to issuance of a business license and occupancy.

(Ord. 09-02 § 1 (part), 2002; Ord. 917 § 3, 1997)

(Ord. No. 06-10, pt. II, 12-14-2010; Ord. No. 05-12, pt. II, 6-26-2012; Ord. No. 03-14, pt. II, 11-6-2014; Ord. No. 05-16, pt. II, 8-9-2016; Ord. No. [04-19](#), pt. II, 8-27-2019)
15.20.030 - Geographic limits.

The geographic limits referred to in certain sections of the 2018 International Fire Code are hereby established as follows:

Section 5704.2.9.6.1. Locations where above-ground tanks are prohibited. Storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is prohibited. Storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited within the City of Hazel Park.

Section 5706.2.4.4. Locations where above-ground tanks are prohibited. Storage of Class I and Class II liquids in above-ground tanks is prohibited within the limits established by law as the limits of districts in which such storage is prohibited. Storage of Class I and Class II liquids in above-ground tanks is prohibited within the City of Hazel Park.

Section 5806.2. Limitations. Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is prohibited. Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited within the City of Hazel Park.

Section 6104.2. Maximum capacity within established limits. Within the limits established by law restricting the storage of liquefied petroleum gas for the protection of heavily populated or congested areas, the aggregate capacity of any one installation shall not exceed a water capacity of 2,000 gallons (7570 L). The aggregate capacity of any one installation shall not exceed a water capacity of 2,000 gallons (7570 L) within the City of Hazel Park.

(Ord. No. 06-10, pt. III, 12-14-2010; Ord. No. 05-12, pt. III, 6-26-2012; Ord. No. 03-14, pt. III, 11-6-2014; Ord. No. 05-16, pt. II, 8-9-2016; Ord. No. [04-19](#), pt. III, 8-27-2019)

Chapter 15.23 - HAZARDOUS OR DANGEROUS SUBSTANCES AND MATERIALS REMOVAL AND REGULATION

Sections:

15.23.010 - Purpose.

The purpose of this chapter is to enable the city to require reimbursement from those responsible for the leaking, spilling or otherwise allowing certain dangerous or hazardous substances or materials to escape containment, thereby requiring containment, cleanup and disposal by the city and/or its agents.

(Ord. 819 § 1 (part), 1991)

15.23.020 - Dangerous, hazardous substances or materials defined.

"Dangerous, hazardous substances or materials" means any substance which is spilled, leaked or otherwise released from its container, which is dangerous or harmful to the environment or human or animal life, health or safety, or is obnoxious by reason of odor, or is a threat to the public health, substances such as chemicals and gases, explosives, radioactive materials, petroleum or petroleum products or gases, poisons, etiologic (biologic) agents, flammables or corrosives.

(Ord. 819 § 1 (part), 1991)

15.23.030 - Duty to remove and cleanup.

No person, firm, corporation, individual, association or partnership shall cause any leakage or spillage of any dangerous or hazardous substances within the city. Any such person, firm, corporation, individual, association, partnership or any other entity which causes or controls leakage, spillage or any other dissemination of dangerous or hazardous substances or materials has a duty to immediately remove same and clean up the area of such spillage in such manner that the area involved is fully restored to its condition prior to such occurrence, spill or leak.

(Ord. 819 § 1 (part), 1991)

15.23.040 - Failure to remove and cleanup.

Any such person, firm, corporation, individual, association, partnership or entity which fails to comply with [Section 15.23.030](#) of this chapter shall be liable to and shall pay the city for its costs and expenses, including the cost incurred by the city or its agent which it engages, for the complete abatement, cleanup and restoration of the affected area. Costs incurred by the city shall include, but shall not necessarily be limited to, the following: actual labor costs, including worker compensation benefits, fringe benefits, administrative overhead, costs of equipment operation, costs of materials, and/or costs of any other contract labor and materials. Costs under this section shall not include actual fire suppression services which are normally or usually provided by the city.

(Ord. 819 § 1 (part), 1991)

15.23.050 - Enforcement.

If any person, firm, individual, corporation, association, partnership or entity fails to reimburse the city as provided, and such person or entity is the owner of the affected property, the city shall have the right and power to add any and all costs of clean-up and restoration to the tax roll as to such property and to levy and collect such costs in the same manner as provided for the levy and collection of real property pursuant to the City Charter.

(Ord. 819 § 1 (part), 1991)

15.23.060 - Equipment operation cost.

The schedule of equipment operation costs shall be adopted by a vote of the city council and be on file in the city clerk's office as a public record.

(Ord. 819 § 1 (part), 1991)

15.23.070 - Penalty.

Any person, firm, corporation, individual, partnership or association violating the provisions of this chapter shall be penalized pursuant to [Chapter 1.12](#) of this code.

(Ord. 819 § 1 (part), 1991)

Chapter 15.28 - MOVING BUILDINGS

Sections:

15.28.010 - License required.

No person, firm, or corporation shall engage in the moving of buildings in or through the city without having a license therefor.

(Ord. 283 § 1, 1960)

15.28.020 - Permit required.

No building having a floor area of more than fifty (50) square feet shall be moved out of, through, or from one location to another within the city or on any of the public ways thereof without securing a written permit therefor.

(Ord. 283 § 2, 1960)

15.28.030 - Application.

Before any license or permit is issued under the provisions of this chapter, the applicant therefor shall file a written application with the building inspector. The application for a permit shall give the name of the owner and the description of the building to be moved, give its dimensions, state the purpose and give the locations from which and to which it is to be moved, together with the routes proposed to be followed. In case the building has a floor space area of more than four hundred (400) square feet, or in case it is over fifteen (15) feet in height, and if the building is to be located within the city, the application must be accompanied by photographs showing each of the four side elevations of the building, and must likewise be accompanied with a copy of a full set of plans for the building as it is proposed to complete the same after moving, also, in such case, the application must be made at least seven working days in advance of the moving day or longer if so required by the building inspector in order to make the necessary arrangements.

(Ord. 283 § 3, 1960)

15.28.040 - Fees.

A.

The license fee for a moving contractor shall be set by resolution of the city council.

B.

The fee for moving any building shall be set by resolution of the city council, plus an hourly charge for an accompanying police officer, such charge being in an amount equal to the prevailing hourly wage paid the policeman on duty escorting the building.

C.

In case a building over four hundred (400) square feet in area or over fifteen (15) feet in height is to be moved from one location to another within the city, a preliminary inspection fee, to be set by resolution of the city council, shall be paid for the purpose of a determination on the part of the building inspector as to whether such building is fit to be moved.

D.

In case a permit for moving any building over four hundred (400) square feet in area or over fifteen (15) feet in height is not used, the same may be cancelled upon written request by the person to whom it was issued and the applicant shall be entitled to a refund of seventy-five (75) percent. In such case, the applicant shall return all permits that have been issued to him or her.

E.

In case a building over four hundred (400) square feet in area or over fifteen (15) feet in height is to be moved from outside the city limits to a place within the city, a preliminary inspection fee, to be set by resolution of the city council, shall be paid for the purpose of a determination on the part of the building inspector as to whether such building is fit to be moved into the city. Such inspection fee shall not be returnable after the building inspector has made an inspection, regardless of whether or not such building is approved.

(Amended during 1997 recodification; Ord. 416 § 1, 1967; Ord. 299 § 1, 1961; Ord. 283 § 4, 1960)

15.28.050 - Public liability and property damage bond.

Before any permit is issued under the provisions of this chapter, the moving contractor shall furnish a surety bond conditioned upon saving the city harmless from public liability or damage to private property, or a policy of public liability insurance, which bond or insurance policy shall be in limits of not less than twenty-five thousand dollars (\$25,000.00) for injuries to one person, or fifty thousand dollars (\$50,000.00) for damages in one accident.

(Ord. 460 § 2 (part), 1969; Ord. 283 § 5, 1960)

15.28.060 - Inspection.

During the moving operation it shall be the duty of the building inspector, or other representative of the city delegated for the purpose by the city manager, at least once each day and for such length of time as he or she deems advisable, to inspect the moving operation and take any steps necessary to prevent injury to public or private property or any undue interference of public travel. The city shall be paid for the cost of the use of all city equipment required to be used or present during the moving operation and in addition shall be paid a sum, to be set by resolution of the city council, for the services of each of the city's representatives present for inspecting the moving process. The representative of the city shall be the judge as to the time necessary for proper inspection during the moving operation. Written notice shall be given to the building inspector at least forty-eight (48) hours in advance of the moving date. No building shall be moved at a time earlier than that agreed upon by the moving contractor and the city authorities.

(Amended during 1997 recodification; Ord. 460 § 2 (part), 1969; Ord. 283 § 6, 1960)

15.28.070 - Cash deposits.

The moving contractor shall make a cash deposit, in an amount to be set by city council resolution, to guarantee the payment of any and all damages to public property caused by the moving operations, including any damage to street surfaces, sidewalks, street lights, public buildings, or any and all other damage to public property; also to guarantee payment of all inspection fees and expenses incurred by the city as a result of the moving operations. The moving contractor shall secure the approval by the building inspector of the plugging of sewer connections before covering the work. He or she shall fill all excavations which result from the moving of the building and the removal of all materials and debris from the premises from which the house is to be moved, in

case said premises are located within the city. The burning of such materials and debris on the premises is prohibited.

(Amended during 1997 recodification; Ord. 460 § 2 (part), 1969: Ord. 283 § 7(a), 1960)

15.28.080 - Assessment of damage.

The city shall retain the moving contractor's cash deposit for approximately thirty (30) days after the moving operations are completed, during which time it shall be the duty of the building inspector to estimate the amount of damage, if any, to public property resulting from the moving operations, and to ascertain whether all materials and debris have been removed from the premises from which the house was moved, in case the premises are located within the city. The building inspector shall make a written report in regard thereto and place the same on file. The amount of the contractor's deposit, less the amount of damage, if any, to public property, and less the expense, if any, of removing material and debris, shall be returned to him or her as soon as practicable. In case the amount of such damage and/or cleaning up and removal expense shall be more than the amount of the deposit, the contractor shall pay the city the difference, within ten days after receiving a statement thereof from the building inspector.

(Ord. 460 § 2 (part), 1969: Ord. 283 § 7(b), 1960)

15.28.090 - Deposit for completion.

The owner or moving contractor on the owner's behalf shall also file a cash deposit, in an amount to be set by city council resolution, to guarantee that the building will be completed according to the plans and specifications on file with the city, in full compliance with the agreement with the city, and the requirements of the building code of the city and this ordinance, and shall have the building placed on a foundation within one hundred twenty (120) days from the date of granting of the moving permit and shall be suitable for occupancy within six months from the date of the granting of the moving permit. The owner shall be entitled to the return of the cash deposit upon completion of the building within six months and approval of a certificate of occupancy by the city conditioned upon full compliance with the requirements of this chapter.

(Ord. 20-02 § 1, 2002: amended during 1997 recodification; Ord. 460 § 2 (part), 1969: Ord. 320 § 1, 1962: Ord. 283 § 7(c), 1960)

15.28.100 - Route.

It shall be the duty of the moving contractor to move the building over the route designated by the building inspector or his or her representative. In the process of moving such building, it shall be done in a way to least obstruct the street and as expeditiously as possible; such building shall not be left standing at any street intersection at any time except in case of unavoidable occurrence making such standing necessary in the opinion of the building inspector or his or her duly designated representative. It shall be the duty of the moving contractor to erect a safe and sufficient barrier around any part of a street occupied by the building during the nighttime, and maintain sufficient colored lights or flares thereon during the hours at night for the protection of the public.

(Ord. 460 § 2 (part), 1969: Ord. 283 § 8, 1960)

15.28.110 - Certificate of occupancy.

Any building moved for the purpose of being occupied as a residence within the city shall not be occupied during the moving operations or until the building has been completed and approved by the building inspector and a certificate of occupancy has been issued by the city. Before such certificate of occupancy is issued it shall be the duty of the building inspector or other duly authorized representative of the city to make a final inspection for the purpose of ascertaining whether such building is completed according to the plans, specifications, and agreements on file with the city, is in full compliance with the requirements of the building code of the city and is fit for human occupancy. If the certificate of occupancy is not applied for within six months after the permit for

moving a building is granted, or if the building is not completed and ready for human occupancy within six months, the cash deposit required by [Section 15.28.090](#) or any part thereof may be declared forfeited to the city and the city may institute proceedings to have the building condemned and torn down; provided, that upon application by the person owning the building, and for good cause shown, the time for completing the work on the same so that it may be occupied, may be extended for one or more periods of ninety (90) days upon payment of a sum to be set by resolution of the city council for each such extension. The city council may, upon granting of an extension, require a new cash deposit to be made and a new agreement executed.

(Amended during 1997 recodification; Ord. 460 § 2 (part), 1969: Ord. 283 § 9, 1960)
15.28.120 - Approved agreement.

Before the moving of any building over four hundred (400) square feet in area or over fifteen (15) feet in height is authorized, the applicant for such moving shall be required to sign a written agreement prepared and approved by the city attorney by which the applicant agrees to conform to the terms of this chapter and other requirements by the city.

(Ord. 460 § 2 (part), 1969: Ord. 283 § 10, 1960)

15.28.130 - Conformity to existing buildings.

All buildings moved from one location to another within the city and which are to be used for residential purposes shall conform so far as possible to the general type, age and construction of the residential buildings in the area adjacent to the proposed site.

(Ord. 460 § 2 (part), 1969: Ord. 283 § 11, 1960)

15.28.140 - Appeal.

The owner of a building or structure or any other person may appeal from a decision made by the building inspector interpreting this chapter. The appeal shall be taken to the building code commission within ten days, which shall deny the appeal or approve of the appeal on the basis that the applicant's application represents (1) a deviation from the chapter by the fulfilling of the direct intent of this chapter and the building code ordinance; (2) that the applicant suffers a hardship but that said hardship shall not be construed to mean a financial hardship; and (3) that others in similar circumstances to the appellant have been allowed a similar deviation.

(Ord. 460 § 2 (part), 1969: Ord. 430 § 2, 1968; Ord. 283 § 12, 1960)

Chapter 15.32 - MECHANICAL CODE

Sections:

15.32.010 - Adoption of 2000 Michigan Mechanical Code.

That certain document, three copies of which are on file in the office of the city clerk of the city of Hazel Park, being marked and designated as the "2000 Michigan Mechanical Code," is adopted as the mechanical code of the city of Hazel Park, in the state of Michigan; and each and all of the regulations, provisions, penalties, conditions and terms of the mechanical code are hereby referred to, adopted and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in [Section 15.32.020](#).

(Ord. 08-02 § 1 (part), 2002: Ord. 919 § 2, 1997)

15.32.020 - Additions, insertions and changes.

Agency Designated: Pursuant to the provisions of the Michigan Mechanical Code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, the mechanical official of the city of Hazel Park is

hereby designated as the enforcing agency to discharge the responsibility of the city of Hazel Park. The city of Hazel Park assumes responsibility for the administration and enforcement of such Act throughout its corporate limits.

Section 101.1 Insert: Title. These regulations shall be known as the Mechanical Code of the City of Hazel Park, hereinafter referred to as "this code".

(Ord. 08-02 § 1 (part), 2002; Ord. 919 § 3, 1997)
Chapter 15.36 - PLUMBING CODE

Sections:

15.36.010 - Adoption of 2000 Michigan Plumbing Code.

That certain document, three copies of which are on file in the office of the city clerk of the city of Hazel Park, being marked and designated as the "2000 Michigan Plumbing Code," is adopted as the plumbing code of the city of Hazel Park, in the state of Michigan; and each and all of the regulations, provisions, penalties, conditions and terms of the mechanical code are hereby referred to, adopted and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in [Section 15.36.020](#).

(Ord. 07-02 § 1 (part), 2002; Ord. 918 § 2, 1997)

15.36.020 - Additions, insertions and changes.

Agency Designated: Pursuant to the provisions of the Michigan Plumbing Code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, the plumbing official of the city of Hazel Park is hereby designated as the enforcing agency to discharge the responsibility of the city of Hazel Park. The city of Hazel Park assumes responsibility for the administration and enforcement of such Act throughout its corporate limits.

(Ord. 07-02 § 1 (part), 2002; Ord. 918 § 3, 1997)

Chapter 15.44 - SIGNS

Footnotes:

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Editor's note— Ord. No. 12-13, pt. I, adopted Sep. 24, 2013, repealed the former Ch. 15, §§ 15.44.010—15.44.210, and enacted a new chapter as set out herein. The former Ch. 15 pertained to the same subject matter and derived from Ord. 441; Ord. 444; Ord. 452; Ord. 472; Ord. 500; Ord. 696; Ord. 763; Ord. 817; Ord. 838; Ord. 851; Ord. 11-04, § 1 (part), adopted in 2004; and Ord. 01-08, §§ 2—4, adopted in 2008.

15.44.010 - Purpose.

The city of Hazel Park hereby determined that regulation of the location, size, placement and certain features of signs is necessary to enable the public to locate goods, services and facilities without difficulty and confusion, to promote traffic safety, public health and welfare, and facilitate police and fire protection. The regulations in this chapter are designed to permit legibility of signs and to prevent their over concentration, improper placement and excessive height, bulk and area.

With the adoption of this sign chapter, the city of Hazel Park intends to continue to utilize its recognized police powers to assure all signage in the city of Hazel Park commercial, retail, business areas and the like, will conform to existing designs which will enhance the aesthetics and viability of business in an attempt to preserve the economic stability of the city.

It is the further purpose to remove signage which is nonconforming and out of date and replace it with current sign design compatible with various development corridors anticipated to enhance and foster a character to the city of Hazel Park that will attract residents and businesses. To that end a "sunset" provision has been adopted to eliminate nonconforming signs by November 1st of 2015.

The sign design throughout the city is delineated to be consistent with signage standards contained within this chapter, hence signage may be allowed with limitations in some corridors but not throughout the city. In addition, some areas (i.e. local business district and Eight Mile business district) are designated with certain characteristics, design features and uniform signage, and uses not found in other commercial areas of the city.

(Ord. No. 12-13, pt. I, 9-24-2013)

15.44.020 - Definitions and interpretations.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this chapter. Words, terms and phrases not defined in this chapter shall be given their common ordinary meaning unless the context clearly requires otherwise. Section heading or captions are for reference purposes only and shall not be used in interpretation of this chapter.

"Sign" means a structure which includes a name, identification, image, description, display or illustration affixed to, painted or represented directly or indirectly upon a building, structure or parcel of land, and which directs attention to an object, product, place, activity, facility, service, event, attraction, person, institution, organization or business, and which is visible from any street, right-of-way, sidewalk, alley, park or other public property. Customary displays of merchandise or objects and material without lettering placed behind a store window are not signs. Supplemental definitions and examples associated with signs include the following:

(1)

"Abandoned sign" means a sign which no longer directs a person to or advertises a bona fide business, tenant, owner, product or activity conducted or product available on the premises where such sign is displayed or any sign not repaired or maintained properly, after notice, pursuant to the terms of this article.

(2)

"Add-on sign" means a sign that is attached as an appendage to another sign, sign support, and is intended to draw attention to the goods and services available on the premises.

(3)

"Animated sign" means a sign manifesting either kinetic or illusionary motion occasional by natural, manual, mechanical, electrical or other means.

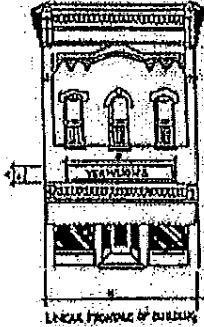
(4)

"Area of sign" means that area enclosing the extreme limits or writing, representation, emblem or any figure or similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background and frame against which it is placed, excluding the necessary supports, base or uprights on which such sign is placed (see below). However, where such a sign has more than one face, the area of all faces shall be included in determining the area of the sign.

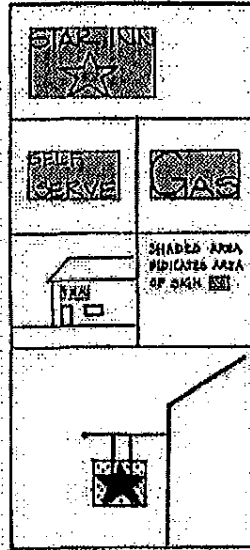
CALCULATING THE TOTAL AREA OF THE SIGN

FOR A SIGN ON A DEFINED BACKGROUND, such as a board or painted area with a defined edge, the size of the sign shall be measured as the area of the defined background if it is a rectangle, oval or circle. For all other shapes of defined background area, the size of the sign shall be measured as the area of the smallest rectangle, oval or circle which encloses the defined background.

FOR A SIGN WHICH IS BROKEN INTO TWO OR MORE AREAS BY AN ARCHITECTURAL FEATURE, such as awnings or an entry canopy, the size of the sign shall be measured as the cumulative total of the smallest rectangle, oval or circle which encloses each of the areas of the sign.



FOR A SIGN WITHOUT A DEFINED BACKGROUND, such as individual letters, decoration or symbols mounted directly on the building wall or incorporated as a projecting sign the size of the sign shall be measured as the area of the smallest rectangle, oval or circle which encloses the letters, decoration or symbols.



(5)

"Accessory sign" means a sign which pertains to the principal use of the premises upon which the sign is located.

(6)

"Awning" means a roof-like structure made of canvas or similar materials, stretched over a frame and attached to a wall of a building (aka canopy) that may or may not include a sign.

(7)

"Banner sign" means a sign on paper, cloth, fabric or other combustible material of any kind, either with or without frames.

(8)

"Beacon" means any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source or any light with one or more beams that rotate or move.

(9)

"Business frontage" means the length of the portion of a building facing a street abutting to the premises on which the business is located.

(10)

"Canopy" means a permanent roof-like shelter extending from part of or all of a building face over a public access area (aka awning). Canopies can be constructed of cloth, metal, wood, or other materials.

(11)

"Changeable copy/reader board sign" means a sign or portion thereof with characters, letters or numbers that can be changed or rearranged without altering the face or the surface of the sign.

(12)

"Construction sign" means a sign advertising a project under development, erected for a period of construction, and can identify any of the following: developers, contractors, engineers, brokers and architects.

(13)

"Digital/electronic sign" means a sign that uses changing lights or other electronic media to form a commercial or advertising function wherein the sequence of messages and the rate of change is electronically programmed and can be modified by an electronic process. Video display signs, automatic teller machines, real estate display signs and the like shall be considered synonymous with digital/electronic signs.

(14)

"Directional sign" means any sign containing only noncommercial messages including, but not limited to, designation of restrooms, drive entrances and exits, telephone locations, and directions to door openings.

(15)

"Directory sign" means any sign containing the names of tenant or commercial enterprises within a development site to assist in way finding, utilizing clear identifiable graphics.

(16)

"Eave line" means the line between the two lowest points of intersection of the top of a wall and the eave, or edge of the roof. The eave line is an imaginary line drawn across the wall on a gable end, and is not a roofline, which is the line of intersection the wall has where it abuts the roof. See also: roofline.

(17)

"Flag" means a sign without a frame and constructed of paper, cloth, fabric or other similar material, and/or attached to a structure.

(18)

"Grade" means the average change in elevation at the base of the structure in relation to the surrounding area.

(19)

"Ground sign," also known as a monument sign, means a sign that is supported by a single support that is anchored in the ground and is independent from any other building or structure. The width of the support is greater than the width of the sign.

(20)

"Incidental sign" means any sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as no parking, loading only, telephone, and other similar directives. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental. Incidental signs may be of the ground, pole, wall and window sign type.

(21)

"Illuminated sign" means a sign which has characters, letters, figures, or designs which are illuminated either internally or with external shielded lights.

(22)

"Inflatable sign" means a temporary or permanent sign consisting of a non-porous bag, balloon, or other object inflated by any means and designed to draw attention to a commercial business, whether it does or does not include a commercial display, commercial graphic identity, or lettering. Inflatable seasonal display items sold retail to the general public and intended primarily for private home display are not considered inflatable signs.

(23)

"Institutional bulletin board" means a sign which displays the name of a religious institution, school, library, community center or similar public or quasi-public institution, along with an announcement of its services or activities.

(24)

"Lot" means any piece or parcel of land or a portion of a subdivision, the boundaries of which have been established by some legal instrument of record that is recognized and intended.

(25)

"Menuboard" means a sign that displays menu items and may contain a communication system for placing food orders or other items at an approved drive-through facility.

(26)

"Multiple-tenant sign" means a sign that serves two or more tenants within a premises.

(27)

"Mural" means a picture or photograph painted on or directly attached to a wall. For the purposes of this article, a mural is considered a wall sign.

(28)

"Nonaccessory sign" means a sign which does not pertain to the principal use of the premises on which the sign is located.

(29)

"Nonconforming sign" means any advertising structure or sign which was lawfully erected and maintained prior to the effective date of this article, and any amendments thereto, and which fails to conform to any applicable regulations and restrictions of this article, or a sign for which a permit was previously issued that does not comply with the provisions of this article.

(30)

"Off-premises sign" means a sign which relates to or advertises an establishment, organization, product, service, event, entertainment, or activity which is not located, sold, offered, produced, manufactured or furnished on the property (lot) on which the sign is located. Synonymous with billboard.

(31)

"On-premises sign" means a sign which pertains solely to the use of the property on which it is located such as to an establishment, product, merchandise, good, service or entertainment which is located, sold, offered, produced, manufactured or furnished at the property (lot) on which the sign is located. It does not include any sign leased, rented or used by or to advertise the products, accommodations or activities not conducted or available on the premises.

(32)

"Painted wall sign" means a sign applied to a building wall with paint or a thin layer of vinyl, paper or similar material adhered directly to the building surface and that has no sign structure.

(33)

"Panel change" means replacing the internal sign panel while maintaining the existing sign structure.

(34)

"Periodic change sign" means a sign where the wording, image, description, display or illustration changes at regular intervals of time.

(35)

"Pole sign" means a sign which is mounted permanently in the ground on a single pole and elevated above the established grade (also known as pylon sign).

(36)

"Political sign" means a sign wherein the message states support for or opposition to a candidate for political office, a political party, a political issue, or a political viewpoint.

(37)

"Portable sign" means a sign that is freestanding, not permanently anchored or secured to a building and not having supports or braces permanently secured in the ground, including but not limited to, sandwich signs, A-frame signs, inverted "T" signs, and signs mounted on wheels so as to be capable of being pulled by a motor vehicle.

(38)

"Premises" means any site on which the development under consideration is located.

(39)

"Projecting sign" means a sign that extends perpendicular to a wall surface.

(40)

"Real estate sign" means a nonilluminated sign advertising only that the property is for sale, rent or lease and other information which is essential to the proposed real estate transaction.

(41)

"Roof sign" means a sign which is erected, constructed and maintained on or above the roof of a building or any portion of such building.

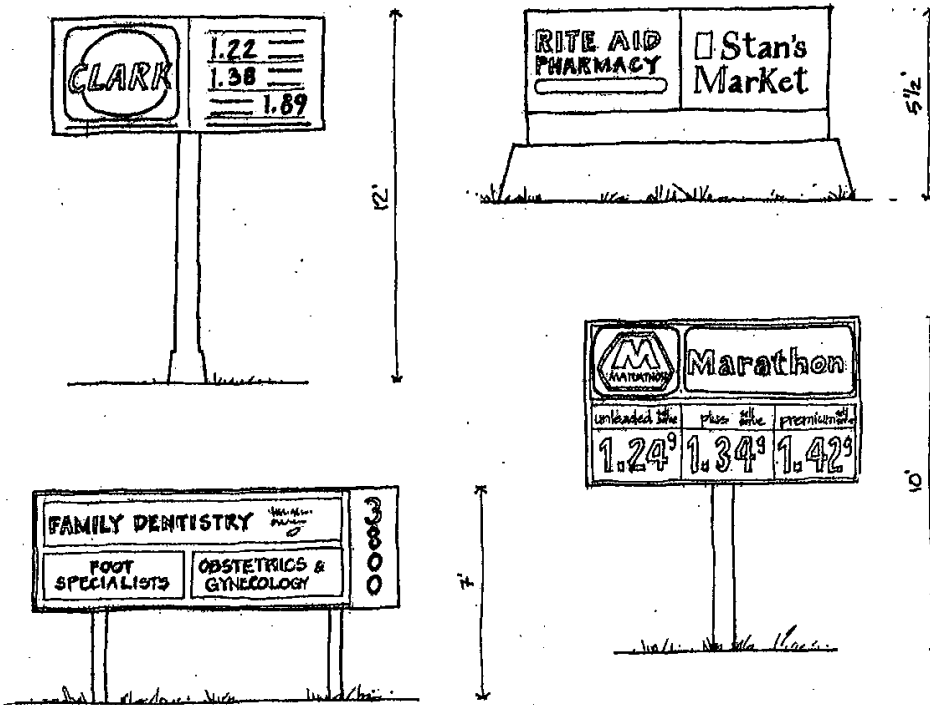
(42)

"Roofline" means the edge of a roof or parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or other minor similar projections. See also: eave line.

(43)

"Sign height" is the measurement to the top point of the sign structure from the finished elevation of the sidewalk nearest to the sign for ground signs located at the right-of-way; and the measurement to the top point of the sign structure from the average elevation at the base of the sign for all other signs.

Sign Height



(44)

"Sign setback" means the minimum distance of a sign from property lines or public rights-of-way. Such distance will be measured from the portion of the sign structure nearest to such specified line. For the purpose of this measurement, the property lines and public right-of-way lines extend vertically and perpendicularly from the ground to infinity.

(45)

"Site" means a recognized parcel or collection of parcels proposed for a single development or containing existing or proposed development. A site can consist of more than one parcel of land. A multiple tenant development on a series of individual parcels constitutes a single site.

(46)

"Subdivision/development sign" means a sign or entranceway structure, listing the names and addresses only of the establishments occupying a development, subdivision or condominium.

(47)

"Suspending sign" means a sign mounted under a canopy directed to pedestrians and usually mounted perpendicular to the façade it means to identify.

(48)

"Temporary sign" means a sign intended to be displayed for a limited period of time, including decorative display for holidays, special events, or public demonstrations.

(49)

"Wall sign" means a sign that is directly attached to a wall of a building and neither extends more than twelve (12) inches from the wall nor projects above the roofline. On a gable end wall, a wall sign may project above the eave line, so long as the sign does not project beyond the roofline.

(50)

"Window sign" means a sign affixed to the interior of the window, or exterior if etched into the glass.

(Ord. No. 12-13, pt. I, 9-24-2013)

15.44.030 - Billboards.

Billboards shall be allowed in the BC-1 and BC-2 district, subject to the following regulations:

(1)

Nor more than one pole or monuments sign, billboard or otherwise shall be permitted on any property.

(2)

Billboards shall be a free standing sign that is not larger than six hundred seventy-two (672) square feet and not higher than thirty-five (35) feet. Back to back signs are permissible as well as side by side billboards and "V" type billboards. However, within the meaning of this chapter, "V" type billboards and side by side billboards shall constitute two billboards. All billboards shall not project over public property and shall be located a minimum of five hundred (500) feet from all other billboards. All billboards shall be located and screened so as to reduce visual impact on adjacent residential zones. All permit applications for billboards must be accompanied by a landscaping plan which is subject to the approval of the building inspector. A renewal permit in an amount established by the city council shall be required annually for billboards. A maintenance bond in an amount established by the city council shall be required. In the instances that a billboard is vacated, the cost of removal, if that burden is placed upon the city, shall be assessed to the property owner.

(Ord. No. 12-13, pt. I, 9-24-2013)

15.44.040 - Nonconforming signs.

A.

Nonconforming regulations established in the land development regulations for nonconforming structures shall not be applicable to signs which exist on the effective date of this chapter where such signs fail to comply with the provisions described in this chapter. The elimination of nonconforming signs is hereby declared to be a public purpose and a public service for the following reasons:

(1)

These signs constitute a nuisance to the city resulting from their incompatibility due to excessive size, poor location, relationship to existing structures, excessive quantity in a small geographic area, inadequate or inappropriately displayed message and volume;

(2)

These signs are detrimental to the public health, safety and welfare arising from quantity, location, and bulk, having an adverse or detrimental impact upon police and fire protection, causing confusion for motorists; and blocking signage of adjoining businesses;

(3)

These signs are incompatible with the adopted zoning regulations governing sign location, size, placement and features which have been deemed adequate for commercial enterprise;

(4)

Technological advancements in signage have created the opportunity to locate businesses quicker, minimize maintenance, enhance safety and decrease the size requirements;

(5)

Readability is limited due to the ill-proportioned nature of many older nonconforming signs; whereas existing advanced technology often times allows instantaneous information or format enhancing readability;

(6)

Age has resulted in the physical deterioration of such signage and thus no longer represents the desired aesthetic conducive to a particular district.

B.

Nothing in this chapter shall relieve the owner or user of a nonconforming sign, or the owner of property on which the nonconforming sign is located, from the provisions of this chapter regarding safety and maintenance of the sign.

C.

No existing nonconforming sign or its support structure shall be altered, changed or replaced by another nonconforming sign.

D.

Ninety (90) days following the cessation of any business or related activity, a nonconforming sign shall lose its legal status and shall be removed and/or brought into compliance. Noncompliance within thirty (30) days after notice shall authorize the building official to initiate removal of the sign structure and assess all costs against the owner of the property.

E.

On or before November 1, 2015, all signs that are nonconforming to the current provisions of this chapter shall be removed at the expense of the owner or occupant of the property on which the sign is located.

F.

The failure to remove such signs after notice to do so shall authorize the city to issue the appropriate citation or take necessary action to remove such signage at the expense of the property owner or lessee.

(Ord. No. 12-13, pt. I, 9-24-2013)

15.44.050 - Applicability of the state construction code.

Except as otherwise indicated in this chapter, the regulations of the state construction code as adopted by the city shall apply to signs. Where the provisions of this chapter are more restrictive in respect to location, setback, use, size or height of signs, the limitations of this chapter shall take precedence over the regulations of the state construction code.

(Ord. No. 12-13, pt. I, 9-24-2013)
15.44.060 - Permit required.

It shall be unlawful to construct, display, install, change or cause to be constructed, displayed, installed, or changed, a sign requiring a permit upon any property within the city without first obtaining a sign permit.

(Ord. No. 12-13, pt. I, 9-24-2013)

15.44.070 - Exemptions from permit requirement.

The following signs are permitted without a sign permit in all zoning districts where the principal permitted use to which they are related is a permitted principal, accessory or special approval use in that district:

(1)

Address numbers, nameplates (including apartment units and office suites) identifying the occupant or address of a parcel of land and not exceeding two square feet in area.

(2)

Traffic or municipal signs, including, but not limited to, the following: legal notices, historic site designations, municipal facility directional signs, street or traffic signs, and danger and other emergency signs as may be approved by the city council or any federal, state or county agency having jurisdiction over the matter of the sign. Such signs may be located in any zoning district. However, all signs on governmental property on which a municipal building is located shall meet the requirements in [Section 15.44.100](#).

(3)

Community special event signs approved by the city council or its designee.

(4)

For gasoline service stations, those signs deemed customary and necessary to their respective businesses: customary lettering or other insignia on a gasoline pump consisting of brand of gasoline sold, lead warning information, and other data required by law. Total sign area shall be limited to three square feet on each pump. No commercial messages shall be audible, displayed or permitted on the pump with the exception of the corporate logo, and no video screens or TVs shall be permitted outside of the gas station attendant building and/or visible from outside of that building.

(5)

One sign advertising parcels of land or buildings for rent, lease or sale, when located on the land or building intended to be rented, leased or sold, not exceeding six square feet in area, four feet in height in residential districts, and twenty-four (24) square feet in area, six feet in height in office, commercial and industrial districts.

(6)

Flags of government, civic, philanthropic, educational, and religious organizations and other public or private corporations or entities; provided, however, that only one flag bearing the seal or trademark of a private organization may be displayed by an individual establishment or proprietor of any single building or parcel of

land. A flag pole is considered a structure, and is subject to all height regulations affecting structures. No such flags shall impede the pedestrian walkways.

(7)

Signs of a primarily decorative nature, including holiday lights and decorations, not used for any commercial purpose and commonly associated with any national, local or religious holiday; provided that such signs shall be displayed for a period of not more than sixty (60) consecutive days, and shall not be displayed for more than one hundred twenty (120) days in any one year.

(8)

Political signs (also known as temporary signs) shall be permitted on all lots regardless of zoning, provided such sign is located and placed with the permission of the owner or lawful occupant of the lot or parcel where such sign is located, it is located no less than one hundred (100) feet from any entrance to a building in which a polling place is located, and provided that such sign does not violate any other provision of this chapter. No more than one unlit sign may be erected on an occupied lot within the city for each candidate and/or proposal on the City of Hazel Park ballot. All such signs shall not exceed sixteen (16) square feet and four feet in height in the residential districts, while in all other districts, area and height shall be dictated by the regulations for ground signs in the respective districts. No sign shall remain five days following the election. Such signs must also comply with any state requirements governing political campaigns. Such signs shall not be placed within a right-of-way.

(9)

Real estate signs not exceeding six square feet in size and four feet in height in residential areas. Real estate signs not exceeding ten square feet in size and six feet in height in nonresidential areas. Such signs shall not be placed within a right-of-way.

Garage sale signs not exceeding five square feet in area and not displayed in excess of four days. Such signs shall not be placed within a right-of-way.

(10)

One sign identifying on-site construction activity, during the time of construction, not exceeding twenty-four (24) square feet in area, except in connection with individual single-family detached residential construction, which sign shall not exceed six square feet in area. Such signs shall not exceed six feet in height, and shall be removed before an occupancy permit is issued.

(11)

Signs temporarily erected for municipal construction projects to inform the public of the nature of the project or anticipated completion dates, which shall be permitted in all zoning districts, subject to a maximum size of twenty-four (24) square feet in area.

(12)

Help wanted signs not exceeding six square feet in area and three feet in height, which may be displayed on private property for a period of up to four weeks at a time and not more than four times within each calendar year.

(13)

Directional signs may be located on site provided they contain only noncommercial messages including, but not limited to, designation of restrooms, drive entrances and exits, telephone locations, and directions to door

openings. All such ground mounted signs shall be no taller than four feet and shall not exceed four square feet in area. All wall mounted signs shall not exceed an area of two square feet.

(14)

Incidental signs may be located on site provided they contain only noncommercial messages including, but not limited to, no parking, entrance, loading only, telephone and other similar directives. All such ground mounted signs shall be no taller than four feet and shall not exceed two square feet in area. All wall mounted signs shall not exceed an area of two square feet.

(Ord. No. 12-13, pt. I, 9-24-2013)

15.44.080 - Prohibited signs.

The following signs are considered to be unsafe, dangerous, hazardous or nuisance, therefore these signs shall not be permitted, erected, or maintained in any zoning district unless the applicant can substantiate to the planning director and/or building official that the applicant's specific use of a sign listed in this chapter will not be dangerous, hazardous, or a nuisance. A sign shall be considered to be dangerous, hazardous or a nuisance if it poses as a source of distraction to drivers on the road, is likely to cause any physical obstruction due to detachment of said sign or part of it, is offensive in content as noted below, or contributes to blight and detriment in the appearance of the city. Examples of hazardous signs would include but not be limited to a tilting sign, an unsafe foundation to a sign, a portion of a banner getting blown onto traffic, etc. If the official agrees that the specific use of the sign requested is not dangerous, hazardous, or a nuisance, then the planning director and/or building official shall issue a permit for such requested use.

(1)

Signs which incorporate in any manner any flashing or moving lights, including strobe lights, whether they are mounted indoors or outdoors, if they are visible from the outdoors.

(2)

Banners, pennants, spinners and streamers, and inflatable figures, except as specifically permitted in accordance with this chapter.

(3)

String lights (often strung between light poles) used in connection with commercial premises for commercial purposes, except holiday uses not exceeding seven weeks in any calendar year.

(4)

Any sign which moves or has any moving or animated parts, or images, whether the movement is caused by any mechanical, electronic or electrical device or wind or otherwise, including swinging signs and strings of flags or streamers, or cloth flags moved by natural wind. Such a prohibition shall not pertain to public message signs on governmental property. Special provisions exist for gasoline service stations and drive-in/drive-through restaurants.

(5)

Any sign or sign structure which (see definitions):

a.

Is structurally unsafe;

b.

Constitutes a hazard to the safety or health of persons or property by reason of inadequate design, fabrication, mounting or maintenance or by abandonment thereof;

c.

Is not kept in good repair;

d.

Is capable of causing electrical shocks to persons who may come in contact with it, such as improper grounding, overloaded circuits or injury from frayed/damaged wire; [or]

e.

Has been constructed without prior approval.

(6)

Any sign which by reason of its size, location, content, coloring, intensity, or manner of illumination constitutes a traffic hazard or a detriment to traffic safety by obstruction of visibility of any traffic sign or control device on any public street or road.

(7)

Any sign which obstructs free ingress or egress to or from a required door, window, fire escape, driveway or other required access route.

(8)

Signs that mimic official traffic control signs and devices.

(9)

Any sign or other advertising structure or display which conveys, suggests, indicates or otherwise implies by pictures, drawings, words, emblems, logos, or other communication methods the following:

a.

Human genitalia.

b.

Adult nude human bodies.

c.

Obscene words.

d.

Obscene gestures.

(10)

Any sign which no longer advertises a bona fide business or product sold (except murals). Such signs shall be removed by the property owner within thirty (30) calendar days after a business closes or vacates the premises.

(11)

Any sign, except traffic, municipal signs, or other sign permitted in Sections [15.44.090](#) and [15.44.100](#) of this chapter, that is located in, or projects into or over, a public right-of-way or dedicated easement.

(12)

Placards, posters, circulars, showbills, handbills, political signs, cards, leaflets or other advertising matter, except as otherwise provided in this chapter, when posted, pasted, nailed, placed, printed, stamped or in any way attached to any fence, wall, post, tree, sidewalk, pavement, platform, pole, tower, curbstone or surface in or upon any public easement or right-of-way or on any public or private property whatsoever. Nothing in this chapter shall prevent official notices of the city, school districts, or county, state or federal government from being posted on any public property deemed necessary. All placards, posters, circulars, showbills, handbills, political signs, cards, leaflets or other advertising matter posted, pasted, nailed, placed, printed, or stamped on any right-of-way or public property may be removed and disposed of by the city without regard to other provisions of this chapter.

(13)

Bench signs.

(14)

Inflatable signs.

(15)

Painted wall signs, except as provided in [Section 15.44.110](#).

(16)

Roof signs.

(17)

Portable signs, except as provided in [Section 15.44.120](#).

(18)

Any sign placed upon a cart corral or cart return other than signage indicating the intended function of the corral or return and which does not carry a commercial message.

(19)

Add-on signs (see definitions).

(Ord. No. 12-13, pt. I, 9-24-2013)

15.44.090 - Residential ground sign regulations.

Signs permitted in all single-family and multiple-family residential districts (RA-1, RA-2, RA-3, RC, RC-1 and RB):

Sign Type	Number	Locations	Area Maximum	Height Maximum	Special Regulations
Subdivision development ground signs	One ground sign per entrance or one on each side	Such sign shall be located completely	32 sq. ft.	6 feet (sign support shall not extend more than	Shall only display the name of the

	of the entrance where mounted or integrated into an entrance monument	within private property, shall not affect line of sight on abutting streets or be located within the clear vision triangle area (as defined in 15.44.200(d)). No portion of said sign shall project or overhang a public/private right-of-way.		2 feet from grade)	subdivision. Compliance with corner clearance zone (see subsection 15.44.200(d)).
Subdivision homebuilder ground signs	One ground sign for each homebuilder within the subdivision	Such sign shall be located completely within private property, shall not affect line of sight on abutting streets or be located within the clear vision triangle area (as defined in 15.44.200(d)). No portion of said sign shall project or overhang a public/private right-of-way.	16 sq. ft.	6 feet	The homebuilder ground signs are permitted in addition to the one permitted for a subdivision for the general developer of the subdivision. Compliance with corner clearance zone (see subsection 15.44.200(d)).
Subdivision development off-premises temporary sign	One ground sign per subdivision development	Such sign shall be located completely within private property, shall not affect line of sight on abutting streets or be located within the clear vision triangle area (as defined in 15.44.200(d)). No portion of said sign shall	24 sq. ft.	6 feet	Permitted for up to the lesser of 2 years or when 95% of all lots in the subdivision have been sold by the builder. Compliance with corner clearance zones (see subsection 15.44.200(d)) shall be required.

		project or overhang a public/private right-of-way.			
Ground signs for churches, schools, and other non-residential uses	One ground sign for each developed site	Such sign shall be located completely within private property, shall not affect line of sight on abutting streets or be located within the clear vision triangle area (as defined in subsection 15.44.200(d)). No portion of said sign shall project or overhang a public/private right-of-way.	32 sq. ft.	6 feet	The masonry, or similar material, base shall be equal to the length of the sign. Compliance with corner clearance zone (see subsection 15.44.200(d)).

(Ord. No. 12-13, pt. I, 9-24-2013)
 15.44.100 - Nonresidential sign regulations.

Signs permitted in the Chrysler business (BC-1), eight mile business (BC-2), and industrial (M-1) district:

Sign Type	Number	Locations	Area Maximum	Height Maximum	Special Regulations
Wall signs and awning signs	One sign per side of street frontage.	Shall not extend above the roofline, nor project more than 12 inches from the face of the building. An awning sign shall not project more than 3 feet into any right-of-way.	Permitted wall area shall be calculated in accordance with Section 15.44.110 .	N/A	Shall meet the legibility and design requirements of Section 15.44.160 . When a wall sign is used in conjunction with an awning sign, the total square footage allowed for all together shall not exceed the maximum square footage that would be allowed for a wall sign. Where

					corporate logos are proposed for use as a wall sign or as part of the overall wall sign area, the logo shall not exceed 30% of the maximum permitted area.
Ground signs	One for each developed site.	Such sign shall be located completely within private property, shall not affect line of sight on abutting streets. No portion of said sign shall project or overhang a public/private right-of-way. There is a minimum setback of 5 feet from the property line.	48 sq. ft.	12 feet	All ground signs must meet the legibility and design requirements of Section 15.44.160 . Compliance with corner clearance zone (see subsection 15.44.190(d)).
Window signs	Two per window surface.	N/A	25% of the total surface of the window to which the sign is affixed.	N/A	N/A
Project announcement signs	One	Such sign shall be located completely within private property, shall not affect line of sight on abutting streets or be located within the clear vision triangle area (as defined in subsection 15.44.200(d)). No portion of said sign shall project or overhang a public/private right-of-way.	32 sq. ft.	8 feet	Permitted after the development has received site plan approval. The sign may remain until the start of construction at which time the sign must be removed. Compliance with corner clearance zone (see subsection 15.44.200(d)).

Temporary portable signs	One	Compliance with Section 15.44.130.	12 sq. ft.	4 feet	Compliance with Section 15.44.130.
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Signs permitted along the CB and the mixed use district:

Sign Type	Number	Locations	Area Maximum	Height Maximum	Special Regulations
Wall signs and awning signs	One wall, awning sign per side of street frontage.	Wall signs shall not extend above the roofline, nor project more than 24 inches from the face of the building. An awning may not project more than three feet [into] the right-of-way.	Permitted wall area shall be calculated in accordance with Section 15.44.110.	N/A	Shall meet the legibility and design requirements of Section 15.44.160. When a wall sign is used in conjunction with an awning, the total square footage allowed for all together shall not exceed the maximum square footage that would be allowed for a wall sign. Where corporate logos are proposed for use as a wall sign or as part of the overall wall sign area, the logo shall not exceed 30% of the maximum permitted area.
Ground signs	One per developed site.	Such sign shall be located completely within private property, shall not affect line of sight on abutting streets or be located within the clear vision triangle area (as defined in subsection 15.44.200(d)).	48 sq. ft.	12 feet	All ground signs must meet the legibility and design requirements of Section 15.44.160. Compliance with corner clearance zone (see subsection 15.44.200(d)).

		No portion of said sign shall project or overhang a public/private right-of-way. There is a minimum setback of 5 feet from the property line.			
Project announcement signs	One	Shall not be located closer than ten feet to any property line.	32 sq. ft.	8 feet	Permitted after the development has received site plan approval. Sign may remain until the first building permit is issued; at that time the sign must be removed. Compliance with corner clearance zone.
Temporary portable signs	One	Compliance with Section 15.44.130 .	12 sq. ft.	4 feet	Compliance with Section 15.44.130 .

Signs permitted within the LB and LB-M district:

Sign Type	Number	Locations	Area Maximum	Height Maximum	Special Regulations
Wall signs, awning signs, and projecting signs	One wall, awning or projecting sign per side of street frontage.	Wall signs shall not extend above the roofline, nor project more than 24 inches from the face of the building. An awning may not project more than three feet [into] the right-of-way. A projecting sign may not project more than five feet into the right-of-way or extend three feet	Permitted wall area shall be calculated in accordance with Section 15.44.110 .	N/A	Shall meet the legibility and design requirements of Section 15.44.160 . When a wall sign is used in conjunction with an awning sign and/or a projecting sign, the total square footage allowed for all together shall not exceed the maximum square footage

		above the roofline.			that would be allowed for a wall sign. Where corporate logos are proposed for use as a wall sign or as part of the overall wall sign area, the logo shall not exceed 30% of the maximum permitted area.
Ground signs	One per developed site.	Such sign shall be located completely within private property, shall not affect line of sight on abutting streets or be located within the clear vision triangle area (as defined in subsection 15.44.200(d)). No portion of said sign shall project or overhang a public/private right-of-way. There is a minimum setback of 5 feet from the property line.	48 sq. ft.	12 feet	All ground signs must meet the legibility and design requirements of Section 15.44.160 . Compliance with corner clearance zone (see subsection 15.44.200(d)).
Window signs	Two per window surface.	N/A	25% of the total surface of the window to which the sign is affixed.	N/A	N/A
A-frame/sandwich board sign	One per business.	On public sidewalk, not to obstruct pedestrian travel.	6 sq. ft.	4 feet	Placement must meet ADA requirements; compliance with Section 15.44.130 required.
Temporary portable signs	One	Compliance with Section	12 sq. ft.	4 feet	Compliance with Section

[15.44.130.](#)

[15.44.130.](#)

Signs permitted in the parking (P-1) district:

Sign Type	Number	Locations	Area Maximum	Height Maximum	Special Regulations
Ground signs	One for each developed site.	Such sign shall be located completely within private property, shall not affect line of sight on abutting streets. No portion of said sign shall project or overhang a public/private right-of-way.	9 sq. ft.	8 feet	All ground signs must meet the legibility and design requirements of Section 15.44.160. Compliance with corner clearance zone (see subsection 15.44.200(d).

(Ord. No. 12-13, pt. I, 9-24-2013)
 15.44.110 - Wall sign area scale.

The maximum permitted wall sign area is based on a function of setback and the width in feet of the longest side of the building facing a parking lot, private drive, or road. The total square footage for a wall sign or awning sign or combination of both in this setback range shall be determined by multiplying one square foot by the total feet in width of the building or legally occupied tenant space. The total wall sign area shall not exceed the permitted maximums established by the following table.

Setback from Right-of-Way of Structure to which Wall Sign will be Affixed	Area Maximum per Building or Tenant Space
0 feet to 149.0 feet	100 square feet
150 feet to 299.9 feet	125 square feet
300 feet to 449.9 feet	150 square feet
450 feet to 599.9 feet	200 square feet
600 feet or greater	300 square feet

Murals, defined as wall signs by this chapter, may be considered by the administration upon recommendation from the building department and/or planning department, for a larger sign area than noted above, provided the applicant can demonstrate compliance with the following criteria:

(1)

The commercial message (text and/or corporate symbols) is limited to no more than twenty-five (25) percent of the total mural area.

(2)

The mural complements the building's colors and aesthetics.

(3)

The mural is considered to be a public benefit (i.e., art) which could not be achieved using the standard wall signage requirements.

(Ord. No. 12-13, pt. I, 9-24-2013)

15.44.120 - Sign bonuses.

In certain unique circumstances, in addition to any signs permitted by this chapter, permits for the following special signs or sign bonuses may be approved by the planning director and/or building official in accordance with the provisions established below:

(1)

Rear Façade Identification Signs. In instances where three or more frontages of a commercial structure in a commercial or industrial zoning district [are] directly visible to a dedicated right-of-way, service drive, or circulation lane, a bonus wall sign to identify the rear façade of the structure may be permitted. To qualify for the rear façade identification sign bonus, the site must:

a.

Be directly bordered on at least three sides by dedicated circulation routes intended primarily for consumer traffic; rear alleys and loading and unloading access drives do not qualify.

b.

The drive aisles may not be located exclusively on the same site as the structure to which the bonus would be applied, though it may be shared between two or more separate and distinct sites.

c.

The wall sign bonus must not exceed ten square feet in area distributed over one or two wall signs.

d.

If two signs are proposed, they must be located on separate façades.

e.

To qualify for the rear façade identification sign bonus, no other wall signage may be present on the rear façades having the bonus signage.

f.

The primary permitted wall signage must be located on the façade facing the major thoroughfare or other primary roadway serving the site, or for corner lots, the two frontages facing such thoroughfares or roadways.

g.

Rear façade identification signs may not face a residentially zoned or used property.

(2)

Wall Sign Area Bonus. In commercial districts only, in the event that a ground sign otherwise permitted by the chapter cannot be located in compliance with the location requirements of the chapter due to existing natural or manmade features, proximity to an existing sign or otherwise, additional wall sign area may be awarded above the permitted maximum wall sign area as determined by [Section 15.44.110](#). This bonus may only be applied when the applicant, in the course of seeking a sign permit, has satisfactorily demonstrated that the development of an otherwise permitted ground sign is not possible in compliance with other provisions of this chapter or if no location for the sign which allows the sign to serve its intended purpose due to existing natural or manmade features. The wall sign area bonus shall not be over twenty-four (24) additional square feet beyond that permitted by [Section 15.44.090](#). Further, when a ground sign is not applicable and the applicant demonstrates that one wall sign is not enough to identify the business, the applicant may be granted an additional wall sign. The combined wall signs shall not exceed the square footage bonus set forth in this section for one sign.

(3)

Corner Lot Bonus.

a.

Wall Signs. Corner lots shall be provided one hundred fifty (150) percent of the otherwise permitted total wall sign area.

b.

Ground Signs. Corner lots shall be permitted to have a second ground sign provided the area is no more than seventy-five (75) percent of the total permitted ground sign area.

(Ord. No. 12-13, pt. I, 9-24-2013)

15.44.130 - Portable signs.

A.

Portable signs shall be permitted in all commercial districts as a temporary sign only (where they shall be permitted on a regular basis subject to the standards listed in subsection B. below). Such signs shall be permitted for commercial uses to identify special events and sales only. Additionally, the following provisions shall apply:

(1)

No more than one portable sign shall be permitted per business for duration not to exceed two weeks at a time, for a maximum of six times/events per calendar year. The events shall not run consecutively.

(2)

The sign shall be removed when weather conditions create potentially hazardous conditions.

(3)

The maximum area of a portable sign is twelve (12) square feet per side with no dimension greater than four feet (not counted towards total sign area), a maximum footprint of three feet by four feet, with a maximum of two faces per sign.

(4)

The sign shall not unreasonably interfere with the view, access to, or use of adjacent properties. For businesses located at a street corner, the sign shall not be located within the clear vision triangle area.

(5)

The sign should be of durable materials that complement the materials of the building such as overlay plywood painted with enamel paint, stainless or other weather resistant steel, laminate plastic, slate chalkboard, or marker board. A natural wood one-inch by two-inch frame is strongly encouraged. The lettering may be permanent or temporary with a preference towards hand lettering; no individually applied changing marquee style letters are allowed.

(6)

Paper signs, wind-activated items (such as balloons, windsocks, and pinwheels), and nonrigid changeable areas shall not be used as or attached to a sign.

(7)

The sign shall have no sharp edges or corners. All surfaces shall be smooth and be free of protruding tacks, nails and wires. All parts, portions, and materials of a sign shall be kept in good repair. The display surface shall be kept clean, neatly painted, and free from rust, corrosion, and graffiti. Any cracked or broken surfaces, missing sign copy, or other poorly maintained or damaged portion of a sign shall be repaired, replaced or removed. No glass, breakable materials, or attached illumination shall be allowed.

(8)

The primary colors of such signs shall be compatible with the colors of the buildings within the area.

(9)

Portable signs within the road right-of-way shall require approval by the applicable agency.

B.

Portable sidewalk signs are only permitted within the CB, LB and LB-M districts. Portable signs are permitted for ground floor commercial uses to identify the store/business, indicate that it is open, its hours of operation, to show restaurant menus and daily specials. The purpose is to advertise sales and special deals or service. Additionally, the following provisions shall apply:

(1)

No more than one portable sidewalk sign shall be permitted per business which is located on the ground floor.

(2)

The sign shall be removed when weather conditions create potentially hazardous conditions.

(3)

The maximum area of a portable sidewalk sign is six square feet per side with no dimension greater than four feet (not counted towards total sign area), a maximum footprint of two feet by three feet, with a maximum of two faces per sign.

(4)

The sign boards shall continue to the ground for detection by those who are visually impaired. The bottom two inches of the sign shall also have a strong color contrast with the grade below.

(5)

The sign shall be located directly in front of the building it represents on the building side of the sidewalk in such a manner that it is not in the pedestrian clear path of travel area; a width of four feet is maintained between the sign and any fixed element on the sidewalk and/or the curb and is not in the clear area adjacent to street furniture.

(6)

The sign shall not unreasonably interfere with the view, access to, or use of adjacent properties.

(7)

The sign should be of durable materials that complement the materials of the building such as overlay plywood painted with enamel paint, stainless or other weather resistant steel, laminate plastic, slate chalkboard, or marker board. A natural wood one-inch by two-inch frame is strongly encouraged. The lettering may be permanent or temporary with a preference towards hand lettering; no individually applied changing marquee style letters are allowed.

(8)

Paper signs, wind-activated items (such as balloons, windsocks, and pinwheels), and nonrigid changeable areas shall not be used as or attached to a sign.

(9)

The sign shall have no sharp edges or corners. All surfaces shall be smooth and be free of protruding tacks, nails and wires. All parts, portions, and materials of a sign shall be kept in good repair. The display surface shall be kept clean, neatly painted, and free from rust, corrosion, and graffiti. Any cracked or broken surfaces, missing sign copy, or other poorly maintained or damaged portion of a sign shall be repaired, replaced or removed. No glass, breakable materials, or attached illumination shall be allowed.

(10)

The primary colors of such signs shall be compatible with the colors of the buildings within the area.

(11)

Sidewalk signs shall be removed daily at the close of business hours.

(12)

Sidewalk signs within the road right-of-way shall require approval by the applicable agency and must meet ADA requirements.

(13)

Providing a sidewalk sign complies with the above criteria, a permit shall be granted for a period of one year. Annual permit fees will be set from time to time by resolution of the city council.

(Ord. No. 12-13, pt. I, 9-24-2013)

15.44.140 - Gasoline service station signs.

Gasoline service stations may display the following special signs which are deemed customary and necessary to their respective businesses. None of the following signs shall have commercial messages or represent an add-on sign as defined by this chapter. Sign permits shall be required for such signs.

(1)

No more than two signs, each sign not exceeding six square feet in area, may be placed on a gasoline pump island for the purpose of displaying gasoline prices.

(2)

No more than two signs, each sign not exceeding six square feet in area, may be placed on a gasoline pump island for the purpose of designating "attendant served" or "self-serve."

(3)

Digital/electronic signs for the display of gas prices may be permitted as a special approval use. In review of the special approval use, the sign authority shall consider the following:

a.

The digital/electronic sign shall be exclusively for the display of gas prices.

b.

The sign message and background shall each be a single contrasting color and shall not include flashing, scrolling, blinking, intermittent or moving lights.

c.

The size of the electronic/digital sign message area shall not exceed fifty (50) percent of the total sign surface area.

(Ord. No. 12-13, pt. I, 9-24-2013)

15.44.150 - Drive-in and drive-through restaurants.

A.

The administration and/or sign authority may approve up to two menuboards (per lane) upon determination that it is integral to the nature of the business.

B.

Each menuboard shall not exceed seven feet in height.

C.

One menuboard (in stacking lane) shall not exceed sixteen (16) square feet and the other (at the speaker) shall not exceed thirty-two (32) square feet in area.

D.

The area of the menuboard is exclusive of the structure's framing.

E.

All menuboards shall be single-sided.

F.

No menuboard may be located between the building and the front property line.

G.

All speaker systems located on parcels directly abutting (sharing one or more common property line) a residentially zoned or used parcel shall have a noise level not to exceed sixty (60) decibels between the hours of eleven p.m. and six a.m. Speaker systems located on parcels abutting non-residential parcels shall have a noise level not to exceed eighty (80) decibels between the hours of eleven p.m. and six a.m. The building official and/or planning director shall have the discretion to place additional restrictions on the hours of operation of the drive-through speakers based on the location of the specific site, proximity to residential uses and upon receipt of input or concerns from the neighboring property owners. (Note: A decibel is a unit used to express a difference in power or intensity, usually between two acoustic or electric signals, equal to ten times the common logarithm of the ratio of the two levels. More commonly, it is a unit used to measure the intensity of sound waves.)

H.

Only up to four square feet of the menuboard shall include digital/electronic signage.

I.

The administration and/or sign authority may consider a modified sign area, subject to the following:

(1)

Only one of the menuboards may be increased in area.

(2)

The menuboard is completely screened from the roadway.

(3)

Under no circumstances shall the menuboard exceed forty-eight (48) square feet in area.

(Ord. No. 12-13, pt. I, 9-24-2013)

15.44.160 - Legibility and design.

All signage within the city must meet the legibility and design requirements of this section.

(1)

Wall Signs.

a.

Contrast. All lettering on wall signs shall significantly contrast the background to which they are applied.

b.

Construction Type. Wall signs may be of a free-floating channel letter or other applied letter either internally or externally illuminated. If an alternate construction type is used, it must be painted or manufactured to match the color of the wall to which it is mounted.

c.

Lettering. Minimum required lettering sizes established as follows for wall signs shall apply to all lettering on any wall sign:

1.

Sans-Serif Fonts. "Block" style or sans-serif lettering shall be at least fourteen (14) inches in size on any wall sign.

2.

Serif Fonts. "Script" or other serif lettering shall be at least seventeen (17) inches in size on any wall sign.

d.

Where corporate logos are proposed for use as a wall sign or as part of the overall wall sign, the logo shall not exceed thirty (30) percent of the maximum permitted area.

(2)

Ground Signs.

a.

Integration. Ground signs shall be integrated into the landscape and shall be compatible with the design and materials used for the structures on the site.

b.

Location. Ground signs shall be located on a masonry, or similar material, base; the base shall have a minimum height of eighteen (18) inches and shall not exceed a height of thirty-six (36) inches; the base, at a minimum, shall be equal to the length of the sign; masonry or other decorative features enclosing the sides or top of the face of the sign shall not extend beyond the maximum allowable width and height of the sign.

c.

Contrast. All lettering on cabinet-style ground signs shall be lighter than the background on which they are located. The background on a cabinet-style ground sign shall be opaque with translucent lettering, to allow only the lettering or logos to be illuminated. Free-floating channel letters or other applied letters shall significantly contrast the background to which they are applied.

d.

Construction Type. Ground signs may be of a cabinet, internally-illuminated style; however:

1.

Only the lettering or trademarked logo shall be translucent.

2.

The background shall be of opaque material in a color darker than the lettering and logo.

e.

Lettering. Minimum required lettering sizes established as follows for ground signs shall apply to all lettering on any ground sign.

1.

Sans-Serif Fonts. "Block" style or sans-serif lettering shall be at least fourteen (14) inches in size on any ground sign.

2.

Serif Fonts. "Script" or other serif lettering shall be at least seventeen (17) inches in size on any ground sign.

(3)

Illuminated Signs.

a.

Type. No signs shall be illuminated by means other than electrical.

b.

Code Requirements. All illuminated signs shall be certified by the city of Hazel Park and shall comply with the National Electric Code (Articles 600-09) and Rule #9 of the Reciprocal Electrical Counsel.

c.

Construction. The light from illuminated signs shall be shielded at its source in a manner that will not shine light on abutting residential structures or properties, or effect oncoming traffic in such brilliance that it impairs the vision of the driver. All lighting fixtures for lighted signs including lighted awnings shall be positioned or shaded so that the light source is not visible from normal pedestrian perspectives, adjacent properties, or the public right-of-way. This includes indoor signs which are visible from public streets and highways.

d.

Limitations. All illuminated signs facing residential side streets shall be turned off completely at ten p.m. or close of business, whichever is earlier. Signage facing non-residential streets and major thoroughfares may remain illuminated indefinitely.

No portion of any sign shall have an average output greater than forty (40) watts per lineal foot or per specifications as follows:

Sign Type	Illumination Requirements
Externally Illuminated	No sign may be illuminated in any way so as to exceed a maximum intensity of 5,000 NITS during daylight hours or 500 NITS from sunset to sunrise measured at the sign face at maximum brightness.
Internally Illuminated	10 watts per square foot.
Neon, Fluorescent, or Incandescent Light	Single row of tubing, no greater than 3/8" in diameter. All internal neon signs shall be protected with a Plexiglass backing. The light sources shall not exceed 10 watts per square foot.

(Ord. No. 12-13, pt. I, 9-24-2013)

15.44.170 - Permit approval.

Applications for sign permits shall consist of a form available at city hall, a permit fee as set by city council resolution, and plans that are necessary to fully advise the city of the type, size, shape, location, construction, and materials of the proposed sign and the building or structure upon which the sign is to be placed. Such plans shall be considered as part of the application for permit and shall be filed with the city. The application shall be

accompanied by the written consent of the owner and lessee of the premises upon which the sign is to be erected. The application will be reviewed in accordance with [Section 15.44.180](#) of this chapter. If the permit is denied the applicant may file an appeal as described in [Section 15.44.190](#). It shall be unlawful for any person to erect, alter, or maintain any sign for which a permit is required, unless a permit has been obtained from the city. Each day a violation exists shall constitute a separate offense.

(Ord. No. 12-13, pt. I, 9-24-2013)

15.44.180 - Building official and planning director.

The building official and planning director shall be responsible for the review and approval of sign plans. During administrative review, the planning or building department shall have the authority to send any application for a sign to the sign authority for its review and approval prior to the issuance of the permit from the building department.

(Ord. No. 12-13, pt. I, 9-24-2013)

15.44.190 - Appeals and the sign authority.

A.

The Hazel Park sign authority pursuant to this chapter of the Hazel Park Code of Ordinances shall be authorized to hear appeals regarding any sign regulation from an interpretation or administrative decision of an official of the city of Hazel Park. The sign authority in such an instance shall determine whether the application shall be granted for an exception by utilizing the following considerations which must be indicated and factually supported in any decision made on the application. Such standards are:

(1)

Does the proposed sign represent the business it is intended to identify?

(2)

Is the sign appropriate to the business identified so as to not cause confusion or mislead the public?

(3)

Is the sign appearance compatible with the visual character of the surrounding area, e.g., scale and placement to the building, relationship of color to adjacent colors, dissimilarity of shape to other signs in the surrounding area, dissimilarity of lettering to other signs in the surrounding area?

(4)

Is the sign legible from its intended location?

(5)

Is the sign intended to be integrated into the character of the building as to the entrance and the architectural features?

(6)

Can the sign be viewed with comfort by pedestrians?

(7)

If located on the ground, is the proposed sign outside the clear vision triangle and presents no obstruction to vehicles entering and exiting the site?

(8)

Does the sign reflect the character of Hazel Park as opposed to emphasizing a national symbol?

(9)

Does the location of the sign obscure the store interior or its merchandise?

(10)

Does the proposed sign significantly depart from the applicable provisions of the chapter?

(11)

If a projecting sign, are guy wires or cables visible, does the proposed location assist the consumers in identifying store location, is the sign located in direct relationship to the store entrance, and is the size and placement compatible with the building façade?

(12)

If illuminated, is the light source hidden from view, is glare sufficiently shielded, is any electrical raceways exposed, is the lighting compatible with surrounding light sources?

(13)

Such an appeal may further be granted in those instances in which there has been a demonstrated showing by the applicant that the particular sign sought to be approved is suitable to the community or has some value that comports with the history/development of the community and would not, if a variance were granted, be materially in conflict with the applicable regulations for the district in which the sign is located.

(14)

The signage proposed as the basis for the appeal does not result in the perpetuation of a sign that no longer conforms to existing sign regulations.

B.

The city council shall appoint three members to act as the sign authority under the provisions of this chapter. Each member shall serve for a period of three years and shall serve until their successor has been appointed. Each member may be reappointed to serve on the board. The sign authority shall resolve all disputes when a complaint is filed in accordance with this section. Any applicant denied relief hereunder has the right to an appeal to the zoning board of appeals who shall conduct an administrative hearing to establish whether the chapter is being properly interpreted and enforced and make such decisions as to ensure the proper enforcement and interpretation of the chapter.

(Ord. No. 12-13, pt. I, 9-24-2013)

15.44.200 - General requirements and restrictions.

A.

Mandatory Signage. Any active building located in a nonresidential district, regardless of whether the active building or business is open to the public, must display at least one permanent ground, wall or window sign

identifying the business. The sign must have a minimum sign face of two square feet. Otherwise, the sign(s) must conform to the rules and regulations set forth in this chapter.

B.

Public Rights-of-Way. No sign (or any pole or support cable of any nature), except those established and maintained by the city, county, state, or federal governments, shall be located in, project into, or overhang a public right-of-way or dedicated public easement, unless otherwise authorized in this article.

C.

Sign Heights. The highest point of any sign shall not exceed thirty-five (35) feet above the ground or grade level. All signs which project over a public or private road or walkway, directional signs, or a sign on a canopy, shall have under clearance from the lowest point of the sign to the ground or grade level of not less than eight feet.

D.

Traffic Interference. No advertising device shall be erected or maintained which simulates or imitates in size, color, lettering, or design any traffic sign or signal or other word, phrase, symbol, or character in such manner as to interfere with, mislead, confuse or create a visual impediment or safety hazard to pedestrian or vehicular traffic.

E.

Clear Corner Vision. No sign above a height of thirty (30) inches shall be located within, project into, or overhang the triangular area formed at the intersection of any two street right-of-way lines, existing or proposed, by a straight line drawn between such right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection, unless visual under clearance can be ensured on the plans.

F.

Proximity to Electrical Conductors. No sign shall be erected so that any part, including cables, guys, etc., will be within ten feet of any electrical conductor, electric light pole, streetlamp, traffic light, or other public utility pole or standard.

G.

Illumination. No sign shall be illuminated by other than approved devices, and in no case shall any open spark or flame be used for display purposes unless specifically approved by the building [official]. All illuminated signs shall be so arranged or shielded so as not to interfere with the vision of persons on adjacent thoroughfares and properties. In no event shall light from an illuminated sign shine on adjacent property which is used for residential purposes. An illuminated sign must adhere to the design standards set forth in [Section 15.44.150](#).

H.

Fire Escapes. No signs of any kind shall be attached to or placed upon a building in such a manner as to obstruct any fire escape.

I.

Wall Signs. No wall sign shall project beyond or overhang the wall, or any permanent architectural feature, by more than eighteen (18) inches, and shall not project above or beyond the highest point of the roof or parapet.

J.

Freestanding Signs. With respect to freestanding signs, components (supporting structures, backs, etc.) not bearing a message shall be constructed of materials that blend with the surrounding environment or shall be painted a neutral color to blend with the surrounding environment.

K.

Construction Signs. Signs advertising buildings or projects under construction shall not exceed fifteen (15) square feet per one hundred (100) linear feet of public right-of-way frontage or fraction of such amount, and shall not exceed one hundred (100) square feet in total area. Such signs shall have a maximum height of ten feet and shall be set back at least twenty-five (25) feet from any public right-of-way unless attached to a building or construction fence and shall be removed upon completion of construction. No more than one construction sign is permitted per public right-of-way frontage and placement shall be a minimum of three hundred (300) feet apart as measured along the right-of-way line.

L.

Liability Insurance. If the vertical distance of a sign above the street is greater than the horizontal distance from the sign to the street right-of-way line and is so located as to be able to fall or be pushed onto or impact public property in any manner, then the owner of such sign shall keep in force a public liability insurance policy in the amount of one hundred thousand dollars (\$100,000.00) for injury to one person and three hundred thousand dollars (\$300,000.00) for injury to more than one person and property damage insurance in the amount of twenty-five thousand dollars (\$25,000.00) for damage to property. In lieu of an insurance policy as required in this subsection, an owner may present satisfactory proof to the city attorney that such owner is financially capable of self-insurance in the amounts described in this subsection.

(Ord. No. 12-13, pt. I, 9-24-2013)

15.44.210 - Substitution clause.

The owner of any sign which is otherwise allowed by this sign ordinance may substitute non-commercial copy in lieu of any other commercial or non-commercial copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provision prevails over any more specific provision to the contrary.

(Ord. No. 12-13, pt. I, 9-24-2013)

15.44.220 - Construction and maintenance requirements.

A.

Materials and Design. All signs shall be designed, constructed and maintained in conformity with the provisions for materials, loads, and stresses of the state construction code and requirements of this chapter.

B.

Erector's Imprint. Signs which require a permit under this chapter must carry the identification and address of the sign erector, electrical voltage (when applicable), and date of erection in clearly legible letters whether for the initial erection or re-hanging of a sign. In case of re-hanging or re-erection of any sign, the new erector must place his identification, address and the date on the sign.

C.

Fastenings. All signs must be erected in such a manner and with such materials to remain safe and secure during the period of use and all bolts, cables, and other parts of such signs shall be kept painted and free from corrosion. Any defect due to the fault of the erector shall be repaired by the erector.

D.

Freestanding Signs. Freestanding signs shall be securely fastened to the ground or to some other substantial supportive structure so that there is no danger that either the sign or the supportive structure may be moved by the wind or other forces and cause injury to persons or property.

E.

Sanitation and Landscaping. Property surrounding any freestanding sign shall be kept clean, sanitary and free from obnoxious and offensive substances, weeds, debris, rubbish, and flammable material. All plant materials and other landscaping surrounding a freestanding sign shall be maintained on a regular basis, including pruning, mowing, watering, fertilizing and replacement of dead and diseased materials.

F.

Maintenance. All signs and all their components, including, without limitation, supports, braces and anchors, shall be kept in a state of good repair. Peeling or missing paint, holes, broken, cracked, bent, warped, rotted, discolored, sagging, out-of-plumb, worn, rusted or missing material parts shall be repaired within ten days of written notification of the building department.

(Ord. No. 12-13, pt. I, 9-24-2013)

15.44.230 - Violations.

Any citation issued under this chapter shall upon conviction, be punishable by a fine of not less than one hundred dollars (\$100.00) and more than five hundred dollars (\$500.00) for each day the violation exists. If the violation involves the removal of an unauthorized or illegal sign by the city, the city shall be entitled to reimbursement of its actual cost, fees and expenses in seeking the removal of the offending structure.

(Ord. No. 12-13, pt. I, 9-24-2013)

Chapter 15.45 - UNSOLICITED WRITTEN MATERIALS

15.45.010 - Purpose and intent.

The purpose and intent of this section is to reduce visual blight, litter, and the migration to public streets or other public or private property of unsolicited written materials and to maintain the aesthetics of the community by establishing reasonable, predictable locations for the placement of such materials on the private property to which they are delivered. Placement of such materials in consistent, secure and predictable locations will reduce the visual impact of such materials, reduce the likelihood that such materials will rendered unreadable or unusable, reduce the likelihood that such materials will become a nuisance or blight on private property and public streets or other public property, and increase the probability that the intended recipients will find and collect such materials.

(Ord. No. [04-20](#), pt. I, 8-11-2020)

15.45.011 - Definitions.

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

"Code enforcement officer" means the person, or his/her designee, authorized by state law or local ordinance to issue a citation for a violation of this section.

"Front door means the street-facing entrance(s) to a principal building or structure. In the event no door faces the street, then any other door of a principal building or structure nearest the street shall be considered a front door for purposes of this section.

"Person" means an individual, partnership, corporation, limited liability company, association, or other legal entity. "Person" includes the partners or members of a firm, a partnership, or an association and the officers of a corporation.

"Porch" means an exterior appendage to a principal structure leading to a doorway, including any stairway attached thereto.

"Premises" means a lot, plot, or parcel of land including any buildings, structures, driveways, or other impervious surfaces.

"Principal building or structure" means the main building or structure where the primary use is conducted.

"Unsolicited written materials" means any written materials delivered to any premises without the express invitation or permission, in writing or otherwise, by the owner, occupant, or lessee of such premises.

(Ord. No. [04-20](#), pt. I, 8-11-2020)

15.45.012 - Placement of unsolicited written materials.

Unsolicited written materials delivered to premises shall be placed:

A.

On a porch, if one exists, nearest the front door; or

B.

So that such materials are securely attached to the front door; or

C.

Through a mail slot on the front door of the principal building or structure as permitted by the United States Postal Service, domestic mail manual, Section 508 Recipient Services, subsection 3.1.2; or

D.

Between the exterior front door, if one exists and is unlocked, and the interior front door; or

E.

Where permitted, in a distribution box located on or adjacent to the premises; or

F.

Adjacent to postal box near the front door; or

G.

Personality with the owner, occupant, and/or lessee of the premises.

(Ord. No. [04-20](#), pt. I, 8-11-2020)

15.45.013 - Preservation of rights.

Notwithstanding [Section 15.45.012](#) above, an owner, lessee, or occupant maintains the right to restrict entry to his or her premises.

(Ord. No. [04-20](#), pt. I, 8-11-2020)

15.45.014 - Rebuttable presumption.

Unsolicited written materials placed at a premises create a rebuttable presumption that the materials were placed at the premises by the owner, agent, manager, and/or authorized distributor of the unsolicited written materials.

(Ord. No. [04-20](#), pt. I, 8-11-2020)

15.45.015 - Violations and limitations.

A.

Any person who places or who causes to be placed unsolicited written materials in areas on or adjacent to a premises other than as set forth in [Section 15.45.012](#) of this section shall be responsible for a civil infraction punishable by a civil fine of one hundred dollars (\$100.00) for each violation. A separate violation of this section occurs each time that unsolicited written materials are placed on, at, or about a separate premises in violation of this section. For example, three violations of this section will occur if a person distributes unsolicited written materials in violation of this section to three, different lots, one after the other, on the same day.

B.

A person shall be liable for a violation of this section via the person's officer, agent, or employee if the person engaged the person's officer, agent, or employee to place or to distribute the unsolicited written materials. That a person acted as an officer, agent, or employee of another in distributing or placing unsolicited written materials in violation of this section shall not negate the liability of the person acting as an officer, agent, or employee for his or her violation of this section.

C.

This section shall not be deemed to have been violated merely because unsolicited written materials that were placed on, at, or about a premises in violation of this section have remained on, at, or about a premises in violation of this section. Only the initial placement of the unsolicited written materials in violation of this section shall constitute a violation of this section.

D.

The provisions of this section do not apply to the United States Postal Service.

(Ord. No. [04-20](#), pt. I, 8-11-2020)

15.45.016 - Other remedies.

Nothing contained in this section shall be construed to limit the city's other remedies at law or in equity related to unsolicited written materials that have been distributed or placed in violation of this section. Without limiting the scope of the preceding sentence, the city may pursue equitable remedies to enforce this section pursuant to Section 8302 of the Revised Judicature Act of 1961 or as may otherwise permitted by law.

(Ord. No. [04-20](#), pt. I, 8-11-2020)

Chapter 15.48 - SWIMMING POOLS

Sections:

15.48.010 - Definitions.

The following words shall apply in this chapter:

A.

"Enforcing official" means the building inspector of the city.

B.

"Private" means that it is not open to the public.

C.

"Swimming pool" means any artificially constructed, nonportable pool located either above or below grade intended for swimming or bathing, having a depth of two feet or more at any point.

D.

Definitions of terms used in this chapter other than those listed in this section shall be as defined by the National Swimming Pool Institute (NSPI).

(Ord. 274 § 1, 1960)

15.48.020 - Permit—Required.

It is unlawful for any person to commence construction of a swimming pool until a permit authorizing such work has been obtained from the building department.

(Ord. 274 § 2, 1960)

15.48.030 - Permit—Application.

Application for a permit to construct a swimming pool shall be approved by the enforcing official. Such application shall be accompanied by plans, specifications and calculations in duplicate, drawn to scale and in sufficient detail showing the following:

A.

Plot plan with elevations and topography at not greater than one-foot contours for fifty (50) feet measured radially from all points of the pool walls and all existing principal and accessory buildings within said radius;

B.

Pool dimensions, depths and volume in gallons;

C.

Filter system with type and size, filtration and backwash capacities;

D.

Pool piping layout, with all pipe sizes and valves shown, and types of materials to be used.

E.

The rated capacity and head at filtration and backwash (where applicable) flows of the pool pump in gpm (gallons per minute) with the size and type of motor;

F.

Disposal system for pool wastes;

G.

Mechanical and structural data and details;

H.

Location of sewer lines, and all water supplies and utilities (electrical, gas, telephone, etc.) within twenty-five (25) feet of the pool and wells, water suction lines and private sewage disposal systems within seventy-five (75) feet of the pool;

I.

Location of ditches, drains, culverts and water courses within the plot plan area;

J.

Method to be employed to clean the pool (vacuum, etc.).

(Ord. 274 § 3, 1960)

15.48.040 - Location of outdoor pool.

A.

There shall be a distance of not less than three feet between the adjoining property line and the outside of the pool wall.

B.

There shall be a distance of not less than four feet between the outside pool wall and any buildings located on the same lot.

C.

No swimming pool shall be located less than twenty-five (25) feet from any front lot line.

D.

No swimming pool shall be located less than ten feet from any side street or alley right-of-way.

E.

No swimming pool shall be located in an easement.

(Ord. 289 § 1, 1960; Ord. 274 § 4, 1960)

15.48.050 - Fences.

A.

For the protection of the general public, swimming pools shall be completely enclosed by a fence not less than four feet in height. The gates shall be of a self-closing and latching type, with the latch on the inside of the gate not readily available for children to open. Gates shall be capable of being securely locked when the pool is not in use for extended periods; provided, however, that if the entire premises of the residence is enclosed, then this provision may be waived by the enforcing official upon inspection and approval.

B.

The outer vertical wall of an aboveground swimming pool may be deemed an adequate enclosure provided that the upper rim of the wall is not less than four feet above the ground elevation adjacent to the wall; provided further, that the wall must be without horizontal ribbing and the ladder to the pool must be permanently attached to the wall and be enclosed by an adequate enclosure to be approved by the department of building inspection. The department may further require that any appurtenant equipment located within four feet of said wall should be enclosed by an adequate enclosure to be approved by said department.

(Ord. 540 § 1, 1974; Ord. 274 § 5, 1960)

15.48.060 - Water supply and waste disposal.

A.

Swimming pools shall be provided with a potable water supply.

B.

There shall be no cross-connections between potable water systems and swimming pool circulations systems. The water supply line to the pool shall be protected against backflow of water by means of a fixed air gap of six inches or more above the highest possible water level, or by an approved vacuum breaker installed in an approved manner. No over-the-rim fill spout will be accepted unless located under a diving board or installed in an approved manner so as to remove any hazard.

C.

There shall be no direct connections with the private or public sewer system.

D.

All pool drainage and waste water shall be disposed of in a manner approved by the enforcing official.

(Ord. 274 § 6, 1960)

15.48.070 - Construction generally.

All types of equipment and material shall be approved by the enforcing official before installation. All work shall be done in a workmanlike manner. The pool structures shall be engineered and designed to withstand the expected forces to which it may be subjected.

(Ord. 274 § 7(A), 1960)

15.48.080 - Walkway or decking.

A walkway or deck constructed of concrete or other approved material three feet wide sloped away from the pool shall be constructed around the perimeter of pool. The walkway surface shall be reasonably skid resistant.

(Ord. 274 § 7(B), 1960)

15.48.090 - Safety standards.

A.

Excavations shall be protected in an approved manner for safety purposes.

B.

The design of the pool and surrounding area shall be constructed and arranged in such a manner that all scum, splash and deck water shall not return to the pool except through the filter system.

C.

Pool floor and walls shall have an approved impermeable surface.

D.

Diving boards shall be securely anchored and shall be installed with every consideration for safety in usage.

(Ord. 247 § 7(C—F), 1960)

15.48.100 - Electrical installation.

All electrical installations or wiring in connection with swimming pools shall conform to the National Electrical Code relative to swimming pools.

(Ord. 247 § 8, 1960)

15.48.110 - General filter requirements.

A.

Every pool shall be equipped with a recirculation system capable of filtering the entire contents of the pool in twelve (12) hours, or less, when the flow is calculated at a maximum of three gallons per minute, per square foot of filter area.

B.

Filters shall be capable of maintaining reasonable clarity of the pool water.

C.

All filters shall be equipped with satisfactory means to determine the necessity and frequency of cleaning (back-washing). Each filter system shall be provided with a visual means of determining when the filter has been restored to original cleanliness.

D.

Pressure filters shall be equipped with an air release at the high point in the system.

E.

Operating instructions shall be posted on every filter system and all valves shall be properly designated with metal tags indicating their purposes.

F.

The tank containing the filter media or elements shall be constructed of steel, plastic or other suitable material, which will satisfactorily provide resistance to corrosion, with or without coating.

(Ord. 274 § 9(A), 1960)

15.48.120 - Pressure sand-type filters.

A.

Sand-type filter systems shall be designed and installed to operate at a rate not to exceed three gallons per minute per square foot of filter area and to backwash at a minimum rate of twelve (12) gallons per minute, per square feet of surface area.

B.

Filter tanks shall be fabricated to 1956 ASME specifications for noncode pressure vessels, with the exception that standard-type dished and flanged heads may be used. Tanks shall be built for a minimum of fifty (50) pounds working pressure and tested at one hundred fifty (150) psi.

C.

The filter underdrain system shall have a distribution of at least twenty-five (25) percent of the cross-sectional area of the tank evenly distributed over the entire cross-sectional area of the tank.

D.

Filter tanks shall be supported in a manner to prevent tipping, safety hazards or settling.

E.

The influent shall be applied to the filter media surface in a manner which prevents direct discharge against the filter bed surface.

F.

Filter media shall be a hard, uniformly graded, silica material, or approved equivalent, with effective particle sizes between 0.35 and 0.80 millimeters in diameter, with uniformity coefficient between [1.2](#) and 1.75. There shall be no limestone or clay present.

G.

Filter media shall be no less than nineteen (19) inches in depth with a freeboard which shall permit effective back-washing of the filter media.

H.

Graded rock or approved equivalent shall be employed to support the filter media which shall be clean, noncrushed, rounded, noncalcareous material. Supporting material shall be carefully graded by size and separately levelled in layers to satisfactorily support the filter media and distribute backwash water. Other equivalent methods or materials may be approved by the enforcing official.

(Ord. 274 § 9(B), 1960)

15.48.130 - Other filters.

A.

Diatomaceous Filters. Diatomaceous filters shall be designed and installed to operate at a rate not to exceed three gallons per minute per square foot of filter area and shall meet the performance standards for pressure sand-type filters set forth in this chapter.

B.

Other Filters. Other filters may be approved provided their performance meets the standards for pressure sand-type filters set forth in this chapter.

(Ord. 274 § 9(C), (D), 1960)

15.48.140 - Pool piping.

Pool piping shall be sized to permit the rated flows for filtering and cleaning without exceeding the maximum head at which the pump will provide such flows. In general, the water velocity in the pool piping should not exceed ten feet per second. When velocity exceeds ten feet per second, calculations should be provided to show that rated flows are possible with the pump and piping provided. The recirculating piping and fittings shall meet the following requirements:

A.

Vacuum fitting(s), if provided in the pool, shall be located in an accessible position(s) below the water line.

B.

An outlet or inlet shall be placed at the deepest point in every pool for recirculating the pool water.

C.

Pool recirculating piping passing through the pool structure shall be copper tubing, with a minimum wall thickness of type "L", brass or an approved equal.

D.

Filtered water inlets shall be provided in sufficient quantity and shall be properly spaced to provide a maximum circulation of the main body and surface of the pool water. A minimum of two inlets shall be provided.

(Ord. 274 § 9(E), 1960)

15.48.150 - Valves.

A.

Fullway valves shall be installed throughout to insure proper functioning of the filtration and piping system.

B.

Valves shall be installed wherever necessary for proper operation and maintenance of the circulation system.

C.

Valves up to, and including, two inches in size, shall be brass. Sizes over two inches may have cast iron or brass bodies. All working parts of valves shall be noncorrosive material.

D.

Combination valves may be installed if the materials and design comply with the intent of this chapter.

(Ord. 274 § 9(F), 1960)

15.48.160 - Recirculating pumps.

A.

The recirculating pump shall have sufficient capacity to provide the rated flows of the filter system, without exceeding the head loss at which the pump will deliver such flows. Such pump shall be of a self-priming design if installed above the pool water line.

B.

The recirculating pump shall be equipped on the inlet side with an approved-type hair and lint strainer, or an approved equal. The basket of the strainer shall be non-corrosive and have an open screen surface of at least four times the cross-sectional area of the inlet pipe.

(Ord. 274 § 9(G), 1960)

15.48.170 - Maintenance and operation.

A.

Pools and pool equipment shall be maintained and operated in a manner which will not contribute to health or safety hazards or to public nuisance.

B.

Proper germicidal levels shall be maintained at all times during pool usage to protect the health of users. A chlorine residual of 0.3 to 1.0 parts per million shall satisfy this requirement. Other disinfecting agents may be approved by the health officer.

C.

The pH (alkalinity and acidity) of the pool water shall be maintained between 7.0 and 8.0.

D.

Testing devices capable of accurately measuring pH and germicidal levels shall be provided and utilized to insure safe pool operation.

(Ord. 274 § 10, 1960)

15.48.180 - Abandonment.

Failure to maintain any swimming pool or any part thereof for a period of one year or more shall be deemed to be conclusive proof of an intention to abandon the same by the owner thereof, and such swimming pool or any part thereof may be abated by the enforcing official in accordance with the provisions of [Section 15.48.200](#); provided, however, that any intentional abandonment through which a swimming pool constitutes a public nuisance may be summarily abated in accordance with the provisions of [Section 15.48.200 C](#).

(Ord. 274 § 11, 1960)

15.48.190 - Inspections.

A.

Inspections during and after construction shall be made by the enforcing official, for the purpose of determining that all provisions of this chapter are being fulfilled and complied with.

B.

Final inspection and approval shall be required prior to pool usage. All pool installations must be completed, filled with water, and the filter system in operation at the time of the final inspection.

C.

The health officer and the enforcing official shall have the right at any reasonable hour to inspect any swimming pool for the purpose of determining compliance with the intent of this chapter.

(Ord. 274 § 12, 1960)

15.48.200 - Violation—Penalty.

A.

Any person who violates any provisions of this chapter shall upon conviction of such violation be punished by a fine of not to exceed one hundred dollars (\$100.00) or by imprisonment of not to exceed ninety (90) days, or both such fine and imprisonment.

B.

Each day on which any such violation shall continue shall constitute a separate offense.

C.

In addition, any improper or incorrect installation, operation, maintenance or use so defined in this chapter shall also constitute a nuisance and the enforcing official may in addition to the penal provisions abate such nuisance by means of a court action.

(Ord. 274 § 13, 1960)

Chapter 15.52 - DOWNTOWN DEVELOPMENT AUTHORITY

Sections:

15.52.010 - Downtown development authority—Established.

In recognition of the fact that it is in the best interest of the public to correct and prevent further property value deterioration in the downtown business district of Hazel Park, to eliminate the causes of such deterioration and to promote economic growth in the downtown business district, a downtown development authority is established pursuant to Act No. 197 of the Public Acts of 1975, (as amended) to be known as the downtown development authority—city of Hazel Park.

(Ord. 755 (part), 1988)

15.52.020 - Organization.

The authority shall be under the supervision and control of a board consisting of the chief executive officer and twelve (12) members appointed by the chief executive officer of the city subject to the approval of the city council. At least seven of the members shall be persons having an interest in property located in the downtown district. Not less than one of the members shall be a resident of the downtown district if the downtown district has one hundred (100) or more persons residing within it. Of the members first appointed, three shall be appointed for one year, three for two years, three for three years, and three for four years. An appointment to fill a vacancy shall be made by the chief executive officer for the unexpired term only. Members of the board shall serve without compensation, but shall be reimbursed for actual and necessary expenses. The chairman of the board shall be elected by the board.

(Ord. 12-02 § 1, 2002; Ord. 755 (part), 1988)

15.52.030 - Duties.

The downtown development authority—city of Hazel Park as herein created shall be charged with the following duties:

A.

Prepare an analysis of economic changes taking place in the downtown district;

B.

Study and analyze the impact of a maturing community upon the downtown district;

C.

Plan and propose the construction, the renovation, repair, remodeling, rehabilitation, restoration, preservation, or reconstruction of a public facility, an existing building, or a multiple-family dwelling unit which may be necessary or appropriate to the execution of a plan which, in the opinion of the board, aids in the economic growth of the downtown district;

D.

Develop long-range plans, in cooperation with the city planning commission, designed to prevent the deterioration of property values in the downtown district, and take such steps as may be necessary to persuade property owners to implement the plans to the fullest extent possible;

E.

Implement any plan of development in the downtown district necessary to achieve the purposes of this Act, in accordance with the powers of the authority as granted by this Act;

F.

Make and enter into contracts necessary or incidental to the exercise of its powers and the performance of its duties;

G.

Acquire by purchase or otherwise, on terms and conditions and in a manner the authority deems proper, or own, convey, or otherwise dispose of, or lease as lessor or lessee, land and other property, real or personal, or rights or interests therein, which the authority determines is reasonably necessary to achieve the purposes of this Act, and to grant or acquire licenses, easements, and options with respect thereto;

H.

Improve land and construct, reconstruct, rehabilitate, restore and preserve, equip, improve, maintain, repair, and operate any building, including multiple-family dwellings, and any necessary or desirable appurtenances thereto, within the downtown district for the use, in whole or in part, of any public or private person or corporation, or a combination thereof;

I.

Fix, charge, and collect fees, rents, and charges for the use of any buildings, or property under its control or part thereof, payment of revenue bonds issued by the authority;

J.

Lease any buildings or property under its control, or any part thereof;

K.

Accept grants and donations of property, labor, or other things of value from a public or private source;

L.

Acquire and construct public facilities.

(Ord. 755 (part), 1988)

15.52.040 - Financing.

The activities of the authority shall be financed from one or more of the following sources:

A.

Donations to the authority for the performance of its functions;

B.

Proceeds of a tax imposed pursuant to [Section 12](#) of Act No. 197 of the Public Acts of 1975; provided, however, the board shall not request that the city council authorize such a tax without first holding a public hearing, following the sending of a notice to every property owner in the district;

C.

Moneys borrowed and to be repaid as authorized by [Section 13](#) of Act No. 197 of the Public Acts of 1975;

D.

Revenues from any property, building, or facility owned, leased, licensed or operated by the authority or under its control, subject to the limitations imposed upon the authority by trusts or other agreements;

E.

Proceeds of a tax increment financing plan, established under Sections 14 through 16 of Act No. 197 of the Public Acts of 1975;

F.

Moneys obtained from other sources approved by the city council;

G.

Moneys received by the authority and not covered under Section II, subsection 1 of Act 197 of 1975, shall be immediately deposited to the credit of the authority, subject to disbursement pursuant to Act No. 197 of the Public Acts of 1975. Except as provided in Act No. 197 of the Public Acts of 1975, the city shall not obligate itself, or shall it ever be obligated to pay any sums from public moneys, other than moneys, received by the city pursuant to this section, for or on account of the activities of the authority.

(Ord. 755 (part), 1988)

15.52.050 - Development plans.

When the board decides to finance a project in the downtown district by the use of revenue bonds as authorized in [Section 13](#) of Act No. 197 of the Public Acts of 1975, or tax increment financing as authorized in Sections 14,

15 and 16 of Act No. 197 of the Public Acts of 1975, as amended, it shall prepare a development plan. The development plan shall contain:

A.

The designation of boundaries of the development area in relation to highways, streets, streams, or otherwise;

B.

The location and extent of existing streets and other public facilities within the development area and shall designate the location, character, and extend to the categories of public and private land uses then existing and proposed for the development area, including residential, recreational, commercial, industrial, educational, and other uses and shall include a legal description of the development area;

C.

A description of existing improvements in the development area to be demolished, repaired, or altered, a description of any repairs and alterations, and an estimate of the time required for completion;

D.

The location of existing improvements in the development area;

E.

A statement of the construction or stages of construction planned, and the estimated time of completion of each stage;

F.

Description of any parts of the development area to be left as open space and the use contemplated for the space;

G.

A description of any portions of the development area which the authority desires to sell, donate, exchange, or lease to or from the municipality and the proposed terms;

H.

A description of any desired zoning changes and changes in streets, street levels, intersections, and utilities;

I.

An estimate of the cost of the development, a statement of the proposed method of financing and development and the ability of the authority to arrange the financing;

J.

Designation of the person or persons, natural or corporate, to whom all or a portion of the development is to be leased, sold, or conveyed in any manner and for whose benefit the project is sold, or conveyed in any manner and for whose benefit the project is being undertaken if that information is available to the authority;

K.

The procedures for bidding for the leasing, purchasing, or conveying in any manner of all or a portion of the development upon its completion, if there is no express or implied agreement between the authority and persons,

natural or corporate, that all or a portion of the development will be leased, sold or conveyed in any manner to those persons;

L.

A plan for compliance with Act No. 227 of the Public Acts of 1972, being Section 213.321 to 213.332 of the Michigan Compiled Laws;

M.

Other materials which the authority, local public agency, or governing body deems pertinent.

(Ord. 755 (part), 1988)

15.52.060 - Governing procedures.

The downtown development authority—city of Hazel Park shall have all the powers and duties prescribed by Act No. 197 of the Public Acts of 1975, as amended. Any questions of interpretation of the powers and duties and responsibilities of the authority shall be resolved by reference to Act No. 197 of the Public Acts of 1975, as amended. The authority shall provide the city council and planning commission with all reports and studies regulating the information and implementation of project development plans. The authority shall submit the proposed development plan to the city council prior to the hearing specified in [Section 18](#) Act No. 197 of the Public Acts of 1975.

(Ord. 755 (part), 1988)

15.52.070 - Boundaries.

The authority shall exercise its powers within the boundaries of the downtown district, as described as follows:

The legal description of the downtown development district of the city of Hazel Park downtown development authority is proposed as follows:

Beginning at the southeast most corner boundary of the city of Hazel Park, Michigan; thence westerly along the south boundary of the city to the southwest most corner boundary of the city; thence northerly along the west boundary of the city to a line extended from the north right-of-way line of Muir Avenue; thence easterly along said right-of-way line to the southeast corner of Parcel 25-35-479-047; thence northerly along the west right-of-way line of an alley to the south right-of-way line of Evelyn Avenue; thence northeasterly to the southwest corner of Parcel 25-35-427-042; thence northerly along the westerly line of said parcel and Parcel 25-35-427-041 to a point of intersection with the south right-of-way line of Madge Avenue; thence northwesterly across said right-of-way to the southeast corner of Parcel 25-35-426-028; thence northerly along the west right-of-way line of an alley to the south right-of-way line of Meyers Avenue at the northeast corner of Parcel 25-35-283-015; thence northwesterly across Meyers Avenue to the southwest corner of Parcel 25-35-282-033; thence northerly along the west property line of said parcel through Parcel 25-35-282-031; thence northerly across Granet Avenue to the southwest corner of Parcel 25-35-280-034; thence northerly along the west property line of said parcel through Parcel 25-35-280-031; thence northerly across Harry Avenue to the southwest corner of Parcel 25-35-278-034; thence northerly along the west property line of said parcel through Parcel 25-35-278-031; thence northerly across Jarvis Avenue to the southwest corner of Parcel 25-35-276-032; thence northerly along the west property line of said parcel through Parcel 25-35-276-031; thence northerly across Pearl Avenue to the southwest corner of Parcel 25-35-233-034; thence northerly along the west property line of said parcel through Parcel 25-35-233-031; thence northerly across Robert Avenue to the southeast corner of Parcel 25-35-230-021; thence northwesterly approximately 362.54 feet along the northeast property line of Parcel 25-35-230-021 and Parcel 25-35-230-008 to the south right-of-way line of Otis Avenue; thence westerly along said right-of-way line approximately 207.60 feet to a point of intersection with the east property line of Parcel 25-35-230-004; thence northerly across Otis Avenue along the east property line of Parcel 25-35-229-009 approximately 162.50 feet to the south property line of Lot 298 of Parcel 25-35-229-010; thence westerly along said property line

approximately 50 feet to a point of intersection with the east property line of Parcel 25-35-229-004; thence northerly along said property line approximately 112.50 feet to a point of intersection with the south right-of-way line of Goulson Avenue; thence westerly along said right-of-way line approximately 250 feet to a point of intersection with the west right-of-way line of Ford Avenue; thence northerly across Goulson Avenue along said right-of-way line approximately 275 feet to a point of intersection with the south right-of-way line of Woodruff Avenue; thence westerly along said right-of-way line approximately 205 feet to a point of intersection with the east property line of Parcel 25-35-204-013; thence northerly across Woodruff Avenue along the east property line of Parcel 25-35-202-029 approximately 155 feet to a point of intersection with the south right-of-way line of an alley; thence westerly along said alley to the westerly boundary of the city; thence northerly, westerly, and northerly along said boundary line to a line extended from the north right-of-way line of an alley; thence easterly along said right-of-way line to the west right-of-way line of Berdeno Avenue; thence northeasterly across Berdeno Avenue to the northwest corner of Parcel 25-26-477-034; thence easterly along the north property line of Parcel 25-26-477-034 approximately 178.32 feet to a point of intersection with the west right-of-way line of an alley; thence northwesterly approximately 600 feet along said alley and across Breckenridge Avenue to a point of intersection with the north right-of-way line of Breckenridge Avenue; thence easterly along said right-of-way line and across interstate 75 approximately 453.88 feet to a point of intersection with the east right-of-way line of interstate 75; thence northwesterly along said right-of-way line approximately 117 feet to a point of intersection with the north property line of Lot 2 of Parcel 25-26-479-085; thence easterly along said property line approximately 509.86 feet to a point of intersection with the west property line of Lot 1 of Parcel 25-26-479-085; thence northerly approximately 167.50 feet along said property line and across Hazelcrest Place to a point of intersection with the north right-of-way line of Hazelcrest Place; thence northerly (*-) along the east property line of Parcel 25-26-478-047 to the south right-of-way line of Orchard Avenue; thence northwesterly across Orchard Avenue to the southeast corner of Parcel 25-26-435-020; thence westerly 40.0 feet to the southwest corner of Parcel 25-26-435-020; thence north 111.38 feet along the westerly property line of Parcel 25-26-435-020 and north 108 feet along the westerly property line of Parcel 25-26-435-011; at south right-of-way line of Sonoma Avenue; thence northerly 50.0 feet across Sonoma Avenue to the southwest corner of Parcel 25-26-434-021; thence northerly 216 feet along the westerly property line of said parcel and Parcel 25-26-434-010; to the south right-of-way line of Manatee Avenue; thence northerly 50.0 feet across Manatee Avenue to the southwest corner of Parcel 25-26-433-022; thence northerly along the westerly property line 108.0 feet to the southwest corner of Parcel 25-26-433-011; thence northerly 108 feet along the westerly property line of said parcel to the south right-of-way line of Chestnut Avenue; thence westerly 40.0 feet along the south right-of-way line of Chestnut Avenue to the northwest corner of Parcel 25-26-433-010; thence northerly 50.0 feet across Chestnut Avenue to the southwest corner of Parcel 25-26-432-028; thence northerly 216.0 feet along the westerly property line of said parcel and Parcel 25-26-432-026 to the south right-of-way line of Hamata Avenue; thence northerly 50.0 feet across Hamata Avenue to the southwest corner of Parcel 25-26-431-023; thence east 40.0 feet to the southwest corner of Parcel 25-26-431-024; thence northerly 110.0 feet to the center of the vacated alley; thence westerly 40.0 feet to a point along the centerline of said vacated alley at the southwest corner of Parcel 25-26-431-012; thence northerly 96.0 feet along the westerly property line of said parcel to the south right-of-way line of Woodward Heights Boulevard; thence northwesterly 86.0 feet across the right-of-way of Woodward Heights Boulevard to the southwest corner of Parcel 25-26-285-033; thence northerly 204.0 feet along the westerly property line of said parcel to the northwest corner of Parcel 25-26-285-037, at the south right-of-way line of Annabelle Avenue; thence northerly 50.0 feet across the right-of-way of Annabelle Avenue to a point located 40.0 feet west of the southeast corner of Parcel 25-26-284-033; thence easterly along the northerly right-of-way line of Annabelle Avenue from said point 80.0 feet to the southeast corner of Parcel 25-26-284-034; thence northerly 214.0 feet along the easterly property line and Parcel 25-26-284-017, to the southerly right-of-way line of Morehouse Avenue; thence northerly 50.0 feet across the Morehouse Avenue right-of-way to the southwest corner of Parcel 25-26-283-035; thence northerly 117.33 feet to the northwest corner of said parcel; thence westerly 40.0 feet to the southwest corner of Parcel 25-26-283-043; thence northerly 117.34 feet along the westerly property line of said parcel to the southerly right-of-way line of Browning Avenue; thence northerly 50.0 feet across the Browning Avenue right-of-way to the southwest corner of Parcel 25-26-282-037; thence easterly 40.0 feet to the southwest corner of Parcel 25-26-282-038; thence northerly 215.0 feet along the westerly property line of said parcel and Parcel 25-26-282-019; to the southerly right-of-way line of Garfield Avenue; thence northerly 50.0 feet across the right-of-way line of Garfield Avenue to the southwest corner of Parcel 25-26-281-037; thence northerly 218.8 feet along the westerly property line of said parcel and Parcel 25-26-281-

019; to the southerly right-of-way line of Mapledale Avenue; thence northerly 48.3 feet across the Mapledale Avenue right-of-way to the southwest corner of Parcel 25-26-235-038; thence northerly approximately 208 feet along the westerly property line of said parcel and Parcel 25-26-235-019 to the southerly right-of-way line of Shevlin Avenue; thence northerly 60.0 feet across the right-of-way of Shevlin Avenue to the southwest corner of Parcel 25-26-234-038; thence northerly 208 feet along the westerly property line of said parcel and Parcel 25-26-234-019 to the southerly right-of-way line of Coy Avenue; thence northerly 60.0 feet across the Coy Avenue right-of-way to the southwest corner of Parcel 25-26-233-035; thence northerly 208 feet along the western property line of said parcel and Parcel 25-26-233-016 to the southerly right-of-way line of Brickley Avenue; thence northerly 60.0 feet across the Brickley Avenue right-of-way to the southwest corner of Parcel 25-26-232-038; thence northerly 208 feet along the westerly property line of said parcel and Parcel 25-26-232-019 to the southerly right-of-way line of Mahan Avenue; thence northerly 60.0 feet across the Mahan Avenue right-of-way to the southwest corner of Parcel 25-26-231-024; thence northerly 104 feet along the westerly property line of said parcel to the south property line of Lot 37 of Parcel 25-26-231-028; thence westerly along south property line of said parcel and Parcels 25-26-231-006 and 25-26-231-033 to the east right-of-way line of Palmer Blvd.; thence southwesterly across Palmer Blvd., to the southeast corner of Parcel 25-26-226-009; thence westerly along the south property line of said parcel to the east right-of-way line of N. Chrysler Drive; thence southwesterly along said right-of-way line to the south right-of-way line of Brickley Avenue; thence westerly along said right-of-way line to the southwest corner of Lot 1 of Parcel 25-26-226-026; thence northeasterly along west property line of said parcel to the north boundary line of the city; thence easterly along northern boundary line of the city to the northeast most corner boundary of the city; thence southerly along the east boundary line of the city to a line extended from the south right-of-way line of Woodward Heights Blvd.; thence westerly along said right-of-way line to the west right-of-way line of Couzens Avenue; thence northerly along said right-of-way line to the south right-of-way line of Mahan Avenue; thence westerly along said right-of-way line to the northwest corner of Parcel 25-25-127-014; thence northwesterly across Mahan Avenue to the southwest corner of Parcel 25-25-126-039; thence northerly along the west property line of said parcel to the southeast corner of Parcel 25-25-126-007; thence westerly along said parcel through Parcel 25-25-126-001 at the east right-of-way line of Battelle Avenue; thence across Battelle Avenue to the southeast corner of Parcel 25-25-101-015; thence westerly along the south property line of said parcel through Parcel 25-25-101-013 and Parcels 25-25-101-032 through 25-25-101-035 to the northeast corner of Parcel 25-25-101-040; thence southerly 110.0 feet along the easterly property line of Parcel 25-25-101-040 to the northerly right-of-way line of Mahan Avenue; thence southerly 50.0 feet across the Mahan Avenue right-of-way to the mid-point of Parcel 25-25-102-004 along said southerly right-of-way; thence west 25 feet to the northeast corner of Parcel 25-25-102-003; thence southerly 218.0 feet along the easterly property line of said parcel and Parcel 25-25-102-017 to the northerly right-of-way line of Brickley Avenue; thence southwesterly approximately 50.0 feet across the Brickley Avenue right-of-way to the northeast corner of Parcel 25-25-103-006; thence southerly 109 feet to the north property line of Parcel 25-25-103-039; thence easterly 40.0 feet to the northeast corner of Parcel 25-25-103-039; thence southerly 109 feet along the easterly property line of said parcel to the northerly right-of-way line of Coy Avenue; thence southerly 50.0 feet across the Coy Avenue right-of-way to a point 40.0 feet east of the northeast corner of Parcel 25-25-104-003; thence westerly 40.0 feet along the southerly right-of-way of Coy Avenue to the northeast corner of Parcel 25-25-104-003; thence southerly 218 feet along the easterly property line of said parcel and Parcel 25-25-104-019 to the northerly right-of-way line of Shevlin Avenue; thence southerly 50.0 feet across the Shevlin Avenue right-of-way to the northeast corner of Parcel 25-25-105-003; thence southerly 218 feet along the easterly property of said parcel and Parcel 25-25-105-018 to the northerly right-of-way line of Mapledale Avenue; thence easterly 80.0 feet along the north right-of-way line of Mapledale Avenue to the southeast corner of Parcel 25-25-105-020; thence southerly 50.0 feet across the right-of-way of Mapledale Avenue to the northeast corner of Parcel 25-25-151-037; thence southerly 109.0 feet along the easterly property line of said parcel to the southeast corner of said parcel; thence westerly 80.0 feet to the northeast corner of Parcel 25-25-151-018; thence southerly 109.0 feet to the northerly right-of-way line of Garfield Avenue; thence southerly 50.0 feet across the right-of-way of Garfield Avenue to the northeast corner of Parcel 25-25-152-007; thence southerly 340.93 feet along the easterly property line of said parcel and Parcel 25-25-152-022 to the northerly right-of-way line of Andresen Avenue; thence easterly 80.0 feet to the southeast corner of Parcel 25-25-152-024; thence southerly 75.0 feet across the Andresen Avenue right-of-way to the northeast corner of Parcel 25-25-153-003; thence southerly along the easterly property line of said parcel to the southeast corner of said parcel; thence westerly 35.0 feet along the southerly property line of Parcel 25-25-153-003 to the northeast corner of Parcel 25-

25-153-041; thence southerly 123.06 feet along the easterly property line of said parcel to a point on the northerly right-of-way line of Annabelle Avenue; thence westerly along the south property line of Parcel 25-25-153-041 to the east right-of-way line of an alley; (*) thence southerly across Annabelle Avenue to the south right-of-way line of Annabelle Avenue; thence westerly along said right-of-way line to the east right-of-way line of John R.; thence southerly along said right-of-way line to the southwest corner of Parcel 25-25-154-005; thence easterly along the north right-of-way line of Woodward Heights Boulevard for approximately 120 feet; thence southeasterly across Woodward Heights Boulevard to the northeast corner of Parcel 25-25-301-048; thence southerly along the east property line of said parcel to the southeast corner of Lot 31 of said parcel; thence westerly along said property line to the east property line of said parcel; thence southerly along said property line for approximately 735.0 feet to the southeast corner of Parcel 25-25-301-051; thence southerly across Tucker Avenue to the Northeast corner of Parcel 25-25-306-001; thence southerly along the east property line of said parcel for approximately 848.06 feet to the north right-of-way line of Felker Avenue; thence easterly along said right-of-way line across Carlisle Avenue approximately 168.0 feet to a point of intersection with the east right-of-way line of Carlisle Avenue; thence southerly across Felker Avenue along said east right-of-way line approximately 710.20 feet to a point of intersection with the north property line of Parcel 25-25-352-048; thence easterly approximately 118 feet along said property line to the west property line of Lot 124 of Parcel 25-25-352-048; thence northerly to the northwest corner of said lot; thence easterly along north property line of said parcel approximately 168 feet across Easterling Avenue to a point of intersection with the east right-of-way line of Easterling Avenue; thence southerly along said right-of-way line approximately 40 feet to a point of intersection with the south property line of Parcel 25-25-354-013; thence easterly approximately 286 feet along said property line and the south property line of Parcel 25-25-354-020 across Battelle Avenue to a point of intersection with the east right-of-way line of Battelle Avenue; thence easterly along the north property line of Parcel 25-25-355-018 to the northeast corner of said parcel; thence southerly along east property line of said parcel to the north right-of-way line of an alley; thence easterly along north property line of said alley for approximately 648.47 feet to the southeast corner of Parcel 25-25-376-036; thence northeasterly to the northwest corner of Parcel 25-25-377-041; thence easterly along the north property line of said parcel and Parcel 25-25-377-042; thence easterly across Vassar Avenue and along the north property line of Parcels 25-25-378-034 and 25-25-378-035, thence easterly across Cayuga Avenue and along the north property line of Parcels 25-25-379-034 and 25-25-379-035; thence southerly along the east property line of said parcel to the north right-of-way line of an alley; thence easterly along the north right-of-way line of said alley for approximately 988.87 feet to the west right-of-way line of Hughes Avenue; thence northeasterly across Hughes Avenue to the northwest corner of Parcel 25-25-453-036; thence southeasterly 130.59 feet along the east property line of said parcel to a point on the north property line of Lot 13 of said parcel that measures 59 feet east of the northwest corner of said lot; thence easterly along the north property line of said parcel to the northeast corner of Parcel 25-25-453-013; thence northerly along west boundary of Parcel 25-25-453-049 to the northwest corner of said parcel; thence easterly along the north property line of said parcel to the west property line of Parcel 25-25-453-017; thence northerly along west property line of said parcel and Parcel 25-25-453-035 to the northwest corner of said parcel; thence easterly along north property line of said parcel to the northeast corner of said parcel; thence southerly along the east property line of said parcel to the northwest corner of Parcel 25-25-453-034; thence easterly to the northeast corner of said parcel; thence easterly across Crossley Avenue and along the north property line of Parcel 25-25-476-047 to the northeast corner of said parcel; thence easterly across Vance Avenue and along the north property line of Parcel 25-25-477-033 and Parcel 25-25-477-034 to the northeast corner of said parcel; thence easterly across Davey Avenue and along the north property line of Parcel 25-25-478-034 through Parcel 25-25-478-037 to the northeast corner of said parcel; thence easterly across Melville Avenue and along the north property line of Parcel 25-25-479-031 to the southwest corner of Parcel 25-25-479-023; thence northerly along the west property line of said parcel to the northwest corner of Parcel 25-25-479-028; thence northerly across Felker Avenue to the southwest corner of Parcel 25-25-435-033; thence northerly along the west property line of said parcel to the northwest corner of Parcel 25-25-435-023; thence northerly across Tucker Avenue to the southwest corner of Parcel 25-25-430-018; thence northerly to the south property line of Parcel 25-25-430-014; thence westerly to the southwest corner of said parcel; thence northerly along the west property line of said parcel to the south property line of Parcel 25-25-430-001; thence westerly to the southwest corner of said parcel; thence northerly to the northwest corner of said parcel; thence easterly along the north property line of said parcel to the northeast corner of said parcel; thence easterly to the east boundary line of the city; thence southerly along said boundary line of the city to a line extended from the north right-of-way line of George Avenue; thence westerly along said

right-of-way line to the southwest corner of Parcel 25-36-481-032; thence northerly to the northwest corner of Parcel 25-36-481-033; thence northerly across Hayes Avenue to the southwest corner of Parcel 25-36-480-034; thence northerly to the northwest corner of Parcel 25-36-480-031; thence westerly along the south right-of-way line of Milton Avenue to the northwest corner of Parcel 25-36-480-015; thence northwesterly across Milton Avenue to the southwest corner of Parcel 25-36-432-030; thence northerly to the northwest corner of Parcel 25-36-432-011; thence westerly approximately 80 feet to the northwest corner of Parcel 25-36-432-034; thence northerly across Elza Avenue to the southwest corner of Parcel 25-36-431-043; thence northerly along west property line of said parcel to the northwest corner of said parcel; thence westerly to the southwest corner of Parcel 25-36-431-046; thence northerly to the northwest corner of said parcel; thence easterly approximately 80 feet along the north property line of said parcel; thence northerly across Evelyn Avenue to the southwest corner of Parcel 25-36-430-036; thence northerly along said property line to the northwest corner of said parcel; thence easterly along the north property line of said parcel to the southwest corner of Parcel 25-36-430-014; thence northerly along the west property line of said parcel to the south right-of-way line of Madge Avenue; thence easterly along said right-of-way for a distance of 48 feet; thence northwesterly across Madge Avenue to the north right-of-way line of Madge Avenue at the intersection of the west right-of-way line of an alley; thence northerly along said right-of-way line approximately 1,357.40 feet to the south right-of-way line of Pearl Avenue; thence northeasterly across Pearl Avenue to the southwest corner of Parcel 25-36-234-018; thence northerly to the northwest corner of Parcel 25-36-234-016; thence northerly across Robert Avenue to the southwest corner of Parcel 25-36-233-020; thence northerly to the northwest corner of said parcel; thence northwesterly across Otis Avenue to the north right-of-way line of Otis Avenue at the west right-of-way line of an alley; thence northerly along the west right-of-way line of said alley approximately 488.05 feet to the southeast corner of Parcel 25-36-231-008; thence westerly to the southwest corner of Parcel 25-36-231-034; thence westerly across Merrill Avenue to the southeast corner of Parcel 25-36-227-027; thence northerly to the northeast corner of said parcel; thence westerly along the south right-of-way line of Woodruff Avenue to the east right-of-way line of Hughes Avenue; thence southerly along said right-of-way line to the southwest corner of Parcel 25-36-227-001; thence westerly across Hughes Avenue to the southeast corner of Parcel 25-36-201-011; thence westerly along the south property line of said parcel and Parcel 25-36-201-010 to the southwest corner of said parcel; thence northerly along the east right-of-way line of Russell Street approximately 272.47 feet; thence westerly across Russell Street to the southeast corner of Parcel 25-36-127-012; thence westerly along the south property line of said parcel; thence westerly to the southeast corner of Parcel 25-36-127-001; thence westerly across Vassar Avenue to the southeast corner of Parcel 25-36-126-015; thence westerly to the southwest corner of Parcel 25-36-126-001 at the east right-of-way line of Highland Avenue; thence southerly along the east right-of-way line of Highland Avenue approximately 1,268.70 feet to a point of intersection with the south right-of-way line of Pearl Avenue; thence westerly along the south right-of-way line of Pearl Avenue to the east right-of-way line of an alley; thence southerly along the east right-of-way of said alley to the north right-of-way line of Muir Avenue; thence easterly along said right-of-way line to the west right-of-way line of Merrill Avenue; thence northerly along west right-of-way line of Merrill Avenue to the north right-of-way line of George Avenue; thence easterly across Merrill Avenue along the north right-of-way line of George Avenue to the easterly boundary of the city; thence southerly along the east boundary of the city to the southeast corner boundary of the city, the point of beginning.

(Ord. 08-04 § 1, 2004: Ord. 755 (part), 1988)

Chapter 15.53 - DEVELOPMENT PLAN AND TAX INCREMENT FINANCING PLAN

Sections:

15.53.010 - Review and determination of public purpose.

Following a recommendation of the Hazel Park downtown development authority on August 19, 2008, and having conducted a duly noticed public hearing on the development plan and tax increment financing plan for the John R/Nine Mile Road Development Area, the city council, upon its review, finds the plan meets the following standards and criteria as set forth in Section 19(1) of the state of Michigan Public Act 197, P.A. of 1975, as amended (the "Act"):

A.

The development plan for the John R/Nine Mile Road Development Area meets the requirements as set forth in [Section 17\(2\)](#) of the Act;

B.

The tax increment financing plan for the development area meets the requirements as set forth in Sections 14 and 15 of the Act;

C.

The proposed method of financing the development is feasible and the authority has the ability to arrange the financing;

D.

The development is reasonable and necessary to carry out the purposes of the Act;

E.

The land included within the development area to be acquired is reasonably necessary to carry out the purposes of the plan and of the Act in an efficient and economically satisfactory manner;

F.

The development plan is in reasonable accord with the master plan of the city;

G.

Public services such as fire and police protection and utilities are, or will be, adequate to serve the project area;

H.

Proposed changes to zoning, streets, street levels, intersections and utilities are reasonably necessary for the project and for the city.

In deliberation towards the adoption of the ordinance codified in this chapter, the city council of the city of Hazel Park has found that there is a public purpose to be served in the adoption and implementation of the amended downtown development plan and tax increment financing plan for the John R/Nine Mile Road Development Area.

(Ord. 09-04 § 1 (part), 2004)

(Ord. No. 9-08, §§ 1.01, 1.02, 10-14-2008)

15.53.020 - Approval and adoption of development plan and tax increment financing plan.

The amended development plan and tax increment financing plan for the John R/Nine Mile Road Development Area as submitted by the downtown development authority is hereby approved and adopted by the city council. A copy of the plan and all amendments thereto shall be maintained on file at the city clerk's office and cross-indexed to the chapter.

(Ord. 09-04 § 1 (part), 2004)

(Ord. No. 9-08, § 2.01, 10-14-2008)

15.53.030 - Amendments.

No amendment to the said plan shall be effective unless and until submitted to and approved by the city council of the city of Hazel Park in accordance with the procedures established in Act 197, P.A. of 1975, as amended.

(Ord. 09-04 § 1 (part), 2004)

(Ord. No. 9-08, § 2.02, 10-14-2008)

Chapter 15.54 - NEIGHBORHOOD ENTERPRISE ZONES

15.54.010 - In general.

Pursuant to [Section 3](#) of Act 147 of the Public Acts of Michigan 1992, the city of Hazel Park City Council established certain areas within the city as eligible for Neighborhood Enterprise Zones. Prior to the sale of any housing unit in the areas where a new facility for which a NEZ certificate is in effect, the Hazel Park Building Department must conduct requisite inspections of the property to determine whether the new facility is in compliance with all applicable construction and safety codes adopted by the city of Hazel Park and that a sale may not be finalized until there is complete compliance with these codes.

(Ord. No. [01-20](#), pt. I, 2-25-2020)

Title 16 - SUBDIVISIONS

Chapters:

Chapter 16.04 - GENERAL PROVISIONS

Sections:

16.04.010 - Short title.

This title is known and may be cited as the "city subdivision ordinance."

(Ord. 467 § 1.00, 1970)

16.04.020 - Interpretation.

The provisions of these regulations shall be held to be the minimum requirements adopted for the promotion and preservation of public health, safety and general welfare of the city. These regulations are not intended to repeal, abrogate, annul or in any manner interfere with existing regulations or laws of the city, nor to conflict with any statutes of the state or county, except that these regulations shall prevail in cases where these regulations impose a greater restriction than is provided by existing statutes, laws or regulations.

(Ord. 467 Art. V § 5.00, 1970)

16.04.030 - Review and approval of plats.

The review and approval of subdivision development plats shall follow the steps as listed in order as found in Chapters [16.12](#) through [16.24](#):

[Chapter 16.12](#) Preliminary Investigation

[Chapter 16.16](#) Pre-preliminary Plat Review

[Chapter 16.20](#) Preliminary Plat Application, Review, and Tentative Approval

[Chapter 16.24](#) containing final approval of preliminary plat and entitled: Final Plat Approval.

(Ord. 467 Art. III (part), 1970)
Chapter 16.08 - DEFINITIONS

Sections:

16.08.010 - Generally.

For the purpose of this title, certain terms, words and phrases shall, wherever used in this title, have the meanings defined in this chapter.

(Ord. 467 § 2.00 (part), 1970)

16.08.020 - Block.

"Block" means any subdivided property surrounded by, but not separated by, one or more of the following barriers: streets, unsubdivided acreage, rivers or live streams, or by any of the foregoing and any other barriers to the continuity of development.

(Ord. 467 § 2.00(A), 1970)

16.08.030 - Cul-de-sac.

"Cul-de-sac" means a minor street of short length, having one end open to traffic and being permanently terminated at the other end by a vehicular turnaround.

(Ord. 467 § 2.00(B), 1970)

16.08.040 - Easement.

"Easement" means a quantity of land set aside or over which a liberty, privilege or advantage is granted by the owner to the public, a corporation, or some particular person or part of the public for specific uses and purposes, and shall be designated a public or private easement depending on the nature of the use.

(Ord. 467 § 2.00(C), 1970)

16.08.050 - Final plat.

"Final plat" means a map on approved material of all or part of a subdivision prepared and certified as to its accuracy by a registered civil engineer or a registered land surveyor. Such maps must meet the requirements of this title and Act 288, Public Acts, 1967. The final plat shall conform to the approved preliminary plat.

(Ord. 467 § 2.00(D), 1970)

16.08.060 - Improvements.

"Improvements" means grading, street surfacing, curbs and gutters, sidewalks, crosswalks, water mains and lines, sanitary sewers, storm sewers, culverts, bridges, utilities, streams, lakes, impoundments, and other additions to the natural state of land which increase its value, utility, or habitability.

(Ord. 467 § 2.00(F), 1970)

16.08.070 - Industrial street.

"Industrial street" means a street intended to serve primarily as a means of access from within industrial subdivisions or industrial districts to major thoroughfares and not intended to serve residential properties or carry

residential traffic.

(Ord. 467 § 2.00(G), 1970)

16.08.080 - Major thoroughfare.

"Major thoroughfare" means an arterial street of great continuity which is intended to serve as a large-volume trafficway for both the immediate area and region beyond, and may be designated in the major thoroughfare plan as a major thoroughfare, parkway, freeway, expressway or equivalent term to identify those streets comprising the basic structure of the street plan.

(Ord. 467 § 2.00(H), 1970)

16.08.090 - Marginal access street.

"Marginal access street" means a minor street parallel and adjacent to a major thoroughfare which provides access to abutting properties and protection from through traffic.

(Ord. 467 § 2.00(I), 1970)

16.08.100 - Master plan.

"Master plan" means the comprehensive plan whether officially adopted or adopted in principal, including graphic and written proposals indicating the general locations recommended for the streets, parks, schools, public buildings, zoning districts, and all physical developments of the city and including any unit or part of such plan separately adopted, and any amendments to such plan or parts thereof adopted by the planning commission.

(Ord. 467 § 2.00(J), 1970)

16.08.110 - Minor street.

"Minor street" means a street supplementary to a secondary street intended to serve the local needs of the neighborhood and of limited continuity used primarily as access to abutting residential properties.

(Ord. 467 § 2.00(K), 1970)

16.08.120 - Multiple-family residential streets.

"Multiple-family residential streets" means a street intended to serve primarily the greater traffic demands of multiple-family residential developments. Such streets may or may not have continuity within the overall thoroughfare system.

(Ord. 467 § 2.00(L), 1970)

16.08.130 - Planning commission.

"Planning commission" means the planning commission of the city.

(Ord. 467 § 2.00(N), 1970)

16.08.140 - Preliminary plat.

"Preliminary plat" means a map indicating the proposed layout of the subdivision in sufficient detail to provide adequate basis for review and to meet the requirements and procedures set forth in this title.

(Ord. 467 § 2.00(O), 1970)

16.08.150 - Public reservation.

"Public reservation" means a portion of a subdivision which is set aside for public use and made available for public use and acquisition.

(Ord. 467 § 2.00(P), 1970)

16.08.160 - Public walkway.

"Public walkway" means a dedicated right-of-way for the purpose of pedestrian access.

(Ord. 467 § 2.00(Q), 1970)

16.08.170 - Registered civil engineer.

"Registered civil engineer" means a civil engineer who is registered in the state as a registered professional engineer.

(Ord. 467 § 2.00(R), 1970)

16.08.180 - Secondary or collector street.

"Secondary or collector street" means a street intended to serve as a major means of access from minor streets to major thoroughfares which has considerable continuity within the framework of the major thoroughfare plan.

(Ord. 467 § 2.00(S), 1970)

16.08.190 - Street.

"Street" means a right-of-way dedicated to public use, which provides vehicular and pedestrian access to adjacent properties whether designated as a street, highway, thoroughfare, parkway, road, avenue, lane, or however otherwise designated, and includes the land between the right-of-way lines whether improved or unimproved, and may comprise pavement, curbs and gutters, shoulders, sidewalks, parking areas, lawn areas, and other areas within the right-of-way lines.

(Ord. 467 § 2.00(T), 1970)

16.08.200 - Subdivider.

"Subdivider" includes the plural as well as the singular and may mean a person, firm, association, partnership, corporation, or any legal combination of them or any other legal entity proceeding under these regulations to effect a subdivision of land for himself or herself or for another. The word subdivider includes the word proprietor as used in Act 288, Public Acts of Michigan, 1967.

(Ord. 467 § 2.00(U), 1970)

16.08.210 - Turnaround.

"Turnaround" means a minor street of short length with two openings to traffic with a median strip in the center, beginning from the same street, and projecting parallel to each other and connecting at their termination by a loop.

(Ord. 467 § 2.00(V), 1970)

Chapter 16.12 - PRELIMINARY INVESTIGATION

Sections:

16.12.010 - Generally.

Prior to the preparation of a preliminary plat, the subdivider shall meet informally with the city departments concerned to investigate the procedures and standards of the city with reference to this title and with the proposals of the master plan as they affect the area in which the proposed subdivision is located.

(Ord. 467 § 3.00 (part), 1970)

16.12.020 - Subdivider responsibility.

It is the responsibility of the subdivider to do the following:

A.

Familiarize himself or herself with the zoning ordinance as codified in [Title 17](#), subdivision regulations as codified in this title, engineering specifications, and other similar ordinances or controls relative to the subdivision and improvement of land, so as to make himself or herself aware of the requirements of the city;

B.

Review the area zoning for the proposed subdivision to determine if it is zoned for the intended use;

C.

Investigate the adequacy of existing schools and the adequacy of public open spaces including parks and playgrounds to serve the proposed subdivision;

D.

Review the development options of the zoning ordinance as codified in [Title 17](#) to determine the feasibility of utilizing one of these approaches;

E.

Investigate the relationship of the proposed subdivision with respect to major thoroughfares and plans for widening of thoroughfares;

F.

Investigate the standards for sewage disposal, water supply, and drainage of the city and the health standards of Oakland County and the state;

G.

Review Act 288, Public Acts, 1967, and the requirements of those state and county agencies which are required by said Public Act to review and approve the plat.

(Ord. 467 § 3.00 (part), 1970)

Chapter 16.16 - PRE-PRELIMINARY PLAT SUBMITTAL AND REVIEW

Sections:

16.16.010 - Pre-preliminary plat submittal.

The proprietor shall submit to the city clerk twenty-five (25) copies of development plans drawn to a scale of one hundred (100) feet to an inch, showing the following: the layout of streets; right-of-way widths; connections with adjoining platted streets; width and location of alleys, easements, and public walkways; layout, number and dimensions of lots, including building setback lines, showing dimensions; indication of parcels of land intended to be dedicated or set aside for public use or for the use of property owners in the subdivision; land set aside for future street connections to adjacent tracts; all major drainage easements as determined to be necessary by the city engineer. Minimum lot areas and dimensions shall be computed excluding all major easements.

(Ord. 467 § 3.01(A), 1970)

16.16.020 - Review by city officials.

The city shall, through its appropriate officials and agents, review the proposal noting the following:

A.

Major thoroughfares in the area;

B.

Utility systems available to service the platted areas;

C.

Adjacent land uses;

D.

Unusual development problems;

E.

Topography;

F.

Existing zoning;

G.

Adequacy of existing schools and public open space;

H.

Availability and feasibility of providing city services;

I.

Conformance to the city's master plan.

(Ord. 467 § 3.01(B)(1), 1970)

16.16.030 - Planning commission review.

A.

The city clerk shall place the proposed subdivision on the agenda of the planning commission, for their information and review.

B.

The planning commission shall review the proposed subdivision and shall do the following:

1.

Recommend approval of the pre-preliminary plat. Such approval shall confer upon the proprietor the right to prepare and submit a preliminary plat for tentative approval; or

2.

Recommend disapproval of the pre-preliminary plat. If they recommend disapproval, they shall stipulate the necessary changes that would make the plat acceptable for pre-preliminary plat approval.

(Ord. 467 § 3.01(B)(2), 1970)

16.16.040 - City council review.

A.

After review and recommendation by the planning commission, consideration of the proposed plat shall be placed on the city council agenda for their information and review.

B.

The city council shall review the pre-preliminary plat and shall:

1.

Approve the pre-preliminary plat. Such approval shall confer upon the proprietor the right to prepare and submit a preliminary plat for tentative approval; or

2.

Disapprove the pre-preliminary plat. If the pre-preliminary plat is disapproved, they shall stipulate those changes that would be necessary for approval.

(Ord. 467 § 3.01(B)(3), 1970)

Chapter 16.20 - PRELIMINARY PLAT APPLICATION, REVIEW AND TENTATIVE APPROVAL

Sections:

16.20.010 - Plat preparation.

The preliminary plat shall be designed and drawn by a registered civil engineer or a registered land surveyor. The preliminary plat shall be drawn to a scale of one hundred (100) feet to an inch.

(Ord. 467 § 3.02(A), 1970)

16.20.020 - Submittal of data.

At least twenty (20) days prior to a regular meeting of the planning commission, the subdivider shall submit to the city clerk twenty-five (25) copies of the preliminary plat together with written application in triplicate and

engineering review fees as specified in [Chapter 16.52](#). The plat shall contain and clearly indicate the information designated in Sections [16.20.030](#) through [16.20.050](#).

(Ord. 467 § 3.02(B) (part), 1970)

16.20.030 - Identification and description.

The preliminary plat shall include:

A.

All items as required by Act 288, Public Acts, 1967, and by the administrative rules of the Departments of Treasury, State Highways, Conservation, and Public Health as they relate to this act;

B.

Location by section, town and range, including legal description;

C.

Date of preparation;

D.

North arrow;

E.

Scale of plat, one hundred (100) feet to an inch.

(Ord. 467 § 3.02(B)(1), 1970)

16.20.040 - Existing conditions.

The preliminary plat shall also include:

A.

A location map showing relationship of proposed subdivision with surrounding area including schools, shopping areas, parks and other community facilities. The location map shall be drawn to a minimum scale of eight hundred (800) feet to an inch, and shall include that area which lies within one-half mile of the subdivision boundary in all directions;

B.

Boundary line of proposed subdivision, and section or corporation lines within or adjacent to the tract;

C.

Adjacent tracts of subdivided and unsubdivided land shown in relation to the tract being proposed for subdivision;

D.

Location, widths, and names of existing or prior platted streets and private streets, and public easements within or adjacent to the tract being proposed for subdivision;

E.

Location of existing sewers, water mains, storm drains and other underground facilities within or adjacent to the tract being proposed for subdivision;

F.

Topography drawn as contours with an interval of at least two feet; except if grades exceed five percent the contour interval shall be five feet. Topography to be based on U.S.G.S. datum;

G.

The school board of the school district having jurisdiction in the area concerned shall be informed and made known of the proposed preliminary plat by the subdivider.

(Ord. 467 § 3.02(B)(2), 1970)

16.20.050 - Proposed conditions.

The preliminary plat shall include:

A.

Layout of streets indicating proposed street names, right-of-way widths, and connections with adjoining platted streets and also the widths and locations of alleys, easements and public walkways;

B.

Plans for all street improvements shall be submitted and these plans shall meet the design standards established in Chapters [16.32](#) and [16.48](#);

C.

Layout, numbers and dimensions of lots, including building setback lines showing dimensions;

D.

Specifications of parcels of land intended to be dedicated or set aside for public use or for the use of property owners in the subdivision or lands set aside for future street connections to adjacent tracts. All major drainage easements as determined to be necessary by the city engineer shall be indicated and minimum lot areas and dimensions shall be computed excluding such easements;

E.

If the subdivider has an interest or owns any parcels identified as outlots or excepted, the preliminary plat shall indicate how this property could be developed in accordance with the requirements of the existing zoning district in which it is located and with an acceptable relationship to the layout of the proposed preliminary plat;

F.

Sewage, Water and Drainage Plans. The subdivider shall submit plans for proposed sewage, water and storm drainage systems which meet the design standards of this title.

1.

The system proposed for sewage disposal by a method approved by the city council and city engineer shall be provided by the subdivider.

2.

The system proposed for water supply by a method approved by the Michigan Department of Health, the county department of health, the city council, and the city engineer shall be provided by the subdivider.

3.

The storm drainage system proposed by a method approved by the city engineer and the city council and if involving county drains, the proposed drainage shall be acceptable to the county drain commission.

(Ord. 467 § 3.02(B)(3), 1970)

16.20.060 - Legal documents.

The subdivider shall submit copies of agreements, covenants or other documents showing the manner in which areas to be reserved for the common use of the residents of the subdivision are to be maintained.

(Ord. 467 § 3.02(B)(4), 1970)

16.20.070 - Completeness of plat— Submittal when.

The city engineer shall check for completeness of the preliminary plat. If complete, the city clerk shall place the proposal on the agenda of the next regular planning commission meeting. Should any of the data required in this section be omitted, the planning commission shall notify the subdivider of the additional data required and planning commission action shall be delayed until the required data is received.

(Ord. 467 § 3.02(C)(1)(a), 1970)

16.20.080 - Review by city departments.

The city planning commission shall transmit copies of the preliminary plat to all affected city departments for their technical review and recommendation.

(Ord. 467 § 3.02(C)(1)(b), 1970)

16.20.090 - Notice of meeting.

The city clerk shall send notice to the subdivider and the owners of land immediately adjoining the property to be platted of the presentment of the preliminary plat and the time and place of the meeting of the planning commission to consider said preliminary plat; said notice shall be sent not less than five days before the date fixed therefore.

(Ord. 467 § 3.02(C)(1)(c), 1970)

16.20.100 - Recommendation of engineer.

The city engineer shall notify the planning commission by official letter indicating his or her recommendation for either tentative approval or rejection of the preliminary plat. Said letter shall be available to the planning commission for their meeting at which the preliminary plat is scheduled for consideration.

(Ord. 467 § 3.02(C)(1)(d), 1970)

16.20.110 - Planning commission review.

The planning commission shall review all details of the proposed subdivision within the framework of the zoning ordinance, as codified in [Title 17](#), within the various elements of the master plan and within the design standards of this subdivision regulation title.

(Ord. 467 § 3.02(C)(2)(a), 1970)

16.20.120 - Commission recommendations.

The planning commission shall, upon completion of this review, and within forty-five (45) days of the date of submittal by the subdivider:

A.

Find that all conditions have been satisfactorily met and recommend tentative approval of the preliminary plat; or

B.

Recommend disapproval of the preliminary plat with reasons for the disapproval to be recorded in the minutes of the meeting; a copy of the minutes to be sent to the subdivider; or

C.

Recommend provisional approval conditioned upon specified corrections to be recorded in the minutes of the meeting. If provisional approval is given a subdivision plat, it shall be up to the subdivider to submit amended plans containing specified revisions within ten days of the date of this approval. If revised plans are timely submitted, and revisions meet the approval of the city engineer as conforming to the conditions laid down by the planning commission, the plat shall be submitted to the city council with the recommendation for tentative approval. If plans are not received within ten days, the plat shall be submitted to the city council with the recommendation for disapproval.

(Ord. 467 § 3.02(C)(2)(b), 1970)

16.20.130 - City council review.

The city council will not review a plat until it has received the review and recommendation of the planning commission. Upon receipt of the recommendations of the planning commission, the city manager shall place the preliminary plat on the city council agenda within twenty-five (25) days.

(Ord. 467 § 3.02(C)(3)(a), 1970)

16.20.140 - Approval or rejection by council.

The city council, within ninety (90) days from the date of filing, shall tentatively approve, and note its approval on the copy of the preliminary plat to be returned to the subdivider, or set forth in writing its reasons for rejection and requirements for tentative approval.

(Ord. 467 § 3.02(C)(3)(b), 1970)

16.20.150 - Tentative approval.

Tentative approval shall confer on the subdivider for a period of one year from date, approval of lot sizes, lot orientation and street layout. Such tentative approval may be extended if applied for by the subdivider and granted by the city council in writing.

(Ord. 467 § 3.02(C)(3)(c), 1970)

Chapter 16.24 - FINAL PLAT APPROVAL

Sections:

16.24.010 - Final approval of preliminary plat.

The subdivider shall submit his or her preliminary plat to all authorities as required by Sections 112 through 119, inclusive, of Act 288, Public Acts, 1967.

(Ord. 467 § 3.03(A), 1970)

16.24.020 - Submittal of preliminary plat and fees.

A subdivider desiring final approval of a preliminary plat shall submit the following items to the city clerk:

A.

Ten copies of the preliminary plat plus copies of the preliminary plat as approved by all authorities as required by Sections 112 through 118, inclusive, of Act 288, Public Acts, 1967;

B.

Copy of the receipt from the city treasurer that all fees, as provided in [Chapter 16.56](#), have been paid;

C.

Engineering inspection fees, and other charges and deposits provided for in this title.

(Ord. 467 § 3.03(B), 1970)

16.24.030 - Final plat review by engineer.

The plat, as submitted, shall be reviewed by the city engineer for compliance with the tentatively approved preliminary plat. If, in his or her opinion, the submitted plat conforms to the tentatively approved preliminary plat, he or she shall so notify the city clerk.

(Ord. 467 § 3.03(C), 1970)

16.24.040 - Final approval by council of preliminary plat.

Within twenty (20) days from the date of submission of the preliminary plat, the city council shall grant final approval of the preliminary plat if the subdivider has met all conditions laid down for approval of said plat, or reject said plat and advise the subdivider of the reasons for the said rejection.

(Ord. 467 § 3.03(D), 1970)

16.24.050 - Time limit for approval.

Final approval of the preliminary plat shall confer upon the subdivider for a period of two years from the date of approval on the conditional right that the general terms and conditions under which preliminary approval was granted will not be changed. The two year period may be extended if applied for by the proprietor and granted by the city council in writing.

(Ord. 467 § 3.03(E), 1970)

16.24.060 - Construction commenced after preliminary plat approval.

No construction of improvements shall be commenced by the subdivider until he or she has:

A.

Received notice of final approval of the preliminary plat by the city council; and

B.

Has entered into a subdivision agreement with the city for construction of all required subdivision improvements; and

C.

Has deposited with the city a performance guarantee and cash escrow as required under [Section 16.48.020](#).

(Ord. 467 § 3.03(F), 1970)

16.24.070 - Final plat approval.

The final plat shall conform to the approved preliminary plat, shall constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time, and shall conform in all respects to the requirements of the state, Act 288, Public Acts, 1967.

(Ord. 467 § 3.04(A), 1970)

16.24.080 - Submittal.

The developer shall submit all copies of the plat to the city clerk together with the filing fee required by Section 241 of Act 288, Public Acts, 1967, and in addition ten paper prints of the final plat. At the time of submittal, the subdivider shall pay all fees for final plat approval in accordance with [Chapter 16.52](#).

(Ord. 467 § 3.04(B), 1970)

16.24.090 - Proof of ownership.

The subdivider shall furnish to the city an abstract of title certified to date of the subdivider's certificate to establish recordable ownership interest and other information deemed necessary for the purpose of ascertaining whether the proper parties have signed the plat, of a policy of title insurance currently in force covering all the land included within the boundaries of the proposed subdivision. The city council, in lieu of an abstract of title, may accept on its own responsibility an attorney's opinion as to the ownership and marketability of title of the land.

(Ord. 467 § 3.04(C), 1970)

16.24.100 - Review of final plat.

The final plat shall be reviewed by the city engineer as to its compliance with the approved preliminary plat. The final plat shall be reviewed by the planning director as to its compliance with the approved preliminary plat.

(Ord. 467 § 3.04(D), 1970)

16.24.110 - City council action on final plat.

Within twenty (20) days of the date of submission, the city council shall:

A.

Approve the plat if it conforms to all provisions of this title and instruct the clerk to certify on the plat the city council's approval, showing the date of approval, the approval of the health department, when required, and the date thereof as shown on the approved preliminary plat; or

B.

Reject the plat, instruct the clerk to give the reasons in writing as set forth in the minutes of the meeting, and return the plat to the subdivider;

C.

Instruct the clerk to record all proceedings in the minutes of the meeting which shall be open for inspection.

(Ord. 467 § 3.04(E), 1970)

16.24.120 - Clerk duties.

The clerk shall transcribe a certificate of approval of the city council on the plat and deliver all copies to the clerk of the county plat board together with the filing and recording fee required by the plat act.

(Ord. 467 § 3.04(F), 1970)

Chapter 16.28 - DESIGN STANDARDS GENERALLY

Sections:

16.28.010 - Generally.

The subdivision design standards set forth in Chapters [16.32](#) through [16.48](#) are conditions of approval for plats. Complete plans for the construction of all streets, utilities, drainage, and grading, prepared by a registered civil engineer shall be submitted with the preliminary plat.

(Ord. 467 § 4.00, 1970)

Chapter 16.32 - STREETS

Sections:

16.32.010 - Minimum requirements.

Streets shall conform to at least all minimum requirements of the general specifications and typical cross sections as set forth in this chapter and other conditions set forth by the city council.

(Ord. 467 § 4.01 (part), 1970)

16.32.020 - Conformity with master plan.

The proposed subdivision shall conform to the various elements of the master plan and shall be considered in relation to the existing and planned major thoroughfares and secondary streets, and such part shall be platted in the location and the width indicated on such plan.

(Ord. 467 § 4.01(A)(1), 1970)

16.32.030 - Layout.

The street layout shall provide for continuation of secondary streets in the adjoining subdivisions or of the proper projection of streets when adjoining property is not subdivided; or conform to a plan for a neighborhood unit drawn up and adopted by the planning commission.

(Ord. 467 § 4.01(A)(2), 1970)

16.32.040 - Minor streets.

The street layout shall include minor streets so laid out that their use by through traffic is discouraged.

(Ord. 467 § 4.01(A)(3), 1970)

16.32.050 - Access on major thoroughfare.

Should a proposed subdivision border on or contain an existing or proposed major thoroughfare or secondary street, the planning commission shall require marginal access streets, reverse frontage with an approved screen planting contained in a nonaccess reservation along the rear property line having a minimum width of fifteen (15) feet, or with side lot lines parallel to the major traffic street.

(Ord. 467 § 4.01(A)(4), 1970)

16.32.060 - Park development near highway.

Should a proposed subdivision border on or contain an expressway, or other limited-access highway right-of-way, the planning commission may require the location of a street approximately parallel to and on each side of such right-of-way at a distance suitable for the development of an appropriate use of the intervening land as for parks in residential districts. Such distances shall be determined with due consideration of the minimum distance required for approach grades to future grade separation.

(Ord. 467 § 4.01(A)(5), 1970)

16.32.070 - Half street prohibited—Exception.

Half streets are prohibited, except where absolutely essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, and where the planning commission finds it is practicable to require the dedication of the other half when the adjoining property is developed. Wherever there exists, adjacent to the tract to be subdivided, a dedication or platted and recorded half street, the other half shall be platted.

(Ord. 467 § 4.01(A)(6), 1970)

16.32.080 - Isolation from street unlawful.

The city council shall reject a plat which is isolated from or which isolates other lands from existing public streets, unless suitable access is provided.

(Ord. 467 § 4.01(A)(7), 1970)

16.32.090 - Duplication of street name unlawful when.

The city council shall reject a plat showing a street or road name duplicating one already in use in the municipality except in continuing a street or road. The council shall also reject a plat showing the name of a new street, alley, or road that is so similar to one already in existence in the municipality that permitting such use in the subdivision may be confusing for purposes of assessing, mail delivery, and locating by the public.

(Ord. 467 § 4.01(A)(8), 1970)

16.32.100 - Right-of-way widths.

Street rights-of-way shall conform to at least the following minimum requirements:

Street Type	Right-of-way Width (in feet)
A. Major thoroughfare	In conformance with the major thoroughfare plan of the county of Oakland and the city
B. Secondary streets	86

C. Industrial service streets	60
D. Multiple-family residential streets	60
E. Minor (single-family residential) streets	60
F. Marginal access streets	34
G. Turnaround (loop) street	120
H. Alley	20
I. Cul-de-sac streets or turnarounds	
<u>1.</u> Industrial	75-foot radius
<u>2.</u> Residential and others	60-foot radius.

(Ord. 467 § 4.01(B)(1), 1970)
16.32.110 - Cul-de-sac length.

Maximum length for residential cul-de-sac streets shall generally be five hundred (500) feet. Maximum length for industrial and other cul-de-sac streets may exceed five hundred (500) feet subject to the approval of the planning commission.

(Ord. 467 § 4.01(B)(1) (part), 1970)

16.32.120 - Street grades.

For adequate drainage, the minimum street grade shall not be less than 0.4 percent. The maximum street grade shall be six percent except that the planning commission may make an exception to this standard on the recommendation of the city engineer.

(Ord. 467 § 4.01(C), 1970)

16.32.130 - Vertical curve.

Vertical curves shall be adequate to provide the minimum vertical visibility as required under [Section 16.32.150](#) for major thoroughfares, secondary streets and minor streets.

(Ord. 467 § 4.01(D)(1), 1970)

16.32.140 - Horizontal curve.

A.

The radii of centerline curvature requirements are as follows:

1.

Major thoroughfares seven hundred (700) foot radius;

2.

Secondary thoroughfares four hundred fifty (450) foot radius;

3.

Minor streets two hundred seventy-five (275) foot radius.

B.

A minimum fifty (50) foot tangent shall be introduced between reverse curves on minor streets, one hundred (100) feet on secondary streets and three hundred (300) feet on major thoroughfares.

(Ord. 467 § 4.01(D)(2), 1970)

16.32.150 - Visibility requirements.

A.

Minimum vertical visibility, measured from four and one-half-foot eye level to eighteen (18) inch taillight, shall be:

1.

Five hundred (500) feet on major thoroughfares;

2.

Three hundred (300) feet on secondary streets;

3.

Two hundred (200) feet on minor streets;

4.

One hundred (100) feet on minor streets less than five hundred (500) feet in length.

B.

Minimum horizontal visibility shall be:

1.

Three hundred (300) feet on major thoroughfares, measured on centerline;

2.

Two hundred (200) feet on secondary streets, measured on centerline;

3.

One hundred (100) feet on minor streets, measured on centerline.

(Ord. 467 § 4.01(D)(3), 1970)

16.32.160 - Street intersection.

Streets shall be laid out so as to intersect as nearly as possible to ninety (90) degrees.

(Ord. 467 § 4.01(D)(4), 1970)

16.32.170 - Street jog.

Street jogs with centerline offsets of less than one hundred fifty (150) feet shall be avoided.

(Ord. 467 § 4.02(D)(5), 1970)

16.32.180 - Curved street intersection with other streets.

Curved streets intersecting with major thoroughfares or secondary streets shall do so with a tangent section of centerline one hundred (100) feet in length measured from the right-of-way line of the major thoroughfare or secondary street.

(Ord. 467 § 4.02(D)(6), 1970)

Chapter 16.36 - BLOCKS

Sections:

16.36.010 - Generally.

Blocks within subdivisions shall conform to the standards of this section and Sections [16.36.020](#) through [16.36.090](#).

(Ord. 467 § 4.02 (part), 1970)

16.36.020 - Dimensions.

A.

Maximum length for blocks shall not exceed one thousand four hundred (1,400) feet in length, except where, in the opinion of the planning commission, conditions may justify a greater distance.

B.

Widths of blocks shall be determined by the condition of the layout and shall be suited to the intended layout.

(Ord. 467 § 4.02(A), 1970)

16.36.030 - Public walkways location.

Location of public walkways or crosswalks may be required by the planning commission to obtain satisfactory pedestrian circulation within the subdivision where blocks exceed one thousand (1,000) feet in length, or where community facilities such as schools, churches, park, etc., require such easements.

(Ord. 467 § 4.02(B)(1), 1970)

16.36.040 - Easement for walkway.

An easement, at least twelve (12) feet in width, shall be maintained for a public walkway.

(Ord. 467 § 4.02(B)(2), 1970)

16.36.050 - Walkway surface and fence.

The walkway surface shall be eight feet in width, and constructed to meet city concrete sidewalk specifications. The balance of the easement shall be seeded or sodded to meet city specifications. A four-foot-high chain-link fence, constructed of nine-gauge galvanized wire or other fencing approved by the city, shall be installed adjacent to the concrete walkway on residential lot sides. Construction of the walkway and fence shall be the responsibility of the subdivider.

(Ord. 467 § 4.02(B)(3), 1970)
16.36.060 - Drainage easement.

Location of drainage easements shall be provided along the rear or side lot lines as necessary. Easements shall give access to every lot. Such easements shall be a total of not less than twelve (12) feet wide, six feet from each parcel.

(Ord. 467 § 4.02(C)(1), 1970)

16.36.070 - Utility easement.

Recommendations on the proposed layout of telephone and electric company easements should be sought from all of the utility companies serving the area.

(Ord. 467 § 4.02(C)(2), 1970)

16.36.080 - Storm drain.

Easements needed for storm drainage purposes shall be determined by the city engineer and shall meet the requirements of the city engineer.

(Ord. 467 § 4.02(C)(3), 1970)

16.36.090 - Private easement.

Arrangements shall be made for private easements to provide service companies right-of-way within the subdivision for underground wiring. These arrangements shall be in accordance with [Section 16.48.150](#).

(Ord. 467 § 4.02(C)(4), 1970)

Chapter 16.40 - LOTS

Sections:

16.40.010 - Generally.

Lots within subdivisions shall conform to the standards set out in this chapter.

(Ord. 467 § 4.03 (part), 1970)

16.40.020 - Lot size.

The lot size, width, depth and shape in any subdivision proposed for residential uses shall be appropriate for the location and the type of development contemplated.

(Ord. 467 § 4.03(A)(1), 1970)

16.40.030 - Lot area and width.

Lot areas and widths shall conform to at least the minimum requirements of the zoning ordinance, as codified in [Title 17](#), for the district in which the subdivision is proposed.

(Ord. 467 § 4.03(A)(2), 1970)

16.40.040 - Setback.

Building setback lines shall conform to at least the minimum requirements of the zoning ordinance, as codified in [Title 17](#).

(Ord. 467 § 4.03(A)(3), 1970)

16.40.050 - Corner lot.

Corner lots in a one-family residential subdivision shall be at least fifteen (15) feet wider than the minimum width required in the zoning ordinance codified in [Title 17](#).

(Ord. 467 § 4.03(A)(4), 1970)

16.40.060 - Lot depth.

Excessive lot depth in relation to width shall be avoided. A depth-to-width ratio of three to one shall normally be considered a maximum.

(Ord. 467 § 4.03(A)(5), 1970)

16.40.070 - Nonresidential uses.

Lots intended for purposes other than residential use shall be specifically designed for such purposes, and shall have adequate provision for off-street parking, off-street loading and other requirements in accordance with the zoning ordinance codified in [Title 17](#).

(Ord. 467 § 4.03(A)(6), 1970)

16.40.080 - Frontage.

Every lot shall front or abut on a street.

(Ord. 467 § 4.03(B)(1), 1970)

16.40.090 - Side lot line.

Side lot lines shall be at right angles or radial to the street lines, or as nearly as possible thereto.

(Ord. 467 § 4.03(B)(2), 1970)

16.40.100 - Reverse frontage when.

Residential lots abutting major thoroughfares or secondary streets, where marginal access streets are not desirable or possible to attain, shall be platted with reverse frontage lots with an approved screen planting contained in a nonaccess reservation along the rear property line having a minimum width of fifteen (15) feet, or with side lot lines parallel to the major traffic streets.

(Ord. 467 § 4.03(B)(3), 1970)

16.40.110 - Front to front with street.

Lots shall have a front to front relationship across all streets where possible except as provided for under [Section 16.40.050](#). Any deviation shall require the review and approval of the planning commission.

(Ord. 467 § 4.03(B)(4), 1970)

Chapter 16.44 - NATURAL CONDITIONS

Sections:

16.44.010 - Floodplain.

Any areas of land within the proposed subdivision which lie either wholly or in part within the floodplain of a river, stream, creek or lake, or any other areas which are subject to flooding or inundation by stormwater or have inadequate drainage shall not be platted for any use as may increase danger to health, life, or property. The subdivider may show by way of accurately engineered plans that a change to the topography in the proposed subdivision will eliminate flooding in the area in question and shall clearly demonstrate that any such planned topographical change will not unduly aggravate the flood hazard beyond the limits of the proposed subdivision. If the city council determines that a flood problem does exist, then it shall reject all or that part of the proposed subdivision lying within the floodplain. Any areas of land lying within a floodplain shall require specific compliance with Act 288, Public Acts, 1967 and its review by the Water Resources Commission of the Department of Conservation.

(Ord. 467 § 4.04(A), 1970)

16.44.020 - Natural features.

The natural features and character of lands must be preserved wherever possible. Due regard must be shown for all natural features such as large trees, natural groves, watercourses and similar community assets that will add attractiveness and value to the property, if preserved. The preservation of drainage and natural stream channels must be considered by the subdivider and the dedication and provision of adequate barriers, where appropriate, shall be required.

(Ord. 467 § 4.04(B), 1970)

Chapter 16.48 - IMPROVEMENTS

Sections:

16.48.010 - Minimum standards.

The improvements set forth under this chapter are to be considered as the minimum acceptable standard. All those improvements for which standards are not specifically set forth shall be established by the city engineer or by the city council.

(Ord. 467 § 4.05(A), 1970)

16.48.020 - Deposit or bond.

The subdividers shall be required to deposit with the city clerk, cash, certified check, or irrevocable bank letter of credit, whichever the subdividers select, or a corporate surety bond acceptable to the city council, in an amount sufficient to guarantee the placement or replacement, after construction of improvements, of all lot stakes and monuments, and to insure the construction of all improvements including sidewalks required on major thoroughfares and secondary streets rights-of-way, but not including other sidewalks which may also be required under [Section 16.48.100](#) and also not including street trees. The developer shall also construct sidewalks adjacent to retention ponds or platted outlots when retention ponds or platted outlots front on improved streets. The amount of deposit or bond shall be set by the city council based on an estimate by the city engineer. The deposit or bond shall guarantee the completion of the required improvements within a period of time specified by the city council from the date of the approval of the final plat. The city shall rebate to the subdividers as the work progresses, amounts of cash deposits equal to the ratio of work completed to the entire project. The subdivider shall place cash in escrow for the following: sidewalk closures at intersections; water main testing and chlorination; traffic name and control signs; street island improvements.

(Ord. 467 § 4.05(B), 1970)

16.48.030 - Builder deposit or bond.

The builder shall be required to deposit with the city clerk, cash, corporate surety bond, or certified check, whichever the builder elects, running to the city, to insure construction of all sidewalks required other than those in major thoroughfares and secondary street rights-of-way and sidewalk closures at intersections under [Section 16.48.100](#). The builder shall also deposit with the city a cash sum to be determined by the city council based on an estimate of the superintendent of parks and recreation, to cover the cost of purchasing and installing street trees. No building permit shall be issued until said deposit for sidewalks and street trees has been accepted by the city.

(Ord. 467 § 4.05(C), 1970)

16.48.040 - Maintenance bond.

Prior to the acceptance by the city of improvements, a three-year maintenance bond in an amount equal to thirty-five (35) percent of the total cost shall be deposited by the subdivider.

(Ord. 467 § 4.05(D), 1970)

16.48.050 - Street and utility improvement.

Street and utility improvements shall be provided by the subdivider in accordance with the standards and requirements established in this chapter and/or any other such standards and requirements which may from time to time be established by the city engineer or by the city council.

(Ord. 467 § 4.06 (part), 1970)

16.48.060 - Street pavement width standards.

Street pavement width standards shall be as follows:

Street Type	Pavement Width (in feet measured from outside of curb to outside of curb)
Major thoroughfare	In conformance with the standards and specifications established by the city engineer or the city council.
Secondary streets:	
For residential development having lot areas of thirteen thousand five hundred square feet or greater.	36
For residential development having lot areas of less than thirteen thousand five hundred square feet.	36
Industrial streets	36
Multiple-family residential	36
Minor residential street	28
Marginal access streets	22
Turnaround (loop) streets	not less than 80' in diameter at terminating loop
Alley	20
Cul-de-sac streets or turnarounds Outside Radius	
1. Industrial	65-foot radius

2. Residential and others

50-foot radius.

(Ord. 467 § 4.06(A), 1970)

16.48.070 - Grading and centerline gradient.

Grading and centerline gradients shall be constructed according to plans and profiles approved by the city engineer.

(Ord. 467 § 4.06(B), 1970)

16.48.080 - Curb and gutter.

Curbs and gutters shall be constructed in accordance with details and specifications prescribed by the city engineer.

(Ord. 467 § 4.06(C), 1970)

16.48.090 - Roadway pavement construction.

All roadway pavements shall be constructed of portland cement concrete with integral curb and shall otherwise be in accordance with details and specifications prescribed by the city engineer.

(Ord. 467 § 4.06(D), 1970)

16.48.100 - Sidewalks.

Concrete sidewalks shall be constructed along both sides of all streets shown on the plat; provided, however, that sidewalks may not be required along industrial service streets, alleys, and only along one side of marginal access streets. Sidewalks, where required, shall be five feet wide and shall be placed one foot off property lines. Sidewalks shall be constructed in accordance with details and specifications prescribed by the city engineer.

(Ord. 467 § 4.06(E), 1970)

16.48.110 - Drainage.

Storm drainage systems and other drainage improvements shall be in accordance with plans approved by the city engineer. Where county drains are involved, a letter or document of approval from the county drain commissioner must be submitted by the subdivider.

(Ord. 467 § 4.06(F), 1970)

16.48.120 - Rear yard storm drainage.

Adequate and safe disposal of all rear yard storm drainage shall be provided in accordance with details and specifications prescribed by the city engineer.

(Ord. 467 § 4.06(G), 1970)

16.48.130 - Sewage disposal.

A.

The sewerage system shall be constructed in accordance with plans approved by the city engineer.

B.

Septic tanks, where provided, must meet fully all requirements and standards established by the city council and/or the city engineer, and the Oakland County department of health and a letter or document of approval from this body must be submitted by the subdivider.

(Ord. 467 § 4.06(H), 1970)
16.48.140 - Water supply.

A.

The water distribution system shall be in accordance with plans approved by the city engineer and in conformance with the regulation of the Michigan Department of Health relating to municipal water supplies and a letter or document of approval from the Michigan Department of Health must be submitted by the subdivider.

B.

Individual subdivision water supply, where provided, must meet the requirements established for the municipal system and shall be approved by the city engineer.

C.

Individual private wells, where provided, must meet all requirements of the Oakland County department of health and a letter or document of approval must be submitted by the subdivider. Individual private wells shall be approved by the city engineer.

(Ord. 467 § 4.06(I), 1970)

16.48.150 - Artificial lake or reservoir.

Artificial or manmade lakes or reservoirs shall be constructed in accordance with plans and specifications prescribed and approved by the city engineer.

(Ord. 467 § 4.06(J), 1970)

16.48.160 - Trees.

Existing trees near street rights-of-way shall be preserved by the subdivider. Street trees shall be provided in accordance with standards and specifications adopted by the city council.

(Ord. 467 § 4.06(K), 1970)

16.48.170 - Street signs.

Street name signs shall be provided at intersections of all streets. The traffic and safety committee shall make recommendations to the city council for traffic-control signs at intersections of all streets within the subdivision. All street name signs and traffic-control signs shall meet the specifications of the city and shall be purchased and installed by the city. The subdivider of each proposed plat or subdivision shall deposit with the city a cash sum to be determined by the city council based on an estimate of the city engineer, to cover the cost of purchasing and installing all said street and traffic signs within said subdivision.

(Ord. 467 § 4.06(L), 1970)

16.48.180 - Underground utility easements.

The subdivider of a residential subdivision shall make arrangements for all lines for telephone, electric, television, and other similar services distributed by wire or cable to be placed underground entirely throughout a subdivided area, except for a major thoroughfare right-of-way, the subdivider of an industrial subdivision shall make arrangements for all lines for telephone, electric, television, and other similar services distributed by wire or cable to be placed underground where such occur in the front yards of subdivision lots, except for those fronting on a major thoroughfare right-of-way. In both residential and industrial subdivisions, such underground conduits or cables shall be placed within private easements provided to such service companies by the developer, or within public ways. Overhead lines may be permitted in these areas only upon written recommendation of the city engineer, city planning commission, and the approval of the city council, at the time of tentative approval of the preliminary plat where it is determined that overhead lines will not constitute a detriment to the health, safety, general welfare, plat design and character of the subdivision. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission. All drainage and underground utility installations which traverse privately owned property shall be protected by easements granted by the proprietor.

(Ord. 467 § 4.06(M), 1970)

Chapter 16.52 - LOT SPLITTING

Sections:

16.52.010 - Submittal and review.

Any person desiring a lot split within a platted area shall submit to the city assessor written application for lot splitting, and five copies of the lot split. In addition he or she shall deposit the necessary fees as provided in [Chapter 16.56](#).

(Ord. 467 § 7.00(A), 1970)

16.52.020 - Assessor duties.

The city assessor shall review the proposed lot split to determine its compliance with the applicable city ordinances and this title, and with Act 288, Public Acts, 1967. If the resultant split is in conformance with these conditions, the city assessor shall have the authority to authorize the requested lot splits.

(Ord. 467 § 7.00(B), 1970)

16.52.030 - Tax and assessment payment.

No lot shall be split until all taxes and special assessments have been paid. A receipt of payment must be submitted with the proposed lot split plan.

(Ord. 467 § 7.00(C), 1970)

Chapter 16.56 - FEES

Sections:

16.56.010 - Payment.

Engineering fees, inspection fees, water and sewer connection charges and other applicable development charges may be provided for by resolution of the city council. The developer shall pay all applicable filing fees as established by Act 288, Public Acts, 1967, and as established by the city council. When the final plat is submitted to the city clerk, a filing and recording fee, to be set by resolution of the city council, shall be deposited as

provided in Section 241 of Act 288, Public Acts, 1967. A fee, to be set by resolution of the city council, as authorized by Section 246 of Act 288, Public Acts, 1967, shall be paid upon submittal of the preliminary plat for tentative approval.

(Amended during 1997 recodification: Ord. 467 § 6.00, 1970)
Chapter 16.60 - PENALTY

Sections:

16.60.010 - Violation—Penalty.

Any person, firm, corporation or partnership who violates the provisions of this title shall be guilty of a misdemeanor and, upon conviction, shall be punishable as set forth in [Chapter 1.12](#) of this code.

(Ord. 467 § 8.00, 1970)

Title 17 - ZONING

(Reserved)

STATUTORY REFERENCES FOR MICHIGAN CITIES, TOWNSHIPS AND VILLAGES

The statutory references listed below refer the code user to state statutes applicable to Michigan cities, townships and villages. They are up to date through PA 249 of 2020.

GENERAL PROVISIONS

Fourth Class Cities

Fourth Class Cities
Chapters 81 to 113

Incorporation
MCLA 81.1 et seq.

General powers of city
MCLA 91.1 et seq.

Ordinances
MCLA 89.1 et seq.

Enforcement of ordinances
MCLA 89.2, 89.2a and 90.1 et seq.

Imprisonment
MCLA 90.8, 93.1 et seq.

Elections
MCLA 86.1 et seq.

Home Rule Cities

Home Rule Cities
Chapter 117

Annexation/incorporation
MCLA 117.6 et seq.

City charters
MCLA 117.3 et seq.

Code of ordinances
MCLA 117.5b

Enforcement of ordinances
MCLA 117.4i; 117.4l; 117.29

Wards
MCLA 117.27a

Elections
MCLA 117.15 et seq., 117.26

Townships

Charter townships
MCLA chs. 41 and 42

Ordinances
MCLA 41.181 et seq.

Ordinance violations
MCLA 41.183 and 41.183a

Elections
MCLA 41.102 et seq.

Villages

Villages
chs. 61 to 75

Incorporation
MCLA ch. 61

Ordinances
MCLA ch. 66

Ordinance violations
MCLA 66.6 et seq.

Imprisonment
MCLA 66.8, 66.11

Elections
MCLA ch. 63

ADMINISTRATION

Planning commissions
MCLA 125.3811 et seq.

Michigan Campaign Finance Act
MCLA 169.201 et seq.

Fourth Class Cities

City council
MCLA. 88.1 et seq.

Mayor
MCLA 87.1 et seq.

City clerk
MCLA 87.6 et seq.

City treasurer
MCLA 87.11 et seq.

City marshal
MCLA 87.16 et seq.

City attorney
MCLA 87.20

Police department
MCLA 92.1 et seq.

Fire department
MCLA 109.1 et seq.

Board of public works
MCLA 108.1 et seq.

Home Rule Cities

Administrative powers generally
MCLA 117.4j

Local officers compensation commission
MCLA 117.5c

Police
MCLA 117.34

Charter commission
MCLA 117.20 et seq.

Townships

Township board
MCLA 41.70 et seq.

Township clerk
MCLA 41.65 et seq.

Township supervisor
MCLA 41.61 et seq.

Township treasurer
MCLA 41.76 et seq.

Township officer compensation
MCLA 41.95 et seq.

Police and fire protection
MCLA 41.801 et seq.

Villages

Village council
MCLA 65.1 et seq., 67.1 et seq.

Village president
MCLA 64.1 et seq.

Village clerk
MCLA 64.5 et seq.

Village treasurer
MCLA 64.9 et seq.

Village officers generally
MCLA 62.1 et seq.

Vacancies in office
MCLA 62.10 et seq.

REVENUE AND FINANCE

Limitation on taxation by cities or villages
MCLA 211.201 et seq.

Limitation on taxation by home rule cities
MCLA 117.5

General Property Tax Act
MCLA 211.1 et seq.

City income tax
MCLA 141.501 et seq.

Use tax

;hg;MCLA 205.91 et seq.

Sales tax
MCLA 205.51 et seq.

Unclaimed, lost or abandoned property
MCLA 434.151 et seq.

Delinquent collection, credit, return by cities and villages
MCLA 211.107 et seq.

Fourth Class Cities

Assessment and collection of taxes

MCLA 111.1 et seq.

Delinquent taxes

MCLA 111.16 et seq.

Finance and taxation

MCLA 110.1 et seq.

Home Rule Cities

Financial recovery bonds

MCLA 117.36a

Townships

Special assessments and improvements

MCLA 41.721 et seq.

Villages

Finance and taxation

MCLA 69.1 et seq.

BUSINESS LICENSES

Licensing power (4th class cities)

MCLA 91.2

Licensing power (home rule cities)

MCLA 117.4i

Auctioneers (4th class cities)

MCLA 91.1(1)(j)

Places of entertainment (4th class cities)

MCLA 91.1(1)(e)

Charitable Organizations and Solicitations Act

MCLA 400.271 et seq.

Hawkers and peddlers (4th class cities)

MCLA 91.1(1)(k)

Secondhand and junk dealers

MCLA 445.401 et seq.

Michigan Liquor Control Code of 1998

MCLA 436.1101 et seq.

Lotteries and games

MCLA 432.1 et seq.

Taxicabs (4th class cities)

MCLA 91.1(1)(o)

Transient merchants (4th class cities)

MCLA 91.1(1)(mm)

ANIMALS

Animals running at large

MCLA 102.14 and 67.23

Dog Law of 1919

MCLA 287.261 et seq.

Rabies, dogs

MCLA 287.266, 287.270, 287.290

Animal control ordinances and dog licensing ordinances

MCLA 91.1(1)(ff) and 287.290

Distrain and impoundment of animals

MCLA 433.101 et seq.

HEALTH AND SAFETY

Food inspection (4th class cities)

MCLA 91.1(1)(q)

Garbage

MCLA 123.361 et seq. and 324.4301 et seq.

Littering

MCLA 324.8901 et seq.

Public nuisances

MCLA 91.1(1)(c) and 600.3801 et seq.

Wells, cisterns

MCLA 750.493b et seq.

Fireworks

MCLA 28.451 et seq.

Explosives and bombs

MCLA 750.200 et seq.

Weed control

MCLA 247.61 et seq.

PUBLIC PEACE, MORALS AND WELFARE

Offenses by or against public officials and government

MCLA 750.117 et seq., 750.183 et seq., 750.215 et seq., 750.240 et seq.

Assaults

MCLA 750.81 et seq.

Offenses against public decency

MCLA 750.49 et seq., 750.102 et seq., 750.301 et seq., 750.330 et seq., 750.335 et seq., 750.448 et seq.

Offenses against public peace

MCLA 750.167 et seq., 750.169 et seq.

Offenses against property

MCLA 750.71 et seq., 750.110 et seq., 750.174 et seq., 750.356 et seq., 750.377a et seq., 750.535 et seq., 750.552 et seq.

Offenses by or against minors

MCLA 750.135 et seq., 436.1701 et seq.

Firearms

MCLA 28.421 et seq.

VEHICLES AND TRAFFIC**Motor vehicles generally**

MCLA 257.1 et seq., 750.412 et seq.

Uniform traffic code in cities, townships and villages

MCLA 257.951 et seq.

STREETS AND PUBLIC PLACES**Recreation and playgrounds**

MCLA 123.51 et seq.

Fourth Class Cities**Sidewalks generally**

MCLA 103.1 et seq.

Street regulations

MCLA 102.11 et seq.

Streets and alleys, paving and improvements

MCLA 102.8 et seq.

Streets and alleys, general provisions

MCLA 102.1 et seq.

Lighting

MCLA 107.1 et seq.

Public parks

MCLA 100.3

City bodies of water

MCLA 91.1(1)(v)

City cemeteries

MCLA 95.8

Home Rule Cities

Streets and alleys, permissible charter provisions
MCLA 117.4h

Recreational trailways
MCLA 117.4m

Townships

Sidewalks and pavements
MCLA 41.271 et seq.

Public parks
MCLA 41.421 et seq.

Recreational trailways
MCLA 41.183a

Villages

Streets and sidewalks generally
MCLA 67.7 et seq.

Streets and sidewalks, paving and improvements
MCLA 67.17 et seq.

Obstructions and encroachments
MCLA 67.20 et seq.

Excavations
MCLA 67.22

Street grades
MCLA 67.15 et seq.

Public parks
MCLA 67.4

Recreational trailways
MCLA 66.2a

PUBLIC SERVICES

Municipal water supply systems
MCLA 124.251 et seq.

Municipal sewage and water supply systems
MCLA 124.281 et seq.

Sewer, waterworks, solid waste, refuse and garbage, city, township and village powers
MCLA 324.4301 et seq.

Metropolitan districts
MCLA 119.1 et seq.

Fourth Class Cities

Sewers, drains and watercourses
MCLA 101.1 et seq.

Waterworks
MCLA 106.1 et seq.

Home Rule Cities

Sewer system
MCLA 117.4b; 117.4f

Waterworks
MCLA 117.4f

Electricity
MCLA 117.4b

Townships

Water supply and sewage disposal system
MCLA 41.331 et seq.

Villages

Sewers, drains and watercourses
MCLA 67.24 et seq.

Waterworks
MCLA 71.1 et seq.

BUILDINGS AND CONSTRUCTION

State construction code
MCLA 125.1501 et seq.

Technical code adoption, fourth class cities
MCLA 89.6

Technical code adoption, home rule cities
MCLA 117.3

Technical code adoption, charter townships
MCLA 42.17

Adoption by reference, villages
MCLA 66.4

Signs
MCLA 102.14, 42.16, 67.11, 67.23

Mobile Home Commission Act
MCLA 125.2301 et seq.

SUBDIVISIONS

Land Division Act
MCLA 560.101 et seq.

ZONING

Michigan Zoning Enabling Act
MCLA 125.3101 et seq.

Regulation by local authorities
MCLA 125.3201, 125.3202

Zoning board of appeals and appeals generally
MCLA 125.3601 et seq.

Special zoning provisions
MCLA 125.3501 et seq.

Judicial review
MCLA 125.3606, 125.3607

AMENDMENTS TO ZONING MAP

Ordinance
Number

- 632 Rezones Lots 94, 95 and 96, Hazelcrest Subdivision
- 635 The northerly portion of Lot Nos. 704—725 of Ford Park Subdivision which is presently zoned RA-2, One-family Residential District, are rezoned to B-2, General Business District, thereby making lots 704—725, B-2 General Business District in their entirety.
- 636 Those portions of Lot Nos. 1—22, Hazelcrest Subdivision of part of Nine Oakland No. 2 Subdivision, between the center of the vacant alley and the Expressway right-of-way, presently zoned B-2, General Business District and RC, Multiple-family District are rezoned to RA-2, One-family Residential District.
- 644 Denler's Oakland Subdivision Lots 1—9 which are presently zoned M-1, Light Manufacturing District are rezoned to B-2, General Business District.
- 652 Lot Nos. 23—31, inclusive, of Denler's Ferndale Avenue Subdivision, zoned M-1, Light Manufacturing District, are rezoned to B-2, General Business District.
- 660 Lot No. 159 and the east 17 feet of Lot No. 158 of Ford Heights Subdivision are rezoned from RA-2, One-family Residential District to P-1, Parking District.
- 668 Lots 47 to 76 both inclusive, and Lots 115 to 128 both inclusive, and all of the vacated public alley adjoining Lots 49 to 76 and 115 to 128, and the south half of the vacated public alley adjoining Lots 47 and 48 of Oakway Subdivision, from B-1, Community Business to M-1, Light Manufacturing District; and Lots 26 to 35 both inclusive, excepting the easterly 27.0 feet thereof, together with Lots 130 to 144, both inclusive, and Lots 171 to 185 both inclusive, and all of the vacated public alleys adjoining above-mentioned lots, Oakway Subdivision, from P-1, Parking District to M-1, Light Manufacturing District.
- 675 Lot No. 151, Campbell Brothers Subdivision, which is presently zoned RA-2, One-family Residential District, is rezoned to P-1, Parking District.
- 679 31 Andresen Court, Hazel Park, MI 48030. Alley east of John R Street and Battelle Street on the north side of the street known as Lot No. 9, Andresen Park Subdivision.
Frontage 40 feet, depth approximately 187.39 feet.

From: RA-2, One-family Residential District

To: P-1, Parking District.

687 West 83 feet of Lots 1 through 5, Supervisors Plat No. 2 Subdivision

From: RA-2, One-family Residential District

To: M-1, Light Manufacturing District.

692 Lots 47 to 76 both inclusive, and Lots 115 and 128 both inclusive, and all of the vacated public alley adjoining Lots 49 to 76, and 115 to 128 and the south half of the vacated public alley adjoining Lots 47 and 48, Oakway Subdivision; Lots 26 to 35 both inclusive, excepting the easterly 27.0 feet thereof together with Lots 130 to 144, both inclusive and Lots 171 to 185 both inclusive and all of the vacated public alleys adjoining above-mentioned lots, Oakway Subdivision.

From: M-1, Light Manufacturing District

To: B-2, General Business District.

693 Lot No. 144, John Ickler's Sunnyside Subdivision, including South 10 feet of 20 feet vacated alley between Lot Nos. 1030 and 144.

From: P-1, Parking District

To: M-1, Light Manufacturing District.

722 Lot 964, Ford Heights Subdivision located on the north side of West George, west of the alley west of John R and East of Ford Street.

From: RA-2, One-family Residential

To: P-1, Parking District.

723 Lot 17, Denlers Oakland Subdivision located on the south side of East Jarvis Street, west of the alley west of Dequindre and east of Merrill Street.

From: RA-2, One-family Residential District

To: P-1, Parking District.

724 Lots 455 and 456 of Nine Oakland Subdivision located at N.W. corner of Pearl and John R.

From: B-1, Community Business

To: B-2, General Business

734 The north 550.0 feet of the south 593.0 feet of the west 223.70 feet of the south 9.50 acres of the west 13.35 acres of the Southeast 1/4 of the Northwest 1/4 of Section 25, Township 1 North, Range 11 East, City of Hazel Park, Oakland County, Michigan (2.8 acres), which is presently zoned RA-2 One-Family Residential District, is rezoned to R-C, Multiple-Family Residential District.

738 29 East Eight Mile Road, T1N, R11E, Section 36, Ford Park Subdivision, Part of Lots 724 and 725 beginning at NE Corner of Lot 724, through N 89-39-00 W 60 feet, through S 00-55-30 E 130.63 feet, through S 84-24-00 E 60.38 feet, through N 00-55-30 W 136.15 feet to beginning which is presently zoned B-2, General Business District, and is rezoned to M-1, Light Manufacturing District.

749 Lots 20—24, also 1/2 of vacated alley adjacent to same, Denler's Harding Subdivision, which is presently zoned RC, Multiple Family Residential is rezoned to O-1, Office Building District.

750 Lots 43—47 incl. Sidwell No. 25-36-101-031

Lots 48—50 incl. Sidwell No. 25-36-101-009

Lots 51 Sidwell No. 25-36-101-008

Hazel Park Subdivision of Part of Nine Oakland Subdivision No. 1 is presently zoned B-1, Community Business and is rezoned to B-2, General Business.

781 Lots 26 through 32, and Lots 33 to 37, inclusive, Hazel Park Subdivision

785 T1N, R11E, Section 25, Denler's Ferndale Avenue Subdivision, Lot #173, City of Hazel Park, Oakland County, Michigan is presently zoned RA-2, Residential District and is rezoned to P-1, Parking District.

786 A parcel located in part of the NW 1/4 of Section 25, T1N, R11E, City of Hazel Park, Oakland County, Michigan, described as beginning at the SW corner of Lot No. 1 of Carol Park Subdivision, as recorded in Liber 31, pg. 18, Oakland County Records, said point also being a point on the north 43' ROW line of Woodward Hgts. Ave.: Thence from said point of beginning N 88°18'06" W, 217.50' along said north ROW line: Thence N 00° 30" 00" E, 550.00': Thence N 87°45'17" W, 223.70' to a point on the east subdivision line of Andresen Park Subdivision, as recorded in Liber 31, pg. 6, Oakland County Records: Thence N 00°30'00" E, 337.95' along said East Subdivision line to a point on the South Subdivision line or "Karam Brothers Court" Subdivision as recorded Liber 63, pg. 32, Oakland County Records: Thence S 87°55'04" E, 445.36' along said south Subdivision line to a point on the West Subdivision line of said Carol Park

Subdivision: Thence S 00°46'03" W, 887.05' along said west Subdivision line to the point of beginning said point also being the SW corner of said Lot No. 1 of said Carol Park Subdivision, containing 6.32 acres of land and subject to any easements of record is presently zoned RA-1, Residential District and is rezoned to RC, Multiple Residential District.

799 Lots Nos. 1-5, both inclusive, except that part taken for highway and Lots 37 and 38; also, all of vacated alley lying adjacent thereto of Fuehler Farm Subdivision, of the North 1/2 of the East 1/2 of the Northeast 1/4 of Section 26, City of Hazel Park, Oakland County, Michigan, as recorded in Liber 14 of Plats, page 20 of Oakland County Records, is presently zoned B-2, General Business District and is rezoned to M-1, Light Manufacturing.

805 Lot 108 of Buehler Farms Subdivision of the Northeast 1/4 of the Northeast 1/4 of Section 26, City of Hazel Park, Oakland County, Michigan

From: RA-2, Single Family Residential

To: P-1, Parking District

816 T1N, R11E, Section 36, Oakway Subdivision, Lots 77 to 88 inclusive, also east 5 feet of Lot 108 and all of Lots 109 to 114 inclusive, also all of vacated alley lying adjacent to same, is rezoned from M-1, Light Industrial and P-1, Parking to B-2, General Business.

840 Addition of B-3 central business district.

854 T1N, R11E, Section 36, Lots 78 through 82 inclusive, Roehl's Subdivision.

875 T1N, R11E, Section 25, Lots 53 and 54, Colony Homes Subdivision, also identified as Parcel #25-25-351-011 and #25-25-351-012, is presently zoned RA-2, Single Family Residential and is rezoned to B-3, Central Business District.

879 T1N, R11E, Section 25, Lots 107, 108 and 158 through 160, of Assessors Plat of Nine and One Half Mile Small Farm Subdivision, also identified as Parcel #25-25-278-010, #25-25-278-011, #25-25-278-022, and 25-25-278-030, is presently zoned RA-2, Single Family Residential and is rezoned to B-2, General Business District.

929 The following legally described property, otherwise known as 29 West Pearl Avenue, is hereby rezoned from RA-2, Single Family Residential District, to P-1, Parking District: T1N, R11E,

Section 35, Lot 177 of Nine-Oakland Subdivision, also identified as Parcel # 25-35-276-015.

05-07

Rezone all properties along John R south of Maxlow Street to Muir Street currently zoned M-1 Industrial to LB-M Local Business-Manufacturing.

Parcel 28-25-25-126-029, T1N, R11E, SEC 25 Wilbert SU Lot 121 & W ½ of Lot 122, also ½ of vac alley adj to the same

07-08

From: RA-3, Single Family Residential
To: M-1, Industrial

DISPOSITION OF ORDINANCES TABLE

As of Supplement No. 10, this table will be replaced with the "Code Comparative Table and Disposition List."

Ordinance Number	
1	Buildings and construction (Repealed by 168)
2	Electrical wiring and installations (Not codified)
3	Dog control (Repealed by 733)
4	Municipal defense council (Not codified)
5	Disorderly persons (Repealed by 21)
6	Amends Ord. 1 Articles 10(H), 11(1) and 12(2), buildings and construction (Repealed by 168)
7	Amends Ord. 5_§_1, disorderly persons (Repealed by 16)
8	Planning commission (2.60)
9	Public nuisances (8.04)
10	Gutter obstructions (12.04)
11	Traffic regulations (Repealed by 425)
12	Merchant's licenses (Repealed by 313)
13	Alcoholic beverage sale to minors (9.80)
14	Business licenses (Repealed by 314)
15	Blackouts and air raid protection (Repealed by 57)
16	Public morals and conduct, repeals Ords. 5 and 7 (Voided)
17	Plumbing installations (Repealed by 118)
18	Sidewalk construction and repair (Repealed by 162)
19	Police department (2.28)
20	Refuse removal (Repealed by 249)
21	Public morals and conduct, repeals Ords. 5 and 7 (Repealed by 393)
22	Amends Ord. 1 Article 10 § 3 , buildings (Repealed by 168)

23	Amends Ord. 1 Article 10 §§ 6–8, buildings (Repealed by 168)
24	Amends Ord. 21 § 3 , 4, public morals and conduct (Repealed by 393)
25	Personnel merit system (2.72)
26	Amends Ord. 14, business licenses (Repealed by 314)
27	Sidewalk builder's license (Repealed by 913)
28	Adds § 5.1 to Ord. 8, planning commission (2.60)
29	Fire department (2.20)
30	Amends Ord. 9 § 3 , nuisances (8.04)
31	Meat markets and slaughter establishments (Repealed by 314)
32	Alcoholic beverage sale (Repealed by 78)
33	Rabbit and poultry keeping (6.08)
34	Recreation advisory board (Repealed by 106)
35	Amends Ord. 21, public morals and conduct (Repealed by 393)
36	Electricity excise tax (Repealed by 41)
37	Zoning (Not codified)
38	Amends Ord. 36 § 3 , electricity excise tax (Repealed by 41)
39	Sewage disposal charges (Repealed by 44)
40	Amends Ord. 25 § 2.1 , personnel (Repealed by 87)
41	Repeals Ord. 36, electricity excise tax (Repealer)
42	Tree and shrub regulations (Repealed by 138)
43	Liquor purchase by minors (Repealed by 393)
44	Sewage disposal system (Repealed by 220)
45	Sewer department (Repealed by 220)
46	Fence construction (Repealed by 131)
47	Amends Ord. 32, alcoholic beverage sale (Repealed by 78)
48	Amends Ord. 47, alcoholic beverage sale (Repealed by 78)
49	Anonymous publication distribution (Repealed by 189)
50	Amends Ord. 21 §§ 5–7; adds §§ 1.1(v) and § 4 , public morals and conduct (Repealed by 393)
51	Rezone (Special)
52	Theaters and moving picture shows (Repealed by 314)
53	Amends Ord. 44, sewage disposal system (Repealed by 220, 314)
54	Not adopted

55	Dirt and soil removal (8.36)
56	Consumers Power Company franchise (Not codified)
57	Repeals Ord. 15, blackouts and air raid protection (Repealer)
58	Taxicabs (Repealed by 257)
59	Rezone (Special)
60	Retirement system (2.76)
61	Amends Ord. 37, zoning (Not codified)
62	Bicycle regulations (Repealed by 912)
63	Rezone (Special)
64	Gas burner installation (Repealed by 308, 309 and 324)
65	Heat and electricity consumption (Repealed by 245)
66	Amends Ord. 3_§ 4(a) and (b), dog control (Repealed by 733)
67	Vehicles restricted on certain roads (10.75)
68	Poolrooms (Repealed by 314)
69	Rezone (Special)
70	Adds § 32.2 to Ord. 14, merchant's licenses (Repealed by 314)
71	Milk production standards (Repealed by 397)
72	Bicycle traffic, amends Ord. 11 §§ 6.1 , 35.1 and 36.1 (Repealed by 425)
73	Charitable solicitation (5.18)
74	Adds § 7.2 to Ord. 37, zoning (Not codified)
75	Manufacturing establishment registration (Repealed by 127)
76	Merchant's licenses (Repealed by 313)
77	Traffic on streets undergoing repair or construction (Not codified)
78	Alcoholic beverage sale, repeals Ords. 32, 47 and 48 (5.06)
79	Amends Ord. 44_§ 12(a), sewage disposal system (Repealed by 220)
80	Contractor licenses (Repealed by 903)
81	Building code, repeals Ords. 1, 6, 22 and 23 (Repealed by 168)
82	Amends Ord. 37 Article 7 , zoning (Not codified)
83	Junk collector licenses (5.39)
84	Burning restrictions (Repealed by 907)
85	Adds § 12.5 1/2 to Ord. 37, zoning (Not codified)
86	Amends Ord. 76_§ 4; adds § 5A; repeals § 8 , merchant's licenses (Repealed by 313)

87	Amends Ord. 25 §§ 2 and 28.3; repeals Ord. 40, personnel (2.72)
88	Rezone (Special)
89	Scrap dealer's licenses (Repealed by 314)
90	Amends Ord. 37 §§ 4.2 , 5.2 and 6.3 , zoning (Not codified)
91	Rezone (Special)
92	Sign regulations (Not codified)
93	Fire districts, amends Ord. 81 § 1.5, buildings (Repealed by 168)
94	Amends Ord. 81 § 1.3, buildings (Repealed by 168)
95	Amends Ord. 68 § 2 ; adds § 10-A, poolrooms (Repealed by 314)
96	Amends Ord. 60 §§ 18, 23 and 26, retirement system (2.76)
97	Adds provisions to § 5 of Ord. 76, merchant's licenses (Repealed by 313)
98	Amends Ord. 37 Article VII, zoning (Not codified)
99	Automobile dealer's licenses (Repealed by 314)
100	Carnival and circus licenses (Repealed by 314)
101	Not adopted
102	Repealed
103	Water supply (13.04)
104	Amends Ord. 99 § 2 , automobile dealer's licenses (Repealed by 314)
105	Amends Ord. 76 §§ 1 and 5, merchant's licenses (Repealed by 313)
106	Parks and recreation department, repeals Ord. 34 (Repealed by 128)
107	Repeals and replaces §§ 2, 3 and 8 of Ord. 62, bicycles (Repealed by 912)
108	Amends Ord. 37, zoning (Defeated)
109	Amends Ord. 37, zoning (Defeated)
110	Property tax and review board (Repealed by 768)
111	Repeals and replaces § 4.2 of Ord. 37, zoning (Not codified)
112	Rezone (Special)
113	Sewer connections (Repealed by 220)
114	Open parking stations (5.51)
115	Amends Ord. 76 § 6 , merchant's licenses (Repealed by 313)
116	Amends Ord. 75 §§ 4.1 and 7, manufacturing

	establishment registration (Repealed by 127)
117	Amends Ord. 60 §§ 18—20, 26 and 30, retirement system (2.76)
118	Plumbing installations, repeals Ord. 17 (Repealed by 252)
119	Parking meters (Not codified)
120	Not adopted
121	Amends Ord. 2. § 4 , electrical installations (Not codified)
122	Waterworks system (13.04)
123	Adds § 76 (a) to Ord. 11, traffic (Repealed by 425)
124	Heating installation contractor's licenses (Repealed by 903)
125	Waste material deposit (Repealed by 129)
126	Amends Ord. 44. § 12 , sewage disposal system (Repealed by 220)
127	Repeals Ord. 75, manufacturing establishment registration (Repealer)
128	Parks and recreation department, repeals Ord. 106 (Repealed by 239)
129	Waste material deposit, repeals Ord. 125 (Not codified)
130	Repeals and replaces §§ 1.0 and 1.1 of Ord. 21, public morals and conduct (Repealed by 393)
131	Repeals Ord. 46, fences (Repealer)
132	Plumbing board (Repealed by 918)
133	Repeals and replaces Ord. 68. § 6 , poolrooms (Repealed by 314)
134	Adds Article 5-A to Ord. 37, zoning (Not codified)
135	Rezone (Special)
136	Pinball machines (Repealed by 137)
137	Amusement games, repeals Ord. 136 (9.40)
138	Tree and shrub regulations, repeals Ord. 42 (12.16)
139	Repeals and replaces Ord. 58. § 7 , taxicabs (Repealed by 257)
140	Benches with advertising (5.12)
141	Adds § 15.10 (a) to Ord. 81, building code (Repealed by 149)
142	Adds Article 5 (a) to Ord. 37, zoning (Not codified)
143	Rezone (Special)
144	Amends Ord. 20 § 2.0, waste matter removal (Repealed by 249)
145	Rezone (Special)

146	Amends Ord. 60 §§ 2, 12, 23, and 30, retirement system (2.76)
147	Rezone (Special)
148	Rezone (Special)
149	Amends Ord. 81 § 5.10 (a), buildings; repeals Ord. 141 (Repealed by 168)
150	Not adopted
151	Child protection (Repealed by 899)
152	Repeals and replaces Ord. 14 § 32.0, business licenses (Repealed by 314)
153	Repeals and replaces Ord. 68 § 4 , poolrooms (Repealed by 314)
154	Repeals and replaces Ord. 27 §§ 1.2 , 2.0 and 2.1 , sidewalk builder's licenses (12.08)
155	Repeals and replaces Ord. 99 § 5 , automobile dealer's licenses (Repealed by 314)
156	Adds § 6.1 (a) and (b) to ord. 3, dog control (Repealed by 733)
157	Repeals and replaces Ord. 99 § 5 , automobile dealer's licenses (Repealed by 314)
158	Minors' curfew (Repealed by 237)
159	Burning waste materials (Repealed by 907)
160	Not adopted
161	Rezone (Special)
162	Sidewalk construction, repeals Ord. 18 (12.04)
163	Abandoned iceboxes (Not codified)
164	Amends Ord. 14 § 13.0, business licenses (Repealed by 314)
165	Rezone (Special)
166	Rezone (Special)
167	Rezone (Special)
168	Building code adoption, repeals Ords. 1, 6 and 81 (Repealed by 544)
169	Adds Article 5 (B) to Ord. 37, zoning (Not codified)
170	Amends Ord. 11 § 75.1, traffic (Repealed by 425)
171	Magazine and periodical distribution (Not codified)
172	Amends Ord. 168 §§ 111.51, 111.55 and 113.14; adds §§ 9(a) and 4; repeals table 8 under § 111.68, building code (Repealed by 544)
173	Repeals and replaces Ord. 99 § 5 , automobile dealer's licenses (Repealed by 314)
174	Supplements Ord. 122, water distribution (13.08)

175	Special services department (Repealed by 899)
176	Street vending (Repealed by 314)
177	Adds a new section to Art. 7 of Ord. 37, zoning (Not codified)
178	Rezone (Special)
179	Amends Ord. 2_§ 4, electrical installations (Not codified)
180	Rezone (Special)
181	Repeals and replaces Ord. 68_§ 4, poolrooms (Repealed by 314)
182	Alcoholic liquor purchase and possession (Repealed by 358)
183	Rezone (Special)
184	Rezone (Special)
185	Rezone (Special)
186	Adds § 1-A to Ord. 173, automobile dealer's licenses (Repealed by 314)
187	Adds §§ S.5—6.7 to Ord. 37, zoning (Not codified)
188	Rezone (Special)
189	Anonymous publications (Repealed by 906)
190	Adds Art. 28 to Ord. 118, plumbing code (Repealed by 252)
191	Rezone (Special)
192	Amends Ord. 11 § 23, traffic (Repealed by 425)
193	Service station site control (Repealed by 314)
194	Amends Ord. 37_§ 4.2, paragraph 6, zoning (Not codified)
195	Amends § 113.14 of the building code adopted by Ord. 168 (Repealed by 544)
196	Smoke regulations (Repealed by 907)
197	Amends Ord. 32_§ 5, alcoholic beverages (Not codified)
198	Municipal court compensation (Not codified)
199	Amends Ord. 171_§ 7, magazine and periodical distribution (Repealed by 377)
200	Amends Ord. 151 §§ 3 and 6, child protection (Repealed by 899)
201	Repeals § 5-82(a) through (y), zoning (Repealer)
202	Parking lots (Not codified)
203	Rezone (Special)
204	Repeals_§ 4 of Ord. 9, public nuisances (Repealed by 238)

205	Adds § 69(a), hitchhiking, to Ord. 11, traffic (Repealed by 425)
206	Amends Ord. 37_§ 6.6, zoning (Not codified)
207	Rezone (Special)
208	Fire prevention code adoption (Repealed by 917)
209	Rezone (Special)
210	Increase of civil jurisdiction of the municipal court (Not codified)
211	Civil defense department (Repealed by 831)
212	Amends Ord. 60 §§ 1, 2, 12, 14—20, 22, 23, 25—32, 36 and 37; repeals § 38, retirement system (2.76)
213	Amends Ord. 158_§ 1, curfew for minors (Repealed by 308, 309, 324)
214	Amends Ord. 206 § 2.7, zoning (Not codified)
215	Rezone (Special)
216	Adds §§ 8(a) and 8(b) to Ord. 202, parking lots (Not codified)
217	Amends Ord. 124_§ 8, heating installation contractor's license (Repealed by 903)
218	Amends Ord. 64_§ 3, gas burner installation (Repealed by 308, 309, 324)
219	Amends Ord. 64_§ 3, gas burner installation (Repealed by 308, 309, 324)
220	Sewer department, repeals Ords. 44, 45, 53, 79, 113 and 126 (13.12)
221	Rezone (Special)
222	Adds § 72(a) to Ord. 11, traffic (Repealed by 425)
223	Rezone (Special)
224	Adds Article 21 to Ord. 37, zoning (Not codified)
225	Adds_§ 8(c) to Ord. 202, parking lots (Not codified)
226	Adopts National Electrical Code, amends Ord. 2_§ 2(c) (Not codified)
227	Rezone (Special)
228	Adds § 7.7 to Ord. 37, zoning (Not codified)
229	Noxious weed destruction (8.48)
230	Traffic-control devices (Not codified)
231	Amends Ord. 11 § 41.1, traffic (Repealed by 425)
232	Rezone (Special)
233	Rezone (Special)
234	Rezone (Special)
235	Ice and snow on sidewalks (12.12)
236	Amends Ord. 11 § 66, traffic (Repealed by 425)

237	Curfew for minors, repeals Ords. 158 and 213 (9.82)
238	Adds § 4 to Ord. 9, public nuisances; repeals Ord. 204 (Repealed by 306)
239	Parks and recreation department, repeals Ord. 128 (Repealed by 316)
240	Amends Ord. 37 § 3.2 , zoning (Not codified)
241	Amends Article 5 (B) of Ord. 37, zoning (Not codified)
242	Rezone (Special)
243	Amends Ord. 25 § 29.0, personnel (2.72)
244	Rezone (Special)
245	Repeals Ord. 65, heat and electricity consumption (Repealer)
246	Amends Ord. 60 § 19, retirement system (2.76)
247	Amends Ord. 8 § 4 , planning commission (2.60)
248	Rezone (Special)
249	Refuse storage and handling, repeals Ord. 20 and Ord. 144 § 1.0 (Not codified)
250	Ordinance violations bureau (2.32)
251	Amends Ord. 3 § 8 , dog control (Repealed by 733)
252	Adopts Plumbing Code, repeals Ord. 118 (Repealed by 547)
253	Amends Ord. 71 § 31, milk production (Repealed by 397)
254	Amends Ord. 202 § 6 , parking lots (Not codified)
255	Adds § 7.7D to Ord. 37, zoning (Not codified)
256	Rezone (Special)
257	Taxicabs (5.75)
258	Amends Ord. 257 Articles III § 4 and IV § 2 , taxicabs (5.75)
259	Amends Ord. 168 § 10 , building code (Repealed by 334)
260	Rezone (Special)
261	Amends Ord. 25 § 2.1 , personnel (2.72)
262	Food handling and sale (Repealed by 314)
263	Rezone (Special)
264	Rezone (Special)
265	Amends Ord. 114 § 5 , parking stations (5.51)
266	Amends Ord. 2 §§ 2(g), 2(h) and 4, electrical installations (Not codified)
267	Amends Ord. 124 § 8 , heating installation contractor's license (Repealed by 903)

268	Amends Ord. 168 by substituting the current edition of the building code (Repealed by 544)
269	Adds § 10.1 to Ord. 168, building code (Repealed by 544)
270	Amends Ord. 68 § 4 , poolrooms (Repealed by 314)
271	Amends Ord. 198 § 1 , municipal court compensation (Not codified)
272	Amends Article III § 1 of Ord. 257, taxicabs (5.75)
273	Repeals Ord. 221 § 4 (Repealer)
274	Swimming pools (15.48)
275	Refrigerating systems (Repealed by 548)
276	Amends Articles III § 1 , III § 6 and IV § 1 , taxicabs (5.75)
277	Repeals and replaces Ord. 27 § 2.1 , sidewalk builder's license (12.08)
278	Repeals and replaces Ord. 92 § 1.2(d) , signs (Not codified)
279	Rezone (Special)
280	Rezone (Special)
281	Amends Ord. 162 §§ 3.0 and 6.0, sidewalk construction (12.04)
282	Housing commission (Repealed by 335)
283	Moving building (15.28)
284	Amends § 107.1 of the building code adopted by Ord. 168 (Repealed by 544)
285	Amends Ord. 3 §§ 3, 9 and 10, dog control (Repealed by 733)
286	Rezone (Special)
287	Rezone (Special)
288	Amends § 113.14 of the building code adopted by Ord. 168 (Repealed by 544)
289	Amends Ord. 274 § 4 , swimming pools (15.48)
290	Sealer of weights and measures (Repealed by 899)
291	Adds § 2.1.A to Ord. 68, poolrooms (Repealed by 314)
292	Handbill and advertising matter distribution (Repealed by 303)
293	Rezone (Special)
294	Adds § 47.4 to Ord. 11, traffic (Repealed by 425)
295	Housing standards (Not codified)
296	Adds § 4.1 to Ord. 9, public nuisances (Repealed by 366)
297	Amends Ord. 226 by the substitution of the current

	electrical code (15.08)
298	Amends Ord. 3_§_1, dog control (Repealed by 733)
299	Amends Ord. 283_§_5, adds_§_4(f), building moving (15.28)
300	Amends Ord. 159_§_3(2), fire prevention (Repealed by 907)
301	Rezone (Special)
302	Rezone (Special)
303	Rescinds Ord. 292, handbills (Repealer)
304	Amends Ord. 68 § 2.1.A, poolrooms (Repealed by 314)
305	Rezone (Special)
306	Amends Ord. 272 §§ 1, <u>1.1</u> and 3, taxicabs (5.75)
307	Amends Ord. 272_§_1, taxicabs (5.75)
308	Adopts the gas and oil burner code, repeals Ord. 64 (Repealed by 309, 324)
309	Adopts the gas and oil burner code, repeals Ords. 64 and 308 (Repealed by 545)
310	Amends Ord. 68_§_4, poolrooms (Repealed by 314)
311	Not adopted
312	Amends Ord. 78 §§ 1 and 10, alcoholic beverage sale (5.06)
313	Repeals Ords. 12, 76, 86, 97, 105 and 115, merchant's licenses (Repealer)
314	Business licenses; repeals Ords. 14, 26, 31, 52, 53, 68, 70, 89, 95, 99, 100, 104, 133, 153, 155, 157, 164, 173, 176, 181, 186, 193, 262, 270, 291, 304 and 310 (5.03, <u>5.09</u> , <u>5.15</u> , <u>5.33</u> , <u>5.39</u> , <u>5.54</u> , <u>5.57</u> , <u>5.60</u> , <u>5.63</u> , <u>5.66</u> , <u>5.72</u>)
315	Amends Ord. 257 Article X_§_3; adds Article XV_§_2, taxicabs (5.75)
316	Parks and recreation department; repeals Ords. 128 and 239 (2.24)
317	Rezone (Special)
318	Rezone (Special)
319	Rezone (Special)
320	Amends Ord. 283_§_8(c), moving buildings (15.28)
321	Amends Ord. 9_§_4, public nuisances (Repealed by 366)
322	Handbills and advertising media (Repealed by 325)
323	Fences (Repealed by 793)
324	Amends Ord. 309_§_2, gas and oil burners; repeals Ords. 64, 218 and 308 (Repealed by 545)

325	Repeals Ord. 322, handbills (Repealer)
326	Christmas tree sale (5.21)
327	Furnishing cigarettes to minors (9.90)
328	Rezone (Special)
329	Rezone (Special)
330	Amends Ord. 314 § 24; adds § 24(g), business licenses for poolrooms (5.60)
331	Rezone (Special)
332	Amends Ord. 314 § 24(g), business licenses for poolrooms (5.60)
333	Baby chick and rabbit sale (6.08)
334	Amends Ord. 168 § 10 , building code; repeals Ord. 259 (Repealed by 544)
335	Repeals Ord. 282, housing commission (Repealer)
336	Rezone (Special)
337	Repeals Article 2 § 1 of Ord. 103 and § 18 of Ord. 122 (Repealer)
338	Tree removal license (8.40)
339	Sale of pocket knives with mechanical opening devices (9.92)
340	Rezone (Special)
341	Amends Ord. 323 § 2 , fences (Repealed by 793)
342	Amends Ord. 168 §§ 9.2 and 9.3 , building code (Repealed by 544)
343	Repeals § 9(a) of Ord. 168, building code (Repealer)
344	Adds § 24.3 to Ord. 11, traffic (Repealed by 425)
345	Rezone (Special)
346	Adds § 33A to Ord. 314, business licenses for laundry (5.72)
347	Food handling and sale (Repealed by 564)
348	Adds § 1.4 to Ord. 21, public morals and conduct (Title 9)
349	Amends Ord. 257 Art. II § 1 , Art. III §§ 1, 4 and 7, Art. IV §§ 2 and 3, Art. V § 1 and Art. X § 3 ; adds Art. II § 1.1 and Art. III § 2(g) , taxicabs (5.75)
350	Amends Ord. 349 Art. X § 3 , taxicabs (5.75)
351	Amends Ord. 25 § 28; adds § 9.5 , personnel (2.80)
352	Rezone (Special)
353	Rezone (Special)
354	Adds § 3.4 to Ord. 249, garbage rates (Not codified)
355	Adds § 2.13 to Ord. 249, garbage and refuse (Repealed by 850)

356	Amends Ord. 25_§ 9.6(a), personnel (2.72)
357	Glue sale and possession (9.86)
358	Alcoholic liquor regulations (Repealed by 08-05)
359	Zoning (Repealed by 628)
360	Amends Ord. 249 § 2.13(a) and (c), refuse removal (Repealed by 850)
361	Amends Ord. 314 §§ 4 and 35, business licenses (5.03)
362	Amends Ord. 249 § 2.13(b), refuse removal (Repealed by 850)
363	Amends Ord. 83_§ 3, junk collectors (5.39)
364	Posting of signs and advertising matter (8.32)
365	Adds § 2.13(d) to Ord. 249, refuse removal (Repealed by 850)
366	Amends Ord. 9_§ 3; repeals and replaces § 4; repeals §§ 4.1, 5 and 6, public nuisances (8.04)
367	Parking and standing on private property (Not codified)
368	Flammable liquid storage (Repealed by 907)
369	Resisting police officers (9.04)
370	Amends Ord. 359 §§ 300, 501, 1303(6) and 1308 and Art. V preamble and Art. XII, zoning (Repealed by 628)
371	Amends Ord. 11_§ 1; adds §§ 57.1(a) through (h) and 77.3, traffic (Repealed by 425)
372	Amends Ord. 60 §§ 17(a) and 17(c); repeals § 17(b), retirement system (2.76)
373	Adds § 57.1(b) to Ord. 11, traffic (Repealed by 425)
374	Adds § 1.1(x) to Ord. 21, public morals and conduct (Title 9)
375	Amends Ord. 375_§ 5, alcoholic beverage establishments (Repealed by 375)
376	Repeals and replaces § 40 of Ord. 11, traffic (Repealed by 425)
377	Repeals § 7 of Ord. 171, magazine distribution (Repealer)
378	Adds § 3.2 to Ord. 11, traffic (Repealed by 425)
379	Historical commission (2.48)
380	Amends Ord. 25_§ 9.6(b), personnel (Repealed by 533)
381	Repeals and replaces Ord. 249_§ 5, refuse storage and handling (Not codified)
382	Rezone (Special)
383	Amends Ord. 21_§ 1.1(b), public morals and conduct (Title 9)

384	Renumbers §§ 34 through 39 of Ord. 314; repeals, replaces and renumbers § 36, business licenses (5.84)
385	Adds § 34 to Ord. 314, business licenses (5.36)
386	Rezone (Special)
387	Motorcycles and motor-driven cycles (Repealed by 912)
388	Weed and harmful vegetation control (8.48)
389	Massage parlor licenses (Repealed by 787)
390	Rezone (Special)
391	Repeals and replaces Ord. 11_§ 18, traffic (Repealed by 425)
392	Adds_§ 5(g) to Ord. 202, parking lots (Not codified)
393	Disorderly conduct, repeals Ords. 21, 24, 35, 43, 50 and 130 (9.02, 9.04 , 9.20, 9.40 , 9.46 , 9.58 , 9.74 , 9.76 , 9.92 , 9.94 , 9.96 , 9.98)
394	Drive-in restaurants (8.16)
395	Adds_§ 3(a) to Ord. 202, parking lots (Not codified)
396	Amends Ord. 168 §§ 9.4 and 10; adds §§ 10.3 and 10.4, building code (Repealed by 544)
397	Repeals Ord. 71, milk production (Repealer)
398	Amends Ord. 359 § 702, zoning (Repealed by 628)
399	Amends Ord. 314 § 33, business licenses (Repealed by 501)
400	Landlord licensing (Repealed by 784)
401	Amends Ord. 11 § 76(a)(2), traffic (Repealed by 425)
402	Amends Ord. 359 § 400(5); repeals § 1304(9)(13), zoning (Repealed by 628)
403	Amends Ord. 359 § 300, 901(6) and 902(2); adds Art. XI-A, zoning (Repealed by 628)
404	Arts and humanities commission (Repealed by 899)
405	Rezone (Special)
406	Bus service franchise (Not codified)
407	Amends Ord. 13 § 2.2, alcoholic beverage sale (Repealed by 08-05)
408	Amends Ord. 78 §§ 7 and 11, establishments for alcoholic beverage sale (5.06)
409	Amends Ord. 11 § 57.1; adds § 57.1(i) through (m); repeals and replaces § 41, traffic (Repealed by 425)
410	Self-service carwash (5.69)
411	Motorcycle renting business (5.48)
412	Repeals and replaces § 55 of Ord. 11, traffic (Repealed by 425)

413	Housing commission (Repealed by 899)
414	Amends Ord. 107_§ 3, bicycle registration (Repealed by 912)
415	Amends Ord. 78 §§ 1, 2, 12, 14, and 16; repeals and replaces_§ 5; repeals §§ 5.1, 5.2 and 7; renumbers §§ 8 – 17, establishments for the sale of alcoholic beverages (5.06)
416	Amends Ord. 283_§ 4, moving buildings (15.28)
417	Amends Ord. 359 § 602 and Art. XII, zoning (Repealed by 628)
418	Rezone (Special)
419	Amends Ord. 359 §§ 400.5, 401.2, 602, 702, 904, 1000, 1305, 1307, 1309 and 1100.3, zoning (Repealed by 628)
420	Rezone (Special)
421	Amends Ord. 359 §§ 300, 1303 and 1308 and Arts. V and XII, zoning (Repealed by 628)
422	Amends Ord. 114_§ 3; repeals §§ 2, 18 and 21; renumbers remaining sections, parking stations (5.51)
423	Amends Ord. 202_§ 1, parking lots (not codified)
424	Fences (Repealed by 793)
425	Traffic, repeals Ord. 11 (Repealed by 663)
426	Amends Ord. 249_§ 2, refuse materials (Repealed by 907)
427	Repeals and replaces_§ 5 of Ord. 283, building moving (15.28)
428	Amends Ord. 60_§ 3, retirement system (2.76)
429	Development plan for the Dequindre Industrial Park (Not codified)
430	Adds a new_§ 13 to Ord. 283; renumbers prior §§ 13 and 14, building moving (15.28)
431	Adds a new § 37 to Ord. 393; renumbers §§ 37 – 39, disorderly conduct (9.20)
432	District area for Dequindre Industrial Park (Repealed by 446)
433	Stop and frisk (9.06)
434	Rezone (Special)
435	Rezone (Special)
436	District council for Dequindre Industrial Park (Repealed by 446)
437	Amends Ord. 393 § 19, disorderly conduct (9.76)
438	Amends Ord. 168_§ 3, building code (Repealed by 544)
439	Deletes_§ 5.4 from Ord. 295, housing (Repealer)

440	Amends Ord. 297 § 1 , National Electrical Code (Not codified)
441	Signs (15.44)
442	Market basket carts (9.16)
443	Repeals and replaces § 13 of Ord. 78, establishments for the sale of alcoholic beverages (5.06)
444	Amends Ord. 441 §§ 8.33, 8.24(4) and 8.25(b) (c); repeals and replaces §§ 8.23, 8.35 and 8.38; adds §§ 8.33(a) and 8.28 (a); renumbers §§ 8.38—8.40, signs (15.44)
445	Retirement system of 1968 (2.80)
446	Repeals Ords. 432 and 436, Dequindre Industrial Parks (Repealer)
447	Rezone (Special)
448	Amends Ord. 249 § 2.13(a), (b) and (c); adds § 2.13(d), refuse accumulation (Repealed by 850)
449	Amends Ord. 359 Art. XII, zoning (Repealed by 628)
450	Detroit Edison Company franchise (Not codified)
451	Residential builder's regulations (5.27)
452	Amends Ord. 444 § 3 (8.33), signs (15.44)
453	Noxious weed elimination (Repealed by 907)
454	Amends Ord. 445 § 10 , retirement system (2.80)
455	Amends Ord. 446 § 2 , retirement system (2.80)
456	Amends Ord. 453 §§ 3 and 4, weeds (Repealed by 907)
457	District area for Hazel Park Neighborhood Development Program (Repealed by 633)
458	Amends Ord. 359 §§ 904 and 1310, zoning (Repealed by 628)
459	District council for the Hazel Park Neighborhood Development Program (Repealed by 633)
460	Repeals Ord. 283 § 5 ; renumbers §§ 6—15, building moving (15.24)
461	Adds § 6.30 to Ord. 425, traffic (Repealed by 663)
462	Amends Ord. 249 § 2.10, refuse handling (Repealed by 907)
463	Adds § 12.2 to Ord. 168, building code (Repealed by 544)
464	Amends Ord. 400 § 2 , landlord business license (Repealed by 784)
465	Adds §§ 9 and 10 to Ord. 257, taxicabs (5.75)
466	Contract execution (Special)
467	Subdivisions (16.04, 16.08 , 16.12 , 16.16 , 16.20 , 16.24 , 16.28 , 16.32 , 16.36, 16.40, 16.44 , 16.48 , 16.52 , 16.56 ,

	16.60)
468	Amends Ord. 168_§ 10, building code (Repealed by 544)
469	Adds §§ 9 and 10 to Ord. 257, taxicabs (5.75)
470	Civil emergency organization (Repealed by 831)
471	Amends Ord. 359 § 1305(8), zoning (Repealed by 628)
472	Amends Ord. 441 § 8.25(7), signs (15.40)
473	Amends Ord. 3_§ 3, dog control (Repealed by 733)
474	Parental responsibility (9.84)
475	Amends Ord. 368_§ 1, flammable liquids (Repealed by 907)
476	Parks and playgrounds (9.18)
477	Motorized recreation vehicles (10.90)
478	Amends Ord. 2_§ 2, electrical installations (Not codified)
479	Amends Ord. 252_§ 1.1, plumbing code (Repealed by 547)
480	Amends Ord. 297_§ 1, electrical code (Repealed by 546)
481	Nonpartisan election procedure (2.04)
482	Rezone (Special)
483	Certificate of inspection prior to dwelling sale (Repealed by 558)
484	Amends Ord. 400 §§ 1 and 2, landlord business license (Repealed by 784)
485	Alarm systems (Repealed by 952)
486	Abolishment of office of constable by deleting §§ 7.14 – 7.17 of the Charter (Not codified)
487	Amends Ord. 208_§ 1, fire code (Repealed by 917)
488	Amends Ord. 481_§ 4, nonpartisan elections (2.04)
489	Elm tree protection (Repealed by 907)
490	Amends Ord. 393 § 25, disorderly conduct (9.20)
491	Amends Ord. 295_§ 7, housing (Not codified)
492	Amends Ord. 275_§ 5.8(d), refrigerating systems (Repealed by 548)
493	Amends Ord. 220 §§ 11 and 12, sewage disposal system (13.08)
494	Amends Ord. 309_§ 2, gas and oil burners (Repealed by 545)
495	Drug abuse and community mental health commission (Repealed by 899)
496	Narcotic and dangerous drugs (Repealed by 629)

497	Amends Ord. 314_§ 13, business licenses (5.03)
498	Amends Ord. 295_§ 7.9, housing (Not codified)
499	Amends Ord. 257 Art. IX, taxicabs (5.75)
500	Amends Ord. 441 § 8.25(7), signs (15.44)
501	Adds § 33(a) and (b) to Ord. 314; renumbers prior subsections, business licenses (Repealed by 633)
502	Adds § 38 to Ord. 393; renumbers §§ 39 and 40, disorderly conduct (Repealed by 908)
503	Amends Ord. 78_§ 1, establishment selling alcoholic beverages (5.06)
504	Amends Ord. 425_§ 5.12, traffic (Repealed by 663)
505	Amends Ord. 78 §§ 1, 5 and 11, establishments selling alcoholic beverages (5.06)
506	Amends Ord. 425_§ 7.13, pedestrians (Repealed by 663)
507	Adds § 38 to Ord. 393; renumbers, §§ 38—40, disorderly conduct (9.44)
508	Amends Ord. 359 § 1103, zoning (Repealed by 628)
509	Amends Ord. 3 §§ 1, 3, 6, 9 and 10, dog control (Repealed by 733)
510	Human relations commission (Repealed by 899)
511	Adds §§ 8.1—8.4 to Ord. 162, sidewalk construction (12.04)
512	Amends Ord. 162_§ 8.1, sidewalk construction (12.04)
513	Amends Ord. 2, electrical code (Not codified)
514	Amends Ord. 495_§ 2, drug abuse and community mental health commission (Repealed by 899)
515	Adds § 26A to Ord. 393, disorderly conduct (Not codified)
516	Amends Ord. 73 §§ 7 and 8, solicitation restrictions (5.18)
517	Rezone (Special)
518	Rezone (Special)
519	Amends Ord. 78_§ 5, establishments selling alcoholic beverages (5.06)
520	Amends Ord. 359 §§ 1600 and 1601, zoning (Repealed by 628)
521	Amends Ord. 9_§ 4, public nuisances (8.04)
522	Rezone (Special)
523	Council on aging (Repealed by 899)
524	Rezone (Special)
525	Rezone (Special)

526	Wage loss reimbursement (2.70)
527	Adds § 9.5 to Ord. 168, building code (Repealed by 544)
528	Amends Ord. 168 § 8.1 , building code (Repealed by 544)
529	Amends Ord. 425 § 1.008, traffic (Repealed by 663)
530	Amends Ord. 295 § 1.8, housing (Not codified)
531	Deletes and replaces Ord. 445 § 26, retirement system (2.80)
532	Amends Ord. 388 §§ 5 and 6; adds § 6A, weed control (8.48)
533	Repeals § 9.6(a)–(e) ; adds new § 9.6 , personnel (2.72)
534	Amends Ord. 314 § 36, business licenses (Repealed by 903)
535	Amends Ord. 338 § 1 , tree removal (8.40)
536	Amends Ord. 442 § 4 , market basket carts (Repealed by 788)
537	Amends Ord. 400 § 2 , landlord business license (Repealed by 784)
538	Amends Ord. 483 § 5 , dwelling inspection (Repealed by 558)
539	Amends Ord. 202 § 6 , parking lots (Not codified)
540	Amends Ord. 274 § 5 , swimming pools (15.48)
541	Amends Ord. 235 § 2 , ice and snow on sidewalks (12.12)
542	Amends Ord. 359 § 1605, zoning (Repealed by 628)
543	Adds § 5a to Ord. 208, fire code (Repealed by 917)
544	Adopts the BOCA Basic Building Code; repeals Ord. 168 (15.04)
545	Adopts the Reciprocal Heating Code; repeals Ords. 324 and 494 (Repealed by 638)
546	Adopts the National Electrical Code; repeals Ord. 480 (Repealed by 921)
547	Adopts the official plumbing code of Detroit; repeals Ords. 252 and 479 (Repealed by 579)
548	Refrigerating systems (Repealed by 915)
549	Amends Ord. 445 § 26, retirement system (2.80)
550	Parking and storage of recreational vehicles (Not codified)
551	Amends §§ 114.3 and 114.6 of the Basic Building Code adopted by Ord. 544 (Repealed by 880)
552	Amends Ord. 379 § 2 , historical commission (2.48)

553	Adds §§ 107.10, 127.21(a), 127.23(a), 127.41(a), 127.41(b), 127.42(a), 127.54(a), 118.2(a), 118.3(a), 118.4(a), 118.7, 118.8 and 122.3(a) to the Basic Building Code adopted by Ord. 544 (Repealed by 880)
554	Amends Ord. 13 § 2.2, sale of alcoholic beverages to minors (Repealed by 08-05)
555	Amends Ord. 314 § 31, business licenses (5.15)
556	Amends Ord. 359 §§ 200, 400.5, 401.2, 602.1(c), 702.4(a), 904.1, 1000.2(c), 1000.3, 1000.4, 1305.7, 1309 and A1100.3, zoning (Repealed by 628)
557	Amends Ord. 359 § 1103, zoning (Repealed by 628)
558	Repeals Ord. 483, dwelling inspections (Repealer)
559	Repeals and replaces subsection (c), § 38 Ord. 393, disorderly conduct (Repealed by 908)
560	Amends Ord. 359 § 702.8, zoning (Repealed by 628)
561	Amends Ord. 523 <u>§ 4</u> , council on aging (Repealed by 899)
562	Amends Ord. 9 <u>§ 3</u> , public nuisances (8.04)
563	Gas franchise (Special)
564	Food handling regulations; repeals Ord. 347 (Repealed by 907)
565	Rezone (Special)
566	Rezone (Special)
567	Amends Ord. 314 § 30(1), business licenses (5.33)
568	Interpretation, definition (1.04)
569	Right of entry (1.08)
570	General penalty (1.12)
571	Amends subsection 8(8) of § 702 of Ord. 359, adult literature and entertainment zoning restrictions (Repealed by 628)
572	Amends subsections 7 and 8 of § 1302 of Ord. 359, nonconforming buildings and uses (Repealed by 628)
573	Zone map change (Special)
574	Adopts housing act (Not codified)
575	Zoning map change (Special)
576	Housing development for senior citizens (Special)
577	Code adoption (1.01)
578	Adopts BOCA Basic Housing-Property Maintenance Code (Not codified)
579	Adopts BOCA Basic Plumbing Code; repeals Ord. 547 (Repealed by 918)
580	Adds subsection U to <u>§ 5.06.060</u> , dance permit waiver (5.06)

581	Replaces § 15.04.010, adoption of BOCA Basic Building Code (15.04)
582	Adopts 1978 National Electrical Code (Repealed by 921)
583	Amends Ord. 537, § 1 , as amended, and § 5.42.020 , license to lease regulations (Repealed by 784)
584	Adopts BOCA Basic Fire Prevention Code (Repealed by 917)
585	Adds (j) to § 17.21.040, zoning (Repealed by 628)
586	Amends §§ 9.40.010 , 9.40.030 , 9.40.040 , gambling (9.04)
587	Amends § 6.04.170, dogs (Repealed by 733)
588	Amends § 15.04.010, BOCA Basic Building code (15.04)
589	Amends § 15.20.010, BOCA Fire Prevention Code (Repealed by 917)
590	Amends § 15.36.010, BOCA Basic Plumbing Code (Repealed by 918)
591	Amends § 15.24.002 BOCA Basic Housing Property Maintenance Code (Not codified)
592	Rezone (Special)
593	Adds §§ 15.36.070—15.36.130, water supply cross connections (Repealed by 918)
594	City tax exemption on low income housing development (Special)
595	Rezone (Special)
596	Adds subsection C to § 15.20.260, fire prevention code (Repealed by 917)
597	Adds §§ 10.06.085 and 10.06.480 ; amends § 10.93.010 , vehicles and traffic (10.06)
598	Amends § 17.48.170, parking requirements (Repealed by 628)
599	Amends § 15.12.050 , fences (Repealed by 793)
600	Rezone (Special)
601	Rezone (Special)
602	Rezone (Special)
603	Rezone (Special)
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613	Rezone (Special)
614	Rezone (Special)
615	Amends § 8.40.010 , tree planting permit fee (8.40)
616	Amends § 15.12.020, fence construction permit (Repealed by 793)
617	Amends § 15.44.490, sign construction fee schedule (Repealed by 696)
618	Amends § 2.80.170 , policeman or fire member pension (2.80)
619	Adds Ch. 17.40, site plan review (Not codified)
620	Amends § 9.82.010 , curfew (9.82)
621	Amends § 15.40.310, refrigerating systems fees (Repealed by 915)
622	Amends § 12.04.020 , sidewalk construction permit (12.04)
623	Amends § 15.32.030, reciprocal heating code fees (Repealed by 638)
624	Amends § 13.12.110 , sewer connection fee (13.12)
625	Amends § 2.80.140A, retirement plan (2.80)
626	Adds §§ 2.80.020Q and 2.80.170D and adds to § 2.80.200 ; amends §§ 2.80.020P and 2.80.200A; and renumbers subsections Q through U of § 2.80.020 , retirement plan (2.80)
627	Adds §§ 2.80.020Q and 2.80.170D and adds to § 2.80.200 ; amends §§ 2.80.020P and 2.80.200A; and renumbers subsections Q through U of § 2.80.020 , retirement plan (2.80)
628	Zoning; repeals Ord. 359 (Not codified)
629	Paraphernalia for the unlawful use of controlled substances; repeals Ch. 9.38 (Repealed by 708)
630	Amends subsection P, adds new Q and renumbers prior Q through U to be R through V of § 2.08.020; adds subsection D to § 2.80.170 ; amends subsection A and adds Options D and E to § 2.80.200 , 1968 retirement plan (2.80)
631	Adds subsection I to § 17.08.270; adds subsection H to § 17.08.280; adds sentence to § 17.08.390; adds footnote d to § 17.40.020 zoning (Not codified)
632	Amends zoning map (Not codified)
633	Repeals Ch. 17.81 and Ords. 457 and 459 (Repealer)

634	Amends § 2.68.040, council on aging (Repealed by 899)
635	Amends zoning map (Not codified)
636	Amends zoning map (Not codified)
637	Amends § 10.87.100, bicycle impoundment and sale (Repealed by 912)
638	Adopts BOCA Basic Mechanical Code, 1978 Edition, and Part 9 Mechanical Code Rules; sets out fees; repeals Ord. 545 and Ch. 15.32 , reciprocal heating code (Repealed by 919)
639	Cable communications procedures ordinance (Not codified)
640	Repeals Ch. 9.78, admission to race track (Repealer)
641	Amends § 7 of Ord. 594, tax exemption for certain low-income housing (Special)
642	Amends § 5.81.010, business license fees (Repealed by 903)
643	Amends §§ 6.04.050 and 6.04.160 , dogs (Repealed by 733)
644	Amends zoning map (Not codified)
645	Amends § 15.32.030, reciprocal heating code fees (Not codified)
646	Amends § 15.40.310, refrigerating system fees (15.40)
647	Amends §§ 15.04.060, 15.04.070 and 15.04.080, building code (Repealed by 880)
648	Amends § 15.36.025, plumbing code fees (Repealed by 918)
649	Amends §§ 17.04.010, 17.40.020(d), and 17.45.020, zoning (Not codified)
650	Amends § 6.04.180 and adds § 6.04.190, dogs (Repealed by 733)
651	Amends §§ 5.15.020 , 5.15.030 and 5.15.040 , carnivals (5.15)
652	Amends zoning map (Not codified)
653	Amends § 17.40.030, zoning (Not codified)
654	Amends § 17.40.010, zoning (Not codified)
655	Amends § 2 of Ord. 594, tax exemption for certain low-income housing (Special)
656	Amends §§ 6.04.130 and 6.04.150 , dogs (Repealed by 733)
657	Amends § 17.22.030, zoning (Not codified)
658	Adds Ch. 5.79 , mechanical or electronic amusement devices; amends § 5.81.010, business licenses fees (5.79)

659	Cable television system franchise (Special)
660	Amends zoning map (Not codified)
661	Amends § 15.40.310, refrigerating system fees (Repealed by 915)
662	Amends § 4 of Ord. 638, mechanical code fees (15.32)
663	Adopts Uniform Traffic Code; repeals Ord. 425, traffic (10.04)
664	Amends §§ 5.03.020 and 5.03.220 , business licenses (5.03)
665	Adds subsection H to § 17.12.030; repeals subsection B of § 17.12.020 and renumbers subsections A through H (Not codified)
666	Adopts standards and regulations for Southeastern Oakland County SDS (Not codified)
667	Adds Ch. 17.42; amends §§ 17.04.010, 17.08.270A, 17.12.020A, 17.15.030D and 17.40.030; repeals § 17.08.210, zoning (Not codified)
668	Rezone (Special)
669	Amends § 17.40.030, zoning (Not codified)
670	Amends § 17.56.150(A), zoning (Not codified)
671	Adds language to § 5.75.370 and amends § 5.75.030 , taxicabs (5.75)
672	Amends § 5.81.010, business license fees (Repealed by 903)
673	Amends § 2.80.020 (E), 1968 retirement plan (2.80)
674	Amends § 12.16.050 , ice and snow removal business (12.16)
675	Amends zoning map (Not codified)
676	Amends § 2.72.060 , merit system (2.72)
677	Uniform Traffic Code for Cities, Towns and Villages (Not codified)
678	Adds subsection (J) to; and amends subsections (B) (C), (E) and (F) of § 17.08.220, zoning (Not codified)
679	Amends zoning map (Not codified)
680	Amends § 5.81.010, business license for schedule (Repealed by 903)
681	Amends § 5.42.020 , landlords (Repealed by 784)
682	Snow emergency parking restrictions (10.72)
683	Amends §§ 5.75.030 and 5.75.370 , taxicabs (5.75)
684	Adds § 17.08.300 and 17.12.020 (H); amends § 17.08.270, zoning; repeals § 17.12.030(F) (Not codified)
685	Amends §§ 13.04.030 , 13.04.070 , 13.04.130 , 13.04.140 and 13.04.150 , water supply system (13.04)

686	Amends §§ 13.12.110 — 13.12.140, sewer department (13.12)
687	Rezone (Special)
688	Adds § 17.08.210, zoning (Not codified)
689	Amends §§ 2.80.030 , 2.80.100 , 2.80.120 , retirement plan (2.80)
690	Adds § 2.80.075 , retirement plan (2.80)
691	Adds § 5.57.070 , peddlers and solicitors (5.57)
692	Amends zoning map (Not codified)
693	Amends zoning map (Not codified)
694	Adds Ch. 9.59 , soliciting vehicles (Repealed by 762)
695	Amends §§ 9.82.010 and 9.82.030 , curfew (9.82)
696	Amends § 15.44.250D; repeals and replaces §§ 15.44.110 , 15.44.480 and 15.44.490, signs (15.44)
697	Adds § 9.84.025 ; retitles chapter, parental and adult responsibility for alcoholic beverages and drugs (9.84)
698	Amends § 8.28.150, garbage and refuse (Repealed by 850)
699	Adds subsection Z to § 9.58.010 , disorderly and tumultuous conduct (9.58)
700	Adds Ch. 15.09 , property maintenance (Repealed by 920)
701	Amends § 15.32.010 , mechanical code (Repealed by 919)
702	Amends § 15.04.010 , building code (15.04)
703	Amends § 15.20.010 , fire prevention code (Repealed by 917)
704	Amends § 15.36.010 , plumbing code (Repealed by 918)
705	Water system bond issuance (Special)
706	Amends § 15.08.020, electrical code (Not codified)
707	Adds §§ 9.18.141 and 9.18.160 ; amends §§ 9.18.120 and 9.18.140 , parks and playgrounds (9.18)
708	Repeals and replaces Ch. 9.38 , drug paraphernalia (9.38)
709	Adds §§ 9.54.040 and 9.54.041, alarm noise (Repealed by 908)
710	Amends § 15.04.110 and §§ 122.3(a) of BOCA and § PM-109.2 of BOCA Basic Property Maintenance Code, 1981, building code (Repealed by 888)
711	Adds (1) to § 10.42.30 of the state traffic code, fraudulent identification (10.04)
712	Amends § 2.24.030 , parks and recreation department (2.24)

713	Amends §§ 5, 6, 14, 19 and 21, and repeals §§ 23, 24 and 28 of Ord. 705, water system bond issuance (Special)
714	Amends § 9.18.120 , parks and playgrounds (9.18)
715	Adds Ch. 10.91 , parking violations bureau (Repealed by 794)
716	Amends § 8.28.060(E), garbage and refuse (Repealed by 907)
717	Amends § 2.27.110, merit system (2.72)
718	Amends § 8.48.070 ; repeals and replaces §§ 8.48.050 and 8.48.060 , weeds; repeals § 8.48.110 (8.48)
719	Amends § 8.48.030 , weeds (8.48)
720	Amends §§ 2.68.020 and 2.68.040, council on aging (Repealed by 899)
721	Amends § 2.80.200 ; repeals and replaces § 2.80.160 , 1968 retirement plan (2.80)
722	Amends zoning map (Not codified)
723	Amends zoning map (Not codified)
724	Rezone (Special)
725	Adds §§ 9.54.042—9.54.056, miscellaneous offenses against public peace (Repealed by 908)
726	Adds (s) to § 17.22.030 and language to § 17.40.030, zoning (Not codified)
727	Amends § 17.45.020; repeals and replaces the definition of usable floor area in § 17.04.010; repeals and replaces §§ 17.30.070 and 17.45.030, zoning (Not codified)
728	Repeals and replaces § 17.50.060, zoning (Not codified)
729	Substitutes "Youth Assistance Committee" for "Child Protection Committee" in title of Ch. 2.64 and in text of §§ 2.64.010 and 2.64.030, youth assistance committee (Repealed by 899)
730	Repeals and replaces § 17.08.290, zoning (Not codified)
731	Adds Ch. 10.39, driving while intoxicated (Repealed by 910)
732	Amends §§ 10.39.010(4) and 10.39.010(a)(2), driving while intoxicated (Repealed by 910)
733	Repeals and replaces Ch. 6.04 , dogs, cats and animals (6.04)
734	Amends zoning map (Not codified)
735	Amends § 17.40.030, schedule of zoning regulations (Not codified)

736	Adds § 12.04.030, 12.04.035 , sidewalk construction, repair and use (12.04)
737	Repeals and replaces § 4 of Ord. 367, parking and standing on private property (Not codified)
738	Amends zoning map (Not codified)
739	Adds §§ 15.24.230(C) and 15.24.410, housing code (Not codified)
740	Adds Ch. 2.03 , elected officials compensation commission (2.03)
741	Amends title of Ch. 15.09 and amends §§ 15.09.010, 15.09.020 and 15.09.030, existing structures code (Repealed by 920)
742	Amends §§ 15.08.020 and 15.08.030, electrical code (Repealed by 921)
743	Amends § 15.20.010 , fire prevention code (Repealed by 917)
744	Amends § 15.36.010 , plumbing code (Repealed by 918)
745	Amends §§ 15.32.010 and 15.32.020 , mechanical code (Repealed by 919)
746	Amends § 15.04.010 , building code (15.04)
747	Amends § 5.81.010, business fee schedule (Repealed by 903)
748	Adds § 2.80.131 , 1968 retirement plan (2.80)
749	Amends zoning map (Not codified)
750	Amends zoning map (Not codified)
751	Adds § 8.28.030(H), garbage and refuse (Repealed by 907)
752	Adds § 8.28.030(G), garbage and refuse (Repealed by 907)
753	Adds §§ 9.58.030 and 9.58.040, disorderly and tumultuous conduct (9.58)
754	Adds Ch. 10.40 , vehicles and traffic (Repealed by 766)
755	Adds Ch. 15.52 , downtown development authority (15.52)
756	Adds § 8.04.035 , nuisances (8.04)
757	Amends § 15.24.002(A) and (B), housing code (Not codified)
758	Amends § 5.06.120, alcoholic beverages (Repealed by 901)
759	Amends §§ 17.04.010 and 17.21.020, zoning (Not codified)
760	Repeals and replaces subsection (B) of § 17.08.400, zoning (Not codified)

761	Amends §§ 17.21.010, 17.21.020, 17.22.010, 17.22.030 and 17.40.030, zoning (Not codified)
762	Repeals and replaces § 9.59.010 and Ch. 9.59 title, soliciting rides, employment or business (9.59)
763	Amends § 15.44.010(J) , sign code (15.44)
764	Repeals and replaces § 2.80.110 , 1968 retirement plan (2.80)
765	Amends § 2.80.030(A)(2) , 1968 retirement plan (2.80)
766	Repeals and replaces Ch. 10.40 , expense of emergency response (10.40)
767	Repeals and replaces §§ 10.75.020 , 10.75.030 and 10.75.050 , restrictions on trucks and commercial vehicles (10.75)
768	Repeals Title 3 and Ch. 3.04 (Repealer)
769	Adds Ch. 9.29 , telephone harassment (9.29)
770	Adds §§ 15.09.040, 15.09.045 and 15.09.050, existing structures code (Repealed by 920)
771	Adds § 5.57.055 , peddlers and solicitors (5.57)
772	Amends §§ 17.40.010 and 17.50.050, zoning (Not codified)
773	Amends §§ 17.04.010, 17.22.020, 17.22.030, 17.26.030, 17.40.030 and 17.45.020, zoning (Not codified)
774	Adds Ch. 9.09 , false fire alarm and false police calls (9.09)
775	Adds § 15.36.140, plumbing code (Repealed by 918)
776	Adds § 15.08.680, electric code (Repealed by 921)
777	Adds § 15.09.040, existing structures code (Repealed by 920)
778	Adds § 15.20.270, fire prevention code (Repealed by 917)
779	Adds § 15.32.030 [15.32.040], mechanical code (15.32)
780	Adds § 1.12.030 , general penalty (1.12)
781	Amends zoning map (Not codified)
782	Adds Ch. 2.90, local development finance authority (Repealed by 899)
783	Adds Ch. 3.03 , Parkhaven Manor Retirement Community payment in lieu of real estate taxes (3.03)
784	Repeals and replaces Ch. 5.42 , landlords and tenants (Repealed by 855)
785	Amends zoning map (Not codified)
786	Amends zoning map (Not codified)

787	Repeals and replaces Ch. 5.45 , massage regulations (5.45)
788	Repeals § 9.16.040 (Repealer)
789	Repeals and replaces § 17.08.270, zoning (Not codified)
790	Amends §§ 17.04.010, 17.21.020, 17.22.030 and 17.40.030, zoning (Not codified)
791	Amends § 2.03.040 , elected officials compensation commission (2.03)
792	Adds subsection (D) to § 17.08.300, zoning (Not codified)
793	Repeals and replaces Ch. 15.12 , fences; repeals Ch. 15.16 (Repealed by 876)
794	Repeals §§ 10.91.010 , 10.91.020, 10.91.030 and 10.91.040 (Repealer)
795	Amends § 1 of Ord. 786, zoning map amendment (Not codified)
796	Repeals and replaces §§ 3.03.010 and 3.03.060 , tax exemption—Parkhaven Manor retirement community (3.03)
797	Sewage disposal system (13.16)
798	Adopts development plan and financing plan for downtown development district (Special)
799	Amends zoning map (Not codified)
800	Repeals and replaces §§ 6.04.150 and 6.04.190, licensing dogs and cats (6.04)
801	Adds Ch. 8.29 , recycling and waste disposal (Repealed by 839)
802	Adds § 17.08.310 and amends § 17.14.010, zoning (Not codified)
803	Adds footnote (k) to § 17.40.010 and amends § 17.50.050, zoning (Not codified)
804	Amends § 9.82.010 , loitering by minors (9.82)
805	Amends zoning map (Not codified)
806	Amends § 15.36.010, BOCA National Plumbing Code (Repealed by 918)
807	Amends § 15.32.010 , mechanical code (Repealed by 919)
808	Amends § 15.24.002, BOCA Basic Housing-Property Maintenance Code (Not codified)
809	Amends § 15.20.010, BOCA National Fire Prevention Code (Repealed by 917)
810	Amends §§ 15.08.020 and 15.08.030, National Electrical Code (Repealed by 921)

811	Amends § 15.04.010, BOCA National Building Code (15.04)
812	Amends §§ 5.42.005 , 5.42.020 , 5.42.030 (A) and 5.42.060 , landlords and tenants (Repealed by 855)
813	Amends § 5.81.010, business license fee schedule (Repealed by 903)
814	Amends §§ 5.03.060 and 5.03.210 , licensing and registering (5.03)
815	Adds §§ 6.04.055 and 6.04.205; amends § 6.04.050 , dangerous animals (6.04)
816	Amends zoning map (Not codified)
817	Amends § 15.44.610, political campaign signs (15.44)
818	Adds Ch. 9.43 , controlled substances or drug paraphernalia (9.43)
819	Adds Ch. 15.23 , hazardous or dangerous substances or materials (15.23)
820	Adds § 9.46.010 (G), prostitution (9.46)
821	Amends § 10.91.020(A) (1), handicapped parking violations (10.91)
822	Adds §§ 2.80.215 and 2.80.140 (C); amends §§ 2.80.200 and 2.80.290 (B), 1968 retirement plan (2.80)
823	Adds Ch. 8.07, houses for drug use and prostitution (Repealed by 907)
824	Adds § 9.58.010 (R) [(S)], amplified sound from motor vehicles (9.58)
825	Repeals and replaces § 2.80.320 , 1968 retirement plan (2.80)
826	Adds Ch. 10.41 , school buses, seatbelts, child restraint and abandoned vehicles (10.41)
827	Repeals and replaces § 9.58.010 (J), assault and battery (9.58)
828	Adds Ch. 9.75 , domestic violence (9.75)
829	Amends § 9.18.160 , alcoholic beverages on public parks, playgrounds and parking lots (9.18)
830	Adds Ch. 10.30, fleeing and eluding (Repealed by 912)
831	Adopts Ch. 2.12; repeals Chs. 2.12 and 2.16, emergency management (Repealed by 899)
832	Amends boundary of the downtown development authority (Special)
833	Adopts development plan (Special)
834	Adopts development plan (Special)
835	Adopts development plan (Special)
836	Amends § 5.42.020 , landlord registration (Repealed by 855)

837	Renumbers Ch. 17.23 to be Ch. 17.24, zoning (Not codified)
838	Adds Ch. 17.23, zoning for B-3 central business district; amends §§ 15.04.040, building code; amends Article III heading in Ch. 15.44 , and §§ 15.44.070 and 15.44.190 , sign code; amends §§ 17.40.020 and 17.41.020(A), zoning (15.44)
839	Repeals and replaces Ch. 8.29 , solid waste regulation and disposal (8.29)
840	Amends zoning map (Title 17, Appx. B)
841	Amends Table B-2 and Appendix A of Ord. 833, development area (Special)
842	Amends Appendix D of Ord. 834, development area (Special)
843	Amends §§ 13.04.140 —13.04.200, water supply system (13.04)
844	Amends §§ 15.04.010 and 15.04.020 and repeals §§ 15.04.030—15.04.190, building code (Not codified)
845	Amends §§ 15.36.010 [15.08.010] and 15.08.020 and repeals §§ 15.08.030—15.08.190, electrical code (Repealed by 921)
846	Amends §§ 15.09.010 and 15.09.020 and repeals § 15.09.030, property maintenance code (Repealed by 920)
847	Amends Ch. 15.20 , fire code (Repealed by 917)
848	Amends §§ 15.32.010 and 15.32.020 and repeals §§ 15.32.030 and 15.32.040, mechanical code (Repealed by 919)
849	Amends §§ 15.36.010 and 15.36.020 and repeals §§ 15.36.030—15.36.140, plumbing code (Repealed by 918)
850	Repeals and replaces § 8.28.150, vehicle storage on private property (Repealed by 907)
851	Amends § 15.44.250, temporary signs (15.44)
852	Motor carrier load (10.26)
853	Amends boundary of downtown development authority (Special)
854	Amends zoning map (Not codified)
855	Repeals §§ 5.42.005 , 5.42.010 —5.42.090 and adds new §§ 5.42.005 , 5.42.010 —5.42.130, landlords and tenants (5.42)
856	Development plan (Special)
857	Development plan (Special)
858	Development plan (Special)

859	Amends § 5.03.120(C) , business license application (5.03)
860	Amends § 15.09.020 , property maintenance (Repealed by 920)
861	Amends § 9.82.010 , curfew (9.82)
862	Amends § 5.15.020 , carnivals (5.15)
863	Adds §§ 9.20.060 and 9.20.070 , offenses against property (9.20)
864	Amends § 5.14.060; renumbers existing § 5.14.060 to be § 5.14.070, cable communications service (Not codified)
865	Adds Ch. 2.100 , retirement plan (2.100)
866	Approves merging of development plan and tax increment financing plan (Special)
867	Electrical code (Repealed by 921)
868	Amends § 10.26.040 , motor carrier load (10.26)
869	Amends §§ 5.03.020 and 5.81.010, licensing and registration (5.03)
870	Amends Ch. 17.26, zoning (Not codified)
871	Adds § 2.100.820 , special early retirement program (2.100)
872	Development plan (Special)
873	Amends § 10.91.010 , handicapped parking (10.91)
874	Adds § 2.100.821, department of public works early retirement (2.100)
875	Amends zoning map (Not codified)
876	Repeals and replaces Ch. 15.12 , fences (15.12)
877	Amends Ch. 17.30, zoning (Not codified)
878	Amends Ch. 17.41, zoning (Not codified)
879	Amends zoning map (Not codified)
880	Amends §§ 15.04.010 and 15.04.020 ; repeals §§ 15.04.030—15.04.190, building code (Repealed by 922)
881	Amends Ch. 17.45, zoning (Not codified)
882	Amends §§ 10.40.010(A) and (B), 10.40.040 , 10.40.060 and 10.40.070 ; repeals § 10.40.050, expense of emergency response (10.40)
883	Adds Ch. 10.92, operating a motor vehicle with a suspended, revoked or denied license (Repealed by 10-04)
884	Repeals and replaces Ch. 10.39, operating a motor vehicle under the influence of intoxicating liquor or a controlled substance (Repealed by 910)

885	Amends §§ 17.30.070(b) and 17.40.020(d), zoning (Not codified)
886	Amends zoning map (Not codified)
887	Plumbing code; repeals § 15.32.010 [15.36.010] (Repealed by 918)
888	Property maintenance code; repeals § 15.09.010 (Repealed by 920)
889	Mechanical code; repeals § 15.32.010 (Repealed by 919)
890	Fire prevention code; repeals § 15.20.010 (Repealed by 917)
891	Property maintenance code; repeals § 15.09.010 (Repealed by 920)
892	Adds §§ 8.04.045 , 8.04.046 , 8.04.047 and 8.04.065 ; amends §§ 8.04.035 , 8.04.040 and 8.04.060 , nuisances (8.04)
893	Adds planned unit development overlay zone (Special)
894	Amends Ch. 5.14, cable communications (Not codified)
895	Amends Ch. 5.45 , massage licensing and regulation (5.45)
896	Adopts John R. Road development area amendment 3 (Special)
897	Adds § 17.30.025; amends §§ 17.04.010, 17.08.280(B), 17.21.030, 17.22.030, 17.23.030, 17.24.030, 17.26.030, 17.27.030, 17.40.030, zoning (Not codified)
898	Amends § 2.100.540 , 1989 retirement plan (2.100)
899	Amends §§ 2.20.010 , 2.28.010 , Ch. 2.32 and § 2.60.010 ; repeals §§ 2.08.010—2.08.430, 2.12.010—2.12.130, 2.36.010—2.36.050, 2.40.010—2.40.060, 2.44.010—2.44.150, 2.52.010 —2.52.040, 2.56.010—2.56.100, 2.64.010—2.64.060, 2.68.010—2.68.050, 2.90.010—2.90.080, administration and personnel (2.20, 2.28 , 2.32 , 2.60)
900	Adds Ch. 2.33 , civil infractions (2.33)
901	Amends §§ 5.06.060 and 5.06.130 ; repeals §§ 5.06.120, 5.06.140, alcoholic beverages (5.06)
902	Amends Ch. 5.18 , charitable solicitations (5.18)
903	Amends Ch. 5.27 and § 5.39.130 ; repeals §§ 5.24.010—5.24.090, 5.27.040, 5.30.010 —5.30.060, 5.75.050(F) , 5.75.120(F) , 5.78.010—5.78.030 and 5.81.010, business licenses and regulations (5.27, 5.39 , 5.75)
904	Amends §§ 5.36.010 —5.36.110, 5.51.040 , 5.66.010 , 5.69.020 and 5.69.040 ; renumbers § 5.64.060 to

	5.69.060 , business licenses and regulations (5.36, 5.51 , 5.66 , 5.69)
905	Amends Ch. 5.60 , pool rooms and pool tables (5.60)
906	Adds §§ 9.20.025 , 9.20.080 , 9.25.010 ; amends § 9.18.160 , Ch. 9.38 and § 9.86.020 ; repeals §§ 9.16.050, 9.28.010, 9.28.020, 9.42.010, 9.44.010—9.44.040, 9.62.010, 9.64.010, 9.92.040, public peace, morals and welfare (9.18, 9.20, 9.25 , 9.38 , 9.86)
907	Adds §§ 8.04.031 , 8.40.060 ; amends Ch. 8.04 and §§ 8.40.010 —8.40.050, 8.48.010 (D), 8.48.080 ; repeals §§ 8.07.010—8.07.100, 8.08.010—8.08.090, 8.12.010—8.12.030, 8.16.080, 8.20.010—8.20.760, 8.24.010—8.24.040, 8.28.010 —8.28.170, 8.44.010—8.44.080, 8.48.100, 8.48.120—8.48.140, health and safety (8.04, 8.40 , 8.48)
908	Amends Ch. 9.58 ; repeals §§ 9.36.010—9.36.060, 9.48.010, 9.48.020, 9.54.010—9.54.056, public peace, morals and welfare (9.58)
909	Amends § 10.04.010 , uniform traffic code (10.04)
910	Repeals and replaces Ch. 10.39, operating a vehicle under the influence of intoxicating liquor, a controlled substance or a combination of intoxicating liquor and a controlled substance (Repealed by 10-04)
911	Amends §§ 10.41.010 , 10.41.020 , 10.41.030 , school buses, seat belts, child restraint and abandoned vehicles (10.41)
912	Amends § 10.90.050 (G); repeals §§ 10.30.010, 10.84.310—10.84.340, 10.87.010—10.87.100, vehicles and traffic (10.90)
913	Repeals §§ 12.08.010—12.08.060 (Repealer)
914	Adds Ch. 13.05 , alteration or destruction of water supply systems; amends § 13.04.200 ; repeals §§ 13.08.030—13.08.050, water (13.04, 13.05)
915	Repeals §§ 15.40.010—15.40.590 (Repealer)
916	(Pending)
917	Fire prevention code; repeals Ord. 890
918	Repeals and replaces §§ 15.36.010 and 15.36.020 ; repeals Ord. 887 and §§ 15.36.030—15.36.140, plumbing code (15.36)
919	Repeals and replaces §§ 15.32.010 and 15.32.020 ; repeals Ord. 889 and §§ 15.32.030 and 15.32.040, mechanical code (15.32)
920	Repeals and replaces §§ 15.09.010 and 15.09.020 ; repeals Ord. 888 and §§ 15.09.030—15.09.060, property maintenance code (15.09)
921	Amends § 15.08.010 , electrical code; repeals Ord. 867 (15.08)

922	Amends §§ 15.04.010 and 15.04.020 , building code; repeals Ord. 880 and §§ 15.04.030—15.04.190 (15.04)
923	Adds Art. X to T. 9 and Ch. 9.99 , property subject to seizure (9.99)
924	Adds § 2.100.370 and amends § 2.100.020(A) , retirement system contributions (2.100)
925	Adds subsections (N) and (O) to § 15.12.040 , fences (15.12)
926	Amends §§ 17.08.280, 17.12.030, 17.15.030, 17.17.030, 17.21.030, 17.22.030, 17.23.030, 17.24.030, 17.26.030, 17.27.030 and 17.30.025, zoning (Not codified)
927	Amends § 9.90.040 , tobacco use by minors (9.90)
928	Adds § 17.08.540 and amends §§ 17.04.010, 17.21.020(D)(1) and 17.22.030, zoning (Not codified)
929	Amends zoning map (Not codified)
930	Amends § 17.56.110, zoning (Not codified)
931	Amends Ch. 5.42 , landlords and tenants (5.42)
932	Amends § 2.72.110 , merit system (2.72)
933	Amends §§ 2.24.030 and 2.24.070 , elections (2.24)
934	Amends § 6.04.210, animals (6.04)
935	Adds § 17.15.020(I); amends § 17.04.010, zoning (Not codified)
936	Adds Ch. 8.28 , vehicle parking and storage (8.28)
937	Bond issuance (Special)
938	Amends §§ 2.100.020(A) and 2.100.370 , employees retirement system (2.100)
939	Amends Ord. 937, bond issuance (Special)
940	Adds § 6.04.075; amends §§ 6.04.150 and 6.04.190, dogs, cats and animals (6.04)
941	Amends § 13.12.090 , sewer department (13.12)
942	Adds Ch. 13.13 , stormwater retention (13.13)
943	Adds Ch. 9.100 [9.85], truancy (9.85)
944	Amends § 8.48.060 , weeds (8.48)
945	Adds §§ 2.100.860 —2.100.890 and amends §§ 2.100.020 —2.100.040, 2.100.120 , 2.100.130 and 2.100.660 and repeals § 2.100.370 , 1989 retirement plan (2.100)
946	Adds Ch. 13.01, use of public ways by telecommunications providers (Repealed by Ord. 19-02)
947	Adds § 2.100.910 , 1989 retirement plan (2.100)
948	Adds § 9.20.090 , miscellaneous offenses against property (9.20)

949	Amends § 9.75.020 , domestic violence (9.75)
950	Amends §§ 10.92.010(A)—(C), operating a motor vehicle with a suspended, revoked or denied license (Repealed by 10-04)
951	Amends §§ 17.43.010—17.43.060, zoning (Not codified)
952	Repeals Ch. 9.08 (Repealer)
953	Amends Ch. 17.04, zoning (Not codified)
954	Amends §§ 10.39.010(E)—(V), operating a vehicle under the influence of intoxicating liquor, a controlled substance or a combination of intoxicating liquor and a controlled substance (Repealed by 10-04)
955	Adds Ch. 10.93 , vehicle immobilization (10.93)
1-00	Adds § 8.40.010(C) , trees (8.40)
2-00	Adds §§ 12.20.015 , 12.20.025 and 12.20.065 , shade trees and shrubbery—overhanging vegetation (12.20)
3-00	Adds §§ 2.100.920 —2.100.1250; amends § 2.100.910 , 1989 retirement system (2.100)
4-00	Amends § 9.75.010 , domestic violence (9.75)
5-00	Repeals § 5.60.040 (Repealer)
6-00	Amends § 13.01.060(H), use of public ways by telecommunications providers (13.01)
7-00	Amends § 8.28.010 , vehicle storage (8.28)
8-00	Amends § 15.08.010 , National Electrical Code (15.08)
9-00	Amends § 5.42.080 , business licenses and regulations (5.42)
10-00	Adds Ch. 5.46 , body art (5.46)
11-00	Amends Ch. 15.12 , fences (15.12)
12-00	Amends §§ 17.04.010, 17.21.020, 17.21.030, 17.22.020, 17.22.030, 17.22.060, 17.26.020 and 17.26.030, zoning (Not codified)
13-00	(Not available)
14-00	Adds §§ 2.100.460A and B, 2.100.940A ; amends §§ 2.100.160 , 2.100.460 and 2.100.920(L) , 1989 retirement plan (2.100)
15-00	Amends §§ 10.26.020(B) , 10.26.030 and 10.26.040 , motor carrier load (10.26)
16-00	Amends § 2.100.570(C) , board—meetings—quorum—removal from office (2.100)
17-00	Adds Ch. 13.17 , cross connection control (13.17)
14-00	Adds §§ 2.100.460A and B, 2.100.940A ; amends §§ 2.100.160 , 2.100.460 and 2.100.920(L) , 1989 retirement plan (2.100)

15-00	Amends §§ 10.26.020(B) , 10.26.030 and 10.26.040 , motor carrier load (10.26)
16-00	Amends § 2.100.570(C) , board—meetings—quorum—removal from office (2.100)
17-00	Adds Ch. 13.17 , cross connection control (13.17)
18-00	Adds §§ 13.04.141 , 13.12.131 and 13.12.132 ; amends §§ 13.04.140 and 13.12.130 , public utilities (13.04, 13.12)
01-01	Adds §§ 13.04.145 and 13.12.135 , automatic adjustment of water and sewer rates (13.04, 13.12)
02-01	Adds Ch. 15.02 , enforcing agency (Not codified)
03-01	Adds Ch. 15.02 , enforcing agency (15.02)
04-01	Adds Ch. 17.32, BC-2 Eight Mile business district (Not codified)
05-01	Amends §§ 13.04.141 , 13.12.131 and 13.12.132 , utility rates (13.04, 13.12)
06-01	Amends § 15.12.060, board of fence viewers (15.12)
07-01	Amends Ch. 17.50, nonconforming uses and buildings; repeals § 17.50.100 (Not codified)
08-01	Adds Ch. 17.31, BC-1 Chrysler business district (Not codified)
09-01	Adds § 5.42.025 ; amends § 5.42.010 ; repeals § 5.42.005 , landlords and tenants (5.42)
10-01	Adds §§ 5.03.085 and 5.03.250 ; amends §§ 5.03.050 , 5.03.110 , 5.03.120 , 5.03.130 and 5.03.150 ; repeals § 5.03.140, licensing and registering (5.03)
11-01	Amends § 9.80.090, alcoholic beverages—sale and possession (Repealed by 08-05)
12-01	Amends §§ 13.16.010 —13.16.030, 13.16.200 —13.16.210, 13.16.320 —13.16.330, 13.16.420 —13.16.460 and 13.16.570 ; repeals §§ 13.16.040, 13.16.220—13.16.310, 13.16.340—13.16.410, 13.16.470—13.16.560, wastewater facilities (13.16)
13-01	Amends § 10.39.010, prohibited—penalties (Repealed by 10-04)
01-02	Adds Ch. 9.100 , prohibition of consumption of alcohol by persons under 21 (9.100)
02-02	Amends §§ 2.48.020 and 2.48.030 , Hazel Park historical commission (2.48)
03-03	Adds Ch. 9.91 , concealed pistol licensing (9.91)
04-02	Adds Ch. 1.20 , living wage (Repealed by Ord. 16-02)
05-02	Amends Ch. 13.17 , cross connection control (13.17)
06-02	Amends §§ 15.04.010 and 15.04.020 , building code (15.04)

07-02	Amends §§ 15.36.010 and 15.36.020 , plumbing code (15.36)
08-02	Amends §§ 15.32.010 and 15.32.020 , mechanical code (15.32)
09-02	Amends §§ 15.20.010 and 15.20.020 , fire protection code (15.20)
10-02	Amends §§ 15.09.010 and 15.09.020 , property maintenance code (15.09)
11-02	Adds § 9.25.020 , assaults (9.25)
12-02	Amends § 15.52.020 , downtown development authority (15.52)
13-02	Amends § 9.75.010(A) , domestic violence (9.75)
14-02	Amends § 8.40.010(C) , trees (8.40)
15-02	Adds Ch. 8.09 , fireworks (8.09)
16-02	Repeals Ch. 1.20 , living wage (Repealer)
17-02	Amends Ch. 2.100 , 1989 pension plan (2.100)
18-02	Not sent
19-02	Adds Ch. 13.02 , use of public ways by telecommunication providers; repeals Ch. 13.01 (13.02)
20-02	Amends § 15.28.090 , moving buildings (15.28)
21-02	Adds Ch. 10.05, Michigan Vehicle Code (10.05)
22-02	Adds § 2.100.900A , 1989 retirement plan (2.100)
23-02	Amends § 10.04.010 , Uniform Traffic Code (10.04)
24-02	Adds §§ 17.06.020, 17.24.030, 17.24.080, 17.34.010, 17.36.040 and 17.52.010, zoning (Not codified)
01-03	Amends § 5.03.085 , licensing and registering (5.03)
02-03	Amends §§ 5.42.010 —5.42.030, 5.42.070 and 5.42.090 , landlords and tenants (5.42)
03-03	Amends § 13.02.180 , use of public ways by telecommunications providers (13.02)
04-03	Zoning; amends § 17.24.060 (Not codified)
05-03	Amends § 8.28.010 , vehicle storage (8.28)
06-03	Adds Ch. 1.20 , living wage (1.20)
07-03	Amends § 15.09.020 , property maintenance code (15.09)
08-03	Adds Ch. 2.01 , code of ethics (2.01)
09-03	Amends §§ 8.29.100 and 8.29.130 , solid waste regulation and disposal (8.29)
10-03	Amends §§ 8.04.035 and 8.04.046 —8.04.047, nuisances (8.04)
11-03	Amends § 5.03.060 [5.06.060], alcoholic beverages (5.06)

01-04	Adds § 8.29.200 ; amends § 8.29.060 , solid waste regulation and disposal (8.29)
02-04	Amends Ch. 5.45 , massage licensing and regulations (5.45)
03-04	Amends § 12.04.140 , sidewalk construction, repair and use (12.04)
04-04	Amends §§ 2.100.020 , 2.100.370 , 2.100.460 — 2.100.460A and 2.100.660 — 2.100.670 , 1989 retirement plan (2.100)
05-04	Adds Ch. 10.50 , cost recovery (10.50)
06-04	Adds Ch. 10.07 , vehicle insurance (10.07)
07-04	Adds § 5.03.055 ; amends § 5.03.085 , licensing and registering (5.03)
08-04	Amends § 15.52.070 , downtown development authority (15.52)
09-04	Adds Ch. 15.53 , development plan and tax increment financing plan (15.53)
10-04	Amends Ch. 10.05 ; repeals Chs. 10.39 and 10.92, Michigan Vehicle Code (10.05)
11-04	Amends Ch. 15.44 , signs (15.44)
12-04	Amends § 13.12.060 , sewer department (13.12)
13-04	Adds Ch. 8.10 , wood storage (8.10)
14-04	Adds Ch. 8.49 , portable basketball hoops and portable hockey nets (8.49)
15-04	Adds Ch. 13.20 , grease interceptor (13.20)
16-04	Adds § 17.04.180, zoning (Not codified)
17-04	Amends §§ 17.08.020, 17.24.030, 17.24.060, 17.38.010, 17.48.030 and 17.50.030, zoning (Not codified)
18-04	Amends § 2.100.660 , 1989 retirement plan (2.100)
19-04	Amends §§ 2.100.020 , 2.100.090 , 2.100.240 , 2.100.250 , 2.100.260A , 2.100.320 , 2.100.400 , 2.100.640 , 2.100.660 , 2.100.860 , 2.100.870 , 2.100.920 and 2.100.930 , 1989 retirement plan (2.100)
20-04	Amends § 17.06.120, zoning (Not codified)
21-04	Repeals § 6.04.220, dogs, cats and animals (Repealer)
22-04	Amends § 5.42.060 , landlords and tenants (5.42)
01-05	Amends Ch. 15.12 , fences (15.12)
02-05	Adds § 8.04.075 , nuisances (8.04)
03-05	Amends §§ 2.100.020 , 2.100.280 , 2.100.300 and 2.100.320 , 1989 retirement plan (2.100)
04-05	Amends § 5.42.035 , landlords and tenants (5.42)
05-05	Amends § 17.08.020, zoning (Not codified)

06-05	Amends §§ 17.44.020, 17.44.030, 17.46.020, 17.50.020, 17.52.020 and 17.52.030, zoning (Not codified)
07-05	Amends §§ 2.100.100 and 2.100.460 , 1989 retirement plan (2.100)
08-05	Amends § 9.80.010 ; repeals §§ 9.80.020—9.80.090, alcoholic beverages, sale and possession (9.80)
09-05	Adds Ch. 1.13 , penalty, probation, delayed sentence (1.13)
10-05	Amends §§ 6.04.060 and 6.04.080 , dogs, cats and animals (6.04)
11-05	Amends § 17.44.030, zoning (Not codified)
12-05	Amends §§ 17.28.040, 17.48.040 and 17.50.040, zoning (Not codified)
13-05	Amends §§ 17.04.005 and 17.08.020, zoning (Not codified)
14-05	Adds § 10.41.050 —10.41.120; amends § 10.41.040 , school buses, seatbelts, child restraint and abandoned vehicles (10.41)
01-06	Amends §§ 9.09.010 and 9.09.020 , false fire alarms and false police calls (9.09)
02-06	Amends § 2.100.310 , 1989 retirement plan (2.100)
03-06	Amends § 2.100.900 , 1989 retirement plan (2.100)
04-06	Amends § 2.100.900 , 1989 retirement plan (2.100)
05-06	Grants consumers' energy company right, power and authority (Special)
06-06	Adds Ch. 13.18 , prohibition of groundwater wells (13.18)
07-06	Adds § 2.100.990A , 1989 retirement plan (2.100)
08-06	Amends § 2.60.060 , removal of planning commission member (2.60)
09-06	Amends §§ 15.12.010 and 15.12.040 , fences (15.12)
10-06	Amends Ch. 17.02, §§ 17.01.020, 17.04.100, 17.28.040, 17.36.020, 17.38.020, 17.40.040, 17.50.040, 17.58.070, 17.60.060, 17.60.070, 17.62.020, 17.62.040, 17.62.050, 17.62.110, 17.62.130, zoning (Not codified)
11-06	Adds Ch. 8.27 , standing or parking of commercial vehicle (8.27)
12-06	Adds Ch. 9.45 , consumption or possession of alcohol in public (9.45)
13-06	Adds Ch. 9.25 [9.22], public peace, morals and welfare (9.22)
14-06	Adds Ch. 5.55 , scrap metal dealers (5.55)

01-07	Amends §§ 13.16.010 — 13.16.030, 13.16.200 , 13.16.210 , 13.16.320 , 13.16.330 , 13.16.420 — 13.16.460 and 13.16.570 , wastewater facilities (13.16)
02-07	Amends Ch. 17.02 and § 17.52.040, zoning (Not codified)
03-07	Amends Ch. 17.02 and § 17.52.040, zoning (Not codified)
04-07	Amends § 9.58.010 , disorderly and tumultuous conduct (9.58)
05-07	Amends Ch. 17.45 and zoning map, zoning (Not codified)
06-07	Adds § 6.04.045 , dogs, cats and animals (6.04)
Ord. of 3-28-07	Amends Ch. 17.46, zoning (Not codified)
01-08	Amends §§ 15.44.060 , 15.44.100 and 15.44.160 , signs (15.44)
02-08	Adds §§ 12.04.036 and 12.04.037 , sidewalk construction, repair and use (12.04)
03-08	(Number not used)
04-08	Adds Ch. 12.50 , street maintenance (12.50)
05-08	Adds § 2.100.1260 , 1989 retirement plan (2.100)
06-08	Amends § 9.100.010 [9.85.010], truancy (9.85)

As of Supplement No. 10, this table will be replaced with the "Code Comparative Table and Disposition List."
CODE COMPARATIVE TABLE AND DISPOSITION LIST

This is a chronological listing of the ordinances of Hazel Park, Michigan beginning with Supplement No. 10, included in this Code.

Ordinance Number	Date	Description	Section	Section this Code
07-08	8-12-2008	Amends zoning map		Omitted
08-08	8-26-2008	Amends Ch. 6.04 , Dogs, Cats and Animals	I	6.04.205
			II Added	6.04.085
9-08	10-14-2008	Amends Ch. 15.53 , Development Plan and Tax Increment Financing Plan	1.01 , 1.02	15.53.010
			2.01 , 2.02	15.53.020 , 15.53.030
10-08	10-27-2008	Amends Ch. 10.04 , Uniform Traffic Code	I	10.04.010 — 10.04.030

11-08	10-28-2008	Adds Ch. 15.10 , Landscape and Maintenance	I Added	15.10.010 — 15.10.060
01-09	8- 4-2009	Adds Ch. 8.02 , Vacant and Abandoned Structures	pt. I Added	8.02.010 — 8.02.120
02-09	8-25-2009	Amends Ch. 8.29 , Solid Waste Regulation and Disposal	pt. I Added	8.29.165
03-09	9- 8-2009	Amends Ch. 5.42 , Landlords and Tenants	pt. I Added	5.42.036
04-09	1-12-2010	Adds Ch. 9.87 , Sale and/or Possession of Spray Paint/Permanent Markers	pt. I Added	9.87.010 — 9.87.050
01-10	1-26-2010	Amends Ch. 13.04 , Water Supply System	pt. I	13.04.100
02-10	3- 9-2010	Adds Ch. 2.50 , Arts Council	pt. I Added	2.50.010 — 2.50.060
03-10	8-10-2010	Imposes a temporary moratorium pertaining to medical marihuana permits or licenses		Omitted
04-10	8-24-2010	Amends Ch. 13.04 , Water Supply System, and Ch. 13.12 , Sewer Department	pts. I, II	13.04.140 , 13.04.141
			pt. III	13.12.131
05-10	9-14-2010	Amends Ch. 15.09 , Property Maintenance Code	pts. I, II	15.09.010 , 15.09.020
06-10	12-14-2010	Amends Ch. 15.20 , Fire Prevention Code	pts. I, II	15.20.010 , 15.20.020
			pt. III	15.20.030

			Added	
01-11	1-11-2011	Amends Ch. 8.04 , Nuisances	I	8.04.060
02-11	1-25-2011	Adds Ch. 9.200 , Medical and Emergency Service, and Ch. 9.300 , Costs of Incarceration	pt. I	9.200.010 —
			Added	9.200.030
02-11	1-25-2011	Adds Ch. 9.200 , Medical and Emergency Service, and Ch. 9.300 , Costs of Incarceration	pt. II	9.300.010
			Added	
03-11	4-26-2011	Extends moratorium pertaining to medical marihuana permits or licenses		Omitted
04-11	6-14-2011	Amends zoning		Omitted
05-11	6-28-2011	Amends Ch. 15.09 , Property Maintenance Code	pts. I, II	15.09.010 , 15.09.020
06-11	8-23-2011	Amends Ch. 6.04 , Dogs, Cats and Animals	pt. I	6.04.210
07-11	9-15-2011	Adds Ch. 9.60 , Harassment	pt. I Added	9.60.010 — 9.60.030
08-11	9-15-2011	Amends Ch. 9.20 , Miscellaneous Offenses Against Property	pt. I	9.20.040
09-11	9-15-2011	Imposes a temporary moratorium pertaining to medical marihuana permits or licenses		Omitted
10-11	9-27-2011	Amends Ch. 6.04 , Dogs, Cats and Animals	pt. I	6.04.205
11-11	11-15-2011	Amends Ch. 6.04 , Dogs,	pt. I	6.04.205

		Cats and Animals		
12-11	11-26-2011	Amends Ch. 8.29 , Solid Waste Collection and Disposal	pt. I Added	8.29.300 — 8.29.320
01-12	1-24-2012	Amends Ch. 10.07 , Vehicle Insurance	pt. I Added	10.07.010 10.07.040
02-12	3-27-2012	Amends Ch. 10.04 , Uniform Traffic Code, and Ch. 10.05, Michigan Vehicle Code	pt. I pt. II	10.04.030 10.05.040
03-12	3-27-2012	Amends Ch. 10.05, Michigan Vehicle Code	2, 3 Added	10.05.050 , 10.05.060
04-12	6- 5-2012	Adds Ch. 9.39 , Synthetic Marijuana and Dangerous Products	pt. I Added	9.39.010 — 9.39.070
05-12	6-26-2012	Amends Ch. 15.20 , Fire Prevention Code	pts. I— III	15.20.010 — 15.20.030
06-12	7-24-2012	Amends Ch. 8.09 , Fireworks	pt. I	8.09.010 — 8.09.090
01-13	2-12-2013	Amends zoning		Omitted
02-13	2-12-2013	Amends zoning		Omitted
03-13	2-12-2013	Amends zoning		Omitted
04-13	2-12-2013	Amends zoning		Omitted
05-13	2-12-2013	Amends zoning		Omitted
06-13	3-26-2013	Amends Ch. 10.40 , Expense of Emergency Response	pt. I	10.40.060
07-13	4-23-2013	Amends Ch. 15.09 , Property Maintenance Code	pt. I	15.09.020
08-13	4-23-2013	Amends zoning		Omitted
09-13	5-14-2013	Amends Ch. 5.42 , Landlords	pt. I	5.42.005

		and Tenants	Added	
10-13	6-25-2013	Amends Ch. 8.09 , Fireworks	pt. I	8.09.040
11-13	6-25-2013	Amends zoning		Omitted
12-13	9-24-2013	Amends Ch. 15.44 , Signs	pt. I Rpld	15.44.010 — 15.44.210
			Added	15.44.010 — 15.44.230
13-13	9-24-2013	Repeals and adds a new Ch. 13.13 , Stormwater Detention Ordinance	pt. I Rpld	13.13.010 — 13.13.190
			Added	13.13.010 — 13.13.150
14-13	11-12-2013	Amends Ch. 9.58 , Disorderly and Tumultuous Conduct	pt. I	9.58.010
15-13	12-10-2013	Amends Ch. 8.48 , Weeds	pt. I	8.48.010
			pt. II	8.48.030
01-14	3-11-2014	Amends Ch. 10.72 , Snow Emergency Parking	pts. I, II	10.72.010 , 10.72.020
02-14	3-11-2014	Amends Ch. 12.50 , Street Maintenance	pts. I, II	12.50.010
Ord. of	8 - 5-2014	Amends Ch. 9.38 and Ch. 943, regarding marijuana use, possession, or transfer	Added	9.38.040
			Added	9.43.050
03-14	11- 6-2014	Amends Ch. 15.20 , Fire Prevention Code	pts. I- III	15.20.010 — 15.20.030
01-15	7-14-2015	Amends Ch. 6.04 , regarding dogs	pt. II	6.04.075
			pt. III Added	6.04.086
			pts. IV, V	6.04.160

			pt. VI	6.04.190
			pts. VII, VIII	6.04.205
02-15	11-10-2015	Amends zoning		Omitted
03-15	12- 8-2015	Adds Ch. 9.10 , regarding false emergency care requests	pt. I Added	9.10.010
01-16	2 - 9-2016	Amends Ch. 2.60 , regarding city planning commission compensation	pt. I	2.60.030
05-16	8 - 9-2016	Amends Ch. 15.20 , Fire Prevention Code	pts. I, II	15.20.010 — 15.20.030
06-16	9-27-2016	Adds Ch. 8.45 , Blowing Grass Clippings and Raking Leaves	pt. I Added	8.45.010 , 8.45.020
07-16	10-11-2016	Amends Ch. 8.29 , adding provisions regarding waste dumpsters in residential districts	pt. I Added	8.29.161
Charter Am. No. 1	11- 8-2016	Amends the Charter		Char. §§ 4.2 , 4.4 , 4.19
Charter Am. No. 2	11- 8-2016	Amends the Charter		Char. § 5.8
01-17	3-14-2017	Amends zoning		Omitted
02-17	3-14-2017	Adds Ch. 8.50 , Outdoor Storage	pt. I Added	8.50.010 — 8.50.040
03-17	3-14-2017	Amends Ch. 8.02 , regarding vacant and abandoned structures	pt. I	8.02.010 — 8.02.120
04-17	5 - 9-2017	Amends Ch. 6.04 , Dogs, Cats and Animals	pt. I	6.04.086
			pt. II	6.04.160

			pt. III	6.04.205
05-17	7-11-2017	Amends Ch. 6.08 , Rabbits and Poultry	pt. I	6.08.040
			pt. II	6.08.070
06-17	7-11-2017	Amends Ch. 6.04 , Dogs, Cats and Animals	pt. I	6.04.010 — 6.04.045
			pt. II	6.04.050 — 6.04.060
			pt. III	6.04.070
				6.04.080
				6.04.090 — 6.04.100
			pt. IV	6.04.110 , 6.04.120
			pt. V	6.04.130
			pt. VI	6.04.140 , 6.04.150
			pt. VII	6.04.160
			pt. II Rpld	6.04.075
			Rpld	6.04.085, 6.04.086
			Rpld	6.04.170 — 6.04.210
07-17	9-12-2017	Adds Ch. 5.04 , Medical Marihuana Facilities Licensing	pt. I Added	5.04.010 — 5.04.090
01-18	1 - 4-2018	Amends zoning		Omitted
02-18	1 - 4-2018	Amends zoning		Omitted
03-18	1-16-2018	Amends Ch. 5.04 , Medical Marihuana Facilities Licensing	pt. I	5.04.010 — 5.04.060
			Added	5.04.065
				5.04.070

			Added	5.04.075
				5.04.080 , 5.04.090
01-19	5-14-2019	Amends Ch. 9.39 , Synthetic Marijuana	pt. I Added	9.39.045
			pt. II Added	9.39.046
			pt. III	9.39.070
02-19	5-14-2019	Amends Title 9 , Public Peace, Morals and Welfare	pt. I	9.90.010
			pt. II Added	9.90.011
			pt. III	9.90.030
			pt. IV	9.90.040
			pt. V	9.90.050
			pt. VI Rpld	9.90.060
03-19	5-21-2019	Amends Ch. 8.09 , Fireworks	pt. I	8.09.030 , 8.09.040 , 8.09.070
04-19	8-27-2019	Amends Ch. 15.20 , Adoption of International Fire Code	pt. I	15.20.010
			pt. II	15.20.020
			pt. III	15.20.030
05-19	10-22-2019	Repeals and adds Ch. 5.04 , Commercial Marihuana Facilities	Rpld	5.04.010 — 5.04.090
			Added	5.04.010 — 5.04.090
06-19	12-10-2019	Amends Ch. 8.02 to include deteriorated or deteriorating areas	pt. I	8.02.010
			pt. II	8.02.020

01-20	2-25-2020	Adds Ch. 15.54 , Neighborhood Enterprise Zones	pt. I Added	15.54.010
02-20	4-28-2020	Adds Ch. 2.52 , Main Street Hazel Park	pt. I	Ch. 2.52 (tit.)
			pt. II Added	2.52.010 — 2.52.070
03-20	6-23-2020	Amends the Hazel Park Historical Commission	pt. I	2.48.020
04-20	8-11-2020	Adds Ch. 15.45 , Unsolicited Written Materials	pt. I Added	15.45.010 — 15.46.016
05-20	8-11-2020	Amends Ch. 9.04 in regards to false report of a crime	pt. I	9.04.030
06-20	9- 8-2020	Repeals and adds Ch. 5.04 , Commercial Marihuana Facilities	Rpld	5.04.010 — 5.04.090
			Added	5.04.010 — 5.04.090
07-20	9- 8-2020	Adds Ch. 5.44 , Short-Term Rental	1 Added	5.44.010 — 5.44.140
08-20	10-13-2020	Adds Ch. 5.07 , Use of City Seal and Flag	pt. I Added	5.07.010 — 5.07.060
09-20	12- 8-2020	Amends Ch. 15.09 , International Property Maintenance Code	pt. I	15.09.010
			pt. II	15.09.020
01-21	4-13-2021	Adds Title 18 , Human Rights and Ch. 18.02 , Human Rights Ordinance	pt. I Added	18.02.010 — 18.02.060

02-21	4-13-2021	Adds Ch. 5.30 , Food Trucks	pt. I Added	5.30.010 — 5.30.120
03-21	4-13-2021	Amends zoning		Omitted
04-21	5-11-2021	Add Ch. 2.49 , Beautification Commission	Added	2.49.010 — 2.49.080