



City of Boyne City
Founded 1856

319 N. Lake Street

Boyne City, Michigan 49712
www.boynecity.com

Phone 231-582-6597
Fax 231-582-6506

**BOYNE CITY
CITY COMMISSION REGULAR MEETING
Boyne City Hall
319 North Lake Street
Tuesday, June 12, 2018 at 7:00 p.m.**

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. CONSENT AGENDA
The purpose of the consent agenda is to expedite business by grouping non-controversial items together to be dealt with by one Commission motion without discussion. Any member of the Commission, staff, or the public may ask that any item(s) on the consent agenda be removed and placed as the last item under new business to receive full discussion. Such requests will be automatically respected.
 - A. Approval of the May 22, 2018 City Commission regular meeting minutes as presented
 - B. Approval of the May 22, 2018 City Commission Tour Work Session meeting minutes as presented
 - C. Approval to purchase seven office cabinets for the Police Department at a cost of \$6,665 using \$2,800 from the Police Department budget and \$3,865 from the City Facilities Building fund and authorize the City Manager to execute the documents
 - D. Approval to purchase 3 Golden Eagle radar units from Kustom Signals at a cost of \$7,044 and a Lidar Unit Truspeed S from Laser Technology Inc. for a cost of \$1,398 and authorize the City Manager to execute the documents
4. HEARING CITIZENS COMMENTS (on non-agenda items; 5 minute limit)
5. CORRESPONDENCE
 - A. Correspondence from the State of Michigan Department of Licensing and Regulatory Affairs regarding transfer of Liquor License to 202 Lake Street Partners, LLC
6. CITY MANAGER'S REPORT
7. REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES
 - A. Approved minutes of the April 26, 2018 Airport Advisory Board Meeting
 - B. Draft minutes of the May 1, 2018 Zoning Board of Appeals Meeting
 - C. Draft minutes of the May 3, 2018 Parks and Recreation Board Meeting
 - D. Draft minutes of the May 3, 2018 Main Street meeting
 - E. Draft minutes of the May 21, 2018 Planning Board Meeting
 - F. Draft minutes of the May 14, 2018 EDC Board Meeting
 - G. Draft minutes of the May 14, 2018 LDFA Board meeting
 - H. Draft minutes of the May 14, 2018 Historical Commission Board Meeting
 - I. Draft minutes of the May 24, 2018 Airport Advisory Board Meeting

An Equal Opportunity Provider and Employer

Hometown Feel, Small Town Appeal

8. OLD BUSINESS

A. West Michigan Water Extension Financing Update

Consideration to authorize the City Manager and City Clerk/Treasurer to internally fund the proposed Michigan/Woodland Street Special Assessment project using wastewater reserve funds thru a loan or as an alternative necessary to secure the professional services required to secure outside financing for the estimated amount of \$8,700

9. NEW BUSINESS

A. Property Maintenance Code

Review and discussion of property management code and provide direction for staff to proceed

B. Business Park

Consideration of upcoming recommendation of Economic Development Commission regarding park property

C. Evangeline Township Property

Consideration to initially support the concept of the possible use of the City's 80 acre wooded property in Evangeline Township as a mountain biking area including the possibility of selective timber harvesting and authorize staff to work with appropriate parties to further explore and work out draft particulars for the further consideration of the Parks & Recreation Board and City Commission

D. Goal Setting Process Update

Review of Community-wide survey tool and public outreach

10. GOOD OF THE ORDER

11. ANNOUNCEMENTS

- The next regular City Commission meeting is scheduled for Tuesday, June 26, 2018 at noon
- City offices will be closed on Wednesday, July 4, 2018 in observance of the 4th of July holiday

12. ADJOURNMENT



Scan QR code or go to
www.boyne-mi.gov
click on Boards & Commissions for complete
agenda packets & minutes for each board

Individuals with disabilities requiring auxiliary aids or services in order to participate in municipal meetings may contact Boyne City Hall for assistance: Cindy Grice, City Clerk/Treasurer, 319 North Lake Street, Boyne City, MI 49712; phone (231) 582-0334

**MAY 22, 2018
REGULAR MEETING**

RECORD OF THE PROCEEDINGS OF THE REGULAR BOYNE CITY COMMISSION MEETING DULY CALLED AND HELD AT BOYNE CITY HALL, 319 NORTH LAKE STREET, ON TUESDAY MAY 22, 2018

CALL TO ORDER

Mayor Neidhamer called the meeting to order at noon followed by the Pledge of Allegiance.

Present: Mayor Tom Neidhamer, Commissioners Hugh Conklin, Sally Page and Dean Solomon

Absent: Mayor Pro-Tem Ron Grunch

Staff: Michael Cain, Scott McPherson, Cindy Grice, Barb Brooks, Patrick Kilkenny, Andy Kovolski, Mark Fowler, Debra Chavez, Jeff Gaither and Kelsie King-Duff

Others: There were 14 citizens in attendance, including a representative from the Petoskey News Review.

**Excuse Mayor Pro-Tem
Grunch
MOTION**

2018-05-057
Moved by Neidhamer
Second by Conklin

To Excuse Mayor Pro-Tem Grunch from attending today's meeting

Ayes: 4
Nays: 0
Absent: 1, Mayor Pro-Tem Grunch
Motion carried

**CONSENT AGENDA
MOTION**

2018-05-058
Moved by Solomon
Second by Page

Approved of the May 8, 2018 City Commission regular meeting minutes as presented
Approved to accept the resignation of Robin Berry from the Main Street Board
Approved to award a contract for Overband Crack Sealing to Applied Pavement Maintenance in the amount of \$9,000 and authorize the City Manager to execute the documents
Approved to award a contract with M & M Pavement Parking for pavement marking services in the amount of \$28,681.80 and Approved the City Manager to execute the documents
Approved to award a contract with Lake Charlevoix Painting in the amount of \$4,500 for sealing of the Veteran's Park Playground and authorize the City Manager to execute the documents

Ayes: 4
Nays: 0
Absent: 1, Mayor Pro-Tem Grunch
Motion carried

CITIZENS COMMENTS

None

CORRESPONDENCE

Correspondence from Missy Casper regarding making all City Parks tobacco free. Missy presented a petition with several signatures supporting her request to make city parks tobacco free. Representatives from Boyne City High School Safe, and a representative from the Health Department also spoke in support of making the parks tobacco free. This will become an agenda item in the future.

CITY MANAGERS REPORT

City Manager Michael Cain reported:

- The Mushroom Festival was very successful.
- The fishing pier is fully back into operation.
- City offices will be closed in honor of Memorial Day.
- The MML will be holding RRC best practices training here next week.

REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES

None

Goal Setting Update

City Manager Cain presented the Commissioners the draft survey to be used to gather initial community data for the goal setting.

The date for the Community Goal Setting event is now tentatively June 20, 2018.

Van Dam Industrial Facilities Exemption Certificate

Public Hearing and consideration to approve the recommendation from the Economic Development Corporation Board to approve a twelve year Industrial Facilities Exemption request (IFEC) from Van Dam Marine Co. and authorize the City Manager and City Clerk/Treasurer to sign and submit the documents necessary to execute the abatement as requested and as recommended by the Boyne City Economic Development Corporation Board

Tax Exempt Properties Policy

Mayor Neidhamer opened the Public Hearing at 12:42 p.m.

City Manager Cain explained the request from Van Dam Marine Company for a tax abatement for new construction at their facility on Division Street. The EDC board approved this request at their recent meeting, recommending a twelve year abatement be approved by the Commission.

Steve Van Dam discussed the proposed expansion. Van Dam Custom boats have been in operation since 1977. Currently 15 full time people are employed there. The proposed expansion would include an 80 x 25 addition to the production facility to accommodate larger projects and a 2-story 80 x 34 attached office building expansion. The company projects five new hires resulting from this expansion.

Buck Love from Van Dam explained the NLEA's role in this request and recommended approval for this request. It will promote economic development.

Monica Kroondyk from the Boyne District Library voiced her support for the request as well.

Mayor Neidhamer closed the Public Hearing at 1:00 p.m.

Staff Comments: None

Citizens Comments: None

Board Discussion: All Commissioners are in favor of the recommendation

MOTION

2018-05-059

Moved by Conklin

Second by Solomon

To approve the recommendation from the Economic Development Corporation Board to approve a twelve year Industrial Facilities Exemption request (IFEC) from Van Dam Marine Co. and authorize the City Manager and City Clerk/Treasurer to sign and submit the documents necessary to execute the abatement as requested and as recommended by the Boyne City Economic Development Corporation Board

Ayes: 4

Nays: 0

Absent: 1, Mayor Pro-Tem Grunch

Motion carried

Tax Exempt Properties Policy

Consideration to approve the Property Tax Exemption Policy and Application for Property Tax Exemption Status as presented

Clerk / Treasurer Grice said it has come to our attention that the City did not have a Property Tax Exemption Policy. This policy is necessary to provide the City Assessor the ability to perform an audit of an organization that claims property tax exemption status to verify their compliance with the laws authorizing that status. Along with the proposed Policy is a proposed Application for Property Tax Exemption Status that would be required. This policy will meet the Audit of Minimum Assessing (AMAR) requirements. The AMAR requirements wanted a policy that covered new request, audit procedures and removal procedures for property tax exemptions

Staff Comments: None

Citizens Comments: None

Board Discussion: All Commissioners are in favor of the recommendation

MOTION

2018-05-060

Moved by Page

Second by Conklin

To approve the Property Tax Exemption Policy and Application for Property Tax Exemption Status as presented

Ayes: 4

Nays: 0
 Absent: 1, Mayor Pro-Tem Grunch
 Motion carried

Marina Repairs

Consideration to authorize Flotation Docking to complete work at the marina to address issues with three of the finger piers for an amount not to exceed \$8,000 and authorize the City Manager to sign any documents

Harbormaster Barb Brooks discussed repairs that are necessary. Spring inspection discovered that additional work should be done before the marina gets into full swing. An estimate of \$8,000 was given to make the necessary repairs.

Staff Comments: None

Citizens Comments: None

Board Discussion: All are in favor

2018-05-061
 Moved by Conklin
 Second by Solomon

MOTION

To authorize Flotation Docking to complete work at the marina address issues with three of the finger piers for an amount not to exceed \$8,000 and authorize the City Manager to sign any documents

Ayes: 4
 Nays: 0
 Absent: 1, Mayor Pro-Tem Grunch
 Motion carried

Marina Construction Contract

Consideration to award a bid to Flotation Docking Systems in the amount of \$457,677.75 for marina expansion construction and authorize the City Manager to execute the documents.

Harbormaster Barb Brooks discussed the proposal bid received from Flotation Docking for Phase I of the marina improvement project. The MDNR awarded the grant in the amount of \$260,000 toward a total project budget of \$520,000. The project includes construction of a section of wave attenuator, floating pier, as well as the engineering services to prepare bidding documents and conduct construction administration.

Staff Comments: None

Citizens Comments: None

Board Discussion: All are in agreement with the recommendation.

2018-05-062

MOTION

Moved by Solomon
Second by Page

To award a bid to Flotation Docking Systems in the amount of \$457,677.75 for marina expansion construction and authorize the City Manager to execute the documents.

Ayes: 4
Nays: 0
Absent: 1, Mayor Pro-Tem Grunch
Motion carried

Terrace Street

Consideration to approve a contract with C2AE for Design Engineering Services in the amount of \$23,800 and authorize the City Manager to execute the documents

Public Works Superintendent Andy Kovolski discussed the proposed request for design engineering for future street reconstruction of Terrace Street from Pleasant Street to Second Street. The pavement surface is failing rapidly, the transite water and sewer mains need to be replaced and the storm sewer needs upgrading as well. Also, we would like to hold off the reconstruction of Cedar Street that we had planned for this year and bid it together with the Terrace Street project to hopefully get better pricing.

Staff Comments: None

Citizens Comments: None

Board Discussion: All are in agreement with the recommendation

2018-05-063

MOTION

Moved by Conklin
Second by Solomon

To approve a contract with C2AE for Design Engineering Services in the amount of \$23,800 and authorize the City Manager to execute the documents

Ayes: 4
Nays: 0
Absent: 1, Mayor Pro-Tem Grunch
Motion carried

Road Maintenance

Consideration to approve to award the contract for the 2018 Pavement Maintenance project to Reith Riley Construction in the amount of \$203,996.96 and authorize the City Manager to sign the required documents

Public Works Superintendent Andy Kovolski discussed the bids received for the 2018 Pavement maintenance project. The low bid is from Reith Riley. A portion of Front Street, First Street, Trent Street, Ann Street and Wilson Street are scheduled for repairs this year.

Staff Comments: None

Citizens Comments: None

Board Discussion: Commissioner Page inquired how the projects were chosen and was informed that the PASER rating system is used. All are in agreement with the recommendation.

MOTION

2018-05-064

Moved by Solomon

Second by Page

To approve to award the contract for the 2018 Pavement Maintenance project to Reith Riley Construction in the amount of \$203,996.96 and authorize the City Manager to sign the required documents

Ayes: 4

Nays: 0

Absent: 1, Mayor Pro-Tem Grunch

Motion carried

**Well 5 Transfer Station
Generator
Supplies/Maintenance**

Consideration to authorize the purchase of generator parts and maintenance from Cummins Bridgeway for Well #5 in the amount of \$7,715 and authorize the City Manager to execute the documents

Water/Wastewater Superintendent Mark Fowler discussed the need for parts and maintenance for Well #5. An automatic transfer switch, battery charger, battery, and generator maintenance and are needed. A quote was received from Cummins Bridgeway to perform the work.

Staff Comments: None

Citizens Comments: None

Board Discussion: All are in agreement with the recommendation

MOTION

2018-05-065

Moved by Conklin

Second by Page

Ayes: 4

Nays: 0

Absent: 1, Mayor Pro-Tem Grunch

Motion carried

**Lift Station Pump
Replacement**

Consideration to authorize the purchase of a lift station pump in the amount of \$22,390.71 from Jett Pump and authorize the City Manager to execute the documents

Water/Wastewater Superintendent Mark Fowler said that one of the pumps at the River Mouth lift station is leaking and in need of significant repairs. It is 43 years old. We received quotes to replace the old pump, installing a new one.

Staff Comments: None

Citizens Comments: None

Board Discussion: All are in agreement with the recommendation.

2018-05-066

Moved by Page

Second by Solomon

MOTION

Ayes: 4

Nays: 0

Absent: 1, Mayor Pro-Tem Grunch

Motion carried

Accounting Software

Consideration to approve a proposal from BS&A Software in the amount of \$6,325 to purchase Miscellaneous Receivables software and authorize the City Manager to execute the documents

Clerk/ Treasurer Grice said that in 2009, the City purchased accounting software from BS&A Software for General Ledger, Utility Billing, Cash Receipting, Payroll and Accounts Payable. We had been using their Tax Administration software since 1996. We opted to not purchase the Miscellaneous Receivable Software at that time. Our monthly needs at that time for miscellaneous billing were not significant enough to warrant the additional expense. We have been extremely pleased with the efficiencies, support and services we have always received with BS&A. Our 22 years of experience have been positive.

However, nine years later, our needs and uses have changed. We currently bill our aviation fuel through Quickbooks and monthly journal entries to the General Ledger are required to account for the revenues and receipts. We are also billing for airport hangars, some annually, some monthly. We also track seasonal Marina customers, all requiring manual tracking and journal entry posting. By utilizing the BS&A Accounts Receivable software for these and any future needs, integration to our General Ledger and Cash Receipting would be seamless and provide us with further efficiencies. We feel there would be less room for error and time savings realized as well if all of our accounting software communicated cooperatively.

We received a quote from BS&A in the amount of \$6,325 including software, installation and training. No server upgrades are necessary if this software is added to our system. There are sufficient funds in the budget for this purchase.

Staff Comments: None

Citizens Comments: None

Board Discussion: All are in agreement with the recommendation

2018-05-067

Moved by Conklin

Second by Solomon

To approve a proposal from BS&A Software in the amount of \$6,325 to purchase Miscellaneous Receivables software and authorize the City Manager to execute the documents

Ayes: 4
Nays: 0
Absent: 1, Mayor Pro-Tem Grunch
Motion carried

Public Works Week May 20 – 26, 2018

Consideration to adopt a resolution proclaiming May 20 – 26, 2018 as National Public Works Week in the City of Boyne City

Staff Comments: None

Citizens Comments: None

Board Discussion: All Commissioner expressed their gratitude and appreciation for the City’s Public Works staff.

MOTION

2018-05-068
Moved by Neidhamer
Second by Conklin

To adopt a resolution proclaiming May 20 – 26, 2018 as National Public Works Week in the City of Boyne City

Ayes: 4
Nays: 0
Absent: 1, Mayor Pro-Tem Grunch
Motion carried

Good of the Order

None

ADJOURNMENT

Motion by Mayor Neidhamer seconded by Commissioner Solomon to adjourn the Regular City Commission meeting of Tuesday, May 22, 2018 at 1:54 p.m.

Tom Neidhamer
Mayor

Cindy Grice
Clerk / Treasurer

**MAY 22, 2018
WORK SESSION
MEETING**

RECORD OF THE PROCEEDINGS OF THE BOYNE CITY
COMMISSION WORK SESSION MEETING DULY CALLED AND HELD
AT BOYNE CITY HALL, 319 NORTH LAKE STREET, ON TUESDAY
MAY 22, 2018

CALL TO ORDER

Mayor Neidhamer called the meeting to order at 5:18 p.m.

Present: Mayor Tom Neidhamer, Commissioners Hugh Conklin, Sally Page and Dean Solomon

Absent: Mayor Pro-Tem Ron Grunch

Staff: Michael Cain and Cindy Grice

Others: There were no citizens in attendance.

**ACQUISITION OF TAX
FORCLOSED
PROPERTIES**

Following a tour of various locations in the City, including visiting the properties being offered by the County, it is the recommendation of the City Manager to purchase the properties as presented. The first property is adjacent to Rotary Park. The second is located at 635 East Main Street.

2018-05-069

Moved by Page

Second by Conklin

To acquire the property currently being offered by Charlevoix County in the amount of \$4,139.55 and authorize the City Manager and City Clerk to take the steps necessary to complete the transaction(s) and perform environmental assessments as the City Manager determines to be appropriate

Ayes: 4

Nays: 0

Absent: 1, Mayor Pro-Tem Grunch

Motion carried

ADJOURNMENT

Motion by Mayor Neidhamer seconded by Commissioner Solomon to adjourn the City Commission work session meeting of Tuesday, May 22, 2018 at 5:31 p.m.

Tom Neidhamer
Mayor

Cindy Grice
Clerk / Treasurer



BOYNE CITY POLICE

319 North Lake St. Boyne City, MI 49712 • police@boynecity.com • Phone: (231) 582-6611 • Fax: (231) 582-3670

To: Michael Cain, City Manager

From: Jeff Gaither, Police Chief

Date: June 7, 2018

RE: Cabinets for Police Department

The Police Department office was originally set up with only some of the needed cabinets so that we could decide on the best use of space after being in the office for a period of time. Now that we have been in this office for a year and established work patterns, we have determined the placement for additional cabinets. We have been using old cabinets in some of these spaces to check for efficiency and fit.

I obtained a bid from the original cabinet maker, Cedar Valley Cabinet after many calls and emails. They responded with a bid for 3 small file drawer cabinets for a cost of \$1980. They did not give a price for the additional cabinets.

I obtained another bid from a local cabinet maker Pleasant Valley Woodworks (Scott Gibbs). His bid of \$6665 for 7 cabinets includes the 3 file cabinets for the squad room, 2 file drawers for the front office and 4 cabinets to fill the voids in the printer area. Scott's line bid for the 3 small file drawer cabinets was \$1,150 compared to Cedar Valley \$1980.

These cabinets will match all of the other cabinets in the Police Department office.

I have budgeted \$2800 for cabinets and I would recommend that the additional cost be paid out of the remaining building funds.

Recommendation

For the City Commission to approve the purchase of 7 office cabinets for the Police Department at a cost of \$6665, using \$2800 from the Police Department budget and \$3865 from the City Hall Building fund.

Other Options

Purchase only the File drawers for the front office

Postpone the purchase of new cabinets

Other options as determined by the City Commission

Jeff Gaither, Chief of Police



Estimate

DATE	ESTIMATE #
3/7/2018	120

BILL TO	SHIP TO
Boyer City Police Dept.	

ITEM	DESCRIPTION	QTY	RATE	AMOUNT
double horizontal file drawers	two horizontal file drawers per cabinet	2	900.00	1,800.00
triple bank drawers	three 16 inch drawersections with a file drawer at the bottom	1	1,150.00	1,150.00
cabinet w/drawers & Doors	various sizes to fill current openings	4	885.00	3,540.00
			25. ⁰⁰ +	?/UNIT INSTALL \$ 175
		Subtotal		6,490.00
		6% Tax		INSTALL + 175.00
		Total		6,490.00 6665. ⁰⁰



BOYNE CITY POLICE

319 North Lake St. Boyne City, MI 49712 • police@boynecity.com • Phone: (231) 582-6611 • Fax: (231) 582-3670

To: Michael Cain, City Manager *Mc*
From: Jeff Gaither, Police Chief
Date: June 7, 2018
RE: Radar and Lidar (Speed Measurement Devices)

Due the age and condition of our current radar units in the patrol vehicles, it is time to look at new units. The current (3) radar units were purchase more than 18 years ago. We had scheduled them for replacement 2 years ago but we were able to keep them going with a small expenditure for repairs. I feel we have exceeded the life expectancy of these units and they have served the Police Department well for many years.

After much research, we have selected replacement units that will fit our purposes but are not filled with features that cost extra and are rarely needed.

The selected units are Directional Golden Eagle with dual antennas from Kustom Signals. The state contract price is \$2348 each for a total of \$7044.

We are also in need of a hand held Lidar Unit, which is also a speed measurement device. This unit would be especially useful in situations where the patrol vehicle has to sit perpendicular to the traffic, making the radar in the vehicle unusable. Areas like the school zone would be a practical use for the hand held Lidar unit.

The unit selected for purchase is the Truspeed S from Laser Technology Inc. and the cost with the state contract price is \$1395. We would purchase only 1 unit to be used by all of the officers.

These prices reflect the State Contract Pricing. As such no bids are required. These are the lowest prices at which these units can be obtained.

I have budgeted for these units in this year's budget.

Recommendation

I recommend the City Commission approve of purchase of 3 Golden Eagle radar units from Kustom Signals for a cost of \$7044 and a Lidar Unit Truspeed S from Laser Technology Inc for a cost of \$1395.

Options:

Purchase one unit at a time

Purchase the radar units alone

Other options as determined by the Commission

Jeff Gaither, Chief of Police



Quotation

KUSTOM SIGNALS, INC.

9652 Loiret Blvd, Lenexa, KS 66219-2406
913-492-1400 Fax 913-492-1703
sales@kustomsignals.com www.kustomsignals.com

Date 05/21/2018

To... CHRISTIE HOENICKE
BOYNE CITY POLICE DEPT

319 N LAKE ST
BOYNE CITY MI 49712-1101

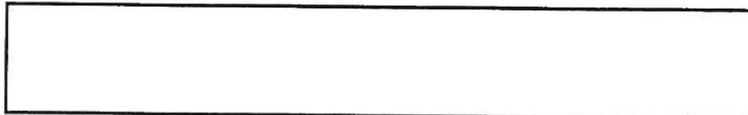
Quote # 590977157234NE
Terms Net 30
This Quote Expires on 08/19/2018
Phone 231-582-6611
Fax 231-582-3670

Qty	Product Description	UnitPrice	SubTotal
0	Michigan State Contract #071B4300045 effective 11/27/13 - 11/26/18	\$0.00	\$0.00
0	Shipping and handling included in Contract	\$0.00	\$0.00
3	Directional Golden Eagle II, dual antenna, Ka-Band DCM	\$2,348.00	\$7,044.00
0	**Includes 27 month warranty**	\$0.00	\$0.00
1	Pro-Life+ binocular-style lidar includes 2-AA batteries, lanyard and soft case.	\$1,513.00	-\$1,513.00
0	**Includes 24 month warranty**	\$0.00	\$0.00

Total \$8,557.00

Signature

* Applicable Sales Tax Not Included. Seller may charge Buyer a 25% restocking fee.



Toll Free 800-4KUSTOM (800-458-7866)



Measurably Superior
6912 South Quentin Street
Centennial, CO 80112

Validity Date: 06/25/18

Date: 05/25/18

To: Boyne City Police Department (Boyne City, US)
319 N Lake Street
Boyne City Michigan 49712
United States

LTI Rep: Lauren Furry
Phone: 3037050046
Email: lfurry@lasertech.com

Attn: Christie Hoenicke
Phone: 231-582-6611
Email: choenicke@boynecity.com

Shipping Method	FOB Point	Payment Terms
FedEx Ground	Boyne City, MI	Net 30

Special Instructions: Pricing per Michigan State Term Contract 071B4300046. Freight and four year warranty included at no additional cost.

Qty	Item	Description	Unit Price	Total
1	7006600	TRUSPEED S	\$1,395.00	\$1,395.00
TERMS AND CONDITIONS: Prices noted above are not valid with any other quotes or offers. Pricing does not include applicable sales tax. A 15% restocking fee will be added to all cancelled or returned orders. Shipping charges are estimated and subject to change. Please allow 3-4 weeks for delivery, unless otherwise specified. Quote valid for 30 days.			Subtotal	\$1,395.00
			Sales Tax@0.00%	\$0.00
			Freight	\$0.00
			Total(USD)	\$1,395.00

Authorized By

Date

Authorized By

Date



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

June 4, 2018

202 Lake Street Partners, LLC
Attorney David Campbell
(david@dlcampbell.net)

RID # 1803-03705
from BTR II, LLC

Reference/Transaction: Transfer Ownership Class C & SDM license

Please let this letter serve as notice the Michigan Liquor Control Commission has referred your application to our Enforcement Division for investigation of your request.

Applicant/Licensee: 202 Lake Street Partners, LLC
Business address and phone number: 202 S Lake St, Boyne City 49712
Home address and phone number of partner(s)/subordinates:

- 1. Glen Catt**
- 2. Kyle Marshall**
- 3. John Murray**
- 4. Steve Rossi**
- 5. Michael Spencer**

As part of the licensing process, an investigation is required by the Michigan Liquor Control Commission Enforcement Division. The Enforcement investigation will be conducted from the following designated District Office:

Escanaba District Office (906) 786-5553

You may contact your designated District Office regarding any appointments or questions on documentation requested by the Investigator. **Failure to provide requested information or to keep scheduled appointments will cause the application to be returned to the Lansing office for cancellation.**

Since this request is a transfer under MCL 436.1529(1), approval of the local unit of government is not required. However, a copy of this notice is also being provided to **Local Governmental Unit** should they wish to submit an opinion on the application or advise of any local non-compliance issues.

Under administrative rule R 436.1105, the Commission shall consider the opinions of the local residents, local legislative body, or local law enforcement agency with regard to the proposed business when determining whether an applicant may be issued a license or permit.

Under administrative rule R 436.1003, the licensee shall comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcements officials who have jurisdiction over the licensee. The licensee must obtain all other required state and local licenses, permits, and approvals before using this license for the sale of alcoholic liquor. Approval of this license by the Michigan Liquor Control Commission does not waive any of these requirements.

MICHIGAN LIQUOR CONTROL COMMISSION
Retail Licensing Division
(866) 813-0011

cc: Boyne City (cgrice@boynecity.com)



Approved: 5/24/18 *JA*

**MEETING OF
April 26, 2018**

**RECORD OF THE PROCEEDINGS OF THE MEETING OF THE BOYNE CITY
AIRPORT ADVISORY BOARD** held April 26th, 2018.

CALL TO ORDER

Chair Richard Bouters called the meeting to order at 5:30 PM followed by the pledge of allegiance.

**ROLL CALL
ATTENDANCE**

Present: Richard Bouters, Brian Harrington, Richard Wright, Leon Vercruysee, Jerry Schmidt*
Absent: Oral Sutliff, Rod Cortright*, Leon Jarema*, Bud Chipman
**Ex Officio Members*
Citizens: Jazmine Whisker, Lilymarie Johnson (Boyne City High School) Mike Borta (QoE Consulting)
Staff: Airport Manager/City Manager, Michael Cain

EXCUSED ABSENCES

Motion to excuse Oral Sutliff, Rod Cortright, Leon Jarema and Bud Chipman by Brian Harrington, seconded by Richard Bouters. Motion passed.

APPROVAL OF MINUTES

Motion by Brian Harrington seconded by Richard Wright passed unanimously to approve the March 22nd, 2018 minutes as written.

CORRESPONDENCE

Community Benefits Assessment (CBA) received from Michigan Department of Transportation (Aviation). See *Committees, Community Involvement*.

**CITIZENS COMMENTS
(NON-AGENDA ITEMS)**

Mike Borta explained the services provided by QoE Consulting, airports his company represents and QoE consulting qualifications. Borta reported that he would look into updating the Boyne City Airport Capital Improvement Plan (ACIP). He also offered cost effective runway preservation top coating alternatives.

COMMITTEES

Airport Obtain General Utility status by January 1, 2020 (Richard Wright)
Tree elimination on west side of Darcy Road. Department of Public Works (DPW) will comply but needs trees marked for cutting. Michael Cain requested his notification and inspection of tree removal area before cutting begins.

Department of Public Works has been asked to include mowing entire recently tree cleared area on the north side of the approach end of runway 09 to preclude brush/tree regrowth. Responded will mow a wider path but cannot mow entire width due to uneven terrain and obstructions which would cause damage to mowers. More coordination to follow.

Michael Cain will coordinate with Boyne City Water Department Manager Mark Fowler for authorization to relocate water spigot near runway underground.

Airport Internet Upgrade (Brian Harrington)

Michael Cain reported that the airport terminal is "...set to go with Charter..." pending possible 100 MB capability [and] "perhaps something [forthcoming] next month."

Review and Revise Airport Mission Statement (Richard Bouters and Richard Wright – Team Members)

Adopted by the Boyne City Council 4/10/18 without modification, edits, deletions etc.

Review and Revise Boyne City Emergency Plan (Richard Wright)

Plan copy provided to Boyne City Fire Chief Dennis Amesbury, 4/11/18 for review, comments and edits. Mr. Amesbury provided input from city's fire station standing operating procedure document. Plan is now with Emergency Medical Treatment (EMT) Chief for review.

Develop Airport Ground Traffic Management Plan (Brian Harrington)

Harrington reported his detailed work on traffic management signs; size, verbiage and colors.

Airport Snow Plow Training and Protocol (Rod Cortright)

Cortright absent, no presentation.

Review Overnight Ramp and Tie-Down Fees (Richard Bouters)

Bouters advised he is working to clarify record keeping / billing issues to ensure overnight ramp and tie-down fees are charged with fuel bills. Then upon those monies collected fuel receipts and overnight ramp and tie-down fees should be recorded separately. Other associated work Richard is working towards is revising the airport web page including that overnight ramp and tie-down fees apply and ramp signage reflecting the same message.

Comprehensive Review of Drag Race Issues (Michael Cain)

No new information provided.

Community Involvement (Richard Wright)

Community Benefits Assessment (CBA) received from MDOT – Aeronautics, Kelly Badra. Shared competed CBA with Boyne City Chamber of Commerce Executive Director, Ashley Cousens.

Brainstormed ideas to advertise local business at the airport, terminal building magazine rack with restaurant menus especially those offering food delivery services, Real Estate Brochures and Business Advertisements. Possibility of a bike share program for airport users summer 2018. Inclusion of Brian Harrington's airplane in July 4th parade.

Obtain Runway Distance Remaining Markers (Leon Jarema, Richard Wright, John Cooper – Citizen Purchaser)

Developed comparative analysis spread sheet for ease of reviewing DRM vendor proposals. Included Assumptions and Issues for Resolution.

UNFINISHED BUSINESS Working on the terminal fuel switch relocation for security purposes.

NEW BUSINESS Bouters is working with city web page administrator Barb Brooks developing entire new look for the airport web page.

GOOD OF THE ORDER The Aviation Fuel price is \$4.45 per gallon as of April 5th, 2018.

**ANNOUNCEMENTS
NEXT MEETING** The next regular Airport Advisory Board meeting is scheduled for Thursday, May 24th 2018 at 5:30 P.M. at the Airport Terminal.

ADJOURNMENT The meeting was adjourned at 7:40 P.M. by Bouters.

Richard K. Wright - Secretary 

Approved: _____

**Meeting Of
May 1, 2018**

Record of the proceedings of the Boyne City Zoning Board of Appeals meeting held at Boyne City Hall, 319 N. Lake Street, on Tuesday, May 1, 2018 at 5:00 p.m.

Call To Order

Chair Kubesh called the meeting to order at 5:00 p.m.

Roll Call

Present: Bob Carlile, Pat Kubesh, John McClorey, Lynn Murray and Roger Reynolds
Absent: None

Meeting Attendance

City Officials/Staff: Assistant Planning and Zoning Administrator Patrick Kilkenny and Recording Secretary Pat Haver

Public Present: Two

**Approval of the Minutes
MOTION**

ZBA 2018-5-1-2

Murray moved, Reynolds seconded, PASSED UNANIMOUSLY, a motion to approve the November 7, 2017 meeting minutes as presented.

**Hearing Citizens Present
Correspondence(s)**

None

Public Hearing opened at 5:03 pm

New Business

**Variance Request
515 Lewis Ave.
515 Lewis Ave, LLC.**

Assist Zoning Administrator Patrick Kilkenny reviewed his staff report that was included in the agenda packet. The applicant is re-applying to seek relief from the 5/12 roof pitch requirement in the TRD. Housing availability and affordable options have been a major source of discussion with multiple city boards, commissions and groups over the past few years. Recommendations for zoning ordinance amendments from the Planning Commission to the City Commission to lesson restrictions on housing were approved and adopted earlier this year.

Mike Dell: applicant – Gave a brief review and offered additional information to the board. He feels that because the non-conformity was in place prior to the purchase and moving the residence from another city lot to the present one, in the same zoning district is rare, he thought that by doing so, would take care of non-conformities on both city lots. He has been given a quote of almost 35,000 to upgrade the roof pitch, because an engineering study is required per Charlevoix County; making the cost astronomical to bear and still keep the affordability of rent to a senior citizen low. By moving this house, it has taken care of an unsightly lot on Lewis Street by removing a dilapidated garage, cleaning up the yard, installing lawn and trees, making an unusable lot into a low income residence and also taking care of a non-conforming issue on Wilson Street where the house was moved from. The City is trying to provide affordable housing, and we are asking that you consider the burden of the additional engineering costs and what would need to occur for increased rents to cover those costs.

Public Hearing closed at 5:10 pm

Board Discussion

Bob Carlile – Neighborhood rooflines are much more in accordance or similar to yours. **Dell** – Yes, there are around 24 houses on this street with 18 or 19 that have roof pitches of 3/12 or 4/12.

Murray – Were you made aware of the roof line requirement when you were looking at this house 6 years ago, did your realtor tell you this? In reviewing our previous decision, nothing has changed.

Dell – Yes we were told, the cost for the engineered study and roof replacement is exorbitant, and we had difficulty even finding a contractor to take on the project.

Murray – I understand that we need affordable housing, the ordinance is set to protect against heavy snow load and the safety for the public. By moving a residence for any reason, must be brought into alignment with zoning. A 3/12 pitch holds about 20 lbs. of snow load, a 5/12 pitch 40 lbs. of snow load.

Mrs. Dell – The variance procedure lends to the possibility of unique circumstances with presented information for the board's consideration in granting the variances so that we can move forward to continue to offer and provide affordable housing. The house has gone through 17+ winters without any problems. It is aesthetically the same as many of the other houses on the street, and if you are not an architect, you can't tell the slight difference in the roof pitch.

With no further discussion, Kubesh facilitated the discussion on the General Findings of Fact specifically looking at Section 26.25 Nonconforming Structures and then moved onto the Findings of Fact under Section 24.80

FINDINGS OF FACT UNDER SECTION 24.80. – NON-USE VARIANCES

In hearing and deciding appeals for variances, the Board shall adhere to the following criteria in determining whether or not practical difficulties and/or unnecessary hardships exist:

1. Requiring the owner to comply with the regulations governing area, setbacks, frontage, height, bulk, density or other non-use requirements would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity with such regulations unnecessarily burdensome. *Looking at practical difficulties; affirmative*
2. The variance granted is the smallest variance necessary to do substantial justice to the owner as well as to other property owners. *Affirmative 1.5 ft. roof pitch request is the smallest necessary*
3. The variance can be granted in such a fashion that the spirit of the ordinance will be observed and public safety and welfare secured. *Affirmative*
4. The need for the variance is not self-created. *Affirmative, when the structure was originally placed on another lot within the city limits, it met the ordinance requirements, which subsequently changed, making it a non-conforming structure in the TRD zoning district.*
5. The need for the variance is due to unique circumstances of the property itself, and not due to general conditions in the area or to circumstances related to the owner personally or to others residing on the property. *Affirmative, by moving the structure to its current location, the owners cleaned up a blighted lot prior to setting the house, and made the lot that it was originally setting on conforming. When the structure was originally placed on the first lot within the city limits, it*

met the ordinance requirements, which subsequently changed, making it a non-conforming structure in the TRD zoning district.

The Board shall grant no variance if it finds an application does not meet all of the above listed criteria for determining whether or not a practical difficulty and/or unnecessary hardship exists.

MOTION

Motion by Carlile, seconded by Kubesh to recommend approval of the requested variance as presented.

2018-5-01-5A.

Roll Call

Ayes: Carlile, Kubesh and Reynolds

Nays: McClorey and Murray

Abstain: None

Absent: None

Motion Carries

McClorey and Murray Term Expirations September 2018

ZBA 2018-5-01 5B

The term of John McClorey and Lynn Murray are due to expire in September 2018. Both members have indicated they are willing to serve another three year term. After board discussion, **motion by Kubesh, seconded by Reynolds, PASSED UNANIMOUSLY**, to recommend to the City Commission the reappointment of John McClorey and Lynn Murray to a three year term on the Zoning Board of Appeals to expire on September 1, 2021.

MOTION

Election of Officers

MOTION

ZBA 2018-5-01-5C

Motion by Carlile, seconded by Murray, PASSED UNANIMOUSLY, to leave the slate of officers as they currently are, with Pat Kubesh as Chair and Bob Carlile as Vice Chair of the Zoning Board of Appeals

Adoption of the 2018 Meeting Calendar

MOTION

ZBA 2018-5-01-5D

Included in the agenda packet is the 2018 meeting calendar for your review and consideration. **Motion by Murray, seconded by Kubesh, PASSED UNANIMOUSLY**, to adopt the 2018 calendar as presented with the meetings to be held the 1st Tuesday of each month at 5:00 pm. With moving the July 3rd meeting to July 10th and the September 4th meeting to September 11, 2018 due to their proximity to the holidays

Old Business and Reports of Officers, Boards and Standing Committees

None

Good of the Order

- Lynn Murray had attended the Citizen Planner series of classes and has never received his certification. Patrick Kilkenny will look into this for him. Murray also advised the board that he was looking to put his house on the market in the near future and that it may become necessary for the board to find a new member if the house is sold.
 - Pat Kubesh will not be available for the July or August meetings if one needed to be called.
-

Announcements

The next meeting of the Boyne City Zoning Board of Appeals is scheduled for June 5, 2018 at 5:00 p.m.

**Adjournment
MOTION**

ZBA 2018-5-01-10

Murray moved, McClorey seconded, PASSED UNANIMOUSLY a motion to adjourn the Tuesday, May 1, 2018 Boyne City Zoning Board of Appeals meeting at 6:22 p.m.

Pat Kubesh, Chair

Pat Haver, Recording Secretary

DRAFT



Approved:

Meeting of May 3, 2018	RECORD OF THE PROCEEDINGS OF THE REGULAR BOYNE CITY PARKS AND RECREATION COMMISSION MEETING HELD AT 5:00 P.M. AT CITY HALL ON THURSDAY, MAY 3, 2018.
Call to Order	Meeting was called to order by Board Chair Sheean at 5:00 p.m.
Roll Call	Present: Mike Sheean, Hugh Conklin, Diane Sterling, Jo Bowman, Tom Smith, Gow Litzenburger and Greg Vadnais Absent: Lisa Alexander
Meeting Attendance	City Staff: Streets/Parks & Recreation Superintendent Andy Kovolski and Recording Secretary Barb Brooks Public Present: three (3)
**MOTION	Conklin moved, Smith seconded, PASSED UNANIMOUSLY to excuse the absence of Lisa Alexander
Approval of Minutes **MOTION	Smith moved, Bowman seconded, PASSED UNANIMOUSLY a motion approving the April 5, 2018 meeting minutes as presented.
Citizens Comments (on non-agenda items)	None
Director's Report	Kovolski reported that there were some broken plumbing line issues in several of the parks buildings that are currently being repaired to get ready for the season. Sprucing up of Rivermouth bathrooms is currently underway and will be completed before Memorial Day weekend.
Correspondence	Recording secretary Brooks gave an update on the County Parks Millage applications that were submitted... all three were approved.
Reports of Officers, Boards, and Standing Committees	Park Inspection Reports – Avalanche is finally clear of snow. There are some trees down but the trails aren't bad considering all of the heavy snowfall. User Group Reports – Michele Carter, representing the dog park updated the board on scheduled spring clean-up date and that they are still moving forward with agility area. Dead and dying trees still need to be addressed as falling branches are a major safety concern and falling trees could take out the fencing.
<u>Unfinished Business</u>	
Tennis Court Update	Core samples have been taken and engineers will review the information to determine the cause of the cracking.
Brochure Update	Board members will review the copy and get any suggestions or corrections

back to staff by Wednesday. A draft will be available for review by the next meeting.

**Rivermouth Restroom
Grant Applications
Update**

Brooks reported that both applications were submitted by the required deadline and accepted as complete for review. Vadnais added that he reached out to his contact with at the Michigan Natural Resources Trust Fund (MNRTF) and stated that she was going to watch for our application and put in a good word.

**Open Space Acquisition
Update and RFP**

DNR staff are still reviewing the appraisal documents but things are progressing for the acquisition. Kovolski stated that he was waiting to hear more news regarding the acquisition before we move forward with an RFP for design and engineering.

New Business

**Proposed Mountain
Bike Trail on City
Owned Property**

Michael Cortright and other members of the Top of Michigan Mountain Bike Association (TOMBA) are interested in constructing a mountain bike trail on the City's property in Evangeline Township. The property is located off Old Horton Bay Rd. and Erickson Rd. near the School Forest Mountain Bike Trail. Cortright shared some statistics based on Glacial Hills in Bellaire regarding the number of visitors and economic impact to the community. Between Avalanche, the School Forest and if we add this proposed trail, we have the potential for a bronze trail designation thru the International Mountain Bike Association (IMBA). There are only two other bronze trail systems in Michigan. Michelle Cortright, representing Evangeline Township stated the board is in favor of this activity and fully supports this type of recreational use. Michael Cortright added that TOMBA volunteers are looking for a project to take on, which could be anywhere in Northern Michigan as they are a regional organization. If they take on a project in another community, it might be difficult to get them back to Boyne City.

The board discussed parking concerns, possible easement to connect the School Forest Trail and other possible uses on the property and property value. The City Manager will be meeting with a forester to see how much if any value there would be in select harvesting of the trees. The general consensus of the board was they like the idea and think it is a good use for the property but feel they need more information before they make a recommendation to move forward.

**Proposed Pump Track
Proposal at Avalanche**

Michael Cortright and members of TOMBA are interested in constructing a "Pump Track" aka bike skills training track at Avalanche. This would be a unique opportunity as it would be the only one in the area and one of just a few in Michigan. The track does not require a lot of land and is made for people of all ages and experience levels. The base of Avalanche would be a perfect location as it is fairly flat and on the same campus as the newly built mountain bike trails and other recreational activities and in town where kids can easily access it. The board tossed around other location ideas but saw the benefit of locating it Avalanche. The general consensus was to make sure this is considered during the Avalanche Master Planning process.

Brooks passed out a draft RFP for Avalanche master planning and requested the board look it over and provide feedback.

**Park Inspection
Assignments**

The board reviewed the list of park areas signed up to check on them periodically and report any concerns or issues and the general status. There is not a set schedule on when or how often board members visit the park. If there is a concern or issue that needs immediate attention it should be reported to staff. Observations and suggestions can be brought forward at board meetings for further discussion.

**Election of Officers
MOTION

After board discussion, Conklin moved, Litzenburger seconded, PASSED UNANIMOUSLY to elect Sheean as board chair and Bowman as vice chair.

Next Meeting

The next regular meeting of the Parks and Recreation Board is scheduled for Thursday, June 7, 2018 at 5 pm at City Hall.

Adjournment

The May 3, 2018 meeting of the Parks and Recreation Board was adjourned at 6:20 p.m.

Barb Brooks, Recording Secretary

draft



Approved: _____

Meeting of May 3, 2018 MINUTES OF THE BOYNE CITY MAIN STREET BOARD REGULAR MEETING HELD ON THURSDAY, MAY 3, 2018 at 8:30 AM CITY HALL, 319 NORTH LAKE STREET

Call to Order Chair Michelle Cortright called the meeting to order at 8:30 a.m.

Roll Call Present: Chris Bandy, Michael Cain, Michelle Cortright, Becky Harris, Patrick Little, Pat O'Brien, Rob Swartz

Meeting Attendance Absent: Robin Berry, Don Ryde

City Staff: Main Street Director Kelsie King-Duff, Recording Secretary Jane Halstead, Assistant Planner Patrick Kilkenny, Main Street Assistant Ingrid Day

Public: Six

Excused Absences MOTION Cain moved, Bandy seconded, PASSED UNANIMOUSLY to excuse Don Ryde.

Changes to Agenda MOTION Changes to the meeting agenda were required. Mac McClelland of Otwell Mawby rescheduled his visit to the June meeting. King-Duff requested that the purchase of a garage door for the pavilion be added to the agenda.

Swartz moved, Cain seconded, PASSED UNANIMOUSLY to approve amendments to the agenda as noted.

Welcome to members of Grayling Main Street!

Approval of Minutes MOTION Bandy moved, Harris seconded, PASSED UNANIMOUSLY to approve the March 6, 2018 minutes as presented.

Citizens Comments None.

Correspondence Two thank you notes from Challenge Mountain were received and filed.

Committee Reports

Organization Committee

Rob Swartz reported that Boyne Thunder is going well.

The Parking Study is moving through RRC.

The National Main Street will be having their board meeting here June 6th through 8th and the Main Street 15th Anniversary Party will be held on September 15th.

Promotions Committee

Planning for Stroll the Streets is well underway. Sponsorship remains consistent from past years.

Organization of the banners for downtown continues.

The Committee is focusing more on social media.

All calendars have been updated with current Main Street information. There is discussion of developing an all- area event calendar which anyone could add events to.

** Board members please provide Kelsie King-Duff feedback on Main Street website as soon as possible.

Design Committee

Façade grant applications are being reviewed.

The Committee is working on the Nation Historic Trust Signage for the bump out at the old Little Lena's location.

The Walk About Sculpture show has 2 installations upcoming.

The Mosaic sculpture will be installed this spring in Peninsula Park. A grant has been submitted which would cover installation costs and allow the purchase of the Draco Telescope sculpture.

Economic Vitality/Team Boyne

There has been recent discussion regarding a Laundromat. Possibly opening in the fall.

The Committee had a good discussion on housing. The Chamber will be hosting a community forum on housing.

The Lake Street Pub (formerly 7 Monks) will be opening the middle of May.

The City Commission had a work session on the Marina - \$4,000,000 in upgrades in the future.

Boyne Thunder

Boyne Thunder is having an appreciation dinner at Stigg's Brewery on May 8th.

Farmer's Market

Farmer's Market is going well. It is still a struggle to make people aware of the winter market.

Director's Report

Received and filed. Good project applications for the Façade program this year..

There may be additional funds available from the State – we will find out next week.

Unfinished Business

Billboard Artwork

The Marketing and Promotions Committee have been working on updates for the billboard on 131 between M-32 and M-75. It is a directional billboard so there are

limits on what can be displayed. The Committees chose a picture with kayaks in the foreground with downtown buildings in the background.

Cain moved, O'Brien seconded, PASSED UNANIMOUSLY to approve the billboard design selected by the Marketing and Promotions Committee.

New Business

Photography Services Contract

The contract with Kim Mettler of Michigan Barefoot Memories Photography is up for renewal. The Marketing and Promotion Committee recommends approving the \$1,000 contract and also consider an additional allocation of \$500 to be used if needed for specific photo requests.

Approval of Photography Services Contract MOTION

Harris moved, Cain seconded, PASSED UNANIMOUSLY to renew the contract with Kim Mettler of Michigan Barefoot Memories Photography for photos of Main Street events and programs for \$1000 and approve an additional allocation of \$500 if needed to cover specific photo requests.

Garage Door Purchase

King-Duff requested that Main Street purchase a garage door for the new pavilion at a cost of \$6,000 to serve as a demo for what the next phase of the pavilion project will provide. It is hoped it will be a good visual and help in advancing fundraising efforts. The cost will be reimbursed by the Farmer's Market after they host their Food Truck Rally in July.

Approval of Garage Door Purchase for Pavilion MOTION

Cain moved, Bandy seconded, PASSED UNANIMOUSLY to approve the purchase and installation of a garage door for the pavilion at a cost of \$6,000.

Financial Report Review

The Financial Report was received and filed.

Good Of The Order

- Glen Catt answered questions on the Lake Street Pub which will be opening in May.
- Little Lena's is undergoing asbestos abatement and will be torn down next week.
- The Sav-A-Lot project is on hold until the new proto-type from corporate is received.
- Boyne City Bakery will be getting a new awning.
- Congratulations to Kelsie on her completion of Leadership Charlevoix County.
- Tesla will provide electric car charging stations at no cost if we provide for the approximately \$ 8,000 installation cost.
- We need to improve our snow removal downtown.
- Petoskey is building a parking garage near Crooked Tree Art Gallery.
- Cortright shared some new promotion ideas including Northville's Veteran's Day promotion which involves purchasing a banner to honor a Veteran.

- The local artist's promotion at Local Flavor has been successful and will continue every 2nd and 4th Saturday. Story hour will be every 1st and 3rd Saturday.
 - Election on Tuesday.
-

Adjournment
MOTION

The May 3, 2018 meeting of the Boyne City Main Street Board was adjourned at 10:02 a.m.

Jane Halstead, Recording Secretary

DRAFT

Approved: _____

**Meeting of
May 21, 2018**

Record of the proceedings of the Boyne City Planning Commission regular meeting held at Boyne City Hall, 319 North Lake Street, on Monday May 21, 2018 at 5:00 pm.

Vice Chair Place called the meeting to order at 5:02 p.m.

Call to Order

Present: Ken Allen, George Ellwanger, Jim Kozlowski, Tom Neidhamer, and Aaron Place

Roll Call

Absent: Jason Biskner, Chris Frasz, Jeff Ross and Joe St. Dennis

Excused Absences

****Motion**

2018-05-21-02

Neidhamer moved, Ellwanger seconded, PASSED UNANIMOUSLY, a motion to excuse the absence of Biskner, Frasz, Ross and St. Dennis.

Meeting Attendance

City Officials/Staff: Planning and Zoning Administrator Scott McPherson and Recording Secretary Pat Haver

Public Present: 4

Consent Agenda

****Motion**

2018-05-21-03

Allen moved, Ellwanger seconded, PASSED UNANIMOUSLY, a motion to approve the consent agenda, the Planning Commission minutes from March 19, 2018 as presented.

**Citizen comments on
Non-Agenda Items**

None

**Reports of Officers,
Boards and Standing
Committees**

None

Unfinished Business

None

New Business

Planning Director McPherson reviewed his staff report included in the agenda packet. Larry Jones is proposing a 54' x 60' shop addition and a 16' x 54' lean-to addition to the existing structure on the east side of the building. It will match the size, character and new color of the building. The applicant went before the EDC/LDFA boards as required as it is in the Industrial Park and they recommended approval for the site plan.

**Sketch Plan Review
204 Air Industrial
Park Dr.**

Larry Jones: Owner – This existing building and proposed addition will be used for cold storage overflow and shipping only; manufacturing will be done at our other shop at 294 Air Industrial Park Dr. There are plans for electrical, lighting, and insulation only. The only outside lights will be at the two pedestrian entrances and will be downward lit.

McPherson – It meets all of the ordinance requirements in regards to placement, setback, size, lot coverage, height and I don't see anything that it does not meet.

****Motion**

After board discussion **motion by Ellwanger, seconded by Neidhamer** to recommend approval of the site plan for 204 Air Industrial Park Dr. as presented, as it meets all of the requirements under Section 19.40

Roll Call:

2018-5-21 7A

Ayes: Allen, Ellwanger, Kozlowski, Neidhamer and Place

Nays: None
Absent: Biskner, Frasz, Ross and St. Dennis
Abstain: None

Motion Carries

Pre-application meeting proposed zoning change for 402 State St.

Planning Director McPherson reviewed his report that was included in the agenda packet. Ron Mills and his son, are here before the Commission to get feedback on the possibility of a zoning change for the building at 402 State Street that they are planning on purchasing, renovating and moving their financial office into.

Ron Mills - There will be two working in the office, with minimal traffic. We would like to convert the space into a professional office. The planned renovations at this point would be a new metal roof, hard wood flooring, partition for two offices, updated restrooms, and exterior updating and cleanup. A handicapped accessible ramp would be incorporated off of the rear of the building where the parking will be located. The vehicle entrance would actually be off of Jefferson Street and not State Street.

Ken Allen - What would be the next steps for a rezoning of this site?

McPherson - There are a couple ways to approach a zoning request. A rezoning of the district, or a conditional rezoning that is specifically tailored to this lot and for one specific thing that is allowed. In my opinion, rezoning to a Professional Office District is the most appropriate for their proposed use. Because this is zoned residential, a conditional rezoning for a specific use would need to be done, and if the use ceases, it will revert back to its natural use. If the property is to be conditionally re-zoned, the City Commission has to make the final decision.

Kozlowski - What would your time frame be?

Mills - If we get the yes, by the end of the summer/early fall

McPherson - That maybe a bit optimistic; the process will take at least 3 months as you will need to come before this board with real specific details and a sketch plan on what it is you are planning, building renovations, driveways with parking spaces and what your rezoning request would be. You want to try to mitigate any potential questions from this board, to move the process along and then it goes to the City Commission for final approval.

Ron Mills - We will get the rezoning application with drawings shortly to the department.

Staff Report

-
- New aerial imagery was taken a week ago. It will include LIDAR - laser imaging mapping for the earth surface. It will give us the ability to produce 3D maps and images.
 - Because of our RRC status, we have been given an opportunity for additional studies. We are working on a parking study that will be completely funded, and in the next month or two additional information gathering will take place.
 - This week on Wednesday and Thursday, the MEDC will hold (2) full days of training here at City Hall.

Good of the Order

-
- Is there a possibility of a double ramp at the boat launch, it gets pretty crazy and backed up with only one. That would be a question for the Harbor Master Barb Brooks.
 - After the City Commission meeting tomorrow; there will be a tour of all of the city property to look at long term planning. The public is welcome to attend.
 - Has the airport fencing issue been resolved yet? Believe so, but you may want to verify with Mike Cain, the Airport Manager.
-

The next regular meeting of the Boyne City Planning Commission is scheduled for Monday, June 18, 2018 at 5:00 p.m.

Adjournment
****Motion**

2018-05-21-10

Kozlowski moved Allen seconded, PASSED UNANIMOUSLY a motion to adjourn the May 21, 2018 meeting at 5:47 p.m.

Vice Chair Aaron Place

Recording Secretary Pat Haver

Draft



Approved _____

**MEETING OF
May 14, 2018**

**MINUTES OF THE BOYNE CITY ECONOMIC DEVELOPMENT CORPORATION
MEETING DULY CALLED AND HELD ON MONDAY, May 14, 2018 at CITY
HALL ~ 319 N Lake St, Boyne City**

CALL TO ORDER

Chair Gillett called the meeting to order at 12:00 p.m.

ROLL CALL

Present: Kelly Bellant, Michael Cain, Michelle Cortright, Pete Friedrich, Ralph
Gillett, Josette Lory, Drew May
Absent: Pat Anzell, Marilea Grom

**EXCUSED ABSENCES
MOTION**

Cain moved, Friedrich seconded, PASSED UNANIMOUSLY to excuse Pat Anzell

MEETING ATTENDANCE

Staff: Recording Secretary Jane Halstead
Public: Seven

**MINUTE APPROVAL
MOTION**

Bellant moved, Lory seconded, PASSED UNANIMOUSLY to approve the
minutes of March 12, 2018.

NEW BUSINESS

Larry Jones Pole Barn

Larry Jones was at the meeting to explain plans he has to expand the building he currently has in the business park. The builder provided blue prints and explained what is being constructed. The additional space will be used for cold storage by an online retail motorcycle parts business that is currently renting space and running a business from the location. The parts business will have between 5 and 8 full-time employees by summer. There will be no outdoor storage and there is plenty of parking.

MOTION

Cortright moved, Cain seconded, PASSED UNANIMOUSLY to approve Larry Jone's expansion plans as presented and forward them on to the Planning Department.

Van Dam Marine IFEC
Application

Representatives from Van Dam Marine were present to request an Industrial Development Facilities Exemption Certificate for their property at 970 E Division Street. The property is not located in the Business Park but is still eligible for a tax abatement. Van Dam is building an addition to their production facility and building a 2-story office expansion. The company currently employs 27 people and projects 5 new hires resulting from the expansion. The Board scored the application using the Abatement Criteria Formula and determined Van Dam Marine met the criteria required to receive a 12 year abatement (90+ points).

MOTION

Cortright moved, Lory seconded, PASSED UNANIMOUSLY to recommend consideration by the City Commission to provide a 12 year tax abatement to Van Dam Marine.

UNFINISHED BUSINESS
Business Park Inquiries

None.

GOOD OF THE ORDER

Aerial photographs of the City were taken recently. This was funded by monies awarded from a SAW grant. The images are 3D and will provide topographical data. The images are expected back in approximately 2 months.
Louie's Market is now open. There is more traffic back-up on M-75.
The sign for the Business Park west of Classic Instruments has fallen down. It will be repaired and possibly moved.

ANNOUNCEMENTS

The next regular meeting of the EDC is scheduled for July 9, 2018 at Noon.

ADJOURNMENT

The May 14, 2018 Economic Development Corporation meeting was adjourned at 12:48 p.m.

Jane Halstead, Recording Secretary



Approved: _____

**MEETING OF
May 14, 2018**

**MINUTES OF THE BOYNE CITY LOCAL DEVELOPMENT FINANCE
AUTHORITY MEETING DULY CALLED AND HELD ON MONDAY, May 14, 2018
at City Hall ~ 319 N Lake St, Boyne City**

CALL TO ORDER

Chair Gillett called the meeting to order at 12:48 p.m.

ROLL CALL

Present: Kelly Bellant, Michael Cain, Michelle Cortright, Pete Friedrich, Ralph Gillett,
Josette Lory, Drew May
Absent: Pat Anzell

**EXCUSED ABSENCES
MOTION**

Cain moved, Gillett seconded, PASSED UNANIMOUSLY to excuse Pat Anzell

**MEETING
ATTENDANCE**

Staff: Recording Secretary Jane Halstead
Public: One

**APPROVAL OF
MINUTES
MOTION**

Friedrich moved, Lory seconded, PASSED UNANIMOUSLY to approve the March 12,
2018 minutes.

**HEARING CITIZENS
PRESENT**

None

CORRESPONDENCE

None.

UNFINISHED BUSINESS

Included in the agenda packet was the LDFA FYE 2019 budget for review.
Charlevoix County Road Commission supposed to be getting signage to redirect truck
traffic to use Moll Drive.
There were no complaints received regarding drainage with the recent rains.
Do we need to come up with a strategy/plan for future expansion?
Cain will contact Bruce Janssen to fix and possibly relocate the sign on M-75 which blew
down to the lot east of Moll Drive on M-75, as well as provide an estimate to replace the
wood entrance sign at Air Industrial Drive with a sign similar to the one at the Moll Drive
entrance.

NEW BUSINESS

Bellant asked if the LDFA should apply the Phase 2 restrictions to the two properties which
are for sale in the Phase 1 portion of the business park. Cain will contact the City Attorney
to see what would need to be done to have the Phase 1 lots governed by the Phase 2
restrictions.

GOOD OF THE ORDER

The new Boyne Visitor's Guide is now available. The Business Park advertisement is in on
page 1.

NEXT MEETING

The next meeting of the Local Development Finance Authority is scheduled for July 9, 2018.

ADJOURNMENT

The May 14, 2018 Local Development Finance Authority meeting was adjourned at 1:04 p.m.

Pete Friedrich, LDFA Secretary

Jane Halstead, Recording Secretary

BOYNE CITY HISTORICAL COMMISSION

Minutes of May 24, 2018

7:00 pm
City Hall

CALL TO ORDER: 7:06 PM

PRESENT: Hewitt, Dawson, Alexander, Raycraft and Sansom.

ABSENT: Barden

GUEST: Kecia Freed.

Minutes: Alexander motioned to approve minutes from the April 23, 2018 meeting, second by Dawson, all ayes.

Old Business:

Museum clean-up. Board wondering when this will be completed. Discussion regarding the budget for FYE 2018 and FYE 2019. Hewitt updated board on the items that Howard Ball would like to sell to museum. Hewitt asked him if he would split it out and sell individually, he does not want to split it up so he was asked to provide a cost for all items for board to review.

New Business:

- A. Second grade tours, it was a concern of the board that the museum is not ready for the tour. The construction items as well as city items that are being stored are in need of being moved so we can clean area and prepare it for temporary displays for the museum. Board discussion was that if the space was cleared that we would participate in the tour. We could show video that Kecia put together for the open house and give handouts for walking tour and LaFrance fire truck postcards.
- B. Kecia gave a brief update for the Heritage board, Joe will be attending the meeting on Thursday. IRS sent notification that they have received the application for 501C3 status and indicated that it could take up to 90 days. Not much action to report.

Citizens Comments:

Hewitt gave a brief explanation of the picture showing the carved dancers that was done by a Boyne Area Resident in the early 1900's. Joe Hines was able to talk to the family who still has this piece and discussion about it coming to the museum.

Communications:

None

Next Meeting: June 11, 2018 7:00 pm.

Adjourned: 7:37 pm, motioned by Raycraft, second by Alexander, all ayes.

DRAFT



Approved: _____

**MEETING OF
May 24, 2018**

**RECORD OF THE PROCEEDINGS OF THE MEETING OF THE BOYNE
CITY AIRPORT ADVISORY BOARD held May 24th, 2018.**

CALL TO ORDER

Chair Richard Bouters called the meeting to order at 4:34 PM followed by the pledge of allegiance.

**ROLL CALL
ATTENDANCE**

Present: Richard Bouters, Brian Harrington, Richard Wright, Leon Vercruysee, Rod Cortright*, Leon Jarema*

Absent: Oral Sutliff, Bud Chipman*, Jerry Schmidt*

Staff: Airport/City Manager - Michael Cain

Citizens: Cameron Knight, David Sharer, Miles Bates, Dicie Siska, Eric Jabubiah, Rylie Woodall, Annie Johnson, Olivia Knitter, Camden Rajhovies, Connor Lannen, David Shaler

EXCUSED ABSENCES

Excused: Motion to excuse Oral Sutliff, Bud Chipman and Jerry Schmidt by Brian Harrington, seconded by Richard Wright. Motion passed.

APPROVAL OF MINUTES

Motion by Brian Harrington seconded by Richard Wright unanimously passed to approve the April 26th minutes as written.

CORRESPONDENCE

See NEW BUSINESS, **QoE Consulting**

**CITIZENS COMMENTS
(NON-AGENDA ITEMS)**

None

COMMITTEES

Develop Airport Ground Traffic Management Plan (Brian Harrington)

Harrington presented ground traffic advisory sign “**Slow – Aircraft Have Right of Way**” Sign is reflecting orange with black lettering. Posting area of two like signs is the left and right side of the airport environment access gate. Action Complete.

Airport Internet Upgrade (Brian Harrington)

Upgraded WiFi service via Spectrum Internet Service Provider. Action Complete.

Review Overnight Ramp and Tie-Down Fees (Richard Bouters)

Bouters reiterated that currently there is no differentiation between fuel and aircraft parking chargers. One option discussed to capture parked aircraft information is for weekday airport ramp visits by a city employee. Based on his observations of other general aviation airports Jarema suggested no parking charges should be assessed if aviation fuel was purchased at the Boyne City Airport for the parked aircraft during that specific parking period. Issue not resolved and requires further study/discussion.

UNFINISHED BUSINESS

Bicycle Trail Head

Full airport terminal bicycle trail head implementation will occur next year, 2019. Some airport terminal improvements may begin in 2018.

NEW BUSINESS

QoE Consulting (See Attachment No. 1)

Offer from Mike Borta, QoE Consulting via email dated May 2, 2018 offering to update the Boyne City's Airport Capital Improvement Plan (ACIP) pro bono. Additionally Borta offered, "...would the City/Committee consider QoE remuneration for services pertaining to the GU [General Utility] license?" Richard Wright will research the possibility of obtaining a competitive bid.

Airport Capital Improvement Plan (ACIP)

Cain requested move to put ACIP review on the September 2018 Airport Advisory Board agenda.

Airport Wild Game Decoys

Board approved the purchase of wild game decoys to assist in keeping wild game from the airport runway. The Board suggested occasional relocation of the decoys.

Short Term Hangar Rental

Board approved the lessor monthly customer charge for an eight day short term hangar rental in lieu of a straight daily charge of the same duration.

Removal of Stored Tables and Chairs

Richard Wright will coordinate with Northern Homes representative for a mutually acceptable storage area for tables and chairs currently stored in the airport terminal.

Quarterly Review of Airport Advisory Board 2018 Goals

Board will review 2018 goals during June meeting.

GOOD OF THE ORDER

As of April 5th, 2018, the Boyne City Airport charge for 100 low lead aviation fuel is \$4.45 per gallon.

ANNOUNCEMENTS

Richard Wright will attend the Michigan Department of Transportation – Aviation, Michigan Aviation Professional Course June 18-19.

NEXT MEETING

The next regular Airport Advisory Board meeting is scheduled for Thursday, June 28th, 2018 at 5:30 P.M. at the Airport Terminal.

ADJOURNMENT

The meeting was adjourned at 5:45 P.M. by Bouters.

Richard K. Wright-Secretary

draft

City of Boyne City**MEMO**

Date: June 8, 2018

To: Mayor Neidhamer and the Boyne City City Commission

From: Michael Cain, City Manager *Mc*

Subject: West Michigan/Woodland Water Main Bids

Since this matter was last discussed at our April 20th meeting Cindy and I have reviewed project funding options internally and with our outside financial consultant and bond counsel. In order to secure outside funding we have now been advised that certain processes are required by law that would need to be done by our bond attorney. The fees to have those services performed would be approximately \$8,700. Those fees would be charged to and paid by the overall resulting special assessment. Even if ultimately the special assessment and the project did not go forward these fees and others like those of our engineer associated to the project could still be charged to the property owners if the City Commission desired.

To keep this project as affordable as possible for the affected property owners we have again looked to determine if we could fund this internally. Based on our estimated general fund fund balance level neither Cindy nor I are comfortable recommending that option, it brings us almost to our 25% fund balance policy minimum level.

Another option we are exploring is the possibility of loaning some of the reserves set aside for the Wastewater Fund to this special assessment. We believe there is enough available capacity in that fund to cover this expense and meet any anticipated funding needs going forward. We have confirmed that with Superintendent Fowler. Although we have used this process before in loaning money to the DDA we are verifying all this with our financial consultant and bond counsel to make sure we have covered all our bases. We should have their responses prior to Tuesday's meeting.

Assuming that they confirm our ability to do the internal loan it would benefit the wastewater fund by generating more revenue in a relatively low risk endeavor, lower the costs to the special assessment project and give us greater flexibility with things like loan prepayments. On the downside if we can and do use this tool here those fund will not be available for other wastewater projects or to loan for other projects outside the wastewater area (open space improvements, marina, etc.).

RECOMMENDATION: That the City Commission authorize the City Manager and City Clerk/Treasurer to internally fund the proposed Michigan/Woodland Street Special Assessment project using wastewater reserve funds thru a loan if possible or as an alternative if necessary secure the professional services required to secure outside financing for the estimated amount of \$8,700.

Options:

- 1) Postpone for further information or consideration.
- 2) Other options as determined by the City Commission.

CITY OF BOYNE CITY

To: Michael Cain, City Manager *MC*
From: Scott McPherson, Planning Director *SM*
Date: June 12, 2018
Subject: International Property Maintenance Code



Background

Currently the City does not have any type of property maintenance code. The only tool the City has to take action against dilapidated properties is the City's Dangerous Building's Ordinance. To take action using the Dangerous Building Ordinance a structure has to be significantly damaged, usually to the point that it is economically unfeasible to repair or restore the structure. While this ordinance has been used to remove dangerous structures in the past, it would be beneficial to have the ability to intercede prior to a structure becoming dangerous. Over the years the City has discussed the possible adoption of a property maintenance code, however, it appears an actual ordinance has never been developed and submitted to the City Commission for adoption.

Discussion

Given our experiences with dilapidated buildings over the past couple of years, and the time and effort required to enforce the dangerous building ordinance, a property maintenance code could offer a more efficient and less time consuming enforcement tool. A property maintenance code would provide the City the ability to take action to have small defects corrected prior to becoming unfixable issues. Locally, the City of East Jordan and the City of Petoskey have adopted property maintenance codes. I have reached out to officials at both jurisdictions and hopefully will be able relay their experiences and methods of enforcing code when the Commission discusses this issue at the June 12th meeting. These codes are customized versions of the International Property Maintenance Code. For your reference a copy of the Petoskey code has been provided.

As can be seen in the example provided, a property maintenance code is comprehensive and covers all aspects of a property to include the exterior, interior, plumbing, mechanical, and electrical and fire safety among other things. The code details the methods for administration and enforcement to include the duties and powers of the code official, methods of notification and appeals processes. When considering a property maintenance code some of the details that need to be considered are the methods of enforcement, penalties and appeals board. While existing staff could enforce some aspects of the a property maintenance code, such as deficiencies to the exterior of a structure and grounds, other areas such as plumbing, mechanical, electrical and fire safety would take a level of expertise beyond our current capabilities. The penalty provision for violations of the property maintenance code could be a misdemeanor or a civil infraction. Currently in the City the penalty provisions for most other similar type ordinances is a civil infraction. The appeal process for the property maintenance code starts with an appeal to a board of appeals. This board could be comprised a newly appointed board just to hear appeals regarding the property maintenance code, or the authority could be given the existing zoning board of appeals. In the sample ordinance from Petoskey the zoning board of appeals was given the authority to hear appeals of the property maintenance code.

This issue is being brought to the City Commission to begin the discussion regarding a property maintenance code. If the Commission wishes to move forward with the development of a code, City Staff can develop a code, meeting the preferences of the Commission bring it back for a first reading.

Recommendation

Consider this matter and provide direction to staff on how to proceed.

Other options:

1. Take no action.
2. Postpone for more information and further consideration.
3. Other action as determined by the Commission.

ARTICLE II. - INTERNATIONAL PROPERTY MAINTENANCE CODE^[3]

DIVISION 1. - SCOPE AND ADMINISTRATION

SUBDIVISION I. - SCOPE AND APPLICATION

Sec. 13-21. - General.

- (a) *Title.* These regulations shall be known as the International Property Maintenance Code of the City of Petoskey, hereinafter referred to as "this code."
- (b) *Scope.* The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.
- (c) *Intent.* This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.
- (d) *Severability.* If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

(Ord. No. 716, § 1(§ 101), 7-19-2010)

Sec. 13-22. - Applicability.

- (a) *General.* Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.
- (b) *Maintenance.* Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.
- (c) *Application of other codes.* Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the International Building Code, International Fuel Gas Code, International Mechanical Code and NFPA 70. Nothing in this code shall be construed to cancel, modify or set aside any provision of the International Zoning Code.
- (d) *Existing remedies.* The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and insanitary.
- (e) *Workmanship.* Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.
- (f) *Historic buildings.* The provisions of this code shall not be mandatory for existing buildings or structures designated as

historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare.

- (g) *Referenced codes and standards.* The codes and standards referenced in this code shall be those that are listed in Chapter 8 and considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply.

- (h) *Requirements not covered by code.* Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the code official.

- (i) *Application of references.* References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

- (j) *Other laws.* The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

(Ord. No. 716, § 1(§ 102), 7-19-2010)

Sec. 13-23. - Definitions.

(a) *General.*

- (1) *Scope.* Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.
- (2) *Interchangeability.* Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.
- (3) *Terms defined in other codes.* Where terms are not defined in this code and are defined in the International Building Code, International Fire Code, International Zoning Code, International Plumbing Code, International Mechanical Code or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.
- (4) *Terms not defined.* Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.
- (5) *Parts.* Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit," "housekeeping unit" or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

(b) *General definitions.*

Anchored. Secured in a manner that provides positive connection.

Approved. Approved by the code official.

Basement. That portion of a building which is partly or completely below grade.

Bathroom. A room containing plumbing fixtures including a bathtub or shower.

Bedroom. Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

Code official. The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

Condemn. To adjudge unfit for occupancy.

Detached. When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

Deterioration. To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

[B] Dwelling unit. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Easement. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

Equipment support. Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snigger, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

Exterior property. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

Garbage. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Guard. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

Habitable space. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

Housekeeping unit. A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

Imminent danger. A condition which could cause serious or life-threatening injury or death at any time.

Infestation. The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

Inoperable motor vehicle. A vehicle which cannot be driven upon the public streets for reason including, but not limited to, being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

Labeled. Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above labeled items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

Let for occupancy or let. To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

Neglect. The lack of proper maintenance for a building or structure.

Occupancy. The purpose for which a building or portion thereof is utilized or occupied.

Occupant. Any individual living or sleeping in a building, or having possession of a space within a building.

Openable area. That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

Operator. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

Owner. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

Person. An individual, corporation, partnership or any other group acting as a unit.

Pest elimination. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other approved pest elimination methods.

Premises. A lot, plot or parcel of land, easement or public way, including any structures thereon.

Public way. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

Rooming house. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

Rooming unit. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

Rubbish. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

[B] Sleeping unit. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

Strict liability offense. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

Structure. That which is built or constructed or a portion thereof.

Tenant. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

Toilet room. A room containing a water closet or urinal but not a bathtub or shower.

Ultimate deformation. The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

Ventilation. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

Workmanlike. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

Yard. An open space on the same lot with a structure.

(Ord. No. 716, § 1(ch. 2), 7-19-2010)

Secs. 13-24, 13-25. - Reserved.

SUBDIVISION II. - ADMINISTRATION AND ENFORCEMENT

Sec. 13-26. - Department of property maintenance inspection.

- (a) *General.* The department of property maintenance inspection is hereby created and the executive official in charge thereof shall be known as the code official.
- (b) *Appointment.* The code official shall be appointed by the City Manager for the City of Petoskey.

- (c) *Deputies.* In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the code official shall have the authority to appoint a deputy(s). Such employees shall have powers as delegated by the code official.
- (d) *Liability.* The code official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.
- (e) *Fees.* The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be determined by resolution of the city council from time to time as adopted.

(Ord. No. 716, § 1(§ 103), 7-19-2010)

Sec. 13-27. - Duties and powers of the code official.

- (a) *General.* The code official is hereby authorized and directed to enforce the provisions of this code. The code official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.
- (b) *Inspections.* The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.
- (c) *Right of entry.* Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the code official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this code, provided that if such structure or premises is occupied the code official shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the code official shall have recourse to the remedies provided by law to secure entry.
- (d) *Identification.* The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.
- (e) *Notices and orders.* The code official shall issue all necessary notices or orders to ensure compliance with this code.
- (f) *Department records.* The code official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records for the period required for retention of public records.

(Ord. No. 716, § 1(§ 104), 7-19-2010)

Sec. 13-28. - Approval.

- (a) *Modifications.* Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases upon application of the owner or owner's representative, provided the code official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

- (b) *Alternative materials, methods and equipment.* The provisions of this code are not intended to prevent the installation of or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the code official finds that the proposal is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.
- (c) *Required testing.* Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.
 - (1) *Test methods.* Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall be permitted to approve appropriate testing procedures performed by an approved agency.
 - (2) *Test reports.* Reports of tests shall be retained by the code official for the period required for retention of public records.
- (d) *Used material and equipment.* The use of used materials which meet the requirements of this code for new materials is permitted. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved by the code official.
- (e) *Approved materials and equipment.* Materials, equipment and devices approved by the code official shall be constructed and installed in accordance with such approval.
- (f) *Research reports.* Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

(Ord. No. 716, § 1(§ 105), 7-19-2010)

Sec. 13-29. - Violations.

- (a) *Unlawful acts.* It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.
- (b) *Notice of violation.* The code official shall serve a notice of violation or order in accordance with section 13-30.
- (c) *Prosecution of violation.* Any person failing to comply with a notice of violation or order served in accordance with section 13-30 shall be deemed responsible for a municipal civil infraction, pursuant to [this] section, subject to payment of a civil fine pursuant to the City of Petoskey Municipal Civil Infraction Ordinance, as amended, plus costs and other sanctions for each violation (as authorized by Section 24 of Act 184 of the Public Acts of Michigan of 1943, as amended, the City of Petoskey Municipal Infraction Ordinance and other applicable laws), and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.
- (d) *Violation penalties.* Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
- (e) *Abatement of violation.* The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

(Ord. No. 716, § 1(§ 106), 7-19-2010)

Sec. 13-30. - Notices and orders.

- (a) *Notice to person responsible.* Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in subsections (b) and (c) to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with subsection 13-31(c).
- (b) *Form.* Such notice prescribed in subsection (a) shall be in accordance with all of the following:
 - (1) Be in writing.
 - (2) Include a description of the real estate sufficient for identification.
 - (3) Include a statement of the violation or violations and why the notice is being issued.
 - (4) Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.
 - (5) Inform the property owner of the right to appeal.
 - (6) Include a statement of the right to file a lien in accordance with subsection 13-29(c).
- (c) *Method of service.* Such notice shall be deemed to be properly served if a copy thereof is:
 - (1) Delivered personally;
 - (2) Sent by certified or first class mail addressed to the last known address; or
 - (3) If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.
- (d) *Unauthorized tampering.* Signs, tags or seals posted or affixed by the code official shall not be mutilated, destroyed or tampered with, or removed without authorization from the code official.
- (e) *Penalties.* Penalties for noncompliance with orders and notices shall be as set forth in subsection 13-29(d).
- (f) *Transfer of ownership.* It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

(Ord. No. 716, § 1(§ 107), 7-19-2010)

Sec. 13-31. - Unsafe structures and equipment.

- (a) *General.* When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.
 - (1) *Unsafe structures.* An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.
 - (2) *Unsafe equipment.* Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.
 - (3) *Structure unfit for human occupancy.* A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks

maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

- (4) *Unlawful structure.* An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.
- (5) *Dangerous structure or premises.* For the purpose of this code, any structure or premises that has any or all of the conditions or defects described below shall be considered dangerous:
 - a. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.
 - b. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
 - c. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.
 - d. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of 1½ the original designed value.
 - e. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
 - f. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.
 - g. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
 - h. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
 - i. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
 - j. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.
 - k. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.
- (b) *Closing of vacant structures.* If the structure is vacant and unfit for human habitation and occupancy, and is not in post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.
 - (1) *Authority to disconnect service utilities.* The code official shall have the authority to authorize disconnection of

utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in subsection 13-22(g) in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. The code official shall notify the serving utility and, whenever possible, the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the owner or occupant of the building structure or service system shall be notified in writing as soon as practical thereafter.

- (c) *Notice.* Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with subsection 13-30(c). If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in subsection 13-30(b).
- (d) *Placarding.* Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.
 - (1) *Placard removal.* The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.
- (e) *Prohibited occupancy.* Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.
- (f) *Abatement methods.* The owner, operator or occupant of a building, premises or equipment deemed unsafe by the code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.
- (g) *Record.* The code official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

(Ord. No. 716, § 1(§ 108), 7-19-2010)

Sec. 13-32. - Emergency measures.

- (a) *Imminent danger.* When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.
- (b) *Temporary safeguards.* Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.
- (c) *Closing streets.* When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

- (d) *Emergency repairs.* For the purposes of this section, the code official shall employ the necessary labor and materials to perform required work as expeditiously as possible.
- (e) *Costs of emergency repairs.* Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.
- (f) *Hearing.* Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

(Ord. No. 716, § 1(§ 109), 7-19-2010)

Sec. 13-33. - Demolition.

- (a) *General.* The code official shall order the owner of any premises upon which is located any structure, which in the code official judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the code official shall order the owner to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the building official.
- (b) *Notices and orders.* All notices and orders shall comply with section 13-30.
- (c) *Failure to comply.* If the owner of a premises fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.
- (d) *Salvage materials.* When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

(Ord. No. 716, § 1(§ 110), 7-19-2010)

Sec. 13-34. - Means of appeal.

- (a) *Application for appeal.* Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the City of Petoskey Zoning Board of Appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.
- (b) *Membership of board.* The board of appeals shall be appointed consistent with the Michigan Zoning Enabling Act, being MCL 125.3101 et seq. and Article XX of the City of Petoskey Zoning Ordinance, as amended from time to time.
 - (1) *Fees for appeals.* The fee for an appeal shall be \$100.00 to be paid upon application for an appeal. The city council may from time to time prescribe and amend by resolution an alternative reasonable fee charged for an appeal under this code.
 - (2) Reserved.
 - (3) *Disqualification of member.* A member shall not hear an appeal in which that member has a personal, professional or financial interest.

- (4) *Secretary.* The chief administrative officer shall designate a qualified person to serve as secretary to the board. The secretary shall maintain a detailed record of all proceedings in the office of the chief administrative officer.
- (5) *Compensation of members.* Compensation of members shall be determined by law.
- (c) *Notice of meeting.* The board shall meet upon notice from the chairman, within 20 days of the filing of an appeal, or at stated periodic meetings.
- (d) *Open hearing.* All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than two-thirds of the board membership.
 - (1) *Procedure.* The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.
- (e) *Postponed hearing.* When the full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.
- (f) *Board decision.* The board shall modify or reverse the decision of the code official only by a concurring vote of a majority of the total number of appointed board members.
 - (1) *Records and copies.* The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the code official.
 - (2) *Administration.* The code official shall take immediate action in accordance with the decision of the board.
- (g) *Court review.* Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by Section 606 of the Zoning Enabling Act following the filing of the decision in the office of the chief administrative officer.
- (h) *Stays of enforcement.* Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.

(Ord. No. 716, § 1(§ 111), 7-19-2010)

Sec. 13-35. - Stop work order.

- (a) *Authority.* Whenever the code official finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the code official is authorized to issue a stop work order.
- (b) *Issuance.* A stop work order shall be in writing and shall be given to the owner of the property, to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.
- (c) *Emergencies.* Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work.
- (d) *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 the civil fine for a third offense of a violation of chapter 13 of the Code of Ordinances, as more particularly established by the City of Petoskey Civil Infraction Ordinance, as amended.

(Ord. No. 716, § 1(§ 112), 7-19-2010)

Secs. 13-36—13-40. - Reserved.

DIVISION 2. - GENERAL REQUIREMENTS

Sec. 13-41. - General.

- (a) *Scope.* The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.
- (b) *Responsibility.* The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.
- (c) *Vacant structures and land.* All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

(Ord. No. 716, § 1(§ 301), 7-19-2010)

Sec. 13-42. - Exterior property areas.

- (a) *Sanitation.* All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.
- (b) *Grading and drainage.* All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: Approved retention areas and reservoirs.

- (c) *Sidewalks and driveways.* All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.
- (d) *Weeds.* All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with subsection 13-29(c) and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.
- (e) *Rodent harborage.* All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.
- (f) *Exhaust vents.* Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.
- (g) *Accessory structures.* All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.
- (h) *Motor vehicles.* Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

- (i) *Defacement of property.* No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the

responsibility of the owner to restore said surface to an approved state of maintenance and repair.

(Ord. No. 716, § 1(§ 302), 7-19-2010)

Sec. 13-43. - Swimming pools, spas and hot tubs.

- (a) *Swimming pools.* Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.
- (b) *Enclosures.* Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1,219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1,372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self latching gates shall be maintained such that the gate will positively close and latch when released from an open position of six inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

(Ord. No. 716, § 1(§ 303), 7-19-2010)

Sec. 13-44. - Exterior structure.

- (a) *General.* The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.
 - (1) *Unsafe conditions.* The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:
 - a. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
 - b. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
 - c. Structures or components thereof that have reached their limit state;
 - d. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
 - e. Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects;
 - f. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
 - g. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
 - h. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;
 - i. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects;
 - j. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all

load effects;

- k. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
- l. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects; or
- m. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

- 1. When substantiated otherwise by an approved method.
- 2. Demolition of unsafe conditions shall be permitted when approved by the code official.

- (b) *Protective treatment.* All exterior surfaces, including, but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and watertight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.
- [F] (c) *Premises identification.* Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of four inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).
- (d) *Structural members.* All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.
- (e) *Foundation walls.* All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.
- (f) *Exterior walls.* All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.
- (g) *Roofs and drainage.* The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.
- (h) *Decorative features.* All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
- (i) *Overhang extensions.* All overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and the properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
- (j) *Stairways, decks, porches and balconies.* Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.
- (k) *Chimneys and towers.* All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained

structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

- (l) *Handrails and guards.* Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
- (m) *Window, skylight and door frames.* Every window, skylight, door and frame shall be kept in sound condition, good repair and weathertight.
 - (1) *Glazing.* All glazing materials shall be maintained free from cracks and holes.
 - (2) *Openable windows.* Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.
- (n) *Insect screens.* During the period from May 1 to October 1, 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 (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

- (o) *Doors.* All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with subsection 13-87(c).
- (p) *Basement hatchways.* Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.
- (q) *Guards for basement windows.* Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.
- (r) *Building security.* Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.
 - (1) *Doors.* Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a lock throw of not less than one inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.
 - (2) *Windows.* Operable windows located in whole or in part within six feet (1828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device.
 - (3) *Basement hatchways.* Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

(Ord. No. 716, § 1(§ 304), 7-19-2010)

Sec. 13-45. - Interior structure.

- (a) *General.* The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.
 - (1) *Unsafe conditions.* The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing

buildings:

- a. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
- b. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
- c. Structures or components thereof that have reached their limit state;
- d. Structural members are incapable of supporting nominal loads and load effects;
- e. Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
- f. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. When substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted when approved by the code official.

- (b) *Structural members.* All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.
- (c) *Interior surfaces.* All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.
- (d) *Stairs and walking surfaces.* Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.
- (e) *Handrails and guards.* Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
- (f) *Interior doors.* Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

(Ord. No. 716, § 1(§ 305), 7-19-2010)

Sec. 13-46. - Component serviceability.

- (a) *General.* The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.
 - (1) *Unsafe conditions.* Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code as required for existing buildings:
 - a. Soils that have been subjected to any of the following conditions:
 1. Collapse of footing or foundation system;
 2. Damage to footing, foundation, concrete or other structural element due to soil expansion;
 3. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;
 4. Inadequate soil as determined by a geotechnical investigation;
 5. Where the allowable bearing capacity of the soil is in doubt; or
 6. Adverse effects to the footing, foundation, concrete or other structural element due to the groundwater

table.

- b. Concrete that has been subjected to any of the following conditions:
 - 1. Deterioration;
 - 2. Ultimate deformation;
 - 3. Fractures;
 - 4. Fissures;
 - 5. Spalling;
 - 6. Exposed reinforcement; or
 - 7. Detached, dislodged or failing connections.
- c. Aluminum that has been subjected to any of the following conditions:
 - 1. Deterioration;
 - 2. Corrosion;
 - 3. Elastic deformation;
 - 4. Ultimate deformation;
 - 5. Stress or strain cracks;
 - 6. Joint fatigue; or
 - 7. Detached, dislodged or failing connections.
- d. Masonry that has been subjected to any of the following conditions:
 - 1. Deterioration;
 - 2. Ultimate deformation;
 - 3. Fractures in masonry or mortar joints;
 - 4. Fissures in masonry or mortar joints;
 - 5. Spalling;
 - 6. Exposed reinforcement; or
 - 7. Detached, dislodged or failing connections.
- e. Steel that has been subjected to any of the following conditions:
 - 1. Deterioration;
 - 2. Elastic deformation;
 - 3. Ultimate deformation;
 - 4. Metal fatigue; or
 - 5. Detached, dislodged or failing connections.
- f. Wood that has been subjected to any of the following conditions:
 - 1. Ultimate deformation;
 - 2. Deterioration;
 - 3. Damage from insects, rodents and other vermin;
 - 4. Fire damage beyond charring;
 - 5. Significant splits and checks;
 - 6. Horizontal shear cracks;
 - 7. Vertical shear cracks;
 - 8. Inadequate support;
 - 9. Detached, dislodged or failing connections; or
 - 10. Excessive cutting and notching.

Exceptions:

1. When substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted when approved by the code official.

(Ord. No. 716, § 1(§ 306), 7-19-2010)

Sec. 13-47. - Handrails and guardrails.

- (a) *General.* Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1,067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: Guards shall not be required where exempted by the adopted building code.

(Ord. No. 716, § 1(§ 307), 7-19-2010)

Sec. 13-48. - Rubbish and garbage.

- (a) *Accumulation of rubbish or garbage.* All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.
- (b) *Disposal of rubbish.* Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.
 - (1) *Rubbish storage facilities.* The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.
 - (2) *Refrigerators.* Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.
- (c) *Disposal of garbage.* Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.
 - (1) *Garbage facilities.* The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leakproof, covered, outside garbage container.
 - (2) *Containers.* The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

(Ord. No. 716, § 1(§ 308), 7-19-2010)

Sec. 13-49. - Pest elimination.

- (a) *Infestation.* All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.
- (b) *Owner.* The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.
- (c) *Single occupant.* The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.
- (d) *Multiple occupancy.* The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied,

the occupant and owner shall be responsible for extermination.

- (e) *Occupant.* The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

(Ord. No. 716, § 1(§ 309), 7-19-2010)

Secs. 13-50—13-55. - Reserved.

DIVISION 3. - LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

Sec. 13-56. - General.

- (a) *Scope.* The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.
- (b) *Responsibility.* The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.
- (c) *Alternative devices.* In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the International Building Code shall be permitted.

(Ord. No. 716, § 1(§ 401), 7-19-2010)

Sec. 13-57. - Light.

- (a) *Habitable spaces.* Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be eight percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than three feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The exterior glazing area shall be based on the total floor area being served.

- (b) *Common halls and stairways.* Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m²) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9,144 mm). In other than residential occupancies, means of egress, including exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of one footcandle (11 lux) at floors, landings and treads.
- (c) *Other spaces.* All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

(Ord. No. 716, § 1(§ 402), 7-19-2010)

Sec. 13-58. - Ventilation.

- (a) *Habitable spaces.* Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in subsection 13-57(a).

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

- (b) *Bathrooms and toilet rooms.* Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by subsection (a), except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.
- (c) *Cooking facilities.* Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the rooming unit or dormitory unit.

Exceptions:

- 1. Where specifically approved in writing by the code official.
 - 2. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.
- (d) *Process ventilation.* Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.
 - (e) *Clothes dryer exhaust.* Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted outside the structure in accordance with the manufacturer's instructions.

Exception: Listed and labeled condensing (ductless) clothes dryers.

(Ord. No. 716, § 1(§ 403), 7-19-2010)

Sec. 13-59. - Occupancy limitations.

- (a) *Privacy.* Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.
- (b) *Minimum room widths.* A habitable room, other than a kitchen, shall not be less than seven feet (2,134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than three feet (914 mm) between counter fronts and appliances or counter fronts and walls.
- (c) *Minimum ceiling heights.* Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than seven feet (2,134 mm).

Exceptions:

- 1. In one- and two-family dwellings, beams or girders spaced not less than four feet (1,219 mm) on center and projecting not more than six inches (152 mm) below the required ceiling height.
 - 2. Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than six feet eight inches (2,033 mm) with not less than six feet four inches (1,932 mm) of clear height under beams, girders, ducts and similar obstructions.
 - 3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least seven feet (2,134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of five feet (1,524 mm) or more shall be included.
- (d) *Bedroom and living room requirements.* Every bedroom and living room shall comply with the requirements of subsections (1) through (5).
 - (1) *Room area.* Every living room shall contain at least 120 square feet (11.2 m²) and every bedroom shall contain at least 70 square feet (6.5 m²).

- (2) *Access from bedrooms.* Bedrooms shall not constitute the only means of access to other bedrooms or habitable space serve as the only means of egress from other habitable spaces.

Exception: Units that contain fewer than two bedrooms.

- (3) *Water closet accessibility.* Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.
- (4) *Prohibited occupancy.* Kitchens and nonhabitable spaces shall not be used for sleeping purposes.
- (5) *Other requirements.* Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of division 4; the heating facilities and electrical receptacle requirements of division 5; and the smoke detector and emergency escape requirements of division 6.
- (e) *Overcrowding.* The number of persons occupying a dwelling unit shall not create conditions that, in the opinion of the code official, endanger the life, health, safety or welfare of the occupants.
- (f) *Efficiency unit.* Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:
- (1) Unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet (20.4 m²). A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet (29.7m²). These required areas shall be exclusive of the areas required by subsection (2) and (3).
 - (2) The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.
 - (3) The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.
 - (4) The maximum number of occupants shall be three.
- (g) *Food preparation.* All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

(Ord. No. 716, § 1(§ 404), 7-19-2010)

Secs. 13-60—13-65. - Reserved.

DIVISION 4. - PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

Sec. 13-66. - General.

- (a) *Scope.* The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.
- (b) *Responsibility.* The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this chapter.

(Ord. No. 716, § 1(§ 501), 7-19-2010)

Sec. 13-67. - Required facilities.

- (a) *Dwelling units.* Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

- (b) *Rooming houses.* At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.
- (c) *Hotels.* Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten occupants.
- (d) *Employees' facilities.* A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.
 - (1) *Drinking facilities.* Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.
- (e) *Public toilet facilities.* Public toilet facilities shall be maintained in a safe sanitary and working condition in accordance with the International Plumbing Code. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the premises.

(Ord. No. 716, § 1(§ 502), 7-19-2010)

Sec. 13-68. - Toilet rooms.

- (a) *Privacy.* Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.
- (b) *Location.* Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.
- (c) *Location of employee toilet facilities.* Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

- (d) *Floor surface.* In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

(Ord. No. 716, § 1(§ 503), 7-19-2010)

Sec. 13-69. - Plumbing systems and fixtures.

- (a) *General.* All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.
- (b) *Fixture clearances.* Plumbing fixtures shall have adequate clearances for usage and cleaning.
- (c) *Plumbing system hazards.* Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

(Ord. No. 716, § 1(§ 504), 7-19-2010)

Sec. 13-70. - Water system.

- (a) *General.* Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the International Plumbing Code.

- (b) *Contamination.* The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.
- (c) *Supply.* The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.
- (d) *Water heating facilities.* Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110°F (43°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

(Ord. No. 716, § 1(§ 505), 7-19-2010)

Sec. 13-71. - Sanitary drainage system.

- (a) *General.* All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.
- (b) *Maintenance.* Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.
- (c) *Grease interceptors.* Where it has been determined that a grease interceptor is not being maintained and serviced as intended by this code and the manufacturer's instructions, an approved interceptor monitoring system shall be provided or a maintenance program shall be established with documentation submitted to the code official.

(Ord. No. 716, § 1(§ 506), 7-19-2010)

Sec. 13-72. - Storm drainage.

- (a) *General.* Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

(Ord. No. 716, § 1(§ 507), 7-19-2010)

Secs. 13-73—13-75. - Reserved,

DIVISION 5. - MECHANICAL AND ELECTRICAL REQUIREMENTS

Sec. 13-76. - General.

- (a) *Scope.* The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.
- (b) *Responsibility.* The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter.

(Ord. No. 716, § 1(§ 601), 7-19-2010)

Sec. 13-77. - Heating facilities.

- (a) *Facilities required.* Heating facilities shall be provided in structures as required by this section.

- (b) *Residential occupancies.* Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 61°F in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the International Plumbing Code. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

Exception: In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

- (c) *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 October 1 to May 1 to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

Exceptions:

- (1) When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.
 - (2) In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.
- (d) *Occupiable work spaces.* Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to May 1 to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

- (1) Processing, storage and operation areas that require cooling or special temperature conditions.
 - (2) Areas in which persons are primarily engaged in vigorous physical activities.
- (e) *Room temperature measurement.* The required room temperatures shall be measured three feet (914 mm) above the floor near the center of the room and two feet (610 mm) inward from the center of each exterior wall.

(Ord. No. 716, § 1(§ 602), 7-19-2010)

Sec. 13-78. - Mechanical equipment.

- (a) *Mechanical appliances.* All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.
- (b) *Removal of combustion products.* All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

Exception: Fuel-burning equipment and appliances which are labeled for unvented operation.

- (c) *Clearances.* All required clearances to combustible materials shall be maintained.
- (d) *Safety controls.* All safety controls for fuel-burning equipment shall be maintained in effective operation.
- (e) *Combustion air.* A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.
- (f) *Energy conservation devices.* Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

(Ord. No. 716, § 1(§ 603), 7-19-2010)

Sec. 13-79. - Electrical facilities.

- (a) *Facilities required.* Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and section 13-80.
- (b) *Service.* The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.
- (c) *Electrical system hazards.* Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.
 - (1) *Abatement of electrical hazards associated with water exposure.* The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.
 - a. *Electrical equipment.* Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the International Building Code.

Exception: The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:

1. Enclosed switches, rated 600 volts or less;
2. Busway, rated 600 volts or less;
3. Panel boards, rated 600 volts or less;
4. Switchboards, rated 600 volts or less;
5. Fire pump controllers, rated 600 volts or less;
6. Manual and magnetic motor controllers;
7. Motor control centers;
8. Alternating current high-voltage circuit breakers;
9. Low-voltage power circuit breakers;
10. Protective relays, meters and current transformers;
11. Low- and medium-voltage switchgear;
12. Liquid-filled transformers;
13. Cast-resin transformers;
14. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water;
15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water;
16. Luminaires that are listed as submersible;
17. Motors;
18. Electronic control, signaling and communication equipment.

- (2) *Abatement of electrical hazards associated with fire exposure.* The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to fire.
 - a. *Electrical equipment.* Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the International Building Code.

Exception: Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.

(Ord. No. 716, § 1(§ 604), 7-19-2010)

Sec. 13-80. - Electrical equipment.

- (a) *Installation.* All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.
- (b) *Receptacles.* Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.
- (c) *Luminaires.* Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric luminaire.

(Ord. No. 716, § 1(§ 605), 7-19-2010)

Sec. 13-81. - Elevators, escalators and dumbwaiters.

- (a) *General.* Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, be available for public inspection in the office of the building operator or be posted in a publicly conspicuous location approved by the code official. The inspection and tests shall be performed at not less than the periodic intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.
- (b) *Elevators.* In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

- (c) *General—Duct systems.* Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

(Ord. No. 716, § 1(§§ 606, 607.1), 7-19-2010)

Secs. 13-82—13-85. - Reserved.

DIVISION 6. - FIRE SAFETY REQUIREMENTS

Sec. 13-86. - General.

- (a) *Scope.* The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.
- (b) *Responsibility.* The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

(Ord. No. 716, § 1(§ 701), 7-19-2010)

Sec. 13-87. - Means of egress.

- (a) *General.* A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the way. Means of egress shall comply with the International Fire Code.
- (b) *Aisles.* The required width of aisles in accordance with the International Fire Code shall be unobstructed.
- (c) *Locked doors.* All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the International Building Code.
- (d) *Emergency escape openings.* Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

(Ord. No. 716, § 1(§ 702), 7-19-2010)

Sec. 13-88. - Fire-resistance ratings.

- (a) *Fire-resistance-rated assemblies.* The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.
- (b) *Opening protectives.* Required opening protectives shall be maintained in an operative condition. All fire and smoke stop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

(Ord. No. 716, § 1(§ 703), 7-19-2010)

Sec. 13-89. - Fire protection systems.

- (a) *General.* All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the International Fire Code.
 - (1) *Automatic sprinkler systems.* Inspection, testing and maintenance of automatic sprinkler systems shall be in accordance with NFPA 25.
- (b) *Smoke alarms.* Single- or multiple-station smoke alarms shall be installed and maintained in all residential dwellings, regardless of occupant load at all of the following locations:
 - (1) On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
 - (2) In each room used for sleeping purposes.
 - (3) In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level. Single- or multiple-station smoke alarms shall be installed in other groups in accordance with the International Fire Code.
- (c) *Power source.* In Group R occupancies and in dwellings not regulated as Group R occupancies, single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

Exception: Smoke alarms are permitted to be solely battery operated in buildings where no construction is taking place, buildings that are not served from a commercial power source and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for building wiring without the removal of interior finishes.

- (d) *Interconnection.* Where more than one smoke alarm is required to be installed within an individual dwelling unit, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit and shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:

- (1) Interconnection is not required in buildings which are not undergoing alterations, repairs or construction of any kind.
- (2) Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for interconnection without the removal of interior finishes.

(Ord. No. 716, § 1(\$ 704), 7-19-2010)



City of Boyne City

MEMO

Date: June 8, 2018

To: Mayor Neidhamer and the Boyne City City Commission

From: Michael Cain, City Manager *Mc*

Subject: Evangeline Township Property

At our May 22nd work session we toured various areas and properties of interest to the City, including part of the 80 acres woods we own in Evangeline Township, east of Old Horton Bay Road. Recent options discussed regarding that property have included: selling it, harvesting the timber off of it, and/or using it for some recreational purpose, such as mountain biking. After our tour my impression of the leading options favored by the City Commission were a combination of the mountain biking and some possible level of sustainable timber harvesting. The 80 acres woods are outlined in blue on the attached map.

This matter was discussed by the Park Board at their regular June 7th meeting. An excerpt of a portion of their draft minutes are included below:

‘Michael Cortright stated that TOMMBA members have walked the property and were pleased with what they saw. They said it was better than they expected; better terrain than the school forest property and just as good as Avalanche. The board discussed forest management from leaving everything as is to select cutting to limited tree clearing. Cortright expressed that TOMMBA would most likely be disinterested if any cutting was going to take place on the property. The equipment and dragging of the logs can be damaging to the trails and the natural wooded property is what draws many people to ride and enjoy a trail. There was also discussion about the positive economic impact from having trails but keeping a balance so we don’t lose our feel and appeal from overcrowding in our community.’

‘**Smith moved, Litzenburger seconded, PASSED UNANIMOUSLY** to support TOMMBA’s interest in building mountain bike trails on the City owned property in Evangeline Township and recommend the City Commission continue to move forward with the proposal.’

In addition to the items noted above at the Park Board meeting this property is of interest for mountain bike trail improvements due to its proximity to the school property trail system which lies to the east. While there is another property between the two there is a possibility that there could be a link established that would allow the two areas to function as one greater area, enhancing it further for mountain biking and the resulting economic development opportunities that could be derived from it.

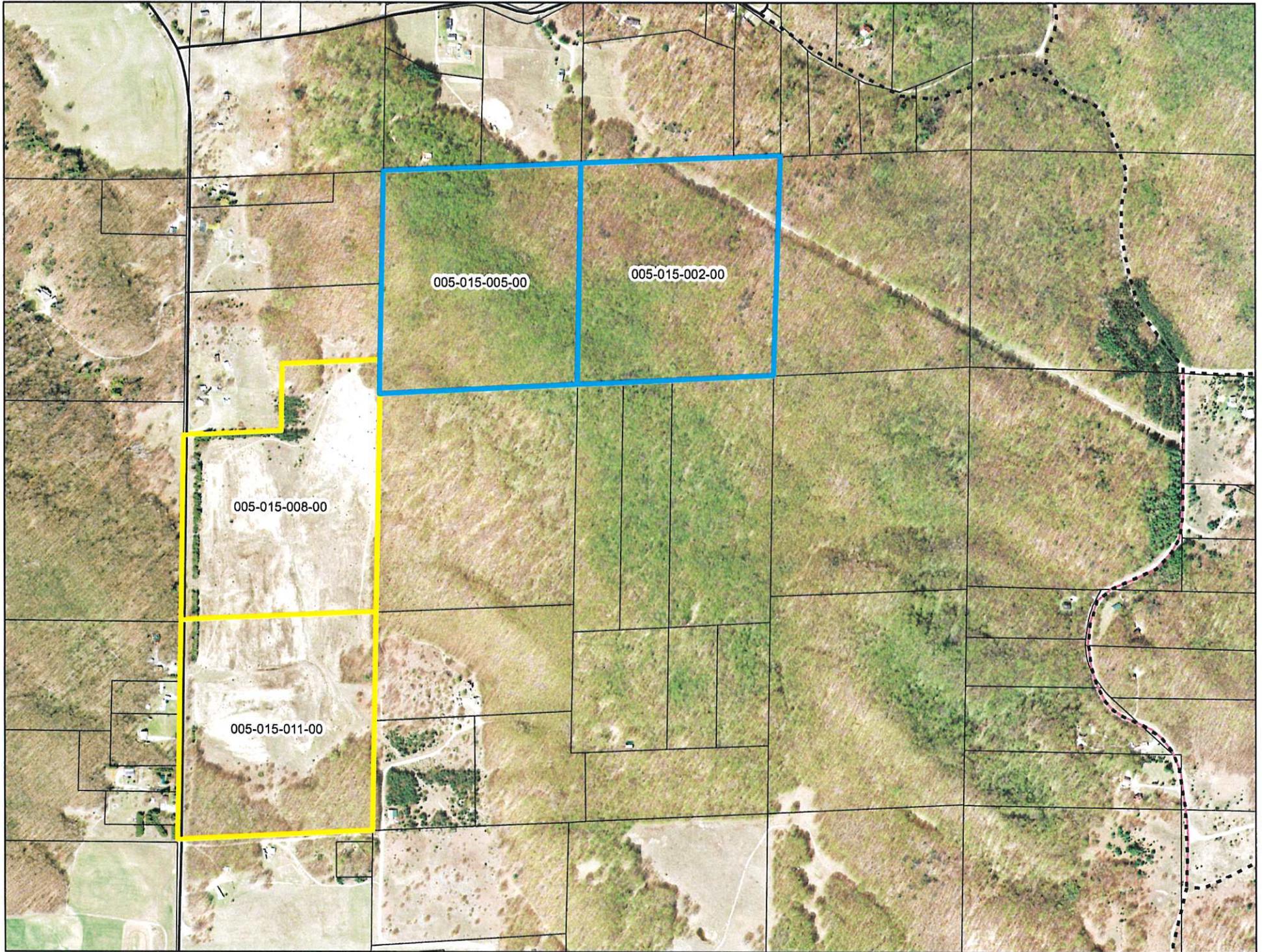
Prior to expending much further effort in exploring this possibility City staff and TOMMBA would like to obtain the City Commission’s thoughts on this matter and possible support for further development of this concept. That is why the matter is brought before the City Commission tonight.

While this matter is only at the preliminary stage at this point staff believes that the mountain biking concept has enough merit, possibly combined with a selective timber harvesting and management program on this property, to warrant further investigation and development.

RECOMMENDATION: That the City Commission initially support the concept of the possible use of the City's 80 acre wooded property in Evangeline Township as a mountain biking area including the possibility of selective timber harvesting and authorize staff to work with appropriate parties to further explore and work out draft particulars for the further consideration of the Park Board and City Commission.

Options:

- 1) Postpone for further information or consideration.
- 2) Take no action on the matter.
- 3) Deny the request.
- 4) Other options as determined by the City Commission.



005-015-005-00

005-015-002-00

005-015-008-00

005-015-011-00



2018 Community-wide Goal Setting

We need to hear from you!

Boyne City is a great place to live, work and visit. To keep our city successful, the City Commission develops goals every two years to focus our efforts. This year, we are asking for your opinion about critical issues first. Then, please join us on [date, time] at the Veteran's Park Pavilion to see the survey results and share your opinions about how city government can address the highest priority issues.

The list in this survey includes issues that residents identified during previous goal-setting events, plus others suggested by city commissioners and city staff members. Please rate how important you think the following issues are and add other issues that city government should address in the next two years.

If you have questions about this survey or need assistance, call Boyne City Hall, 231-582-6597. Please complete this survey and return to city hall prior to [date].

Thanks!

The Boyne City Commission

Tom Neidhamer, Mayor

Ron Grunch, Mayor Pro-tem

Hugh Conklin

Sally Page

Dean Solomon



Housing Topics

1. Affordable housing. People want to move to Boyne City, but home prices and rents are high. It is often difficult for individuals and families to find acceptable housing that they can afford.

Not important at all	Of little importance	Of average importance	Very important	Absolutely essential
<input type="radio"/>				

2. Housing choices. We lack an adequate supply of downtown housing options, duplexes, apartments and other types of homes many people now desire, especially young adults and seniors.

Not important at all	Of little importance	Of average importance	Very important	Absolutely essential
<input type="radio"/>				

3. Subsidized housing. The Boyne City Housing Commission provides low-cost housing for senior citizens and families, but there is not enough to meet need. There is a long waiting list of qualified individuals and families.

Not important at all	Of little importance	Of average importance	Very important	Absolutely essential
<input type="radio"/>				

4. Seasonal housing. Our tourism industry draws many visitors to our area. Businesses struggle to find seasonal workers, in part because of lack of available housing for them.

Not important at all	Of little importance	Of average importance	Very important	Absolutely essential
<input type="radio"/>				

5. Short-term rentals. Weekly home rentals provide desirable options for vacationers but may impact neighborhoods and affect the supply of longer-term housing.

Not important at all	Of little importance	Of average importance	Very important	Absolutely essential
<input type="radio"/>				

6. Are there other housing issues you think need to be addressed in the next two years?



Economic Development Issues

7. Keeping young adults in Boyne City. Young adults bring new ideas and vibrancy to our community, but many of our high school and college graduates leave the area.

Not important at all	Of little importance	Of average importance	Very important	Absolutely essential
<input type="radio"/>				

8. **Family supporting jobs.** Young adults bring new ideas and vibrancy to our community, but many of our high school and college graduates leave the area.

Not important at all	Of little importance	Of average importance	Very important	Absolutely essential
<input type="radio"/>				

9. **Business diversity.** Our local economy benefits from manufacturing, tourism and retail businesses, but we need to attract a greater diversity of businesses in order to thrive and withstand economic downturns.

Not important at all	Of little importance	Of average importance	Very important	Absolutely essential
<input type="radio"/>				

10. **Building sites for business expansion.** Businesses are interested in building new facilities in Boyne City, but there are only a few sites remaining in the city industrial park and other private parcels.

Not important at all	Of little importance	Of average importance	Very important	Absolutely essential
<input type="radio"/>				

11. Downtown vitality. Boyne City's downtown is well-known for its shops, restaurants and events. It draws visitors and residents alike. Keeping downtown vital requires continued public and private investment.

Not important at all	Of little importance	Of average importance	Very important	Absolutely important
<input type="radio"/>				

12. **Medical marijuana.** Medical marijuana use was approved by Michigan's voters in 2008. Recent legislation allows municipalities to allow, or not allow, medical marijuana businesses. To date, the Boyne City Commission has not acted on this controversial issue.

Not important at all	Of little importance	Of average importance	Very important	Absolutely essential
<input type="radio"/>				

13. **Blight.** Boyne City is noted for its beauty and small-town appeal, but some residential and commercial property in the city is unsightly and poorly maintained.

Not important at all

Of little importance

Of average importance

Very important

Absolutely essential

14. Are there other economic development issues you think need to be addressed in the next two years?



Parks and Recreation

15. Municipal marina expansion. Boyne City's municipal marina is too small to accommodate seasonal and short-term demand. The waiting list for seasonal slips is very long. An expansion plan was developed but not yet fully implemented.

Not important at all	Of little importance	Of average importance	Very important	Absolutely essential
<input type="radio"/>				

16. Veteran's Park Pavilion. Phase 1 of the Veteran's Park Pavilion renovation and expansion project is complete. Grants, donations and city funds will be needed for the next phases to enclose the pavilion during inclement weather and make other improvements.

Not important at all	Of little importance	Of average importance	Very important	Absolutely important
<input type="radio"/>				

17. New Open Space property. City purchase of the new Open Space across from Family Fare is nearly complete. Grants, donations and city funds will be needed for sidewalks, lighting, benches and other improvements to make the park more enjoyable for residents and visitors.

Not important at all	Of very little importance	Of average importance	Very important	Absolutely essential
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

18. Non-motorized paths and trails. Efforts are continuing to fund and construct non-motorized paths connecting Boyne City to Charlevoix and Boyne Falls. New mountain bike trails at Avalanche park are very popular. There is still need for additional and repaired sidewalks to increase walkability in the city.

Not important at all	Of little importance	Of average importance	Very important	Absolutely essential
<input type="radio"/>				

19. Waterfront development. The Lake Charlevoix shoreline and the Boyne River are beloved by Boyne City residents and visitors. There is continued need to connect our waterfront parks with walkways and expand recreational opportunities.

Not important at all	Of little importance	Of average importance	Very important	Absolutely essential
<input type="radio"/>				

20. Water quality protection. Boyne City is blessed with outstanding water quality. To keep our water clean requires continued improvements in stormwater management, preventing shoreline erosion and keeping harmful substances and invasive species out of the lake and river.

Not important at all

Of little importance

Of average importance

Very important

Absolutely essential

21. Are there other parks and recreation issues you think need to be addressed in the next two years?



Overall Issues

22. **Volunteers.** Boyne City is successful in large part because many residents volunteer to lead and help with our community events, festivals and projects. Recruiting new volunteers is a constant challenge.

Not important at all Of little importance Of average importance Very important Absolutely essential

23. **City finances.** City tax and state revenue sharing income has still not recovered to pre-Great Recession levels. This trend makes it more difficult to maintain services and make new investments to keep Boyne City moving forward.

Not important at all Of little importance Of average importance Very important Absolutely essential

24. **Maintaining momentum.** Boyne City is the envy of many Michigan cities. We've had great success in the past ten years increasing our population and creating economic opportunity. Keeping the success going is challenging. We have to keep coming up with new ideas to stay ahead.

Not important at all Of little importance Of average importance Very important Absolutely essential

25. Overall Perception. Some items that may influence your perception of the City of Boyne City are listed below. Please rate each item on a scale of 1 to 5 where 5=Very satisfied and 1=Very Dissatisfied.

	Very Satisfied	Satisfied	Neutral	Dissatisfied	Very Dissatisfied	Don't know
Overall image of the City	<input type="radio"/>					
Overall value that you receive for your City tax dollars and fees	<input type="radio"/>					
Overall quality of City services	<input type="radio"/>					
The City as a place to live	<input type="radio"/>					
The City as a place to raise children	<input type="radio"/>					
The City as a place to retire	<input type="radio"/>					
Overall quality of life in the City	<input type="radio"/>					
Overall direction of the City	<input type="radio"/>					

26. Are there other overall issues you think need to be addressed in the next two years?



Prioritize

Which three issues from the lists you just viewed are most critical for Boyne City government to address in the next two years?

27. Choose up to three (3)

- | | |
|--|---|
| <input type="checkbox"/> Affordable housing | <input type="checkbox"/> Blight |
| <input type="checkbox"/> Housing choices | <input type="checkbox"/> Municipal Marina expansion |
| <input type="checkbox"/> Subsidized housing | <input type="checkbox"/> Veterans' Park Pavilion |
| <input type="checkbox"/> Seasonal housing | <input type="checkbox"/> New Open Space |
| <input type="checkbox"/> Short-term rentals | <input type="checkbox"/> Non-motorized trails / paths |
| <input type="checkbox"/> Keeping young adults in Boyne City | <input type="checkbox"/> Waterfront development |
| <input type="checkbox"/> Family-supporting jobs | <input type="checkbox"/> Water quality protection |
| <input type="checkbox"/> Business diversity | <input type="checkbox"/> Volunteers |
| <input type="checkbox"/> Building sites for business expansion | <input type="checkbox"/> City finances |
| <input type="checkbox"/> Downtown vitality | <input type="checkbox"/> Maintaining momentum |
| <input type="checkbox"/> Medical marijuana | |

Other (please specify)



About you

* 28. I am a:

- Full-time Boyne City resident (within the City limits)
- Seasonal Boyne City resident (within the City limits)
- Neighboring township resident (Wilson, Evangeline, Eveline, Melrose or Boyne Valley, etc.)
- Live somewhere else

29. Are you a Boyne City business owner?

- Yes
- No

June 2018

June 2018						
Su	Mo	Tu	We	Th	Fr	Sa
3	4	5	6	7	1	2
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

July 2018						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
May 27	28	29	30	31	Jun 1	2
3	4	5	6	7 8:30am Main Street Board mtg. 6:00pm Parks & Rec	8	9
10	11	12 7:00pm City Commission	13	14 Flag Day (United States)	15	16
17 Father's Day (United States)	18 5:00pm Planning Commission 7:00pm Historical Commission	19	20	21	22	23
24	25	26 12:00pm City Commission	27	28 5:30pm Airport Advisory Board	29	30

July 2018

July 2018						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

August 2018						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Jul 1	2	3	4 Independence Day (United States)	5 6:00pm Parks & Rec	6	7
8	9 12:00pm EDC/LDFA	10 5:00pm ZBA 7:00pm City Commission	11	12	13	14
15	16 5:00pm Planning Commission	17	18	19	20	21
22	23	24 12:00pm City Commission	25	26 5:30pm Airport Advisory Board	27	28
29	30	31	Aug 1	2	3	4