

Mayor Jim Schwartz
Council Member Scott Wolfersberger
Council Member Jacob Gates



Council Member Ryan Underhill
Council Member Ryan Traver
City Manager Derek N. Perry

CITY COUNCIL AGENDA

January 17, 2023
Regular Meeting - 7:00 PM

- 1) **CALL TO ORDER**
- 2) **ROLL CALL**
- 3) **INVOCATION**
- 4) **PLEDGE OF ALLEGIANCE**
- 5) **APPROVAL OF AGENDA** - Items can be added or deleted from the Agenda by City Council action.
- 6) **PUBLIC COMMENT ON AGENDA AND NON-AGENDA ITEMS** - Persons addressing Council are required to give their name and address for the record when called upon by the Mayor. Members of the public shall be limited to speaking for a maximum of five (5) minutes on any agenda item.
- 7) **CONSENT AGENDA**
 - A. **City Council Minutes**
Regular Session - January 3, 2023
Work Session- January 3, 2023
 - B. **City Bills**

Purchases- 12/30/2022	\$785,122.66
Purchases- 1/6/2023	\$80,496.90
TOTAL	\$865,619.56
- 8) **PRESENTATIONS AND RECOGNITIONS**
- 9) **INFORMATIONAL ITEMS**
- 10) **PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION**
 - A. **REZONING OF 211 W SPRUCE**
 - B. **ORDINANCE 2023-02- ADDING ARTICLE 8- SPECIAL DEVELOPMENT DISTRICTS IN THE CITY ZONING ORDINANCE**
 - C. **INTERNATIONAL PROPERTY MAINTENANCE CODE ORDINANCE AND RESOLUTION TO APPOINT DEPUTY BUILDING OFFICIALS**
 - D. **RECODIFICATION OF MARSHALL CODE OF ORDINANCES**

- E. PA425 FOR MULTIPLE MARSHALL TOWNSHIP PROPERTIES**
- 11) OLD BUSINESS**
- 12) REPORTS AND RECOMMENDATIONS**
 - A. ELECTRIC LINE CLEARANCE PROGRAM**
 - B. PURCHASE OF ELECTRIC DISTRIBUTION TRANSFORMERS**
 - C. ELECTRIC DEPARTMENT MINIMUM CASH RESERVE POLICY**
 - D. SCHEDULE A PUBLIC HEARING FOR ADOPTION OF THE JULY 1, 2023 – JUNE 30, 2029 CAPITAL IMPROVEMENT PROGRAM**
 - E. POLICE PATROL VEHICLE PURCHASES**
 - F. DEER MANAGEMENT**
 - G. ICE, WINE, BEER AND BLUES SPECIAL EVENT REQUEST**
- 13) APPOINTMENTS / ELECTIONS**
- 14) PUBLIC COMMENT ON AGENDA AND NON-AGENDA ITEMS**

Persons addressing Council are required to give their name and address for the record when called upon by the Mayor. Members of the public shall be limited to speaking for a maximum of five (5) minutes on any item not on the agenda.
- 15) COUNCIL AND MANAGER COMMUNICATIONS**
- 16) ADJOURNMENT**

CALL TO ORDER

IN REGULAR SESSION, Tuesday, January 3, 2023 at 7:01 P.M., in the Council Chambers of City Hall, 323 West Michigan Avenue, Marshall, MI 49068. City Council was called to order by Former Mayor Caron.

ROLL CALL

Roll was called:

Present: Council Members: Former Mayor Caron, Gates, Mayor Schwartz, Traver, Underhill and Wolfersberger.

Also Present: City Manager Perry and Clerk Eubank

Absent: Rice

INVOCATION

Pastor Gerten of Family Bible Church led the invocation.

PLEDGE OF ALLEGIANCE

Former Mayor Caron led the Pledge of Allegiance.

CITY COUNCIL ORGANIZATION

A. City Council Resignations

Moved Wolfersberger, supported Traver to accept the resignation of Jim Schwartz as Council Member for Ward 2 and the resignation of Jen Rice as Council Member for Ward 4. On a voice vote. **MOTION CARRIED**

B. Mayoral Oath of Office

Clerk Eubank administered the Mayoral Oath of Office to Jim Schwartz. Mayor Schwartz took over the meeting from former Mayor Caron.

C. Council Member Oath of Office

Clerk Eubank administered the Council Member Oath of Office to Jacob Gates for Ward 3, Ryan Traver for Ward 5, and Scott Wolfersberger for Ward 1.

D. Election of Mayor Pro-Tem

Moved Gates, supported Wolfersberger to elect Ryan Traver as Mayor Pro-Tem for the next two years. On a voice voted. **MOTION CARRIED.**

CONSENT AGENDA

Moved Wolfersberger, supported Gates, to approve the Consent Agenda as presented:

- A. Minutes of the City Council Regular Session held on Tuesday, December 20, 2022;
- B. Approve city bills in the amount of \$543,189.29;
- C. Set Public Hearing for Rezoning of 211 W Spruce for January 17, 2023
- D. Marshall House PSA Amendment 4
- E. Authorized signers on City Bank Accounts

On a roll call vote- ayes: Traver, Underhill, Wolfersberger, Mayor Schwartz, and Gates;
nays: none. **MOTION CARRIED**

APPROVAL OF THE AGENDA

Moved Wolfersberger, supported Underhill, to approve the agenda as presented. On a voice vote – **MOTION CARRIED.**

PUBLIC COMMENT ON AGENDA ITEMS

None.

PRESENTATIONS AND RECOGNITION

None.

INFORMATIONAL ITEMS

None.

PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

None.

OLD BUSINESS

None.

REPORTS AND RECOMMENDATIONS

A. DART Accessibility Plan Approval

Moved Gates, supported Underhill to approve the Marshall Dial A Ride Accessibility Plan and submit to MDOT. On a voice vote. **MOTION CARRIED.**

B. DART Fiscal Year 2024 Operation Application to MDOT

Moved Gates, supported Underhill to approve the application to the State of Michigan seeking financial assistance for the City's Dial-A-Ride public transportation service and authorize the Clerk to adopt the FY24 Resolution of Intent (Resolution 2023-04) and direct the City Manager to execute the Contract Clauses document. On a voice vote. **MOTION CARRIED.**

C. Airport Engineering Services

Moved Traver, supported Wolfersberger to approve Mead & Hunt as the engineer of record for the next five-year period for any Brooks Field projects. On a voice vote. **MOTION CARRIED.**

D. Set Public Hearing for Ordinance 2023-02- Adding Article 8-Special Development Districts in the City Zoning Ordinance

Director Zuzga stated that the Ordinance was taken back to the Planning Commission and has been completely updated, including creating a new article in the zoning ordinance opposed to just a new zoning district. He further stated that the Planning Commission will hold their Public Hearing on January 11, 2023 to hear comments and make any further necessary adjustments.

Moved Traver, supported Gates to set a public hearing for January 17, 2023 to consider approval of Ordinance 2023-02 which would create Article 8- Special Development Districts in the City Zoning Ordinance. On a voice vote. **MOTION CARRIED**

E. International Property Maintenance Code Ordinance and Resolution to appoint deputy building officials

Moved Wolfersberger, supported Traver to set a public hearing for January 17, 2023 for Resolution 2023-01, a resolution to appoint deputy building officials and Ordinance 2023-03, the Adoption of the 2015 International Property Maintenance Code. On a voice vote. **MOTION CARRIED.**

F. Set Public Hearing for Recodification of Marshall Code of Ordinances

Moved Wolfersberger, supported Traver to set a public hearing for January 17, 2023 for Ordinance 2023-04, An Ordinance Adopting and Enacting a New Code for the City of Marshall. On a voice vote. **MOTION CARRIED.**

G. Set Public Hearing for PA425 for Multiple Marshall Township properties

Council asked for clarification on the taxes before the public hearing.

Moved Traver, supported Underhill to set a public hearing for January 17, 2022, to hear comments on a Public Act 425 Conditional Land Transfer for the following parcels: 16-282-003-00, 16-281-024-00, 16-201-015-00, 16-290-009-00, 16-290-006-00, 16-201-021-00, 16-281-021-00, 16-291-009-00, 16-282-006-00, 16-320-003-00, 16-330-015-00, 16-330-003-00 and 16-291-015-00. On a voice vote. **MOTION CARRIED.**

H. City Council Vacancy Process

Moved Wolfersberger, supported Traver to fill the council vacancies based on the following process and timeline:

January 4, 2023--- Advertise vacancies.

January 4 - 20, 2023--- Accept letters of interest/resumes.

February 6, 2023--- Conduct interviews of candidates during a work session.

February 6, 2023 or February 21, 2023--- City Council makes appointments to Ward 2 and Ward 4 vacancies.

On a voice vote. **MOTION CARRIED.**

APPOINTMENTS/ELECTIONS

A. Boards and Commissions Liaison Appointments

Moved Underhill, supported Wolfersberger to approve the Mayor's liaison appointments as follows:

DDA/LDFA--Council Member Traver

Marshall Area Farmers Market Board-- Council Member Gates

Parks, Recreation and Cemetery Board-- Council Member Underhill

Planning Commission-- Council Member Wolfersberger

Zoning Board of Appeals-- Council Member Wolfersberger

South Neighborhood Improvement Authority-- Council Member Underhill

Northeast Neighborhood Improvement Authority-- Council Member Wolfersberger

On a voice vote. **MOTION CARRIED**

B. Firekeeper's Local Revenue Sharing Board Appointment

Moved Traver, supported Gates to approve City of Marshall Resolution #2023-02, designating Mayor Jim Schwartz as the City of Marshall Board Representative and City Manager Derek N. Perry as the Board alternate. On a voice vote. **MOTION CARRIED.**

C. Marshall Area Fire Fighters Ambulance Authority Board Appointment

Moved Gates, supported Underhill to approve the appointment of Mayor Jim Schwartz to serve as the City of Marshall representative on the MAFFAA Board of Directors. On a voice vote. **MOTION CARRIED.**

PUBLIC COMMENT ON NON-AGENDA ITEMS

None

COUNCIL AND MANAGER COMMUNICATIONS

Council members and Mayor Schwartz thanked Mayor Caron for his time and leadership. Mayor Schwartz stated that he is grateful for the direction the city is headed and is looking forward to his time as Mayor.

ADJOURNMENT

The meeting was adjourned at 8:15 p.m.

Joe Caron, Mayor

Michelle Eubank, City Clerk

CALL TO ORDER

IN A WORK SESSION held on Tuesday January 3, 2023 at 6:00 p.m. in the Training Room of Town Hall, 323 West Michigan Avenue, Marshall, MI 49068, the Marshall City Council was called to order by Mayor Schwartz.

ROLL CALL

Roll was called:

Present: Council Members: Mayor Schwartz, Gates, Traver, Underhill, and Wolfersberger

Also Present: City Manager Perry and Clerk Eubank

Absent: Council Members: Rice

PUBLIC COMMENT ON AGENDA AND NON-AGENDA ITEMS

NONE.

DISCUSSION ITEMS

A. DEER MANAGEMENT

Josh Lankerd, Kris Ambrose, and Matt Potter of the Marshall Police Department gave background on the current deer management program and proposed changes.

B. PA 425 MASTER AGREEMENT AMENDMENTS

Manager Perry gave background on the existing Master PA425 agreement and the proposed changes to the agreement from Marshall Township.

PUBLIC COMMENT ON AGENDA AND NON-AGENDA ITEMS

NONE.

ADJOURNMENT

The meeting was adjourned at 6:52 p.m.

Jim Schwartz, Mayor

Michelle Eubank, Clerk

APPROVAL LIST FOR CITY OF MARSHALL
EXP CHECK RUN DATES 12/30/2022 - 12/30/2022
UNJOURNALIZED
OPEN

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
433241	AD-VISOR & CHRONICLE	AD NO. 6100458 PUBLIC NOTICE DART/PLANNI		471.70
9132899402	AIRGAS USA LLC	PAYER NO. 1438173 GARAGE UNIFORMS		27.34
1JV7-CJTK-QKVX	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - COMPUTER MOUSE		30.98
1TKK-4G7G-R6D7	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - BROCADE SWITCH		1,838.37
12172022	AT&T	ACCT NO. 145970911 MRLEC INTERNET DEC 20		117.34
225-501502	AUTO VALUE MARSHALL	FIBERNET - LONG LIFE MINI		7.78
225-501592	AUTO VALUE MARSHALL	GARAGE/STREETS - OIL/AIR/FUEL FILTERS		76.68
225-501609	AUTO VALUE MARSHALL	GARAGE/STREETS - PRIMARY WIRE		7.79
225-501662	AUTO VALUE MARSHALL	GARAGE/STREETS - OIL/ AIR FILTER, BATTER		235.85
I0052567	BROWN WOOD PRESERVING	WOOD UTILITY POLES FOR ELECTRIC DISTRIBUTION	2023.039	19,798.00
21206154546	BT PIPING SERVICES	MARSHALL HOUSE - ACCESS PANEL #315/TUB D		1,232.77
21215185601	BT PIPING SERVICES	MARSHALL HOUSE - PAINTING AT #305		302.19
71484	BUD'S TOWING & AUTOMOT	MARSHALL PD LOCKOUT SERVICE		60.00
12292022	CALHOUN COUNTY TREASUR	2022 WINTER AD VALOREM DIST #1		27,545.68
12292022	CALHOUN INTERMEDIATE S	2022 WINTER AD VALOREM DIST #1		66,453.73
12302022	CITY OF MARSHALL	ST. MARY'S UB NOV 2022 FOR ELECTIONS		231.84
12/30/2022	COLE, LESTER	UB refund for account: 2500060003		12.91
205991112868	CONSUMERS ENERGY	ACCT NO. 1000 9033 6411 AIRPORT DEC 2022		291.26
201808610412	CONSUMERS ENERGY	ACCT NO. 1000 0916 3435 CITY HALL DEC 20		947.72
201808610414	CONSUMERS ENERGY	ACCT NO. 1000 0916 3971 DPW DEC 2022		1,659.80
205635160531	CONSUMERS ENERGY	ACCT NO. 1000 0759 4680 DPW DEC 2022		734.48
203944408324	CONSUMERS ENERGY	ACCT NO. 1030 1580 0248 FIRE DEC 2022		1,035.89
201008055413	CONSUMERS ENERGY	ACCT NO. 1000 8921 1096 KP FIRE PLACE DE		383.21
207058355029	CONSUMERS ENERGY	ACCT NO. 1000 0033 5602 MARSHALL HOUSE D		5,711.63
202342571763	CONSUMERS ENERGY	ACCT NO. 1030 1852 1130 MRLEC DEC 2022		3,997.26
204211391508	CONSUMERS ENERGY	ACCT NO. 1030 1852 0884 MRLEC BARN DEC 2		1,529.58
203499450142	CONSUMERS ENERGY	ACCT NO. 1000 0916 3203 WASTE WATER DEC		399.10
201808610413	CONSUMERS ENERGY	ACCT NO. 1000 0916 3708 WASTE WATER DEC		467.04
206346914955	CONSUMERS ENERGY	ACCT NO. 1030 1352 1119 WASTE WATER LIFT		23.24
203321464773	CONSUMERS ENERGY	ACCT NO. 1000 7224 3312 WATER DEC 2022		864.58
171009	D & D MAINTENANCE SUPP	ACCT NO. CIMA1 JANITORIAL SUPPLIES (MRLE		269.62
607800	DARLING ACE HARDWARE	CUST NO. 1650 - MARSHALL HOUSE (HINGES, I		93.95
608547	DARLING ACE HARDWARE	CUST NO. 1650 - MARSHALL HOUSE (TOILET S		29.57
609996	DARLING ACE HARDWARE	CUST NO. 1650 - CITY HALL (UPHOLSTERY CL		15.18
610454	DARLING ACE HARDWARE	CUST NO. 1650 - MARSHALL HOUSE (FAUCETS,		143.93
610502	DARLING ACE HARDWARE	CUST NO. 1650 - MARSHALL HOUSE (RETURNS,		38.20
610537	DARLING ACE HARDWARE	CUST NO. 1650 - MARSHALL HOUSE (DOOR STO		25.34
610542	DARLING ACE HARDWARE	CUST NO. 1650 - WASTE WATER (LED BULBS, I		45.29
610520	DARLING ACE HARDWARE	CUST NO. 1650 - MARSHALL HOUSE (RUG CLEA		17.58
610553	DARLING ACE HARDWARE	CUST NO. 1650 - FIBERNET (SAFETY VEST)		24.99
610564	DARLING ACE HARDWARE	CUST NO. 1650 - MARSHALL HOUSE (PAINT RO		154.56
610774	DARLING ACE HARDWARE	CUST NO. 1650 - MARSHALL HOUSE (CAULK, W		38.15
12/30/2022	DAVIS, TOM & MARY	UB refund for account: 2101420007		92.14
4761	GOODWIN'S PLUMBING, LL	SERVICE AT MRLEC PUBLIC RESTROOM		682.91
2289875	GRIFFIN PEST SOLUTIONS	ACCT NO. 3422841 SERVICES AT 900 S. MARS		51.00
2289874	GRIFFIN PEST SOLUTIONS	ACCT NO. 3542611 SERVICES AT 323 W. MICH		35.00
20220883	GRP ENGINEERING, INC.	ENGINEERING SERVICES - BROOKS SUBSTATION	2022.046	2,937.75
20220884	GRP ENGINEERING, INC.	ENGINEERING SERVICES FOR 5KV VOLTAGE CON	2022.236	5,000.00
22474	GUTTERS R US LLC	INSTALL DRAIN TILE AT PSB (RECV. INVOICE		1,926.00
23572	GUTTERS R US LLC	SNOW REMOVAL AND SIDEWALK SALTING FOR 20	2023.124	4,431.60
23573	GUTTERS R US LLC	SNOW REMOVAL AND SIDEWALK SALTING FOR 2	2023.125	2,350.00
12012022	HERITAGE CLEANERS	ACCT NO. 100243 MARSHALL POLICE DEPT		265.00
148074	HYDAKER-WHEATLAKE	CUST ID: 2343 CONSTRUCTION OF THE BROOKS	2023.029	184,551.39
29106	J AND K PLUMBING SUPPL	MARSHALL HOUSE - SHOWER SPOUT, BOLTS		76.90
12292022	KELLOGG COMMUNITY COLL	2022 WINTER AD VALOREM DIST #1		38,519.60
1720997-20221031	LEXISNEXIS RISK DATA M	BILLING ID: 1720997 OCTOBER 2022		100.00
12272022	LUIB, EARL	BOOT ALLOWANCE - LUIB, EARL		63.58
12302022	MARANA GROUP	ACCT NO. M323 SORTMAX MAIL SERVICE		500.00
12292022	MARSHALL AREA FIRE FIG	2022 WINTER AD VALOREM DIST #1		14,737.77
12092022CAR	MARSHALL COMMUNITY CU	CITY CREDIT CARD - CHRISTY A. RAMEY 3101		817.18
11092022COM	MARSHALL COMMUNITY CU	CITY CREDIT CARD - CITY OF MARSHALL 3431		117.94
12092022COM	MARSHALL COMMUNITY CU	CITY CREDIT CARD - CITY OF MARSHALL 3431		1,287.18
12092022DP	MARSHALL COMMUNITY CU	CITY CREDIT CARD - DEREK PERRY 0186		1,543.97
12092022EZ	MARSHALL COMMUNITY CU	CITY CREDIT CARD - ERIC ZUZGA 3119		439.78
12092022JL	MARSHALL COMMUNITY CU	CITY CREDIT CARD - JOSHUA LANKERD 3280		1,364.78
12092022JRM	MARSHALL COMMUNITY CU	CITY CREDIT CARD - JUSTIN R. MILLER 9156		152.00
12092022KM	MARSHALL COMMUNITY CU	CITY CREDIT CARD - KEVIN MAYNARD 9501		48.00
12092022ME	MARSHALL COMMUNITY CU	CITY CREDIT CARD - MARTIN ERSKINE 9519		85.81
12092022MD	MARSHALL COMMUNITY CU	CITY CREDIT CARD - MARGUERITE DAVENPORT		848.67
12092022TAS	MARSHALL COMMUNITY CU	CITY CREDIT CARD - THERESA A. SEARS 2624		828.05
12292022	MARSHALL PUBLIC SCHOOL	2022 WINTER AD VALOREM DIST #1		160,568.31
1-PARKSPARKGRANT	MCSA GROUP, INC.	PARK SPARK GRANT APPLICATION FOR EATON P	2023.143	2,000.00
3A	MCSA GROUP, INC.	PROFESSIONAL SERVICES FOR EATON PARK DES	2023.092	16,077.50
S5122703.001	MEDLER ELECTRIC COMPAN	CUST NO. 979 RAB LED BAY LIGHTS QTY 8		1,528.21
1645886458	MENARDS COMMERCIAL	CREDIT ACCT NO. 587737 MARSHALL HOUSE		823.33
200010845	MICHIGAN ASSOC. OF CHI	2023 POLICE EXECUTIVES SCHOOL - AMBROSE,		1,195.00
16218	MIDWEST COMMUNICATION	ACCT NO. 62340 REPAIR FIBER OPTIC CABLE		630.84
IN1800765	MUNICIPAL EMERGENCY SE	CUST NO. C242607 FIRE DEPT. UNIFORMS		752.62
NG-537	NUTRIGRO ENVIRONMENTAL	BIOSOLIDS HAULING AND LAND APPLICATION (	2023.141	47,196.20

12/30/2022 03:02 PM
User: KWAGNER
DB: Marshall

APPROVAL LIST FOR CITY OF MARSHALL
EXP CHECK RUN DATES 12/30/2022 - 12/30/2022
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INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
2454657	OFFICE 360	ACCT NO. 26140 DESK CALENDARS		30.36
7607295-00	POWER & TELEPHONE SUPP	CUST NO. 313566 FIBER PORT PLATES - INVE	2023.139	3,023.76
56709230	POWER LINE SUPPLY	CUST ID: 100402 SKINNING KNIFE		329.04
00190702	PROGRESSIVE AE	ZONING SERVICES FOR MARSHALL MEGA SITE	2022.277	400.00
12142022	QUALITY EXCAVATORS, IN	2022 S. MARSHALL AVE WATERMAIN REPLACEME	2023.074	135,031.02
12202022	R M ELECTRIC, INC.	ENERGY OPTIMIZATION - LED LIGHTING AT 16		464.00
15156	RICE'S SHOES, INC	BOOT ALLOWANCE - FINNEY, EMILY		215.00
15172	RICE'S SHOES, INC	BOOT ALLOWANCE - FINNEY, KEN		161.00
70867679	ROSE PEST SOLUTIONS	CLIENT NO. 70019775 MARSHALL HOUSE SERVI		152.00
12012022	SPARTAN STORES	CUST NO. 021063 WWTP SUPPLIES/WATER DEC		79.35
S013287916.001	STUART C IRBY CO	CUST NO. 209591 LED FIXTURE		751.78
261020	TELNET WORLDWIDE	ACCT NO. 8948 DEC 2022		1,309.64
12020	TIRE CITY TIRE PROS	TRUCK #114 NEW TIRES W/ INSTALL		1,158.80
12202022	TMI COMPRESSED AIR SYS	ENERGY OPTIMIZATION - COMPRESSED AIR AUD		1,500.00
143	TOP TO BOTTOM TREE SER	ELECTRIC LINE CLEARANCE (3-PERSON \$106/	2023.002	3,392.00
26811	TURNOUT MANAGEMENT	WORK ORDER 23424 FIRE DEPT. REPAIR & CLE		489.30
55411	VILLA ENVIRONMENTAL CO	AIRPORT QUARTERLY OPERATOR INSPECTION 12		200.00
213233	VISION METERING	CUST ID: 8382 2S REMANUFACTURED ELECTRIC	2023.099	4,175.00
12302022	ZUZGA, ERIC	REIMBURSEMENT FOR MILEAGE		242.50
GRAND TOTAL:				785,122.66

APPROVAL LIST FOR CITY OF MARSHALL
EXP CHECK RUN DATES 01/06/2023 - 01/06/2023
UNJOURNALIZED
OPEN

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
16C4-YYRN-94RY	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - MIKROTIK CLOUD COR		3,045.00
14GK-M3W4-7CCJ	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - RETURNED SAFETY JA		(97.02)
1YCV-T3Q4-LRC6	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - TOILET SEAT RISER		74.99
1YWC-VGXX-34DM	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - DOG WASTE STATION		237.77
19TR-JKCR-6V4K	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - VACUUM CLEANER		76.49
1V7R-DQ1V-9QG4	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - FLASHLIGHT (KURAS)		114.60
1QP1-1TN1-46JN	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - MIMOSA OUTDOOR ACC		1,889.80
1XP4-9WDY-1K9W	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - SAFETY JACKET		96.05
1111-7HMC-1RX7	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - MEMO PADS		20.83
1HJQ-QYCY-1C1V	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - HARD HATS		74.98
225-501773	AUTO VALUE MARSHALL	GARAGE/STREETS - TEMPERATURE SENSOR		32.09
225-501817	AUTO VALUE MARSHALL	GARAGE/STREETS - TIMING SOLENOIDS		79.08
225-501808	AUTO VALUE MARSHALL	GARAGE/STREETS - OIL		77.94
225-501882	AUTO VALUE MARSHALL	GARAGE/STREETS - QUICK GREASE		112.86
225-501869	AUTO VALUE MARSHALL	GARAGE/STREETS - BACK-UP ALARM		38.22
225-501712	AUTO VALUE MARSHALL	GARAGE/STREETS - TRAILER JACK		180.00
2265443098	AUTO ZONE, INC.	CUST NO. 463568 HITCH FOR SQUAD		6.59
01042023	BEATTIE, ALEX	REIMBURSEMENT FOR CDL TEST		175.00
0352186-IN	BEAVER RESEARCH COMPAN	ACCT NO. CIT123 SUBSTATION CLEANER		66.00
01/06/2023	BEGG, BENJAMIN	UB refund for account: 139300		55.50
01032023	CALHOUN COUNTY CLERK	DOCUMENT FILING - INDUSTRIAL RD STULBERG		30.00
12162022-ELECT	CALHOUN COUNTY CLERK	PRIMARY & GENERAL ELECTION SUPPLIES		1,334.52
01042023	CB HALL ELECTRIC COMP	CITY OF MARSHALL INSPECTION SERVICES DEC		700.00
10202022	CLYDE HANGER PLUMBING	VALVE ON WATER HEATER AT PSB		255.00
10252022	CLYDE HANGER PLUMBING	WATER HEATER REPLACEMENT AT PSB		1,873.00
001147167	CRYSTAL FLASH MARSHALL	ORDER NO. 4447158.00 PROPANE CYLINDER		36.34
9610210	CRYSTAL FLASH MARSHALL	ACCT NO. 051300000 REC GAS 12/16/22		805.42
9610230	CRYSTAL FLASH MARSHALL	ACCT NO. 051300000 DYED DIESEL 12/16/22		2,246.20
170947	D & D MAINTENANCE SUPP	ACCT NO. CIMA1 JANITORIAL SUPPLIES		334.80
610797	DARLING ACE HARDWARE	CUST NO. 1650 - FIBERNET (WET VAC, CORD)		172.98
610948	DARLING ACE HARDWARE	CUST NO. 1650 - WASTE WATER (HOSE, NOZZL		46.98
610922	DARLING ACE HARDWARE	CUST NO. 1650 - FIBERNET (CABLE TIE, TAP		47.87
610958	DARLING ACE HARDWARE	CUST NO. 1650 - WATER (HEX CAP, FASTENER		48.34
611028	DARLING ACE HARDWARE	CUST NO. 1650 - MARSHALL HOUSE (PEST CON		29.14
611037	DARLING ACE HARDWARE	CUST NO. 1650 - MARSHALL HOUSE (SWITCH,		41.56
611065	DARLING ACE HARDWARE	CUST NO. 1650 - MARSHALL HOUSE (DOOR HOL		22.36
610784	DARLING ACE HARDWARE	CUST NO. 1650 - FIRE (PLUG, FASTENERS)		48.16
611130	DARLING ACE HARDWARE	CUST NO. 1650 - FIRE (COVER BOX, SWITCH)		5.98
1111M-182	DAVE COLE DECORATORS,	LABOR & MATERIALS TO PAINT LIGHT POLE		555.00
INV212365	E.H. WACHS - UTILITY P	CUST ID: 22265 BLOWER CLUTCH, V-BELT (W/		969.97
3367015	EDWARDS INDUSTRIAL SAL	CUST ID: 92775 JAW COUPLING INSERTS		38.52
S104872524.001	ETNA SUPPLY	CUST NO. 5277 12" HYDRANT EXTENSION	2023.134	2,310.00
11082022-2	FOI LABORATORIES, INC.	POWER HOUSE OIL TESTING		250.00
11837	FREDRICKSON SUPPLY, LL	GARAGE - PLUG/QUICK COUPLINGS		119.56
1048	GLGC PLUMBING LLC	CONNECTED WATER SERVICE AT 811 VERONA RD		256.00
9547291899	GRAINGER	ACCT NO. 804945673 COUNTERTOP		457.46
9550077086	GRAINGER	ACCT NO. 804945673 ICE MACHINE CLEANER		29.43
9329923431	GRAYBAR ELECTRIC	ACCT NO. 0000571644 F813 S&H		75.24
9330069619	GRAYBAR ELECTRIC	ACCT NO. 0000571644 25' DROP CABLE		624.35
29157	J AND K PLUMBING SUPPL	WATER DEPT - 2" GALV CONNECTORS		26.08
29159	J AND K PLUMBING SUPPL	MARSHALL HOUSE - SHOWER SPOUTS		353.16
29172	J AND K PLUMBING SUPPL	WATER DEPT - RETURNED 2" GALV CONNECTORS		(19.56)
100593559	KIMBALL MIDWEST	ACCT NO. 181800 TOWELS, LUBE FIT		653.98
202225.10 - 222118	LAWSON-FISHER ASSOCIAT	2022 WATER QUALITY MONITORING & REPORTIN	2023.011	258.50
018301	LEWEY'S SHOE REPAIR	BOOT ALLOWANCE - LONG, ANDREW		63.98
018282	LEWEY'S SHOE REPAIR	BOOT ALLOWANCE - STRAND, MARK		229.99
P01070	MACQUEEN EMERGENCY GRO	ACCT NO. MARSH033 SCBA REPAIR/FREIGHT		56.00
32838	MANER COSTERISAN	FY2022 FINANCIAL STATEMENT AND SINGLE AU	2023.047	1,500.00
002205	MARSHALL HARDWARE	STREETS - CLEANING SUPPLIES, MILWAUKEE R		299.11
002247	MARSHALL HARDWARE	MOTOR POOL - TAPE MEASURER		16.99
89831271	MCMMASTER-CARR	ACCT NO. 188371900 TILT-OUT BINS		168.08
13690	MDK GROUP	MRLEC SHRED SERVICES		105.00
M500-127	MEDALLION MANAGEMENT	MARSHALL HOUSE CONSULTING FEES NOV 2022	2023.057	4,800.00
M500-129	MEDALLION MANAGEMENT	MARSHALL HOUSE CONSULTING FEES DEC 2022	2023.057	4,800.00
M500-126	MEDALLION MANAGEMENT	MARSHALL HOUSE PAYROLL		4,297.34
M500-128	MEDALLION MANAGEMENT	MARSHALL HOUSE PAYROLL		6,525.13
S5139648.002	MEDLER ELECTRIC COMPAN	CUST NO. 979 MV LAMP		18.37
S5127208.001	MEDLER ELECTRIC COMPAN	CUST NO. 979 FUSES		210.65
20230121289	METRO WIRELESS	BUSINESS DATA SERVICES - 10 GBPS INTERNE	2023.105	2,500.00
62340-01	MIDWEST COMMUNICATION	JOB # 62340 CABLE REPAIR		630.84
52317700	MUMPOWER, TESHA	INDUSTRIAL PARK CIRCLE MAINTENANCE - EOY	2023.018	1,375.00
E31430	MWEA	2023 WASTE WATER ADMIN CONFERENCE - EGNA		375.00
479202	NORTH CENTRAL LABORATO	ACCT NO. 27850 LAB THERMOMETER		209.09
832835	NYE UNIFORM COMPANY	MARSHALL PD - KELLER SHIRTS		151.54
12212022	OAKLAWN HOSPITAL	ACCT NO. 9950-56303 DRUG SCREEN SERVICES		40.00
56710122	POWER LINE SUPPLY	CUST ID: 100402 SIDEWALK ATTACHMENT		310.40
56710129	POWER LINE SUPPLY	CUST ID: 100402 AL BOLTED STUDS		1,550.00
56710325	POWER LINE SUPPLY	CUST ID: 100402 HARNESS D-RING		18.15
56710330	POWER LINE SUPPLY	CUST ID: 100402 LEATHER PROTECTORS		46.23

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APPROVAL LIST FOR CITY OF MARSHALL
EXP CHECK RUN DATES 01/06/2023 - 01/06/2023
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OPEN

Page: 2/2

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
01/06/2023	PRADO, ROCIO ALEJANDRA	UB refund for account: 3004330028		39.82
12212119827	REALPAGE, INC.	ACCT NO. A0901007774 ANNUAL HOUSING SOFT	2023.152	4,037.89
247613	RIDGEWEAR SPORTS & IMP	MARSHALL FIRE DEPT TEES & POLOS		454.00
992804	STEENSMA	CUST NO. 5154 CUTTING EDGE KIT		249.00
992816	STEENSMA	CUST NO. 5154 CUTTING EDGE KIT, PLOW CON		1,028.00
993045	STEENSMA	CUST NO. 5154 NEW TRUCK #1008 PLOW SUPPL	2023.150	3,124.51
993916	STEENSMA	CUST NO. 5154 FILLER CAP		27.34
994095	STEENSMA	CUST NO. 5154 PLOW CONTROL RETURN & NEW		(100.00)
994344	STEENSMA	CUST NO. 5154 CUTTING EDGE KIT		478.00
0876-9	THE SHERWIN-WILLIAMS C	ACCT NO. 2475-6137-6 MARSHALL HOUSE COMP	2023.061	4,017.05
144	TOP TO BOTTOM TREE SER	ELECTRIC LINE CLEARANCE (3-PERSON \$106/H	2023.002	3,392.00
1620049943	UNIFIRST CORPORATION	UNIFORM SERVICES - MARSHALL HOUSE 12/14/		50.83
1620049940	UNIFIRST CORPORATION	UNIFORM SERVICES - DPW 12/14/22		53.15
1620049942	UNIFIRST CORPORATION	UNIFORM SERVICES - ELECTRIC & FIBER 12/1		139.10
1620049941	UNIFIRST CORPORATION	UNIFORM SERVICES - POWER HOUSE 12/14/22		58.10
1620049938	UNIFIRST CORPORATION	UNIFORM SERVICES - WASTE WATER 12/14/22		37.25
1620049944	UNIFIRST CORPORATION	UNIFORM SERVICES - WATER 12/14/22		45.04
530369283	UTILITIES INSTRUMENTAT	ENGINE AND HYDRO SERVICES + MATERIAL COS	2023.142	720.00
530369284	UTILITIES INSTRUMENTAT	ENGINE AND HYDRO SERVICES + MATERIAL COS	2023.142	1,656.95
530369285	UTILITIES INSTRUMENTAT	ENGINE AND HYDRO SERVICES + MATERIAL COS	2023.142	4,410.00
01062023	V & V ASSESSING LLC	ASSESSING SERVICES JANUARY 2023		4,700.00
01/06/2023	VEENKANT, ANNIE PAIGE	UB refund for account: 900940011		16.02
12292022	WOW! BUSINESS	ACCT NO. 014226414 FIRE JAN 2023		126.16
12242022	WOW! BUSINESS	ACCT NO. 013934621 DPW JAN 2023		46.69
GRAND TOTAL:				80,496.90



ITEM 10.A

TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
Eric Zuzga, Director of Community Services
DATE: January 17, 2023
SUBJECT: **REZONING OF 211 W SPRUCE**

A request was received from the new owners of 211 West Spruce to rezone the property from Research and Technology District (I-1) to Regional Commercial District (B-4). The request complies with the Master Plan and the other parcels that composes the former Oerthers facility. This change would allow the new owners to redevelop the entire Oerthers site and additional land owned by the Railroad. The Planning Commission reviewed the request against the standards in the Zoning Ordinance and voted 6-0 to approve the request. Attached is the staff report that the Commission used in their evaluation of the rezoning request.

BUDGET IMPACT:

No major budget impact is expected from the zoning change. Rezoning will allow for redevelopment of the property, which will lead to new investment and an increase in taxes in the long run.

RECOMMENDATION:

Approve Ordinance 2023-01 for the rezoning of 211 West Spruce to Regional Commercial (B-4) from Research and Technology (I-1).



ITEM

TO: Planning Commission Members

FROM: Eric Zuzga, Director of Community Services

DATE: January 11, 2023

SUBJECT: 211 West Spruce Street Rezoning Request

The city has been working with the new owner of the former Oerthers facility on a potential redevelopment project. The new owner has requested a rezoning of the east parcel of the facility to allow for a change in use on the site.

The following criteria are to be used as a guide in determining whether the rezoning should be approved:

- A. The proposed zoning district is more appropriate than any other zoning district, or more appropriate than adding the desired use as a special land use in the existing zoning district.

The proposed B-4 District is more consistent with the neighborhood and would match the other parcels on the formers Oerthers site.

- B. The property cannot be reasonably used as zoned.

The property can be reasonably used as zoned.

- C. The proposed zone change is supported by and consistent with the goals, policies and future land use map of the adopted City Master Plan. If conditions have changed since the plan was adopted, as determined by the Planning Commission, the consistency with recent development trends in the area shall be considered.

The Master Plan calls for a creation of the River District which the proposed rezoning would be more consistent with the goals outline in the Master Plan.

- D. The proposed zone change is compatible with the established land use pattern, surrounding uses, and surrounding zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure, and potential influence on property values, and is consistent with the needs of the community.

The proposed rezoning is more consistent with the surrounding uses and established land use pattern. A redeveloped site would improve aesthetics on the site and would be a positive change for the neighborhood. The rezoning should have less impact on the environment, density, infrastructure and is consistent with the needs of the community.

- E. All the potential uses allowed in the proposed zoning district are compatible with the site's physical, geological, hydrological, and other environmental features.

Staff review has not identified any issues with the features identified in this category.

- F. The change would not severely impact traffic, public facilities, utilities, and the natural characteristics of the area, or significantly change population density, and would not compromise the health, safety, and welfare of the City.

The project will increase traffic during alternate times than other uses in the area, mitigating the impact of increased traffic. There is no major impact to existing utilities or streets that would overwhelm the respective systems. Staff does not expect any impact that would compromise the health, safety, and welfare of the city. In fact, rezoning would limit major impacts to the neighborhood that could be expected under the existing zoning district.

- G. The rezoning would constitute and create an isolated and unplanned district contrary to the City Master Plan which may grant a special privilege to one landowner not available to others.

The rezoning is consistent with surrounding parcels and would match the zoning on the other parcels used by the facility.

- H. The change of present district boundaries is consistent in relation to existing uses, and construction on the site will be able to meet the dimensional regulations for the proposed zoning district listed in the schedule of regulations.

There are other multi-family uses/zoning east and north of the proposed site. The conceptual plan meets the dimensional regulations in the B-4 zoning district.

- I. There was a mistake in the original zoning classification, or a change of conditions in the area supporting the proposed rezoning.

No mistake was made in the original zoning, but a change in the use of the parcels would support the rezoning. This was anticipated and encouraged by the Master Plan.

- J. Adequate sites are neither properly zoned nor available elsewhere to accommodate the proposed uses permitted in the requested zoning district

There are a number of other sites zoned B-4 in the city.

Recommendation:

Staff are recommending approval of the rezoning request.

**CITY OF MARSHALL
ORDINANCE #2023-01**

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF MARSHALL SO AS TO CHANGE THE ZONING OF A PARCEL OF REAL PROPERTY AT 211 WEST SPRUCE STREET, PARCEL #53-001-329-00, FROM RESEARCH AND TECHNOLOGY DISTRICT (I-1) TO REGIONAL COMMERCIAL DISTRICT (B-4).

THE CITY OF MARSHALL, MICHIGAN ORDAINS:

Section 1. Pursuant to the authority granted in Section 7.1 of the Marshall City Code, the Zoning Map of the City of Marshall is hereby amended so as to change the zoning district for the below described properties from Research and Technology District (I-1) to Regional Commercial (B-4).



TAX PARCEL #53-001-329-00 (311 West Spruce Street) Legal Description
MARSHALL CITY, UPPER VILLAGE LOTS 328 TO 339 INCL. ALSO LOTS 350 TO 353 INCL. & INCLUDING ALL OF VACATED UNNAMED STREET LYING BETWEEN LOT 338 & 339 AND LOTS 350 & 351. ALSO INCLUDING E 1/2 OF VACATED GRAND STREET ADJACENT ABOVE PARCEL. ALSO INCLUDING W 1/2 OF VACATED EAGLE ST LYING SLY OF N LI RAILROAD. EXC THAT PART LYING SLY OF A LINE DESCRIBED AS BEG NE COR LOT 391; NWLY 233 FT TO PT ON W LI EAGLE ST VACATED 190 FT N OF N LI PEARL ST; NWLY PARL & 10 FT SLY AT R/A OF SLY RAIL MOSCOW BRANCH TRACK CONNECTION 233 FT; SWLY 22 FT; NWLY 32 FT; NELY 17.9 FT TO PT 8.5 FT SLY AT R/A OF CL MOSCOW BRANCH; SWLY PARL & 8.5 FT SLY OF MOSCOW BRANCH 198 FT; S 63.9 FT; W 66 FT; S 45.5 FT; W 45 FT TO NW COW LOT

347.COMBINED 001-328-00,001-330-00,PART OF 001-334-00, & 001-350-00
12/1/16 TO CORRECT LEGAL DESCRIPTIONSBL ON THIS PROPERTY 299-101-00,
299-102-02,299-102-01, 299-341-10

Section 2. This Ordinance or a summary thereof shall be published in the Marshall Chronicle, a newspaper of general circulation in the City of Marshall qualified under state law to publish legal notices, within ten (10) days after its adoption. This Ordinance shall be recorded in the Ordinance Book and such recording shall be authenticated by the signature of the Mayor and the City Clerk.

Section 3. This Ordinance is declared to be effective immediately upon publication.

Adopted and signed this 17th day of January, 2023.

James Schwartz, Mayor

Michelle Eubank, City Clerk

I, Michelle Eubank, being duly sworn as the City Clerk for the City of Marshall, hereby certify that the foregoing is a true and complete copy of an ordinance approved by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on January 17, 2023, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available by said Act.

Michelle Eubank, City Clerk



ITEM 10.B

TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
Eric Zuzga, Director of Community Services
DATE: January 17, 2023
SUBJECT: **ORDINANCE 2023-02- ADDING ARTICLE 8- SPECIAL
DEVELOPMENT DISTRICTS IN THE CITY ZONING ORDINANCE**

Based on feedback from the Michigan Economic Development Corporation and other local discussions, we have made substantial changes to the approach that we were using for the zoning district that would be used in the development of the Marshall Mega Site. The Planning Commission held a public hearing on January 11, 2023 to consider the new ordinance. After discussing the changes, the Planning Commission voted 6-0 to recommend that the Council approve the ordinance.

BUDGET IMPACT:

There is no direct impact from approval of the ordinance. The new district will govern use and other standards for development of the Marshall Mega Site and potentially other parcels. This development will have an impact in the future for which we are unable to quantify at this time.

RECOMMENDATION:

Approve Ordinance 2023-02 which would create Article 8- Special Development Districts in the City Zoning Ordinance.

CITY OF MARSHALL, MICHIGAN

ORDINANCE #2023-02

AN ORDINANCE TO AMEND THE CITY OF MARSHALL ZONING CODE, BY THE ADDITION OF ARTICLE 8.0- SPECIAL DEVELOPMENT DISTRICTS

THE CITY OF MARSHALL HEREBY ORDAINS:

Section 1. That Article 8.0, Special Development Districts is added to the Marshall City Zoning Code as follows:

8.1 PURPOSE.

This Article is established to provide for the creation of Special Development Districts that are specifically written to address circumstances and types of development that are unique for reasons of considerable size, intensity of use, or other condition that is typically not found within other City of Marshall zone districts.

8.2 DESIGN AND DEVELOPMENT REQUIREMENTS.

All uses shall comply with all applicable provisions of this Article and other City codes and ordinances. Unless otherwise indicated within this Article, requirements for Articles 3, 4, 5, and 6 of the City of Marshall Zoning Ordinance shall not apply to districts in zones created by this Article. No structure shall be erected, reconstructed, altered, or enlarged, nor shall permits or certificates of occupancy be issued, except in conformance with this Chapter and other City codes and ordinances.

8.3 DISTRICTS ESTABLISHED, ZONING MAP, AND DISTRICT BOUNDARIES.

For the purpose of this Ordinance, the following districts are created for use in the City of Marshall:

A. I-3 Industrial & Manufacturing Complex

1. Purpose and Intent. The purpose of the I-3 zone district is to provide for the siting of larger scale manufacturing, processing, and production operations which may require extensive access to transportation facilities and community utilities and may include multiple supporting ancillary services such as storage, daycare, cafeteria, gym, or other supportive amenities. This district may be established in areas that are;
 - a. comprised of an extensive amount of contiguous land area that is greater than two-hundred (200) acres;
 - b. served by major highways, rail or air service, or secondary road improved to state standards;
 - c. served by public water and sewer, and
 - d. clearly suitable for intended uses with regard to physical characteristics and relationship to surrounding development.

2. The boundaries of the zoning district are hereby established as shown on the official zoning map for the City, which is hereby made an integral part of this Chapter. All references, notations and information shown on the zoning map shall be as much a part of this Chapter as if fully described herein.

8.4 STREET, ALLEY, AND RAILROAD RIGHTS-OF-WAY.

All streets, alleys, and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such streets, alleys, or railroad rights-of-way. Where the centerline of a street or alley serves as a district boundary, the zoning of such street or alley, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline.

8.5 ZONING OF ANNEXED AREAS.

Wherever any area is annexed to the City or the boundaries of the City are otherwise extended through a development agreement to include additional land area, zoning classification of the land area brought in shall be subject to the following:

- A. Land that is brought into the City from another governmental jurisdiction shall be classified to whatever district of this Chapter most closely conforms with the zoning designation of the other governmental unit.
- B. The City Council may adopt a new official zoning map for the land area following a public hearing and recommendation from the Planning Commission, per Section 7.1.
- C. In making a recommendation to City Council on the zoning classification(s) for such land areas, the Planning Commission shall consider any previous township or county zoning classifications that existed for the land prior to extension of the City boundaries, the pattern of land uses in the area, adopted City Master Plan recommendations, and planned future land use designations for the land area or adjacent areas within the City.
- D. Rezoning processes may run concurrent with public hearings and development agreement processes.

8.6 ZONING OF VACATED AREAS.

Any street, alley, railroad right-of-way or other public way or portion thereof within the City not otherwise classified within the boundaries of a zoning district on the official zoning map shall, upon vacation, automatically be classified in the same zoning district as the parcel(s) to which it attaches.

8.7 PROHIBITED USES.

Uses that are not specifically listed as a principal or special condition use permitted by this Chapter in a zoning district, or not otherwise determined to be similar to a listed and permitted use, shall be prohibited in the district.

8.8 PRINCIPAL PERMITTED USES IN DISTRICTS.

Within each zoning district there are uses that, when developed in accordance with sound planning and site plan principles, are consistent with the purpose and objectives of the district. For the purpose of this Chapter, these uses shall be known as principal permitted uses as set forth in the individual districts, and shall be allowed within that particular district subject to the development requirements of this Chapter.

8.9 LAND USES SUBJECT TO SPECIAL CONDITIONS.

- A. Within each zoning district it is recognized that there are uses, because of their unique characteristics which cannot be properly classified in any particular district or districts without consideration in each case of the impact of such uses upon neighboring land, and of the public need for the particular use at the particular location. Such uses may be consistent with the purpose and objectives of the particular zoning district only in specific locations, under specific conditions and when developed in accordance with sound planning and site plan principals.
- B. Uses subject to special conditions are listed as special land uses, which may be permitted as set forth in the individual districts, subject to a public hearing, review and recommendation by the Planning Commission, and approval by the City Council in accordance with the procedures and conditions specified in Section 8.51.

8.10 I-3 INDUSTRIAL & MANUFACTURING COMPLEX DISTRICT.

- A. Intent. The I-3 Industrial & Manufacturing Complex district is intended to provide locations for larger scale manufacturing, processing, and production operations which may require extensive access to transportation facilities and utilities.
- B. Principal Permitted Uses-
 - 1. Light manufacturing and equipment servicing
 - 2. Assembly and packaging of products
 - 3. Manufacture or treatment of goods
 - 4. Compounding, manufacturing, and processing or treatment of materials or products
 - 5. Electroplating, heat-treating, metal plating, stamping, pressing, casing, buffing, and polishing
 - 6. Laboratories for research and testing
 - 7. Experimental product development facilities
 - 8. Machine shops
 - 9. Printing, lithographic, blueprinting, and similar processes
 - 10. Canning factories and chemical plants
 - 11. Assembly, fabrication, manufacture, or treatment of goods
 - 12. Recycling collection facilities
 - 13. Recycling processing facilities
 - 14. Wireless communication facilities
 - 15. Electronics production and assembly, including semiconductors and batteries
 - 16. Steel fabrication plants for large stampings, such as automobile chassis

17. Utility services and municipal uses such as water treatment plants, reservoirs, sewage treatment plants, public utility structures, substations, telephone exchange buildings, electric transformer stations and substations, gas regulator stations, and public works maintenance facilities (excluding outdoor storage)
18. Electric vehicle charging stations, Levels 1, 2, and 3
19. Parking Structures
20. Open space, wetlands, woodlands, drains, and greenbelt areas dedicated to the public, and publicly owned or operated pedestrian malls, parks, trails, playgrounds, and playfields
21. Worker mobility accommodations, including bus shelters, bus stations, carpooling area, and parking structures

C. Special Land Uses

1. Parking facilities, off-street and off-site, when not accessory to a permitted use
2. Trade schools, regional educational facilities, vocational education facilities, intermediate career centers, and similar technological or vocational training facilities

D. Accessory Permitted Uses

1. Accessory Structures customarily incidental to permitted uses
2. Adult and child care centers
3. Ground-level large solar facilities
4. Helipads
5. Indoor warehousing
6. Medical facilities, health clubs, and recreational facilities
7. Mobile food vending
8. Outdoor storage, fully screened
9. Parking facilities and structures
10. Retail sales of goods produced on-site
11. Restaurants, cafeteria facilities
12. Test Track
13. Solar energy systems- small, medium, and large
14. Wind Energy Conversion Systems
15. Where an above-listed use is desired to be the primary use, then Special Land Use procedures shall apply

E. Development Standards

1. Lot Size
 - a. Minimum Lot area- 200 acres
2. Lot Coverage
 - a. Maximum Lot Coverage- 60%
 - b. An additional 10% of lot coverage may be allowed with the submittal of a Leadership in Energy and Environmental Design (LEED) checklist and proof of registration that demonstrates the intent to apply for LEED building certification with the U.S. Green Building Council, facilities that are Zero Net

Carbon (ZNC), Zero Net Energy (ZNE), or other generally recognized building certification.

3. Setbacks
 - a. Minimum front yard setback- 50 feet
 - b. Minimum rear yard setback- 30 feet
 - c. Minimum side yard setback- 30 feet
 - d. To protect the public health, safety, comfort, and welfare and minimize land use conflicts, it may be required that structures for uses which pose a potential nuisance as determined by the Zoning Administrator or Planning Commission in its review of matters addressed under the impact assessment of Section 8.12 , shall be setback a minimum of 200 feet from any residential district or use.
4. Building Height
 - a. Maximum building height- 200 ft by right, w/proportionate setback for structures over 80'
 - b. Structures within 200 feet of a residential district or use and are greater than 80 feet in height, shall have setbacks circumscribed by the minimum front, side, and rear setbacks plus one additional foot of setback for each foot of height above 60 feet. Setback requirements associated with this provision may be reduced or waived by the Planning Commission in accordance with Special Land Use standards.
 - c. Structures greater than 80 feet in height must incorporate on-site fire control provisions, unless the applicant submits certification that proposed building height meets the ability of local fire and rescue teams to serve the facility. Certification in the form of a letter signed by the fire chief shall be provided. If the building cannot be certified, then on-site fire control provisions must be provided.
5. Floor Area
 - a. Minimum floor area per unit- None specified
6. Exceptions to Height Limitations, Lot Area, or Width Requirements
 - a. Elevator and stairway towers; ventilation fans or mechanical equipment; firewalls or parapet walls; skylights; individual domestic radio and television reception antennae; wireless communication facilities; scenery lofts; steeples; chimneys; grain elevators; silos; gas containers; industrial production facilities for flour mills, steel mills and refineries; and similar appurtenances may be erected above the height limits herein prescribed. No such structures shall be allowed for the purpose of providing additional floor space for business or industrial use.
 - b. Lots of record existing prior to the adoption or amendment of this Article with less than the required minimum lot area or width for the zoning district in which such lot is located may be used for any use permitted within the district.

8.11 NOTES TO DISTRICT STANDARDS.

A. Applicability. The notes contained in Section 8.11 are additions, exceptions, and clarifications to the district standards contained in Section 8.10.

B. Notes to district standards:

1. Except as otherwise specified, all side yards abutting residentially zoned land shall have a minimum distance of twice the one-yard requirement.
2. All rear yards abutting residentially zoned land shall have a minimum distance of 75 feet between the principal building and rear property line.
3. The Planning Commission may waive these standards if it determines it is necessary to allow flexibility in the siting and construction of new buildings in the district.
4. Accessory Permitted Uses, in the I-3 zoning district, as listed in 8.11.D shall equal no more than 15% of the gross building square footage for interior uses and shall be the sum of no more than 20% of the gross developable area of the lot or lots in common ownership of outdoor uses, unless approved by the Planning Commission.
6. Any parcel subdivisions must meet Land Division Act, Planned Unit Development (Chapter 3.1.17), or Site Condominium standards (Chapter 6.1) for multiple parcel planned development.

8.12 I-3 DEVELOPMENT BUILDING REQUIREMENTS AND IMPACT ASSESSMENT.

To ensure compatibility with the intent and purpose of the I-3 (Industrial & Manufacturing Complex) district, any uses occurring within 500' of a residential building and any portion of a principal or accessory building or structure erected within 500' of a residential building shall be subject to the following additional development requirements. The requirements of this Section may be reduced or waived by the Planning Commission in accordance with Special Land Use standards.

- A. Materials. All exterior walls of office related functions shall be constructed of not less than 20 percent brick, face brick, stone, or cast stone. Metal siding or paneling may be used, provided it is not higher than 24 gauge and any change in profile shall be non-corrugated with a minimum rib depth of 1-inch.
- B. Windows. A minimum of 10 percent of building walls of office related functions shall have windows. Glass block shall be allowed in non-office locations.
- C. Impacts. Due to the intensive nature of many uses allowed in the I-3 zone district, measures to evaluate potential adverse impacts within 500' of a residential building are provided in this section. The applicant shall document how the site and proposed use will affect the community, including any potential mitigation methods. Proposed mitigation methods required by this Section shall be approved by the Planning Commission. Failure to perform in conformance with the information provided may be cause for enforcement.
 1. Stormwater. Stormwater and soil erosion permits must be received from the City of Marshall and Calhoun County Road Department respectively.
 2. Odors. Describe how the use will not produce the emission of hazardous, objectionable, or offensive odors in such concentration as to be readily perceptible at or beyond the lot line of the property on which the use is located.

3. Noise and Vibration. Detail what noise and/or vibration impacts are expected for the proposed use. Where such impacts are anticipated, the applicant shall detail the frequency, duration, noise level, hours of operation, or other factors that could be potentially disturbing to nearby uses. All measurements to assess potential adverse effects shall be made from the use's nearest parcel boundary to the primary building or structure of an affected use.
4. Electromagnetic Interference. Describe how any use, activity, or processes that may produce electromagnetic interference with normal radio or television reception beyond the lot line of the property on which the use is located will be prevented.
5. The City reserves the right to hire experienced professionals to evaluate information provided by the applicant and prepare additional analyses, with the cost borne by the applicant.

8.13 ACCESS THROUGH YARDS.

Walks, terraces, access drives, or other pavement serving a like function shall be permitted in any required yard, except a minimum of ten (10) feet shall be maintained between the encroachment and the property line.

8.14 RUBBISH AND WASTE MATERIAL.

It shall be unlawful to openly store, collect or place garbage, discarded building materials, tires, refuse, junk, inoperable and unlicensed motor vehicles, or other similar materials, except upon land owned and operated as a solid waste site in accordance with applicable state or federal law.

8.15 RESTORATION OF UNSAFE BUILDINGS.

Nothing in this Chapter shall prevent the strengthening or restoring to a safe condition of any part of any structure declared unsafe by the Building Inspector, or required compliance with his or her lawful order.

8.16 ESSENTIAL SERVICES.

Essential services shall be permitted as authorized and regulated by law and other ordinances of the City, it being the intent hereof to exempt such essential services from the application of this chapter, with the following exceptions:

- A. Public utility transformer stations, substations, and gas regulator stations shall be subject to the following:
 1. A front yard setback of not less than 50 feet shall be provided, and two side yards and a rear yard shall be provided, each shall not be less than 25 feet in width.
 2. The site shall be enclosed by a fence; or another suitable screening as determined by the Zoning Administrator in accordance with the standards of Section 5.15.8.
 3. Such uses shall not include outdoor storage yards.
- B. Buildings 200 square feet or less and 12 feet in height or less shall be reviewed and approved by the Zoning Administrator and are subject to the accessory building requirements of the district in which they are located. Buildings associated with essential services not meeting the above criteria shall be subject to the height and

setback requirements of the district and a site plan shall be reviewed and approved by the Planning Commission.

8.17 USE STANDARDS.

All uses listed in this Article shall be regulated in the same way as described in Article 3 Use Standards.

8.18 SIGNS.

- A. Intent. These regulations establish rules and standards for the construction, location, maintenance, and removal of privately-owned signs. Directional, emergency, or traffic-related signs owned by City, county, state, or federal government agencies are not regulated by this Section. The execution of these regulations recognizes that the purpose of this Chapter is to protect the interest of public health, safety, and welfare and to ensure the maintenance of an attractive physical environment while satisfying the needs of sign users for adequate identification, communication, and advertising. In order that such purposes can be achieved, the following objectives shall be applied for this Chapter and any future additions, deletions, and amendments:
1. General. Ensure that signs are located, designed, constructed, installed, and maintained in a way that protects life, health, morals, property, and the public welfare;
 2. Public Safety. Protect public safety by prohibiting signs that are structurally unsafe or poorly maintained; that cause unsafe traffic conditions through distraction of motorists, confusion with traffic signs, or hindrance of vision; and that impede safe movement of pedestrians or safe ingress and egress from buildings or sites;
 3. Protect Aesthetic Quality of Districts and Neighborhoods. Prevent blight and protect aesthetic qualities by preventing visual clutter and protecting views; and eliminating signs and sign structures on unused commercial properties. Also, to avoid glare, light trespass, and skyglow through selection of fixture type and location, lighting technology, and control of light levels;
 4. Content. Respect constitutional rights and to allow signs as a means of communication;
 5. Reduce Conflict. Reduce conflict among signs and light and between public and private information systems;
 6. Business Identification. Allow for adequate and effective signage for business identification and other commercial speech, non-commercial speech, and dissemination of public information, including but not limited to, public safety information and notification as may be required by law;
 7. Foster Economic Development. Ensure that signs are located in a manner that does not cause visual clutter, blight, and distraction, but rather promotes identification and communication necessary for sustaining and expanding economic development in the City; and,
 8. Recognize Unique Areas. Acknowledge the unique character of certain districts, and establish special time, place and manner regulations that reflect the unique aesthetic, historical, and/or cultural characteristics of these areas.

B. General Sign Regulations.

1. General Requirements. The following regulations shall apply, unless otherwise specifically stated in this Chapter, to all signs erected or located in any zoning district within the City.
 - a. All signs shall conform to all applicable codes and ordinances of the City and, where required, shall be approved by the Building Inspector, and have a license and permit issued.
 - b. Signs not visible from any street, alley or publicly-owned property are exempt from the provisions of this Chapter and do not require a sign permit.
 - c. A sign shall not be placed in, upon or over any public street, public right-of-way, alley, or other publicly-owned land, except as otherwise expressly permitted by this Chapter.
 - d. Only signs established and maintained by the City, county, state, or federal governments or expressly permitted by this Chapter shall be permitted in a public street right-of-way, dedicated public easement or upon publicly-owned land.
 - e. No public or commercial pole, utility pole or other supporting member located in a public right-of-way shall be used for the placement of any sign unless specifically designed and approved for the use.
 - f. No sign shall be located on or attached to any tree or other natural feature.
 - g. A sign shall not be erected in any place where it may, by reason of its position, shape, color, or other characteristic, interfere with, obstruct the view of or be confused with any authorized traffic sign, signal, or device, obstruct the view of any intersection or entrance to any public street or alley, or constitute a public nuisance.
 - h. No sign shall employ animated or moving parts, except as otherwise permitted in this Section.
 - i. No sign shall employ any flashing, moving, oscillating, blinking or variable intensity light; except as otherwise provided for in this Chapter.
 - j. No sign shall exhibit statements, words, or pictures of an obscene or pornographic nature.
 - k. No sign shall emit a sound, odor, or visible matter such as smoke or vapor.
 - l. All signs with a sign height of greater than two feet shall be set back the lesser of three feet from a street right-of-way line or 15 feet from any front, side or rear property line unless attached to a building or permitted within the public street right-of-way.
 - m. Signs affixed to the ground shall not obstruct vision above a height of two feet from the established street grades within a clear vision zone. A clear vision zone is the triangular area formed by the intersection of any street right-of-way lines and a point along each right-of-way line 25 feet from the point of the intersection.
 - n. All signs, except directional signs must be set back 15 feet from the intersection of the edge of an access drive and a street right-of-way line.

- o. Signs required by any federal, state, or municipal statute or ordinance shall be exempt from the provisions of this Chapter and shall not be included when calculating sign area.
 - p. Any commercial message lawfully established on a sign may be replaced with a non-commercial message provided that the regulations of this Chapter are otherwise met.
 - q. Abandoned signs shall be removed or put into service. Removal of such signs shall include removal of the poles and/or supports. If the property upon which the sign is located is vacant and the previous use is abandoned, the entire sign (including above-ground base, height, poles, size, wires, panels, and any other element) shall be removed within 30 days of the property becoming abandoned.
2. Signs Not Requiring a Permit. The following signs shall be permitted without a permit, pursuant to the applicable regulations in this Section:
- a. Address signs.
 - b. Construction signs
 - c. Directional signs.
 - (1) On premises.
 - (2) Temporary signs.
 - e. Flag signs.
 - f. Incidental signs.
 - g. Murals.
 - h. Real estate signs.
 - j. Water tower signs.
3. Prohibited Signs. The following signs are prohibited:
- a. Balloon signs.
 - b. Portable signs, except as otherwise permitted in this ordinance.
 - c. Roof signs.
 - d. Snipe signs.
 - e. Pennant signs.
 - f. Feather and flutter signs.
 - g. Any sign which requires a permit and is erected without a permit.
 - h. Any sign or sign structure which obstructs the view of, or may be confused with, a traffic directional/safety sign.
 - i. Signs which simulate or imitate in size, color, lettering or design, any traffic sign or signal or any sign which by design or location may in any manner interfere with, mislead, or confuse the public with respect thereto or obstruct the public view thereof.
 - j. Any signs not permitted under this Chapter.
4. Measuring Sign Area.
- a. The sign area shall include the surface area which encloses the extreme limits of sign copy, together with the frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.

- b. A double-faced sign, as defined in this Chapter, shall be considered as having one face and the area of one face shall be included in computing the sign area.
5. **Measuring Sign Height.** Sign height shall be the vertical distance measured from the point of ground immediately beneath the sign to the highest point of the sign, including decorative embellishments. Where the ground elevation beneath a sign varies, the average grade of the ground within a five-foot radius of the sign structure shall be used. The average grade shall be the highest point within said radius plus the lowest point within said radius, divided by two. Any filling, berming, mounding or excavating solely for the purpose of locating the sign shall not be included in the calculation of average grade.
6. **Addresses.** Address signs shall be visible and legible from the public right-of-way.
7. **Illumination of Signs.**
 - a. Where illumination of signs is permitted by this ordinance, three methods of illumination are permitted:
 - (1). **Internal Illumination.** Where a sign is internally illuminated, no portion of the surface of the sign shall be transparent.
 - (2). **External Illumination.** Where a sign is externally illuminated, the source of illumination shall be directed downward and shielded from directing glare onto neighboring properties or into the public right-of-way.
 - (3). **Halo Illumination (Backlighting).** Where a sign is backlit, forming a halo of light around the sign copy on the surface behind the sign, the source of illumination shall not be visible from neighboring properties or the public right-of-way.

C. Signs by Type

Sign Type	Max Surface Display Area	Max Height	Number	Permit Required
Construction Signs	32 square feet	8 feet	1	Y
Directional	4 square feet per sign	6 feet	5	N
Flag Signs	120 square feet	40 feet when ground-mounted	3	N
Incidental	24 square feet (total of all signs)	6 feet	Limited by total permitted area	N
Ground; Changeable copy permitted	60 square feet; 120 square feet for multi-tenant buildings; 100 total square feet where more than one ground	9 feet	1 per frontage on a thoroughfare	Y

	sign is present; no more than 25% changeable copy			
Real Estate	24 square feet	8 feet	1 per frontage	N
Wall	Total 25% of ground floor wall area, up to 500 square feet	Shall not project above the eave or roofline	1	Y

D. Specific Sign Regulations.

1. Changeable Copy Signs. Changeable copy signs are permitted as follows:
 - a. Any changeable copy area may be part of a permanent ground sign
 - b. The changeable copy sign area of any sign shall not exceed 25% of the sign area.
 - c. The changeable copy sign area shall be counted as part of the total sign area allowed.
 - d. Changeable copy signs include animated signs and electronic signs with changeable messages, including fuel price signs. The illumination average of any electronic sign shall be limited to 2,000 nits during daylight hours, and shall be reduced to 250 nits from a half hour before sunset to a half hour after sunrise. Animated signs shall be subject to the following:
 - (1). Animated signs shall be turned off from midnight to 5:00 a.m.; excluding businesses open during this time period.
 - (2). No animated sign will be allowed in the same yard that directly abuts or is across the street from a residential property.
 - (3). The rate of change for an animated sign shall not exceed once per 12 seconds where the speed limit is less than 45 miles per hour and once per 10 seconds where the speed limit is 45 miles per hour or greater.
2. Directional Signs. Directional signs are permitted in all districts subject to the following:
 - a. Permanent directional signs:
 - (1). The maximum height of an on-premises directional sign shall be six feet.
 - (2). The number of directional signs per parcel shall not exceed five.
 - (3). Directional signs shall not exceed four square feet in area.
 - (4). Permanent directional signs are permitted only for non-residential uses.
 - b. Off-premises temporary directional signs, including but not limited to directional signs for a real estate open house or auction sale:
 - (1). The maximum height of a temporary off-premises directional sign shall be three feet.
 - (2). Temporary off-premises directional signs shall not exceed four square feet in area. Temporary off-premises directional signs shall be permitted to remain on private property for a maximum of six days.

- (3). Temporary off-premises directional signs may be placed in the right-of-way, provided they are at least five feet from the back of curb or the pavement where there is no curb, and that they are not located in the clear vision triangle of any driveway or roadway. Signs shall be removed within three days of posting.
3. Flag Signs. Flag signs are permitted in all districts subject to the following:
 - a. Flag signs shall not exceed 120 square feet.
 - b. Flag signs shall be displayed in one of two ways:
 - (1). Affixed to a permanent pole affixed to the ground. Said pole shall not exceed 40 feet in height.
 - (2). Affixed to a permanent or temporary pole that is attached to a mounting point on the ground floor exterior wall of a building. Where such a flag sign extends over a sidewalk, there shall be not less than 8 feet of clearance from the lowest part of the flag to the surface of the sidewalk.
 - c. Flag signs shall be maintained in good condition.
4. Ground Signs. Ground signs are permitted, subject to the following:
 - a. Ground signs shall have a maximum height of nine feet. The area of a ground sign shall 60 square feet. Ground signs for multi-tenant commercial developments shall be permitted a maximum sign area of 120 square feet.
 - b. Where a property fronts on two thoroughfares, one ground sign per frontage shall be permitted, provided that the total area of the ground signs does not exceed 100 square feet.
5. Incidental Signs. Incidental signs are permitted, subject to the following:
 - a. The total square footage of incidental signs on a property shall not exceed 24 square feet.
 - b. The height of any incidental sign shall not exceed six feet, except where an incidental sign is mounted on a building, fence, or other structure, in which case, the sign shall not protrude beyond the eave or upper edge of the structure.
6. Temporary Signs.
 - a. General Requirements:
 - (1). Temporary Off-Premises Directional Signs. See Directional Signs.
 - (2). Temporary Signs
 - (a) Temporary signs shall not exceed six feet in height, except as otherwise permitted by the Requirements for Specific Types of Temporary Signs.
 - (b) No temporary sign shall exceed six square feet in area, except as otherwise permitted by the Requirements for Specific Types of Temporary Signs.
 - (c) The total area of all temporary signs displayed concurrently on one parcel shall not exceed 32 square feet.
 - (d) Temporary signs shall not be placed within the clear vision triangle.
 - b. Requirements for Specific Types of Temporary Signs:
 - (1). Construction Signs. Construction signs are permitted, subject to the following:
 - (a) One construction sign is permitted per site.

- (b) Construction signs shall have a maximum height of 8 feet.
 - (c) Construction signs shall not exceed 32 square feet
 - (d) Construction signs shall not be erected until a building permit is obtained for the project, if required, or until construction begins, whichever is later.
 - (e) Construction signs shall be removed when construction is complete or when real estate signs are erected on the property, whichever occurs first.
 - (f) Construction signs 6 square feet in area or greater or greater than 6 feet in height shall require a permit.
- (2). Real Estate Signs. Real estate signs are permitted, subject to the following:
- (a) One real estate sign is permitted per street frontage;
 - (b) Real estate signs shall not exceed 24 square feet in area in non-residential districts. An additional two square feet is permitted for attachments such as, but not limited to, announcements that the property is sold, reduced, or pending, information regarding the property, or the agent's name.
 - (c) Including attachments, the height of a real estate sign shall not exceed 8 feet.
 - (d) One temporary real estate "open house" sign may be located on the premises being sold. Temporary real estate open house signs shall be erected no more than ten days prior to the day(s) of the open house and shall be removed within one day after the open house.
 - (e) Real estate signs shall be removed within 5 days of completion of the sale, signing of a lease agreement or other similar action, as determined by the City.
7. Wall Signs. Wall signs are permitted, subject to the following:
- a. Wall signs shall not project outward from the surface of the wall more than 12 inches. No sign attached to the wall of a building shall be erected so as to extend above the top of the wall or beyond the edge of the wall of the building to which it is attached.
 - b. Each property is permitted one or more wall signs. Total sign area:
 - (1). Shall not be greater than the maximum sign area permitted for the property;
 - (2). Shall not be more than 25% of the ground floor wall area of the wall to which it is attached. In a commercial development with more than one tenant, the total sign area of all wall signs may exceed 25%, provided that no sign for any tenant shall exceed 25% of that tenant's ground floor store frontage.
- E. Signs Permitted Subject to Special Conditions.
- 1. The Planning Commission may, through granting a special use sign permit, approve signs that exceed the number, sign area or height permitted by the other provisions of this Chapter for sites that exceed two acres in area and have more than 200 feet of public street frontage, provided the applicant furnishes the

surveys, site plans and other information as may be reasonably required by the Commission for proper consideration of the matter.

2. The Planning Commission shall notify all parties having an interest in property within 300 feet of the affected site of the time and place of any hearing or meeting which may be held relative to the application.
3. The Commission may impose such conditions or limitations granting approval as may, in its judgment, be necessary to fulfill the spirit and purpose of this Chapter.
4. In reviewing the application, the Commission shall consider the following standards as a basis for establishing size, setback, and placement of signs:
 - a. Visibility of vehicular and pedestrian traffic off-site and at the site, visibility, and legibility of signs for drivers and/or pedestrians and the impact upon the visibility of traffic signals or regulatory devices in the public street right-of-way.
 - b. Negative impact of proposed signs upon adjacent properties and their signage and the impact of lighting and appearance of signs upon nearby residential zoned property.
 - c. Particular site characteristics such as yard areas, landscaping, topography, location of buildings, site use and number of street frontages.

F. Non-Conforming Signs.

1. A sign lawfully erected prior to the adoption of this Chapter or any applicable amendment thereto which does not meet the standards of this Chapter may be continued as a legal non-conforming sign, except as hereinafter provided. A legal non-conforming sign shall not:
 - a. Be substantially altered in content unless the use to which it applies remains the same after the change in the words or symbols;
 - b. Be substantially altered in structure so as to change the shape, size, location, type, or design of the sign; or
 - c. Be reestablished or continued after the activity, business or use to which it applied has been discontinued for 180 days or longer.
 - d. "Substantially altered" does not refer to normal maintenance, such as painting, or a change in message panels.
 - e. A non-conforming sign may remain as long as the sign is properly maintained and is not detrimental to health, safety, and welfare. If damaged beyond normal maintenance, the sign shall not be repaired/replaced except in conformity.
2. If the owner of the premises on which a sign is located changes the use of the premises, or changes the location of a property line or sign so that a sign is rendered non-conforming, the sign must be removed or made to conform to the provisions of this Chapter.

G. Administration and Enforcement.

1. Enforcement.
 - a. The sign provisions of this ordinance shall be administered and enforced by the Building Inspector(s) or their designee.
 - b. The Building Inspector(s) or their designee may enter at any reasonable time upon the premises where any sign is located. All sign violations shall be

considered civil infractions. No criminal penalty shall be attached for violations except where a police officer has actually observed a criminal violation being committed or probable cause exists for such enforcement.

2. Permits. No person shall erect, place, relocate, alter, or add to any sign for which a permit is required without obtaining a permit.
3. Plans and Specifications. No person shall erect or alter any sign, except in accordance with the plans and specifications approved by the Building Inspector.
4. Application and Permit Fee. Application for sign permits shall show the name and address of the owner of the sign and the person responsible therefore and the location, type, sign height and sign area of the sign and shall contain a drawing or other rendering of the proposed sign. The application and permit fee shall be filed with the Building Inspector for investigation. If the Inspector finds that the sign conforms to all provisions of this Chapter a permit shall be issued. The Inspector shall make a finding within ten business days of filing the application or within 30 calendar days of the filing of the application if the code official requires an interpretation or the application shall be deemed approved as submitted.
5. Fees. The fee for sign permits shall be as adopted and amended from time to time by resolution of the City Council.
6. Inspection.
 - a. After being erected, each sign for which a permit is required, shall be approved and inspected by the Building Inspector for zoning compliance.
 - b. If, upon any inspection by the Building Inspector, a sign is found to be unsafe or in a condition that does not comply with the provisions of this Chapter, the Building Inspector shall give notice of the condition to the owner or the person responsible. Within 30 days thereafter, the necessary repairs shall be made in order to bring the sign into compliance with this Chapter.
 - c. If the Inspector finds a sign to be in such an unsafe condition that immediate repairs or the removal thereof are required, the Building Inspector shall take such precautions as may be necessary to protect the safety of the public in the use of the streets the cost of which shall be the responsibility of the owner.
7. Maintenance.
 - a. Signs, including the face, framing and all supports thereof, shall be kept, and maintained in a safe condition, shall be adequately protected against corrosion, and shall conform to all the provisions of this Chapter.
 - b. Signs which are broken, torn, bent or whose supports are broken, bent or damaged, and signs that are not reasonably level and plumb shall be repaired and installed in a manner prescribed by the Enforcement Officer and / or Building Official, but in no case shall repair requirements exceed building code requirements and the original condition of the sign and/or its supports.
 - c. All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this Code. Failure to comply with this Section may result in action by the Enforcement Officer or Building Official to rescind the permit with subsequent removal of the entire structure.

- d. A sign shall have no more than 20 percent of its surface area covered with disfigured, cracked, ripped or peeling paint, poster paper or other material for a period of more than 30 successive days.
 - e. A sign shall not stand with bent or broken sign facing, with broken supports, with loose appendages or struts, or more than 15 degrees from vertical for a period of more than 30 successive days, unless determined by the Building Official to pose a safety hazard, in which case immediate action may be required.
 - f. A sign shall not have weeds, trees, vines, or other vegetation growing upon it, or obscuring the view of the sign from the public right-of-way from which it is to be viewed, for a period of more than 30 successive days.
 - g. An internally illuminated sign shall not be allowed to stand with only partial illumination for a period of more than 30 successive days.
8. Nuisance. Any sign erected or displayed without a permit or any sign which does not comply with the provisions of this Chapter shall be deemed a hazard to the safety of the public and is declared to be a public nuisance and may be abated by removal without notice.
 9. Signs Within Fire Limits. No person shall erect a lighted or mechanical sign within the fire limits of the City unless the sign and supports therefore be entirely constructed of fire-resistant materials and complies with the provisions of the City's Fire Code.
 10. Obstruction Hazard. No person shall erect, display, or maintain any sign which obstructs any fire escape, building entrance or public passage, or at a horizontal distance of less than ten feet from any fire hydrant or traffic light.
 11. Appeals. The Zoning Board of Appeals is authorized to hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, decision, or determination made by the Inspector in connection with the enforcement of this Section. The Zoning Board of Appeals shall also have the power to authorize a variance from the strict application of this Section where the strict application would result in peculiar or exceptional practical difficulties to the person owing or having the beneficial use of the property. The relief may be granted provided it is without substantial detriment to the public good and without substantially impairing the intent and purpose of this Section. In considering applications, the Board shall follow the procedures contained in Section 7.8 of the Zoning Ordinance.

8.19 ACCESSORY STRUCTURES AND USES.

Accessory structures, except as otherwise permitted in this Chapter, shall be subject to the following:

- A. General standards. Accessory structures and uses are permitted only in connection with, incidental to and on the same lot with a principal building within the same zoning district.
 1. No accessory structure or use shall be placed upon, occupied, or utilized on a lot unless the principal building is occupied or utilized except as provided for in this Chapter. No accessory structure shall be constructed upon or moved to any

- parcel of property until a principal building is under construction for which a building permit has been issued.
2. Such accessory structure shall not be utilized as a separate place of business.
- B. No detached accessory structure shall exceed the primary building in height, unless approved by the Zoning Board of Appeals.
- C. An accessory structure having a two-foot overhang shall be subject to the following:
1. Shall not be located closer than five feet to a side or rear lot line or public street right-of-way measured from the foundation. In the case of an easement, the easement shall become the setback for the accessory structure and in no instance shall any part of the accessory structure project into the easement.
 2. Be located closer than ten feet to any principal building measured from the foundation.
 3. The side and rear yard setback shall be increased one foot for every one foot of overhang beyond two feet.
 4. No accessory building shall be located in an easement.
- D. No accessory structure may be closer than four feet to any other accessory structure except for an accessory structure that complies with subsection E of this Section.
- E. Accessory structures shall be erected in a rear yard, except an accessory structure may be allowed in a non-required side yard, when set back a minimum of 75 feet from the front lot line and meets the side yard setback of the parcel.
- F. No accessory building, structure or use shall be erected in any yard with public street right-of-way frontage, including all such sides of a corner lot.
- G. In no instance shall such an accessory structure be nearer than five feet to any adjoining lot line.
- H. In the case of double frontage lots, accessory buildings shall observe front yard requirements on both street frontages wherever there are any principal buildings fronting on such streets in the same block or adjacent blocks.
- I. In the case of an accessory building located in the rear yard on a corner lot, the side lot line of which is substantially a continuation of the required front yard setback of the lot to its rear, such accessory building shall be set back from the street side at least as far as the required front yard setback of the lot at the rear of the subject corner lot.
- J. Additional standards. The following additional standards shall apply to attached garages, accessory mechanical equipment, and flagpoles:
1. Commercial or industrial mechanical equipment - such as blowers, ventilating fans, exhaust fans, and air conditioning units greater than four tons located adjacent to a residential district shall be placed such that they will not have an adverse impact on the residential use due to noise and odors.
 2. Flagpoles. Flagpoles on the building or on the ground shall not exceed the maximum height allowed in the zoning district. Flagpoles shall be set back a minimum distance from all lot lines ten feet or the maximum extension of the largest flag intended to be displayed on the pole, whichever is greater. Flags may be illuminated, provided the source of illumination shall be designed, arranged, and shielded to prevent glare onto adjacent properties, telescopes, and adverse effects on motorist visibility on adjacent rights-of-way.

- K. Accessory structures and uses such as parking attendant, guard shelters, gate houses, and transformer buildings may be located in the front or side yard and may occupy any of the ground area that the principal building is permitted to cover or as otherwise allowed under this Chapter.

8.20 TEMPORARY CONSTRUCTION STRUCTURES AND USES.

The following standards shall apply to all structures used for construction purposes on a development site:

- A. A zoning permit for such structure shall be required, prior to installation.
- B. No temporary structure shall be used as a dwelling unit.
- C. The placement of temporary structures shall be in conformance with the requirements of this Chapter.
- D. Temporary structures may only be used for the storage of construction materials, tools, supplies and equipment, for construction management and supervision offices, and for temporary on-site sanitation, solid waste or fuel facilities related to construction activity on the same lot.
- E. Temporary structures shall be removed from the lot within 15 days after an occupancy permit is issued by the City for the permanent structure on such lot, or within 15 days after the expiration of a building permit issued for construction on such lot.

8.21 CORNER CLEARANCE AREA.

- A. No structure, fence, wall, hedge, planting, tree, or other obstruction to vision shall exceed two feet in height from grade within a triangular section of land on that part of a corner lot formed by the two street right-of-way lines and a line connecting them at points 25 feet from the intersection of such street right-of-way lines. The Planning Commission may grant an exception to the height requirement of no more than one foot upon finding that pedestrian and vehicle safety has not been compromised.
- B. In any district branches of trees within such areas shall be trimmed to not less than six feet above the finish grade except for those branches overhanging into the City right-of-way shall be not less than ten feet above finish grade.

8.22 BUILDING GRADES AND GRADING OF LAND.

A minimum sloping grade of one foot above the street level, or other grade as established by the City, shall be required of all buildings having a front yard.

- A. No premises shall be filled or grades established so as to discharge the surface runoff on abutting property in such a manner that will cause inconvenience or damage to adjacent properties.
- B. The grade at any lot boundary shall be developed and maintained in accordance with the Michigan Building Code as amended and subject to inspection and approval.

8.23 PROTECTION OF EXCAVATIONS.

The construction, maintenance, or existence within the City of any unprotected, un-barricaded, open, or dangerous excavations, holes, pits, or wells that are reasonably likely

to constitute a danger or menace to the public health, safety or welfare shall be prohibited. This Section shall not prevent any excavation under a permit issued pursuant to this Chapter or the State Construction Code enforced by the City, where such excavation is properly protected, warning signs are properly posted, and construction is progressing in a timely manner.

8.24 FENCE, WALLS, HEDGES OR SIMILAR PLANTINGS, OR STRUCTURES.

Fences, walls, and hedges may be permitted in any yard, or along the edge of any yard, subject to the following:

- A. Maximum height. The height of fences and walls shall not exceed eight feet in height in any side or rear yard. In all districts no fence, wall, planting, or hedge shall be over four feet along a property line in a front yard or front yard setback.
 - 1. Fences, walls, and hedges within corner visibility areas shall be further regulated by Section 8.21 unless otherwise allowed for in this Article.
 - 2. A fence may be permitted up to eight feet in height along the side or rear lot line.
 - 3. A maximum of one additional foot for barbed wire is allowed, in a side or rear yard, with the yes facing inside of the lot line.
- B. Obstructions prohibited. No fence shall be erected or maintained in such a way as to obstruct the vision of motorists exiting driveways. No fence or wall shall be erected within any public right-of-way.
- C. Orientation. A finished side of a fence in any yard shall face outwards away from the property on which they are placed.
- D. Trees, shrubs, flowers, or plants shall be permitted in any front, side, or rear yard, in conformance with subsection 1 of this Section or as regulated by Section 8.21.
- E. Other specified structures. Walls, driveways, arbors, curbs, retaining walls, mailboxes, and structures of a like nature shall be permitted in any front, side or rear yard provided they do not exceed the height allowed in subsection 1 of this Section for front yard fences or Section 8.21.
- F. Other standards. The following additional standards shall apply to all fences, walls, and hedges in any zoning district:
 - 1. Fences may be placed up to a lot line. No parts of any fences, including foundations, may extend beyond any lot line unless agreed to in writing by the owner of the adjacent property.
 - 2. If a fence exists in the rear or side yard of an adjacent lot, only one other fence may be placed along the adjoining boundaries of such adjacent lot. Areas between abutting fences must be maintained in accordance with this Chapter and the City's Code of Ordinances.
 - 3. The use of electric current or charge on any fence or part thereof is prohibited.
 - 4. Orange plastic fencing, snow fencing, cyclone fencing, silt fencing, or similar type fencing shall be prohibited unless required during construction to comply with other governmental agencies or regulations.

8.25 PARKING, LOADING, AND ACCESS MANAGEMENT.

- A. Purpose. The purpose of this section is to regulate the parking, loading, and access of automotive vehicles in all zoning districts.

B. Scope.

1. Parcels located within the I-3 Industrial and Manufacturing Complex zone district, and those areas designated on the official zoning map as being parking exempt, are exempted from the requirements of Section 8.25 Part E. It is the responsibility of property and building owners to provide sufficient on-site parking to meet their needs.
2. Parking with adequate access to all spaces shall be provided in all districts at the time of erection or enlargement of any main building or structure. The number and character of off-street parking spaces, in conjunction with all land or building uses shall be provided, prior to occupancy, as hereinafter prescribed.

C. Deferment of Required Parking Spaces.

1. The Planning Commission, without proof of unnecessary hardship, may defer the requirements of this subchapter upon determination from the evidence presented by the property owner that the intended use will not require parking or loading facilities to the degree required by this subchapter. The proposed site plan shall show the location and layout of the deferred parking area which shall remain undeveloped to permit construction of the required parking should the use of the building change or a change in circumstances indicate that additional parking is required. At that time, a new site plan shall be submitted pursuant to Section 8.35.
2. In addition, the property owner shall sign a development agreement which shall be recorded with the deed binding on future owners that the open space is retained for future parking and shall not be developed or sold for development except in conformance with the approved site plan.
3. If a new site plan is submitted to develop the area reserved for deferred parking, the Planning Commission must evaluate the impact of the new development on existing parking when considering the new site plan. The Planning Commission may consider the reductions in parking requirements provided for in Section 8.26.D.3.

D. General Regulations. The following regulations shall apply in all zoning districts.

1. Location of spaces. All parking, loading and maneuvering space shall be contained within the site.
2. Irrevocable use of spaces. All required off-street parking spaces shall be stated in an application for site plan review and shall be reserved irrevocably for such use, unless otherwise provided in this Chapter. Minimum required off-street parking spaces shall not be displaced by any other use unless the parking requirements of the site change.
3. Reduction of space area. Off-street parking existing at the effective date of this Chapter in connection with the operation of an existing use shall not be reduced to an amount less than that required for a similar new use except as allowed under Section 8.25.C.
4. Collective use of spaces. The city recognizes that different types of uses may have different peak usage times. Therefore, two (2) or more non-residential buildings or uses may collectively provide the required off-street parking, in which

case the required number of parking space for the uses calculated individually may be reduced for the following:

- a. Reduction in required spaces. Where peak operating hours do not overlap or patrons can access more than one use from the parking lot, the Planning Commission may grant a reduction in the required number of spaces of up to 25%.
 - b. Agreement. A signed agreement between all parties concerned shall be provided to the City for the collective use of parking spaces.
5. Similar use. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accordance with a similar listed use, as determined during site plan review.
 6. Screening. Off-street parking areas shall be effectively landscaped, and screened on any side which adjoins or faces a residential district or street right-of-way, per Section 8.26.G.
 7. Setbacks. No part of any off-street parking area shall be closer than ten feet to any street right-of-way line or the lot boundary of any residential use.
 8. The number of required off-street parking spaces for new uses or buildings and additions to existing buildings shall be determined in accordance with the schedule set forth in Section 8.25.E.4 Schedule of minimum required parking by use. Parking requirements listed in Section 8.25.E.4 Schedule of minimum required parking by use shall not include loading spaces as set for in Section 8.25.H.
 9. Prohibited activities. The storage of merchandise, refuse storage and receptacles, or other materials, and the storage or repair of unregistered or unlicensed vehicles or inoperable vehicles or other machinery shall be prohibited in areas serving as parking spaces.
 10. Vehicular access for employees, delivery vehicles, and trucks shall be coordinated or shared with adjoining uses where feasible, in the determination of the Planning Commission, and shall be designed to minimize impacts on public streets and surrounding uses. Access management techniques will be employed.
- E. Minimum Number of Spaces Required. The following standards shall apply to the determination of the required minimum and maximum number of off-street parking spaces by type of use in all zoning districts, excepting those within the I-3 Industrial and Manufacturing Complex zone district and those designated on the official zoning map as parking exempt:
1. Fractional units. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half ($1/2$) shall be disregarded and fractions over one-half ($1/2$) shall require one parking space.
 2. Maximum number of spaces permitted. To minimize excessive areas of pavement that contribute to higher rates of stormwater runoff, exceeding the minimum parking space requirements of this Section by more than 20% shall be prohibited. The Zoning Administrator may waive this provision to allow additional parking spaces upon determining that such parking is necessary, based on documented evidence, to accommodate the use on a typical day.

3. Units of measurement. The usable floor area (UFA) shall be used to determine the required number of off-street parking and loading spaces, unless otherwise noted.
 - a. Usable floor area (UFA) shall apply to all internal building areas excluding the floor area used for incidental service, storage, mechanical equipment rooms, heating/cooling systems, lavatories, and similar uses, and other areas not intended for use by the general public. Where these areas are not yet defined, leasable floor area shall be considered to be 85% of the gross floor area.
 - b. Where the number of spaces required is based on the number of employees, calculations shall be based upon the maximum number of anticipated employees during the peak shift. An employee for the purposes of meeting the requirements of this Section shall include hourly, salaried, and contracted workers.
4. Schedule of minimum required parking by use. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

Use	Minimum Spaces Required
Health, fitness, and exercise centers	One per four persons allowed within the maximum occupancy load as established by the building code
Business offices or professional offices	One per 300 square feet of usable floor area
Industrial, research or laboratory uses not otherwise specified herein, where established for a known user	Five, plus one per employee based upon the maximum number of employees per shift or overlapping shifts plus one per 275 square feet of usable floor area for office areas
Industrial, research or laboratory buildings established on speculation, or where the end user or number of anticipated employees is not known	Five, plus one per 2,000 square feet of GFA for the industrial, research or laboratory uses, plus one per 275 square feet of usable floor area for office areas
Research and development facilities, laboratories, and technical centers	One per 425 square feet of usable floor area for the research/laboratory uses, plus one per 300 square feet of usable floor area for any offices or other accessory uses
Warehouses and wholesale establishments and related accessory offices	Five, plus one per employee in the largest working shift
Trade schools, regional educational facilities, vocational education facilities, intermediate career centers, and similar technological or vocational training facilities	One (1) per four (4) persons allowed within the maximum occupancy load as established by the building code

- F. Barrier-Free Parking Requirements. Barrier-free parking spaces signed and striped shall be provided at conveniently accessible locations within each parking lot, in accordance with the Michigan Building Code.
- G. Off-Street Parking Layout, Construction, and Maintenance Standards. Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements:

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Width of Maneuvering Lane Plus Two Rows
0 parallel parking	12'	8'	24'	40'
45	12' (one-way)	9'	20'	49'
60	16' (one-way)	9'	20'	56'
90	20' (two-way)	9'	20'	60'

1. Backing directly onto a street, backing into an access drive, or requiring the use of the street for maneuvering between parking rows shall be prohibited.
2. Adequate ingress and egress to the parking lot by means of clearly limited and defined maneuvering lanes and access drives shall be provided for all vehicles. Entrance to such area shall be only from a public street, an adjoining principal use or an adjoining alley.
3. Ingress and egress to a parking lot accessory to a non-residential use shall not be across land in any residential district.
4. Ingress and egress to a parking lot accessory to a non-residential use shall be set back at least 25 feet from the boundary of any residential district.
5. All maneuvering lanes shall permit one-way traffic movement, except that the 90-degree pattern may permit two-way movement.
6. The entire parking area, including parking spaces and maneuvering lanes, required under this Chapter shall be provided with a dust-free surfacing of concrete or plant-mixed bituminous material according to the requirements of this Chapter and the Marshall City Code.
7. Parking areas must be landscaped in accordance with Section 8.26.G.
8. Necessary curbs or other protection for the public and for the protection of adjoining properties, streets and sidewalks shall be provided and maintained. Where parking areas abut public sidewalks, a curb at least six inches high shall be placed thereon to prevent vehicle encroachment.
9. Off-street parking areas shall be drained so as to dispose of accumulated surface water without drainage onto adjacent property or toward buildings.
10. All lighting used to illuminate any off-street parking area shall be so designed, located, and shielded to prevent glare onto adjacent properties and prevent adverse impacts on motorist visibility. The source of illumination shall not be more than 25 feet above the parking surface.

11. All illumination for such parking facilities shall not exceed one foot-candle at any lot or property line, nor shall it exceed 0.5 foot candles at a lot line adjacent to a single family residential district. The average to minimum foot candle ratio over the parking lot, drives, walkways, and similar illuminated areas shall not exceed 4:1.
 12. Off-street parking shall be permitted to occupy a portion of the required front yard, provided that a minimum setback of ten feet shall be maintained between the nearest point of the off-street parking area and the right-of-way line. The ten-foot setback shall be unobstructed except for landscaping plant materials. Access driveways may extend through this setback.
- H. Loading Space Requirements. For every building or addition to an existing building erected or occupied by a use requiring the receipt or distribution of materials or merchandise, there shall be provided and maintained on the same premises adequate off-street loading spaces, as follows:
1. No such space shall be located closer than 50 feet to any lot in any residential district unless wholly within a completely enclosed building or enclosed on all sides by a wall, or a greenbelt, berm, or buffer strip.
 2. Lights used to illuminate loading areas shall be arranged so as to reflect away from adjacent properties.
 3. Loading spaces shall not be provided in the front yard, the front side of any building, or on any side facing and directly visible to a public street, unless determined during site plan review that it's determined such a location is necessary due to the building's location or placement or existing street patterns.
 4. Access to the loading area shall be designed in such a manner as to allow trucks to enter and leave the loading area without having to back from or onto the public street.
 5. Loading spaces shall be covered with a pavement of concrete or plant-mixed bituminous material, and shall be graded and drained to a storm sewer so as to dispose of surface water in accordance and conformity with the requirements of the City.

8.26 LANDSCAPING AND SCREENING STANDARDS.

- A. Intent. The intent of this subchapter is to establish minimum standards for the design, installation, and maintenance of landscaping along public streets, as buffer areas between uses, on the interior of a site, within parking lots, and adjacent to buildings. Landscaping is a critical element contributing to the aesthetics, development quality, stability of property values, and the overall character of the City. The standards of this subchapter are intended to provide incentives to preserve quality mature trees, screen headlights to reduce glare, integrate various elements of a site, ensure compatibility between land uses, assist in directing safe and efficient traffic flow at driveways and within parking lots, and minimize negative impacts of storm water runoff and salt spray.
- B. Scope. The standards of this subchapter are considered the minimum necessary to achieve the above intent. Applicants are encouraged to provide additional landscaping to improve the function, appearance, and value of their property. The

standards of this subchapter shall apply to all uses, lots, and sites altered, developed, or expanded after the effective date of this Chapter subject to site plan review under Section 8.30. Parcels that are developed under a planned unit development or other master planned industrial area can achieve the required site buffering from residential districts, residential uses, or street rights-of-way through landscaping on common space between the aforementioned uses and the development site.

- C. Requirements and Timing of Landscaping. All landscape plans, plant installations, and required plant materials shall conform to the following standards:
1. Plan required. A separate landscape plan shall be included with any site plan application reviewed by the City, subject to the following:
 - a. The plan shall be prepared at a minimum scale of one-inch equals 40 feet.
 - b. The plan shall show the location, type, size, and spacing of all existing and proposed plant materials, and details and specifications describing planting techniques, installations, planting mixtures, mulch, material depths, seed blends, and other necessary information.
 - c. Existing and proposed contours shall be shown at intervals not to exceed two (2) feet.
 - d. Existing and proposed utilities shall be shown.
 - e. All required and proposed walls, fencing, berms, and other screening treatments shall be shown on the plan.
 - f. Protection measures for preserved trees during construction shall be shown in accordance with City standards.
 - g. The Planning Commission shall require landscape plans to be reviewed and sealed by a State of Michigan licensed landscape architect for parcels of one acre or more in size and may require it for other projects that may have a significant impact on surrounding residential districts.
 - h. Parcels over 500 acres are not required to submit a detailed landscaping plan, however, should note general landscaping areas on their site plan.
 2. Installation methods. Landscaping shall be installed in a manner consistent with the standards of the American Nurserymen & Landscape Association (ANLA) and generally accepted planting procedures. Tree stakes, guy wires and tree wrap are to be removed after one year.
 3. Timing of installation. Required landscaping or screening shall be planted within 180 calendar days from the date of issuance of a certificate of occupancy, and shall be maintained in accordance with the standards of this subchapter and the approved landscape plan.
 4. Performance guarantee. The city may require a performance guarantee to cover the cost of landscaping installation for development activity or construction completed in an off-planting season.
 - a. Such guarantees shall be submitted to the City prior to the issuance of a certificate of occupancy to ensure installation of required landscaping in the next planting season.
 - b. The Zoning Administrator shall conduct an inspection of plant materials within three months of written notification of installation before releasing the performance guarantee.

5. Maintenance. All landscaping shall be maintained in a healthy growing condition, neat and orderly in appearance, and free from refuse and debris.
- D. Special Provisions for Existing Sites.
1. Special provision shall be made for applying these standards to developed sites that existed prior to the City adopting landscaping requirements. When an existing site is undergoing improvement, a change in use or expansion, the objective of these standards shall be to gradually bring the site into compliance with the minimum standards of this subchapter in proportion to the extent of the expansion or improvement.
 2. Upgrades to landscaping or screening on an existing site shall conform to the following guidelines:
 - a. Landscaping requirements for building expansions equal to or less than 300 square feet of gross floor area and/or projects that do not propose any additional hard surfaced area for parking, may be limited to areas outside of the internal parking lot and site landscaping.
 - b. Landscaping along the street and as a buffer between adjacent land uses shall take priority over parking lot and site landscaping. Where parking lot landscaping cannot be provided, additional landscaping along the street or in the buffer areas shall be considered.
- E. General Landscape Provisions
1. Public Street Plantings - Street trees. On every site involving new development or redevelopment, deciduous street trees shall be provided along the fringe of the street right-of-way in conformance with §99.06 of this Code of Ordinances.
 2. Landscaping shall not obscure traffic signs or lighting, obstruct access to fire hydrants or interfere with adequate motorist sight distance.
 3. Adequate area shall be provided for snow storage within the parking lot.
 4. Waste Receptacle and Mechanical Equipment Screening. Waste receptacles such as dumpster(s) and ground mounted mechanical equipment excluding air conditioning units of four tons or less shall be located, screened, and secured in accordance with Section 8.26.J, except if a fence is used it shall be six feet in height, or as provided for in any other City Ordinance.
 5. Screening of Residential Districts and Uses. To provide adequate protective screening for residential areas adjacent to or near non-residential uses or districts, the following regulations shall apply:
 - a. Where the industrial district abuts directly upon a residential district unless provided for in Section 8.26.J, a landscaped greenbelt or other screening meeting the standards of Section 8.26.F. shall be required.
 6. Interior Landscaping. For every new development, under 500 acres, interior landscaping areas, exclusive of any other required landscaping, shall be provided. This landscaped area should be grouped near building entrances, along building foundations, along pedestrian walkways, and along service areas and contain grass or other suitable living groundcover.
 7. Plant Material Variety, Size, and Separation Standards. Required landscaping shall comply with the following minimum plant material and plant variety standards. The Planning Commission may vary these standards when these established

minimums will not serve the purpose and intent of this subchapter. Suggested plant materials listed in Table 5.15.11.C is commonly available in hardiness Zone 5. This list is to be used as a general guideline for plant selection but is not meant to be limiting.

- a. Species variety. The overall landscape plan shall not contain more than 33% of any one species. The use of a mixture of trees from the same species association shall be encouraged.
- b. Plant size specifications. Required landscaping shall comply with the following minimum size standards at planting:
 - (1). Deciduous canopy trees. Two and one-half inch caliper minimum trunk measurement at four feet off the ground, with a minimum eight feet in height above grade when planted.
 - (2). Evergreen trees. Six feet in height, with a minimum spread of three feet. The size of the root ball shall be at least ten times the caliper of the tree measured six inches above grade.
 - (3). Deciduous ornamental trees. One and one-half inch caliper minimum at three feet off the ground, with a minimum height of six feet above grade when planted.
 - (4). Shrubs. Minimum 30 inches in height above planting grade.
 - (5). Groundcovers. Planted in such a manner as to present a finished appearance and reasonably complete coverage after one complete growing season.
- c. Grasses, other than ornamental types, shall consist of species normally grown as permanent lawns in the region.
- d. Rolled sod, erosion reducing net or suitable mulch shall be used in swales or other areas subject to erosion. Groundcovers shall be clean and free of weeds, noxious pests, and disease.
- e. Steel, aluminum, or black plastic edging shall be used for any planting beds.
- f. Mulch material. Minimum of two and a maximum of four inches of biodegradable mulch or equivalent for planted trees, shrubs, and vines.
- g. Prohibited plant materials. The following plant materials shall not be used for landscaping purposes, except where specified below:
 - (1). The following plant materials shall not be used for landscaping purposes under any circumstances because of susceptibility to storm damage, disease, insect infestation, fruit bearing or other undesirable characteristics: Ash varieties, American Elm, Aspen, Ailanthus, and European Barberry.
 - (2). The following tree species shall not be permitted except where appropriate for the ecosystem, such as in a wetland environment not in proximity to any existing or proposed structures: Box Elder, Poplars, Willows, Horse Chestnut (nut bearing), Tree of Heaven, Catalpa, Buckthorn, and European Alder.
- h. Plant material spacing. Plant materials species grouped together shall meet the standards as indicated in Section L. General Layout and Design Standards.

- F. **Greenbelt Buffer.** A required greenbelt buffer shall be used around the perimeter of a parcel or parcels in common ownership within the I-3 Industrial and Manufacturing Complex zone district to shield views of the development site from the public where there are street rights-of-way, residential districts, or residential uses. Where a greenbelt buffer is provided, a parking lot perimeter screen shall not be required. A greenbelt buffer shall meet the following standards:
1. **Width.** The minimum greenbelt width shall be seventy-five feet. No structures, drives, or parking areas may be located within the greenbelt. The Planning Commission may reduce the required width to accommodate existing conditions or maintain the character of the zoning district. In such cases, the greenbelt requirement may be met through the provision of street trees per § 90.06 of the City Code of Ordinances.
 2. **Berm.** A berm is required that consists of a raised earth mound that meets the following standards:
 - a. Minimum height of three feet with a crest of at least three feet in width. The height of the berm may meander if the intent of this subchapter is met, and an appropriate screen is provided.
 - b. The exterior face of the berm shall be constructed as an earthen slope, with a slope not to exceed one foot of vertical rise to three feet of horizontal distance (1:3 ratio). The interior face of the berm may be constructed as an earthen slope or retained by means of a wall, terrace, or other means that shall not exceed thirty inches (30").
 3. **Vegetated Screen.** Within the greenbelt and in association with the berm, a vegetated screen that obscures views will be provided in compliance with the following requirements:
 - a. Minimum width of ten feet.
 - b. Plantings shall consist of a mix of closely spaced evergreen and deciduous trees with year-round screening characteristics in compliance with the plant size specifications of this Article and recommended species as described in Sections 5.15.11.C. and 5.15.8.D.
 - c. A staggered planting pattern is encouraged.
 - d. Plant height at maturity will be a minimum of thirty (30) feet tall.
 - e. Irrigation shall be provided to ensure the long-term viability of the vegetation.
 - f. Grass or other suitable living ground cover shall be provided.
- G. **Parking Lot Landscaping.** The following standards shall apply to all proposed parking lots with ten or more parking spaces, any existing parking lot containing ten or more parking spaces that is proposed to be expanded, and any existing parking lot on an existing site subject, with the exception of lots that comply with the standard in 8.26.F for common area buffers, to review of a site plan per Section 8.30:
1. **Perimeter screening.** A planted hedgerow, or a decorative masonry wall or fence with a planting strip; or any combination thereof will provide sufficient screening of off-street parking areas. The Planning Commission may accept existing vegetation to meet this requirement.
 - a. **Hedgerow.** The use of a totally obscuring hedge with a minimum height of 24 inches and a maximum height of 36 inches shall be provided.

- b. Decorative wall or fence with planting strip. This method shall consist of a planting strip abutting the base of a decorative brick wall, ornamental fence or wall and fence combination, subject to the following:
 - (1). The decorative wall or fence shall have a minimum height of thirty (30) inches, and shall not exceed three feet in height above grade. Decorative posts shall be allowed to extend a maximum of six inches above the top of the fence
 - (2) The planting strip shall abut the base of the wall or fence, and shall have a minimum width of six feet and a maximum height of 36 inches.
 - (3) A mixture of trees and shrubs shall be planted along the entire length of the planting strip, at a minimum concentration of one tree and five shrubs per each 30 linear feet of planting strip or plantings determined by the Planning Commission to meet the screening requirements.
- c. Screen walls. Screen walls shall meet the following standards:
 - (1). A solid masonry wall, ornamental on both sides and not less than six feet in height above grade. Such walls shall be constructed of the same materials as that of the main building, or be faced with either brick, decorative block, or pre-cast concrete formed into a decorative pattern and painted in the same color scheme as that of the main building.
 - (2). Where vehicles, open-air displays, waste receptacles, or other site features exceed a six-foot height, the wall shall be increased to a height adequate to completely screen such features, not exceeding ten feet.
 - (3) Such walls shall be constructed of durable, weather resistant, rustproof materials.
- 2. Landscaping within parking lots. Landscaping shall be provided and maintained within off-street parking lots, as follows:
 - a. Landscape island endcaps and midpoint. Landscaping islands shall be required at the end of any row of parking. There shall be at least 20 square feet of landscape island per parking space. For parking areas in excess of 40,000 sq. ft., at least one midpoint landscape island, a minimum of fifteen feet deep, shall be placed in a parking row.
 - b. Landscaping Island Standards. Landscaping islands shall have a minimum width of ten feet and a minimum area of 180 square feet, and shall be two (2) feet shorter than any adjacent parking space.
 - c. Minimum Landscaping Required. A minimum of one deciduous canopy tree shall be provided within the boundaries of the parking lot for every ten parking spaces. The required trees shall be planted in landscaping islands within the parking lot. Up to 33% of parking lot trees may be planted within 15 feet of the back of curb or edge of a parking space and shall not be utilized to satisfy other requirements. Landscaping islands, in addition to the canopy tree, shall be planted with lawn, perennials, ornamental grasses, or shrubs with a maximum height of 30 inches. Planting materials shall cover a minimum of 25% of the island area with mulch shall be used around plantings where appropriate.

- d. Properties within the I-3 Industrial and Manufacturing Complex zone district consisting of five hundred (500) acres or more shall be exempt from Parts a - c of this Section. To provide areas for snow storage, stormwater pretreatment, and to mitigate the heat island effect the following will apply:
 - (1). One landscape area shall be provided equivalent to eight percent (8%), or fraction thereof, for each one (1) acre of surface parking.
 - (2). The use of white roof/s shall reduce the required landscape area to four percent (4%) for each acre where rooftop and parking area acreage is proportionate.
 - (3). Curbing is not required.
 - (4). Five (5) deciduous trees are required for each landscape area
- 3. A parking space overhang of two feet may be used to widen a perimeter landscaped area and reduce the length of a parking space by two feet less than required by this Chapter.
- 4. Landscaped areas within and around parking lots, except where exempted, shall be protected with concrete curbing.
- H. General Layout and Design Standards. Plant materials shall conform to the American Standard for Nursery Stock of the American Nurserymen & Landscape Association (ANLA), and the following:
 - 1. Plant quality. Plant materials shall be hardy to the climate of the central lower Michigan area, free of and resistant to disease and insects, and nursery grown with orderly growth characteristics.
 - 2. Replacement required. Any plant material required by this Chapter that dies or becomes diseased shall be replaced within 30 days of written notice from the Zoning Administrator or within an extended time period as specified in said notice.
 - 3. Protection of landscaped areas. Landscaped areas shall be protected from vehicular encroachment by use of curbing. Landscaped areas shall be elevated above surrounding driveways or parking lots to a minimum height of six inches to protect plant materials from snow removal operations, salt, and other hazards.
 - 4. Salt-resistant species. Cul-de-sacs, site entrances, parking lots, street tree areas, and boulevard medians shall be landscaped with species tolerant of roadside conditions.
 - 5. Irrigation. All landscaped areas shall be provided with a readily available and acceptable water supply.
 - 6. Clearance and visibility. Landscaping materials and arrangement shall ensure adequate sight visibility for motorists, and adequate clearance for pedestrians and vehicles in accordance with Corner Clearance under Section 5.10 and the following:
 - a. Required landscaping and screening elements shall not inhibit access to fire hydrants. Plantings within 15 feet of a fire hydrant shall be no taller than six inches.
 - b. Landscaping within the site shall provide adequate overhead clearance, maintain visibility to approved signs of adjacent uses, and preserve sight lines

from rights-of-way and public property to streams, lakes, and other waterways.

- I. Incentives to Preserve Existing Trees. The City encourages the preservation of quality and mature trees by providing credits toward the required trees for greenbelts, buffer strips, interior landscaping, and within parking lots. Preserved trees shall be protected during construction through use of a fence around the drip line, with protection measures noted on the landscape plan.
 1. To obtain credit, a tree survey shall be submitted to the Zoning Administrator prior to clearing the site. The survey shall identify the tree by species, location, and caliper on the landscape plan.
 2. The preserved trees shall be of a high quality and at least two and one-half inches caliper.
 3. Trees to be preserved shall be counted for credit only if they are located on the developed portion of the site or required screening area, as determined during site plan review. Trees over 12 inches in caliper to be removed shall be noted on the landscape plan.
 4. Preserved trees receiving credit that are lost within two years after construction shall be replaced by the land owner with trees otherwise required.
 5. The credit for preserved trees shall be as follows.

Caliper of Preserved Tree	Numbers of Trees Credited
Over 12 inches	3
8 to 12 inches	2
2 ½ to 8 inches	1

Note: Caliper measurement for existing trees is the diameter at a height of four and one-half feet above the natural grade (Diameter at Breast Height, D.B.H.).

- J. Waiver of Modification of Standards. The Planning Commission may determine existing landscaping or screening intended to be preserved, or a different landscape design, would provide all or part of the required landscaping or screening to meet the intent of this subchapter and Chapter. In making such a determination to waive or reduce the landscape or screening requirements of this subchapter, the following circumstances shall be considered:
 1. Extent that existing natural vegetation provides desired screening.
 2. There is a steep change in topography that would limit the benefits of required landscaping.
 3. The presence of existing wetlands.
 4. Existing and proposed building placement.
 5. The abutting or adjacent land is developed or planned by the city for a use other than residential.
 6. Building heights and views.
 7. The adjacent residential district is over 500 feet away from the subject site.

8. Similar conditions to the above exist such that no-good purpose would be served by providing the landscaping or screening required.

8.27 SIDEWALKS.

- A. Intent. The intent of this subchapter is to protect and promote public health, safety, and welfare by specifying standards for design, development, and maintenance of a comprehensive non-motorized system to allow for enhanced access. Sidewalks, walkways, and pathways shall be designed to provide convenient access within all properties.
- B. Site Plan Review. For all developments requiring site plan review, the proposed sidewalk or pathway shall be shown on the site plan, which shall be reviewed in accordance with the site plan review procedures set forth in the Zoning Ordinance.
- C. Sidewalks (public ROW). The City will determine where sidewalks shall be required along public ROW. Sidewalks may be required in other locations as part of site plan review where the Zoning Administrator determines that they are needed for pedestrian traffic, safety, or connectivity.
 1. Location. Sidewalks shall be installed one foot from the property line, within the dedicated street right-of-way, private street access easements or special easement where grades or other factors prevent placement within the right-of-way or access easement. Sidewalks shall align horizontally and vertically with existing sidewalks on adjacent lots. The Planning Commission has discretion to waive or modify the location of the sidewalk when it is not practical or an alternate design is necessary due to the existing site conditions.
- D. Sidewalks (internal). Pedestrian access and connectivity within internal circulation areas shall be required for all new site plans.
 1. Accessways shall be provided for pedestrians through parking lots to building entries.
 - a. Walkways shall be located and aligned to directly and continuously connect areas or points of pedestrian origin and destination; not solely based on parking lot configuration.
 - b. Where the primary pedestrian access to the site crosses drive aisles or internal roadways, the pedestrian crossing shall emphasize pedestrian access and safety.
 - c. Required walkways shall not be within the driving aisle, and, where possible, shall be within a landscaped island running perpendicular to the building entry.
 2. Walkways shall be provided in each surface parking area that has one hundred (100) or more parking spaces, and/or where parking spaces are located more than five hundred (500) feet from the main entry door associated with the parking area.
 3. Walkways shall be:
 - a. Paved dedicated sidewalks that are raised above the surface of the parking lot, or, if at the same level as the parking lot, clearly marked with tactile alerts, pavement striping, alternative paving material, or a stamped pattern or texture in the pavement.

- b. A minimum of five (5) feet in width and installed in accordance with the City's engineering design standards.
 - c. At least seven (7) feet in width where parking spaces are adjacent to the sidewalk to allow for vehicular overhang or car doors.
- 4. Pedestrian scale lighting fixtures no greater than 15 feet in height shall be provided along walkways to provide ample lighting during nighttime hours. This may be waived when street or parking lot lighting fixtures are deemed by the Zoning Administrator to be sufficient to adequately illuminate adjacent walkways.
- 5. Pedestrian access points at property edges and to adjacent parcels shall be coordinated with existing development to provide pedestrian circulation between developments, where feasible.
- 6. Pedestrian accessways may be included in the calculation of open space required by this Ordinance.
- E. Pathways. An off-road shared use, non-motorized path, with paved surface or boardwalk, separate from the public road, may be required when a wider multi-surface use is desired, there are environmentally sensitive areas that require an alternate type of construction, and/or the pathway would serve as a connection to an existing trail system shall be provided where required by the non-motorized transportation plan or designated open space.
- F. Construction Standards. All sidewalks shall be concrete, at least five (5) feet wide and constructed to the specifications of the Department of Public Works. Pathways shall be a minimum of ten (10) feet, or as designated by the City.
- G. Crosswalks. An inclined approach shall be required where sidewalks and pathways intersect curbs for barrier free access. Crosswalk pavement markings and signs may be required at intersections.
- H. Modification. The Zoning Administrator may modify these width and location requirements upon finding that another location would be more appropriate because of the location of utilities, existing landscaping or trees, the location of connecting sidewalks or pathways on adjacent parcels, or other site considerations.
- I. Maintenance. It shall be the duty of the property owner to maintain and keep clear of obstructions public sidewalks or pathways on or adjoining property.
- J. Deferment. A deferment for the installation of sidewalks may be granted by the City Council when topographic conditions exist that make the sidewalk installation difficult or when the installation of the sidewalk is premature. Where the installation of a sidewalk is deferred by the City Council, an agreement will be executed between the property owner/developer and the City of Marshall that will ensure the future installation of the sidewalk. The deferment agreement will be accompanied by a cash escrow, letter of credit or other form of acceptable financial security to cover the cost of the installation of the sidewalk.
- K. Performance Guarantees. The City may request performance guarantees in accordance with Section 7.10 Performance Guarantees.

8.28 EXTERIOR LIGHTING.

Subject to the provisions set forth herein, open space and recreational uses, all non-residential parking areas, walkways, driveways, building entryways, off-street parking and loading areas, and building complexes with common areas shall be sufficiently illuminated to ensure the security of property and the safety of persons using such public or common areas.

- A. Permitted Lighting. Only downward-directed, fully shielded, concealed-source lighting shall be permitted. Lighting shall be placed and shielded so as to direct the light onto the site and away from adjacent properties. The lighting source shall not be directly visible from adjoining properties. Lighting shall be shielded so that it does not cause glare or interfere with the vision of motorists. Fixtures attached to canopies or eaves of a building or structure shall be recessed and flush with the surface of the structure. Low voltage, upward-directed lighting for flags, landscaping, or other decorative feature, with the exception of searchlights, may be permitted during site plan review.
- B. Required Conditions:
 - 1. All lighting used to illuminate any off-street parking area shall be so designed, located, and shielded to prevent glare onto adjacent properties and prevent adverse impacts on motorist visibility.
 - 2. Soffit or canopy lighting shall be installed so the lens cover is recessed and the fixture is flush with the building.
 - 3. The following illumination levels shall act as standards for all exterior lighting. Lighting will be governed by the four to one (4:1) ratio of average to minimum illumination of surface being lit. Illumination levels shall not exceed one foot-candle at any residential zoned or used lot or property line, nor ten foot-candle at any point within the site.
 - 4. Height. Fixture height shall be measured from the grade of the illuminated surface to the bottom of the fixture and shall be 25'.
 - 5. Exposed bulbs, LED displays, or other bright lights that may be used as advertising to draw attention to a site are prohibited.
 - 6.. Barn lights, non-shielded wall packs, floodlights, or lights not aimed downward are prohibited.
- C. Sign lighting. Sign illumination shall be in accordance with the regulations set forth in Section 8.18, Signs.
- D. Site Plan Requirements
 - 1. All lighting, including ornamental lighting, shall be shown on site plans in sufficient detail to allow determination of the effects of such lighting upon adjacent properties, traffic safety, and overhead sky glow. The objective of these specifications is to minimize undesirable off-site effects.
 - 2. A detail of the lighting fixture, including manufacturer's specifications for shielding, wattage, and illumination, shall be provided on a site plan. The location and height of all fixtures shall be noted on the site plan.
 - 3. A photometric plan shall be required showing all lighting levels and averages to determine compliance.

- E. Modifications. The Planning Commission may modify the requirement for existing developed sites seeking modest expansions to bringing all lighting into compliance with these lighting standards based on consideration of the following: the position and height of buildings, other structures, and trees on the site; the potential off-site impact of the lighting; the character of surrounding land use; and the extent of the proposed change in floor area and/or land use.

8.29 SPECIAL LAND USES.

A. Purpose.

1. Special land uses include those uses that serve an area, interest or purpose that extends beyond the borders of the City, create particular problems of control in relation to adjoining uses or districts, have detrimental effects upon public health, safety, or welfare, or possess other unique characteristics that prevent such uses from being classified as principal permitted uses in a particular zoning district.
2. This subchapter sets forth review procedures and standards for review and approval of special land uses. These procedures are instituted to provide an opportunity to use land or structure(s) for one or more activities that, under usual circumstances, could be detrimental to other permitted land uses. Such uses may be permitted under circumstances particular to the proposed location, subject to specific conditions or limitations that provide protection to adjacent land uses.
3. These procedures are adopted to provide a consistent and uniform method for review of special land use applications, ensure full compliance with the standards contained in this Chapter, achieve efficient use of land, prevent adverse impacts on neighboring properties and districts, preserve the public health, safety, morals, and general welfare, and facilitate development in accordance with the land use objectives of the master plan.

- B. Applications for Special Use Approval. Any person owning or having an interest in the subject property may file an application for one or more special land use permits, as provided for in this subchapter and the zoning district in which the parcel is situated. Application shall be submitted through the Zoning Administrator to the Planning Commission on a special form for that purpose. Each application shall be accompanied by the payment of a fee, in accordance with the duly adopted schedule of fees to cover costs of processing the application.

- C. Required Information. Every application shall be accompanied by the following information and data:

1. Application and ownership information:
 - a. The applicant's name and address.
 - b. A statement that the applicant is the owner of the property, acting on the owner's behalf, or a statement as to the nature of the applicant's interest in the property.
 - c. The name, address, and current phone number of the owner of record, if the applicant is not the owner of record.
 - d. The address and parcel number of the property.
2. Submittal of a site plan with any special use application, subject to the standards of Section 8.30. For developments less than an acre in size which do not abut

residential property and do not propose any expansion of parking areas or building areas, staff may permit a site plan with reduced information requirements. In those cases, the applicant shall submit a scaled drawing accurately depicting the following minimum information:

- i. Property boundary and accompanying legal description.
 - ii. Existing structures and uses thereof.
 - iii. Location of all abutting streets, easements, and similar public areas.
 - iv. Existing zoning on the parcel and adjacent parcels.
3. A detailed use statement describing all proposed activities for which the building and lot will be used, including proposed hours of operation, building capacity, and other characteristics of the use(s).
 4. The Planning Commission may require an analysis of the planning implications of the proposed use(s) or development. The analysis shall be carried out by planning, design, engineering, and appraisal professionals and shall include, but need not be limited to the following topics:
 - a. An analysis of the potential impacts of the proposed use(s) on abutting uses and the surrounding neighborhood, along with a description of proposed mitigation measures to address these impacts.
 - b. Estimated population holding capacity and a brief analysis of the age structure of the estimated population for any residential land uses to be included in the proposed development, and a general description of the scope of any impacts on community facilities such as schools and parks.
 - c. A traffic analysis that relates the trip-generating capacity of the proposed development to existing and projected traffic volumes and patterns on surrounding streets.
 - d. An environmental assessment.
 - e. An analysis of project impact on municipal services and public utilities, including capacity in relation to proposed development, improvements necessitated by development and proposed means of financing needed improvements.
- D. Planning Commission Public Hearing. The Planning Commission shall review the application for a special land use at its regular meeting upon publishing a notice and notifying property owners pursuant to Section 103 (General Provisions) of the Michigan Zoning Enabling Act (P.A. 110 of 2006).
 - E. Planning Commission Action. The Commission shall recommend approval, approval with conditions, or denial of the application based upon materials received and testimony recorded at the public hearing. Any motion by the Commission shall include a record of the recommended conditions to be imposed on the use, and the underlying findings supporting the Commission's determination. The conditions shall remain unchanged, unless an amendment to the special land use permit is approved in accordance with this subchapter. The Planning Commission recommendation shall then be forwarded to the City Council for final action.
 - F. City Council Action. Upon receiving the Planning Commission recommendation, the City Council shall consider and take final action on the special land use application.

Any action by the City Council shall include a record of conditions imposed on the use, and the underlying findings supporting the final action.

- G. Effect of Denial. No application for a special land use permit which has been denied by the City Council shall be resubmitted for a period of one year from the date of denial, except on the grounds of new evidence or proof of changed conditions found to be valid by the Zoning Administrator.
- H. Issuance of Permit and Compliance by Applicant. Upon approval of the application for the special land use permit by the City Council, the Zoning Administrator shall issue a special land use permit. The Zoning Administrator shall be responsible for ensuring that any conditions attached to the approval of the special land use permit are followed and enforced. An applicant who is granted a special land use permit shall comply with the site plan review procedures contained in this subchapter.
- I. Validity of Special Land Permit. Approval of a special land use permit shall be valid regardless of change of ownership, provided that the new owner complies with all terms and conditions. Said permit shall be placed on file with the Zoning Administrator.
 - 1. Where development authorized by a special land use permit has not commenced within one year of issuance, the permit shall automatically become null and void, and all rights hereunder shall terminate. Upon written application filed 30 days prior to the termination of the one-year period, the Commission may authorize a single extension of the time limit for a further period of not more than one year.
 - 2. Any use for which a special land use permit may be granted shall be deemed a use permitted in the district in which such use is located, provided:
 - a. Such permit was issued in conformity with the provisions of this subchapter;
 - b. Such permit shall be deemed to affect only the lot or portion thereof for which such permit shall have been granted.
- J. Standards for Special Use Approval. Special land uses shall conform to all applicable requirements of this subchapter and Chapter. Approval of a special condition use shall be based upon the determination that the proposed use complies with all applicable requirements of this Chapter, and all of the following standards as deemed applicable to the use by the Planning Commission:
 - 1. The proposed use shall be in accordance with the City Master Plan and the intent and purpose of this subchapter.
 - 2. A documented and immediate need exists for the proposed use within the community.
 - 3. The use is compatible with adjacent uses and the existing or intended character of the surrounding neighborhood, and will not have an adverse impact upon or interfere with the development, use or enjoyment of adjacent properties, or the orderly development of the neighborhood.
 - 4. The proposed use shall be designed, constructed, operated, and maintained so as to be compatible with the use of adjacent lands.
 - 5. The proposed use shall be compatible with the natural environment.
 - 6. The proposed use shall be adequately served by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewage facilities and schools.

7. The proposed use shall not involve activities, processes, materials and equipment or conditions of operation that will be detrimental to public health, safety, and welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or unreasonable or offensive odors.
- K. Conditions, Safeguards and Performance Bond. Prior to granting any special land use permit, the City Council, with input from the Planning Commission, may impose any additional conditions or limitations upon the establishment, location, design, construction, maintenance, or operation of the use authorized by the special land use permit deemed necessary for protection of the public interest.
 1. Said conditions and limitations may be for the purpose of:
 - a. Ensuring that public services and facilities can accommodate increased demands caused by the land use.
 - b. Protecting the natural environment, conserving natural resources, and promoting the conservation of energy.
 - c. Promoting uses of land in a socially and economically desirable manner.
 - d. Ensuring compatibility with adjacent land uses.
 2. Conditions imposed may include those which will:
 - a. Protect natural resources, the health, safety and welfare and the social and economic well being of those who will use the land under consideration, adjacent landowners, and the community as a whole.
 - b. Be related to a valid use of State of Michigan enabling legislation.
 - c. Be related to purposes impacted by the land use.
 - d. Be necessary to meet the purpose of this subchapter.
 - e. Be related to standards contained in this subchapter.
 - f. Be necessary to ensure compliance with the standards of this subchapter.
 3. In authorizing a special land use permit, the City Council may require that the developer furnish a performance bond, letter of credit or other financial guarantee in a form and amount acceptable to the City Attorney.
 4. All plans, specifications and statements submitted with the application for a special land use permit shall become, with any changes ordered by the City Council, shall be considered part of the conditions of any special land use permit approval.
- L. Compliance Required. It shall be the responsibility of the owner of the property and the operator of the use for which special land use approval has been granted to develop, improve, operate, and maintain the use, including the site, structures, and all site elements, in accordance with the provisions of this Chapter and all conditions of special land use approval until the use is discontinued.
 1. Failure to comply with the provisions of this subchapter shall be a violation of the use provisions of this Chapter and shall be subject to the same penalties appropriate for a use violation.
 2. The Zoning Administrator shall make periodic investigations of developments authorized by the special land use permit to determine compliance with all permits and ordinance requirements.
- M. Rescinding Approval. Approval of a special land use may be rescinded by the City Council upon determination that the use has not been improved, constructed, or

maintained in compliance with this Chapter, approved permits, site plans, or conditions of special land use approval. Such action shall be subject to the following:

1. Public hearing. Such action may be taken only after a public hearing has been held in accordance with Section 103 of the Michigan Zoning Enabling Act (P.A. 110 of 2006) at which time the owner of an interest in land for which special land use approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.
 2. Determination. Subsequent to the hearing, the decision of the City Council with regard to the rescission shall be made and written notification provided to the owner or designated agent.
- N. Appeals. The Zoning Board of Appeals shall not have the authority to consider appeals of special land use determinations. Any person aggrieved by the decision of the City Council in the granting or denying a special land use permit shall have the right to appeal said decision to the Circuit Court of Calhoun County.
- O. Amendment of a Special Land Use Permit.
1. Any person or agency that has been granted a special land use permit shall notify the Zoning Administrator of any proposed amendment to the special land use permit. The Zoning Administrator shall notify the Planning Commission in writing of the amendment. A copy of said amendment shall be placed in the original special use permit file. Amendments to a special land use permit shall be subject to the same review and approval procedures and standards as a new application for special land use approval.
 2. A major amendment to a special land use permit shall comply with the filing procedures contained in sections herein. An expansion or increase in intensity of use shall constitute a major amendment to a special land use permit. A major amendment to a permit may consist of, but shall not be limited to, the following actions:
 - a. The addition of land to the legal description of original permit;
 - b. The establishment of another use or uses; and/or
 - c. The addition of more dwelling units.

8.30 SITE PLAN REVIEW.

- A. Purpose. The purpose of this subchapter is to establish procedures and standards that provide a consistent method for review of site plans, and to ensure full compliance with the standards contained in this Chapter and other applicable codes and ordinances. It is the further purpose of this subchapter to protect natural, cultural, and civic resources, minimize adverse impacts on adjoining or nearby lots and uses, encourage cooperation and consultation between the City and the applicant, and facilitate development in accordance with the City's Master Plan.
- B. Scope. In accordance with the purpose of this subchapter and prior to a building permit being issued, a site plan shall be submitted for review and approval by the Planning Commission for the following types of uses and development-related activities:
1. Any use or development for which the submission of a site plan is required by any provision of this Chapter.

2. All uses subject to special land use approval.
 3. Any use or development for which off-street parking areas are required under Section 8.25.
 4. All permitted use, new construction, development, or any change of use of land or structure(s) in any zoning district lying contiguous to or across the street from a single- or two-family residential district.
 5. Any new use, building addition, or accessory structure that requires additional off-street parking to that already provided on the site in accordance with Section 8.25.
 6. All uses not otherwise included within a specific use district.
 7. Any use or development for which the Zoning Administrator determines that site plan review is necessary to determine compliance with the requirements and standards of this Chapter, in accordance with the purpose of this subchapter.
- C. Minimum Site Plan Information Required. Every site plan submitted to the city shall be in accordance with the requirements of this Chapter and shall be reviewed by the Zoning Administrator prior to submission to the Development Review Team for compliance with the minimum standards of this Chapter. The following information shall be included on the site plan:
1. Plans submitted for site plan review shall be stamped by a design professional licensed by the State of Michigan such as a landscape architect, architect, or civil engineer.
 2. Site plans shall be drawn to an engineer's scale appropriate for a sheet size of at least 24 inches by 36 inches, not to exceed one-inch equals 50 feet. If a large development must be depicted in sections on multiple sheets, then an overall composite sheet shall be provided.
 3. Date, north arrow scale, existing zoning, zoning of adjacent properties, legal description of the property, easements, and the names and addresses of the architect, planner, designer, or civil engineer responsible for the preparation of the site plan.
 4. The dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties and a boundary survey of the parcel.
 5. The location, height, and dimensions of all existing and proposed structures on the subject property and all existing structures within 100 feet of the subject property.
 6. A finished floor elevation and exterior building elevation drawing shall be submitted with the site plan.
 7. The location of all existing and proposed drives, walks and parking areas.
 8. The location and right-of-way widths of all abutting streets and alleys.
 9. The location and size of all existing and proposed sanitary sewer lines, water lines, and storm drainage facilities must be shown.
 10. The location and size of all existing and proposed electric, natural gas, telephone, cable TV and solid waste disposal facilities must be shown.
 11. The location, height area of illumination and fixture details of all existing and proposed lighting shall be provided. All lighting shall be located and oriented to have minimal impact on adjacent properties.

12. The size, height, location, and illumination of all existing and proposed signs shall be provided to ensure ordinance compliance.
 13. The location of existing natural features such as wooded areas, floodplains, wetlands, drainage courses, and a topographic survey of spot elevations of the site.
 14. Other information as requested by the Zoning Administrator or Planning Commission to verify that the site and use are in compliance with this Chapter.
 15. The Planning Commission may waive any of the foregoing requirements determined unnecessary for site plan review purposes.
- D. Site Plan Review Procedure. Site plans shall be reviewed in accordance with the following:
1. Pre-application meetings. To minimize time, costs and interpretation of City development requirements, applicants may meet with the Zoning Administrator and other City officials to discuss a conceptual site plan, site issues and application of Chapter standards, prior to submitting site plans for formal review.
 - a. Comments and suggestions by the City regarding a conceptual site plan shall constitute neither an approval nor a disapproval of the plan, nor shall the City be bound in any way by such comments or suggestions in preparing for formal submittal or review of a site plan.
 2. Application submittal requirements. The owner of an interest in land for which site plan approval is sought, or the owner's designated agent, shall submit a completed application form and sufficient copies of a site plan to the City. The site plan shall contain all of the information and site details required by Section 8.30.C. Any application or site plan that does not satisfy the information requirements of this Section shall be considered incomplete, and shall be returned to the applicant
 3. Technical review. Prior to official site plan review, the site plan and application shall be distributed to appropriate City officials and staff for review and comment. The Zoning Administrator may also submit the plans to applicable outside agencies and designated City consultants for review and comment.
 4. Standards for Site Plan Approval. The Zoning Administrator shall consider the following standards in the process of reviewing any site plan for approval:
 - a. Adequacy of information. The site plan information is complete, accurate, and in an understandable form that accurately depicts and describes the proposed development. requirements of this Section shall be considered incomplete, and shall be returned to the applicant.
 - b. Site appearance and preservation. The site layout promotes the normal and orderly development of surrounding lots, and the development layout preserves, to the extent feasible, the site's natural, cultural, and historical features, such as but not limited to significant buildings, wetlands, topography, and woodlands.
 - c. Pedestrian access. Existing and proposed sidewalks or pedestrian pathways connect to existing and planned public sidewalks and pathways in the area, and comply with applicable barrier-free access standards.

- d. Vehicular circulation. Drives, streets, parking, site access and other vehicle-related elements are designed to minimize traffic conflicts on adjacent streets, and to promote safe and efficient traffic circulation.
 - e. Parking and loading. Off-street parking lots and loading areas are arranged and located to accommodate the intensity of proposed uses, minimize conflicts with adjacent uses, and promote shared-use of common facilities where feasible.
 - f. Building composition. Building design and architecture are harmonious with the surrounding neighborhood with regard to scale, mass, proportion, and materials.
 - g. Screening. Adequate screening elements have been provided to buffer or separate unlike or conflicting land uses, and to screen off-street parking, mechanical appurtenances, loading and unloading areas and storage areas from abutting residential districts and street rights-of-way.
 - h. Exterior lighting. All exterior lighting fixtures are designed and arranged to minimize glare and light trespass, prevent vision impairments, and maximize security.
 - i. Impact upon public services. The impact upon public services (including utilities, streets, police and fire protection, emergency access, and public sidewalks and pathways) will not exceed the existing or planned capacity of such services.
5. Decisions and Approval.
- a. A development team consisting of the Zoning Administrator, Inspection Department, Police Department, Fire Department, Electric Department, Water and Wastewater Departments, Department of Public Works, and any other identified individuals, shall be responsible for reviewing site Plans, and the Zoning Administrator shall be responsible for granting approval. The following decisions may be made based upon requirements and standards contained in the zoning ordinance, other statutorily authorized and properly adopted City planning documents, other applicable ordinances, and state and federal statutes:
 - (1) Postponement. Upon determination that a site plan is not sufficiently complete for approval or denial, or upon a request by the applicant, the Zoning Administrator may postpone consideration until a later date.
 - (2) Denial. Upon determination that a site plan does not comply with the standards of this Chapter or would require extensive revisions to comply with such standards, the site plan may be denied. If a site plan is denied, a written record shall be provided to the applicant listing the reasons for such denial. Failure of the applicant or the applicant's designated representative to attend two or more meetings shall be grounds to deny site plan approval.
 - (3) Approval. Upon determination that a site plan is in compliance with the standards and regulations set forth in this Chapter, the site plan shall be approved.

- (4) Approval subject to conditions. The Zoning Administrator may approve a site plan, subject to any conditions necessary to address minor required modifications, ensure that public services and facilities can accommodate the proposed use, ensure compatibility with adjacent land uses, or otherwise meet the intent and purpose of this Chapter. Such conditions may include the need to obtain variances or approvals from other agencies.
 - b. The Zoning Administrator or their designee will provide a decision in writing to the applicant no longer than fifteen business days after the date of submittal.
 - c. Any revisions to the site plan shall be submitted in accordance with Section 8.30.C
 - d. If approved, the site plan shall become part of the record of approval, and subsequent actions related to the activity authorized shall be consistent with the approved site plan, unless a change conforming to the zoning ordinance is agreed to by the landowner and the body or official that initially approved the site plan.
5. Recording of site plan action. Action on the site plan shall be recorded in the stating the name and location of the project, the proposed use, the most recent plan revision date, and the conditions or grounds for the action. The Zoning Administrator or their designee shall mark and sign at least two copies of the site plan "APPROVED" or "DENIED" as appropriate, with the date that action was taken and any conditions of approval. At least one copy shall be kept on file in the City, and one shall be returned to the applicant.
- E. Outside Agency Permits or Approvals. The applicant shall be responsible for obtaining all necessary permits or approvals from applicable outside agencies, prior to construction plan approval.
- F. Construction Plans. When detailed construction or engineering plans are required by the City, county or other agency with jurisdiction, the applicant shall submit copies of such plans to the City for review and approval. The Zoning Administrator or designated consultant shall verify that the site design and improvements shown on the construction or engineering plans are consistent with the approved site plan, except for changes that do not materially alter the approved site design, or that address any conditions of site plan approval.
 1. Where construction or engineering plans are not consistent with the approved site plan, the Zoning Administrator or designated consultant shall direct the applicant to revise the plans to conform to the approved site plan.
 2. Where specific engineering requirements or conditions require an alteration from the approved site design, such construction or engineering plans shall be subject to review and approval by the Zoning Administrator as an amended site plan, prior to the start of development or construction on the site.
- G. Approval of Phased Developments. The Zoning Administrator may grant approval for site plans with multiple phases, subject to the following:
 1. The site design and layout for all phases and outlots be shown on the site plan to ensure proper development of the overall site.
 2. Improvements associated with each phase shall be clearly identified on the site plan, along with a timetable for development. Development phases shall be

designed so that each phase will function independent of any improvements planned for later phases.

3. Each phase shall be subject to a separate plan review by the Planning Commission. Any revisions to the approved site plan shall be reviewed in accordance with Section 8.30.D.4.
- H. Site Plan Resubmission. A site plan that has been denied may be modified by the applicant to address the reasons for the denial and then resubmitted for further consideration. Upon determination that the applicant has addressed the reasons for the original denial, the Zoning Administrator shall review the amended site plan as if it were a new application, per Section 8.30.C.
- I. Site Plan Expiration. Site plans shall expire 365 calendar days after the date of approval, unless the construction plan for the project has been submitted to the City for review. Upon written request received by the City prior to the expiration date, the Zoning Administrator may grant one extension of final approval for up to 365 calendar days, provided that site conditions have not changed in a way that would affect the character, design or use of the site, the approved site plan remains in conformance with all applicable provisions of this Chapter and any required fees have been paid.
- J. Rescinding Approval of Site Plans. Site plan approval may be rescinded by the Zoning Administrator upon determination that the site has not been improved, constructed, or maintained in compliance with approved permits, site plans, or conditions of site plan or special land use approval. Such action shall be subject to the following:
 1. Public hearing. Such action may be taken only after a public hearing has been held in accordance with the Michigan Zoning Enabling Act (P.A. 110 of 2006), at which time the owner of an interest in land for which site plan approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.
 2. Determination. Subsequent to the hearing, the decision of the Planning Commission with regard to the rescission shall be made and written notification provided to the owner or designated agent.
- K. Amendments.

All site improvements shall conform to the final site plan. A site plan may be amended upon application and in accordance with the procedure herein. The Zoning Administrator or their designee shall have the authority to determine if a proposed change requires an amendment to an approved final site plan, provided that a revised final site drawing be submitted showing such minor changes, for purposes of record.
- L. As-Built Plan. After construction has concluded, as-built plans shall be submitted to ensure compliance with Final Site Plan approval.
- M. Compliance with an Approved Site Plan. It shall be the responsibility of the property owner, and the owner or operator of the use(s) for which site plan approval has been granted, to develop, improve and maintain the site, including the use, structures, and all site elements in accordance with the approved site plan and all conditions of approval, until the property is razed, or a new site plan is approved.
 1. Failure to comply with the provisions of this Section shall be a violation of this Chapter, and shall be subject to the penalties specified under this Chapter.

2. The Zoning Administrator shall make periodic investigations of developments for which site plans have been approved. Noncompliance with the requirements and conditions of the approved site plan shall constitute grounds to rescind site plan approval.

Section 2. Severability. It is the legislative intent of the City adopting this Ordinance that all provisions hereof shall be liberally construed to protect the public health, safety, and general welfare of the inhabitants of the City and all other persons affected by this Ordinance. Consequently, should any provision of this Ordinance be held to be unconstitutional, invalid or of no effect, such holding shall not be construed as affecting the validity of any of the remaining provisions of this Ordinance or Zoning Code, it being the intent of the City Council that this Ordinance shall stand and remain in effect, notwithstanding the invalidity of any provision hereof.

Section 3. This Ordinance shall be published in a newspaper of general circulation in the City of Marshall qualified under state law to publish legal notices. This Ordinance shall be recorded in the Ordinance Book and such recording shall be authenticated by the signatures of the Mayor and the City Clerk.

Section 4. This Ordinance is declared to be effective seven (7) days after publication or as provided by law.

Adopted and signed this ____ day of January, 2023.

James Schwartz, MAYOR

Michelle Eubank, CITY CLERK

I, Michelle Eubank, being duly sworn as the City Clerk for the City of Marshall, hereby certify that the foregoing is a true and complete copy of an ordinance approved by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on January ___, 2023, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available by said Act.

Michelle Eubank, CITY CLERK



ITEM 10.C

TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
Joshua Lankerd, Chief of Police
DATE: January 17, 2023
SUBJECT: **INTERNATIONAL PROPERTY MAINTENANCE CODE ORDINANCE
AND RESOLUTION TO APPOINT DEPUTY BUILDING OFFICIALS**

The Marshall City Staff worked with City Attorney David Revore and City Prosecutor John Sullivan to review and update the Marshall City Ordinance regarding the adoption of the International Property Maintenance Code (IPMC), 2015 Edition, as amended by the adopting Ordinance, No. 2023-03. In review of our current ordinance, several amendments and updates are required to reflect current practice as well as going forward with blight control and code and safety enforcement regarding buildings and property.

The key changes are outlined below, the complete updated ordinance and resolution are included in the council packet for review, and copies of the IPMC 2015 Edition are available for review and reference.

- Adoption of the 2015 edition of the International Property Maintenance Code (IPMC).
- A process for the appointment of deputy building officials was added as outlined in 103.3 of the IPMC.
- Language was added to provide authorization to Law Enforcement to enforce sec 109 Emergency Measures in the IPMC.
- Penalty language for section 106.3 IPMC was updated to municipal civil infraction (\$25, \$50, \$250)
- Penalty language for 109.1 Emergency Measures (IPMC) updated 90-day misdemeanor \$500.00 fine.
- Language for sec 107 Notices and Orders of IPMC to include "the city may take immediate legal action as necessary to enforce the code and state law, including but not limited to abate hazardous violations and nuisances, and such action shall serve as notice."
- International Property Maintenance deletions
 - Demolition Section 110 deleted. Governed under Chapter 150 of City Code.
 - Section 302.3 is currently deleted from the ordinance; it will be added back, with the deletion language removed.
 - Noxious Weeds Section 302.4 deleted. Governed under Chapter 92 of City Code.
 - Abandoned Vehicles Section 302.8 deleted. Governed under Chapter 70 of City Code.
 - Rubbish and Garbage Section 308 deleted. Governed under Chapter 50 of City Code.

Rodent Harborage Section 302.5 deleted. Governed under Chapter 92 of City Code.
Discarded Refrigerators Section 308.2.2 deleted. Governed under Chapter 134, section 134.28 of City Code.
Wastewater Connections 506.1 deleted. Governed under Chapter 52 of City Code.

BUDGET IMPACT:

There is no projected impact to the budget as this is an update to an existing ordinance.

RECOMMENDATION:

Approve Resolution 2023-01, a resolution to appoint deputy building officials and Approve Ordinance 2023-03, the Adoption of the 2015 International Property Maintenance Code.

CITY OF MARSHALL

RESOLUTION No. R2023-01

RESOLUTION TO APPOINT DEPUTY BUILDING OFFICIALS AND INTRODUCE

ORDINANCE NO. 2023-03

THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 15th EDITION

City of Marshall, Calhoun County, Michigan (hereinafter, "Marshall City").

At a regular meeting of the Marshall City Council held at City Hall, in the City of Marshall, in the County of Calhoun, State of Michigan, on the ____ day of January, 2023, at _____ o'clock in the PM.

The meeting was called to order at _____ o'clock in the PM by _____.

Present: _____

Absent: _____

The following preamble and resolution were offered by _____ and supported by _____:

WHEREAS:

1. The City Council desires to reduce blighted buildings and to prioritize the safety of structures within the City, and
2. The City Council has adopted prior editions of the International Property Maintenance Code, and
3. The City Council introduces Ordinance No. 2023-03 to adopt the International Property Maintenance Code 15th Edition, as amended by ordinance, and
4. The City Council desires to authorize the City's Building Official to appoint deputy building officials, subject to the concurrence of the City Manager, to facilitate enforcement of the International Property Maintenance Code.

NOW, THEREFORE BE IT RESOLVED that the City Council of Marshall, agrees, adopts, and resolves as follows:

- A. The City Building Official is granted such authority to appoint deputy building officials, subject to the concurrence of the City Manager, or designee, to enforce City ordinance and the International Property Maintenance Code, as amended.

- B. The City Council of Marshall introduces Ordinance No. 2023-03 to adopt the International Property Maintenance Code 15th Edition, as amended by ordinance.
- C. All resolutions and parts of resolutions in conflict herein are hereby repealed.

Upon a call of the roll, the vote was:

AYES: _____
NAYES: _____
ABSENT: _____

Resolution declared adopted this _____ day of January, 2023.

Michelle Eubank, Clerk, City of Marshall

The undersigned duly qualified and acting Clerk of the City of Marshall, hereby certifies that the foregoing is a true and complete copy of a Resolution adopted by the City Council at a Regular meeting held on the _____ of January, 2023, the original of which is a part of the City's minutes and further certifies that notice of the meeting was given to the public pursuant to the provisions of the Open Meetings Act, 1976 PA 267, as amended.

Michell Eubank, Clerk, City of Marshall

PREAMBLE

AN ORDINANCE TO AMEND THE CITY OF MARSHALL CODE OF ORDINANCES, PURSUANT TO THE AUTHORIZATION SET FORTH IN SECTION 3(K) OF THE MICHIGAN HOME RULE CITIES ACT (MCL 117.3), ADOPTS THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2015 EDITION PUBLISHED BY THE INTERNATIONAL CODE COUNCIL AS A PROPERTY MAINTENANCE CODE FOR THE CITY OF MARSHALL REGULATING AND PROVIDING MINIMUM STANDARDS WITH REFERENCE TO SPACE AND OCCUPANCY, STRUCTURAL, ELECTRICAL, MECHANICAL AND PLUMBING REQUIREMENTS, FIRE SAFETY AND EXITING REQUIREMENTS, NOTICES, APPEALS AND PENALTIES FOR VIOLATIONS THEREOF, TO REPEAL ANY CODE PROVISION INCONSISTENT HERewith; AND TO ESTABLISH AN EFFECTIVE DATE HEREOF.

THE CITY OF MARSHALL ORDAINS:

Section 1 [Code §150.086]. Adoption of International Property Maintenance Code of 2015 (IPMC).

- A. Pursuant to the authorization set forth in Section 3(k) of the Michigan Home Rule Cities Act (MCL 117.3), the City of Marshall does hereby adopt the International Property Maintenance Code of 2015 (the "Code") prepared by the International Code Council, Inc., as the Property Maintenance Code of the City of Marshall, as amended herein.
- B. That said Code, three (3) copies of which shall at all times be available for public inspection at the office of the City Clerk together with all amendments marked and designated as the International Property Maintenance Code, 2015 Edition, published by the International Code Council shall be and is hereby adopted by the City of Marshall. That said Code is adopted and made a part hereof by reference except as amended by and within this Ordinance. In accordance with the Authorization Set Forth In Section 3(K) of the Michigan Home Rule Cities Act (MCL 117.3), the Clerk shall make available copies of the ordinance in the Clerk's office together with amendments which shall be available for distribution to members of the public at large at a charge to be established by the City Council.
- C. Said Code shall be incorporated into the Marshall City Code §150.084, *et seq.*, as amended.

Section 2. [Code §150.086] AMENDMENTS TO INTERNATIONAL PROPERTY MAINTENANCE CODE.

In order to provide consistency in enforcement with other City ordinances the following International Property Maintenance Code (IPMC) sections shall be amended as follows:

[A] 103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the **city manager, or designee**, ~~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. Law enforcement officials shall be authorized **to enforce Section 109, subsection 109.1, and other code sections as deputized by the Building Official.**

(A) Section 106.3 Prosecution for Violation; Civil Penalty; Collection.
Section 106.3 shall be and is hereby amended to read:

Any person or entity failing to comply with a notice of violation or order served in accordance with Section 107 shall be responsible for a municipal civil infraction and shall be subject to a civil fine as follows: \$25.00 first offense, \$50.00 second offense and \$250.00 third offense. Repeat violations are determined based on the date of the commission of the violation. Each day that a violation continues beyond the time specified for compliance shall be deemed to be a separate offense. If the notice of violation is not complied with, City officials may 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 City 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.

Section 106.3.1. Violation of Code Section 109 – Emergency Measures, Section 109.1 Imminent danger. Penalties. Section 106.3.1 shall be and is hereby added to read:

Conviction for violation of subsection 109.1, shall be punishable by imprisonment for not more than ninety (90) days or a fine of not more than Five Hundred Dollars (\$500.00), or both such fine and imprisonment.

(B) Section [A] 107.1 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 Sections 107.2 and 107.3 to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 108.3. **Notwithstanding Section 107, the City may initiate immediate legal action as necessary to enforce the Code and state law, including but not limited to abate hazardous violations and nuisances, and such action shall serve as notice.**

(C) Section 110 of the IPMC regarding demolition shall be deleted. (Chapter 150 of the City Code shall govern, as amended).

(D) ~~Section 302.3 of the IPMC regarding sidewalks and driveway shall be deleted (§§90.16 through 90.18 of the City Code shall govern); Deleted.~~

(E) Section 302.4 of the IPMC regarding noxious weeds shall be deleted. (Chapter 92 of the City Code shall govern, as amended).

(F) Section 302.8 of the IPMC regarding inoperable abandoned vehicles shall be deleted. (The Uniform Traffic Code and Chapter 70 of the City Code shall govern, as amended).

(G) Section **308** of the IPMC regarding rubbish and garbage shall be deleted. (Chapter 50 of the City Code shall govern, as amended).

(H) **Section 302.5 of the IPMC regarding rodent harborage shall be deleted. (Chapter 92 of the City Code shall govern, as amended).**

(I) **Section 308.2.2 of the IPMC regarding discarded refrigerators shall be deleted. (Chapter 134, Section 134.28 of the City Code shall govern, as amended).**

(J) **Section 506.1 of the IPMC regarding wastewater connections shall be deleted. (Chapter 52, Section 52.04 of the City Code shall govern, as amended).**

(Ord. 05-02, passed 3-18-2005; Am. Ord. 08-04, passed 05-19-2008; Am. Ord. 2023-03, passed 01-__ - 2023).

Section 3. All Other IPMC Provisions.

All other provisions of the International Property Maintenance Code not specifically amended herein shall remain as printed in said Code.

Section 4. Savings Clause.

All proceedings pending and all rights and liabilities existing or incurred at the time this amendatory Ordinance takes effect are saved and may be consummated according to the law enforced when they were commenced. This amendatory Ordinance shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory Ordinance for an offense committed before that date.

Section 5. Conflicting Ordinances Repealed.

Except as to prosecution and legal actions pending and saved pursuant to Section 4 above, any Marshall City Ordinances or parts of Ordinances in conflict with or inconsistent with any of the provisions of this Ordinance and prior editions of the International Property Maintenance Code, as amended hereby, are repealed.

Section 6. Severability.

If any section, paragraph, clause, phrase or part of this Ordinance is held invalid by any court of competent jurisdiction or any agency, department or commission empowered by statute for such purposes, such decision shall not affect the validity of the remaining provisions of this Ordinance, and the application of those provisions to any person or circumstance shall not be affected thereby.

Section 7. Effective Date.

This Ordinance shall become effective seven (7) days after its adoption by the Marshall City Council.

Section 8. Code Edits. The editors of the Marshall City Code are hereby authorized, subject to approval of the City Manager, or designee, to update and revise code section numbers to effectuate the provisions of this Ordinance

AYES:

NAYES:

ABSTENTIONS:

Mayor

STATE OF MICHIGAN
COUNTY OF CALHOUN

I, the undersigned, the qualified and acting City Clerk of the City of Marshall, Calhoun County, Michigan, do certify that the foregoing is a true and complete copy of the ordinance adopted by the City Council of the City of Marshall at a meeting called and held on the ____ day of _____, 2023, the original of which is on file in my office.

Michelle Eubank, Clerk

Adopted:

Published:

IPMC®

2015

INTERNATIONAL CODES®

INTERNATIONAL
Property Maintenance
Code®

A Member of the International
Code Family®



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CODE COUNCIL®**

2015 IPMC[®]

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2015 International Property Maintenance Code®

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PREFACE

Introduction

Internationally, code officials recognize the need for a modern, up-to-date property maintenance code governing the maintenance of existing buildings. The *International Property Maintenance Code*®, in this 2015 edition, is designed to meet this need through model code regulations that contain clear and specific property maintenance requirements with required property improvement provisions.

This 2015 edition is fully compatible with all of the *International Codes*® (I-Codes®) published by the International Code Council (ICC)®, including the *International Building Code*®, *International Energy Conservation Code*®, *International Existing Building Code*®, *International Fire Code*®, *International Fuel Gas Code*®, *International Green Construction Code*®, *International Mechanical Code*®, *ICC Performance Code*®, *International Plumbing Code*®, *International Private Sewage Disposal Code*®, *International Residential Code*®, *International Swimming Pool and Spa Code*™, *International Wildland-Urban Interface Code*® and *International Zoning Code*®.

The *International Property Maintenance Code* requirements provide many benefits, among which is the model code development process that offers an international forum for code officials and other interested parties to discuss performance and prescriptive code requirements. This forum provides an excellent arena to debate proposed revisions. This model code also encourages international consistency in the application of provisions.

Development

The first edition of the *International Property Maintenance Code* (1998) was the culmination of an effort initiated in 1996 by a code development committee appointed by ICC and consisting of representatives of the three statutory members of the International Code Council at that time, including: Building Officials and Code Administrators International, Inc. (BOCA), International Conference of Building Officials (ICBO) and Southern Building Code Congress International (SBCCI). The committee drafted a comprehensive set of regulations for existing buildings that was consistent with the existing model property maintenance codes at the time. This 2015 edition presents the code as originally issued, with changes reflected through the previous 2012 edition and further changes developed through the ICC Code Development Process through 2013. A new edition of the code is promulgated every 3 years.

This code is founded on principles intended to establish provisions consistent with the scope of a property maintenance code that adequately protects public health, safety and welfare; provisions that do not unnecessarily increase construction costs; provisions that do not restrict the use of new materials, products or methods of construction; and provisions that do not give preferential treatment to particular types or classes of materials, products or methods of construction.

Adoption

The International Code Council maintains a copyright in all of its codes and standards. Maintaining copyright allows ICC to fund its mission through sales of books, in both print and electronic formats. The *International Property Maintenance Code* is designed for adoption and use by jurisdictions that recognize and acknowledge the ICC's copyright in the code, and further acknowledge the substantial shared value of the public/private partnership for code development between jurisdictions and the ICC.

The ICC also recognizes the need for jurisdictions to make laws available to the public. All ICC codes and ICC standards, along with the laws of many jurisdictions, are available for free in a non-downloadable form on the ICC's website. Jurisdictions should contact the ICC at adoptions@icc-safe.org to learn how to adopt and distribute laws based on the *International Property Maintenance Code* in a manner that provides necessary access, while maintaining the ICC's copyright.

Maintenance

The *International Property Maintenance Code* is kept up to date through the review of proposed changes submitted by code enforcing officials, industry representatives, design professionals and other interested parties. Proposed changes are carefully considered through an open code development process in which all interested and affected parties may participate.

The contents of this work are subject to change through both the code development cycles and the governmental body that enacts the code into law. For more information regarding the code development process, contact the Codes and Standards Development Department of the International Code Council.

While the development procedure of the *International Property Maintenance Code* ensures the highest degree of care, the ICC, its members and those participating in the development of this code do not accept any liability resulting from compliance or noncompliance with the provisions because the ICC does not have the power or authority to police or enforce compliance with the contents of this code. Only the governmental body that enacts the code into law has such authority.

Code Development Committee Responsibilities (Letter Designations in Front of Section Numbers)

In each code development cycle, proposed changes to this code are considered at the Committee Action Hearings by the International Property Maintenance/Zoning Code Development Committee, whose action constitutes a recommendation to the voting membership for final action on the proposed changes. Proposed changes to a code section having a number beginning with a letter in brackets are considered by a different code development committee. For example, proposed changes to code sections that have the letter [F] in front of them (e.g., [F] 704.1) are considered by the International Fire Code Development Committee at the Committee Action Hearings.

The content of sections in this code that begin with a letter designation is maintained by another code development committee in accordance with the following:

- [A] = Administrative Code Development Committee;
- [F] = International Fire Code Development Committee;
- [P] = International Plumbing Code Development Committee;
- [BE] = IBC – Means of Egress Code Development Committee; and
- [BG] = IBC – General Code Development Committee.

For the development of the 2018 edition of the I-Codes, there will be three groups of code development committees and they will meet in separate years. Note that these are tentative groupings.

Group A Codes (Heard in 2015, Code Change Proposals Deadline: January 12, 2015)	Group B Codes (Heard in 2016, Code Change Proposals Deadline: January 11, 2016)	Group C Codes (Heard in 2017, Code Change Proposals Deadline: January 11, 2017)
International Building Code – Fire Safety (Chapters 7, 8, 9, 14, 26) – Means of Egress (Chapters 10, 11, Appendix E) – General (Chapters 2-6, 12, 27-33, Appendices A, B, C, D, K)	Administrative Provisions (Chapter 1 of all codes except IRC and IECC, administrative updates to currently referenced standards, and designated definitions)	International Green Construction Code
International Fuel Gas Code	International Building Code – Structural (Chapters 15-25, Appendices F, G, H, I, J, L, M)	
International Existing Building Code	International Energy Conservation Code	
International Mechanical Code	International Fire Code	
International Plumbing Code	International Residential Code – IRC-B (Chapters 1-10, Appendices E, F, H, J, K, L M, O, R, S, T, U)	
International Private Sewage Disposal Code	International Wildland-Urban Interface Code	
International Property Maintenance Code		
International Residential Code – IRC-Mechanical (Chapters 12-24) – IRC-Plumbing (Chapter 25-33, Appendices G, I, N, P)		
International Swimming Pool and Spa Code		
International Zoning Code		

Note: Proposed changes to the ICC Performance Code will be heard by the Code Development Committee noted in brackets [] in the text of the code.

Code change proposals submitted for code sections that have a letter designation in front of them will be heard by the respective committee responsible for such code sections. Because different committees hold code development hearings in different years, it is possible that some proposals for this code will be heard by committees in both the 2015 (Group A) and the 2016 (Group B) code development cycles.

For instance, every section of Chapter 1 of this code is designated as the responsibility of the Administrative Code Development Committee, and that committee is part of the Group B portion of the hearings. This committee will hold its code development hearings in 2016 to consider all code change proposals for Chapter 1 of this code and proposals for Chapter 1 of all I-Codes except the *International Energy Conservation Code*, *International Residential Code* and *ICC Performance Code*. Therefore, any proposals received for Chapter 1 of this code will be assigned to the Administrative Code Development Committee for consideration in 2016.

It is very important that anyone submitting code change proposals understand which code development committee is responsible for the section of the code that is the subject of the code change proposal. For further information on the code development committee responsibilities, please visit the ICC website at www.iccsafe.org/scoping.

Marginal Markings

Solid vertical lines in the margins within the body of the code indicate a technical change from the requirements of the 2012 edition. Deletion indicators in the form of an arrow (➡) are provided in the margin where an entire section, paragraph, exception or table has been deleted or an item in a list of items or a table has been deleted.

A single asterisk [*] placed in the margin indicates that text or a table has been relocated within the code. A double asterisk [**] placed in the margin indicates that the text or table immediately

following it has been relocated there from elsewhere in the code. The following table indicates such relocations in the 2015 edition of the *International Property Maintenance Code*.

2015 LOCATION	2012 LOCATION
None	None

Italicized Terms

Selected terms set forth in Chapter 2, Definitions, are italicized where they appear in code text. Such terms are not italicized where the definition set forth in Chapter 2 does not impart the intended meaning in the use of the term. The terms selected have definitions that the user should read carefully to facilitate better understanding of the code.

EFFECTIVE USE OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE

The *International Property Maintenance Code* (IPMC) is a model code that regulates the minimum maintenance requirements for existing buildings.

The IPMC is a maintenance document intended to establish minimum maintenance standards for basic equipment, light, ventilation, heating, sanitation and fire safety. Responsibility is fixed among owners, operators and occupants for code compliance. The IPMC provides for the regulation and safe use of existing structures in the interest of the social and economic welfare of the community.

Arrangement and Format of the 2015 IPMC

Before applying the requirements of the IPMC it is beneficial to understand its arrangement and format. The IPMC, like other codes published by ICC, is arranged and organized to follow sequential steps that generally occur during an inspection. The IPMC is divided into eight different parts:

Chapters	Subjects
1	Administration
2	Definitions
3	General Requirements
4	Light, Ventilation and Occupancy Limitations
5	Plumbing Facilities and Fixture Requirements
6	Mechanical and Electrical Requirements
7	Fire Safety Requirements
8	Referenced Standards

The following is a chapter-by-chapter synopsis of the scope and intent of the provisions of the *International Property Maintenance Code*:

Chapter 1 Scope and Administration. This chapter contains provisions for the application, enforcement and administration of subsequent requirements of the code. In addition to establishing the scope of the code, Chapter 1 identifies which buildings and structures come under its purview. Chapter 1 is largely concerned with maintaining “due process of law” in enforcing the property maintenance criteria contained in the body of the code. Only through careful observation of the administrative provisions can the building official reasonably expect to demonstrate that “equal protection under the law” has been provided.

Chapter 2 Definitions. All terms that are defined in the code are listed alphabetically in Chapter 2. While a defined term may be used in one chapter or another, the meaning provided in Chapter 2 is applicable throughout the code.

Where understanding of a term’s definition is especially key to or necessary for understanding of a particular code provision, the term is shown in italics wherever it appears in the code. This is true only for those terms that have a meaning that is unique to the code. In other words, the generally understood meaning of a term or phrase might not be sufficient or consistent with the meaning prescribed by the code; therefore, it is essential that the code-defined meaning be known.

Guidance is provided regarding tense, gender and plurality of defined terms as well as terms not defined in this code.

Chapter 3 General Requirements. Chapter 3, “General Requirements,” is broad in scope. It includes a variety of requirements for the exterior property areas as well as the interior and exterior elements of the structure. This chapter provides requirements that are intended to maintain a minimum level of safety and sanitation for both the general public and the occupants of a structure, and to maintain a building’s structural and weather-resistance performance. Chapter 3 provides specific criteria for regulating the installation and maintenance of specific building components; maintenance requirements for vacant structures and land; requirements regulating the safety, sanitation and appearance of the interior and exterior of structures and all exterior property areas; accessory structures; vehicle storage regulations and establishes who is responsible for complying with the chapter’s provisions. This chapter also contains the requirements for swimming pools, spas and hot tubs and the requirements for protective barriers and gates in these barriers. Chapter 3 establishes the responsible parties for exterminating insects and rodents, and maintaining sanitary conditions in all types of occupancies.

Chapter 4 Light, Ventilation and Occupancy Limitations. The purpose of Chapter 4 is to set forth these requirements in the code and to establish the minimum environment for occupiable and habitable buildings, by establishing the minimum criteria for light and ventilation and identifies occupancy limitations including minimum room width and area, minimum ceiling height and restrictions to prevent overcrowding. This chapter also provides for alternative arrangements of windows and other devices to comply with the requirements for light and ventilation and prohibits certain room arrangements and occupancy uses.

Chapter 5 Plumbing Facilities and Fixture Requirements. Chapter 5 establishes the minimum criteria for the installation, maintenance and location of plumbing systems and facilities, including the water supply system, water heating appliances, sewage disposal system and related plumbing fixtures.

Sanitary and clean conditions in occupied buildings are dependent upon certain basic plumbing principles, including providing potable water to a building, providing the basic fixtures to effectively utilize that water and properly removing waste from the building. Chapter 5 establishes the minimum criteria to verify that these principles are maintained throughout the life of a building.

Chapter 6 Mechanical and Electrical Requirements. The purpose of Chapter 6 is to establish minimum performance requirements for heating, electrical and mechanical facilities and to establish minimum standards for the safety of these facilities.

This chapter establishes minimum criteria for the installation and maintenance of the following: heating and air-conditioning equipment, appliances and their supporting systems; water heating equipment, appliances and systems; cooking equipment and appliances; ventilation and exhaust equipment; gas and liquid fuel distribution piping and components; fireplaces and solid fuel-burning appliances; chimneys and vents; electrical services; lighting fixtures; electrical receptacle outlets; electrical distribution system equipment, devices and wiring; and elevators, escalators and dumb-waiters.

Chapter 7 Fire Safety Requirements. The purpose of Chapter 7 is to address those fire hazards that arise as the result of a building’s occupancy. It also provides minimum requirements for fire safety issues that are most likely to arise in older buildings.

This chapter contains requirements for means of egress in existing buildings, including path of travel, required egress width, means of egress doors and emergency escape openings.

Chapter 7 establishes the minimum requirements for fire safety facilities and fire protection systems, as these are essential fire safety systems.

Chapter 8 Referenced Standards. The code contains numerous references to standards that are used to regulate materials and methods of construction. Chapter 8 contains a comprehensive list of all standards that are referenced in the code. The standards are part of the code to the extent of the reference to the standard. Compliance with the referenced standard is necessary for compliance with this code. By providing specifically adopted standards, the construction and installation requirements necessary for compliance with the code can be readily determined. The basis for code compliance is, therefore, established and available on an equal basis to the code official, contractor, designer and owner.

Chapter 8 is organized in a manner that makes it easy to locate specific standards. It lists all of the referenced standards, alphabetically, by acronym of the promulgating agency of the standard. Each agency's standards are then listed in either alphabetical or numeric order based upon the standard identification. The list also contains the title of the standard; the edition (date) of the standard referenced; any addenda included as part of the ICC adoption; and the section or sections of this code that reference the standard.

LEGISLATION

Jurisdictions wishing to adopt the 2015 *International Property Maintenance Code* as an enforceable regulation governing existing structures and premises should ensure that certain factual information is included in the adopting legislation at the time adoption is being considered by the appropriate governmental body. The following sample adoption legislation addresses several key elements, including the information required for insertion into the code text.

SAMPLE LEGISLATION FOR ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE ORDINANCE NO. _____

A[N] [ORDINANCE/STATUTE/REGULATION] of the [JURISDICTION] adopting the 2015 edition of the *International Property Maintenance Code*, regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures in the [JURISDICTION]; providing for the issuance of permits and collection of fees therefor; repealing [ORDINANCE/STATUTE/REGULATION] No. _____ of the [JURISDICTION] and all other ordinances or parts of laws in conflict therewith.

The [GOVERNING BODY] of the [JURISDICTION] does ordain as follows:

Section 1. That a certain document, three (3) copies of which are on file in the office of the [TITLE OF JURISDICTION'S KEEPER OF RECORDS] of [NAME OF JURISDICTION], being marked and designated as the *International Property Maintenance Code*, 2015 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the [JURISDICTION], in the State of [STATE NAME] for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the [JURISDICTION] are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 2. The following sections are hereby revised:

Section 101.1. Insert: [NAME OF JURISDICTION]

Section 103.5. Insert: [APPROPRIATE SCHEDULE]

Section 112.4. Insert: [DOLLAR AMOUNT IN TWO LOCATIONS]

Section 302.4. Insert: [HEIGHT IN INCHES]

Section 304.14. Insert: [DATES IN TWO LOCATIONS]

Section 602.3. Insert: [DATES IN TWO LOCATIONS]

Section 602.4. Insert: [DATES IN TWO LOCATIONS]

Section 3. That [ORDINANCE/STATUTE/REGULATION] No. _____ of [JURISDICTION] entitled [FILL IN HERE THE COMPLETE TITLE OF THE LEGISLATION OR LAWS IN EFFECT AT THE PRESENT TIME SO THAT THEY WILL BE REPEALED BY DEFINITE MENTION] and all other ordinances or parts of laws in conflict herewith are hereby repealed.

Section 4. That if any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The [GOVERNING BODY] hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 5. That nothing in this legislation or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired

or existing, under any act or ordinance hereby repealed as cited in Section 3 of this law; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

Section 6. That the [JURISDICTION'S KEEPER OF RECORDS] is hereby ordered and directed to cause this legislation to be published. (An additional provision may be required to direct the number of times the legislation is to be published and to specify that it is to be in a newspaper in general circulation. Posting may also be required.)

Section 7. That this law and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect [TIME PERIOD] from and after the date of its final passage and adoption.

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CHAPTER 1

SCOPE AND ADMINISTRATION

PART 1 — SCOPE AND APPLICATION

SECTION 101 GENERAL

[A] **101.1 Title.** These regulations shall be known as the *International Property Maintenance Code* of [NAME OF JURISDICTION], hereinafter referred to as “this code.”

[A] **101.2 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, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; the responsibility of *owners*, an owner’s authorized agent, *operators* and *occupants*; the *occupancy* of existing structures and *premises*, and for administration, enforcement and penalties.

[A] **101.3 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.

[A] **101.4 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.

SECTION 102 APPLICABILITY

[A] **102.1 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.

[A] **102.2 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*, owner’s authorized agent, *operator* or *occupant* shall cause any service, facility, equipment or utility that is required under this section to be removed from, 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* authorized agent shall be responsible for the maintenance of buildings, structures and *premises*.

[A] **102.3 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 Existing Building Code*, *International Energy Conservation Code*, *International Fire Code*, *International Fuel Gas Code*, *International Mechanical Code*, *International Residential Code*, *International Plumbing Code* and NFPA 70. Nothing in this code shall be construed to cancel, modify or set aside any provision of the *International Zoning Code*.

[A] **102.4 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 that is dangerous, unsafe and insanitary.

[A] **102.5 Workmanship.** Repairs, maintenance work, alterations or installations that 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 instructions.

[A] **102.6 Historic buildings.** The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings where such buildings or structures are judged by the *code official* to be safe and in the public interest of health, safety and welfare.

[A] **102.7 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 and as further regulated in Sections 102.7.1 and 102.7.2.

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.

[A] **102.7.1 Conflicts.** Where conflicts occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

[A] **102.7.2 Provisions in referenced codes and standards.** Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

[A] **102.8 Requirements not covered by code.** Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the pub-

lic safety, health and general welfare, not specifically covered by this code, shall be determined by the *code official*.

[A] 102.9 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.

[A] 102.10 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

PART 2 — ADMINISTRATION AND ENFORCEMENT

SECTION 103 DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION

[A] 103.1 General. The department of property maintenance inspection is hereby created and the executive official in charge thereof shall be known as the *code official*.

[A] 103.2 Appointment. The *code official* shall be appointed by the chief appointing authority of the jurisdiction.

[A] 103.3 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*.

[A] 103.4 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 civilly or criminally 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.

[A] 103.4.1 Legal defense. Any suit or criminal complaint 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.

[A] 103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the following schedule.

[JURISDICTION TO INSERT APPROPRIATE SCHEDULE.]

SECTION 104 DUTIES AND POWERS OF THE CODE OFFICIAL

[A] 104.1 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.

[A] 104.2 Inspections. The *code official* shall make all of the required inspections, or shall accept reports of inspection by *approved* agencies or individuals. 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.

[A] 104.3 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*, *owner's* authorized agent 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.

[A] 104.4 Identification. The *code official* shall carry proper identification when inspecting *structures* or *premises* in the performance of duties under this code.

[A] 104.5 Notices and orders. The *code official* shall issue all necessary notices or orders to ensure compliance with this code.

[A] 104.6 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.

SECTION 105 APPROVAL

[A] 105.1 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* authorized agent, provided the *code official* shall first find that special individual reason makes the strict letter of this code impractical, 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.

[A] 105.2 Alternative materials, methods and equipment. The provisions of this code are not intended to prevent the installation of any material 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 proposed design 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. Where the alternative material, design or method of construction is not *approved*, the *code official* shall respond in writing, stating the reasons the alternative was not *approved*.

[A] 105.3 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 alternative materials or methods, the *code official* shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.

[A] 105.3.1 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*.

[A] 105.3.2 Test reports. Reports of tests shall be retained by the *code official* for the period required for retention of public records.

[A] 105.4 Used material and equipment. The use of used materials that 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 where necessary, placed in good and proper working condition and *approved* by the *code official*.

[A] 105.5 Approved materials and equipment. Materials, equipment and devices *approved* by the *code official* shall be constructed and installed in accordance with such approval.

[A] 105.6 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*.

SECTION 106 VIOLATIONS

[A] 106.1 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.

[A] 106.2 Notice of violation. The *code official* shall serve a notice of violation or order in accordance with Section 107.

[A] 106.3 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, 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.

[A] 106.4 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.

[A] 106.5 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*.

SECTION 107 NOTICES AND ORDERS

[A] 107.1 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 Sections 107.2 and 107.3 to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 108.3.

[A] 107.2 Form. Such notice prescribed in Section 107.1 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 or owner's authorized agent of the right to appeal.
6. Include a statement of the right to file a lien in accordance with Section 106.3.

[A] 107.3 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.

[A] 107.4 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*.

[A] 107.5 Penalties. Penalties for noncompliance with orders and notices shall be as set forth in Section 106.4.

[A] 107.6 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 or the owner's authorized agent 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.

SECTION 108

UNSAFE STRUCTURES AND EQUIPMENT

[A] 108.1 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.

[A] 108.1.1 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.

[A] 108.1.2 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.

[A] 108.1.3 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.

[A] 108.1.4 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.

[A] 108.1.5 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:

1. 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.
2. 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.
3. 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.
4. 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 one and one-half the original designed value.
5. 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.
6. The building or structure, or any portion thereof, is clearly unsafe for its use and *occupancy*.
7. 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.
8. 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.

9. 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.
10. 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.
11. 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.

[A] 108.2 Closing of vacant structures. If the structure is vacant and unfit for human habitation and *occupancy*, and is not in danger of structural collapse, the *code official* is authorized to 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* or owner's authorized agent 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 shall be collected by any other legal resource.

[A] 108.2.1 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 Section 102.7 in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without approval. The *code official* shall notify the serving utility and, whenever possible, the *owner* or owner's authorized agent 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*, owner's authorized agent or *occupant* of the building structure or service system shall be notified in writing as soon as practical thereafter.

[A] 108.3 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*, owner's authorized agent or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall be placed on the condemned equipment. The notice shall be in the form prescribed in Section 107.2.

[A] 108.4 Placarding. Upon failure of the *owner*, owner's authorized agent 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.

[A] 108.4.1 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.

[A] 108.5 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*, owner's authorized agent or 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.

[A] 108.6 Abatement methods. The *owner*, owner's authorized agent, *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.

[A] 108.7 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.

SECTION 109 EMERGENCY MEASURES

[A] 109.1 Imminent danger. When, in the opinion of the *code official*, there is *imminent danger* of failure or collapse of a building or structure that 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.

[A] 109.2 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.

[A] 109.3 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.

[A] 109.4 Emergency repairs. For the purposes of this section, the *code official* shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

[A] 109.5 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* or owner's authorized agent where the unsafe structure is or was located for the recovery of such costs.

[A] 109.6 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.

SECTION 110 DEMOLITION

[A] 110.1 General. The *code official* shall order the *owner* or owner's authorized agent of any *premises* upon which is located any structure, which in the *code official's* or owner's authorized agent 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* or owner's authorized agent 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.

[A] 110.2 Notices and orders. Notices and orders shall comply with Section 107.

[A] 110.3 Failure to comply. If the *owner* of a *premises* or owner's authorized agent 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.

[A] 110.4 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. 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.

SECTION 111 MEANS OF APPEAL

[A] 111.1 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 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.

[A] 111.2 Membership of board. The board of appeals shall consist of not less than three members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The *code official* shall be an ex-officio member but shall have no vote on any matter before the board. The board shall be appointed by the chief appointing authority, and shall serve staggered and overlapping terms.

[A] 111.2.1 Alternate members. The chief appointing authority shall appoint not less than two alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership.

[A] 111.2.2 Chairman. The board shall annually select one of its members to serve as chairman.

[A] 111.2.3 Disqualification of member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.

[A] 111.2.4 Secretary. The chief administrative officer shall designate a qualified person to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

[A] 111.2.5 Compensation of members. Compensation of members shall be determined by law.

[A] 111.3 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.

[A] 111.4 Open hearing. Hearings before the board shall be open to the public. The appellant, the appellant's representa-

tive, the *code official* and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of a minimum of two-thirds of the board membership.

[A] 111.4.1 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.

[A] 111.5 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.

[A] 111.6 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.

[A] 111.6.1 Records and copies. The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the *code official*.

[A] 111.6.2 Administration. The *code official* shall take immediate action in accordance with the decision of the board.

[A] 111.7 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 law following the filing of the decision in the office of the chief administrative officer.

[A] 111.8 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.

SECTION 112 STOP WORK ORDER

[A] 112.1 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.

[A] 112.2 Issuance. A stop work order shall be in writing and shall be given to the *owner* of the property, to the *owner's* authorized 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.

[A] 112.3 Emergencies. Where an emergency exists, the *code official* shall not be required to give a written notice prior to stopping the work.

[A] 112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to

remove a violation or unsafe condition, shall be liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.

CHAPTER 2

DEFINITIONS

SECTION 201 GENERAL

201.1 Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

201.2 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.

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the *International Building Code*, *International Existing Building Code*, *International Fire Code*, *International Fuel Gas Code*, *International Mechanical Code*, *International Plumbing Code*, *International Residential Code*, *International Zoning Code* or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.

201.4 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.

201.5 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.”

SECTION 202 GENERAL DEFINITIONS

ANCHORED. Secured in a manner that provides positive connection.

[A] APPROVED. Acceptable to 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*.

[A] 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*.

COST OF SUCH DEMOLITION OR EMERGENCY REPAIRS. The costs shall include the actual costs of the demolition or repair of the structure less revenues obtained if salvage was conducted prior to demolition or repair. Costs shall include, but not be limited to, expenses incurred or necessitated related to demolition or emergency repairs, such

as asbestos survey and abatement if necessary; costs of inspectors, testing agencies or experts retained relative to the demolition or emergency repairs; costs of testing; surveys for other materials that are controlled or regulated from being dumped in a landfill; title searches; mailing(s); postings; recording; and attorney fees expended for recovering of the cost of emergency repairs or to obtain or enforce an order of demolition made by a *code official*, the governing body or board of appeals.

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.

[BG] 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.

[Z] 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, snuggers, 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.

[BE] 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.

[BG] 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*.

HISTORIC BUILDING. Any building or structure that is one or more of the following:

1. Listed or certified as eligible for listing, by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, in the National Register of Historic Places.
2. Designated as historic under an applicable state or local law.

DEFINITIONS

3. Certified as a contributing resource within a National Register or state or locally designated historic district.

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.

[A] 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*.

[A] 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*.

[A] OWNER. Any person, agent, *operator*, firm or corporation having 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.

[A] PREMISES. A lot, plot or parcel of land, *easement* or *public way*, including any structures thereon.

[A] 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.

[BG] 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.

[A] 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.

[M] 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.

[Z] YARD. An open space on the same lot with a structure.

CHAPTER 3

GENERAL REQUIREMENTS

SECTION 301 GENERAL

301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and *exterior property*.

301.2 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* that are not in a sanitary and safe condition and that 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.

301.3 Vacant structures and land. 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.

SECTION 302 EXTERIOR PROPERTY AREAS

302.1 Sanitation. *Exterior property* and *premises* shall be maintained in a clean, safe and sanitary condition. The *occupant* shall keep that part of the *exterior property* that such *occupant* occupies or controls in a clean and sanitary condition.

302.2 Grading and drainage. *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.

302.3 Sidewalks and driveways. Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

302.4 Weeds. *Premises* and *exterior property* shall be maintained free from weeds or plant growth in excess of [JURISDICTION TO INSERT HEIGHT IN INCHES]. 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 Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of viola-

tion, 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.

302.5 Rodent harborage. 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 that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

302.6 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*.

302.7 Accessory structures. Accessory structures, including *detached* garages, fences and walls, shall be maintained structurally sound and in good repair.

302.8 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.

302.9 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.

SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS

303.1 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

303.2 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 not less than 48 inches (1219 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 not less than 54 inches (1372 mm) above the bottom of the

GENERAL REQUIREMENTS

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 6 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.

SECTION 304 EXTERIOR STRUCTURE

304.1 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.

304.1.1 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:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. 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;
3. Structures or components thereof that have reached their limit state;
4. 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;
5. Structural members that have evidence of *deterioration* or that are not capable of safely supporting all nominal loads and load effects;
6. 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;
7. 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;
8. 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;
9. 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;
10. 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;
11. 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;
12. 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
13. 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. Where substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted where *approved* by the *code official*.

304.2 Protective treatment. 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. 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 water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and 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] 304.3 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 not less than 4 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm).

304.4 Structural members. Structural members shall be maintained free from *deterioration*, and shall be capable of safely supporting the imposed dead and live loads.

304.5 Foundation walls. 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.

304.6 Exterior walls. Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weathertight and properly surface coated where required to prevent *deterioration*.

304.7 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.

304.8 Decorative features. 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.

304.9 Overhang extensions. 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 be properly *anchored* so as to be kept in a sound condition. Where 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.

304.10 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.

304.11 Chimneys and towers. Chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. 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.

304.12 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.

304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

304.13.1 Glazing. Glazing materials shall be maintained free from cracks and holes.

304.13.2 Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

304.14 Insect screens. During the period from [DATE] to [DATE], 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 minimum 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.

304.15 Doors. Exterior doors, door assemblies, operator systems if provided, 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 Section 702.3.

304.16 Basement hatchways. Every *basement* hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

304.17 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.

304.18 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.

304.18.1 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 minimum lock throw of 1 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.

304.18.2 Windows. Operable windows located in whole or in part within 6 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.

304.18.3 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.

304.19 Gates. Exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

SECTION 305 INTERIOR STRUCTURE

305.1 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

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the structure that 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*.

305.1.1 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:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. 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;
3. Structures or components thereof that have reached their limit state;
4. Structural members are incapable of supporting nominal loads and load effects;
5. 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;
6. 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. Where substantiated otherwise by an *approved method*.
2. Demolition of unsafe conditions shall be permitted when *approved* by the *code official*.

305.2 Structural members. Structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

305.3 Interior surfaces. 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.

305.4 Stairs and walking surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

305.5 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.

305.6 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.

SECTION 306 COMPONENT SERVICEABILITY

306.1 General. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

306.1.1 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* or the *International Existing Building Code* as required for existing buildings:

1. Soils that have been subjected to any of the following conditions:
 - 1.1. Collapse of footing or foundation system;
 - 1.2. Damage to footing, foundation, concrete or other structural element due to soil expansion;
 - 1.3. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;
 - 1.4. Inadequate soil as determined by a geotechnical investigation;
 - 1.5. Where the allowable bearing capacity of the soil is in doubt; or
 - 1.6. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.
2. Concrete that has been subjected to any of the following conditions:
 - 2.1. *Deterioration*;
 - 2.2. *Ultimate deformation*;
 - 2.3. Fractures;
 - 2.4. Fissures;
 - 2.5. Spalling;
 - 2.6. Exposed reinforcement; or
 - 2.7. *Detached*, dislodged or failing connections.
3. Aluminum that has been subjected to any of the following conditions:
 - 3.1. *Deterioration*;
 - 3.2. Corrosion;
 - 3.3. Elastic deformation;
 - 3.4. *Ultimate deformation*;
 - 3.5. Stress or strain cracks;
 - 3.6. Joint fatigue; or
 - 3.7. *Detached*, dislodged or failing connections.

4. Masonry that has been subjected to any of the following conditions:
 - 4.1. *Deterioration*;
 - 4.2. *Ultimate deformation*;
 - 4.3. Fractures in masonry or mortar joints;
 - 4.4. Fissures in masonry or mortar joints;
 - 4.5. Spalling;
 - 4.6. Exposed reinforcement; or
 - 4.7. *Detached*, dislodged or failing connections.
5. Steel that has been subjected to any of the following conditions:
 - 5.1. *Deterioration*;
 - 5.2. Elastic deformation;
 - 5.3. *Ultimate deformation*;
 - 5.4. Metal fatigue; or
 - 5.5. *Detached*, dislodged or failing connections.
6. Wood that has been subjected to any of the following conditions:
 - 6.1. *Ultimate deformation*;
 - 6.2. *Deterioration*;
 - 6.3. Damage from insects, rodents and other vermin;
 - 6.4. Fire damage beyond charring;
 - 6.5. Significant splits and checks;
 - 6.6. Horizontal shear cracks;
 - 6.7. Vertical shear cracks;
 - 6.8. Inadequate support;
 - 6.9. *Detached*, dislodged or failing connections; or
 - 6.10. Excessive cutting and notching.

Exceptions:

1. Where substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted where *approved* by the *code official*.

SECTION 307 HANDRAILS AND GUARDRAILS

307.1 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 that is more than 30 inches (762 mm) above the floor or grade below shall have *guards*. Handrails shall be not less than 30 inches (762 mm) in height or more than 42 inches (1067 mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. *Guards* shall be not less than 30 inches (762 mm) in height 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.

SECTION 308 RUBBISH AND GARBAGE

308.1 Accumulation of rubbish or garbage. *Exterior property* and *premises*, and the interior of every structure, shall be free from any accumulation of *rubbish* or garbage.

308.2 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.

308.2.1 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*.

308.2.2 Refrigerators. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on *premises* without first removing the doors.

308.3 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.

308.3.1 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.

308.3.2 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.

SECTION 309 PEST ELIMINATION

309.1 Infestation. Structures shall be kept free from insect and rodent *infestation*. Structures in which insects or rodents are found shall be promptly exterminated by *approved* processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation.

309.2 Owner. The *owner* of any structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure.

309.3 Single occupant. The *occupant* of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for pest elimination on the *premises*.

309.4 Multiple occupancy. The *owner* of a structure containing two or more *dwelling units*, a multiple *occupancy*, a

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rooming house or a nonresidential structure shall be responsible for pest elimination 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 pest elimination.

309.5 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 pest elimination.

CHAPTER 4

LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

SECTION 401 GENERAL

401.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for light, *ventilation* and space for occupying a structure.

401.2 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.

401.3 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.

SECTION 402 LIGHT

402.1 Habitable spaces. Every *habitable space* shall have not less than 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 8 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 3 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 not less than 8 percent of the floor area of the interior room or space, but a minimum of 25 square feet (2.33 m²). The exterior glazing area shall be based on the total floor area being served.

402.2 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 not less than 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 (9144 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 not less than 1 footcandle (11 lux) at floors, landings and treads.

402.3 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.

SECTION 403 VENTILATION

403.1 Habitable spaces. Every *habitable space* shall have not less than one openable window. The total openable area of the window in every room shall be equal to not less than 45 percent of the minimum glazed area required in Section 402.1.

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 not less than 8 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.

403.2 Bathrooms and toilet rooms. Every *bathroom* and *toilet room* shall comply with the *ventilation* requirements for *habitable spaces* as required by Section 403.1, 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.

403.3 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.

403.4 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.

403.5 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.

SECTION 404 OCCUPANCY LIMITATIONS

404.1 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.

404.2 Minimum room widths. A habitable room, other than a kitchen, shall be not less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a minimum clear passageway of 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.

404.3 Minimum ceiling heights. *Habitable spaces*, hallways, corridors, laundry areas, *bathrooms*, *toilet rooms* and habitable *basement* areas shall have a minimum clear ceiling height of 7 feet (2134 mm).

Exceptions:

1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting a maximum of 6 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 minimum ceiling height of 6 feet 8 inches (2033 mm) with a minimum clear height of 6 feet 4 inches (1932 mm) 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 minimum clear ceiling height of 7 feet (2134 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 minimum clear ceiling height of 5 feet (1524 mm) shall be included.

404.4 Bedroom and living room requirements. Every *bedroom* and living room shall comply with the requirements of Sections 404.4.1 through 404.4.5.

404.4.1 Room area. Every living room shall contain not less than 120 square feet (11.2 m²) and every bedroom shall contain not less than 70 square feet (6.5 m²) and every bedroom occupied by more than one person shall contain not less than 50 square feet (4.6 m²) of floor area for each occupant thereof.

404.4.2 Access from bedrooms. *Bedrooms* shall not constitute the only means of access to other *bedrooms* or *habitable spaces* and shall not serve as the only means of egress from other *habitable spaces*.

Exception: Units that contain fewer than two *bedrooms*.

404.4.3 Water closet accessibility. Every *bedroom* shall have access to not less than one water closet and one lavatory without passing through another *bedroom*. Every *bedroom* in a *dwelling unit* shall have access to not less than one water closet and lavatory located in the same story as the *bedroom* or an adjacent story.

404.4.4 Prohibited occupancy. Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

404.4.5 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 require-

ments of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

404.5 Overcrowding. Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404.5.

**TABLE 404.5
MINIMUM AREA REQUIREMENTS**

SPACE	MINIMUM AREA IN SQUARE FEET		
	1-2 occupants	3-5 occupants	6 or more occupants
Living room ^{a, b}	120	120	150
Dining room ^{a, b}	No requirement	80	100
Bedrooms	Shall comply with Section 404.4.1		

For SI: 1 square foot = 0.0929 m².

a. See Section 404.5.2 for combined living room/dining room spaces.

b. See Section 404.5.1 for limitations on determining the minimum occupancy area for sleeping purposes.

404.5.1 Sleeping area. The minimum occupancy area required by Table 404.5 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. Sleeping areas shall comply with Section 404.4.

404.5.2 Combined spaces. Combined living room and dining room spaces shall comply with the requirements of Table 404.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

404.6 Efficiency unit. Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than one occupant shall have a minimum clear floor area of 120 square feet (11.2 m²). A unit occupied by not more than two *occupants* shall have a minimum clear floor area of 220 square feet (20.4 m²). A unit occupied by three *occupants* shall have a minimum clear floor area of 320 square feet (29.7 m²). These required areas shall be exclusive of the areas required by Items 2 and 3.
2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a minimum clear working space of 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.

404.7 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.

CHAPTER 5

PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

SECTION 501 GENERAL

501.1 Scope. The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

501.2 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* that does not comply with the requirements of this chapter.

SECTION 502 REQUIRED FACILITIES

[P] 502.1 Dwelling units. Every *dwelling unit* shall contain its own bathtub or shower, lavatory, water closet and kitchen sink that 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.

[P] 502.2 Rooming houses. Not less than one water closet, lavatory and bathtub or shower shall be supplied for each four *rooming units*.

[P] 502.3 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 10 *occupants*.

[P] 502.4 Employees' facilities. Not less than one water closet, one lavatory and one drinking facility shall be available to employees.

[P] 502.4.1 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*.

[P] 502.5 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*.

SECTION 503 TOILET ROOMS

[P] 503.1 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.

[P] 503.2 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.

[P] 503.3 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.

[P] 503.4 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.

SECTION 504 PLUMBING SYSTEMS AND FIXTURES

[P] 504.1 General. 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. Plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

[P] 504.2 Fixture clearances. Plumbing fixtures shall have adequate clearances for usage and cleaning.

[P] 504.3 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.

SECTION 505 WATER SYSTEM

505.1 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. Kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied

PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

with hot or tempered and cold running water in accordance with the *International Plumbing Code*.

[P] 505.2 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.

505.3 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.

505.4 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 minimum temperature of 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.

SECTION 506 SANITARY DRAINAGE SYSTEM

[P] 506.1 General. Plumbing fixtures shall be properly connected to either a public sewer system or to an *approved* private sewage disposal system.

[P] 506.2 Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

[P] 506.3 Grease interceptors. Grease interceptors and automatic grease removal devices shall be maintained in accordance with this code and the manufacturer's installation instructions. Grease interceptors and automatic grease removal devices shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewage treatment plant or processes. Records of maintenance, cleaning and repairs shall be available for inspection by the code official.

SECTION 507 STORM DRAINAGE

[P] 507.1 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.

CHAPTER 6

MECHANICAL AND ELECTRICAL REQUIREMENTS

SECTION 601 GENERAL

601.1 Scope. The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

601.2 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* that does not comply with the requirements of this chapter.

SECTION 602 HEATING FACILITIES

602.1 Facilities required. Heating facilities shall be provided in structures as required by this section.

602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) 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, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating.

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.

602.3 Heat supply. Every *owner* and *operator* of any building who rents, leases or lets one or more *dwelling units* or *sleeping units* on terms, either expressed or implied, to furnish heat to the *occupants* thereof shall supply heat during the period from [DATE] to [DATE] to maintain a minimum temperature of 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.

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from [DATE] to [DATE] to maintain a minimum temperature of 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.

602.5 Room temperature measurement. The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

SECTION 603 MECHANICAL EQUIPMENT

603.1 Mechanical appliances. 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.

603.2 Removal of combustion products. Fuel-burning equipment and appliances shall be connected to an *approved* chimney or vent.

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

603.3 Clearances. Required clearances to combustible materials shall be maintained.

603.4 Safety controls. Safety controls for fuel-burning equipment shall be maintained in effective operation.

603.5 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.

603.6 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*.

SECTION 604 ELECTRICAL FACILITIES

604.1 Facilities required. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

604.2 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 minimum rating of 60 amperes.

604.3 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.

604.3.1 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.

604.3.1.1 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 a maximum of 600 volts or less;
2. Busway, rated a maximum of 600 volts;
3. Panelboards, rated a maximum of 600 volts;
4. Switchboards, rated a maximum of 600 volts;
5. Fire pump controllers, rated a maximum of 600 volts;
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.

604.3.2 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.

604.3.2.1 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.

SECTION 605 ELECTRICAL EQUIPMENT

605.1 Installation. Electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and *approved* manner.

605.2 Receptacles. Every *habitable space* in a dwelling shall contain not less than two separate and remote receptacle outlets. Every laundry area shall contain not less than one grounding-type receptacle or a receptacle with a ground fault circuit interrupter. Every *bathroom* shall contain not less than one receptacle. Any new *bathroom* receptacle outlet shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location.

605.3 Luminaires. Every public hall, interior stairway, *toilet room*, kitchen, *bathroom*, laundry room, boiler room and furnace room shall contain not less than one electric luminaire. Pool and spa luminaires over 15 V shall have ground fault circuit interrupter protection.

605.4 Wiring. Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings.

SECTION 606 ELEVATORS, ESCALATORS AND DUMBWAITERS

606.1 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 dumb-

waiter, 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.

606.2 Elevators. In buildings equipped with passenger elevators, not less than 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.

SECTION 607 DUCT SYSTEMS

607.1 General. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

CHAPTER 7

FIRE SAFETY REQUIREMENTS

SECTION 701 GENERAL

701.1 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.

701.2 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.

SECTION 702 MEANS OF EGRESS

[F] 702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the *public way*. Means of egress shall comply with the *International Fire Code*.

[F] 702.2 Aisles. The required width of aisles in accordance with the *International Fire Code* shall be unobstructed.

[F] 702.3 Locked doors. 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*.

[F] 702.4 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.

SECTION 703 FIRE-RESISTANCE RATINGS

[F] 703.1 Fire-resistance-rated assemblies. The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

[F] 703.2 Opening protectives. Required opening protectives shall be maintained in an operative condition. Fire and smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

SECTION 704 FIRE PROTECTION SYSTEMS

[F] 704.1 General. 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*.

[F] 704.1.1 Automatic sprinkler systems. Inspection, testing and maintenance of automatic sprinkler systems shall be in accordance with NFPA 25.

[F] 704.1.2 Fire department connection. Where the fire department connection is not visible to approaching fire apparatus, the fire department connection shall be indicated by an *approved* sign mounted on the street front or on the side of the building. Such sign shall have the letters "FDC" not less than 6 inches (152 mm) high and words in letters not less than 2 inches (51 mm) high or an arrow to indicate the location. Such signs shall be subject to the approval of the fire code official.

[F] 704.2 Single- and multiple-station smoke alarms. Single- and multiple-station smoke alarms shall be installed in existing Group I-1 and R occupancies in accordance with Sections 704.2.1 through 704.2.3.

[F] 704.2.1 Where required. Existing Group I-1 and R occupancies shall be provided with single-station smoke alarms in accordance with Sections 704.2.1.1 through 704.2.1.4. Interconnection and power sources shall be in accordance with Sections 704.2.2 and 704.2.3.

Exceptions:

1. Where the code that was in effect at the time of construction required smoke alarms and smoke alarms complying with those requirements are already provided.
2. Where smoke alarms have been installed in occupancies and dwellings that were not required to have them at the time of construction, additional smoke alarms shall not be required provided that the existing smoke alarms comply with requirements that were in effect at the time of installation.
3. Where smoke detectors connected to a fire alarm system have been installed as a substitute for smoke alarms.

[F] 704.2.1.1 Group R-1. Single- or multiple-station smoke alarms shall be installed in all of the following locations in Group R-1:

1. In sleeping areas.
2. In every room in the path of the *means of egress* from the sleeping area to the door leading from the *sleeping unit*.

3. In each story within the *sleeping unit*, including basements. For *sleeping 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.

[F] 704.2.1.2 Groups R-2, R-3, R-4 and I-1. Single- or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and I-1 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 but not including crawl spaces and uninhabitable attics. In *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.

[F] 704.2.1.3 Installation near cooking appliances. Smoke alarms shall not be installed in the following locations unless this would prevent placement of a smoke alarm in a location required by Section 704.2.1.1 or 704.2.1.2.

1. Ionization smoke alarms shall not be installed less than 20 feet (6096 mm) horizontally from a permanently installed cooking appliance.
2. Ionization smoke alarms with an alarm-silencing switch shall not be installed less than 10 feet (3048 mm) horizontally from a permanently installed cooking appliance.
3. Photoelectric smoke alarms shall not be installed less than 6 feet (1829 mm) horizontally from a permanently installed cooking appliance.

[F] 704.2.1.4 Installation near bathrooms. Smoke alarms shall be installed not less than 3 feet (914 mm) horizontally from the door or opening of a bathroom that contains a bathtub or shower unless this would prevent placement of a smoke alarm required by Section 704.2.1.1 or 704.2.1.2.

[F] 704.2.2 Interconnection. Where more than one smoke alarm is required to be installed within an individual *dwelling or sleeping 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. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:

1. Interconnection is not required in buildings that 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 that could provide access for interconnection without the removal of interior finishes.

[F] 704.2.3 Power source. 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 with integral strobes that are not equipped with battery backup shall be connected to an emergency electrical system. 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 over-current protection.

Exceptions:

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

[F] 704.2.4 Smoke detection system. Smoke detectors listed in accordance with UL 268 and provided as part of the building's fire alarm system shall be an acceptable alternative to single- and multiple-station smoke alarms and shall comply with the following:

1. The fire alarm system shall comply with all applicable requirements in Section 907 of the *International Fire Code*.
2. Activation of a smoke detector in a dwelling or sleeping unit shall initiate alarm notification in the *dwelling or sleeping unit* in accordance with Section 907.5.2 of the *International Fire Code*.
3. Activation of a smoke detector in a *dwelling or sleeping unit* shall not activate alarm notification appliances outside of the *dwelling or sleeping unit*, provided that a supervisory signal is generated and monitored in accordance with Section 907.6.5 of the *International Fire Code*.

CHAPTER 8

REFERENCED STANDARDS

This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in Section 102.7.

ASME

American Society of Mechanical Engineers
Three Park Avenue
New York, NY 10016-5990

Standard reference number	Title	Referenced in code section number
ASME A17.1/CSA B44—2013	Safety Code for Elevators and Escalators.	.606.1

ASTM

ASTM International
100 Barr Harbor Drive
West Conshohocken, PA 19428-2959

Standard reference number	Title	Referenced in code section number
F 1346—91 (2010)	Performance Specifications for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs	.303.2

ICC

International Code Council
500 New Jersey Avenue, NW
6th Floor
Washington, DC 20001

Standard reference number	Title	Referenced in code section number
IBC—15	International Building Code®	102.3, 201.3, 401.3, 702.3
IEBC—15	International Existing Building Code®	305.1.1, 306.1.1
IFC—15	International Fire Code®	201.3, 604.3.1.1, 604.3.2.1, 702.1, 702.2, 704.1, 704.2
IFGC—15	International Fuel Gas Code®	.102.3
IMC—15	International Mechanical Code®	102.3, 201.3
IPC—15	International Plumbing Code®	201.3, 505.1, 602.2, 602.3
IRC—15	International Residential Code®	.201.3
IZC—15	International Zoning Code®	102.3, 201.3

NFPA

National Fire Protection Association
1 Batterymarch Park
Quincy, MA 02269

Standard reference number	Title	Referenced in code section number
25—14	Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems	704.1.1
70—14	National Electrical Code	.102.4, 201.3, 604.2

APPENDIX A

BOARDING STANDARD

The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.

A101 GENERAL

A101.1 General. Windows and doors shall be boarded in an *approved* manner to prevent entry by unauthorized persons and shall be painted to correspond to the color of the existing structure.

with screws and nails alternating every 6 inches (152 mm) on center.

A103.5 Doors. Doors shall be secured by the same method as for windows or door openings. One door to the structure shall be available for authorized entry and shall be secured and locked in an *approved* manner.

A102 MATERIALS

A102.1 Boarding sheet material. Boarding sheet material shall be minimum $\frac{1}{2}$ -inch-thick (12.7 mm) wood structural panels complying with the *International Building Code*.

A102.2 Boarding framing material. Boarding framing material shall be minimum nominal 2-inch by 4-inch (51 mm by 102 mm) solid sawn lumber complying with the *International Building Code*.

A102.3 Boarding fasteners. Boarding fasteners shall be minimum $\frac{3}{8}$ -inch-diameter (9.5 mm) carriage bolts of such a length as required to penetrate the assembly and as required to adequately attach the washers and nuts. Washers and nuts shall comply with the *International Building Code*.

A103 INSTALLATION

A103.1 Boarding installation. The boarding installation shall be in accordance with Figures A103.1(1) and A103.1(2) and Sections A103.2 through A103.5.

A103.2 Boarding sheet material. The boarding sheet material shall be cut to fit the door or window opening neatly or shall be cut to provide an equal overlap at the perimeter of the door or window.

A103.3 Windows. The window shall be opened to allow the carriage bolt to pass through or the window sash shall be removed and stored. The 2-inch by 4-inch (51 mm by 102 mm) strong back framing material shall be cut minimum 2 inches (51 mm) wider than the window opening and shall be placed on the inside of the window opening 6 inches (152 mm) minimum above the bottom and below the top of the window opening. The framing and boarding shall be pre-drilled. The assembly shall be aligned and the bolts, washers and nuts shall be installed and secured.

A103.4 Door walls. The door opening shall be framed with minimum 2-inch by 4-inch (51 mm by 102 mm) framing material secured at the entire perimeter and vertical members at a maximum of 24 inches (610 mm) on center. Blocking shall also be secured at a maximum of 48 inches (1219 mm) on center vertically. Boarding sheet material shall be secured

A104 REFERENCED STANDARD

IBC—12 International Building Code A102.1,
A102.2, A102.3

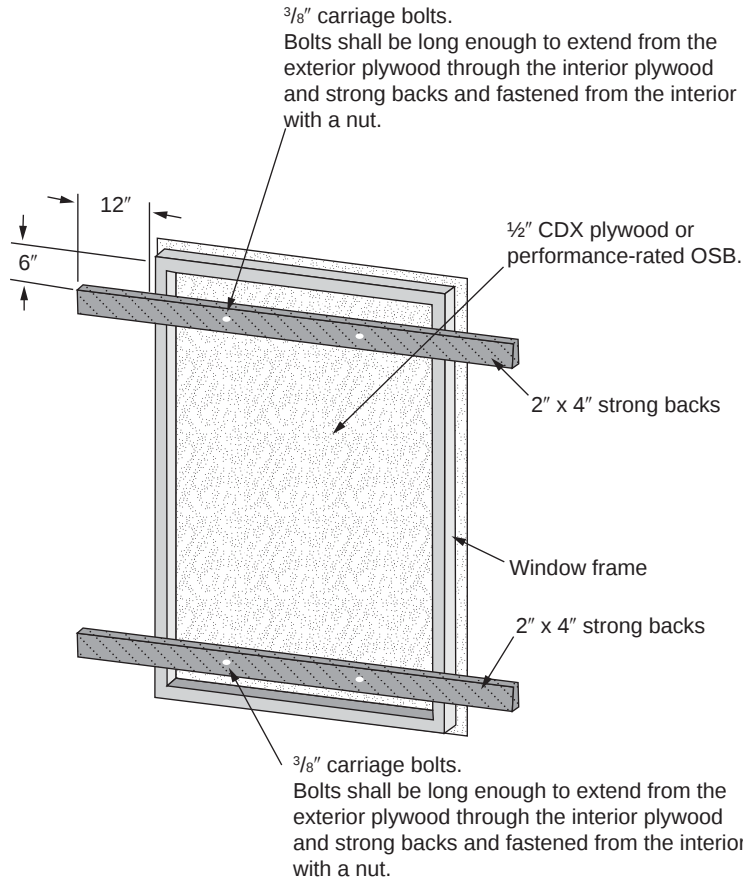


FIGURE A103.1(1)
BOARDING OF DOOR OR WINDOW

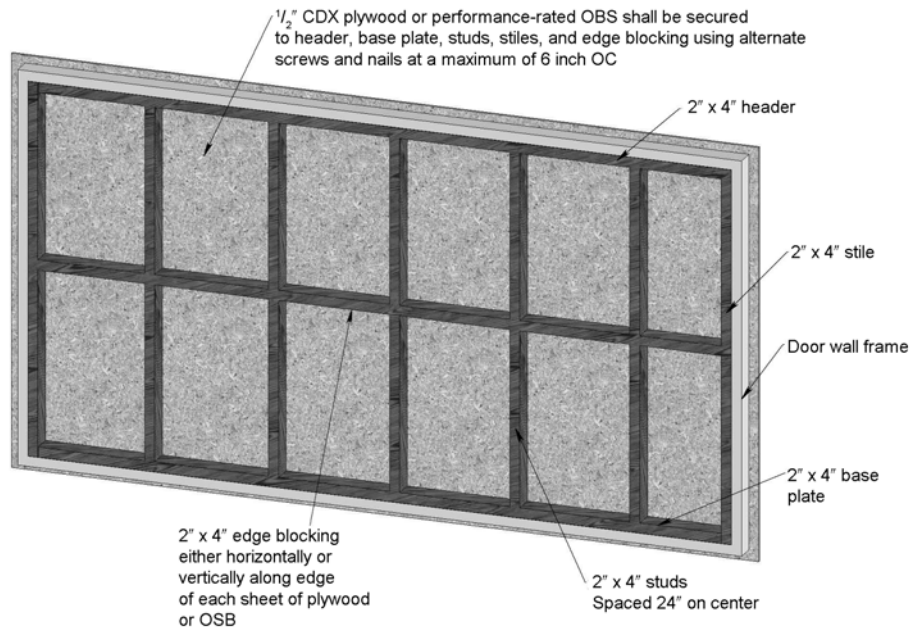


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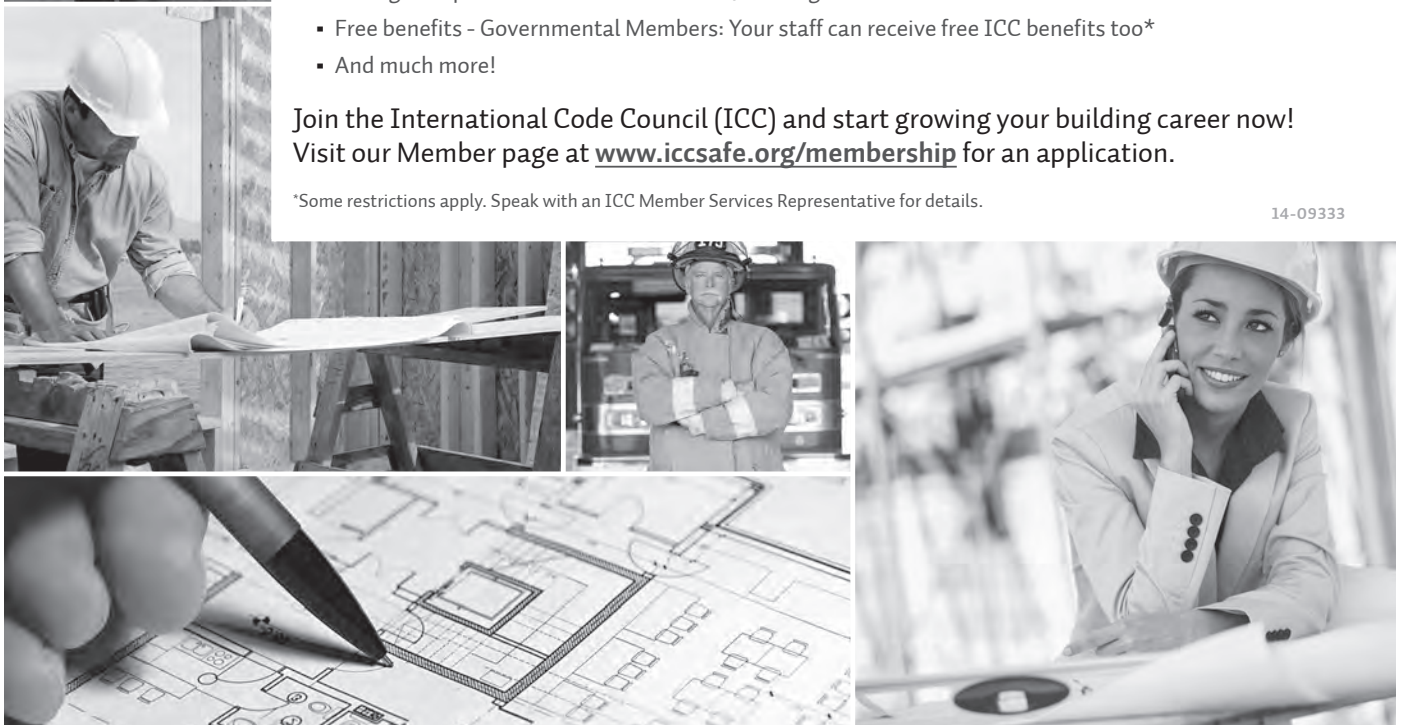
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*Some restrictions apply. Speak with an ICC Member Services Representative for details.

14-09333





ITEM 10.D

TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
Michelle Eubank, City Clerk
DATE: January 17, 2023
SUBJECT: **RECODIFICATION OF MARSHALL CODE OF ORDINANCES**

Earlier this year, the City identified the need to update its online Municipal Code software. Following the selection of MuniCode as its preferred vendor, the existing Municipal Code was recodified, resulting in the need to adopt an ordinance enacting a revised code for the City of Marshall.

BUDGET IMPACT:

None.

RECOMMENDATION:

Approve Ordinance 2023-04, An Ordinance Adopting and Enacting a New Code for the City of Marshall.

CITY OF MARSHALL
COUNTY OF CALHOUN

ORDINANCE NO. 2023-04

AN ORDINANCE ADOPTING AND ENACTING THE REPUBLICATION OF THE MARSHALL CITY CODE FOR THE CITY OF MARSHALL PURSUANT TO SECTION 5b OF THE HOME RULE CITY ACT AND CITY CHARTER SECTIONS 2.16, 4.01, 4.02, AND 4.06; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

THE CITY OF MARSHALL CITY COUNCIL FINDS:

WHEREAS, the Home Rule City Act, Act 279 of 1909, as amended, Section 5b, provides that cities shall have the power to codify, recodify, and republish its code and municipal ordinances without the necessity of publishing the entire code in full. Section 5b, states:

Sec. 5b. Each city shall have power, whether provided in its charter or not, to codify, recodify and continue in code its municipal ordinances, in whole or in part, without the necessity of publishing the entire code in full. The ordinance adopting the code, as well as subsequent ordinances repealing, amending, continuing or adding to the code, shall be published as required by law. The ordinance adopting the code may amend, repeal, revise or rearrange ordinances or parts of ordinances by reference by title only.

WHEREAS, the City of Marshall, for the health, safety and welfare, and benefit of the citizens of the City of Marshall and persons therein, and pursuant to Marshall City Charter, Section 4.06, Codification, hereby codifies, recodifies, and republishes its current code and adopts the republication of the “Marshall City Code” by way of Ordinance No. 2023-04, as provided for under City Charter and state law.

NOW THEREFORE,

The City of Marshall ordains the codification, recodification, and republication of the Marshall City Code:

Section 1. Purpose. The purpose of this Code adoption and Code republication is for the health, safety, and welfare of the citizens of the City of Marshall and those persons within the City and property subject to City jurisdiction.

Section 2. Code Citation. The Code entitled “Marshall City Code”, or “Code” is republished by Municode, that consists of Chapters 1 through 156, each inclusive, and adopted under Ordinance No. 2023-04, as permitted by law. The City Charter is republished in the Marshall City Code.

Section 3. Additions or amendments. Additions or amendments to the Code when passed in such form as to indicate the intention of the City of Marshall to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 4. Ordinances Adopted After October 31, 2022. Ordinances adopted after October 31, 2022, that amend or refer to ordinances that have been codified in the Code shall be adopted, added to, and construed as if they amend or refer to like provisions of the Code.

Section 5. Penalties; remedies. Unless another penalty is expressly provided by ordinance, every person responsible of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine as determined by ordinance or resolution; every person convicted of an ordinance or codification of same, shall be punished by a fine and/or imprisonment, as expressly provided for under applicable ordinance. Each act of violation and each day upon which any such violation shall continue or occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the City of Marshall may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits, or other such relief as permitted by law and court order.

Section 6. Conflicting Ordinances Repealed. Except as to prosecution and legal actions pending and saved pursuant to Section 7 below, any Marshall City Ordinances or parts of Ordinances in conflict with or inconsistent with any of the provisions of this Ordinance and the Code, as amended, are repealed. The repeal provided for in Section 8 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 7. Savings Clause. All proceedings pending and all rights and liabilities existing or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law enforced when they were commenced. This Ordinance shall not be construed to affect any prosecution pending or initiated before the effective date of this Ordinance for an offense committed before that date.

Section 8. Severability. If any section, paragraph, clause, phrase or part of this Ordinance is held invalid by any court of competent jurisdiction or any agency, department or commission empowered by statute for such purposes, such decision shall not affect the validity of the remaining provisions of this Ordinance, and the application of those provisions to any person or circumstance shall not be affected thereby.

Section 9. Code Edits. The editors of the Marshall City Code are hereby authorized, subject to approval of the City Manager, or designee, to update and revise Code section numbers to effectuate the provisions of this Ordinance and the Marshall City Code.

Section 10. Effective Date. This Ordinance shall become effective seven (7) days after its adoption by the Marshall City Council and publication.

AYES:

NAYES:

Mayor

Certificate of Adoption

STATE OF MICHIGAN

COUNTY OF CALHOUN

I, the undersigned, the qualified and acting City Clerk of the City of Marshall, Calhoun County, Michigan, do certify that the foregoing is a true and complete copy of Ordinance No. 2023-04 adopted by the City Council of the City of Marshall at a meeting called and held on the ____day of _____, 2023, the original of which is on file in my office.

Michelle Eubank, Clerk of the City of Marshall

Adopted: _____

Published: _____



ITEM 10.E

TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
DATE: January 17, 2023
SUBJECT: **PA425 FOR MULTIPLE MARSHALL TOWNSHIP PROPERTIES**

The City has received a request from the owners of several properties in Marshall Township that are under contract or owned by the Marshall Area Economic Development Authority (MAEDA) to enter into a Public Act 425 Conditional Land Transfer. A Public Act 425 agreement brings an existing property into the City of Marshall to receive city services and provides for a portion of the collected taxes to be shared with the Township transferring the parcel.

The following Marshall Township properties are requesting transfer into the City of Marshall:

Parcel ID	Owner Name	Property Address
16-282-003-00	Diana Vanderweg	14716 C Drive North
16-281-024-00	MAEDA	14354 C Drive North
16-201-015-00	Ceres Farms, LLC	Michigan Avenue
16-290-009-00	Ceres Farms, LLC	Michigan Avenue
16-290-006-00	Ceres Farms, LLC	Michigan Avenue
16-201-021-00	Ceres Farms, LLC	Michigan Avenue
16-281-021-00	Ceres Farms, LLC	14219 C Drive North
16-291-009-00	Ceres Farms, LLC	Michigan Avenue
16-282-006-00	Ceres Farms, LLC	C Drive North
16-320-003-00	Ceres Farms, LLC	Michigan Avenue
16-330-015-00	Ceres Farms, LLC	Michigan Avenue
16-330-003-00	Ceres Farms, LLC	Michigan Avenue
16-291-015-00	Betty Ford	13501 C Drive North, Marshall, MI

In 2006, the City and Marshall Township entered into a Master Public Act 425 Conditional Land Transfer Agreement. In 2015, the Master Agreement was extended to 2026 and in 2019, it was revised and extended to 2029.

Public Act 425 requires the adoption of a resolution and a public hearing by both governmental bodies. The proposed resolution/contract and public hearing notice are attached.

BUDGET IMPACT:

Based on the property's current taxable value, and current City of Marshall millage rates, the City would collect approximately \$12,460 in additional General Fund operating revenue for all these parcels. The Township would receive \$3785 as required of the Master PA 425 Conditional Land Transfer from those collections. However, as these parcels will be held by MAEDA for economic development purposes, no property taxes are anticipated to be collected or distributed.

RECOMMENDATION:

Approve the Public Act 425 Conditional Land Transfer for the following parcels: 16-282-003-00, 16-281-024-00, 16-201-015-00, 16-290-009-00, 16-290-006-00, 16-201-021-00, 16-281-021-00, 16-291-009-00, 16-282-006-00, 16-320-003-00, 16-330-015-00, 16-330-003-00 and 16-291-015-00 and authorize the City Manager to execute the associated Contract for Conditional Transfer of Property documents.

**City of Marshall
and
Marshall Township
Public Hearing Notices**

The City of Marshall City Council and Marshall Township Board will hold Public Hearings to hear public comment regarding Public Act 425 Land Transfers for the following properties:

- PA 425 Land Transfer of Parcel ID#16-291-015-00 (C Dr. N, Marshall, MI 49068) from Marshall Township to City of Marshall
- PA 425 Land Transfer of Parcel ID#16-282-003-00 (14716 C Dr. N, Marshall, MI 49068) from Marshall Township to City of Marshall
- PA 425 Land Transfer of Parcel ID#16-281-024-00 (14354 C Dr. N, Marshall, MI 49068) from Marshall Township to City of Marshall
- PA 425 Land Transfer of Parcel ID#16-281-021-00 (14219 C Dr. N, Marshall, MI 49068) from Marshall Township to City of Marshall
- PA 425 Land Transfer of Parcel ID#16-201-015-00 (Michigan Ave., Marshall, MI 49068) from Marshall Township to City of Marshall
- PA 425 Land Transfer of Parcel ID#16-290-009-00 (Michigan Ave., Marshall, MI 49068) from Marshall Township to City of Marshall
- PA 425 Land Transfer of Parcel ID#16-290-006-00 (Michigan Ave., Marshall, MI 49068) from Marshall Township to City of Marshall
- PA 425 Land Transfer of Parcel ID#16-201-021-00 (Michigan Ave., Marshall, MI 49068) from Marshall Township to City of Marshall
- PA 425 Land Transfer of Parcel ID#16-291-009-00 (Michigan Ave., Marshall, MI 49068) from Marshall Township to City of Marshall
- PA 425 Land Transfer of Parcel ID#16-282-006-00 (C Dr. N, Marshall, MI 49068) from Marshall Township to City of Marshall
- PA 425 Land Transfer of Parcel ID#16-320-003-00 (Michigan Ave., Marshall, MI 49068) from Marshall Township to City of Marshall
- PA 425 Land Transfer of Parcel ID#16-330-015-00 (Michigan Ave., Marshall, MI 49068) from Marshall Township to City of Marshall
- PA 425 Land Transfer of Parcel ID#16-330-003-00 (Michigan Ave., Marshall, MI 49068) from Marshall Township to City of Marshall

Public hearings to hear public comment will be held at the Marshall Township Hall and the City of Marshall, as follows:

- The regular meeting of the Board of Trustees of Marshall Township on January 16, 2023 at 7:00 p.m. at the Marshall Township Hall, located at 13551 Myron Avery Dr, Marshall, MI 49068.

Any interested person is invited to attend the meeting to be held as noticed above. The Marshall Township Hall is barrier free and accessible to those with special needs. If you are unable to attend, written comments concerning the proposed amendments received before the close of the public hearing will also be considered. Written response can be sent to or hand delivered to the attention of the Marshall Township Board, Township Clerk, located at 13551 Myron Avery Dr, Marshall, MI 49068. Individuals with disabilities requiring

auxiliary aids or services should contact the office of the Township Clerk at least four (4) days prior to the hearing, phone: 269-781-7976.

- The regular meeting of the City of Marshall City Council on January 17, 2023 at 7:00 p.m. in the Council Chambers of Town Hall, located at 323 W Michigan Ave, Marshall, MI 49068.

Any interested person is invited to attend the meetings to be held as noticed above. Marshall City Hall is barrier free and accessible to those with special needs. If you are unable to attend, written comments concerning the proposed amendments received before the close of the public hearing will also be considered. Written response can be sent to or hand delivered to the attention of the City of Marshall, City Clerk, located 323 W. Michigan Ave., Marshall, Michigan 49068. Please direct any questions to Derek Perry, 269-558-0315 or dperry@cityofmarshall.com.

The City of Marshall will provide necessary and reasonable auxiliary aids and services to individuals with disabilities at the hearing upon reasonable notice to the City Clerk of the need for the same. Individuals with disabilities requiring auxiliary aids or services should contact the office of the City Clerk at least four (4) days prior to the hearing. The City Clerk's Office can be reached at phone: 269-781-5183 or in-person at the location and times indicated below.

Copies of the Land Transfer requests may be obtained, inspected, or reviewed in the Office of the Marshall City Clerk, Monday-Friday, between the hours of 8:30AM-12:00PM and 1:00PM- 4:00PM. The Clerk's Office is located on the second floor of the Marshall City Hall, located at 323 West Michigan Avenue, Marshall, MI 49068.

**CITY OF MARSHALL – TOWNSHIP OF MARSHALL
CONTRACT FOR CONDITIONAL TRANSFER OF PROPERTY**

This Agreement made on the ____ day of _____, 2023, between the CITY OF MARSHALL, a Michigan municipal corporation, having offices at 323 West Michigan Avenue, Marshall, Michigan 49068 (the “City”) and the TOWNSHIP OF MARSHALL, a Township duly organized under the laws of the State of Michigan, and existing in Calhoun County, Michigan, having offices at 13551 Myron Avery Drive, Marshall, Michigan 49068 (the “Township”).

WHEREAS, the City and the Township have adopted a Master 425 Agreement dated February 9, 2022 for the purpose of providing utility services which are available in the City to Township properties upon the request of a Township property owner, and

WHEREAS, Diana Vanderweg, the owner of the property described on Schedule 1 attached hereto (“Property”) has requested that the City extend sewer and water services to the Property, and

WHEREAS, the provision of municipal services by the City to the Property would further the economic well-being of both the City and the Township and increase the probability of additional development of the Property, and

WHEREAS, the City has available sewer and water capacity to service the Property, and

WHEREAS, the parties have each conducted a public hearing to receive input on the proposed transfer of property.

NOW, THEREFORE, by authority of Act 425 of Public Acts of 1984 and pursuant to the Master 425 Agreement entered into between the City and the Township and in consideration of the mutual promises herein set forth, BE IT AGREED AS FOLLOWS:

1. The Township consents to the transfer to the City of the Property.
2. The City agrees to accept the transfer of the Property for all purposes allowed under Public Act 425 of 1984, as amended, to make available municipal services to the Property provided that the Property owner and other users of the utilities extended from the City to the Property shall pay for the cost of the extension.
3. The transfer of the Property contemplated by this agreement shall occur at midnight on January 31, 2023.
4. Following transfer, and during the term of this Agreement, the City shall have full jurisdiction over the property subject to the following limitations:

Land usages shall be subject to the Joint Municipal Planning Commission pursuant to the provisions of the Master 425 Agreement.

5. The City and Township agree that the City shall have the authority to assess and collect ad valorem taxes, real and personal, on the Property and any improvements thereon during 2024 and for the remainder of the term of this Agreement. The Township shall have the authority to assess and collect ad valorem taxes, real and personal, on the Property and any improvements thereon through calendar year 2023.

The City and Township further agree that commencing in the year 2024 and continuing through the fiftieth (50th) full calendar year following the issuance of a Certificate of Occupancy for the first use on the Property, all such taxes which the City collects for its own general operating fund purposes only, and which are attributable to the Property for the term of this Agreement shall be shared between the City and the Township as follows:

- A. The Township shall receive the equivalent of (residential – 2; commercial – 4; industrial – 4) mill levied on the taxable value of the Property for the taxable year as established by the City subject to any subsequent adjustments resulting from tax appeals. The City shall transmit the Township's share of such revenues annually on or before 30 days after receipt.
 - B. Thereafter, all tax revenues from the Property shall be collected and retained by the City.
6. Except as provided in paragraph 7, upon termination, expiration or non-renewal of this Agreement, jurisdiction of the Property shall return to the Township and the City will have no further rights or interests in the Property except that the City shall own the utility infrastructure.
7. In the event that the City shall not share tax revenues from the Property as provided in paragraph 5 or shall breach any other provision of this Agreement, the Township shall be entitled to terminate this Agreement, whereupon jurisdiction of the Property shall revert to the Township or the Township may pursue whatever other legal remedies are available to the Township.
8. Any liability the City or the Township incurs to a third party as a result of the performance of duties or the exercise of rights imposed or granted hereunder shall be jointly shared and defended in the same proportion as the taxes are shared as described in paragraph 5.
9. The burden of all tax abatements shall be shared by the City and the Township in the same percentage as the millage is shared. In the event the City reduces its millage, the Township's share of millage shall be proportionately reduced provided no additional taxes are levied by the City to replace the reduction in millage.
10. Sewer and water rates charged to the Property owner shall not be greater than the rates charged in the City for similar users. Property owners shall contribute to repairs and capital improvements to the sewage treatment facilities, water purification plant, well facilities, and distribution systems in the same manner as similar users within the City of Marshall.

11. In the event there is a conflict between this Agreement and the Master 425 Development Agreement, the terms of the Master 425 Development Agreement shall control unless there is a specific reference in the conflicting provision that it is intended to prevail despite the Master 425 Development Agreement.
12. Within fifteen (15) days of execution of this contract, the City Clerk shall file a duplicate original of this contract with the Calhoun County Clerk, the Michigan Secretary of State and the Calhoun County Register of Deeds.

WITNESSES:

CITY OF MARSHALL

By: _____
Derek N. Perry, City Manager

By: _____
Michelle Eubank, Clerk

STATE OF MICHIGAN)
)ss
COUNTY OF CALHOUN)

The foregoing instrument was acknowledged before me this _____ day of _____, 2023 by Derek N Perry, City Manager and Michelle Eubank, City Clerk of the City of Marshall, on behalf of said City.

Notary Public, Calhoun County, MI
My commission expires _____

WITNESSES:

MARSHALL TOWNSHIP

By: _____
David Bosserd, Supervisor

By: _____
Jeff Albaugh, Clerk

STATE OF MICHIGAN)

)ss

COUNTY OF CALHOUN)

The foregoing instrument was acknowledged before me this ____ day of _____, 2023 by David Bosserd, Supervisory and Jeff Albaugh, Clerk of Marshall Township, on behalf of said Township.

Notary Public, Calhoun County, MI

My commission expires _____

December 22, 2022

HAND DELIVERED

Mr. Derek Perry
City Manager
City of Marshall
323 W. Michigan Avenue
Marshall, Michigan 49068

RE: Request to Transfer Property to City of Marshall

Dear Mr. Perry:

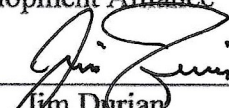
I previously entered into a Real Estate Option Agreement ("Option") with the Marshall Area Economic Development Alliance ("MAEDA") for certain property located in Marshall Township and as described in the enclosed survey ("Property"). MAEDA has exercised the Option for the Property effective December 21, 2022, with an expected closing date on or before January 31, 2023. I am, as the owner of the Property, joined by MAEDA as the buyer of the Property, hereby requesting that the Property be transferred into the City of Marshall pursuant to Public Act 425 so that services can be provided to the Property by the City of Marshall. MAEDA and I both request that this be placed on the agenda for the City Council as soon as possible and further that any approval of the transfer be made conditional on the completion of the sale and transfer of the Property from me to MAEDA.

If any additional information is needed, please do not hesitate to contact either of us or our counsel.

Respectfully submitted,

Marshall Area Economic
Development Alliance

By:


Jim Durian


Diana Vanderweg

Cc: Mr. David Bosserd – Marshall Township Supervisor
Mr. Nelson Karre – Seller's Counsel
Mr. Richard Lindsey – Buyer's Counsel

**CITY OF MARSHALL – TOWNSHIP OF MARSHALL
CONTRACT FOR CONDITIONAL TRANSFER OF PROPERTY**

This Agreement made on the ____ day of _____, 2023, between the CITY OF MARSHALL, a Michigan municipal corporation, having offices at 323 West Michigan Avenue, Marshall, Michigan 49068 (the “City”) and the TOWNSHIP OF MARSHALL, a Township duly organized under the laws of the State of Michigan, and existing in Calhoun County, Michigan, having offices at 13551 Myron Avery Drive, Marshall, Michigan 49068 (the “Township”).

WHEREAS, the City and the Township have adopted a Master 425 Agreement dated February 9, 2022 for the purpose of providing utility services which are available in the City to Township properties upon the request of a Township property owner, and

WHEREAS, the Marshall Area Economic Development Alliance, the owner of the property described on Schedule 1 attached hereto (“Property”) has requested that the City extend sewer and water services to the Property, and

WHEREAS, the provision of municipal services by the City to the Property would further the economic well-being of both the City and the Township and increase the probability of additional development of the Property, and

WHEREAS, the City has available sewer and water capacity to service the Property, and

WHEREAS, the parties have each conducted a public hearing to receive input on the proposed transfer of property.

NOW, THEREFORE, by authority of Act 425 of Public Acts of 1984 and pursuant to the Master 425 Agreement entered into between the City and the Township and in consideration of the mutual promises herein set forth, BE IT AGREED AS FOLLOWS:

1. The Township consents to the transfer to the City of the Property.
2. The City agrees to accept the transfer of the Property for all purposes allowed under Public Act 425 of 1984, as amended, to make available municipal services to the Property provided that the Property owner and other users of the utilities extended from the City to the Property shall pay for the cost of the extension.
3. The transfer of the Property contemplated by this agreement shall occur at midnight on January 31, 2023.
4. Following transfer, and during the term of this Agreement, the City shall have full jurisdiction over the property subject to the following limitations:

Land usages shall be subject to the Joint Municipal Planning Commission pursuant to the provisions of the Master 425 Agreement.

5. The City and Township agree that the City shall have the authority to assess and collect ad valorem taxes, real and personal, on the Property and any improvements thereon during 2024 and for the remainder of the term of this Agreement. The Township shall have the authority to assess and collect ad valorem taxes, real and personal, on the Property and any improvements thereon through calendar year 2023

The City and Township further agree that commencing in the year 2024 and continuing through the fiftieth (50th) full calendar year following the issuance of a Certificate of Occupancy for the first use on the Property, all such taxes which the City collects for its own general operating fund purposes only, and which are attributable to the Property for the term of this Agreement shall be shared between the City and the Township as follows:

- A. The Township shall receive the equivalent of (residential – 2; commercial – 4; industrial – 4) mill levied on the taxable value of the Property for the taxable year as established by the City subject to any subsequent adjustments resulting from tax appeals. The City shall transmit the Township's share of such revenues annually on or before 30 days after receipt.
 - B. Thereafter, all tax revenues from the Property shall be collected and retained by the City.
6. Except as provided in paragraph 7, upon termination, expiration or non-renewal of this Agreement, jurisdiction of the Property shall return to the Township and the City will have no further rights or interests in the Property except that the City shall own the utility infrastructure.
7. In the event that the City shall not share tax revenues from the Property as provided in paragraph 5 or shall breach any other provision of this Agreement, the Township shall be entitled to terminate this Agreement, whereupon jurisdiction of the Property shall revert to the Township or the Township may pursue whatever other legal remedies are available to the Township.
8. Any liability the City or the Township incurs to a third party as a result of the performance of duties or the exercise or rights imposed or granted hereunder shall be jointly shared and defended in the same proportion as the taxes are shared as described in paragraph 5.
9. The burden of all tax abatements shall be shared by the City and the Township in the same percentage as the millage is shared. In the event the City reduces its millage, the Township's share of millage shall be proportionately reduced provided no additional taxes are levied by the City to replace the reduction in millage.
10. Sewer and water rates charged to the Property owner shall not be greater than the rates charged in the City for similar users. Property owners shall contribute to repairs and capital improvements to the sewage treatment facilities, water purification plant, well facilities, and distribution systems in the same manner as similar users within the City of Marshall.

11. In the event there is a conflict between this Agreement and the Master 425 Development Agreement, the terms of the Master 425 Development Agreement shall control unless there is a specific reference in the conflicting provision that it is intended to prevail despite the Master 425 Development Agreement.
12. Within fifteen (15) days of execution of this contract, the City Clerk shall file a duplicate original of this contract with the Calhoun County Clerk, the Michigan Secretary of State and the Calhoun County Register of Deeds.

WITNESSES:

CITY OF MARSHALL

By: _____
Derek N. Perry, City Manager

By: _____
Michelle Eubank, Clerk

STATE OF MICHIGAN)
)ss
COUNTY OF CALHOUN)

The foregoing instrument was acknowledged before me this _____ day of _____, 2023 by Derek N Perry, City Manager and Michelle Eubank, City Clerk of the City of Marshall, on behalf of said City.

Notary Public, Calhoun County, MI
My commission expires _____

WITNESSES:

MARSHALL TOWNSHIP

By: _____
David Bosserd, Supervisor

By: _____
Jeff Albaugh, Clerk

STATE OF MICHIGAN)

)ss

COUNTY OF CALHOUN)

The foregoing instrument was acknowledged before me this ____ day of _____, 2023 by David Bosserd, Supervisory and Jeff Albaugh, Clerk of Marshall Township, on behalf of said Township.

Notary Public, Calhoun County, MI

My commission expires _____



LEGAL DESCRIPTION

COMMENCING AT A POINT IN THE EAST AND WEST 1/4 LINE OF SECTION 28, T2S, R6W, MARSHALL TOWNSHIP, DISTANT 1926 FEET EAST OF THE WEST 1/4 POST OF SAID SECTION 28; THENCE S01°30'E 250 FEET; THENCE EASTERLY PARALLEL TO SAID EAST AND WEST 1/4 LINE, 120 FEET; THENCE N01°30'W 250 FEET TO SAID EAST AND WEST 1/4 LINE; THENCE WESTERLY ALONG SAID 1/4 LINE, 120 FEET TO THE PLACE OF BEGINNING.

EXCEPTIONS

-
- W 1/4 CORNER SECTION 28, T2S, R6W**
- E-W 1/4 LINE SECTION 28, T2S, R6W & CENTERLINE C DRIVE N.**
- C DRIVE N. (66' WIDE-PUBLIC)**
- Center Section 28, T2S, R6W**
- CONSUMERS POWER RIGHT-OF-WAY TO LOCATE ROUTE WITHIN 200' OF CENTERLINE LIBER 426, PG 377**
- 14354 C DRIVE NORTH, MARSHALL, MI**
TAX I.D.#:
13-16-281-024-00
±0.69 AC.
- LEGEND**
- SECTION CORNER**
- BASIS OF BEARINGS**
- Survey Data:**
- N88°30'00"E 1,926.00'
 - N88°30'00"E 120.00'
 - S01°30'00"E 250.00'
 - N01°30'00"W 250.00'
 - N88°30'00"E 120.00'
 - 200'

LEGEND



SECTION CORNER

OF FOUND IRON PIPE

BASIS OF BEARINGS

DEVON TITLE AGENCY, INC.,
FILE No. 20207865
EFFECTIVE DATE: 8/23/2021

CLIENT: CALHOUN COUNTY	DATE: 12/22/2022
JOB NO.: 22367	SHEET 1 OF 1
SECTION: 28 TOWN: 2S RANGE: 6W	SCALE: 1in.= 60 ft.
TOWNSHIP OF MARSHALL	BOOK:
CALHOUN COUNTY, MICHIGAN	BY: SSH



M I D W E S T E R N

C O N S U L T I N G

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December 23, 2022

HAND DELIVERED

Mr. Derek Perry
City Manager
City of Marshall
323 W. Michigan Avenue
Marshall, Michigan 49068

RE: Request to Transfer Property to City of Marshall

Dear Mr. Perry:

Marshall Area Economic Development Alliance ("MAEDA") is the owner of certain property located in Marshall Township and as described in the enclosed survey ("Property"). MAEDA, as the owner of the Property, is hereby requesting that the Property be transferred into the City of Marshall pursuant to Public Act 425 so that services can be provided to the Property by the City of Marshall. MAEDA requests that this be placed on the agenda for the City Council as soon as possible.

If any additional information is needed, please do not hesitate to contact me.

Respectfully submitted,

Marshall Area Economic
Development Alliance



By: James Durian
Its: Chief Executive Officer

Cc: Mr. David Bosserd – Marshall Township Supervisor

**CITY OF MARSHALL – TOWNSHIP OF MARSHALL
CONTRACT FOR CONDITIONAL TRANSFER OF PROPERTY**

This Agreement made on the ____ day of _____, 2023, between the CITY OF MARSHALL, a Michigan municipal corporation, having offices at 323 West Michigan Avenue, Marshall, Michigan 49068 (the “City”) and the TOWNSHIP OF MARSHALL, a Township duly organized under the laws of the State of Michigan, and existing in Calhoun County, Michigan, having offices at 13551 Myron Avery Drive, Marshall, Michigan 49068 (the “Township”).

WHEREAS, the City and the Township have adopted a Master 425 Agreement dated February 9, 2022 for the purpose of providing utility services which are available in the City to Township properties upon the request of a Township property owner, and

WHEREAS, Ceres Farms, LLC, the owner of the property described on Schedule 1 attached hereto (“Property”) has requested that the City extend sewer and water services to the Property, and

WHEREAS, the provision of municipal services by the City to the Property would further the economic well-being of both the City and the Township and increase the probability of additional development of the Property, and

WHEREAS, the City has available sewer and water capacity to service the Property, and

WHEREAS, the parties have each conducted a public hearing to receive input on the proposed transfer of property.

NOW, THEREFORE, by authority of Act 425 of Public Acts of 1984 and pursuant to the Master 425 Agreement entered into between the City and the Township and in consideration of the mutual promises herein set forth, BE IT AGREED AS FOLLOWS:

1. The Township consents to the transfer to the City of the Property.
2. The City agrees to accept the transfer of the Property for all purposes allowed under Public Act 425 of 1984, as amended, to make available municipal services to the Property provided that the Property owner and other users of the utilities extended from the City to the Property shall pay for the cost of the extension.
3. The transfer of the Property contemplated by this agreement shall occur at midnight on January 31, 2023
4. Following transfer, and during the term of this Agreement, the City shall have full jurisdiction over the property subject to the following limitations:

Land usages shall be subject to the Joint Municipal Planning Commission pursuant to the provisions of the Master 425 Agreement.

5. The City and Township agree that the City shall have the authority to assess and collect ad valorem taxes, real and personal, on the Property and any improvements thereon during 2024 and for the remainder of the term of this Agreement. The Township shall have the authority to assess and collect ad valorem taxes, real and personal, on the Property and any improvements thereon through calendar year 2023.

The City and Township further agree that commencing in the year 2024 and continuing through the fiftieth (50th) full calendar year following the issuance of a Certificate of Occupancy for the first use on the Property, all such taxes which the City collects for its own general operating fund purposes only, and which are attributable to the Property for the term of this Agreement shall be shared between the City and the Township as follows:

- A. The Township shall receive the equivalent of (residential – 2; commercial – 4; industrial – 4) mill levied on the taxable value of the Property for the taxable year as established by the City subject to any subsequent adjustments resulting from tax appeals. The City shall transmit the Township's share of such revenues annually on or before 30 days after receipt.
 - B. Thereafter, all tax revenues from the Property shall be collected and retained by the City.
6. Except as provided in paragraph 7, upon termination, expiration or non-renewal of this Agreement, jurisdiction of the Property shall return to the Township and the City will have no further rights or interests in the Property except that the City shall own the utility infrastructure.
7. In the event that the City shall not share tax revenues from the Property as provided in paragraph 5 or shall breach any other provision of this Agreement, the Township shall be entitled to terminate this Agreement, whereupon jurisdiction of the Property shall revert to the Township or the Township may pursue whatever other legal remedies are available to the Township.
8. Any liability the City or the Township incurs to a third party as a result of the performance of duties or the exercise of rights imposed or granted hereunder shall be jointly shared and defended in the same proportion as the taxes are shared as described in paragraph 5.
9. The burden of all tax abatements shall be shared by the City and the Township in the same percentage as the millage is shared. In the event the City reduces its millage, the Township's share of millage shall be proportionately reduced provided no additional taxes are levied by the City to replace the reduction in millage.
10. Sewer and water rates charged to the Property owner shall not be greater than the rates charged in the City for similar users. Property owners shall contribute to repairs and capital improvements to the sewage treatment facilities, water purification plant, well facilities, and distribution systems in the same manner as similar users within the City of Marshall.

11. In the event there is a conflict between this Agreement and the Master 425 Development Agreement, the terms of the Master 425 Development Agreement shall control unless there is a specific reference in the conflicting provision that it is intended to prevail despite the Master 425 Development Agreement.
12. Within fifteen (15) days of execution of this contract, the City Clerk shall file a duplicate original of this contract with the Calhoun County Clerk, the Michigan Secretary of State and the Calhoun County Register of Deeds.

WITNESSES:

CITY OF MARSHALL

_____ By: _____
Derek N. Perry, City Manager

_____ By: _____
Michelle Eubank, Clerk

STATE OF MICHIGAN)
)ss
COUNTY OF CALHOUN)

The foregoing instrument was acknowledged before me this _____ day of _____, 2023 by Derek N Perry, City Manager and Michelle Eubank, City Clerk of the City of Marshall, on behalf of said City.

Notary Public, Calhoun County, MI
My commission expires _____

WITNESSES:

MARSHALL TOWNSHIP

By: _____
David Bosserd, Supervisor

By: _____
Jeff Albaugh, Clerk

STATE OF MICHIGAN)

)ss

COUNTY OF CALHOUN)

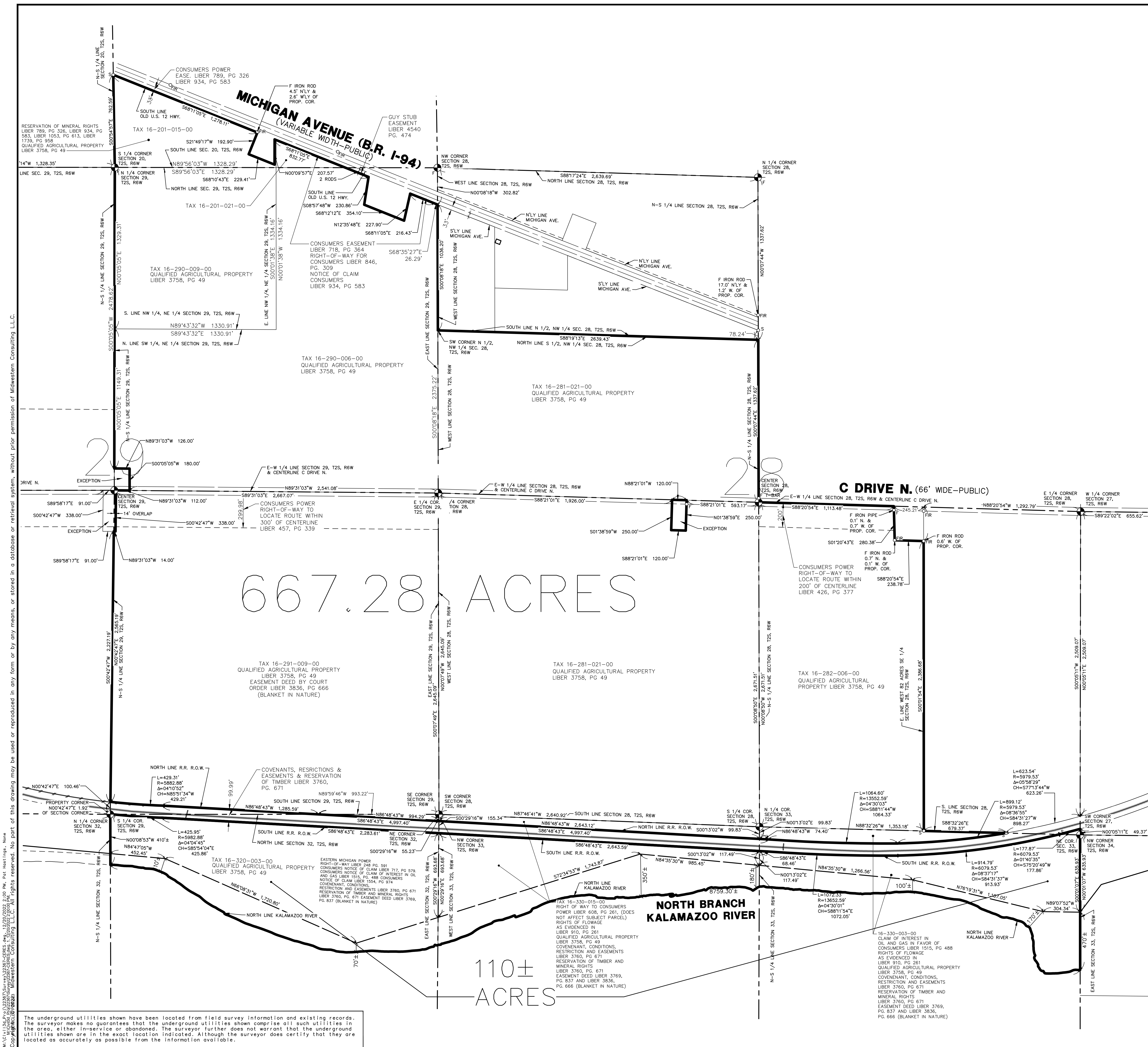
The foregoing instrument was acknowledged before me this ____ day of _____, 2023 by David Bosserd, Supervisory and Jeff Albaugh, Clerk of Marshall Township, on behalf of said Township.

Notary Public, Calhoun County, MI

My commission expires _____



- | | |
|---|-----------------|
| ○ F | FOUND IRON PIPE |
| ◦ F | FOUND MONUMENT |
| ○ S | SET IRON ROD |
| ○ FIR | FOUND IRON ROD |
|  | SECTION CORNER |



The underground utilities shown have been located from field survey information and existing records. The surveyor makes no guarantees that the underground utilities shown comprise all such utilities in the area, either in-service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated. Although the surveyor does certify that they are located as accurately as possible from the information available.

W:\12-20-22\122022\Survey\22367\CERES_FARM.dwg, 12/20/22 1:57 PM, P:\J. Hastings, None
C:\ProgramData\Autodesk\LT2022\Help\22367\CERES_FARM.dwg, 12/20/22 1:57 PM, P:\J. Hastings, None
C:\ProgramData\Autodesk\LT2022\Help\22367\CERES_FARM.dwg, 12/20/22 1:57 PM, P:\J. Hastings, None
C:\ProgramData\Autodesk\LT2022\Help\22367\CERES_FARM.dwg, 12/20/22 1:57 PM, P:\J. Hastings, None

16-201-015-00
Absolute Title, Inc.
File No.: 91018, Effective Date: September 24, 2021

LEGAL DESCRIPTION:
The land is situated in the Township of Marshall, Calhoun County, Michigan, and is described as follows:

Part of the Southwest 1/4 of the Southeast 1/4, lying South of Old US-12 Highway Right of Way, except North 2 rods and also except beginning at a point distant South 89° East 1331.60 feet and North 01°06' East 18.29 feet and North 67°14'40" West 17.23 feet from the South 1/4 post; thence North 01°06' East 215.19 feet; thence North 67°14'40" West 150 feet; thence South 22°45'20" West 200 feet; thence South 67°14'40" East 229.41 feet to the Point of Beginning, Section 20, Township 2 South, Range 6 West.

BEING SUBJECT TO:

4. Easement in favor of Consumers Power Company, as recorded in Liber 789, Page 326, and Liber 934, Page 583, Calhoun County Records.

5. Reservation of all minerals, coal, oil, and gas rights in favor of Consumers Power Company, as recorded in Liber 789, Page 326, Liber 934, Page 583, Liber 1053, Page 613, and Liber 1739, Page 958, Calhoun County Records.

6. Affidavit Attesting that Qualified Agricultural Property Shall Remain Qualified Agricultural Property, as recorded in Liber 3758, Page 49, Calhoun County Records.

16-201-021-00
TAKEN FROM TAX DESCRIPTION

LEGAL DESCRIPTION:
The land is situated in the Township of Marshall, Calhoun County, Michigan, and is described as follows:

Section 20, T2S, R6W, That Part of the Southeast 1/4 of the Southeast 1/4, lying South of Old US-12 Highway 2.75 acres.

16-281-021-00
Absolute Title, Inc.
File No. 91022, Effective Date: September 24, 2021

LEGAL DESCRIPTION:
The land is situated in the Township of Marshall, Calhoun County, Michigan, and is described as follows:

The South 1/2 of the Northwest 1/4 and the Southwest 1/4 of Section 28, Township 2 South, Range 6 West, Marshall Township, Calhoun County, Michigan. Except beginning on the East and West 1/4 line 1926 feet East of the West 1/4 post; thence South 01°30' East 250 feet; thence East 120 feet; thence North 01°30' West 250 feet; thence West 120 feet to beginning.

BEING SUBJECT TO:

4. Rights of the public or any governmental unit in any part of subject property taken, deeded, or used for street, road, or highway purposes.

5. Affidavit Attesting that Qualified Agricultural Property Shall Remain Qualified Agricultural Property, as recorded in Liber 3758, Page 49, Calhoun County Records.

16-282-006-00
Absolute Title, Inc.
File No.: 91023, Effective Date: September 24, 2021

LEGAL DESCRIPTION:
The land is situated in the Township of Marshall, Calhoun County, Michigan, and is described as follows:

The West 82 acres of the Southeast 1/4 except beginning at a point 1292.79 feet West of the East 1/4 post; thence South 280.12 feet; thence West 238.78 feet; thence North 03° West 280.38 feet; thence East 245.21 feet to beginning, Section 28, Township 2 South, Range 6 West, Marshall Township, Calhoun County, Michigan.

BEING SUBJECT TO:

4. Rights of the public or any governmental unit in any part of subject property taken, deeded, or used for street, road, or highway purposes.

5. Right of Way in favor of Consumers Power Company, as recorded in Liber 426, Page 377, Calhoun County Records.

6. Affidavit Attesting that Qualified Agricultural Property Shall Remain Qualified Agricultural Property, as recorded in Liber 3758, Page 49, Calhoun County Records.

16-280-006-00
Absolute Title, Inc.
File No. 91020, Effective Date: September 24, 2021

LEGAL DESCRIPTION:
The land situated in the Township of Marshall, Calhoun County, Michigan, and is described as follows:

The Southwest 1/4 of the Northeast 1/4, and that part of the East 1/2 of the Northeast 1/4 lying South of Old US-12. Except beginning at a point distant North 67°06' West 234.82 feet from interior of said line of said road and East Section line; thence North 67°06' West 371.08 feet; thence South 10°04' West 264.60 feet; thence South 67°06' East 354.10 feet; thence North 13°42' East 261.30 feet to beginning, and also except a 2 rod strip adjacent to highway, and also except beginning in center of Section; thence North 180 feet; thence East 126 feet; thence South 180 feet; thence West 126 feet to beginning, Section 29, Township 2 South, Range 6 West, Marshall Township, Calhoun County, Michigan.

BEING SUBJECT TO:

4. Easement in favor of Consumers Power Company, as recorded in Liber 718, Page 364, Calhoun County Records.

5. Right of Way in favor of Consumers Power Company, as recorded in Liber 846, Page 309, Calhoun County Records.

6. Notice of Claim in favor of Consumers Power Company, as recorded in Liber 934, Page 583, Calhoun County Records.

7. Affidavit Attesting that Qualified Agricultural Property Shall Remain Qualified Agricultural Property, as recorded in Liber 3758, Page 49, Calhoun County Records.

9. Easement for guy stub anchor pole, guy wires, and anchors, as recorded in Liber 4540, Page 474, Calhoun County Records.

16-290-009-00
Absolute Title, Inc.
File No. 91019, Effective Date: September 24, 2021

LEGAL DESCRIPTION:
The land situated in the Township of Marshall, Calhoun County, Michigan, and is described as follows:

The Northwest 1/4 of the Northeast 1/4 of Section 29, Town 2 South, Range 6 West, Marshall Township, Calhoun County, Michigan.

BEING SUBJECT TO:

4. Affidavit Attesting that Qualified Agricultural Property Shall Remain Qualified Agricultural Property, as recorded in Liber 3758, Page 49, Calhoun County Records.

6. Access to subject property is by means of ownership of adjacent parcels.

16-291-009-00
Absolute Title, Inc.
File No. 91021, Effective Date: September 26, 2021

LEGAL DESCRIPTION:
The land situated in the Township of Marshall, Calhoun County, Michigan, and is described as follows:

The Southeast 1/4 of Section 29, Town 2 South, Range 6 East, Marshall Township, Calhoun County, Michigan. Excepting the right-of-way of the Michigan Central Railroad.

BEING SUBJECT TO:

4. Rights of the public or any governmental unit in any part of subject property taken, deeded, or used for street, road, or highway purposes.

5. Right of Way in favor of Consumers Power Company, as recorded in Liber 457, Page 339, Calhoun County Records.

6. Covenants, conditions, restrictions, and easements as disclosed by instrument recorded in Liber 3760, Page 671, Calhoun County Records.

7. Reservation of all timber and mineral rights in favor of Norfolk Southern Railway Company, as recorded in Liber 3760, Page 671, Calhoun County Records.
8. Easement Deed by Court Order in Settlement of Landowner Action, as recorded in Liber 3836, Page 866, Calhoun County Records, being United States District Court for the Eastern District of Michigan Southern Division Case No. 1:11-11563.

9. Affidavit Attesting that Qualified Agricultural Property Shall Remain Qualified Agricultural Property, as recorded in Liber 3758, Page 49, Calhoun County Records.

11. The right and interests of any railroad company and to any railroad tracks located on the land.

12. Any failure to comply with any requirement of approval, consent, exemption, or other action by, or notice to, or filing with the Surface Transportation Board, or any public utility commission or other similar regulatory authority, relating to abandonment, cessation of rail operation s, or other disposition of that portion of the Land lying within the right-of-way granted to the Michigan Central Railroad by the United States Government.

16-320-003-00
Absolute Title, Inc.
File No. 91024 Rev. 1, Effective Date: September 24, 2021

LEGAL DESCRIPTION:
The land situated in the Township of Marshall, Calhoun County, Michigan, and is described as follows:

That part of the Northeast 1/4 lying North of Kalamazoo River, except Railroad Right of Way, Section 32, Town 2 South, Range 6 West, Marshall Township, Calhoun County, Michigan.

BEING SUBJECT TO:

4. Right of Way in favor of Eastern Michigan Power Company, as recorded in Liber 248, Page 591, and further evidenced by Notice of Claim in favor of Consumers Power Company, as recorded in Liber 717, Page 579, Calhoun County Records.

5. Notice of Claim of Interests in Oil and Gas in favor of Consumers Power Company, as recorded in Liber 1515, Page 488, Calhoun County Records.

6. Notice of Claim in favor of Consumers Power Company, as recorded in Liber 1554, Page 974, Calhoun County Records.

7. Covenants, conditions, restrictions, and easements as disclosed by instrument recorded in Liber 3760, Page 671, Calhoun County Records.

8. Rights, if any, of riparian owners and the public to use the surface, sub-surface and bed of Kalamazoo River for purposes of navigation and recreation. Also excepting any adverse claims based on the assertion that the bed of Kalamazoo River has changed location as a result of other than natural causes. Riparian rights are neither granted or insured.

9. The right and interests of any railroad company and to any railroad tracks located on the land.

10. Any failure to comply with any requirement of approval, consent, exemption, or other action by, or notice to, or filing with the Surface Transportation Board, or any public utility commission or other similar regulatory authority, relating to abandonment, cessation of rail operations, or other disposition of that portion of the Land lying within the right-of-way granted to the Michigan Central Railroad by the United States Government.

11. Reservation of all timber and mineral rights in favor of Norfolk Southern Railway Company, as recorded in Liber 3760, Page 671, Calhoun County Records.

12. Easement Deed by Court Order in Settlement of Landowner Action, as recorded in Liber 3769, Page 837, Calhoun County Records, being United States District Court for the Eastern District of Michigan, Southern Division Case No. 11-11563.

13. Affidavit Attesting that Qualified Agricultural Property Shall Remain Qualified Agricultural Property, as recorded in Liber 3758, Page 49, Calhoun County Records.

16-330-003-00
Absolute Title, Inc.
File No. 91026, Effective Date: October 4, 2021

LEGAL DESCRIPTION:
The land situated in the Township of Marshall, Calhoun County, Michigan, and is described as follows:

That part of the Northeast 1/4 lying North of Kalamazoo River, except Railroad Right of Way, Section 33, Town 2 South, Range 6 West, Marshall Township, Calhoun County, Michigan.

BEING SUBJECT TO:

4. Claim of Interests in Oil and Gas in favor of Consumers Power Company, as recorded in Liber 1515, Page 488, Calhoun County Records.

5. Subject to rights of flowage, as evidenced by instrument recorded in Liber 910, Page 296, Calhoun County Records.

6. Affidavit Attesting that Qualified Agricultural Property Shall Remain Qualified Agricultural Property, as recorded in Liber 3758, Page 49, Calhoun County Records.

7. Any tax or special assessment that is due or may become due, which constitutes a lien upon the subject property, as a result of any termination or rescission of the qualified agricultural status of the subject property .

8. Covenants, conditions, restrictions, and easements as disclosed by instrument recorded in Liber 3760, Page 671, Calhoun County Records.

9. Reservation of all timber and mineral rights in favor of Norfolk Southern Railway Company, as recorded in Liber 3760, Page 671, Calhoun County Records.
10. Easement Deed by Court Order in Settlement of Landowner Action, as recorded in Liber 3769, Page 837, and in Liber 3836, Page 866, Calhoun County Records, being United States Court for the Eastern District of Southern Michigan Case No. 11-11563.

11. Rights, if any, of riparian owners and the public to use the surface, sub-surface and bed of Kalamazoo River for purposes of navigation and recreation. Also excepting any adverse claims based on the assertion that the bed of Kalamazoo River has changed location as a result of other than natural causes. Riparian rights are neither granted or insured.

12. The right and interests of any railroad company and to any railroad tracks located on the land.

13. Any failure to comply with any requirement of approval, consent, exemption, or other action by, or notice to, or filing with the Surface Transportation Board, or any public utility commission or other similar regulatory authority, relating to abandonment, cessation of rail operations, or other disposition of that portion of the Land lying within the right-of-way granted to the Michigan Central Railroad by the United States Government.

16-330-015-00
Absolute Title, Inc.
File No. 91025, Effective Date: October 4, 2021

LEGAL DESCRIPTION:
The land situated in the Township of Marshall, Calhoun County, Michigan, and is described as follows:

That part of the North fraction of the Northwest 1/4 lying North of Kalamazoo River, except Railroad Right of Way, Section 33, Town 2 South, Range 6 West, Marshall Township, Calhoun County, Michigan.

BEING SUBJECT TO:

4. Right of Way in favor of Consumers Power Company, as recorded in Liber 608, Page 261, Calhoun County Records.

5. Subject to rights of flowage, as evidenced by instrument recorded in Liber 910, Page 296, Calhoun County Records.

6. Affidavit Attesting that Qualified Agricultural Property Shall Remain Qualified Agricultural Property, as recorded in Liber 3758, Page 49, Calhoun County Records.

7. Any tax or special assessment that is due or may become due, which constitutes a lien upon the subject property, as a result of any termination or rescission of the qualified agricultural status of the subject property .

8. Covenants, conditions, restrictions, and easements as disclosed by instrument recorded in Liber 3760, Page 671, Calhoun County Records.

9. Reservation of all timber and mineral rights in favor of Norfolk Southern Railway Company, as recorded in Liber 3760, Page 671, Calhoun County Records.

10. Easement Deed by Court Order in Settlement of Landowner Action, as recorded in Liber 3769, Page 837, and in Liber 3836, Page 866, Calhoun County Records, being United States Court for the Eastern District of Southern Michigan Case No. 11-11563.

11. Rights, if any, of riparian owners and the public to use the surface, sub-surface and bed of Kalamazoo River for purposes of navigation and recreation. Also excepting any adverse claims based on the assertion that the bed of Kalamazoo River has changed location as a result of other than natural causes. Riparian rights are neither granted or insured.

The underground utilities shown have been located from field survey information and existing records. The surveyor makes no guarantees that the underground utilities shown comprise all such utilities in the area, either in-service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated. Although the surveyor does certify that they are located as accurately as possible from the information available.

JOB No. 22367	DATE: 12/20/22	SHEET 2 OF 2	
	REV. DATE	CODE	ENG.
	REVISIONS	FILE: P:\J	22367-CERES
			FILE:

CERES FARM
SKETCH OF SURVEY OF LAND LOCATED
IN SECTIONS 20, 28, 29, 32 AND 33, T2S, R6W,
MARSHALL TOWNSHIP, CALHOUN COUNTY, MICHIGAN

2

CLIENT
STANTEC



MIDWESTERN CONSULTING
384 Plaza Drive Ann Arbor, Michigan 48108
(734) 955-0000 • www.midwesternconsulting.com
Land Development • Land Survey • Institutional • Municipal
Wireless Communications • Transportation • Utility Services

CERES LETTERHEAD

December 22, 2022

HAND DELIVERED

Mr. Derek Perry
City Manager
City of Marshall
323 W. Michigan Avenue
Marshall, Michigan 49068

RE: Request to Transfer Property to City of Marshall

Dear Mr. Perry and Mr. Zick:

Ceres Farms, LLC ("Ceres") previously entered into a Real Estate Option Agreement ("Option") with the Marshall Area Economic Development Alliance ("MAEDA") for certain property located in Marshall Township and as described in the enclosed survey ("Property"). MAEDA has exercised the Option for the Property effective December 20, 2022, with an expected closing date on or before January 31, 2023. Ceres, as the owner of the Property, joined by MAEDA as the buyer of the Property, hereby requests that the Property be transferred into the City of Marshall pursuant to Public Act 425 so that services can be provided to the Property by the City of Marshall. Ceres and MAEDA both request that this be placed on the agenda for the City Council as soon as possible and further that any approval of the transfer be made conditional on the completion of the sale and transfer of the Property from Ceres to MAEDA.

If any additional information is needed, please do not hesitate to contact either of us or our counsel.

Respectfully submitted,

Ceres Farms, LLC, An Indiana limited liability company

Marshall Area Economic
Development Alliance

By: _____
Brandon Zick
Its: Chief Investment Officer

By:  _____
Jim Durian
Its: Chief Executive Officer

Cc: David Bosserd – Marshall Township Supervisor
Patrick Vieth – Ceres General Counsel
Richard Lindsey – MAEDA Counsel

CERES LETTERHEAD

December 22, 2022

HAND DELIVERED

Mr. Derek Perry
City Manager
City of Marshall
323 W. Michigan Avenue
Marshall, Michigan 49068

RE: Request to Transfer Property to City of Marshall

Dear Mr. Perry and Mr. Zick:

Ceres Farms, LLC ("Ceres") previously entered into a Real Estate Option Agreement ("Option") with the Marshall Area Economic Development Alliance ("MAEDA") for certain property located in Marshall Township and as described in the enclosed survey ("Property"). MAEDA has exercised the Option for the Property effective December 20, 2022, with an expected closing date on or before January 31, 2023. Ceres, as the owner of the Property, joined by MAEDA as the buyer of the Property, hereby requests that the Property be transferred into the City of Marshall pursuant to Public Act 425 so that services can be provided to the Property by the City of Marshall. Ceres and MAEDA both request that this be placed on the agenda for the City Council as soon as possible and further that any approval of the transfer be made conditional on the completion of the sale and transfer of the Property from Ceres to MAEDA.

If any additional information is needed, please do not hesitate to contact either of us or our counsel.

Respectfully submitted,

Ceres Farms, LLC, An Indiana limited liability company

Marshall Area Economic
Development Alliance

By: 

Brandon Zick

Its: Chief Investment Officer

By: _____

Jim Durian

Its: Chief Executive Officer

Cc: David Bosserd – Marshall Township Supervisor
Patrick Vieth – Ceres General Counsel
Richard Lindsey – MAEDA Counsel

**CITY OF MARSHALL – TOWNSHIP OF MARSHALL
CONTRACT FOR CONDITIONAL TRANSFER OF PROPERTY**

This Agreement made on the ____ day of _____, 2023, between the CITY OF MARSHALL, a Michigan municipal corporation, having offices at 323 West Michigan Avenue, Marshall, Michigan 49068 (the “City”) and the TOWNSHIP OF MARSHALL, a Township duly organized under the laws of the State of Michigan, and existing in Calhoun County, Michigan, having offices at 13551 Myron Avery Drive, Marshall, Michigan 49068 (the “Township”).

WHEREAS, the City and the Township have adopted a Master 425 Agreement dated February 9, 2022 for the purpose of providing utility services which are available in the City to Township properties upon the request of a Township property owner, and

WHEREAS, Betty Ford, the owner of the property described on Schedule 1 attached hereto (“Property”) has requested that the City extend sewer and water services to the Property, and

WHEREAS, the provision of municipal services by the City to the Property would further the economic well-being of both the City and the Township and increase the probability of additional development of the Property, and

WHEREAS, the City has available sewer and water capacity to service the Property, and

WHEREAS, the parties have each conducted a public hearing to receive input on the proposed transfer of property.

NOW, THEREFORE, by authority of Act 425 of Public Acts of 1984 and pursuant to the Master 425 Agreement entered into between the City and the Township and in consideration of the mutual promises herein set forth, BE IT AGREED AS FOLLOWS:

1. The Township consents to the transfer to the City of the Property.
2. The City agrees to accept the transfer of the Property for all purposes allowed under Public Act 425 of 1984, as amended, to make available municipal services to the Property provided that the Property owner and other users of the utilities extended from the City to the Property shall pay for the cost of the extension.
3. The transfer of the Property contemplated by this agreement shall occur at midnight on January 31, 2023.
4. Following transfer, and during the term of this Agreement, the City shall have full jurisdiction over the property subject to the following limitations:

Land usages shall be subject to the Joint Municipal Planning Commission pursuant to the provisions of the Master 425 Agreement.

5. The City and Township agree that the City shall have the authority to assess and collect ad valorem taxes, real and personal, on the Property and any improvements thereon during 2024 for the remainder of the term of this Agreement. The Township shall have the authority to assess and collect ad valorem taxes, real and personal, on the Property and any improvements thereon through calendar year 2023.

The City and Township further agree that commencing in the year 2024 and continuing through the fiftieth (50th) full calendar year following the issuance of a Certificate of Occupancy for the first use on the Property, all such taxes which the City collects for its own general operating fund purposes only, and which are attributable to the Property for the term of this Agreement shall be shared between the City and the Township as follows:

- A. The Township shall receive the equivalent of (residential – 2; commercial – 4; industrial – 4) mill levied on the taxable value of the Property for the taxable year as established by the City subject to any subsequent adjustments resulting from tax appeals. The City shall transmit the Township's share of such revenues annually on or before 30 days after receipt.
 - B. Thereafter, all tax revenues from the Property shall be collected and retained by the City.
6. Except as provided in paragraph 7, upon termination, expiration or non-renewal of this Agreement, jurisdiction of the Property shall return to the Township and the City will have no further rights or interests in the Property except that the City shall own the utility infrastructure.
7. In the event that the City shall not share tax revenues from the Property as provided in paragraph 5 or shall breach any other provision of this Agreement, the Township shall be entitled to terminate this Agreement, whereupon jurisdiction of the Property shall revert to the Township or the Township may pursue whatever other legal remedies are available to the Township.
8. Any liability the City or the Township incurs to a third party as a result of the performance of duties or the exercise of rights imposed or granted hereunder shall be jointly shared and defended in the same proportion as the taxes are shared as described in paragraph 5.
9. The burden of all tax abatements shall be shared by the City and the Township in the same percentage as the millage is shared. In the event the City reduces its millage, the Township's share of millage shall be proportionately reduced provided no additional taxes are levied by the City to replace the reduction in millage.
10. Sewer and water rates charged to the Property owner shall not be greater than the rates charged in the City for similar users. Property owners shall contribute to repairs and capital improvements to the sewage treatment facilities, water purification plant, well facilities, and distribution systems in the same manner as similar users within the City of Marshall.

11. In the event there is a conflict between this Agreement and the Master 425 Development Agreement, the terms of the Master 425 Development Agreement shall control unless there is a specific reference in the conflicting provision that it is intended to prevail despite the Master 425 Development Agreement.
12. Within fifteen (15) days of execution of this contract, the City Clerk shall file a duplicate original of this contract with the Calhoun County Clerk, the Michigan Secretary of State and the Calhoun County Register of Deeds.

WITNESSES:

CITY OF MARSHALL

By: _____
Derek N. Perry, City Manager

By: _____
Michelle Eubank, Clerk

STATE OF MICHIGAN)
)ss
COUNTY OF CALHOUN)

The foregoing instrument was acknowledged before me this _____ day of _____, 2023 by Derek N Perry, City Manager and Michelle Eubank, City Clerk of the City of Marshall, on behalf of said City.

Notary Public, Calhoun County, MI
My commission expires _____

WITNESSES:

MARSHALL TOWNSHIP

By: _____
David Bosserd, Supervisor

By: _____
Jeff Albaugh, Clerk

STATE OF MICHIGAN)

)ss

COUNTY OF CALHOUN)

The foregoing instrument was acknowledged before me this ____ day of _____, 2023 by David Bosserd, Supervisory and Jeff Albaugh, Clerk of Marshall Township, on behalf of said Township.

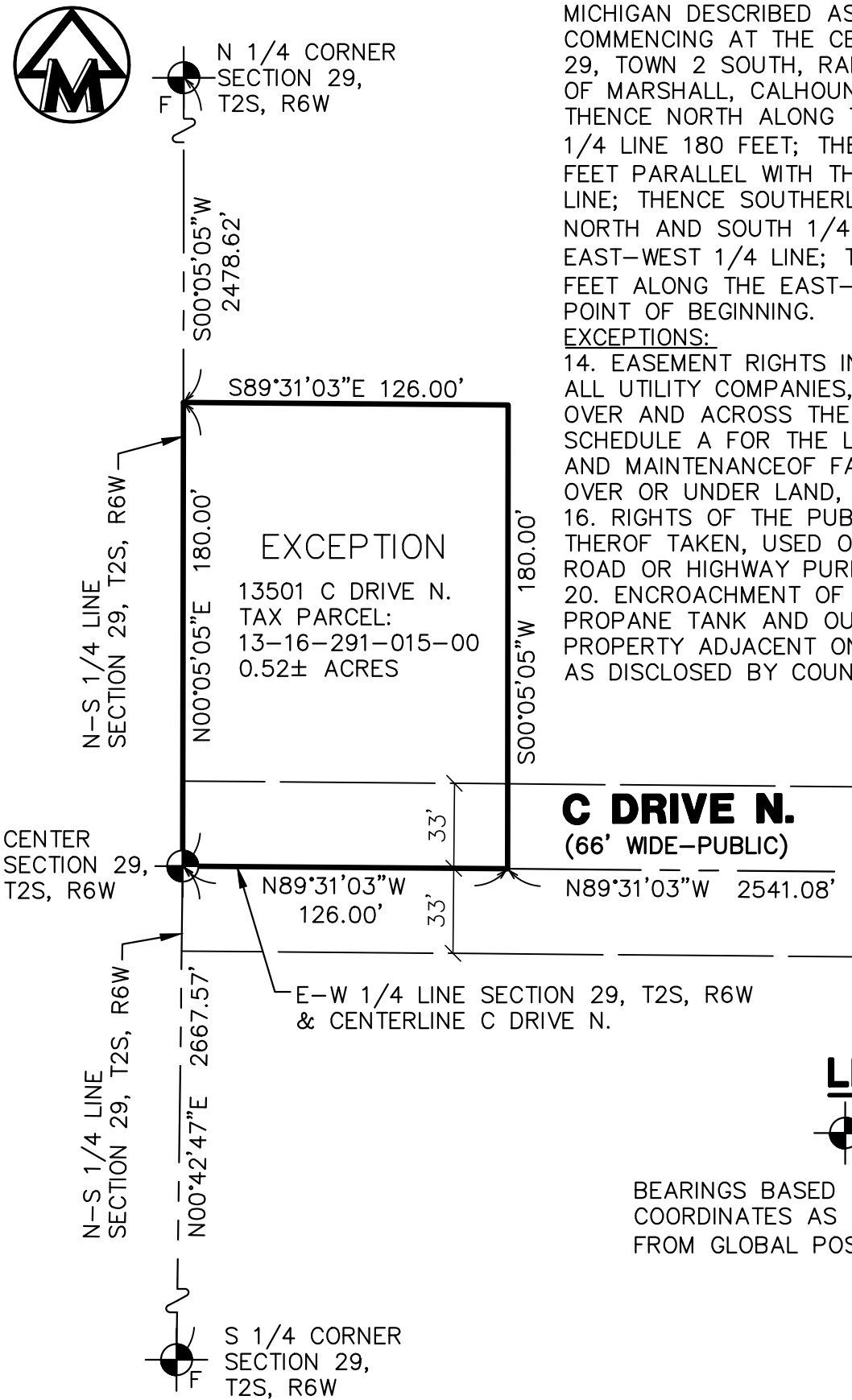
Notary Public, Calhoun County, MI

My commission expires _____

Schedule 1

SURVEY SKETCH OF A 0.52± ACRE PARCEL
OF LAND LOCATED IN THE NE 1/4 OF
SECTION 29, T2S, R6W, MARSHALL
TOWNSHIP, CALHOUN COUNTY, MICHIGAN

LEGAL DESCRIPTION:
LAND SITUATED IN THE TOWNSHIP OF
MARSHALL, COUNTY OF CALHOUN, STATE OF
MICHIGAN DESCRIBED AS FOLLOWS:
COMMENCING AT THE CENTER POST OF SECTION
29, TOWN 2 SOUTH, RANGE 6 WEST, TOWNSHIP
OF MARSHALL, CALHOUN COUNTY, MICHIGAN;
THENCE NORTH ALONG THE NORTH AND SOUTH
1/4 LINE 180 FEET; THENCE EASTERLY 126
FEET PARALLEL WITH THE EAST AND WEST 1/4
LINE; THENCE SOUTHERLY PARALLEL TO THE
NORTH AND SOUTH 1/4 LINE, 180 FEET TO THE
EAST–WEST 1/4 LINE; THENCE WESTERLY 126
FEET ALONG THE EAST–WEST 1/4 LINE TO THE
POINT OF BEGINNING.
EXCEPTIONS:
14. EASEMENT RIGHTS IN FAVOR OF ANY AND
ALL UTILITY COMPANIES, PUBLIC OR OTHERWISE,
OVER AND ACROSS THE LAND DESCRIBED IN
SCHEDULE A FOR THE LOCATION, SERVICING
AND MAINTENANCE OF FACILITIES LOCATED ON,
OVER OR UNDER LAND, IF ANY.
16. RIGHTS OF THE PUBLIC IN ANY PART
THEREOF TAKEN, USED OR DEEDED FOR STREE,
ROAD OR HIGHWAY PURPOSES.
20. ENCROACHMENT OF CONCRETE PAD,
PROPANE TANK AND OUT BUILDING ON TO THE
PROPERTY ADJACENT ON THE EAST AND NORTH
AS DISCLOSED BY COUNTY GIS MAP.



LEGEND



BEARINGS BASED ON STATE PLANE
COORDINATES AS DETERMINED
FROM GLOBAL POSITIONING SYSTEM (GPS).

CLIENT: CALHOUN COUNTY	DATE: 12/27/22	
JOB NO.: 22367	SHEET 1 OF 1	
SECTION: 29 TOWN: 2S. RANGE: 6W	SCALE: 1in.= 60 ft.	
TOWNSHIP OF MARSHALL,	BOOK:	
CALHOUN COUNTY, MICHIGAN	BY: KMW	
 M I D W E S T E R N C O N S U L T I N G 3815 Plaza Drive Ann Arbor, Michigan 48108 (734) 995-0200 • www.midwesternconsulting.com Land Development • Land Survey • Institutional • Municipal Wireless Communications • Transportation • Landfill Services		



ITEM 12.A

TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
Kevin Maynard, Director of Electric Utilities
Christy Ramey, Purchasing
DATE: January 17, 2023
SUBJECT: **ELECTRIC LINE CLEARANCE PROGRAM**

The municipal electric distribution system includes approximately 120 miles of overhead power lines that provide electric service to residents, businesses, institutions and industries. An effective overhead line clearance/vegetation management program is critical in maintaining a high level of electric reliability. The City's line clearance program is designed to ensure that sufficient isolation distance exists between vegetation and energized power lines to avoid contact or arcing. Inadequate line clearance leads to more frequent and sometimes lengthy unscheduled electric service interruptions, particularly during windy and/or icy weather conditions. The work is performed on a three-to four year cycle on each overhead electric feeder.

The City contracts this work because it's less expensive than having lineworkers perform the work, and avoids the expense of purchasing and maintaining tree trimming equipment such as an additional bucket truck, dump truck, chipper, chainsaws, etc. In addition, line clearance contractors must comply with applicable MIOSHA Safety Standards, ANSI A300 Pruning Standards, and ANSI Z133.1 Safety Requirements for Arboricultural Operations.

The current line clearance contractor is Top to Bottom Tree Service of Marshall, with hourly rates of \$106/hour for a three-person crew, and \$80/hour for a two-person crew. The current three-year line clearance contract expires later this month.

On December 28, 2022, City staff opened formal bids to provide electric line clearance for a three-year period beginning in 2023 and ending in 2026. Five (5) contractors responded with the following results:

Bidder	3-person hourly rate	2-person hourly rate	Annual total (\$) (1,500 hrs. with 3-person crew)
Top to Bottom Tree Service Marshall, MI	\$132.00	\$110.00	\$198,000
Asplundh Tree Service Mt. Pleasant, MI	\$190.17	\$154.50	\$285,255
Always There Tree Care Ithaca, MI	\$215.00	\$190.00	\$322,500

Chop Milford, MI	\$205.00	\$154.50	\$307,000
Tree Works Inc. Coopersville, MI	\$395.00	\$275.00	\$592,500

Top to Bottom bid the following annual increase in hourly rate for years two and three of the contract:

	3-person hourly rate	2-person hourly rate	Annual total (\$) (1,500 hours with 3-person crew)
Year Two	\$138	\$116	\$207,000
Year Three	\$145	\$123	\$217,500

Top to Bottom Tree Service is a local firm and has performed the City's line clearance work since January 2020. They have done an effective job, are reliable, willing to assist other City departments with tree-related work, and have assisted with storm clean -up work. We have only received one customer concern in the last 14 months, which was quickly and satisfactorily addressed by Top to Bottom Tree Service. Staff respectfully requests that City Council award the 2023-2026 line clearance contract to Top to Bottom Tree Service of Marshall, Michigan.

BUDGET IMPACT:

Annual line clearance expenditures are budgeted in Electric Distribution- Contracted Services line item 582-577-820.00 with an unencumbered amount of \$93,273 as of 1/0/23 which is sufficient to cover the work to be performed up to 6/30/23. The fiscal year 2024 budget will include sufficient funds to cover the balance of the contract.

RECOMMENDATION:

Award the 2023-2026 line clearance contract to Top to Bottom Tree Service of Marshall, Michigan.



ITEM 12.B

TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
Kevin Maynard, Director of Electric Utilities
Christy Ramey, Purchasing
DATE: January 17, 2023
SUBJECT: **PURCHASE OF ELECTRIC DISTRIBUTION TRANSFORMERS**

The City of Marshall electric distribution system currently has two operating voltages, 4,160 volts and 12,470 volts. Historically, 4,160 volts has been the system operating voltage. The City has converted parts of its electric distribution system to 12,470-volt operations for a number of reasons, including three times the power carrying capability at the higher voltage, reduced resistance losses, shifting load to higher capacity substation transformers, and the fact that much of the 4,160-volt system is nearing or has reached the end of its expected service life.

In addition, circuits of differing voltages cannot be tied together for maintenance or reliability purposes, limiting operational flexibility and electric service reliability. Staff estimates approximately one-half of the electric distribution system operates at 4,160 volts. The 4,160-volt circuits should be upgraded to 12,470-volt operation as time and funds allow.

The City engaged GRP Engineering to develop a plan to systematically convert the remaining 4,160-volt circuits to 12,470-volt operation while maintaining as many circuit tie points as possible during the process. GRP Engineering has prepared a draft 15-year voltage conversion plan with an estimated cost of approximately \$7 million dollars or approximately \$500,000 per year. Staff will recommend an allocation for electric distribution system conversion projects in the next fiscal year capital improvements budget.

A short-term step in the system voltage conversion plan is replacement of the Calhoun County Fairgrounds service transformers. The fairgrounds' 2022 peak demand was 552 kW (0.552 MW), which is not an insignificant reduction of load on the 4,160-volt system.

Staff recently solicited bids for three 250-kVA transformers to provide electric service to the fairgrounds from the 12,470-volt distribution system.

The following 5 bids were received:

Bidder	Total Bid Price	Lead Time	Comments
Ermco	\$27,735 plus freight	36 weeks	Pricing subject to
Resco, Mt. Pleasant,			change at time of
MI			shipment
			2 year warranty

Sunbelt Solomon Temple, Texas	\$43,875	22-24 weeks	Firm pricing and freight included 3 year warranty
Howard Industries Powerline Supply, Reed City, MI	\$50,394	60 weeks	Pricing subject to change at time of shipment 1 year warranty
Howard Industries Stuart Irby Co. Mt. Pleasant, MI	\$52,563	60 weeks	Pricing subject to change at time of shipment 1 year warranty
Midwest Electric Transformer Services Powerline Supply, Reed City, MI	\$54,231 plus freight	16-18 weeks	Firm pricing 1 year warranty

The lowest conforming bid was submitted by Ermco through Resco of Mount Pleasant, Michigan in the amount of \$27,735.00, plus freight. Freight is estimated at \$1500. Due to the fact that the manufacturer will not quote a firm price, only price at time of shipment, a 20% contingency is requested. Staff respectfully requests that City Council award the bid for the Calhoun County fairgrounds transformers to Resco of Mount Pleasant, Michigan in the not to exceed amount of amount of \$33,282.00.

BUDGET IMPACT:

The purchase of transformers is a budgeted expense, and a budget adjustment will not be necessary.

RECOMMENDATION:

Award the bid for the Calhoun County fairgrounds transformers to Resco of Mount Pleasant, Michigan in the not to exceed amount of amount of \$33,282.00.



ITEM 12.C

TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
Kevin Maynard, Director of Electric Utilities
DATE: January 17, 2023
SUBJECT: **ELECTRIC DEPARTMENT MINIMUM CASH RESERVE POLICY**

The Electric Department is in the final year of a five-year Deficit Elimination Plan, and is now beginning to establish cash reserves. To determine an appropriate minimum Electric Department cash reserve and to provide a safeguard that should provide adequate time to avoid a future Electric Department deficit, staff recommends that City Council adopt a Minimum Cash Reserve Policy.

A Minimum Cash Reserve Policy will help ensure that the Electric Department has adequate unrestricted funds on hand to:

- Pay ongoing Operation and Maintenance expenses (including power supply, supplies and materials, and labor costs) in a timely manner;
- To meet current-year debt service requirements (if any);
- To meet current-year capital improvement requirements;
- To pay insurance policy deductibles or provide self-insurance if extreme weather events (such as tornados, ice storms and/or high winds) or equipment failures impact electric system operations; and
- To account for variations in seasonal utility consumption, weather, local economic downturns, short-term fluctuations in capacity, transmission, and power supply costs, and the economics of the marihuana industry, the Electric Department's largest industry concentration.

The Minimum Cash Reserve Policy is designed to quantify the minimum amount of unrestricted funds the Electric Department shall maintain. Actual cash reserves may vary above the minimum and may be influenced by asset life cycles, capital improvement plans, rate-setting policies, and debt policies adopted by City Council.

Staff has prepared the attached Electric Department Minimum Cash Reserve Policy for City Council consideration. A sample calculation is also included for Council's information.

BUDGET IMPACT:

There is no impact to the current fiscal year budget. Staff recommends that the Minimum Cash

Reserve be calculated as part of the annual budget process and that a multiyear financial plan be developed beginning with the FY2024 Electric Department budget to meet and to maintain the calculated Minimum Cash Reserve.

RECOMMENDATION:

Adopt the Electric Fund Minimum Cash Reserve Policy to help ensure the Electric Department maintains adequate cash to meet its requirements and as a safeguard against potential future deficits.

City of Marshall

Electric Department Minimum Cash Reserve Policy

Purpose

To help ensure that the municipal Electric Utility has adequate unrestricted funds on hand to pay ongoing Operation and Maintenance expenses (including power supply, supplies and materials, and labor costs) in a timely manner; to meet current-year debt service requirements (if any); to meet current-year capital improvement requirements; to pay insurance policy deductibles or provide self-insurance if extreme weather events (such as tornados, ice storms and/or high winds) or equipment failures impact electric system operations; and to account for variations in:

- Seasonal utility consumption
- Weather
- Local economic downturns
- Short-term fluctuations in capacity, transmission, and power supply costs
- Economics of the marihuana industry, the Electric Department's largest industry concentration

This Minimum Cash Reserve Policy is designed to quantify the minimum amount of unrestricted funds the utility shall maintain. Actual cash reserves may vary above the minimum and may be influenced by asset life cycles, capital improvement plans, rate setting policies, and debt policies adopted by the City of Marshall City Council.

Methodology

The methodology outlined herein is based on certain assumptions related to:

1. Annual Operation and Maintenance expenses
2. Annual purchased power/local power production expenses
3. Annual depreciation expense
4. Current-year debt service requirements (if any)
5. Five-Year capital improvement plan requirements
6. Self-insurance or insurance policy deductible amounts

The Minimum Cash Reserve shall be based on the calculated total, and not the amount of each individual input to the calculations.

Calculation of Minimum Cash Reserve Amount

At least annually, as part of the budget process, the Minimum Cash Reserve shall be calculated as the sum of the following inputs:

- 16% (60 days) of annual Operation and Maintenance expenses excluding annual depreciation expense and annual purchased power expenditures.
- 16% (60 days) of annual purchased power expenditures.
- Annual depreciation expense as recorded in Electric Department financial statements.
- 100% of current-year debt service requirements (if any).
- 20% (one-fifth) of the five-year Electric Utility capital improvement plan projected budget minus any improvements funded through the issuance of notes or bonds.
- The amount of the insurance policy deductible amounts and self-insurance reserve needed for uninsurable electric infrastructure (i.e., overhead power lines).

Minimum Cash Reserve Amount

The Minimum Cash Reserve amount shall be the amount calculated from the items above.

Action/Restoration

If certain events result in cash reserves falling below the Minimum Cash Reserve amount, the Marshall City Council shall act to restore cash reserves to the minimum level over the subsequent three years (36 months). Such action may include:

1. Rate adjustments
2. Expense reductions
3. Notes, bonds or loans to fund capital improvements (The utility shall strive to fund typical capital improvements/depreciation expense through rates and other revenues and borrow for atypical capital improvements)
4. Review and possible modification of assumptions used to determine the Minimum Cash Reserve

Example Minimum Cash Reserve Calculations

	Amount
60 days of Annual Operation and Maintenance expenses excluding annual depreciation and annual purchased power expense	\$ 648,167
60 days of annual purchased power expense	\$ 1,700,000
Annual depreciation expense as recorded in the Electric Department Financial Statements	\$ 606,000
100% of current-year annual debt service requirements	\$ 446,000
20% of the five-year Electric Utility capital improvement plan projected budget minus any improvements funded by the issuance of debt	\$ 2,000,000
Insurance deductibles and self-insurance needed for uninsurable electric infrastructure (i.e., overhead lines)	\$ 2,000,000
Total	\$ 7,400,167
Current cash balance as of the 6/30/2022 audit	\$ (1,390,294)
Difference	\$ 8,790,461
Annual cash generation estimate	\$ 2,000,000
Years to complete minimum funding	4.40



ITEM 12.D

TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
William Dopp, Finance Director/ City Treasurer
DATE: January 17, 2023
SUBJECT: **SCHEDULE A PUBLIC HEARING FOR ADOPTION OF THE JULY 1, 2023 – JUNE 30, 2029 CAPITAL IMPROVEMENT PROGRAM**

Each year the City of Marshall must prepare a six-year Capital Improvement Program (CIP) that is formally adopted by the City Council. This six-year CIP (spreadsheet attached) is the guide for future capital needs and resource allocation for the City of Marshall.

Beginning in October, staff began to update the previous CIP to address the changes impacting the six-year plan and add the latest fiscal year, 2028 - 2029. The Director's Team assembles the data, analyzes the needs, and the potential revenue sources.

The Marshall City Planning Commission approved and accepted the proposed CIP on January 11, 2023. The Planning Commission's role is to review the CIP to make certain it addresses any priorities included in the Master Plan for future land use and development. Council shall conduct a public hearing to receive comments on the proposed Capital Improvement Program in its entirety. Following the public hearing, Council will be asked to adopt the CIP as presented, or with any changes the Council deems necessary.

On January 26, 2023, the DDA/LDFA Board will meet and be provided the FY 2024 -2029 CIP as presented, highlighting the items within their boundaries.

BUDGET IMPACT:

None.

RECOMMENDATION:

To set a Public Hearing for discussion and public comment regarding the proposed July 1, 2023 through June 30, 2029 Capital Improvement Program for February 6, 2023 .

FUND	Department	Project Title	Priority Ranking	Estimated Useful Life	Source of Funding	Project Narrative/Purpose	2023-2024 Expenditure	2024-2025 Expenditure	2025-2026 Expenditure	2026-2027 Expenditure	2027-2028 Expenditure	2028-2029 Expenditure	City Expenditure	Other Funds or Grant Share	Total Expenditure
295	Airport	Pavement Marking and Crack Sealing	1	10	General Fund 5%, FAA Allocation 90%, State 5%	Replacement of pavement markings and crack sealing as necessary. Participation in the MDOT crack sealing program to prolong the life of the airport runway and taxiways.			\$1,500			\$1,750	\$3,250	\$61,750	\$65,000
295	Airport	North Perimeter Fence	2	20	General Fund 5%, FAA Allocation 90%, State 5%	Design and installation of a fence on the north perimeter of the airport property for safety reasons (wildlife and proximity to new Emerald Hills Development.				\$1,500	\$17,000		\$18,500	\$351,500	\$370,000
295	Airport	North Apron and West Parallel Taxiway Rehabilitation	1	15	General Fund 5%, FAA Allocation 90%, State 5%	Engineering and Construction of North Apron and West Parallel Taxiway	\$2,750	\$40,250					\$43,000	\$765,750	\$808,750
295	Airport	Airport Master Plan (ALP Update)	2	20	General Fund 5%, FAA Allocation 90%, State 5%	Update of the Airport Master Layout Plan which is used as a guide for future development on the airport grounds. Funding is \$225,000 Federal, \$12,500 State, and \$12,500 City.				\$12,500			\$12,500	\$237,500	\$250,000
295	Airport	Construction Hangar Taxiway	3	20	General Fund 5%, FAA Allocation 90%, State 5%	Construct a new hangar taxiway to provide access to new T-hangar buildings east of the current buildings. New hangars would be a partnership with a third party. Project would only move forward if hangars were constructed.			\$13,500				\$13,500	\$256,500	\$270,000
295	Airport	Main Hangar Improvements	1	25	General Fund 5%, FAA Allocation 90%, State 5%	The roof over the main hangar and the space leased by Griswold Aviation is nearing the end of life and needs to be replaced. The City would need to fund \$13,000 (2023 \$1250 and 2024 \$11,750) of the improvements and the Feds/State \$247,000 (2023 \$23,750 and 2024 \$223,250).	\$1,250	\$11,750					\$13,000	\$247,000	\$260,000
295	Airport	Land Acquisition	3	50	General Fund/LDFA	Purchase of 66.34 acres from the Udell Trust for airport and Industrial Park expansion. Purchase would have to be funded by City/LDFA and reimbursement for portion used by airport can be pursued using our annual allocation.						\$600,000	\$600,000		\$600,000
TOTAL							\$4,000	\$52,000	\$15,000	\$14,000	\$17,000		\$703,750	\$1,920,000	\$2,623,750
711	Cemetery	Cemetery Road Paving Project	2	20	Cemetery Trust Fund	Finishing the drives in the cemetery will provide a clean and solid surface during inclement weather for those visiting their loved ones during a funeral service.	\$18,000						\$18,000		\$18,000
711	Cemetery	Cemetery Expansion to Meet Future Demand	2	150	Cemetery Trust Fund	Cemetery has two sections left holding 500 spaces for purchase. The number available will shrink exponentially as families begin having trouble finding blocks of spaces available for family plots. This will drive many to seek alternate locations. \$35,000 Design - \$100,000 Construction.		\$35,000		\$100,000			\$135,000		\$135,000
TOTAL							\$18,000	\$35,000	\$0	\$100,000	\$0		\$153,000	\$0	\$153,000
101	DDA	South Activation Zone	2	30	General fund	The City and DDA have embarked on design for a Activation Zone in the area including parking lots 9, 10, and 11 as well as improved garbage management and a social area within Lot 10. On street parking is also part of the project in the 200 block of West Green Street and the 100 block of South Jefferson Street.	\$450,000	\$100,000					\$550,000		\$550,000
101	DDA	North Activation Zone	2	30	General fund	The proposed Social Area will be a 4,000 square foot community area with tables and chairs in the northern portion of lot 10 along the south alley. The proposed trash component will be a coral for business use. The businesses to be served are those located along Michigan Avenue between Eagle Street and Jefferson Streets.			\$450,000		\$100,000		\$550,000		\$550,000
101	DPW	DPW building master plan	2	10	General Fund	I would like to add a DPW building master plan, to maximize space for the building at 619 Homer Rd. This will help the city understand the changes needed to maximize space.	\$40,000						\$40,000		\$40,000
101	DPW	South Driveway Improvements	1	30	General Fund	The south door out of the DPW garage is narrow and the driveway has a small radius curve immediately outside the building which prevents the door from being used by some DPW equipment. This project would include widening the north (entry) and south (exit) door of the DPW garage and installing a new driveway connecting the south door to Homer Road. This would allow all vehicles to use the south door safely. This would prevent the vehicles that currently don't fit from having to back up 200' inside the building to exit the building after loading/washing. Currently, 1 vehicle doesn't fit out the south door. In the future, however, plow trucks are expected to get wider and will not be able to fit out the door.			\$75,000				\$75,000		\$75,000

FUND	Department	Project Title	Priority Ranking	Estimated Useful Life	Source of Funding	Project Narrative/Purpose	2023-2024 Expenditure	2024-2025 Expenditure	2025-2026 Expenditure	2026-2027 Expenditure	2027-2028 Expenditure	2028-2029 Expenditure	City Expenditure	Other Funds or Grant Share	Total Expenditure
101	City Hall	Audio Visual Upgrades	1	10	General Fund	Audio visual upgrades to the Training Room, Conference Room, and Council Chambers. The functionality would allow video conferencing to each room, replace the current council room video and audio systems, provide a smart board function.	\$76,267						\$76,267		\$76,267
101	PSB	Carpet Replacement	2	12	General Fund	Replace approx. 9,786 sq. ft. of carpet on the 1st and 2nd floors of PSB including lobby and hallways.		\$25,000					\$25,000		\$25,000
101	PSB	Audio Visual Upgrades	2	10	General Fund	Audio visual upgrades to the Training Room and Conference Room.	\$25,837						\$25,837		\$25,837
101	Community Services	Update Master, Economic Development, and Marketing Plans	2	10	General Fund/MEDC/Possibly MAEDA toward GF portion	The current Master Plan was adopted in 2015 and is need of being updated to stay in compliance with state statutes. The Economic Development and Marketing plans also need to be updated to remain in compliance with Redevelopment Ready Communities standards and the Master Plan.	\$25,000						\$25,000	\$50,000	\$75,000
101	City wide	Sidewalk repairs		20	General Fund		\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$150,000		\$150,000
							\$642,104	\$150,000	\$550,000	\$25,000	\$125,000		\$1,517,104	\$50,000	\$1,567,104
211	Farmer's Market	Farmer's Market Pavilion	3	40	Farmer's Market/Donations	Farmer's Market pavilion will include a covered area for the farmer's market. The space design will consider supporting a winter market, event space (in conjunction with social district), and maintaining parking.				\$300,000			\$300,000		\$300,000
211	Farmer's Market	Farmer's Market Electrical Upgrades	2	10	Farmer's Market/Donations	Several electrical upgrades are needed at the Farmer's Market location. The upgrades include: run electric service to the market barn, run electric service to south side of parking lot for music location, and run electric service to each end of the center lot adequate for food trucks. In addition, install a location for a water bottle refill station.	\$25,000						\$25,000		\$25,000
							\$25,000	\$0	\$0	\$300,000	\$0	\$0	\$325,000	\$0	\$2,244,208
207	MRLEC	MRLEC Flooring	3	10	MRLEC Operations	MRLEC building has several capeted areas that are highly trafficked, The carpet will be 10 years old in 2025		\$50,000					\$50,000		\$50,000
207	MRLEC	Front Parking Lot Expansion	3	40	MRLEC Operations	A need for additional parking has been identified at MRLEC. There are numerous times each month where the parking lot is overflowing because of trainings or events at MRLEC. The expansion will help solve this issue. The estimated cost (with assistance of the Marshall DPW) of expanding the parking lot is \$50,000. The new section will be added to the 5 year maintenance schedule for resurfacing.			\$100,000				\$100,000		\$100,000
207	MRLEC	MRLEC Roof Repair	1	20	MRLEC Operations	Several leaks in the roof have been located on the MRLEC Barn Building. These leaks have been a problem for many years, and can be traced back to the original contractor. When it rains a significant amount of water leaks through the roof. The estimated cost of fixing the roof is \$40,000. This is in need of being fixed immediately before more related damage occurs. The fix should secure the roof for the next 20 years.	\$40,000						\$40,000		\$40,000
207	MRLEC	MRLEC Barn Expansion	1	40	MRLEC Operations	The MRLEC agencies have identified a need for an added secured storage area for vehicles held for evidence. Currently we are all being asked to hold vehicles for evidence when involved in major crimes. The delayed time frame is leading to vehicles being parked in the storage area of our shared barn. An addition is being proposed to be added to the MRLEC barn to individually secure 8-10 vehicles. The building would be on the east side of the building and would require new construction.				\$250,000			\$250,000		\$250,000
207	MRLEC	MRLEC Vehicle Evidence Storage	2	40	MRLEC Operations	The MRLEC agencies have identified a need for an added secured storage area for vehicles held for evidence. Currently we are all being asked to hold vehicles for evidence when involved in major crimes. The delayed time frame is leading to vehicles being parked in the storage area of our shared barn. An addition is being proposed to be added to the MRLEC barn to individually secure 8-10 vehicles. The building would be on the east side of the building and would require new construction.				\$250,000			\$250,000		\$250,000
207	MRLEC	Audio Visual Upgrades	2	10	MRLEC Operations	Audio visual upgrades to the Training and EOC Rooms	\$24,805						\$24,805		\$24,805

FUND	Department	Project Title	Priority Ranking	Estimated Useful Life	Source of Funding	Project Narrative/Purpose	2023-2024 Expenditure	2024-2025 Expenditure	2025-2026 Expenditure	2026-2027 Expenditure	2027-2028 Expenditure	2028-2029 Expenditure	City Expenditure	Other Funds or Grant Share	Total Expenditure
207	MRLEC	Access Control Updates	1	10	MRLEC Operations	Access control updates and modifications. The MRLEC agencies identified a need for access control updates. The project includes 4 card reader changes, 6 card reader additions and 3 gate switches	\$55,000						\$55,000		\$55,000
TOTAL							\$119,805	\$50,000	\$100,000	\$500,000	\$0		\$769,805	\$0	\$769,805
298	Downtown Development Authority	DDA Parking Lots (8,13,14,15)	2	15	DDA Revenues	Mill and pave downtown parking lots #8, 13, 14, 15				\$78,400			\$78,400		\$78,400
298	Downtown Development Authority	DDA Parking Lots (1, 4, 5, 6, 7)	2	20	DDA Revenues	Mill and pave downtown parking lots #1, 4, 5, 6, 7		\$115,200					\$115,200		\$115,200
TOTAL							\$0	\$115,200	\$0	\$78,400	\$0		\$193,600	\$0	\$115,200
296	LDFA	Oliver Drive Extension	3	30	LDFA reserves and possible Bond	Extension of Oliver Drive, water, and sewer infrastructure to serve over 100 acres of undeveloped Industrial zoned property			\$550,000				\$550,000		\$550,000
296	LDFA	Udell Property Lift Station	3	30	LDFA reserves and possible Bond	Addition of a new sanitary lift station to serve 100+ acres of industrial zoned property. Exact location of station on property to be determined.					\$400,000		\$400,000		\$400,000
296	LDFA	Pedestrian Path LDFA	2	15		Construction of an 8' wide patch connecting the Industrial Park to the south NIA and rest of town. Council has made a goal of increased walkability and we have seen an increased level of pedestrian activity to and from the Industrial Park.				\$166,700			\$166,700		\$166,700
296	LDFA	Pratt Avenue Rehabilitation	2	15		Mill and overlay of Pratt Avenue as it will be in need of maintenance due to age and condition.			\$413,500				\$413,500		\$413,500
TOTAL							\$0	\$0	\$963,500	\$166,700	\$400,000		\$1,530,200	\$0	\$1,530,200
247	NE NIA	Eastside Redevelopment Infrastructure	1	20	NIA TIF Capture	Infrastructure necessary to allow the redevelopment of the Land Bank property off of East Dr/Mann. Extension of water, sewer, storm sewer, roads, and sidewalks for the development. Does not include electric or fiber extension at this time.		\$1,341,900					\$1,341,900		\$1,341,900
247	NE NIA	Mann Extension	3	20	NIA TIF Capture	Infrastructure necessary to allow the extension of Mann to O'Keefe allowing the development of 10 acres for additional housing opportunities. Extension of water, sewer, storm sewer, roads, and sidewalks for the development.			\$1,520,700				\$1,520,700		\$1,520,700
247	NE NIA	Pratt Park Future Phases	3	20	NIA TIF Capture	Infrastructure necessary to allow for the development of future phases of Pratt Park for housing opportunities. Extension of water, sewer, storm sewer, roads, and sidewalks for the development.						\$3,172,800	\$3,172,800		\$3,172,800
247	NE NIA	Briarwood Extension	1	20	NIA TIF Capture	Infrastructure necessary to allow the development of Briarwood and the extension of Forest to O'Keefe. Extension of water, sewer, storm sewer, roads, and sidewalks for the development.	\$547,100						\$547,100		\$547,100
TOTAL							\$547,100	\$1,341,900	\$1,520,700	\$0	\$0		\$6,582,500	\$0	\$6,582,500
248	S NIA	Hughes Street Infrastructure Extension	3	30	S NIA TIF Capture	Extension of sewer, electric, fiber, streets, etc. to add or create buildable lots	TBD						\$0		\$0
248	S NIA	Emerald Hills Phase 2	1	20	S NIA TIF Capture	Extension of sewer, electric, fiber, streets, etc. to add or create buildable lots		\$2,161,700					\$2,161,700		\$2,161,700

FUND	Department	Project Title	Priority Ranking	Estimated Useful Life	Source of Funding	Project Narrative/Purpose	2023-2024 Expenditure	2024-2025 Expenditure	2025-2026 Expenditure	2026-2027 Expenditure	2027-2028 Expenditure	2028-2029 Expenditure	City Expenditure	Other Funds or Grant Share	Total Expenditure
248	S NIA	Emerald Hills Phase 3	1	20	S NIA TIF Capture	Infrastructure necessary to allow the construction of the third phase of the emerald hills subdivision which includes the planned multi-family units (6 buildings). Extension of water, sewer, storm sewer, roads, and sidewalks for the development.		\$780,000					\$780,000		\$780,000
248	S NIA	Emerald Hills Phase 4	1	20	S NIA TIF Capture	Infrastructure necessary to allow the construction of the fourth phase of the emerald hills subdivision which includes 42 housing units. Extension of water, sewer, storm sewer, roads, and sidewalks for the development.				\$1,142,100			\$1,142,100		\$1,142,100
248	S NIA	Emerald Hills Phase 5	1	20	S NIA TIF Capture	Infrastructure necessary to allow the construction of the second phase of the emerald hills subdivision which is 98 housing units. Extension of water, sewer, storm sewer, roads, and sidewalks for the development.						\$3,550,600	\$3,550,600		\$3,550,600
248	S NIA	Emerald Hills Pedestrian Path	3	15	S NIA TIF Capture	8' wide path built between Circle Drive and the Airport on the east side of South Kalamazoo. This would improve walkability for the proposed development, Fairway meadows, and the surrounding neighborhood. This would be a connection between downtown and the extension of a path from the airport to the industrial park (which is included in LDFA CIP).			\$118,300				\$118,300		\$118,300
TOTAL							\$0	\$2,941,700	\$118,300	\$1,142,100	\$0		\$7,752,700	\$0	\$7,752,700
582	Electric	Supervisory Control and Data Acquisition (SCADA) System Replacement	1	20	Electric Fund	The Electric SCADA System is used to monitor and control various Power Plant and Electric Distribution System functions, including breaker operations, alarms, feeder voltage, current and loads, etc. The existing SCADA System is ten years old. The manufacturer no longer provides hardware or software support for this critical Electric Department equipment. The Project includes purchase and installation of a new SCADA System that will provide even greater functionality.	\$250,000						\$250,000		\$250,000
582	Electric	Replace Tie 1 and 2 underground cable	4	40 years	Electric Fund	A portion of the two main express feeder cables from Pearl St. Substation to the Powerhouse are underground and in a duct system. They have been in service for 35 years and have met their life expectancy. The feeder cables are the main source of power to the City's electric load and are the connection to the grid for the City's internal generation. Because they are a critical component of the electric system the cables should be modernized.				\$2,500,000			\$2,500,000		\$2,500,000
582	Electric	Repair Brick (re-tuck joints & seal)	3	50	Electric Fund	General maintenance of the brick structures. This is a historical site.				\$25,000			\$25,000		\$25,000
582	Electric	Replace Windows	3	50	Electric Fund	Existing windows are the original single pane steel framed and not energy efficient. Many of the window sills and frames are deteriorated to the point that water is coming in and further damaging the building.		\$50,000	\$50,000				\$100,000		\$100,000
582	Electric	Pearl St. Substation 7.2/12.5 KV Upgrade	1	40	Electric Fund - Revenue Bond	Modernize obsolete 7.2/12.5 KV cubicle breaker and bus systems with open-air system to improve operations and increase safety	\$1,000,000						\$1,000,000		\$1,000,000
582	Electric	Pole Replacement and Line Reconstruction	2	40	Electric Fund	Wooden poles have an estimated service life of 33-40 years. To maintain safe, reliable electric service, replacement of old and unsafe poles must be performed on an annual basis.	\$80,000	\$82,400	\$84,872	\$87,418	\$90,041		\$424,731		\$424,731
582	Electric	AMI Project	2	20	Electric Fund - Bond	The Automated Metering Infrastructure (AMI) Project consists of hardware, software, communications and metering that will allow electric meters to be read remotely, in the same manner that water meters are now read. The system is designed to reduce operating expenses and provide additional services to customers.	\$200,000	\$206,000	\$212,180	\$218,545			\$836,725		\$836,725

FUND	Department	Project Title	Priority Ranking	Estimated Useful Life	Source of Funding	Project Narrative/Purpose	2023-2024 Expenditure	2024-2025 Expenditure	2025-2026 Expenditure	2026-2027 Expenditure	2027-2028 Expenditure	2028-2029 Expenditure	City Expenditure	Other Funds or Grant Share	Total Expenditure
582	Electric	Underground Cable Replacement	2	40	Electric Fund	Replace 40 year old underground electric system in the Waldon Pond Apartment Complex, Homer Road, Circle/Rose/Lowe Subdivision & Polo Club Apartments	\$500,000	\$515,000	\$530,450				\$1,545,450		\$1,545,450
582	Electric	Additional Local Generating Resources	3	50	Electric Fund	The Power Plant's primary functions include emergency backup power in the event of a transmission system or substation failure, as well as helping meet Midcontinent Independent System Operator (MISO) capacity requirements that are based on the City's peak electric demand. The City's average demand is approximately 20 MW, and 2022 peak demand exceeded 29 MW. The combined capacity of Generating Units #3, #5 and #6 is approximately 9.6 MW. Even if all three units operate, there is insufficient generating capacity to serve all local customers. In addition, MSCPA projects the City will be approximately 11-14 MW short in meeting its MISO capacity requirements in 2024-2025. Additional generation sited in Marshall would help meet the City's MISO capacity obligations while also providing additional emergency backup service.	\$3,600,000						\$3,600,000		\$3,600,000
582	Electric	Distribution Tranformer Replacements	3	40	Electric Fund	The estimated service life of electric distribution system transformers is 35-40 years. The City has numerous electric distribution system transformers that are approaching or exceed 40 years of service. Some are live-front transformers with exposed cable and terminals, which are dangerous to staff and the public. Rather than running to failure, the Electric Department would like to proactively replace transformers that have safety concerns and those that are nearing the ends of their estimated service lives.	\$70,000	\$72,100	\$74,263	\$76,491	\$78,786	\$81,149	\$452,789		\$452,789
582	Electric	Concrete Diesel Fuel Spill Prevention Containment Pad	1	40	Electric Fund	The Power Plant is in the process of updating its Spill Prevention, Control, and Countermeasure (SPCC) Plan. SPCC Plans are designed to prevent discharge of fuel, oil and other contaminants into navigable waters or adjoining shorelines. Power Plant diesel fuel deliveries are made north of the Plant's four 20,000-gallon fuel storage tanks. There is no permanent containment area at the fuel delivery site. Potentially, if fuel was accidentally spilled during delivery, it could flow by gravity into the Kalamazoo River. To mitigate this possibility, and to comply with SPCC Plan requirements, a concrete diesel fuel spill prevention containment pad should be installed.	\$50,000						\$50,000		\$50,000
582	Electric	Generator #3 Upgrades/Repairs	2	20	Electric Fund	Generating Unit #3 is a 1973 Fairbanks-Morse dual fuel (diesel/natural gas) unit with a rated capacity of 2,070 kW. It is the City's second largest generating unit. Unit #3 has not received a thorough maintenance inspection for many years. Currently, the exhaust bellows catches fire during unit startup, creating a safety hazard. Control panel upgrades would help ensure more reliable and efficient operation.	\$60,000						\$60,000		\$60,000
582	Electric	Generator #4 Diesel Oxidtion Catalyst Installation	3	25	Electric Fund	Generator #4 is a 1942 Nordberg diesel generator rated at 818 kW. The unit is operable, but was not equipped with a carbon monoxide catalyst in 2015 that would have allowed its continued operation. The City's peak demand exceeds 29 MW, while available local generation totals approximately 9.6 MW. In addition, the City is short of required MISO capacity and as a result, it purchases this shortfall currently for \$5.50/kW-month. Bringing Unit #4 into compliance with a CO catalyst would save an estimated \$4,500/month (\$54,000/year) in capacity costs and increase available emergency backup generation.	\$150,000						\$150,000		\$150,000

FUND	Department	Project Title	Priority Ranking	Estimated Useful Life	Source of Funding	Project Narrative/Purpose	2023-2024 Expenditure	2024-2025 Expenditure	2025-2026 Expenditure	2026-2027 Expenditure	2027-2028 Expenditure	2028-2029 Expenditure	City Expenditure	Other Funds or Grant Share	Total Expenditure
582	Electric	Hydroelectric Unit #2 Rehabilitation	3	70	Electric Fund	The City is exploring a FERC license exemption for the Marshall Hydroelectric Project. To qualify, the City must increase plant generating capacity. Hydroelectric Unit #2 was installed in 1919, has a rated capacity of 144 kW, and has been out of service since 1947. Returning Unit #2 to service appears to be the least costly means to increase plant capacity. In addition to increased annual energy production, Unit #2 would also provide backup in the event one of the other hydroelectric units was out of service for scheduled or unscheduled maintenance.		\$200,000					\$200,000		\$200,000
582	Electric	Plant 2 Space Heater Replacements	1	20	Electric Fund	Plant 2, which houses Generator #6, has five electric heaters that provide building space heat. Only one of the five heaters, installed in 1977, still works, making it difficult to effectively heat Plant 2 during cold weather.	\$75,000						\$75,000		\$75,000
582	Electric	Circuit Upgrade / Voltage Upgrade	2	50	Electric Fund	The municipal electric distribution system currently has two operating voltages, 4,160 volts and 12,470 volts. Circuits on each system cannot be directly tied together for maintenance and reliability purposes, limiting operational flexibility and reliability. The 4,160-volt system has greater resistance losses and less power-carrying capability than if its circuits were operated at 12,470 volts. Staff estimates approximately one-half of the electric distribution system operates at 4,160 volts. These 4,160-volt circuits should be upgraded to 12,470-volt operation as time and funds allow.	\$1,000,000	\$1,030,000	\$1,060,900	\$1,092,727	\$1,125,509	\$1,159,274	\$6,468,410		\$6,468,410
TOTAL							\$7,035,000	\$2,155,500	\$2,012,665	\$4,000,181	\$1,294,335		\$17,738,104	\$0	\$17,738,104
101	Fire	Storage Shed	4	20	General Fund	Fire Department has very little storage area for maintenance equipment. We are currently using an old trailer to store lawn equipment and other limited use items. Marshall High School wood shop teacher has volunteered to build shed if we buy materials. I have material list for a 12X20 storage shed with an overhead door to store all this equipment.	\$25,000						\$25,000		\$25,000
101	Fire	Self-Contained Breathing Apparatus	3	10	General Fund/Grants	Our current Self Contained Breathing Apparatus was purchased in the beginning of 2018. They have a life expectancy of 10 to 15 years. This is mandated by MIOSHA and is National Fire Protection Association and Manufactures recommendations. We will need to replace these by the end of 2031.					\$250,000		\$250,000		\$250,000
101	Fire	Auxiliary Fire Equipment	4	25	General Fund	We have auxiliary equipment such as compressor and fill station for SCBA Bottles and Oxygen Bottles and a hose washer for cleaning soiled fire hose after fires. These are items that will eventually need replaced in the future. They last a long time be we need to plan for replacement through the CIP. Is it better to plan a yearly contribution to CIP or just fund we needed if they need replaced.				\$75,000			\$75,000		\$75,000
102	Fire	Staff Vehicles	2	10	General Fund	Replace a 2013 and 2015 Ford Inceptor former MPD Vehicle with a Pickup Truck or SUV that is better suited for Fire Dept. needs. These vehicles were hard use as MPD vehicles before MFD received them. Average life span as a MPD vehicle is 5 years and then re-purposed or sold to another department or outside buyer for lighter use. Would like a Pickup to replace vehicle currently used by MFD Fire Inspection Division. This pickup could serve multi purposes for MFD. Of course to be used by Inspection Division to conduct inspections and respond to emergencies if needed during this time, used as a plow truck to keep parking lot and front ramp cleared of snow, used to pick up and transport equipment after a fire or when needed. Fire Chief vehicle could be replaced with either a truck or suv for use by Chief and be set up as a command and control vehicle for emergency scenes.	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$60,000		\$60,000
101	Fire	Replace Fire Engine	1	20	General Fund	Replace Fire Engine	\$700,000						\$700,000		\$700,000
101	Fire	Audio Visual Upgrades	2	10	General Fund	Audio visual upgrades to the Training Room	\$30,000						\$30,000		\$30,000
TOTAL							\$765,000	\$10,000	\$10,000	\$85,000	\$260,000		\$1,140,000	\$0	\$1,140,000

FUND	Department	Project Title	Priority Ranking	Estimated Useful Life	Source of Funding	Project Narrative/Purpose	2023-2024 Expenditure	2024-2025 Expenditure	2025-2026 Expenditure	2026-2027 Expenditure	2027-2028 Expenditure	2028-2029 Expenditure	City Expenditure	Other Funds or Grant Share	Total Expenditure
661	Motor Pool	2024 Purchases	1	Variable	Motor Pool	Replace 5 units	\$550,000						\$550,000		\$550,000
661	Motor Pool	2025 Purchases	1	Variable	Motor Pool	Replace 6 units		\$203,000					\$203,000		\$203,000
661	Motor Pool	2026 Purchases	1	Variable	Motor Pool	Replace 1 unit			\$254,000				\$254,000		\$254,000
661	Motor Pool	2027 Purchases	1	Variable	Motor Pool	Replace 1 unit				\$500,000			\$500,000		\$500,000
TOTAL							\$550,000	\$203,000	\$254,000	\$500,000	\$0		\$1,507,000	\$0	\$1,507,000
101	Parks	Stuarts Landing Improvements	3	30	Grants & other	Rehabilitation of Stuart's Landing including the following updates: replace canoe/kayak launch, a new shelter, a linear path around the site, improved shoreline and river access, and related improvements.		\$0					\$0	\$910,000	\$910,000
101	Parks	Repair Brooks Fountain	1	25	General Fund	The Brooks Fountain is in need structural repairs	\$750,000						\$750,000		\$750,000
101	Parks	Carver Park Fountain Replacement/Repair	2	30	General Fund	Carver Park Fountain has been deteriorating for several years. After a review of the fountain and discussions with Council the decision was made to utilize the fountain until the end of it's useful life and then execute a complete replacement.		\$40,000							
101	Parks	Riverwalk Repairs	1	30	General Fund	Replace structural beams along riverwalk. Fix and replace fencing and deckboards. Trim and remove trees throughout riverwalk.	\$50,000			\$50,000			\$100,000		\$100,000
101	Parks	Riverwalk Extension	3	30	General Fund	Extend Riverwalk west of Kalamazoo towards Historic Bridge Park, partner with County							\$0	\$2,500,000	\$2,500,000
101	Parks	Athletic Field Renovations	2	7	General Fund	Athletic Field Resurface, clay replacement for pitching areas and batters boxes, level outfield with sand, replace all base pegs, new bases for all fields, fencing repairs	\$75,000						\$75,000	75000	\$150,000
101	Parks	Ketchum Park Great Lawn	2	50	General Fund	LOWER KETCHUM COMMONS AND PROMENADE Work related to the establishment of the lower lawn commons, drainage system, and its perimeter pedestrian walkway. Also included is the main path between parking on Montgomery Street and the Rotary Bridge. Construction Cost: \$143,000 Construction and Soft Costs: \$185,900							\$0	\$185,900	\$185,900
101	Parks	Ketchum Park Parking Lot	4	15	General Fund	Mill and repave parking lot/paint parking spots					\$35,000		\$35,000		\$35,000
101	Parks	Sand Volleyball Court Renovations	2	20	General Fund	Replace all fencing at Volleyball courts, remove current sand and equipment. Replace with sugar sand. Replace post with new. Replace nets.							\$0	\$100,000	\$100,000
101	Parks	Skate Park Equipment	2	30	General Fund	Adding up to date & safe skateboard equipment to existing skatepark	\$30,000						\$30,000	\$100,000	\$130,000
TOTAL							\$905,000	\$40,000	\$0	\$50,000	\$35,000		\$990,000	\$3,870,900	\$4,860,900
101	Police	Taser Upgrade	3	5	General Fund	The Police Department issues each sworn officer the Axon Taser X-2 weapon as a less than lethal use of force option. National studies have shown the Taser as an effective means of applying force at a distance, thus minimizing the risks of injury to patrol officers from a physical altercation. Axon only warranties their devices for 5 years, and have typically phased in a newer model every five years. As they are a weapon that can cause injury or death, we should strive to keep the warranty in place. This is both for officer safety (if Taser malfunctions due to age), and to some degree of liability mitigation, as Taser may not legally support us if we are using an out of warranty device.	\$27,000						\$27,000		\$27,000
101	Police	Vehicle Changeover	2	5	General Fund	Cover labor to outfit all equipment to new vehicle, buy emergency lighting, radio and equipment console, weapons rack, video camera and radio upgrades, radars, bumpers, cage with restraints, and decal the vehicle for police use.	\$37,000	\$20,000	\$20,000	\$28,000			\$105,000		\$105,000
TOTAL							\$64,000	\$20,000	\$20,000	\$28,000	\$0		\$132,000	\$0	\$132,000
208	Recreation	Replacement of Athletic Field Light System	3	30	Recreation Fund	The current lights on diamond #1 & #2 are approaching the end of their expected life. The entire system should be replaced.					\$200,000		\$200,000		\$200,000
208	Recreation	Seal Coating Athletic Field Parking Lot & Pathways. Striping of Parking Lot	4	12	Recreation Fund	Seal Coating Athletic Field Parking Lot & Pathways is considered routine maintenance.						\$25,000	\$25,000		\$25,000
208	Recreation	Athletic Field Parking Lot	1	15	Recreation Fund	Mill and repave parking lot/paint parking spots	\$50,000						\$50,000		\$50,000
208	Recreation	Athletic Fields- Batting Cages	2	15	Recreation Fund	Two batting cages-35'x70'		\$30,000					\$30,000		\$30,000
208	Recreation	Eaton Park Development	2	30	Recreation Fund/Local Grants	Construction of a new park facility that would provide pickle ball courts, splash pad, bathroom facility, new ADA improvements for accessing the athletic fields from the south, new playground, parking lots, and a basketball court.							\$0	\$3,000,000	\$3,000,000

FUND	Department	Project Title	Priority Ranking	Estimated Useful Life	Source of Funding	Project Narrative/Purpose	2023-2024 Expenditure	2024-2025 Expenditure	2025-2026 Expenditure	2026-2027 Expenditure	2027-2028 Expenditure	2028-2029 Expenditure	City Expenditure	Other Funds or Grant Share	Total Expenditure
208	Recreation	Recreation Athletic Facility	4	30	Grants/Fund Raising	Construction of a Recreation Center that would include 2 basketball courts, community room, etc						\$6,000,000	\$6,000,000		\$6,000,000
TOTAL							\$50,000	\$30,000	\$0	\$0	\$200,000		\$6,305,000	\$3,000,000	\$9,305,000
202	Major Streets	West Drive and Verona Drive Sidewalks	2	15	Small Urban Grant/Act 51	Sidewalks	\$372,998						\$372,998	\$425,002	\$798,000
203	Local Streets	Replace and Mill/Pave High St	2	25	Act 51	Part of the Watermain Replacement Project for High St between Michigan Ave. and Forest St. The watermain replacement will be resurfaced, remaining area will be mill and pave. Sidewalks and ADA ramps will be installed as needed.		\$330,000					\$330,000		\$330,000
203	Local Streets	Fountain St. Paving	2	25	Act 51	Part of the Watermain Replacement Project for Fountain St between W. Hanover to Arms St. The watermain replacement will be resurfaced, remaining area will be mill and pave. Sidewalks and ADA ramps will be installed as needed.	\$183,000						\$183,000		\$183,000
TOTAL							\$555,998	\$330,000	\$0	\$0	\$0		\$885,998	\$425,002	\$1,311,000
590	Wastewater	Wastewater Rate Study	1	4	Wastewater Fund	It has been several years since the City has commissioned a rate study from a consultant. The past few years our rate reviews have been a collaboration between Michigan Rural Water Association and City Staff. MRWA no longer provides this service due to staffing levels. City Staff will be involved with the process but a consultant with appropriate experience will be hire to perform the evaluation and provide rate recommendations.				\$35,000			\$35,000		\$35,000
590	Wastewater	Wastewater Laboratory Remodel	3	25	Wastewater Fund	Full remodel of outdated laboratory built in 1975, including cabinets, counter tops, fixtures, flooring, lighting, and lab safety equipment. We plan on retaining much of the existing lab equipment as that has been updated regularly.				\$250,000			\$250,000		\$250,000
590	Wastewater	Channel Monster Cartridge Replacement	2	5	Wastewater Fund	Replace the cutter cartridge in the Channel Monster as recommended by the manufacture.			\$40,000				\$40,000		\$40,000
590	Wastewater	Expand WWTP Property	1	50	Wastewater Fund	Acquire a 5.5 acre portion of the Progressive Dynamics property immediately adjacent to the east property line to allow for expansion of headworks treatment.		\$75,000					\$75,000		\$75,000
590	Wastewater	Muffin Monster cartridge replacement	2	5	Wastewater Fund	Replace the cutter cartridge in the in-line Muffin Monsters as recommended by the manufacture.					\$30,000		\$30,000		\$30,000
590	Wastewater	Aeration Blower Replacement	1	15	Wastewater Fund	The current aeration blowers were installed in 1999. Since that time our aeration needs have changed and these blowers provide more air than necessary. Technology has advanced to a level that we can meet today's needs and retain the ability to meet future needs by replacing our current centrifugal blower with one that may be controlled by VFD. The current blowers cannot by controlled by a VFD and must run and full speed.		\$80,000					\$80,000		\$80,000
590	Wastewater	Headworks & Equalization Basin Improvements	1	20	Wastewater Fund	Headworks improvements including grit removal and fine screening will extend the life of the downstream equipment.			\$4,000,000				\$4,000,000		\$4,000,000
590	Wastewater	Master Plan	2	10	Wastewater Fund	Update the 2008 Master Plan	\$25,000						\$25,000		\$25,000
590	Wastewater	Sewer Lining	1	30	Wastewater Fund	Project will line sewers which have experienced failure and root penetration.	\$60,000	\$60,000	\$60,000	\$60,000	\$60,000		\$300,000		\$300,000
590	Wastewater	New Sludge Thickening/De-watering Process	2	20	Wastewater Fund	The current equipment wil be 20 years old and the polymer agent used in the process is no longer produced. A suitable replacement is not expected. We have enough polymer to last about 4 years. With a new system, Class A biosolids may be achieved.		\$500,000					\$500,000		\$500,000
590	Wastewater	Clarifier Rehabilitation	3	25	Wastewater Fund - Possible Bonds	Rehabilitate concrete and steel structures in each of 4 clarifiers due to age and corrosion. Rehab/Replace clarifier drive mechanisms due to age and wear. Coat all concrete surfaces with marine grade coating.	\$425,000						\$425,000		\$425,000
TOTAL							\$510,000	\$715,000	\$4,100,000	\$345,000	\$90,000		\$5,760,000	\$0	\$5,760,000
591	Water	S. Marshall Ave. Water Main Replacement (Michigan to Spruce)	2	100		Replace undersized 6" cast iron water main on S. Marshall from Michigan to Spruce St. This main was installed in 1958 and will be past it's useful life.					\$385,000		\$385,000		\$385,000
591	Water	S. Marshall Ave. Water Main(Spruce to Clinton), line Clinton to Powerhouse	2	100		Replace 4" main on S. Marshall from Spruce to Clinton. This main is undersized and past its useful life. Line water main from Clinton to the Powerhouse. This main can be structurally lined under the railroad tracks and spillway to keep the project cost down.		\$570,000					\$570,000		\$570,000

FUND	Department	Project Title	Priority Ranking	Estimated Useful Life	Source of Funding	Project Narrative/Purpose	2023-2024 Expenditure	2024-2025 Expenditure	2025-2026 Expenditure	2026-2027 Expenditure	2027-2028 Expenditure	2028-2029 Expenditure	City Expenditure	Other Funds or Grant Share	Total Expenditure
591	Water	S. Kalamazoo water main lining	2	50		Line water main from Brooks Fountain south to Railroad tracks. Replacement of valves, hydrants and services through the entire area.						\$400,000	\$400,000		\$400,000
591	Water	Hanover St. water main replacement/water main lining	2	100		Replace/line aging 6" water main on Hanover from S. Marshall to S. Kalamazoo. This main is past it's useful life and is known to be in poor condition.						\$500,000	\$500,000		\$500,000
591	Water	Replace 10" Cast Iron Water Main on High St.	2	100	Water Fund	Replace 10" water main on High St. from Michigan Ave. to Forest St. Also replace all lead services, hydrants, valves, and connections. The size of the water main and amount of flow is causing water quality issues.		\$600,000					\$600,000		\$600,000
591	Water	Replace 6" Water Main on Fountain St.	2	100	Water Fund	Replace 6" water main on Fountain St. from Hanover to Arms St. Currently 6" cast iron with poor water quality.	\$395,000						\$395,000		\$395,000
591	Water	500,000 Tower Maintenance	1	25	Water Fund	2019 Maintenance Inspection identified several items that needed to be addressed. These were not critical issues so we have decided to lump them into the 200,000 tower project in 2026.			\$70,000				\$70,000		\$70,000
591	Water	200,000 Water Tower Painting	1	15	Water Fund	2019 Water Tower inspection identified that the water tower would need an exterior overcoat in approximately 5-6 years.			\$70,000				\$70,000		\$70,000
591	Water	Water main lining N. Gordon	2	25		Line 6" water main on N. Gordon between E. Mansion and Forest. Replace fire hydrants, valves and lead services.	\$420,000						\$420,000		\$420,000
591	Water	Lead Service Line Replacement	1	50	Water Fund	Replacement of Lead service lines both on the City side of the service and the Homeowners side of the service. Identification of the homeowners service lines will be accomplished with the meter change-out project starting in December of 2020. The City has	\$100,111	\$120,713	\$120,714				\$341,538		\$341,538
591	Water	Water Reliability Study	1	5	Water Fund	It is required by EGLE that every 5 years a water reliability study be completed and submitted to EGLE			\$25,000				\$25,000		\$25,000
591	Water	New Water Treatment Plant	1	60	Water Fund Bond	Replace Water Treatment Plant. Build new iron removal plant on North side of E. Green St. across from existing plant.		\$5,000,000					\$5,000,000		\$5,000,000
591	Water	Replace 6" water main at Walden Pond Apartments	2	100		Replace 6" cast iron water main at Walden Pond Apts. from Verona to Arms. This section of water main is known to have poor water quality and is aging past it's useful life.						\$720,000	\$720,000		\$720,000
591	Water	Water Withdrawal	1	N/A	Water Fund	Per America's Water Infrastructure Act of 2018 The City of Marshall Water Department is required to complete a Reliability Study every 5 years. The Department completed their first study in 2020. This report was required to analyze 20 year water demand versus 20 year water supply for the community. The results are that the Water Department's water supply is not adequate for the anticipated future demand.	\$400,000	\$680,000	\$90,000				\$1,170,000		\$1,170,000
591	Water	Lead Service Line Inspection	1	5	Water Fund	Investigate Service materials on both the City owned portion and the Resident owned portion of the water service by potholing around both sides of the curb valves.	\$25,500	\$26,010	\$26,530	\$27,061			\$105,101		\$105,101
591	Water	Water Well Overhaul	1	5	Water Fund	Annual water well pump, motor, valves, and piping for wells 1, 2, 3, and 4.	\$25,500	\$26,010	\$26,530				\$78,040		\$78,040
TOTAL							\$1,366,111	\$7,022,733	\$428,774	\$27,061	\$385,000		\$10,849,679	\$0	\$10,849,679
GRAND TOTAL							\$13,157,118	\$15,212,033	\$10,092,939	\$7,361,442	\$2,806,335		\$64,835,440	\$9,265,902	\$75,021,746
GENERAL FUND TOTALS							\$2,376,104	\$220,000	\$580,000	\$188,000	\$420,000		\$3,779,104	\$3,920,900	\$7,700,004

TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
Marguerite Davenport, Director of Public Services
Joshua Lankerd, Chief of Police
DATE: January 17, 2023
SUBJECT: POLICE PATROL VEHICLE PURCHASES

The Police Department has planned the annual replacement of a patrol car as in years past. Unit M-2, a 2017 Ford Explorer-Interceptor is scheduled to be replaced in the current fiscal year. In reviewing the current fleet and surveying the officers, the department decided to get a Dodge Charger as the next patrol vehicle. Last year, a Ford-Interceptor, M-5, was ordered with an extremely long wait time. Additionally, the department continues to work with Ford on a problematic vehicle, M-3, that was purchased in fiscal year 2021. Based on these factors, staff are recommending the purchase of two patrol vehicles. The second vehicle will replace M-6, a 2018 Ford Explorer-Interceptor, which is scheduled for replacement in fiscal year 2024. An example of the proposed unit is below:



The two units will have a 16 week lead time from the manufacturer plus the building time post delivery, estimated at 8 weeks, for a total purchase to in-service timeline of 24 weeks. It is estimated that the patrol units will be road ready in mid 2023. The timing of the replacements is another reason to purchase two units now. This will result in a late replacement for M-2 and an on-time replacement of M-6 in July. The ordering of the vehicles now will protect the department from price increases in the next 12 to 18 months, which have been rampant in the auto industry.

The Police Department makes annual payments to the motorpool fund, an internal service fund, to support replacement of vehicles. The amount of contribution for replacement totals \$64,344 for the two vehicles. As in past years, the buildout and any costs over the amount contributed to motorpool will be expensed from the general fund. While not officially budgeted, the department

did plan for funds in both fiscal year 2023 and fiscal year 2024 in the Capital Improvement Plan for the buildout of patrol units.

At the time of budget preparation and approval for this fiscal year, it was decided that no capital expenses, like buildout of patrol units, would be budgeted, but rather come to council for approval on an individual basis. The patrol units will cost \$25,574.27 for a complete buildout plus \$38,050 from the dealer for the base unit totaling \$63,624.27 each. This results in a total of \$127,248.54 for both units with \$64,344 planned from the motorpool fund and \$62,904.54 from the general fund. It is planned to purchase one vehicle out of the 2022-2023 budget and the other out of the 2023-2024 budget. LaFontaine is the designated MiDeal dealership for the purchase of these vehicles. LaFontaine stated they can delay the delivery and payment of the second vehicle until July 2023.

BUDGET IMPACT:

\$64,344 will be expensed from the Motorpool Fund with \$32,172 from the 2022-2023 budget and \$32,172 from the 2023-2024 budget. \$62,904.54 will be expensed from the General Fund with \$31,452.27 from 2022-2023 and \$31,452.27 from 2023-2024). A budget amendment will be necessary with two quarterly adjustments (4th quarter of 2022-2023 and 1st quarter 2023-2024) in the amount of \$31,452.27 from fund balance to the capital improvement line for the General Fund.

RECOMMENDATION:

Approve the purchase of (2) 2023 Dodge Charger AWD for a total amount of \$127,248.54 (\$63,624.27 out of the 2022-2023 budget and \$63,624.27 out of the 2023-2024 budget)



ITEM 12.F

TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
Joshua Lankerd, Chief of Police
DATE: January 17, 2023
SUBJECT: **DEER MANAGEMENT**

Deer Management is a growing topic in many municipalities throughout the State of Michigan as the deer population continues to grow. Michigan's deer population ranks second in the nation, to Texas, and is first in deer population density. Many communities are seeking solutions to the increasing deer population.

The City of Marshall has seen an increase in deer encounters over the last few years. The number of car vs. deer accidents has increased every year over the last 10 years (20-2020, 24-2021 AND 34 in 2022). There has also been an increase in the number of citizen complaints as well. At the same time, the DNR is reporting an increase in the deer herd population, an increase in reported crop damage, an increase in diseased deer with EHD, and a decrease in the number of hunters.

The City of Marshall has maintained a volunteer deer management program for nearly 40 years. The program is overseen by the City Manager with assistance from the City Staff. The City has worked hand in hand with the DNR, MSU, our city attorney and our insurance provider to maintain a safe, legal, and scientifically based management program. This program takes an average of 40 deer a year, but the population has continued to grow. Over the last year, an emphasis has been placed on improving our deer management program with a goal of getting 80 deer in 2022. As of December 27th, the program has harvested 43 deer.

Staff has requested to expand the hunting program to address the increased issues. We worked with the DNR to obtain 50 deer block permits to assist in reaching/exceeding our deer program's 80 deer goal. The committee has created a plan to fill the 50 permits between January 2nd and March 31st. The plan consists of volunteers who have specialized weapons and safety training. The deer will be harvested safely and humanely with minimum disruption to citizens. Strategic areas have been identified based on safety and deer density. We partnered with Michigan Sportsmen Against Hunger and plan to donate the harvested deer.

BUDGET IMPACT:

Minimal budget impact is expected. The program utilizes volunteers. The only costs would be for

supplies and the use of city vehicles for transport. The cost should be under \$500.00, which will be absorbed by the operational budget.

RECOMMENDATION:

Approve the expansion of the City of Marshall Deer Management program to include the filling of 50 DNR deer permits between January 2nd and March 31, 2023, with costs not to exceed \$500.00.



ITEM 12.G

TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
DATE: January 17, 2023
SUBJECT: ICE, WINE, BEER AND BLUES SPECIAL EVENT REQUEST

The City has received a request from the Franke Center to hold a fundraising event on February 3 and 4, 2023. There will be ice sculpture carving on the sidewalk of Michigan Ave in the downtown area, which will require electricity.

BUDGET IMPACT:

The Franke Center is a non-profit organization and the City services provided are not expected to exceed the \$500 non-profit waiver.

RECOMMENDATION:

Approve the Ice, Wine, Beer and Blues special event request for February 3 and 4, 2023.



City Of Marshall
323 West Michigan Ave
Marshall, MI 49068
Phone: 269.781.5183
Fax: 269.781.2878

Special Events Application

Important: Please fill out each item as completely so that the application can be processed as quickly as possible, without unnecessary delays. Please return the completed, signed application, with any necessary attachments, to the City Clerk's Office, at the address shown above. Special Events must be approved by the City Council, which typically meets twice per month. We recommend submitting your application at least 90 days before your organization wishes to receive approval, to allow time to work through issues with the staff, and to allow for the possibility that the City Council may still see issues that should be addressed before approval.

Applicant Information

Name of Special Event: Ice, Wine, Beer and Blues

Is the sponsoring organization: ☒ Non-Profit, please provide status letter* ☐ For Profit

Mailing/Billing Address: 214 E. Mansion St.

City/State/ZIP Code: Marshall, MI 49068

Business Phone: 269-789-9677 Cell Phone: 517-285-8050

Email Address(es): jgates@TheFranke.org

Event Information

*A separate event schedule and/or description may be attached in response to questions 1 through 5.

**For any question, if there is not room to include a complete response, please include the response on a separate attachment and note "see attached". When providing information in an attachment, please refer to the appropriate question number(s) to help the City staff review the application.

1. Requested day(s), date(s), and time(s) of the Special Event: Feb 3rd 5p - 10p
Feb 4th 10a - 2p

2. Is there a requested alternative date(s)? ☐ Yes ☒ No

If yes, please provide the alternative date(s): _____

3. Please describe the event(s): Beer + wine tasting at 10 downtown
locations + live ice sculpting

4. What is the requested location(s) of the event(s): downtown / Michigan Ave

5. Does this event require a street closure? ☐ Yes ☒ No Street Name: _____

Start and End Locations: _____

Please complete the following check list regarding your event and special needs: More detailed instructions are included on the following pages. Please use additional sheets where appropriate for more detailed responses.

General

6. Is this event expected to occur again in a future calendar year? Yes ☒ No ☐
 Normal Annual Date? 1st weekend in Feb
7. Have you included a map indicating the location of your event? Yes ☐ No ☒
8. Is your event located within the Downtown Development Authority? Yes ☒ No ☐
9. Does the applicant wish to prohibit vending within the event area? Yes ☐ No ☒
10. Does the applicant plan to include vending as part of this event? Yes ☐ No ☒
11. Will this event include the use of signs? Yes ☒ No ☐
12. Will the event require the hanging of a banner? Yes ☐ No ☒
13. Is the applicant requesting special parking arrangements, such as reserved parking? Yes ☐ No ☒

Public Services

14. Is the applicant requiring utility connections, such as electric or water services? Yes ☒ No ☐
15. Does the applicant require other public services? Yes ☐ No ☒
- a. Barricades Yes ☐ No ☐
- b. Fencing Yes ☐ No ☐
- c. Street Sweeping Yes ☐ No ☐
- d. Mowing Yes ☐ No ☐
- e. Rubbish Containers Quantity: _____ Yes ☐ No ☐
- f. Picnic Tables Yes ☐ No ☐
- g. Cessation of Lawn Sprinklings Yes ☐ No ☐
- h. Other _____ Yes ☐ No ☐
- i. Map including indicating location of these services? Yes ☐ No ☐
16. Do you plan to utilize volunteers to help run the event? Yes ☐ No ☐
17. Do you plan to rent a park facility for the event? Yes ☐ No ☐

Public Safety

18. Does the applicant have any special security or safety concerns? Yes ☐ No ☐
19. Are you requesting assistance from the Police/Fire Departments? Yes ☐ No ☐
20. Will the event include loud or unusual sounds? Yes ☐ No ☐
- a. Musicians Yes ☐ No ☐
- b. Singers Yes ☐ No ☐
- c. Amplified Announcers Yes ☐ No ☐
- d. Carnival Rides Yes ☐ No ☐
- e. Motor Vehicle Noises Yes ☐ No ☐
- f. Other _____ Yes ☐ No ☐
21. What are the planned hours for loud or unusual sounds? _____
22. Will the event include unusual lighting beyond what is normal at that location? Yes ☐ No ☐

Alcohol Consumption

23. Are alcoholic beverages proposed to be served as part of the event? Yes ☒ No ☐
24. Will you be utilizing a LLC regulated boundary? Yes ☐ No ☐
25. Are you using the Social District for outdoor alcohol consumption? Yes ☐ No ☒
26. Have all necessary liquor licenses been obtain at the time of this application? Yes ☒ No ☐
27. Does the applicant have any other requests that are not listed in this form? Yes ☐ No ☒
28. The applicant is require to provide \$1,000,000 of liability insurance coverage with respect to the event; have you attached a Certificate of Insurance listing the City of Marshall as an additionally insured? Yes ☐ No ☒

Questionnaire Explanations

6. **Is this event expected to occur again in a future calendar year?** You may ask to reserve a date for a future calendar year with this application. To reserve an event date for a future calendar year, please provide the normal annual event date. *Note:* Granting such a reservation does not constitute final approval of the event, but will reserve the same area as granted for the current year, until three months before the reserved date.
7. **An Event Map**—if your event will use streets or sidewalks or will use multiple locations, please attach one or more maps showing the locations requested. Please show any streets or parking lots that you are asking be blocked off or reserved for specific purposes, locations of specific events or objects (carnival rides, bleachers, medical care, exhibits, special parking, pick-up/drop-off areas, etc.), remote parking lots, the actual route of a parade or race, and similar information appropriate to clarify the exact request.
8. **Is your event located within the Downtown Development Authority?** The DDA will be asked to formally support the Special Event prior to the event approval going to City Council. The City believes support and coordination with downtown business is critical to the success of the downtown area. The DDA meets once a month so timing of the application should be adjusted accordingly to allow for both DDA and City Council approval.
- 9/10. **Does the applicant wish to have control of vending within the festival area?** In some instances, the applicant may be granted control of vending, the applicant is solely responsible for ensuring that all vendors are properly licensed with any appropriate agencies (Health Department). The City of Marshall Fire Department will hold vendors responsible for the National Fire Prevention Association's (NFPA) standards relating to general safety, fuel and power sources, clearances, and operational safety.
11. **Will this event include the use of signs?** If yes, please attach information on the size, content, and location of any requested signs; signs may be shown on the event map or on a separate map, if appropriate. Small directional signs that do not obstruct pedestrian or vehicular traffic may be placed in the event area, during the event, without being included in this application.
12. **Will the event require the hanging of a banner?** Event sponsors can purchase banners to be hung across North Kalamazoo Avenue or Michigan Avenue. The fee to hang a banner is \$400. The banner must be 3 or 4-foot by 20-foot in size for North Kalamazoo or 25 to 35-foot in length for Michigan Avenue. For proper hanging the banner must have grommets in each corner as well as along the top of the banner and wind slits throughout the banner. The city will supply the rope for hanging of the banner.
13. **Is the applicant requesting special parking arrangements—such as limiting parking areas to certain groups of users?** If yes, you must coordinate with the Police Chief.
14. **Is the applicant requiring utility connections, such as electric service or water?** If yes, you must coordinate with the Director of Public Services to review what utilities are available in the requested area, and provide a detailed map showing the utilities requested. Requests for electricity will require an *Electric Drop* form to be completed and submitted with the application.
15. **Does the applicant have any other requests for public services, such as street sweeping, mowing, rubbish containers or removal, placement or removal of picnic tables or other fixtures, or cessation of lawn sprinkling?** If yes, you must coordinate with the Director of Public Services to determine if assistance from Public Services is appropriate and available, and provide a description of the services Public Services has indicated it could provide. The applicant will be charged for these services. Any
16. **Do you plan to utilize volunteers to help run the event?** Depending on the scope of the event, volunteers can help reduce the cost of special events for the applicant. The City has limited staff to help with special events and encourages organizers to utilize volunteers as much as possible.
17. **Is your event located at Stuarts Landing Band Shell or Ketchum Park's Cronin Millrace Pavilion?** These two facilities are available for rent. A separate *Park Rental Agreement* for park facilities is required as part of the special event application.

18. **Does the applicant have any special security or safety concerns? Is the applicant requesting assistance from the Police Department in addressing these concerns?** If yes, you must contact the Chief of Police to determine what assistance from the Police Department is appropriate and available, and provide a description of the services the Police Department has indicated it could provide. The applicant will be charged for these services.
19. **Is the applicant requesting assistance from the Police or Fire Departments in addressing these concerns?**
If yes, you must contact both the Police and Fire Chief to determine what assistance from the Departments is appropriate and available, and provide a description of the services the Departments have indicated they could provide. The applicant will be charged for these services.
20. **Will the event include loud or unusual sounds, such as a musicians, singers, amplified announcers, carnival rides, motor vehicle noises beyond those regularly present in the location, etc.?**
If yes, you must please attach information indicating all of these on this application.
20. **Will the event include unusual lighting beyond that regularly present in the location that could have an impact upon occupants of neighboring properties?**
If yes, you must please attach information indicating all of the types of lighting, the location, the beginning and end times, and whether the lighting is constant or intermittent during those times.
21. **Are alcoholic beverages proposed to be served as part of the event?**
If yes, you must advise the Police Department of your intention to serve alcoholic beverages. Approval of the special event does not constitute final approval of service of alcoholic beverages; any necessary approval of a liquor license is a separate process.
25. **Please attach a separate sheet detailing** any aspects of the event that are not specifically addressed in this form but of which the City Council should be aware to make a fully informed decision with regard to approval of the proposed event.
26. The applicant is required to provide \$1,000,000 of liability insurance coverage with respect to the event. A Certificate of Insurance, with the City listed as an additional named insured, must be provided to the City Clerk's Office at least one calendar month before the event. **Is the insurance certificate attached?**

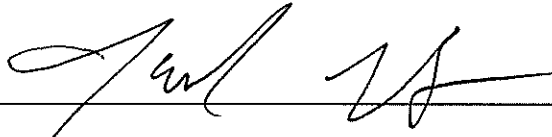
The City of Marshall PROHIBITS any and all painting of any city property, including sidewalk and streets. Events of those persons violating this policy will be canceled and not future event will be allowed.

Continue to next page...

Applicant Signature

I hereby affirm that the information is true to the best of my knowledge and belief, and agree that the applicant will be responsible for making certain that the event follows the ordinances, rules, and regulations of the City of Marshall and that the event takes place in accordance with the application as approved by the Marshall City Council, including any conditions placed thereon.

Applicant Signature: _____



Printed Name: _____

Jacob Gates

Date: _____

1/12/23

The APPLICANT does hereby agree to indemnify, hold harmless and defend the CITY and each of its officers, officials, employees, agents and authorized volunteers from any and all loss, liability, fines, penalties, forfeitures, costs and damages (whether in contract, tort or strict liability, including but not limited to personal injury, death at any time and property damage) incurred by CITY, OWNER, PERMITTEE (Renter) or any other person, and from any and all claims, demands and actions in law or equity (including attorney's fee and litigation expenses), arising or alleged to have arisen directly or indirectly out of the operation and use of CITY property and public right of way. APPLICANT'S obligations under the preceding sentence shall apply regardless of whether City or any of its officers, officials, employees, agents or authorized volunteers are negligent, but shall not apply to any loss, liability, fines, penalties, forfeitures, costs or damages caused solely by the gross negligence, or caused by the willful misconduct, of CITY or any of its officers, officials, employees, agents or authorized volunteers.

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date:

JUL 26 2002

MCCT INC
PO BOX 615 115 E GREEN ST
MARSHALL, MI 49068

Employer Identification Number:
38-3636933
DLN:
17053155038032
Contact Person:
ZENIA LUK ID# 31522
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
December 31
Foundation Status Classification:
509(a)(1)
Advance Ruling Period Begins:
July 3, 2001
Advance Ruling Period Ends:
December 31, 2005
Addendum Applies:
No

Dear Applicant:

Based on information you supplied, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from federal income tax under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3).

Because you are a newly created organization, we are not now making a final determination of your foundation status under section 509(a) of the Code. However, we have determined that you can reasonably expect to be a publicly supported organization described in sections 509(a)(1) and 170(b)(1)(A)(vi).

Accordingly, during an advance ruling period you will be treated as a publicly supported organization, and not as a private foundation. This advance ruling period begins and ends on the dates shown above.

Within 90 days after the end of your advance ruling period, you must send us the information needed to determine whether you have met the requirements of the applicable support test during the advance ruling period. If you establish that you have been a publicly supported organization, we will classify you as a section 509(a)(1) or 509(a)(2) organization as long as you continue to meet the requirements of the applicable support test. If you do not meet the public support requirements during the advance ruling period, we will classify you as a private foundation for future periods. Also, if we classify you as a private foundation, we will treat you as a private foundation from your beginning date for purposes of section 507(d) and 4940.

Grantors and contributors may rely on our determination that you are not a private foundation until 90 days after the end of your advance ruling period. If you send us the required information within the 90 days, grantors and contributors may continue to rely on the advance determination until we make

Letter 1045 (DO/CG)