

Mayor Joe Caron
Council Member Scott Wolfersberger
Council Member Jim Schwartz
Council Member Jacob Gates



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

CITY COUNCIL AGENDA

January 3, 2023
Regular Meeting - 7:00 PM

- 1) **CALL TO ORDER**
- 2) **ROLL CALL**
- 3) **INVOCATION** Kris Tarkiewicz- Family Bible Church
- 4) **PLEDGE OF ALLEGIANCE**
- 5) **CITY COUNCIL ORGANIZATION**
 - A. **CITY COUNCIL RESIGNATIONS**
 - B. **MAYORAL OATH OF OFFICE**
 - C. **COUNCIL MEMBER OATH OF OFFICE**
 - D. **ELECTION OF MAYOR PRO-TEM**
- 6) **APPROVAL OF AGENDA** - Items can be added or deleted from the Agenda by City Council action.
- 7) **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.
- 8) **CONSENT AGENDA**
 - A. **CITY COUNCIL MINUTES**
Regular Session - Tuesday, December 20, 2022
 - B. **CITY BILLS**

Purchases- 12/16/2022	\$282,830.56
Purchases- 12/23/2022	\$260,358.73
TOTAL	\$543,189.29
 - C. **SET PUBLIC HEARING FOR REZONING OF 311 W SPRUCE FOR JANUARY 17, 2023**
 - D. **MARSHALL HOUSE PSA AMENDMENT 4**
 - E. **AUTHORIZED SIGNERS ON CITY BANK ACCOUNTS**
- 9) **PRESENTATIONS AND RECOGNITIONS**

10) INFORMATIONAL ITEMS

11) PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

12) OLD BUSINESS

13) REPORTS AND RECOMMENDATIONS

- A. DART ACCESSIBILITY PLAN APPROVAL**
- B. DART FISCAL YEAR 2024 OPERATION APPLICATION TO MDOT**
- C. AIRPORT ENGINEERING SERVICES**
- D. SET PUBLIC HEARING FOR ORDINANCE 2023-02- ADDING ARTICLE 8- SPECIAL DEVELOPMENT DISTRICTS IN THE CITY ZONING ORDINANCE**
- E. INTERNATIONAL PROPERTY MAINTENANCE CODE ORDINANCE AND RESOLUTION TO APPOINT DEPUTY BUILDING OFFICIALS**
- F. SET PUBLIC HEARING FOR RECODIFICATION OF MARSHALL CODE OF ORDINANCES**
- G. SET PUBLIC HEARING FOR PA425 FOR MULTIPLE MARSHALL TOWNSHIP PROPERTIES**
- H. CITY COUNCIL VACANCY PROCESS**

14) APPOINTMENTS / ELECTIONS

- A. BOARDS AND COMMISSIONS LIAISON APPOINTMENTS**
- B. FIREKEEPER'S LOCAL REVENUE SHARING BOARD APPOINTMENT**
- C. MARSHALL AREA FIRE FIGHTERS AMBULANCE AUTHORITY BOARD APPOINTMENT**

15) 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.

16) COUNCIL AND MANAGER COMMUNICATIONS

17) ADJOURNMENT



ITEM 5.A

TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
Michelle Eubank, City Clerk
DATE: January 3, 2023
SUBJECT: CITY COUNCIL RESIGNATIONS

BUDGET IMPACT:

None.

RECOMMENDATION:

Accept the resignations of City Council Member Schwartz and City Council Member Rice.

Mayor Caron,

I regretfully must step down from my city council duties due to obligations with work and scheduling conflicts. I wish the council and city staff all the best in continuing to make Marshall an amazing and vibrant community.

Jen Rice



Oath of Office

STATE OF MICHIGAN)
County of Calhoun) ss.

I, James Schwartz, do solemnly swear that I will support the Constitution of the United States and the Constitution of this State and that I will faithfully discharge the duties of Mayor for the City of Marshall according to the best of my ability, so help me God.

Sworn to and Subscribed before me this)

_____ day of _____

A.D., 2023)

James Schwartz

Michelle Eubank, Clerk



Oath of Office

STATE OF MICHIGAN)
County of Calhoun) :ss.

I, Jacob Gates, do solemnly swear that I will support the Constitution of the United States and the Constitution of this State and that I will faithfully discharge the duties of City Council Member for the City of Marshall according to the best of my ability, so help me God.

Sworn to and Subscribed before me this)

_____ day of _____

A.D., 2023)

=====

Jacob Gates

Michelle Eubank, Clerk



Oath of Office

STATE OF MICHIGAN)
County of Calhoun) :ss.

I, Ryan Underhill, do solemnly swear that I will support the Constitution of the United States and the Constitution of this State and that I will faithfully discharge the duties of City Council Member for the City of Marshall according to the best of my ability, so help me God.

Sworn to and Subscribed before me this)

_____ day of _____

A.D., 2023)

=====

Ryan Underhill

Michelle Eubank, Clerk



Oath of Office

STATE OF MICHIGAN)
County of Calhoun) :ss.

I, Scott Wolfersberger, do solemnly swear that I will support the Constitution of the United States and the Constitution of this State and that I will faithfully discharge the duties of City Council Member for the City of Marshall according to the best of my ability, so help me God.

Sworn to and Subscribed before me this)

_____ day of _____

A.D., 2023)

Scott Wolfersberger

Michelle Eubank, Clerk



ITEM 5.D

TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
Michelle Eubank, City Clerk
DATE: January 3, 2023
SUBJECT: ELECTION OF MAYOR PRO-TEM

According to the Marshall City Charter, Section 2.07, at the first meeting in January following each regular city election, the City Council shall elect from amongst its members a Mayor Pro-tem who shall act as Mayor during absence or disability of the Mayor, and if a vacancy occurs, shall become Mayor for the remainder of the unexpired term.

BUDGET IMPACT:

None.

RECOMMENDATION:

Elect a Mayor Pro-tem as required by the Marshall City Charter.

CALL TO ORDER

IN REGULAR SESSION, Tuesday, December 20, 2022 at 7:00 P.M., in the Council Chambers of City Hall, 323 West Michigan Avenue, Marshall, MI 49068. City Council was called to order by Mayor Caron.

ROLL CALL

Roll was called:

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

Also Present: City Manager Perry and Clerk Eubank

Absent: Rice and Traver

Moved Gates, supported Underhill, to excuse members Rice and Traver. On a voice vote-
MOTION CARRIED.

PLEDGE OF ALLEGIANCE

Mayor Caron led the Pledge of Allegiance.

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.

CONSENT AGENDA

Mayor Caron noted that the date on the work session needed to be amended to December 5, 2022

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

- A. Minutes of the City Council Work Session held on Monday, December 5, 2022;
- B. Minutes of the City Council Regular Session held on Monday, December 5, 2022;
- C. Approve city bills in the amount of \$2,086,927.82

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

PRESENTATIONS AND RECOGNITION

None.

INFORMATIONAL ITEMS

None.

PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

None.

OLD BUSINESS

None.

REPORTS AND RECOMMENDATIONS

A. AMP Fremont Energy Center Additional Allocation

Moved Gates, supported Underhill, to authorize the Mayor and City Clerk to execute the Assignment and Assumption Agreement for a 1 MW additional allocation of the American Municipal Power Fremont Energy Center. On a roll call vote- ayes: Schwartz, Underhill, Wolfersberger, Mayor Caron, and Gates; nays: none. **MOTION CARRIED**

RESOLUTION 22-034

APPROVING THE ASSUMPTION OF AN INTEREST OF THE CITY OF HAMILTON, OHIO IN THE AMP
FREMONT ENERGY CENTER POWER SALES CONTRACT AND OTHER MATTERS

WHEREAS, the City of Marshall (the “City”) owns and operates an electric utility system for the sale of electric power and associated energy for the benefit of its citizens and taxpayers; and

WHEREAS, the City is also a member of American Municipal Power, Inc., (“AMP”); and

WHEREAS, the City, along with other AMP Members (collectively “Participants”), entered into a Power Sales Contract regarding the American Municipal Power Fremont Energy Center dated June 15, 2011 (“PSC”); and

WHEREAS, in order to obtain such sources of electric capacity and energy, each Participant purchases its PSCR Share (as defined in the PSC) of the output of the Power Sales Contract Resources (as defined in the PCS) from AMP; and

WHEREAS, the City has determined that it requires additional electric capacity and energy; and

WHEREAS, the City of Hamilton, Ohio is a Participant under the PSC (“Assignor”); and

WHEREAS, the City desires to accept the assignment of and assume up to 0.215% (1,000 kW) from Assignor’s PSCR Share (the “Assigned Share”) along with the other rights and obligations of Assignor under the PSC, including, without limitation, any obligation of Assignor to purchase Step Up Power and pay Step Up Costs, related to the PSCR Share (as such terms are defined in the PSC) (the “Assignment”); and

WHEREAS, AMP, on behalf of the remaining Participants, has waived or will waive, upon the effectiveness of this Resolution and certain other prerequisites, the right of first refusal to assume Assignor’s rights under the PSC; and

WHEREAS, the City, Assignor and AMP desire to enter into an Assignment and Assumption Agreement (“Assignment Agreement”) which sets forth the parties’ respective rights and obligations with regard to the Assignment.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Assignment is hereby authorized and the Assignment Agreement, in substantially the form of which is on file with the City Clerk, is hereby approved, and the Mayor and the City Clerk are authorized and directed, upon request of the City Council, to execute on behalf of the City a final form of the Assignment Agreement, substantially in the form approved by this resolution with such completions and changes therein as may be necessary and approved by the City Attorney.

2. The City is hereby authorized, through the execution and delivery of the Assignment Agreement, to acquire the Assigned Share, and the Mayor and the City Clerk, and each of them, are authorized to execute and deliver any and all documents necessary for the City to acquire the Assigned Share and to carry out Assignor’s related obligations under the PSC.

3. If any section, subsection, paragraph, clause or provision or any part thereof of this resolution shall be finally adjudicated by a court of competent jurisdiction to be invalid, the remainder of this resolution shall be unaffected by such adjudication and all the remaining provisions of this resolution shall remain in full force and effect as though such section, subsection, paragraph, clause or provision or any part thereof so adjudicated to be invalid had not, to the extent of such invalidity, been included herein.

4. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded.

5. This resolution shall take effect immediately as an emergency measure because a continuous, uninterrupted, and cost-effective power supply is necessary to preserve the health, welfare, and safety of the community.

Passed on this, the _____ day of _____, 2022, by the following vote:

AYES:

NAYS:

ABSENT:

MOTION APPROVED.

I HEREBY CERTIFY, that the foregoing is a Resolution duly made and passed by City Council of the City of Marshall at their regular meeting held on December 20, 2022, at 7:00 p.m. in Marshall, Michigan, with a quorum present.

Michelle Eubank, City Clerk

Date

B. DART Grant Request

Moved Gates, supported Underhill, to approve the submission of a Senior Millage Mini-Grant to Calhoun County in an amount up to \$5,000. On a voice vote – **MOTION CARRIED.**

C. Marshall Community Foundation Grant Request

Moved Schwartz, supported Underhill to approve the Marshall Area Farmer's Market grant application to the Marshall Community Foundation. On a voice vote – **MOTION CARRIED.**

APPOINTMENTS/ELECTIONS

None.

PUBLIC COMMENT ON NON-AGENDA ITEMS

None

COUNCIL AND MANAGER COMMUNICATIONS

Council members thanked Mayor Caron for his service and guidance over the past several years.

Mayor Caron stated that he appreciated the opportunity that the citizens have given him to serve over the last several years and is hopeful for the direction the City is headed in.

CLOSED SESSION

Moved Wolfersberger, supported Underhill to enter in closed session under section 8(h) of the Open Meetings Act, to consider material exempt from disclosure by state statute, section 13(1)(g) of the Freedom of Information Act, being confidential attorney-client privileged written communication from its attorney dated November 21, 2022 and December 20, 2022 regarding Marshall House, for the reason that the written communications are exempt from disclosure under State law due to the attorney-client privilege. On a roll call vote- ayes: Schwartz, Underhill, Wolfersberger, Mayor Caron, and Gates; nays: none. **MOTION CARRIED**

Enter into Closed Session at 7:30 p.m.

Return to Open Session at 7:55 p.m.

Moved Wolfersberger, supported Gates to allow the City Clerk to execute the Fourth Amendment to the Purchase and Sale Agreement for Marshall House. On a roll call vote- ayes: Underhill, Wolfersberger, Mayor Caron, Gates and Schwartz; nays: none. **MOTION CARRIED**

ADJOURNMENT

The meeting was adjourned at 7:57 p.m.

Joe Caron, Mayor

Michelle Eubank, City Clerk

APPROVAL LIST FOR CITY OF MARSHALL
EXP CHECK RUN DATES 12/16/2022 - 12/16/2022
UNJOURNALIZED
OPEN

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
10282022-A	5 STAR SPRINKLERS	WINTERIZING AT BROOKS FOUNTAIN		75.00
10282022-B	5 STAR SPRINKLERS	WINTERIZING AT CITY HALL		75.00
10282022-C	5 STAR SPRINKLERS	WINTERIZING AT GRAND STREET PARK		75.00
11032022-A	5 STAR SPRINKLERS	WINTERIZING AT CARVER PARK		75.00
11032022-B	5 STAR SPRINKLERS	WINTERIZING AT DOWNTOWN		75.00
11032022-C	5 STAR SPRINKLERS	WINTERIZING AT INDUSTRIAL DRIVE		75.00
11032022-D	5 STAR SPRINKLERS	WINTERIZING AT PSB		75.00
11032022-E	5 STAR SPRINKLERS	WINTERIZING AT SOFTBALL FIELDS		75.00
11032022-F	5 STAR SPRINKLERS	WINTERIZING AT WEST END ISLANDS		75.00
12/15/2022	AIMONE, HEATHER	UB refund for account: 3205220031		46.14
61680	ALEXANDER CHEMICAL COR	CUST NO. 100413 CHLORINE GAS	2023.131	1,554.84
1631-HJTX-3XTF	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - AUX CABLE 25FT		18.89
11RV-M9XF-DWC3	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - DRY ERASE BOARD		85.69
134M-HM1D-FYNM	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - SOAP		69.70
1631-HJTX-MCC1	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - VACUUM BAGS		22.87
1M7X-1T6R-LD7N	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - RETIREMENT GIFT FO		89.71
1CJF-DH3R-LLTG	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - TABLET FOR METER R		348.32
149V-NDGC-LWK7	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - FORD HANDLE REPLAC		99.50
1NY4-LKW7-NN9H	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - EMT FIRST AID KITS		337.93
1CLC-CQHK-9MH1	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - RETIREMENT PARTY S		53.87
1HPW-JN7X-47L4	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - CLEANING SUPPLIES		29.17
16MM-L63W-JNJH	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - NAME PLATE		13.92
489952	ASCENSION MICHIGAN	DOT PHYSICAL EXAM - MEYER, STEVE		88.00
225-500786	AUTO VALUE MARSHALL	GARAGE/STREETS - OPERATING SUPPLIES		380.23
225-500833	AUTO VALUE MARSHALL	GARAGE/STREETS - WIPER BLADES, SNOW BRUS		110.93
225-500836	AUTO VALUE MARSHALL	GARAGE/STREETS - WIPER BLADES		22.58
225-500858	AUTO VALUE MARSHALL	GARAGE/STREETS - THREADED CLEVIS, 3030 T		73.18
225-500876	AUTO VALUE MARSHALL	GARAGE/STREETS - PRIMER, GLOSS, CLEAR WH		90.83
225-500946	AUTO VALUE MARSHALL	GARAGE/STREETS - CAR WASH, LUMEN LIGHT		39.78
225-501118	AUTO VALUE MARSHALL	GARAGE/STREETS - OIL, OIL FILTER		74.31
225-501183	AUTO VALUE MARSHALL	GARAGE/STREETS - LAMP, CLEAR WHEEL		56.18
2265435999	AUTO ZONE, INC.	CUST NO. 463568 WIPER BLADES & DE-ICER		89.34
2265436043	AUTO ZONE, INC.	CUST NO. 463568 WIPER BLADES		7.09
11022022	B. E. HENRY COMMUNITY	2022-2023 RESERVATION FOR WINTER FARMER'		910.00
22131024.00 - 5	BARR ENGINEERING CO.	FERC PART 12D INSPECTION AND REPORTING O2022.222		2,280.00
891316	BELLEVUE HARDWARE	FIRE DEPT. - BUILDING MAINT. SUPPLIES (W		206.93
71151	BUD'S TOWING & AUTOMOT	MARSHALL PD TIRE SERVICE FEE		60.00
12162022	CALHOUN COUNTY CLERK	DOCUMENT FILING - 15325 W. MICHIGAN AVE		30.00
12122022	CB HALL ELECTRIC COMPA	CITY OF MARSHALL INSPECTION SERVICES NOV		500.00
CLERK-2023-0000001	CITY OF BATTLE CREEK	2022 ELECTION SUPPLIES		750.58
02142023	CITY OF MARSHALL	TAXES PROP #: 13-53-003-003-10 WINTER TA		621.02
117393	CONNECTED SOLUTIONS GR	QUOTE # MICROSOFT SURFACE PRO 7+ WITH AC2023.129		1,633.99
12/15/2022	EILEEN KELLEHER	UB refund for account: 1401		50.00
22-7295	ELECTION SOURCE	DEMOCRACY SUITE ICP, ICX CODING, COUNTIN		1,160.00
S104747901.001	ETNA SUPPLY	CUST NO. 5277 KUPFERLE #9700	2023.127	2,500.00
22-11211	GARAGE DOORS UNLIMITED	SERVICE CALL AT FIRE DEPT FOR BAY 1 SOUT		150.00
5968800	GARDNER CASTERS & WHEE	CUST NO. 68D 2 SWIVEL & 3 STRAIGHT ALLOY2023.110		274.30
4760	GOODWIN'S PLUMBING, LL	INSTALL SLOAN VALVES AT MRLEC (W/O TAXES		547.90
9516210342	GRAINGER	ACCT NO. 804945673 GLOVES		92.40
9329612640	GRAYBAR ELECTRIC	ACCT NO. 0000571644 COMMScope CABLES FOR2023.045		696.12
9329686823	GRAYBAR ELECTRIC	ACCT NO. 0000571644 DROP CABLES, REAL FL2023.116		1,850.07
11302022	GROSS, JOHN	CITY OF MARSHALL INSPECTION SERVICES NOV		750.00
12152022	HOCH-MELLUISH, PATTY	BROOKS NATURE AREA SIGN REPAIR COSTS		110.51
173469	IMPACT SOLUTIONS	CLIENT NO: MARSH - OFFICE SUPPLY SHIPPIN		24.00
3772	K&S WELDING & FABRICAT	DPW TRUCK PLOW SHOES		423.00
73554	KEBS, INC.	PROJECT 100487.PLT 701 LINDEN ST PLOT PL		75.00
INV036932	KNIGHT WATCH, INC	MARSHALL HOUSE 3 MONTH FIRE MONITORING		240.00
018134	LEWEY'S SHOE REPAIR	BOOT ALLOWANCE - JOHNSON, DAVE		235.00
018165	LEWEY'S SHOE REPAIR	BOOT ALLOWANCE - WHEATON, JERAMY		235.00
32590593	LINDE GAS & EQUIPMENT,	CUST NO. 59879658 GAS		123.84
12/15/2022	LUPTON, TAMI	UB refund for account: 3005680035		34.53
9340	MACKS FIRE PROTECTION	(FIRE DEPT. SUPPRESSION SYSTEM ANNUAL INS		162.00
P00977	MACQUEEN EMERGENCY GRO	ACCT NO. MARSH033 SCBA FLOW TEST & SHOP		1,355.00
002148	MARSHALL HARDWARE	STREETS - SPRAY PAINT, ZIP TIES, BATTERI		111.80
002177	MARSHALL HARDWARE	AIRPORT - HEAT LIGHT, CLAMP, CORD		31.97
S5126519.002	MEDLER ELECTRIC COMPAN	CUST NO. 979 ELECTRIC TAPE		191.74
12162022	OAKLAWN HOSPITAL	PARKING RAMP RENT DDA - DEC 2022		13,875.00
56705082	POWER LINE SUPPLY	CUST NO. 100402 OKONITE 1/0 COPPER UNDER2023.024		48,051.72
56705747	POWER LINE SUPPLY	CUST ID: 100402 2" ELBOW		53.20
56705808	POWER LINE SUPPLY	CUST ID: 100402 #6 POLY COVERED AL TIE W		980.00
11262022	POWERPLAN	ACCT NO. 88002-30904 CLAW BLADE & PLOW B		2,178.77
224263	PRINTING SYSTEMS, INC.	ACCT NO. 268 VOTER INFO CARDS		698.31
225909	PRINTING SYSTEMS, INC.	ACCT NO. 731 TAX FORMS (W-2/1099/W-3/109		280.33
10262022	QUALITY EXCAVATORS, IN	2022 S. MARSHALL AVE WATERMAIN REPLACEME2023.074		178,183.29
2023BLUESFEST-1	RENTALEX	2023 BLUES FEST TENT/CHAIRS 25% DEPOSIT		682.80
90477663	SAFETY-KLEEN SYSTEMS,	ACCT NO. CI42951 RECYCLING USED OIL		143.20
12/15/2022	SCARBROUGH, KARI	UB refund for account: 100005007		19.25
12/15/2022	SHEPPARD, BEN	UB refund for account: 3204680028		72.66
1645588801	STAPLES BUSINESS CREDI	CREDIT ACCT NO. 302063 OFFICE SUPPLIES		591.99

12/15/2022 07:05 PM
User: KWAGNER
DB: Marshall

APPROVAL LIST FOR CITY OF MARSHALL
EXP CHECK RUN DATES 12/16/2022 - 12/16/2022
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INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
12162022	STATE OF MICHIGAN	AUTHENTICATION REQUEST FORM FEE		1.00
12122022	STATE OF MICHIGAN	2023 MIDEAL MEMBERSHIP ID #: 192		180.00
984710	STEENSMA	CUST NO. 5154 PLOW MOUNTS	2023.135	3,124.51
2023BLUESFEST-1	STEINBERG, MARC	2023 BLUES FEST BAND 50% PAYMENT		2,500.00
303869	THE IRRIGATOR, INC.	WINTERIZATION OF IRRIGATION AT MRLEC		90.00
141-A	TOP TO BOTTOM TREE SER	ELECTRIC LINE CLEARANCE (3-PERSON \$106/2023.002		1,590.00
141-B	TOP TO BOTTOM TREE SER	TREE REMOVAL AT LIBERTY & MANSION STREET		2,650.00
1620047946	UNIFIRST CORPORATION	UNIFORM SERVICES - MARSHALL HOUSE		50.83
1620047943	UNIFIRST CORPORATION	UNIFORM SERVICES - DPW GARAGE		53.15
1620047944	UNIFIRST CORPORATION	UNIFORM SERVICES - POWER HOUSE		69.59
1620047940	UNIFIRST CORPORATION	UNIFORM SERVICES - WASTE WATER		40.45
1620047947	UNIFIRST CORPORATION	UNIFORM SERVICES - WATER		42.49
1620047945	UNIFIRST CORPORATION	UNIFORM SERVICES - ELECTRIC & FIBER		236.30
9921953876	VERIZON WIRELESS	ACCT NO. 987146080-00001 DEC 2022		1,790.45
12/15/2022	WATKINS, GARY & MELISSA	UB refund for account: 3003290024		18.08
3610309	XEROX FINANCIAL SERVIC	CUSTOMER NO. 69580 XEROX LEASE NOV 2022		1,688.49
GRAND TOTAL:				282,830.56

APPROVAL LIST FOR CITY OF MARSHALL
EXP CHECK RUN DATES 12/22/2022 - 12/22/2022
UNJOURNALIZED
OPEN

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
60024	ALEXANDER CHEMICAL COR	CUST NO. 100413 WWTP CHEMICALS	2023.023	2,922.65
92634	ALL-TRONICS, INC.	ACCT NO. 1-MARCIT PHONE REPROGRAMMING		90.00
320714	APEX SOFTWARE	ACCT NO. 103566 MAINTENANCE RENEWAL FOR		470.00
269781949212-2022	AT&T	ACCT NO. 269 781-9492 594 7 MARSHALL HOU		106.55
269789901112-2022	AT&T	ACCT NO. 269 789-9011 599 1 MRLEC DEC 20		234.70
269781843112-2022	AT&T	ACCT NO. 269 781-8431 746 9 AIRPORT DEC		273.56
762046	CHR SOLUTIONS	FIBERNET SUPPORT CONTRACT	2023.098	5,100.00
12222022	CITY OF MARSHALL	PETTY CASH - DEED COPY		5.00
12222022	CORELOGIC CENTRALIZED	TAX REFUND OVERPAYMENT 13-53-022-092-00		873.58
000563204	CRYSTAL FLASH MARSHALL	DIESEL FUEL FOR POWER PLANT ENGINE USE	2023.138	48,698.40
608479	DARLING ACE HARDWARE	CUST NO. 1650 - WASTE WATER (NUTS, BOLTS		1.88
609756	DARLING ACE HARDWARE	CUST NO. 1650 - FIRE (SNOWBRUSH)		29.97
609757	DARLING ACE HARDWARE	CUST NO. 1650 - MARSHALL HOUSE (SHOVEL,		75.13
609807	DARLING ACE HARDWARE	CUST NO. 1650 - WATER (SNOWBRUSH, CLOCK)		63.56
609810	DARLING ACE HARDWARE	CUST NO. 1650 - REC/PARKS (KEYS)		9.56
609858	DARLING ACE HARDWARE	CUST NO. 1650 - MARSHALL HOUSE (TAPE, W9		24.98
609962	DARLING ACE HARDWARE	CUST NO. 1650 - MARSHALL HOUSE (KEYS)		4.78
610002	DARLING ACE HARDWARE	CUST NO. 1650 - MARSHALL HOUSE (FAUCET,		187.97
610124	DARLING ACE HARDWARE	CUST NO. 1650 - ELECTRIC (9V BATTERY)		11.99
610188	DARLING ACE HARDWARE	CUST NO. 1650 - MARSHALL HOUSE (VALVE, C		61.53
610224	DARLING ACE HARDWARE	CUST NO. 1650 - MARSHALL HOUSE (HOOD DRY		125.96
605806	DARLING ACE HARDWARE	CUST NO. 1650 - WATER (BATTERIES)		28.58
605871	DARLING ACE HARDWARE	CUST NO. 1650 - FIRE (AUTOCUT HEAD, TRIM		48.98
606042	DARLING ACE HARDWARE	CUST NO. 1650 - WATER (BATTERIES)		9.99
606171	DARLING ACE HARDWARE	CUST NO. 1650 - REC/PARKS (DRILL BITS, N		44.97
610079	DARLING ACE HARDWARE	CUST NO. 1650 - FIRE (CAULK)		29.97
610102	DARLING ACE HARDWARE	CUST NO. 1650 - FIRE (CABLE TIES)		15.99
S0016780	EMERGENCY VEHICLE PROD	CUST ID: MARSHALL - FIRE VEHICLE MAINTEN		1,390.27
S0016781	EMERGENCY VEHICLE PROD	CUST ID: MARSHALL - FIRE VEHICLE MAINTEN		824.20
S0016782	EMERGENCY VEHICLE PROD	CUST ID: MARSHALL - FIRE VEHICLE MAINTEN		1,770.80
S0016752	EMERGENCY VEHICLE PROD	CUST ID: MARSHALL - FIRE VEHICLE MAINTEN		1,239.00
S0016765	EMERGENCY VEHICLE PROD	CUST ID: MARSHALL - FIRE VEHICLE MAINTEN		1,261.38
84332211	FIRST ADVANTAGE RESIDE	ACCT NO. 138549 RESIDENTIAL SCREENING AT		20.39
12222022	GOODRICH, PHIL	MILEAGE PORTION OF JURY DUTY CHECK		5.74
Q.9065	GORNO FORD, INC	2022 FORD F-550 4X4 CAB & CHASIS (TRUCK	2022.095	49,369.00
T.7791	GORNO FORD, INC	2022 FORD F250 4X4 PICK UP TRUCK W/ MUNI	2022.094	34,755.00
24853148	GRANGER WASTE SERVICES	ACCT NO. 2782490 COMMERCIAL/WASTE DEC 20		1,054.72
24845994	GRANGER WASTE SERVICES	ACCT NO. 18400290 RESIDENTIAL DEC 2022		30,204.90
24851907	GRANGER WASTE SERVICES	ACCT NO. 2890780 875 E. MICHIGAN AVE DEC		173.27
24813587	GRANGER WASTE SERVICES	ACCT NO. 18422860 CITY BUILDINGS/RECYCLI		110.28
12/22/2022	HACKWORTH, SAMUEL	UB refund for account: 1001180011		106.19
4402-797252	HARMON AUTOGLASS	2010 FORD F-250 WINDOW TINT, WEATHERSTRI		340.00
04516653	HARRINGTON INDUSTRIAL	CUST NO. 124093 GLOBE VALVE	2023.103	450.86
12/22/2022	HOME SLICE PIZZERIA	UB refund for account: 2806060002		100.08
0069848-IN	HYDROCORP	CUSTOMER: MUNMARS - INSPECTION & REPORTI		909.00
C172753	IMPACT SOLUTIONS	CLIENT NO. MARSH - BUSINESS CARDS AMBROS		110.80
C172754	IMPACT SOLUTIONS	CLIENT NO. MARSH - ENVELOPE PROCESSING		7.00
4209	JIMMY'S JOHNS	FARMER'S MARKET JULY 2022		125.00
4369	JIMMY'S JOHNS	FARMER'S MARKET OCTOBER 2022		156.25
27693	KATZ WELL DRILLING INC	REPAIRS TO TAILGATE ON TRUCK #310		100.00
25872	LEGG LUMBER	MARSHALL HOUSE - DRY WALL, SCREWS		60.96
25899	LEGG LUMBER	MARSHALL HOUSE - DRY WALL, MODERN CASING		35.83
25941	LEGG LUMBER	MARSHALL HOUSE - CORNER 206, COVE 100		60.03
26005	LEGG LUMBER	WATER DEPT - HYDRAULIC CEMENT 10LB		32.89
1720997-20221130	LEXISNEXIS RISK DATA	MBILLING ID: 1720997 NOVEMBER 2022		100.00
2270	MAEDA	MARSHALL BUCKS FOR SERVICE AWARDS		550.00
7785-A	MICHIGAN POLICE EQUIP	ITEMS ADDED TO ORIGINAL INVOICE/SHORT PA		100.00
12212022	MISNER, JULIE	FOOD COST DUE TO REFRIGERATOR FAILURE AT		199.35
479670	NORTH CENTRAL LABORATO	ACCT NO. 27850 BLANKET PO FOR LAB SUPPLI	2023.015	205.20
12042022	QUADIENT FINANCE USA,	ACCT NO. 7900 0440 5582 9307 POSTAGE DEC		3,000.00
N9696623	QUADIENT LEASING USA,	CUST NO. 01041574 POSTAGE MACHINE LEASE		584.52
220324	R.W. MERCER CO. INC.	CUST NO. MAR200 ANNUAL AIRPORT COMPLIANC		1,310.05
220297	R.W. MERCER CO. INC.	CUST NO. MAR200 REPLACED FILTERS IN GAS		232.00
70860383	ROSE PEST SOLUTIONS	CLIENT NO. 70019775 MARSHALL HOUSE SERVI		1,250.00
2009901	STANTEC CONSULTING MIC	CUST NO. 65602 CLARIFIER CONSTRUCTION SE	2021.350	747.50
2009366	STANTEC CONSULTING MIC	2022 CONSTRUCTION ENGINEERING - S. MARSH	2023.073	24,166.46
2009903	STANTEC CONSULTING MIC	ENGINEERING SERVICES - TASK 109 - REGION	2022.213	452.50
12222022	STAR TRUCK RENTALS,	INVENTORY LEVEL DRIVER TRAINING/CDL - DAVIS,		4,240.00
761-11052171	STATE OF MICHIGAN	CUST ID: 489105 NPDES ANNUAL PERMIT FEE		150.00
761-11051443	STATE OF MICHIGAN	CUST ID: 182921 NPDES ANNUAL PERMIT FEE	2023.140	5,500.00
1869	THE WOODHILL GROUP, LL	FINANCE & ACCOUNTING SERVICES FY2023	2023.056	5,283.13
142	TOP TO BOTTOM TREE SER	ELECTRIC LINE CLEARANCE (3-PERSON \$106/	2023.002	4,240.00
212844	VISION METERING	CUST ID: 8382 AMI ENABLED ELECTRIC METER	2023.049	7,511.00
000287320	WATER ENVIRONMENT FEDE	MEMBER ID: 17526283 MEMBER DUES - EGNATU		155.00
85628734	WEX BANK	ACCT NO. 0470-00-462076-1 FUEL DEC 2022		14,615.93
12022022	WOW! INTERNET-CABLE-PH	ACCT NO. 010040764 MARSHALL HOUSE DEC 20		1,442.02
GRAND TOTAL:				260,358.73



ITEM 8.C

TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
Eric Zuzga, Director of Community Services
DATE: January 3, 2023
SUBJECT: **SET PUBLIC HEARING FOR REZONING OF 311 W SPRUCE FOR
JANUARY 17, 2023**

A request was received from the new owners of 311 West Spruce to rezone the property from Research and Technology District (I-1) to Regional Commercial District (B-4). The request is inline with the Master Plan and the other parcel 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. A public hearing needs to be scheduled to consider this 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:

Schedule a public hearing for January 17, 2023 to consider Ordinance 2023-01 for the rezoning of 311 West Spruce to Regional Commercial (B-4) from Research and Technology (I-1).

**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 311 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 8.D

TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
DATE: January 3, 2023
SUBJECT: **MARSHALL HOUSE PSA AMENDMENT 4**

BUDGET IMPACT:

RECOMMENDATION:

Move to approve the Marshall House Fourth Amendment to Purchase and Sale Agreement

FOURTH AMENDMENT TO PURCHASE AND SALE AGREEMENT

THIS FOURTH AMENDMENT TO PURCHASE AND SALE AGREEMENT (this “**Fourth Amendment**”) is made effective as of November 1, 2022 (the “**Effective Date**”), by and between the City of Marshall, Michigan, a public authority and body politic of the State of Michigan (“**Seller**”), and Marshall Affordable Limited Dividend Housing Association, LP, a Michigan limited partnership (“**Buyer**”).

Recitals

A. Seller and Integra Property Group, LLC (“**Integra**”), entered into that certain Purchase and Sale Agreement dated as of August 17, 2021, which was amended by that certain First Amendment to Purchase and Sale Agreement dated as of November 3, 2021, that certain Second Amendment to Purchase and Sale Agreement dated as of May 2, 2022, and that certain Third amendment to Purchase and Sale Agreement dated as of August 16, 2022 (as amended, the “**Agreement**”). Integra assigned all of its right, title, and interest in and to the Agreement to Buyer pursuant to that certain Assignment and Assumption by and between Integra and Buyer. The Agreement provides for, among other things, the purchase and sale of that certain 100-unit multifamily property commonly known as Marshall House Apartments, located at 200 East Spruce Street, Marshall Michigan, and more fully described in the Agreement (the “**Property**”).

B. As of the date hereof, the required HUD/MSHDA Approvals have not yet been obtained and are delayed due to outstanding environmental contamination remediation matters and flood plain issues affecting the Property. Accordingly, the Seller and Buyer desire to terminate the Agreement and provide for the return of the Deposit to the Buyer.

Agreement

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by Seller and Buyer, Seller and Buyer agree as hereinafter provided:

1. **Capitalized Terms.** Terms and words not herein expressly defined shall, to the extent the same are defined in the Agreement, have the same meaning and application ascribed thereto in the Agreement, it being the intent of the parties hereto that the Agreement and this Fourth Amendment be applied and construed as a single instrument.

2. **Termination of Agreement.** The parties agree to terminate the Agreement pursuant to Section 13.7 of the Agreement, as of the date of this Fourth Amendment, the Deposit shall be returned to the Purchaser, and the parties shall have no further obligation to each other.

3. **Release of Entire Deposit to Buyer.** Buyer and Seller hereby agree that the entire Deposit, in the amount of \$150,000.00, shall be refunded to Buyer and may be released to Buyer immediately.

4. **Third Party Reports.** Buyer shall provide Seller with a copy of all third party reports it has completed with respect to the Property, including, inter alia: i) survey, ii) title report, iii) physical condition and needs assessment (PCNA) report, iv) appraisal, v) phase I report, vi) supplemental environmental testing reports, vii) rental comparability study (RCS), viii) architect completed full

property plan set and renovation detail/specifications.

5. Governing Law. This Fourth Amendment shall be construed as to both validity and performance and enforced in accordance with and governed by the laws of the State of Michigan.

IN WITNESS WHEREOF, Seller and Buyer have executed this Fourth Amendment as of the date first above written.

SELLER:

CITY OF MARSHALL, MICHIGAN,
a public authority and body politic of the State of
Michigan

By: _____

Name: Trisha Nelson

Title: City Clerk

BUYER:

**MARSHALL AFFORDABLE LIMITED
DIVIDEND HOUSING ASSOCIATION, LP**,
a Michigan limited partnership

By: IPG Partners – 9, LLC,
a Michigan limited liability company
Its: General Partner

By: Integra Property Group, LLC,
a Delaware limited liability company
Its: Manager

By: 
Hans Juhle
Managing Member



ITEM 8.E

TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
William Dopp, Finance Director/ City Treasurer
DATE: January 3, 2023
SUBJECT: **AUTHORIZED SIGNERS ON CITY BANK ACCOUNTS**

Banking and financial institutions require a resolution from the governing body for the persons authorized to have access to bank accounts held in the name of, and for, the City of Marshall. Periodically, this resolution needs to be “updated” for the record. With some recent staff turnover and shuffling, it is necessary for the City Council to affirm those persons authorized as account signers for the City of Marshall. All city accounts will be updated with new signature cards and this resolution shall be placed on file with all financial institutions holding money belonging to the City.

BUDGET IMPACT:

There is no effect. This is an administrative policy only.

RECOMMENDATION:

Adopt the attached resolution authorizing William Dopp III, Finance Director/Treasurer, and Derek N. Perry, City Manager, as legal signers for accounts belonging to the City of Marshall, and authorizing Trisha Nelson, Deputy Treasurer, and Kristina Wagner, Accounts Payable Clerk, to conduct daily business effective January 3, 2023.

**CITY OF MARSHALL, MICHIGAN
RESOLUTION # 2023-03**

WHEREAS, all financial institutions require a resolution to name or change persons authorized to act on behalf of the City of Marshall on checking, savings, pool funds, investments, or share accounts; and

WHEREAS, Trisha Nelson became the City's Deputy Treasurer effective August 28, 2022; and

WHEREAS, Tamera Palodichuk left the City effective October 14, 2022, and Kristina Wagner took on additional accounting roles effective October 14, 2022.

THEREFORE, BE IT RESOLVED, that the Marshall City Council certifies to all financial institutions where accounts are held in the name of and on behalf of the City of Marshall that the following persons are authorized to transact business on said bank accounts effective January 3, 2023:

Derek Perry, City Manager
William Dopp, Finance Director/ Treasurer
Trisha Nelson, Deputy Treasurer
Kristina Wagner, Accounts Payable Clerk

AYES:

NAYS:

Dated: January 3, 2023

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 a resolution adopted by the City Council, city of Marshall, county of Calhoun, state of Michigan, at a regular meeting held on January 3, 2023 and that said meeting was conducted in accordance with the Open Meeting Act and that the minutes of said meeting were kept and will be or have been made available to the public.

Michelle Eubank, City Clerk



ITEM 13.A

TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
Marguerite Davenport, Director of Public Services
DATE: January 3, 2023
SUBJECT: **DART ACCESSIBILITY PLAN APPROVAL**

The City of Marshall Dial A Ride is required to update their Accessibility Plan and submit to the Michigan Department of Transportation (MDOT). The department has updated the plan and requires City Council approval prior to submission to MDOT. The Accessibility Plan outlines how the transit agency operates and provides service to seniors and handicap individuals at the same level of all transit customers. The plan was reviewed at the most recent DART Local Advisory Council meeting on December 7, 2022.

BUDGET IMPACT:

None

RECOMMENDATION:

Approve the Marshall Dial A Ride Accessibility Plan and submit to MDOT.

**Accessibility Plan
City of Marshall DART
323 W Michigan Ave.
Marshall, MI 49068**

1. Purpose

This accessibility plan is submitted in compliance with Section 10e (18) of the Michigan Transportation Fund Act (MCL 247.660e) (hereinafter “the Act”) and the official administrative rules for administration of Michigan’s Comprehensive Transportation Fund. The purpose of this accessibility plan is to describe the demand-response service provided by the City of Marshall (DART) to senior persons and individuals with disabilities. This accessibility plan demonstrates it is the policy of the City of Marshall (DART) to comply with the following requirements of Section 10e (18):

- A. That demand-response service is provided to persons 60 years of age or older and individuals with disabilities residing in the City of Marshall’s entire service area. (See attached map defining the service area.)
- B. That as a minimum, demand response service is provided to persons 60 years of age or older and individuals with disabilities during the same hours as service is provided to all other persons in the City of Marshall’s service area.
- C. That the average time required for demand response service to persons 60 years and older and individuals with disabilities, from the initiation of a service request to arrival at the destination, is equal to the average time period required for demand response service provided to all other persons in the City of Marshall’s service area.
- D. That the City of Marshall (DART) has established a Local Advisory Council with not less than 50 percent of its membership representing persons 60 years of age or older and individuals with disabilities in the City of Marshall’s service area. At least one member (or 12 percent of membership has been appointed jointly with the area agency on aging. The Local Advisory Council has had an opportunity to review and comment on this plan before its submission to the Michigan Department of Transportation. (See attached City of Marshall (DART) Local Advisory Council minutes)

All rules cited below refer to the official administrative rules for the administration of the Comprehensive Transportation Fund. These rules are found in the Michigan Administrative Code, beginning at Rule 241.4101, et seq.

2. Definition of Senior and Individual with a Disability - Rule 201 (2) (c)

As used in this Accessibility Plan

(a) “individual with a disability” means an individual who has a physical or mental impairment that substantially limits one or more of the major life activities of such individual, a record of such impairment, or being regarded as having such an impairment. See Michigan Administrative Code Rule 247.4101(1)(m).

(b) “senior” means an individual 60 years of age or older.

3. Number of Senior and Individuals with Disabilities in Service Area - Rule 201 (2) (c)

The City of Marshall estimates that a total of 967 persons fitting the above definitions reside in the agency’s defined service area.

4. Description of Plan Development Process and Local Advisory Council Involvement - Rule 201(2) (e)

The City of Marshall developed this plan using the following process:

- a. Agency staff drafted a plan, incorporating all information required by R 247.4201 and R247.4202 of the Michigan Administrative Code
- b. The draft plan content was reviewed at a meeting of the City of Marshall’s Local Advisory Council, held on Dec. 7, 2022, wherein the Local Advisory Council was given the opportunity to review and comment on the content of the plan. In accordance with Sec. 10e(18)(d) of the Act, all comments on the plan received at this meeting by Local Advisory Council members are contained in a separate section of this plan.

5. Local Advisory Council Composition - Rule 202

The City of Marshall’s Local Advisory Council is currently comprised of three (3) members, which meets or exceeds the required minimum of three members. In accordance with Rule 202, no member of the Local Advisory Council is an employee, executive committee member, or governing board member of the City of Marshall. The City of Marshall (DART) ensures that at least 50 percent of its Local Advisory Council membership represents persons who are 60 years of age or older and persons who have disabilities within the agency’s defined service area. The City of Marshall (DART) further ensures that at least one member of its Local Advisory Council (or one of every eight members, whichever is larger) is approved jointly with the area agency on aging. The City of Marshall (DART) further ensures that its Local Advisory Council membership will include people who have diverse disabilities and seniors who are users of public transportation. The City of Marshall (DART) Local Advisory Council is, at the time of adoption and submission of this plan, composed of the following members:

1. LAC Chairperson Name: Isadore Casarez

This Member is a:

- ☒ Person with Disabilities
☒ Person 60 years and older
☐ Neither of the above groups
☐ Represents one of the above

AFFILIATION

This member is:

- ☐ Jointly appointed by the area
agency on aging
☒ User of Public Transportation

2. Helen Starkey

NAME

This Member is a:

- ☐ Person with Disabilities
☒ Person 60 years and older
☐ Neither of the above groups
☐ Represents one of the above

AFFILIATION

(name of organization if any)

This member is:

- ☐ Jointly appointed by the area
agency on aging
☐ A user of public transportation
☒ Neither of the above

3. Helen Guzzo

NAME

This Member is a:

- ☐ Person with Disabilities
☐ Person 66 years and older
☐ Neither of above groups
☒ Represents one of the above

Calhoun County Senior Services

AFFILIATION

This member is:

- ☒ Jointly appointed by the area
agency on aging
☐ A user of public transportation
☐ Neither of the above

4. _____

NAME

This Member is a:

- ☐ Person with Disabilities
☐ Person 65 years and older
☐ Neither of above groups
☐ Represents one of the above

AFFILIATION

(name of organization if any)

This member is:

- ☐ Jointly appointed by the area
agency on aging
☐ A user of public transportation
☐ Neither of the above

6. Present Vehicle Inventory – Rule 201 (2) (a)

The City of Marshall (DART) demand-response vehicle inventory presently in service is as follows:

- a. Number of demand-response vehicles presently in service purchased using Comprehensive Transportation Fund monies = 5
- b. Number of accessible demand-response vehicles presently in service purchased using Comprehensive Transportation Fund monies = 5

7. Anticipated Vehicle Inventory – Rule 201 (2) (b)

The City of Marshall's anticipated demand-response vehicle inventory is as follows:

- a. Number of demand-response vehicles in agency's anticipated fleet which will be purchased using Comprehensive Transportation Fund monies = 6.
- b. Number of accessible demand-response vehicles in agency's anticipated fleet which will be purchased using Comprehensive Transportation Fund monies = 6.

8. Narrative Summary of Vehicles Requested – Rule 201 (2) (I)

As indicated above, the agency currently operates or plans to operate a total of six (6) demand-response vehicles. Of these vehicles, the total number that will be fully accessible to seniors and individuals with disabilities is six (6) vehicles.

9. Fare Structure - Rule 201 (2) (d)

The City of Marshall's fare structure that is in use for seniors, individuals with disabilities, and the general public for demand-response service is as follows:

	General Public	Seniors/Disabled/Children 12 & under
Demand Response Inside City limits	\$3.00	\$1.50
Demand/Resp Outside City limits	\$4.00	\$2.00
AMC	\$2.00	\$1.00

10. Map and Narrative Description of Service Area – Rule 201 (2) (f)

For demand-response service, the City of Marshall's (DART) "in-town" service area is within the city's boundaries (see the green area on attached map); "out of town" service area extends approximately one mile beyond the city boundary (see the red area on attached map) There are no areas (in-town/out-of-town) where service is excluded. Refer to the attached map of the City of Marshall's service area.

11. Service Schedule – Rule 201 (2) (g)

The City of Marshall's current service schedules, including hours of day and days per week for demand response service is as follows:

Monday – Friday	7:00 AM until 5:00 PM (DART)
Monday – Friday	7:30 AM until 5:00 PM (AMC)
Weekends	Closed
Major Holidays	Closed

AMC Schedule times:

From Marshall: 7:15-7:30 AM	From Albion: 8:00-8:20 AM
8:45-9:00 AM	9:30-9:50 AM
10:30-10:45 AM	11:20-11:40 AM
1:00-1:15 PM	1:40-2:00 PM
2:30-2:45 PM	3:10-3:30 PM
4:00-4:15 PM	4:40-5:00 PM

12. Schedules in Alternative Formats – Rule 201 (2) (h)

The City of Marshall (DART) has made arrangements to produce copies of its current service schedule in an alternative format that can be utilized by persons who are blind or have other disabilities.

13. Vehicle Availability On Other Than Regular Service Hours and Days – Rule 201 (2) (i)

The City of Marshall does not make demand-response service vehicles available for use during hours or days other than regular service hours and days. The City of Marshall (DART) confirms that accessible transit vehicles are available for use by the senior and individuals with disabilities to the same extent as the general public.

14. Advance Requests for Demand Actuated Service – Rule 201 (2) (j)

The City of Marshall (DART) does require that seniors, people with disabilities, and the general public make an advance request to obtain demand-response service.

15. Constraints on Capacity and Restrictions on Trip Purpose – Rule 201 (2) (k)

The City of Marshall (DART) provides service to all customers and has no constraints on capacity and restrictions on trip purpose for DART service. The Albion-Marshall

Connector's objective is to provide transportation for people specifically between city of Marshall and City of Albion. There will be no inter-local Albion service unless it relates to medical appointments.

16. Local Advisory Council Comments on this Plan – Rule 201(2) (m)

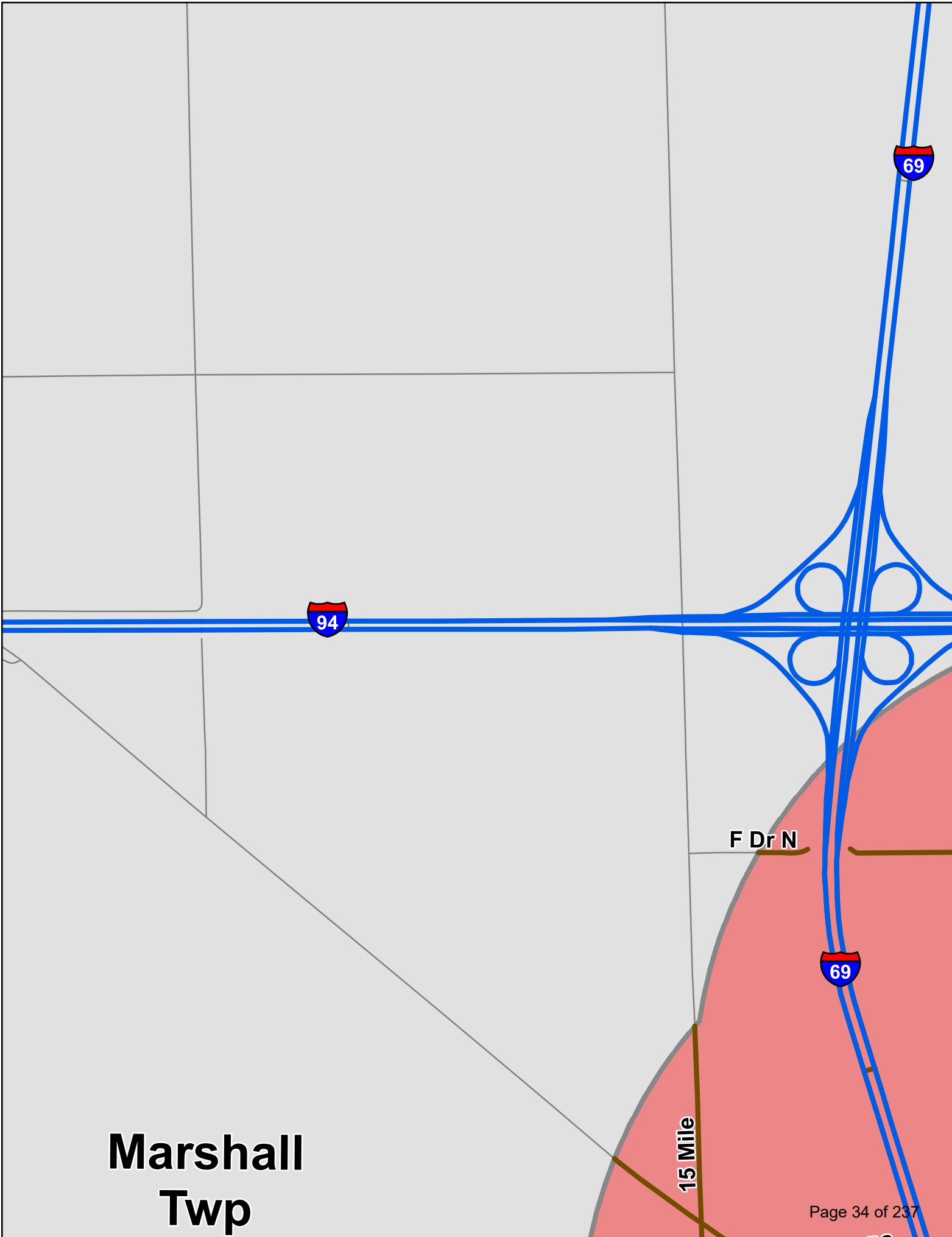
The City of Marshall's Local Advisory Council members made the following comments about this plan:

- Restructure the fare rates for DART and AMC so that they are easier to follow.
- Please list the AMC pickup times departing from Marshall and Albion.

17. Agency Response to Local Advisory Council Comments on the Plan – Rule 201 (2) (n)

The City of Marshall (DART) made the following response to its Local Advisory Council regarding the above comments:

- Separate rows were created to designate the rate for Dart (inside city limit) fares, Dart (outside city) limit fares, and AMC fares.



**Marshall
Twp**



ITEM 13.B

TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
Marguerite Davenport, Director of Public Services
DATE: January 3, 2023
SUBJECT: **DART FISCAL YEAR 2024 OPERATION APPLICATION TO MDOT**

As required by Michigan Public Act 51, Marshall Dial-A-Ride Transit (DART) must submit an annual application to the State of Michigan for financial assistance for transit operations and adopt a Resolution of Intent signifying the City of Marshall's desire to participate in the Comprehensive Transportation Fund (CTF).

The application submitted to the State of Michigan includes the following information:

- Proposed revenues and expenditures for fiscal year 2023: October 1, 2022–September 30, 2023.
- Coordination Plan: This report lists other transit providers in the area and describes the efforts to coordinate transit services.
- Federal & State Certifications: Various certifications are required as a condition of receiving Federal and State funding.
- Local Bus Capital Assistance: Includes an inventory of DART's current fleet and documentation of ADA accessibility.
- Operational Data: This refers to projected ridership figures as well as vehicle miles and hours of service.

For the 2024 State of Michigan fiscal year, Marshall Dial-A-Ride Transit has proposed a preliminary budget as follows:

Revenue

Passenger Fares \$33,102
Taxes Levied \$237,619
State Operating Assistance \$169,904
Federal 5311 Operating Funds \$88,427
Misc \$9,586
Total Revenue \$538,638

Expenses

Salaries and Wages \$254,947
Pension and Post-Employment \$89,096
Benefit
Operating Expenses \$101,197

Fleet Maintenance \$46,143
Depreciation \$55,874
Expenses \$547,257
Eligible Expenses \$491,266
Ineligible: \$55,874 Depreciation
\$117 Association Dues

BUDGET IMPACT:

None. The recommended action approves the submittal of the application.

RECOMMENDATION:

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 and direct the City Manager to execute the Contract Clauses document.

Marshall, City of

**900 S. Marshall
Marshall, MI 49068**

269-781-3975

Nonurban City

Regular Service

Annual Budgeted

2024

Total Eligible Expenses: \$491,266

Comments: -

**Marshall, City of
Nonurban City
Regular Service
Annual Budgeted
2024**

Revenue Schedule Report

Code	Description	Amount
401 :	Farebox Revenue	
40100	Passenger Fares (-)	\$33,102
406 :	Auxiliary Trans Revenues	
40615	Advertising (-)	\$3,500
408 :	Local Revenue	
40800	Taxes Levied Directly for/by Transit Agency (-)	\$237,619
409 :	Local Revenue	
40910	Local Operating Assistance (-Grants, Donations)	\$3,500
411 :	State Formula and Contracts	
41101	State Operating Assistance (-)	\$169,904
413 :	Federal Contracts	
41301	Section 5311 Operating (-)	\$88,427
414 :	Other Revenue	
41400	Interest Income (-)	\$2,586
Total Revenues: \$538,638		

**Marshall, City of
Nonurban City
Regular Service
Annual Budgeted
2024**

Expense Schedule Report

Code	Description	Amount
501 :	Labor	
50101	Operators Salaries & Wages (-)	\$129,013
50102	Other Salaries & Wages (-)	\$65,040
50103	Dispatchers' Salaries & Wages (-)	\$37,266
502 :	Fringe Benefits	
50200	Fringe Benefits (-)	\$23,628
50220	DB Pensions (-)	\$37,634
50250	DB Other Post Employment Benefit (-Retiree Health Ins.)	\$51,462
503 :	Services	
50302	Advertising Fees (-)	\$601
50305	Audit Costs (-)	\$1,534
50399	Other Services (-Indirect Cost, Drug Testing)	\$28,345
504 :	Materials and Supplies	
50401	Fuel & Lubricants (-)	\$43,276
50402	Tires & Tubes (-)	\$2,867
50499	Other Materials & Supplies (-Operating/office Supplies, CDL)	\$11,592
505 :	Utilities	
50500	Utilities (-Phones, Texting Service/Equip.)	\$12,789
506 :	Insurance	
50603	Liability Insurance (-)	\$21,534

**Marshall, City of
Nonurban City
Regular Service
Annual Budgeted
2024**

Expense Schedule Report

Code	Description	Amount
507 :	Taxes & Fees	
50700	Taxes & Fees (-)	\$1,072
509 :	Misc Expenses	
50902	Travel, Meetings & Training (-)	\$250
50903	Association Dues & Subscriptions (-)	\$700
512 :	Operating Leases & Rentals	
51200	Operating Leases & Rentals (-)	\$22,780
513 :	Depreciation	
51300	Depreciation (-)	\$55,874
550 :	Ineligible Expenses	
55007	Ineligible Depreciation (-)	\$55,874
55009	Ineligible Percent of Association Dues (-MPTA 16.75%)	\$117

Total Expenses: \$547,257

Total Ineligible Expenses: \$55,991

Total Eligible Expenses: \$491,266

**Marshall, City of
Nonurban City
Regular Service
Annual Budgeted
2024**

Non Financial Schedule Report

Public Service

Code	Description	Quantity DR
610	Vehicle Hours	82,955
611	Vehicle Miles	81,382
615	Unlinked Passenger Trips - Regular	9,189
616	Unlinked Passenger Trips - Elderly	4,666
617	Unlinked Passenger Trips - Persons w/Disabilities	1,395
618	Unlinked Passenger Trips - Elderly Persons w/Disabilities	3,584
622	Total Demand-Response Unlinked Passenger Trips	18,834
625	Days Operated	249

Total Passengers: 18,834

Vehicle Information

Code	Description	Quantity
655	Total Demand-Response Vehicles	5
656	Demand-Response Vehicle w/ Lifts	5
658	Total Transit Vehicles	5

Total Vehicles: 5

Miscellaneous Information

Code	Description	Quantity DR
661	Total Transit Agency Employees (Full-Time Equivalents)	5

FY 2024 RESOLUTION OF INTENT

*The approved resolution of intent to apply for state formula operating assistance for
fiscal year 2024 under Act 51 of the Public Acts of 1951, as amended.*

WHEREAS, pursuant to Act 51 of the Public Acts of 1951, as amended (Act 51), it is necessary for the
Marshall, City of (hereby known as THE APPLICANT)
established under Act 279 to provide a local transportation program for the state fiscal year of 2024 and,
therefore, apply for state financial assistance under provisions of Act 51; and

WHEREAS, it is necessary for the governing body, to name an official representative for all public
transportation matters, who is authorized to provide such information as deemed necessary by the State
Transportation Commission or department for its administration of Act 51; and

WHEREAS, it is necessary to certify that no changes in eligibility documentation have occurred during
the past state fiscal year; and

WHEREAS, the performance indicators have been reviewed and approved by the governing body.

WHEREAS, THE APPLICATION , has reviewed and approved the proposed balance (surplus) budget,
and funding sources of estimated federal funds \$ 88,427 estimated state funds \$ 169,904
estimated local funds \$ 243,705 with total estimated expenses of \$ 491,266

(Note: Local funds include fare box and any other local revenue)

NOW THEREFORE, be it resolved that THE APPLICANT hereby makes its intentions known to provide
public transportation services and to apply for state financial assistance with this annual plan, in accordance
with Act 51; and

HEREBY, appoints MDOT Liaison as the Transportation Coordinator, for all public
transportation matters, who is authorized to provide such information as deemed necessary by the State
Transportation Commission or department for its administration of Act 51 for 2024

I, (Name) City Clerk

(Secretary/Clerk) of THE Applicant , having custody of the records and proceedings of THE APPLICANT,
does hereby certify that I have compared this resolution adopted by THE APPLICANT at the meeting of

, 20 with the original minutes now on file and of record in the office and that this
resolution is true and correct.

IN TESTIMONY WHEREOF, I have hereunto set my hand
and affixed seal of said , this
day of A.D 20

SIGNATURE

FY 2024 CONTRACT CLAUSES CERTIFICATION

Certification 1

I acknowledge that I have reviewed a copy of the Contract Clauses. I understand that the nature of the project will determine which requirements of the contract clauses apply and I will comply with all applicable clauses for all FTA-funded contracts for the application year.

Name Of The Person Authorized To Sign A Contract Or Project Authorization

Derek Perry

Legal Organization Name

Marshall, City of

Title Of Authorized Signer

City Manager

Signature Of Authorized Signer ** (See Below)

Date

Governing Board Chair Information *:**

Name*

Phone* (###)###-####

(269) 558-0315

Email*

DPerry@cityofmarshall.com

* If the organization has a master agreement with MDOT, the organization name must match the name as it appears on the master agreement. Organizations with multiple contracts must submit multiple contract clauses certifications.

** If the organization has a master agreement with MDOT, the signature must be the same as the authorized signer of the master agreement or an individual with legal authority to sign a project authorization for the organization. Your agency can change, add or remove an authorized signer at any time by completing a signature resolution.

*** Chair of the governing board having supervisory powers over your agency.



ITEM 13.C

TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
Eric Zuzga, Director of Community Services
DATE: January 3, 2023
SUBJECT: **AIRPORT ENGINEERING SERVICES**

MDOT and FAA require that the City use a Request for Qualifications (RFQ) process to select the firm that the City would use for any project at Brooks Field for the next five years. As our last five-year period ended with the completion of the Airport Terminal, a new RFQ process was necessary.

The City issued a RFQ this fall, with a list of potential projects included, and received two responses; Mead & Hunt and Matrix Consulting Engineers. A review of the responses by staff and the Airport Board resulted in a recommendation of Mead & Hunt to serve as our engineer for the next five years. Mead & Hunt has served the City well for several years and is one of the best firms in the aviation engineering field.

BUDGET IMPACT:

There is no impact for approval of Mead & Hunt as the airport engineer for the next five years. Any individual project would need to be approved prior to design/construction and any budget impact considered at that time.

RECOMMENDATION:

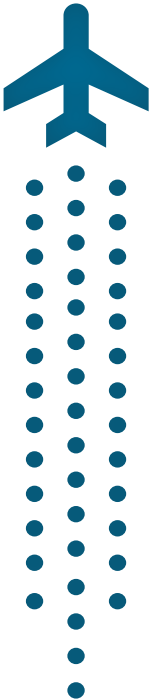
Approve Mead & Hunt as the engineer of record for the next five year period for any Brooks Field projects.



Statement of
Qualifications

Brooks Field
Professional Airport
Consulting Services

October 26, 2022



EXPERIENCE EXCEPTIONAL



October 26, 2022



Eric Zuzga, Director of Community Services
City of Marshall
323 West Michigan Avenue
Marshall, Michigan, 49068

Subject: Statement of Qualifications for Professional Airport Consulting Services at Brooks Field

Dear Mr. Zuzga:

Brooks Field (RMY) is a vital general aviation airport for the communities and economy surrounding the City of Marshall. Attracting operations due to the location and amenities, your Airport is truly an established part of the region. Upheld for its well-established level of service and friendliness within the State of Michigan, Brooks Field has benefited from active engagement in the community, which has led to longstanding relationships and strong support.

To that end, Mead & Hunt is excited for the opportunity to extend our relationship while continuing to serve as a trusted advisor, aviation planner, environmental planner, and aviation engineer for Brooks Field. Having served as your consultant for the past 23 years, our project team of aviation professionals and technical staff have frequently and successfully collaborated with Airport and City leadership to complete projects throughout planning, design, and construction service phases. We look forward to working together to build on past successes for your upcoming airfield projects.

Today, more than at any time in recent memory, airports across the country are facing unique and unprecedented challenges as the industry attempts to recover from the COVID-19 pandemic. As a full-service aviation consultant specializing in general aviation airports, Mead & Hunt understands the challenges facing the City of Marshall as you develop your Airport to meet future demands amid the uncertainty. Our understanding and vast experience, paired with our familiarity of your facility and your Airport's role in the local and regional airspace networks, makes Mead & Hunt the perfect match for your needs and goals. You can be confident that Mead & Hunt will continue to be invested in Brooks Field's success.

Your upcoming projects include pavement rehabilitation for the north apron and west taxiway, along with improvements to the main hangar. These projects are critical steps in maintaining your infrastructure. The new hangar taxiway and perimeter fencing projects will also be important to provide infrastructure for future hangar construction and deter wildlife to provide a safe airfield for aircraft operation. As you will see in our Statement of Qualifications, we have assisted numerous airports with similar projects and are well-equipped to offer practical and cost-effective solutions for your project. In addition, we have strong working relationships with the Michigan Department of Transportation Office of Aeronautics (MDOT AERO) airport and environmental staff, allowing us to discuss and advocate for your projects on a regular basis. We also have significant experience working with the FAA's Detroit Airports District Office staff members who are critical to your project development when seeking discretionary funding.

Based on his accomplished aviation engineering and project management experience, as well as his existing relationships with Airport leadership, we propose **Ben Hoover, PE**, continue as your project manager and primary point of contact. In addition, **Bob Leisenring, PE**, our engineering department manager and **Stephanie Ward, AICP**, our aviation planning department manager, will also be active in your projects. They will be supported by 20 aviation professionals in our Lansing, Michigan, office and over 250 aviation professionals nationwide.

We are excited to continue our relationship with you to help the City of Marshall meet its long-term goals for the Airport. You can be confident we will continue to provide the high level of personal service, technical skill, and attention that you have come to expect from Mead & Hunt. We encourage you to call some of our other clients—we know you will not be disappointed by what you hear.

Sincerely,
Mead & Hunt, Inc.



Ben Hoover, PE
Aviation Engineering Project Manager



Stephanie Ward, AICP
Aviation Planning Department Manager



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1 FAMILIARITY & UNDERSTANDING

Having worked with RMY for the last 23 years, Mead & Hunt's full-service team of engineers, planners, environmental specialists, architects, and construction administrators has the familiarity and expertise to continue to help guide your Airport to a successful future. In that time, we have had the privilege of working with you on a multitude of projects, including most recently the new general aviation (GA) terminal building, hangar taxiway and entrance road rehabilitation, east parallel taxiway rehabilitation, and south apron rehabilitation. This experience gives us an excellent understanding of your airfield and your projects. We recognize your upcoming projects are focused on maintaining your existing infrastructure while keeping an eye toward future growth, and we applaud your foresight. We look forward to the opportunity to work with you to bring these projects to fruition. Our staff has the availability and capacity to meet or exceed your current project timelines.

Our Staff offers you the following:

- ◆ Largest Staff of Aviation Professionals in Michigan
- ◆ Over 250 Aviation Professionals Nationwide
- ◆ Certified Pilots
- ◆ Professional Engineers
- ◆ Certified Planners
- ◆ Airport Electrical Specialists
- ◆ Airport Operations Specialist



Our experience tells us that communication is vital to RMY in moving your projects forward. Our team members will meet with you to provide efficient and timely designs and well-planned construction of your future projects. In addition to project specific meetings, we will meet with you to discuss upcoming projects for the Airport's Capital Improvement Program (ACIP) or discuss other topics, such as new information from the FAA or MDOT, rules and regulations, emerging challenges airports are facing, or projects that come up on short notice, such as those related to MDOT inspection reports or airfield electrical issues.

Our engineering, planning, architectural, and environmental expertise can support your efforts to accomplish the projects included in your request for qualifications. We will continue to provide you with the reliable services you have come to expect and trust.

Our planners were integral in developing the Michigan Aviation System Plan (MASP 2017), which provides insight into the goals for the airport from a statewide perspective, as well as the economic impact of the airport to the City of Marshall and surrounding region. We can apply this knowledge to your planning efforts. Our environmental team also provides on-call environmental services to MDOT AERO, providing you with valuable resources and relationships if environmental needs should arise.

Our civil engineers have extensive experience in airfield pavement design for new construction, rehabilitation, and maintenance of runways, taxiways, and aprons. We are also part of the MDOT AERO Airport Pavement Management System (APMS) team. This gives us in-depth knowledge of your airfield pavements and will help you in making decisions going forward.



Airfield electrical engineering is one of the exceptional specialty services we can offer the Airport to address the installation of runway and taxiway edge lighting and signage. Our airfield electrical expertise includes the installation of edge lighting systems; navigational aids, such as Automated Surface Observing System/Automated Weather Observing System (ASOS/AWOS); Precision Approach Path Indicating Systems (PAPIs); runway end identifier lights (REILs); wind cones; and beacons. Our airfield electrical staff are often called upon by airports to help them through maintenance issues that occur, such as after lightning strikes or Pilot Control Lighting (PCL) issues.

We offer additional disciplines of airport architecture and building engineering. These groups have experience with terminals, hangars, snow removal equipment (SRE) buildings, and aircraft rescue and firefighting (ARFF) facilities. Our staff will work together in house or with other local consultants, to achieve the best possible outcome for your growth and development needs should the situation arise.

Our team, with your guidance, will assist the Airport with programming, looking out over the next five to 10 years to assess RMY's infrastructure needs. We are confident we can not only meet, but exceed, the requirements necessary to deliver your upcoming planning, design, and construction projects, including:

- ◆ North Apron and West Taxiway Rehabilitation
- ◆ Main Hangar Improvements
- ◆ Hangar Taxiway
- ◆ Update Airport Layout Plan
- ◆ North Perimeter Fence
- ◆ Tree Clearing
- ◆ Land Acquisition
- ◆ Airfield Crack Sealing and Pavement Marking

For successful delivery of these projects, we see a cohesive approach to three fundamental areas of emphasis—project management, engineering, and planning—as the primary benefit we can offer the City of Marshall for the future development of Brooks Field.

PROJECT MANAGEMENT APPROACH

Mead & Hunt offers a team approach for the efficient and timely completion of your projects. This approach includes a dedicated airport engineer and airport planner who will be available to handle any situation that might arise. The keys to any successful project are communication and consistency, and we believe our team approach fosters these important elements.

We propose **Ben Hoover, PE**, continue as your airfield engineer and project manager for your upcoming projects, building upon his past experience working with RMY staff. **Ben has a broad airport engineering background and has led numerous projects at airports across Michigan, including Oakland County International Airport, St. Clair County International Airport, Saginaw County H.W. Browne Airport, and Branch County Memorial Airport, in addition to his experience at Brooks Field.** His experience ranges from small maintenance projects to large, multi-million-dollar runway construction projects. Ben continually looks for unique, cost-effective solutions to problems and stays informed of the latest technology available. He will apply this in-depth knowledge to find innovative solutions to your project needs. He will also lead our strong team of professionals and teammates, working to support your goals.

Ben has excellent working relationships with the staff at MDOT AERO, as well as the FAA's Detroit Airports District Office. He will draw on these relationships to promote and execute your projects, directly benefiting Brooks Field. Ben will coordinate all team members while working with you during project design and throughout each individual construction project. **Ben is supported by the largest staff of aviation professionals in the state.** He has a deep bench of eight professional engineers, two certified planners, two civil technicians, an airport

Project Manager Ben Hoover was awarded the Robert G Peckham Consultant of the Year Award from MDOT Office of Aeronautics in 2021.

Ben has excellent working relationships with the staff at MDOT AERO, as well as the FAA's Detroit Airports District Office. He will draw on these relationships to promote and execute your projects, directly benefiting Brooks Field. Ben will coordinate all team members while working with you during project design and throughout each individual construction project. **Ben is supported by the largest staff of aviation professionals in the state.** He has a deep bench of eight professional engineers, two certified planners, two civil technicians, an airport

operations specialist, a certified arborist, and a senior CAD technician, all in the Lansing office, to support your projects. Our Lansing personnel provide more than 250 years of combined aviation engineering and planning experience. In addition, Mead & Hunt has over 250 aviation professionals in offices nationwide, ready to assist.

Our team is well-versed in developing comprehensive ACIPs with our clients, and we look forward to continuing to provide this service to RMY. We will assist you with your Michigan Airport Programming (MAP) meetings, as well as financial planning. We can also help with FAA grant requirements, should your upcoming projects require federal discretionary funding.

One of the unique aspects of our project management approach is a fundamental understanding that engineering and planning go hand in hand. Your ACIP, while primarily focused on construction, would benefit from advance planning to facilitate successful projects. As outlined below, our engineering and architecture approach will be supported by planning efforts to provide you with a well-thought-out approach to each project, as well as an overall assessment of the Airport's development.

ENGINEERING AND ARCHITECTURE APPROACH

Mead & Hunt's experienced engineering staff, led by **Bob Leisenring, PE**, are among the best in the industry. Our engineers take pride in developing a tailored approach for each project. While we have a traditional process to guide us, we recognize that no two projects are identical, and each requires a unique approach to address individual concerns. Once we establish a specific project approach, the Mead & Hunt team will work with Brooks Field to follow it through to completion, maintaining project goals and budget. We accomplish this through clear and frequent communication each step of the way, with not only our internal project team, but also our client and the various funding or permitting agencies, where appropriate.



We understand the importance of keeping projects within the available budget, as well as the need to scope and schedule projects well in advance to satisfy airport users' operational needs. Our engineers have worked within these funding and operational constraints to develop award-winning solutions. As there are numerous construction options available, we study and analyze the impacts of each to find the solution that limits or reduces the financial and operational impacts while offering the greatest benefits. Accordingly, we will work with you to assess potential project challenges and mitigate issues early in the process. As your consultant, it is our responsibility to provide you with well-thought-out alternatives for your consideration to help you make informed decisions.

Mead & Hunt is one of the few Michigan firms that provides aviation architecture in-house. Our architects have experience with many Michigan airport projects including terminal, hangar, SRE/ARFF buildings, and electrical vault construction and renovation. We understand the need for an airport facility to be both operationally friendly and low maintenance. The buildings we design are energy efficient and designed to the latest building codes. We can also prepare life cycle cost analyses to help you understand the up-front costs of certain systems and materials and demonstrate that energy-efficient facilities can make the most sense for you, as the user, in comparison with annual operating costs. We also team with local architectural firms to assist with local needs and permitting issues depending on the project and the airport's preference.

Our engineering group will continue to work with you on your upcoming infrastructure projects. Our experience coordinating projects with the FAA and MDOT AERO will be critical to your upcoming projects. This coordination will include developing safety phasing plans and making sure projects adhere to the latest FAA design standards and contract requirements.



During a typical design process, we develop details and specifications tailored to your airfield. We take pride in developing thorough and easy-to-understand final plans that allow contractors to feel comfortable with the project, ideally resulting in the best possible cost for you. We also have an in-house quality assurance/quality control (QA/QC) process that involves a review by one of our professional engineers, independent of the project team. This review allows us to minimize or avoid issues during construction. The design process begins and ends with clear and concise communication, which we will provide throughout the project.

Mead & Hunt can help you through the bidding process. Since the traditional MDOT bid letting process is no longer being used, Mead & Hunt will lead your projects through the local bid letting process. Having worked with airports on these processes, we understand the use of local provisions, which may need to be included in your contracts with the local letting process.

Our experience in airfield construction administration will also greatly benefit RMY. Ben Hoover, your project manager for design, will also be your go-to individual for construction administration, providing a seamless transition that benefits the overall project. We have completed hundreds of airport projects and understand how to administer the specifications to meet FAA and MDOT AERO requirements. Our staff is experienced in the various aspects of construction administration and inspection, including project documentation, material testing, material acceptance, quantity tracking, in-field plan or contract modifications, contractor coordination, and change order cost negotiation, if necessary. Our engineers, inspectors, and surveyors know airports and airfield safety requirements, meaning our staff knows what to look for and can help prevent potential problems.

Closing out projects quickly and accurately is crucial to successful project completion. Once airport management has approved the final product and agrees the punch list items are complete, our staff will move quickly to close the project and coordinate with the contractor(s) to gather final documentation, including final estimates and quantities, lien releases, payroll certifications, disadvantaged business enterprise (DBE) certifications, equipment operation and maintenance manuals, and as-built information. We also have extensive experience assisting with the required documentation for closing state and federal grants. This information will be consolidated into a final report and provided to you, along with recommendations to close the project.

ENVIRONMENTAL SERVICES & PLANNING APPROACH

Mead & Hunt's planning staff is led by **Stephanie Ward, AICP**. She has extensive experience managing projects, as well as direct, hands-on experience with master plans, ALPs, land acquisition projects, environmental assessments, approach assessments, and land use plans. She has enjoyed working at Brooks Field for 31 years (23 with Mead & Hunt and eight with her previous firm) to help develop the Airport. She also has national experience working with state aviation departments and airports coast to coast, providing her with a diverse perspective to bring to your planning projects. Stephanie can apply this in-depth knowledge, along with her experience in the aviation industry, to find creative planning solutions.

Just like our engineering staff, our planning staff members are well-versed in FAA standards related to master planning, ALP development (SOP 2.0), Exhibit 'A' property map requirements (SOP 3.0), land acquisition, and approach clearing. We have solid relationships with FAA and MDOT AERO staff and are familiar with developing documents that meet FAA standards, while providing long-range planning that meets our clients' needs. **Supporting Stephanie Ward will be the largest planning staff in the State of Michigan.** Mead & Hunt's Lansing office has eight dedicated and knowledgeable airport planners on staff, each with specific Michigan project experience. Planning and technical support will predominantly be provided by **Stephanie Green, CM**, **Zachary Puchacz, CM, ACE**, and **Adam Feldpausch** from the airport planning side and **Bill Ballard, AICP**, for environmental planning.



Stephanie Green has over 20 years of experience in the industry and a significant emphasis in Michigan with planning studies at GA airports. Zachary has more than 19 years in the aviation industry as first an airport operations specialist and the past 13 as an aviation planner. Adam has over 17 years of drafting and airport design experience. He is the lead staff member for the development of ALP as-built and update projects, making him very familiar with the planning documents and constraints of the Airport. These staff members are well-equipped to solve your project challenges, using their experience working with a wide range of airport clients. We understand maintaining an updated ALP as part of the construction process will be important as you continue to expand and make changes to your facilities. We can make these edits quickly and efficiently, as we have for your most recent projects.

We also offer land acquisition services. Mead & Hunt has a long, successful record of working with clients on land acquisition with some of our staff having been involved in this area for over 30 years. We often team with several land acquisition firms that are exceptionally well-versed in the FAA, United States Department of Housing and Urban Development, and National Environmental Policy Act (NEPA) requirements for land acquisition. Over the past 20 years, we have collaborated on the acquisition of nearly 500 fee-simple and aviation easement parcels. Our seasoned team works together seamlessly to reach successful conclusions on land acquisitions.

We have a unique staff member in Tom Ward, CA, who is an International Society of Arboriculture (ISA) Certified Arborist, in addition to being our airfield surveyor. We use his understanding of trees to guide how we conduct obstruction removals, including pruning in an aesthetically pleasing yet effective manner. We employ ISA standards to support our designs and on-site pruning and tree removal

with contractors. We have had great success with this where necessary, leaving the traditional method of utility cuts behind in favor of pruning that is more acceptable to property owners, yet cost effective for our airport clients when full removal is not feasible.

Mead & Hunt can offer RMY extensive environmental planning expertise to address numerous topics, including environmental assessments and identifying approach obstructions. We are well-versed in the activities necessary to conduct this effort and can work closely with the Airport to address these issues and other unique design considerations to meet your needs as they arise. Bill Ballard, AICP, has extensive environmental planning expertise to offer the Airport to address numerous topics. These may include categorical exclusion, environmental assessments, and wildlife hazard management plans. These skills can help make Mead & Hunt your one-stop-shop for aviation consulting services.

Our environmental experience with the Michigan Department of Environment, Great Lakes & Energy (EGLE) ranges from NEPA projects to developing Spill Prevention, Control, and Countermeasure (SPCC) plans specifically designed to help airport facilities prevent oil pollution from reaching surface waters. The plan is a requirement of the Federal Environmental Protection Agency Oil Program, originating under the Clean Water Act. We also understand that an airport can benefit from combining an SPCC plan with their Storm Water Pollution Prevention Plan (SWPPP), a Michigan requirement for compliance with the National Pollutant Discharge Elimination System. The benefit is in having the required inventory, inspection, reporting, and plan update requirements coordinated in this one comprehensive document.

Continuing to work with the Mead & Hunt team provides you with the largest aviation staff in the State of Michigan, and with that comes a wealth of knowledge for successfully completing airport projects. We have a thorough understanding of general aviation airports in Michigan and nationally, including over two decades of specific experience at RMY. We offer an experienced team to support your needs, and we look forward to continuing to work with you to develop Brooks Field.

HISTORY & BACKGROUND IN AVIATION CONSULTING

Corporate Profile

WHO WE ARE

Mead & Hunt is an employee-owned firm with more than 1,100 engineers, architects, scientists, planners, and support staff in offices nationwide. We have been serving clients in both the public and private sectors since our founding in 1900.

GROWING

Mead & Hunt is one of the fastest growing architectural, engineering and planning firms in the nation. For several consecutive years, *Engineering News Record* has ranked Mead & Hunt as a top 500 A/E design firm and a "Top 25 in Airports" firm (no. 10 this year). In addition, Mead & Hunt received the prestigious American Association of Airport Executives' Corporate Cup of Excellence award. We were also ranked in the top 10 "Best civil engineering firms to work for" in the nation by *CE News* magazine.

RESPONSIVE

Effective and responsive service is what we provide. Strong two-way communication is imperative to the success of our projects. We place the utmost importance on listening to and understanding your needs; together, we determine the best possible solution. The depth of our staff allows us to complete many projects simultaneously and keep projects on schedule and budget.

EXPERIENCED

Our record of successful project execution and ability to provide continuity and quality-of-service is important to you. Our multidiscipline personnel are experienced professionals able to provide top-of-the-line architecture, engineering, and scientific solutions for your most challenging projects. Mead & Hunt's principals are highly-qualified, dedicated, and fully involved in providing experienced leadership in undertaking your projects.

INNOVATIVE

To meet our country's aggressive and changing needs, Mead & Hunt is continually expanding to offer innovative engineering, planning, and design services to meet a multitude of challenges. Annually, we are nominated for and win industry and trade awards for the creative solutions we provide clients.

EMPLOYEE-OWNED
ENGINEERING &
ARCHITECTURE FIRM

1100+
EMPLOYEES

NUMBER 10
TOP 25
AIRPORT
FIRM

ENGINEERING NEWS RECORD

NUMBER 91
TOP 500
DESIGN
FIRM

ENGINEERING NEWS RECORD

OVER
250
AVIATION
PROFESSIONALS



2

HISTORY & BACKGROUND IN AVIATION CONSULTING

Company History

Mead & Hunt is a national firm offering design services in the fields of planning, architecture, interiors, engineering, and science. We have been in business for over 120 years and attribute this longevity to our ethical and straightforward business practices. Our integrity and reputation, as well as the trust of our clients, are paramount to our long-term success.

Daniel W. Mead, an internationally recognized expert in hydroelectric and hydraulic engineering, established this consulting firm in 1900. In the 1920s, Mead served on an advisory committee for the construction of the Hoover Dam. Henry Hunt, an electrical and civil engineer, became a partner of the firm in the early 1920s.

The firm's services expanded to meet the country's changing social needs. Civil and highway engineering were added as interstate highway networks were created. Airport planning and design supported the military during the 1940s. After World War II, the firm's services grew to include architectural, structural, mechanical, and electrical engineering when new housing, commercial, and industrial buildings were needed.

Today, Mead & Hunt has more than 45 offices across the nation. We provide architecture, planning, and engineering for airports, industrial and military facilities; highways and bridges; storm water, potable water and wastewater systems; and municipal facilities. We also provide interior design, historic preservation, environmental sciences, survey and materials testing, geographic information systems (GIS), and remote sensing services.

Our in-house capabilities and diversity allow for the integration of all disciplines into one organizational team. The comprehensive package of services allows for a single point of communication and responsibility.

Mead & Hunt takes pride in its record of successful projects and its ability to provide continuity and quality-of-service. Our experienced professionals are able to provide top quality architecture, engineering, and scientific solutions for today's most difficult projects.

2 HISTORY & BACKGROUND IN AVIATION CONSULTING

Aviation Services

BUSINESS SERVICES

- ◆ Rates And Charges
- ◆ Passenger Facility Charge (PFC) Application/Administration
- ◆ Cost-Benefit Studies
- ◆ Business Plans
- ◆ Benchmarking
- ◆ Performance Surveys

AIR SERVICE CONSULTING

- ◆ Market Analysis
- ◆ Airline Service Proposals
- ◆ US DOT Small Community Air Service Development Program Grant Applications
- ◆ Airline Travel Banks®
- ◆ Ticket Lift Studies
- ◆ US DOT Airline Report Data Analysis
- ◆ Passenger Forecasting

PLANNING AND FINANCIAL STUDIES

- ◆ Aviation System Plans
- ◆ Master Plans
- ◆ Airport Layout Plans
- ◆ Land-Use Planning And Zoning
- ◆ User Surveys
- ◆ Feasibility Studies
- ◆ Part 150 Noise Studies
- ◆ Land Acquisitions

ENVIRONMENTAL PLANNING

- ◆ Environmental Assessments
- ◆ Environmental Impact Statements
- ◆ Wetland Mitigation
- ◆ Noise Analyses
- ◆ Storm Water/Flood Plain Studies
- ◆ Air Quality Studies
- ◆ Historic Eligibility Studies
- ◆ Deicing Analyses

WILDLIFE HAZARD MANAGEMENT SERVICES

- ◆ Wildlife Hazard Assessments, Including Monitoring And Reporting
- ◆ Wildlife Hazard Management Plan Preparation and Implementation
- ◆ Airport Staff Training
- ◆ Habitat Modification Planning
- ◆ Mitigation Planning and Design
- ◆ Project And Design Review Services
- ◆ Agency Coordination
- ◆ Community Outreach & Education

ARCHITECTURE

- ◆ Terminals And Arrival/Departure Buildings
- ◆ Aircraft Hangars
- ◆ Airport Traffic Control Towers (ATCTs)
- ◆ Maintenance Buildings
- ◆ Equipment Specifications
- ◆ Security Systems
- ◆ Telecommunications
- ◆ Aircraft Rescue and Firefighting (ARFF) Facilities
- ◆ Aircraft Storage Hangars
- ◆ Fuel Farms
- ◆ Parking Garages

PAVEMENT DESIGN

- ◆ New Construction and Reconstruction
- ◆ Overlays
- ◆ Pavement Recycling

- ◆ Sealcoats
- ◆ Life Cycle Cost Analyses
- ◆ Drainage Layers
- ◆ Pavement Maintenance

ELECTRICAL SYSTEMS AND NAVIGATIONAL AIDS DESIGN

- ◆ Airfield Lighting
- ◆ Airfield Signage
- ◆ Electrical Vaults
- ◆ Instrument Landing Systems
- ◆ Approach Lighting Systems
- ◆ ATCT Instrumentation & Control
- ◆ Navigational Aids
- ◆ Airfield Lighting Control and Monitoring Systems (ALCMS)
- ◆ Existing Airfield Lighting Systems Analysis and Inventory
- ◆ Security Systems

CONSTRUCTION ADMINISTRATION

- ◆ Survey Control & Project Layout
- ◆ Project Administration
- ◆ Project Scheduling
- ◆ Contract Inspection
- ◆ In-House Materials Testing
- ◆ Change Order Preparation
- ◆ Pay Requests & Pay Approvals
- ◆ Shop Drawing Review
- ◆ Project Close Out
- ◆ Construction Newsletters

Mead & Hunt offers a broad range of services within the disciplines of planning, environmental, engineering, architecture, sustainability, and air service consulting.

AVIATION PLANNING

With the strong growth in airport development, planning is essential to avoid encroachment and meet future demand. The ability to have a significant role in the transportation network and economic infrastructure depends on an up-to-date master plan.

Mead & Hunt develops long-range plans for airport facilities that reflect sound land use planning considerations, integrated engineering solutions, comprehensive environmental analyses, and realistic financial considerations. We have completed planning studies at more than 200 airports nationwide. Studies include:

- ◆ Airport master plans
- ◆ Airport system plans
- ◆ Airport business plans
- ◆ Passenger terminal space programs
- ◆ Airport site selection and feasibility studies
- ◆ Land acquisition plans
- ◆ Landside access and parking plans
- ◆ ALPs
- ◆ On- and off-airport land use plans and zoning ordinances

We provide facility planning services to a broad spectrum of general aviation (GA) and commercial service airports. Our airport planning experience has addressed airside and landside issues, ranging from the need to add runways to enhance operational capacity, to terminal development needed to accommodate additional passengers and new commercial carriers.

Coordinated public involvement efforts promote community acceptance of your long-range plan. Effective relationships with airport sponsors, tenants and users, community representatives, and the FAA throughout the master plan process are critical to success. Timely completion of master plans for GA and air carrier airports demonstrates our ability to develop, manage, and implement complex projects.

ENVIRONMENTAL PLANNING

Comprehensive environmental planning is critical to the success of airport development projects. Our professionals have expertise in the NEPA process and FAA Order 5050.4B, *NEPA Implementing Instructions for Airport Actions*. Our high-quality environmental documents undergo federal, state, and local agency review processes.

Mead & Hunt's environmental specialists offer a wide range of technical services, including the environmental impact categories addressed in FAA Order 1050.1F, *Environmental Impacts: Policies and Procedures*. Our staff includes environmental engineers, planners, noise specialists, wetland specialists, biological specialists, architectural historians, and water quality experts.

Solid, comprehensive planning in the early stages of your project provides adequate time to resolve potential environmental problems. It can also help you gain environmental approval for federally mandated actions. Our aviation-related environmental planning expertise includes:

- ◆ Categorical exclusions
- ◆ Environmental assessments
- ◆ Environmental impact statements
- ◆ Wetland mitigation plans
- ◆ Stormwater management plans
- ◆ Noise studies
- ◆ Wildlife hazard management
- ◆ Flood plain analyses
- ◆ Air quality studies



AIRFIELD ENGINEERING

Throughout more than 80 years of aviation consulting experience, Mead & Hunt has completed many successful projects. We have found the key to smooth and efficient project execution has been regular and effective communication with our clients, MDOT AERO, and the FAA.

We know that details count. Gathering field data and applying design standards while maintaining quality throughout the process is Mead & Hunt's approach to engineering — an approach that serves our clients well. We keep current with the ever-changing FAA design policies and procedures to see that your improvement project meets the latest agency criteria.

Construction engineering is a major area of work for our aviation team. Mead & Hunt offers resident engineers with design experience to enhance quality control on your project. This background expedites design modifications in the field that may be required to fit changing site conditions, while limiting or reducing scheduling impacts and maintaining conformance with FAA design criteria and your Airport's needs.

Airfield Pavement

Familiarity with the latest FAA pavement design standards and practices is essential to a sustainable airfield pavement system. Mead & Hunt has been a leader in innovative airfield pavement design since the early 1940s on projects ranging from small general aviation facilities to large, complex air carrier airports.

Our pavement services include:

- ◆ Life cycle cost studies
- ◆ Pavement design – bituminous, concrete, pavement recycling, sealcoats and porous friction courses
- ◆ Pavement maintenance plans
- ◆ Pavement rehabilitation design
- ◆ Pavement condition index (PCI) studies
- ◆ Engineered materials arresting systems (EMAS)
- ◆ Drainage layers
- ◆ Underdrain systems

Storm Water Management

Proper control of storm water runoff quantity and quality protects the environment and keeps the airport in compliance with local, state, and federal regulations. Mead & Hunt combines two of our core areas of expertise — water resources and airport development — to address the storm water management needs of our client airports in an economical way while maintaining a safe flying environment. Our storm water capabilities include:

- ◆ Storm water management plans
- ◆ Storm water quality best management practices (BMP) implementation
- ◆ Runoff attenuation systems
- ◆ Storm water permitting
- ◆ Erosion control/construction storm water pollution prevention plans
- ◆ Storm water utility assessment credit applications

Electrical

Maintenance and trouble-free electrical systems and navigational aids (NAVAIDs) help reduce expenses and improve your airport's safety. Mead & Hunt's experienced team can provide you with solid, cost-effective recommendations to meet your airfield electrical needs. Mead & Hunt offers:

- ◆ Airfield lighting and guidance signage
- ◆ Electrical vaults
- ◆ Airfield lighting control and monitoring systems
- ◆ Approach lighting systems
- ◆ Existing airfield lighting systems analysis and inventory
- ◆ NAVAIDs





CONSTRUCTION ADMINISTRATION

Guiding projects through the construction process is a major area of work for our aviation services department. Unique among aviation consultants, Mead & Hunt offers resident engineering staff with design experience to enhance the quality control of your project. This also enables immediate design changes in the field to fit conditions while staying in conformance with FAA design criteria and your airport's needs.

To increase efficiency of engineering time and to keep accurate records, we developed a construction record program. This program allows for the daily entry of quantities, which provides you with an up-to-date financial status of your airport project.



We recognize the need to minimize the impact from construction activities on airport operations. Mead & Hunt uses techniques such as fast-track comprehensive phasing plans and 24-hour per day construction schedules to decrease construction time at critical locations. We also publish construction newsletters to keep airport users informed of construction schedules.

Aviation construction services include:

- ◆ Survey control and project layout
- ◆ Administration of construction meetings
- ◆ Project schedule tracking
- ◆ Inspection services
- ◆ Change order preparation
- ◆ Pay requests and pay approvals
- ◆ Shop drawing review
- ◆ Maintenance of project records
- ◆ Project close-out
- ◆ Construction newsletters
- ◆ Coordination with airport users
- ◆ Preparation of as-builts

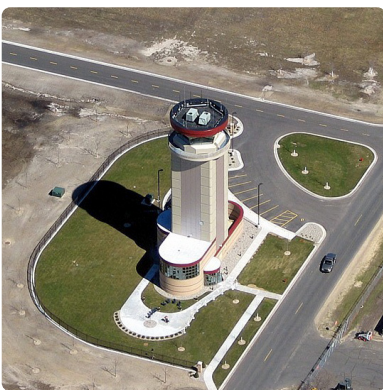




Appleton International Airport – the nation's first zero-energy aviation building



Pellston Regional Airport



Volk Field, Wisconsin Air National Guard

ARCHITECTURE & FACILITIES PLANNING

Mead & Hunt has built a long-standing reputation for designing cost-effective, visually pleasing, and energy-efficient airport facilities. In addition, an earnest consideration of maintenance and operations is a hallmark of our work.

Our terminal, airport traffic control tower, ARFF facility, maintenance facility, and hangar projects feature state-of-the-art design capable of meeting the ever-changing needs of the industry.

A comfortable, well-designed environment is the key to the passenger experience where daily functions including ticketing, baggage sorting and claims, concourse layout, concessions, and administrative areas are carefully planned by our diverse group of professionals.

Mead & Hunt's architectural, planning, engineering, and interior design services for airport facilities include:

- ◆ Passenger terminal development
- ◆ Airport traffic control tower development
- ◆ Hangar development
- ◆ Maintenance facilities
- ◆ ARFF facilities
- ◆ SRE facilities
- ◆ Programming and planning
- ◆ Equipment specifications
- ◆ Security systems, telecommunications and building automation
- ◆ Facilities master planning

Our team takes an active approach to green building design through the Leadership in Energy and Environmental Design (LEED) program. As sustainable projects continue to increase in number throughout the US, we continue to expand our LEED qualifications. Members of our staff who are LEED accredited include licensed architects and professional engineers. Together, they have been involved with other green building design programs, such as the Energy Star program and the Sustainable Project Rating Tool (SPiRit).

When designing airport buildings, Mead & Hunt works in tandem with our clients to develop a design that is both functional and aesthetically compatible with local themes and settings.

2 HISTORY & BACKGROUND IN AVIATION CONSULTING

Subconsultants



NV5 Geospatial
will perform
aerial
photography
and approach
evaluation.



NV5 GEOSPATIAL

NV5 Geospatial is one of the nation's largest and most experienced full-service geospatial firms. They provide comprehensive aerial mapping and GIS services including state-of-the-art photogrammetric, LiDAR, satellite, airborne imaging, and mapping. Their client base includes a host of airport authorities; local, county, state, regional, and federal agencies; and many of the top engineering and industrial firms in North America. NV5's staff includes certified and licensed photogrammetrists, LiDAR specialists, pilots, professional engineers, licensed surveyors, image processing specialists, GIS specialists, CAD technicians, and image analysts.

Their experience includes photogrammetry services for over 700 airport mapping projects in accordance to FAA AC 150/5300-16, -17, and -18 guidelines. These projects have ranged from small one-runway airports to some of the largest airports in the country. NV5 Geospatial continually improves their efficiency by adapting and automating their tools and procedures to meet the FAA and other airport-specific requirements.

Their services include mapping for Aeronautical Surveys, WAAS Surveys, Airport Data and Information Portal (ADIP) Surveys (formerly AGIS), Instrument Procedure Development, Master Plans, and ALPs. They have performed these types of projects with international, regional, and local airports across the country.

3 SIMILAR PROJECTS

Project & Program Management Techniques

PROGRAM MANAGEMENT

Mead & Hunt has provided program management services to aviation clients for more than 80 years. Our staff routinely serves as an extension of the airport's staff, applying our management expertise to develop ACIPs, scheduling projects, and coordinating the activities of other consultants, contractors, and vendors. We have helped many airport clients identify funding alternatives and address eligibility criteria to secure funding. This has included visiting congressional delegations and FAA headquarters to help procure needed funds.

Mead & Hunt prides itself as being a midsize full-service airport consulting firm. Our size allows us to provide personal service for specific disciplines from all levels of our organization. The structure of our organization does not get in the way of our professional staff providing that personal service.

Mead & Hunt will use a variety of program management techniques to stay organized and communicate with stakeholders on your projects. We tailor these techniques to the needs of the specific program, which can vary in size, complexity, and airport staff involvement. Communication is the key to a successful program management plan.

PROJECT MANAGEMENT

At the beginning of each project, Mead & Hunt develops a unique work plan that is reviewed with our client and the entire project team. This same work plan can be used as a template, tailored to your individual project needs. The following is a discussion of our typical civil engineering work plan process, providing you a glimpse of the efforts we would make to see that your projects stay on track.

Data Collection

Data collection goes far beyond the typical topographic surveys and geotechnical investigations. Although these are important technical aspects of a project, it is even more important that we understand your goals, concerns, and expectations. At a project's initiation, Mead & Hunt's project manager and key design staff will meet with the Airport to discuss the goals of the project and identify key concerns to address during design and construction. We will have in-depth discussions about the Airport's objectives. We will also:

- ◆ Ask questions about the proposed project budgets
- ◆ Discuss which key tenants the project will impact
- ◆ Discover what deliverables are expected at each step in the process
- ◆ Determine the schedule for those deliverables
- ◆ Identify the biggest challenges we will face
- ◆ Establish communication protocols

Typical program management tasks may include:

- ◆ Assistance with development of ACIPs
- ◆ Project schedule and cost control administration
- ◆ Funding procurement and project eligibility analysis support
- ◆ Coordination with federal, state, and local agencies
- ◆ Grant management
- ◆ Project administration and administrative support
- ◆ Public presentations, meetings, and coordination
- ◆ Engineering or architectural studies and design
- ◆ Property acquisition and easement assistance
- ◆ Grant applications
- ◆ Cost estimates
- ◆ Storm water permitting and spill prevention plans
- ◆ Transition planning
- ◆ Construction administration
- ◆ Land-use compatibility consulting
- ◆ Assistance with environmental documents
- ◆ Airspace studies
- ◆ Airport management and business consulting
- ◆ Hiring specialty subconsultants



We will use our in-house survey team to collect field data for the project. They have extensive experience working on airports and know exactly what information is required for a successful design. We can use a DBE firm, if required, for geotechnical testing services to meet federal DBE requirements on specific projects. For projects that do not require the use of DBEs, we would team with a local geotechnical firm to provide these services. Additionally, NV5 Geospatial will contribute to survey efforts by providing aerial photography and digital imagery, as needed.

Design

Prior to beginning a project's design, we will sit down with team members at a predesign meeting and revisit the scope, schedule, and budget as well as discuss factors that may affect the project, such as coordinating with outside agencies that may need to be involved.

We have a team of technical experts in each discipline who will work together to develop a solid strategy for each project. This will vary for different projects, as each is unique. For example, runway rehabilitation projects can cause major operational impacts at an airport. Our team has worked on construction phasing plans around the country. We have successfully reduced the impact to airport users with techniques such as relocated thresholds and nighttime-only construction.

In addition to project phasing, there are many other aspects of an airport project, including pavement design, drainage design, airfield marking, NAVAIDs, soil erosion control, and environmental considerations, to name a few. Our diverse team of professionals can develop the early strategies that will help projects succeed in later stages. This is also true of our architectural department, which can complete building projects that may arise. Mead & Hunt offers the advantage of providing all these services under one roof, resulting in efficiency, continuity, and consistency in the deliverables and services you receive.

Throughout the final design process, the Mead & Hunt team will conduct an internal review of the plans and specifications. QC reviews are conducted by Mead & Hunt staff and other team members to facilitate careful, objective reviews.



Construction Administration

Mead & Hunt will work closely with you to develop a strategy for construction administration. We have seasoned staff who will work with the contractor to verify the project is built true to the intent of our plans and specifications. Throughout construction, we will meet with the team to track progress, verify safety protocol is being followed, and see that the project is meeting expectations. Mead & Hunt regularly works with several DBE firms throughout the state that can help you meet federal requirements on specific projects. For projects that do not require DBE participation, we will team with a local materials testing firm. These firms have successful airport experience, and we will see that they have a solid understanding of airport expectations prior to beginning work.

Prior to beginning design, it is especially important to have in-house airport planners and environmental staff who can verify the project fits with the ultimate plans of the airport. This helps avoid potential planning conflicts or environmental issues that may be involved with the project.

3 **SIMILAR PROJECTS**

Program Management Experience

Mead & Hunt planned, designed, and provided construction administration for the Runway Safety Area improvements at the Jackson County Airport – Reynolds Field (JXN). Runway safety area improvements are an ongoing focus of the FAA. This project required relocating existing Runway 6-24 to a new alignment, which created the new Runway 7-25 (5350 feet by 100 feet). Mead & Hunt delivered a cost effective solution and, most importantly, saw that airport operations continued without disruption during the runway removal and replacement. This is one of the few new runway construction projects undertaken nationwide.

This \$30-million-dollar project was multifaceted and consisted of these primary components:

- ◆ Clearing trees from the runway approach to enable new aircraft approach procedures
- ◆ Partial removal and disposal of an abandoned landfill
- ◆ New storm drainage systems
- ◆ Extensive amount of earthwork
- ◆ Runway and taxiway pavement sections
- ◆ Road relocation
- ◆ New runway approach development
- ◆ FAA instrument landing systems and airfield lighting systems
- ◆ Fencing and access control
- ◆ Land acquisition of parcels and avigation easements
- ◆ Numerous environmental studies and mitigation

Because of the extensive scope, construction took place in three phases that began in late winter of 2015 and continued through the spring of 2018.

Coordination was critical to project success. Mead & Hunt played a pivotal role in facilitating communication among many stakeholders and decision-makers. The airport, other consultants, numerous state and federal agencies, and project team members maintained consistent and frequent communication to keep the project on schedule.

Jackson County Airport – Reynolds Field

JACKSON, MI



Juan Zapata, Airport Manager
517-335-9679

CONTACT

Mead & Hunt has provided program management services for the Battle Creek Executive Airport at Kellogg Field (formerly W. K. Kellogg Airport) for more than 20 years. This has included planning, environmental studies, airside and landside engineering, architecture, and construction administration. In our program manager role, we have advised the airport on short- and long-term development plans, funding options, project phasing and scheduling, and coordinated the efforts of other consultants and subconsultants. Our staff has been an extension of the airport's staff, and we have assisted the airport with every aspect of their development with more than \$45 million of improvements during this time.

In addition to our work for the airport, Mead & Hunt has served the Air National Guard unit located at the airport by providing master planning services for the base staff.

In 2010, Mead & Hunt completed a six-year program to construct a new parallel runway. There were numerous phases to this project, including constructing an Air Traffic Control Tower (ATCT) and a new airport maintenance and operations facility, relocating a local road, land acquisition/clearing, and ultimately constructing a new runway, parallel taxiway, and new electrical vault. These projects totaled nearly \$30 million.

We have completed more than 40 projects at the airport in the past decade. These projects include:

- ◆ Runway 5L-23R rehabilitation
- ◆ Runway 5L-23R lighting rehabilitation
- ◆ Taxiway C pavement and lighting rehabilitation
- ◆ Runway 13 PAPI installation and approach clearing
- ◆ New Runway 5R-23L construction
- ◆ Land acquisition (fee-simple and easements)
- ◆ Midfield electrical vault construction
- ◆ Exhibit 'A' Property Map
- ◆ Part 150 noise study
- ◆ New 50,000-square-foot SRE maintenance facility
- ◆ Benefit-cost study
- ◆ Airport entrance road construction
- ◆ Operations and maintenance facility
- ◆ Runway 5R-23L design
- ◆ MDEQ wetland permits to mitigate impacts from various airport development projects

Battle Creek Executive Airport

BATTLE CREEK, MI



- ◆ Employee parking lot expansion
- ◆ Animal control fencing
- ◆ New ATCT
- ◆ Environmental assessment for new parallel runway
- ◆ Medium intensity runway lighting
- ◆ Runway 13-31 rehabilitation and widen taxiway fillets
- ◆ ARFF training facility
- ◆ GA apron expansion
- ◆ ALP update
- ◆ ATCT siting study
- ◆ Taxiway D rehabilitation
- ◆ Storage facility
- ◆ New airfield lighting control and monitoring system
- ◆ Taxiway A geometric study

Philip Kroll, Aviation Director
269-966-3470

CONTACT

Mead & Hunt staff has provided the Pellston Regional Airport with a wide array of aviation services since 1999. This has included program management, planning, architecture, airside and landside engineering, and construction administration on the airport's numerous building and pavement improvement projects.

Under our tenure as consultant, the airport has received a complete facelift. This included replacing the existing commercial passenger terminal building, constructing a new SRE/ARFF facility, and constructing a new access/frontage road and new parking lot for the terminal building. We coordinated with the airport, MDOT Aero and the FAA to develop programming estimates for these projects and worked closely with MDOT Aero and the FAA to help the airport obtain the discretionary funding necessary to complete these projects.

In addition to buildings and landside pavements, we have worked closely with the airport to improve their airside pavements, including runway rehabilitations and concrete apron reconstructions. We have also improved numerous airfield electrical systems including a project currently under way to replace the airfield electrical vault.

We have completed the following projects at the airport:

- ◆ ALP updates
- ◆ Commercial passenger terminal building
- ◆ Commercial passenger terminal building parking lot
- ◆ SRE acquisition
- ◆ Vehicular access/frontage road
- ◆ Animal control fencing
- ◆ Commercial service terminal apron rehabilitation and expansion
- ◆ Runway 14-32 lighting rehabilitation
- ◆ Runway 5-23 rehabilitation
- ◆ Runway 14-32 rehabilitation
- ◆ Vault relocation
- ◆ Land acquisition for commercial passenger terminal
- ◆ Air service consulting
- ◆ SRE/ARFF building cost-benefit report
- ◆ SRE/ARFF building
- ◆ GA terminal building cost-benefit report
- ◆ ARFF equipment acquisition
- ◆ Passenger facility charge (PFC) applications and administration
- ◆ Exhibit 'A' property map
- ◆ Land releases
- ◆ Minimum standards
- ◆ Economic development options
- ◆ Pavement marking
- ◆ General aviation apron reconstruction and expansion design

Pellston Regional Airport

PELLSTON, MI



Ryan Bachelor, Airport Manager
231-539-8441

CONTACT

Mead & Hunt has provided aviation services to the City of Holland/West Michigan Airport Authority since 1999. The West Michigan Regional Airport is heavily used by business jets for both national and international commerce. We have completed more than 20 different projects at this airport over the past 22 years. The following is a list of some of the projects we have completed during this timeframe:

- ◆ Runway safety area study
- ◆ Construct runway safety area improvements on west end
- ◆ Construct new connector taxiway
- ◆ Extend runway
- ◆ Rehabilitate apron
- ◆ Construct tunnel under Runway 8-26
- ◆ Relocate road
- ◆ Rehabilitate Runway 8-26
- ◆ Global Welcome Center Concept and Budget Report
- ◆ Master plan and airport layout plan update
- ◆ Exhibit 'A' property map update
- ◆ Terminal area study
- ◆ Construct new terminal building and parking lot
- ◆ Construct new terminal apron
- ◆ Land acquisition
- ◆ Airport layout plan
- ◆ Construct runway safety area improvements on east end
- ◆ ILS replacement
- ◆ Replace HIRL and MITL
- ◆ Replace existing MALSR
- ◆ Wetland mitigation for Runway 8-26 extension
- ◆ Environmental coordination and feasibility study for primary runway extension
- ◆ Rehabilitate parallel taxiway
- ◆ Rehabilitate taxiways in south hangar area
- ◆ Land releases

The major effort during our tenure with the West Michigan Regional Airport was a \$21 million endeavor that included multiple projects to correct a RSA deficiency on the west end of Runway 8-26. There were multiple projects within this effort in order to fit within the funding available each year. The first phase included the construction of a cut-and-cover four-lane tunnel under Runway 8-26. Washington Avenue was relocated into the tunnel after it was completed. We also relocated another local road so that it was outside the new RSA limits. The runway was then extended over the new tunnel. We were able to maximize the area available after the tunnel was built and constructed a 1,000-foot runway extension so the airport would have a 6,000-foot runway.

Mead & Hunt has worked continuously with the airport to provide cost estimates and justifications to both MDOT AERO and the FAA. We have performed program management services and helped develop the airport's annual ACIP. We have advised airport management on strategies to maximize potential funding for critical projects. We have also assisted them with pursuing federal funding at the regional and national levels.

West Michigan Regional Airport

HOLLAND, MI



Aaron Thelenwood,
Airport Director
616-368-3021

CONTACT

Mead & Hunt has provided aviation services for the Fremont Municipal Airport since 1999. These projects include planning, environmental, airside engineering, and construction administration projects. The following are some of the projects accomplished at the Fremont Municipal Airport:

- ◆ Wetland mitigation
- ◆ Runway 9-27 rehabilitation
- ◆ Runway 18-36 extension
- ◆ Apron rehabilitation
- ◆ Perimeter fence construction
- ◆ Runway 27 PAPI design
- ◆ Runway 18-36 culvert repair
- ◆ Taxiway A construction
- ◆ Hangar area taxilane rehabilitation
- ◆ Fuel farm credit card reader design
- ◆ Runway 18-36 rehabilitation

The Fremont Municipal Airport is located in western Michigan, and at 6,501 feet, its runway is one of the longest general aviation runways in Michigan. The airport serves a variety of business traffic in western mid-Michigan. Recently, projects at the airport have focused on maintaining the important infrastructure that serves the airfield. This has included rehabilitating pavements, a slip-line repair of a drainage culvert that threatened the integrity of the RSA, and improvements to the airport's fuel farm.

Fremont Municipal Airport

FREMONT, MI



Todd Blake, City Manager
231-924-2101

CONTACT

4 KEY PERSONNEL

Organizational Chart



Mead & Hunt has a wealth of experienced professionals with the capabilities and capacity to support your projects. The resumes of key personnel are included on the following pages. In an effort to meet the SOQ page limit, only resumes of those team members designated with an asterisk (*) have been included. Additional resumes can be provided upon request. Subconsultants will be utilized as necessary for services, such as geotechnical investigations, quality assurance material testings, or other specialty services to meet project technical needs.



4 KEY PERSONNEL

Resumes



Ben Hoover, PE

Project Manager

Ben Hoover has over 14 years of experience in airfield engineering and project management throughout the state of Michigan. He is responsible for designing airfield pavement, geometrics, drainage, and lighting; NAVAID layout; developing project cost estimates; and project oversight. He has project experience working on runways, taxiways, aprons, and aviation lighting at both GA and commercial service airports.



Ben has completed many successful design and construction projects including runway and taxiway projects at Saginaw County H.W. Browne, Branch County Memorial, and Oakland County International airports. Additionally, Ben was a key member of the development of the runway and taxiway relocation project at Jackson County Airport to address the RSA issues. This included significant design elements and phasing to accommodate user needs.

Ben was responsible for design and construction administration of a high-intensity runway lighting (HIRL) project at the Capital Region International Airport, which included new light fixtures, LED guidance sign, cable, and vault equipment. The construction was phased and coordinated to take place entirely at night to avoid interruption of scheduled commercial flights.

EDUCATION

- BS, Civil Engineering, Michigan Technological University

REGISTRATIONS/CERTIFICATIONS

- Licensed Professional Engineer – Michigan



Stephanie Ward, AICP

Principal-in-Charge/ Aviation Planning & Environmental Leader

Stephanie Ward has over 30 years of experience conducting planning studies for aviation-related projects. She has vast experience developing community support and an in-depth understanding of airports within their host communities. Developing strong public relations with governmental agencies and the general public is one of her many strong points. Stephanie has a passion for assisting small airports with their development.



Stephanie has played a key role in developing planning documents for airports ranging in size from air carriers to smaller GA facilities. She has prepared more than 200 studies for air carrier airports, GA airports, and state and national aviation agencies, including projects at more than four dozen Michigan airports. Her responsibilities include developing airport master plan reports, airport layout plans, airport property maps, land acquisition plans, airport zoning plans and ordinances, runway safety area studies, site selection studies, and site feasibility studies, as well as performing environmental assessments. With a strong background in urban planning coupled with her aviation and private pilot experience, Stephanie combines the aviation perspective with community and personal aspects of planning to create comprehensive studies. She also serves as an instructor at Western Michigan University, teaching airport planning.

She leads the MAAE Michigan Aviation Professional Training Courses. She is actively involved in the Airport Corporation Research Program with participation in more than 20 projects.

EDUCATION

- MS, Parks and Recreation with an emphasis in Tourism, Michigan State University
- BS, Urban Planning, Michigan State University

REGISTRATIONS/CERTIFICATIONS

- American Institute of Certified Planners (AICP)



Bob Leisenring, PE

Airfield Engineering & Construction Administration Leader

Robert (Bob) Leisenring is currently the engineering department manager for the Mead & Hunt Lansing office and oversees numerous projects on an annual basis. He has more than 25 years of experience in airport design and construction for commercial service, military, and GA airports. He has provided engineering consulting services to more than 40 airports throughout Michigan. He is familiar with FAA, MDOT, and military processes and standards. Bob's duties include the design and construction of airfield pavements, airfield lighting, NAVAIDs, fuel farms, entrance roads, parking lots, and drainage systems; conducting approach surveys, site inspections, and pavement evaluations; and specifying snow removal equipment. His experience also includes programming projects for planning purposes and developing detailed cost estimates.

Bob has also been involved with the coordination of airport planning and environmental projects. This experience has given him a thorough knowledge of ALPs, airspace issues, land acquisition, the NEPA environmental process, and environmental permitting, all of which are essential to developing a project. His other areas of expertise include aircraft fueling areas, road and parking lot design, wetland design, airfield tree clearing/pruning, airfield fencing, electrical design, and building area design.

EDUCATION

- BS, Civil Engineering, Michigan Technological University

REGISTRATIONS/CERTIFICATIONS

- Licensed Professional Engineer – Michigan



Bill Roppoch, PE

Electrical Design

Bill Roppoch is an electrical engineer with more than 33 years of experience designing airport electrical systems for both civilian and military airfields. He is responsible for preliminary and final designs as well as construction administration of airfield lighting systems, NAVAIDs, security systems, and other special systems associated with airfield improvement projects for both commercial service and GA airports. Bill's experience includes designing power and lighting systems, airport security systems, communications systems, airport signage and marking, Instrument landing systems (ILS), approach lighting systems (ALS), and standby and emergency power systems, along with project management and construction administration. Bill also prepares plans and specifications, reports, and preliminary estimates for construction projects.

EDUCATION

- BS, Electrical Engineering, University of Detroit

REGISTRATIONS/CERTIFICATIONS

- Licensed Professional Engineer – Michigan





Bill Ballard, AICP

Environmental Services

Bill Ballard has more than 20 years of environmental and NEPA experience. He has successfully led and completed more than 20 NEPA and regulatory permitting projects including three multi-million dollar Environmental Impact Statements. These studies evaluated the social, environmental, and economic impacts of complex runway and taxiway extensions and relocations, safety area improvements, and road relocations of large federal and state projects that included rigorous federal and state agency coordination, innovative public involvement techniques, and a comprehensive understanding of impacts and mitigation requirements.



Bill's environmental and regulatory experience includes threatened and endangered species, wetland ecosystems, air quality analysis, water quality and stream impact assessments, Phase I/hazardous materials evaluations, and indirect and cumulative impacts. He is also a qualified GIS specialist and has taught GIS courses to professional engineers, designers, and Department of Transportation personnel through a local community college. He is exceptionally knowledgeable with FAA standards including the SOPs for ALPs (SOP 2.0), Exhibit 'A's (SOP 3.0) and with AC 5300-13B.

EDUCATION

- BS, Environmental and Natural Resource Policy Studies, Michigan State University
- AS, GIS, Lansing Community College
- AA, Business Administration, Lansing Community College

REGISTRATIONS/CERTIFICATIONS

- American Institute of Certified Planners (AICP)



Tom Ward, CA

GIS Survey

Tom Ward is an experienced construction manager, surveyor, construction inspector and CAD drafter. During his 22 years of experience, he has managed construction and participated in the design of airport apron projects, runways, taxiways, perimeter roads, storm sewer systems, and tree clearing projects. In addition, he has been in charge of and collected data for numerous topographic surveys for airports in Michigan and other locations.



As our lead Michigan surveyor, Tom has a critical role in each of our engineering and planning projects. Using instruments such as a Global Positioning System (GPS) and a robotic total station, he has provided survey services at more than 35 airports in the state of Michigan. His talent in survey is complemented with his ability to work with our designers and construction administrators to provide a fluid exchange of information regarding the project, start to finish, from the site perspective.

Additionally, Tom has more than 25 years of experience as a certified arborist. Prior to joining Mead & Hunt in 2000, he worked with several private tree management companies. As a result of his combined experience, Tom has acquired a vast understanding of both urban and rural tree management issues. As a certified arborist, he is skilled in tree identification and their management and care within a multitude of settings.

EDUCATION

- BS, Forest Management, Michigan State University

REGISTRATIONS/CERTIFICATIONS

- Certified Arborist



Adam Feldpausch

Planning

Adam Feldpausch is a CAD designer with more than 17 years of experience. He is proficient in AutoCAD, ARCVIEW and MicroStation. His technical expertise includes Adobe InDesign and Adobe Photoshop. He is responsible for updating and creating ALPs and Exhibit 'A' property maps. He has a strong working relationship with the MDOT Office of Aeronautics planning and land acquisition staff, which allow for a more fluid exchange of ALP and Exhibit 'A' updates and reviews.



As a CAD designer, Adam has completed numerous ALPs for many regional commercial service, large general aviation and small general aviation airports including Pellston Regional, Chippewa County International, Jackson County, and Oscoda County. In addition to his drafting and design experience, Adam is a qualified GIS specialist and has created numerous maps and layers for use within county and state databases. His work includes using the Airports GIS system to produce electronic ALPs.

He is exceptionally knowledgeable with FAA standards including the SOPs for ALPs (SOP 2.0), Exhibit 'A's (SOP 3.0) and with AC 5300-13B.

EDUCATION

- AS, Architectural Technology and Computer Graphics, Lansing Community College



Zachary Puchacz, C.M., ACE

Planning

Zachary Puchacz brings over 19 years of airport management and aviation consulting experience to your projects. His airport management experience provides the Mead & Hunt aviation planning team with a solid technical background. He has been involved with many airfield and airport planning and construction projects prior to joining Mead & Hunt including the planning stages of the construction of a new terminal at Kalamazoo/Battle Creek International Airport, construction of a taxiway system expansion at Teterboro Airport, and a runway extension at the Capital Region International Airport.



With Mead & Hunt, Zachary has served as either a project manager or deputy project manager on several projects including airport master plans; runway, taxiway, and safety area justification studies; and RPZ /RSA analyses. Zachary also has been involved with industry research serving as a co-author of ACRP Report 27, *Enhancing Airport Land Use Compatibility*. With Zachary's knowledge and experience, he applies his understandings of airport administration, finance, marketing, planning, construction, operations, security, maintenance, and aircraft rescue and firefighting when working on a project.

EDUCATION

- BS, Aviation Science and Administration, Western Michigan University

REGISTRATIONS/CERTIFICATIONS

- Certified Member (C.M.), American Association of Airport Executives (AAAE)
- Airport Certified Employee (ACE) in Operations from the American Association of Airport Executives (AAAE)

5 FAMILIARITY WITH FAA & STATE REGULATIONS



EXPERIENCE WORKING WITH THE FAA IN MICHIGAN

Our staff works continuously with the FAA in the Great Lakes Region. Mead & Hunt team members understand the importance of

providing engineering and planning services that comply with appropriate FAA AC standards. We maintain good working relations with FAA officials in the Airports District Office (ADO), the Regional Office, and FAA Headquarters in Washington, DC. Specifically, we have a solid working relationship with ADO staff including John Mayfield, Stephanie Swann, Misty Peavler, Guadalupe Cummins-Sanchez, and your FAA Program Manager, Marlon Peña. Our Lansing office staff have worked on and coordinated numerous discretionary funding projects with the ADO, requiring a good working relationship and understanding of FAA requirements.

EXPERIENCE WORKING WITH MDOT AERO

With an office just down the street from the MDOT AERO office, our staff is able to quickly and easily meet with MDOT AERO staff, usually within a matter of minutes. Our team has great working relationships with the staff and knows the policies and procedures well. Mead & Hunt staff have been part of committees with MDOT AERO to develop procedures that are in place today.

Mead & Hunt is currently one of seven firms prequalified by MDOT AERO to perform environmental assessments on airport projects. This is a testament to the strong relationship and trust we have developed in working with them

We have a good relationship with Amanda Hopper, your MDOT AERO Project Manager, and look forward to continuing to develop this relationship as your airport consultant.

EXPERIENCE WITH FUNDING

Our team leaders have over 200 years of combined experience working with FAA & MDOT AERO, which has given them an in depth knowledge of the state and federal funding processes. They have a proven track record in helping our Michigan airport clients obtain funding for their projects. Mead & Hunt's project managers also have experience working on a variety of complex projects and are familiar with the steps required to help you take your projects from inception to completion. They are very knowledgeable of the FAA and MDOT AERO funding procedures, as well as how to help you secure money or grants from other outside agencies.

Mead & Hunt has found that solid planning work early in the process can greatly increase the chances of getting large, complex aviation projects approved, prioritized, and funded. Both state and federal project approvals are much easier when the advance planning has already been completed and agency priorities are well known.

The Mead & Hunt team's extensive knowledge of FAA regulations, policies, procedures, and personnel is unsurpassed in Michigan. The long-established relationships and credibility we have developed with the FAA and MDOT AERO helps our clients engage key decision makers and gain support for their projects with the funding agencies.



6

WORK QUALITY & REPUTATION

Awards & Recognition

At Mead & Hunt, we continuously strive for excellence. Our success can be attributed to retaining the industry's most talented professionals. We are driven by excellence and innovation, and focused on continuous improvement, which leads to repeated commendation by our industry, clients, and others. Our projects win numerous awards locally, regionally, and nationally.

Aviation consulting has become one of the cornerstones of Mead & Hunt and our firm has grown to be the **10th largest aviation consultant in the nation** and a top 100 A/E design firm according to *Engineering News Record's* annual ranking. In addition, **Mead & Hunt has received the American Association of Airport Executives' Corporate Cup of Excellence award.** This was a great honor as our clients nominated us for the award, which is given to companies that support airports and the airport management profession.

Our firm has also been named one of the fastest growing design firms in the nation and one of the "Best to work for" by industry publications. With over 250 professionals who specialize in the various aspects of aviation, including planning, engineering, architecture, environmental planning, air service consulting, and financial planning, you can count on Mead & Hunt to provide a team that will work closely with you to get the job done right.

Mead & Hunt's Lansing office was recognized as the **MDOT AERO Consultant of the Year for 2012, 2017, 2018, and 2021** in recognition of the excellent service we provided to our clients and the aviation public through many quality airport improvement projects. Our work has been recognized with awards from several organizations throughout the state. Recent samples include:

- ◆ 2022 Michigan Concrete Association (MCA) Award of Excellence for Runways 5R-23L and 9-27 Decoupling at Willow Run Airport
- ◆ 2021 Asphalt Paving Association of Michigan Award of Excellence for the Runway 9R-27L & Taxiway Improvements at Oakland County International Airport in Pontiac
- ◆ 2021 Asphalt Paving Association of Michigan Award of Excellence for the Runway 8-26 Rehabilitation at West Michigan Regional Airport in Holland
- ◆ 2021 Michigan Concrete Association Award of Excellence for Oscoda-Wurtsmith Airport's losca Apron Rehabilitation Phase 2
- ◆ 2021 MDOT AERO Robert G Peckham Consultant of the Year Award - Ben Hoover
- ◆ 2019 Michigan Association of Airport Executives – Presidents Award – Stephanie Ward
- ◆ 2019 Asphalt Paving Association of Michigan Award of Merit for the rehabilitation of Runway 4-22 at St. Clair County International Airport in Port Huron
- ◆ 2018 Asphalt Paving Association of Michigan Award of Excellence for the rehabilitation of Runway 18-36 at Fremont Municipal Airport in Fremont
- ◆ 2018 Quality in Construction Award from the National Asphalt Paving Association for the rehabilitation of Runway 7-25 at Oscoda - Wurtsmith Airport
- ◆ 2017 Asphalt Paving Association of Michigan Award of Excellence for the rehabilitation of Runway 2-20 at Antrim County Airport in Bellaire

In addition, our architectural group won two awards for the Appleton International Airport Net-Zero Platinum Aviation Fixed-Based Operator and Hangar: the 2014 American Council of Engineering Companies (ACEC) Wisconsin's Engineering Excellence Grand Award and the US Green Building Council Wisconsin's Transformation Awards – Sustainability and Energy Efficiency (Se2) Leadership Award of Excellence for New Construction.

6 WORK QUALITY & REPUTATION

References

REFERENCES

St. Clair County International Airport

Catherine Fiore, Airport Manager
810-364-6890
cfiore@stclaircounty.org

Oakland County International Airport

Cheryl Bush, Manager of Aviation
248-666-5680
bushc@oakgov.com

West Branch Community Airport

Ben Evergreen, Airport Manager
989-345-1453
evergreenben@yahoo.com

Saginaw County H.W. Browne Airport

Alan Kaufman, Airport Manager
989-295-0675
a1airport@yahoo.com

Owosso Community Airport

Garry Csapos, Airport Manager
989-721-2403
owossocommunityairport@frontier.com

Mt. Pleasant Municipal Airport

Bill Brickner, Airport Manager
989-775-3515
bbrickner@mt-pleasant.org

Branch County Memorial Airport

Joe Best, Airport Manager
517-279-7050
jbest1944@gmail.com

TREATING CLIENTS RIGHT

Mead & Hunt has successfully completed more federally funded aviation projects in Michigan than any other consulting firm. We have been in the aviation consulting business for 80 years, and 90 percent of our clients are repeat customers — a testament to our work. This can only happen by treating clients right and providing quality projects on-time and within budget. We have assisted our clients with a wide range of aviation consulting services including planning, engineering, environmental, architecture, air service consulting, and construction administration. This map shows the Michigan airports (GA and commercial service) where we have worked.

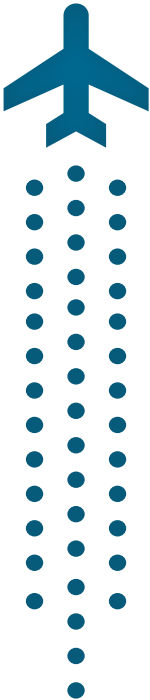


OUR CURRENT GENERAL AVIATION CLIENTS IN MICHIGAN

- ◆ Abrams Municipal
- ◆ Ann Arbor Municipal
- ◆ Antrim County
- ◆ Battle Creek Executive Airport at Kellogg Field
- ◆ Beaver Island
- ◆ Branch County Memorial
- ◆ **Brooks Field**
- ◆ Clare Municipal
- ◆ DuPont-Lapeer
- ◆ Fremont Municipal
- ◆ Gogebic-Iron County
- ◆ Gratiot Community
- ◆ Hastings City/Barry County
- ◆ Ionia County
- ◆ Jack Barstow Municipal
- ◆ Jackson County-Reynolds Field
- ◆ Jerry Tyler Memorial
- ◆ Kirsch Municipal
- ◆ Lenawee County
- ◆ Menominee Regional
- ◆ Mt. Pleasant Municipal
- ◆ Oakland/Southwest
- ◆ Oakland/Pontiac
- ◆ Ontonagon County - Schuster Field
- ◆ Oscoda County Dennis Kauffman Memorial
- ◆ Oscoda-Wurtsmith
- ◆ Owosso Community
- ◆ Ray Community
- ◆ Roben-Hood
- ◆ Saginaw County-HW Browne
- ◆ South Haven Area Regional
- ◆ Southwest Michigan Regional
- ◆ St. Clair County International
- ◆ Tuscola Area
- ◆ West Branch Community
- ◆ West Michigan Regional
- ◆ White Cloud
- ◆ Willow Run



Mead
& Hunt



EXPERIENCE EXCEPTIONAL





ITEM 13.D

TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
Eric Zuzga, Director of Community Services
DATE: January 3, 2023
SUBJECT: **SET PUBLIC HEARING FOR 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. As there were several substantive changes to the ordinance, the Planning Commission is holding a public hearing on January 11, 2023 to consider the new ordinance. City Council is asked to schedule a public hearing for January 17, 2023 to consider final approval of an updated 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:

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.

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 13.E

TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
Joshua Lanker, Chief of Police
DATE: January 3, 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 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:

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.

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

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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*.

A104 REFERENCED STANDARD

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

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

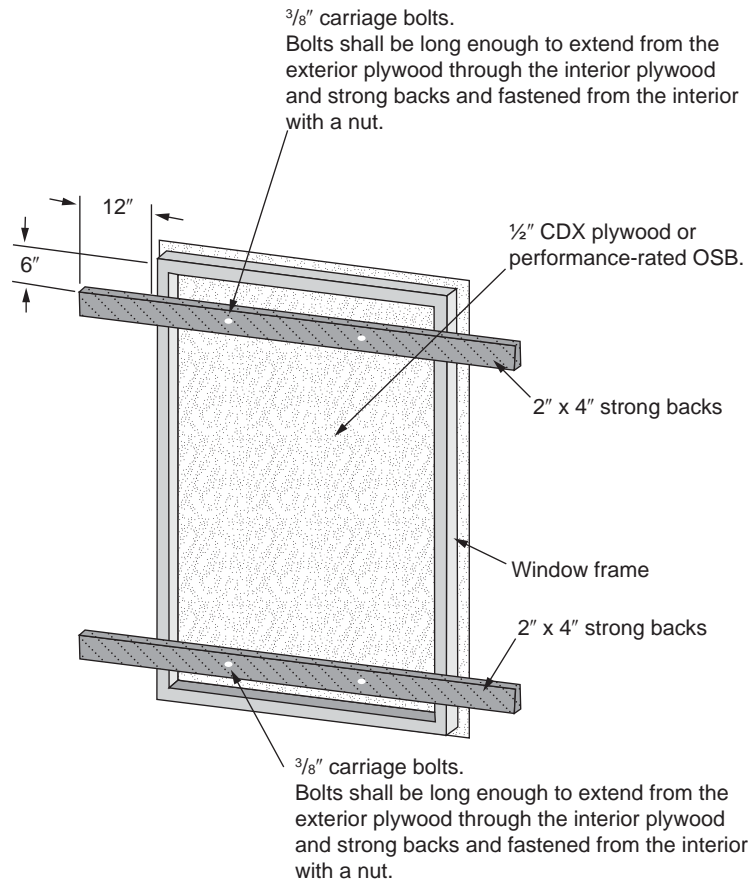


FIGURE A103.1(1)
BOARDING OF DOOR OR WINDOW

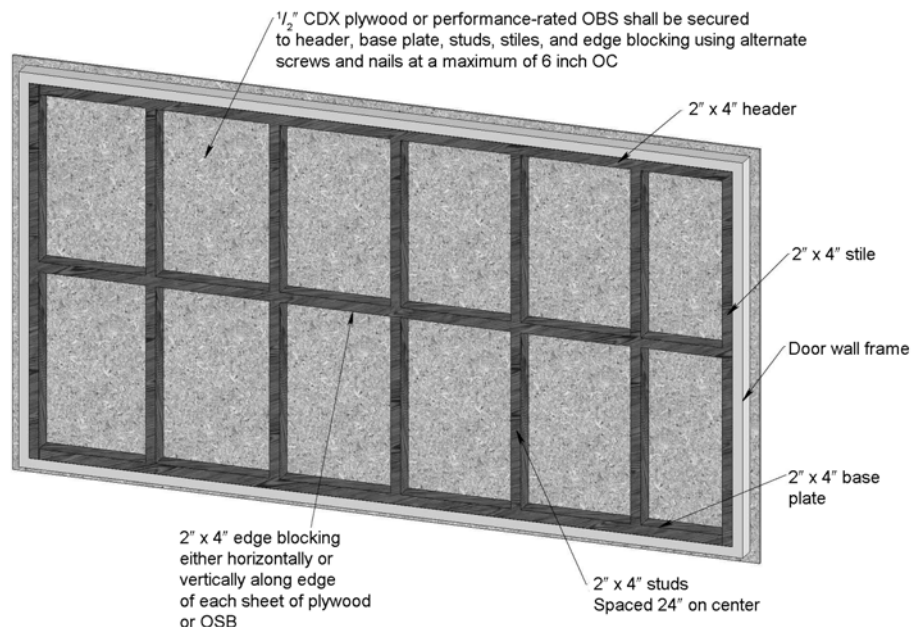


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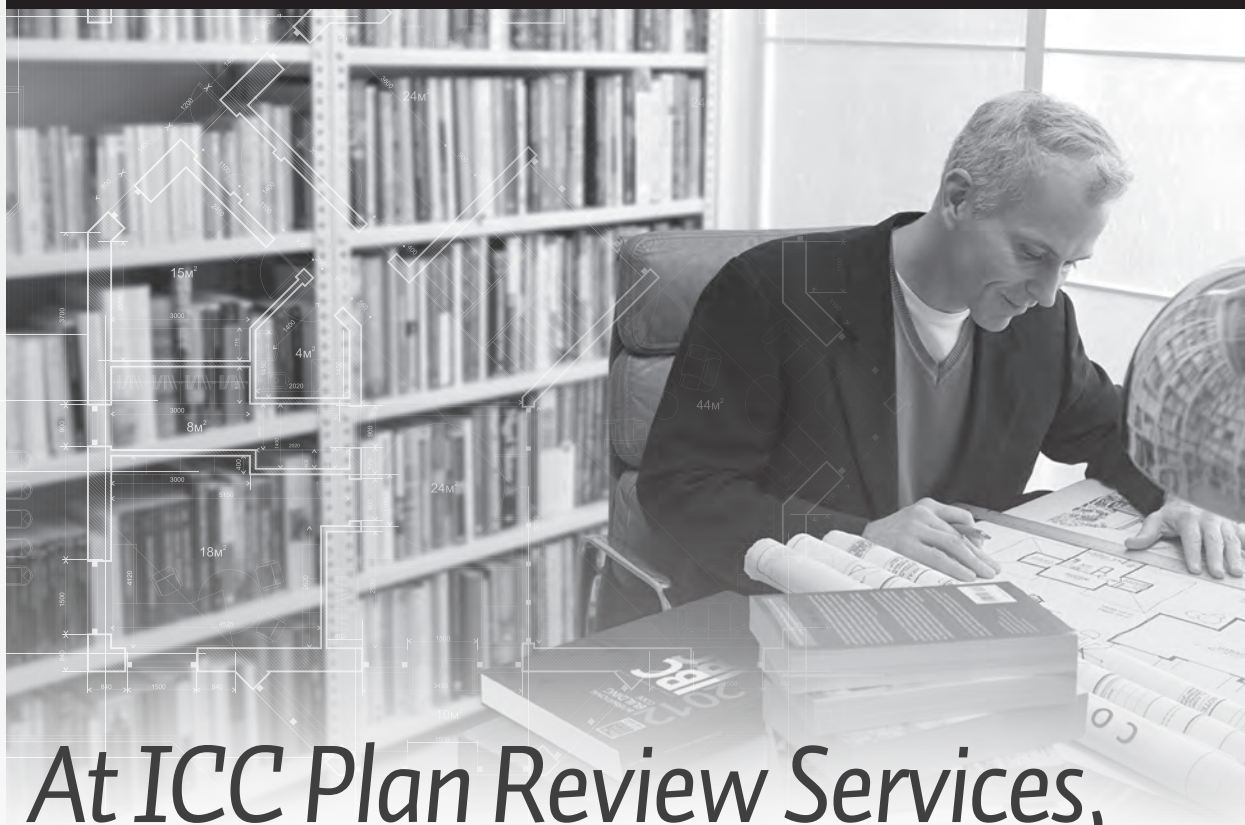
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*Some restrictions apply. Speak with an ICC Member Services Representative for details.

14-09333





ITEM 13.F

TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
Michelle Eubank, City Clerk
DATE: January 3, 2023
SUBJECT: **SET PUBLIC HEARING FOR 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:
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.

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 13.G

TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
DATE: January 3, 2023
SUBJECT: **SET PUBLIC HEARING FOR 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.

RECOMMENDATION:

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.

**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 _____

SURVEY SKETCH

SURVEY SKETCH OF A PARCEL OF LAND IN THE SE 1/4 OF SECTION 28,
T2S, R6W, CITY OF MARSHALL, CALHOUN COUNTY, MICHIGAN

**LEGAL DESCRIPTION**

(PER DEVON TITLE AGENCY COMMITMENT #20210798, DATED 11/01/2022)

A PARCEL OF LAND IN THE SOUTHEAST 1/4 OF SECTION 28, T2S, R6W, MARSHALL TOWNSHIP, CALHOUN COUNTY, MICHIGAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE EAST 1/4 POST OF SECTION 28, T2S, R6W; THENCE S90°00'00"W ALONG THE EAST AND WEST 1/4 LINE OF SAID SECTION 28, A DISTANCE OF 1292.79 FEET TO THE EAST LINE OF THE WEST 2 RODS OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 28 AND THE TRUE PLACE OF BEGINNING; THENCE S01°41'13"E ALONG SAID EAST LINE OF THE WEST 2 RODS OF THE EAST 1/2 OF THE SOUTHEAST 1/4, A DISTANCE OF 280.12 FEET; THENCE S90°00'00"W PARALLEL WITH SAID EAST AND WEST 1/4 LINE, 238.78 FEET; THENCE N03°00'00"W, 280.38 FEET TO SAID EAST AND WEST 1/4 LINE; THENCE N90°00'00"E ALONG SAID EAST AND WEST 1/4 LINE, 245.21 FEET TO THE PLACE OF BEGINNING.

EXCEPTIONS

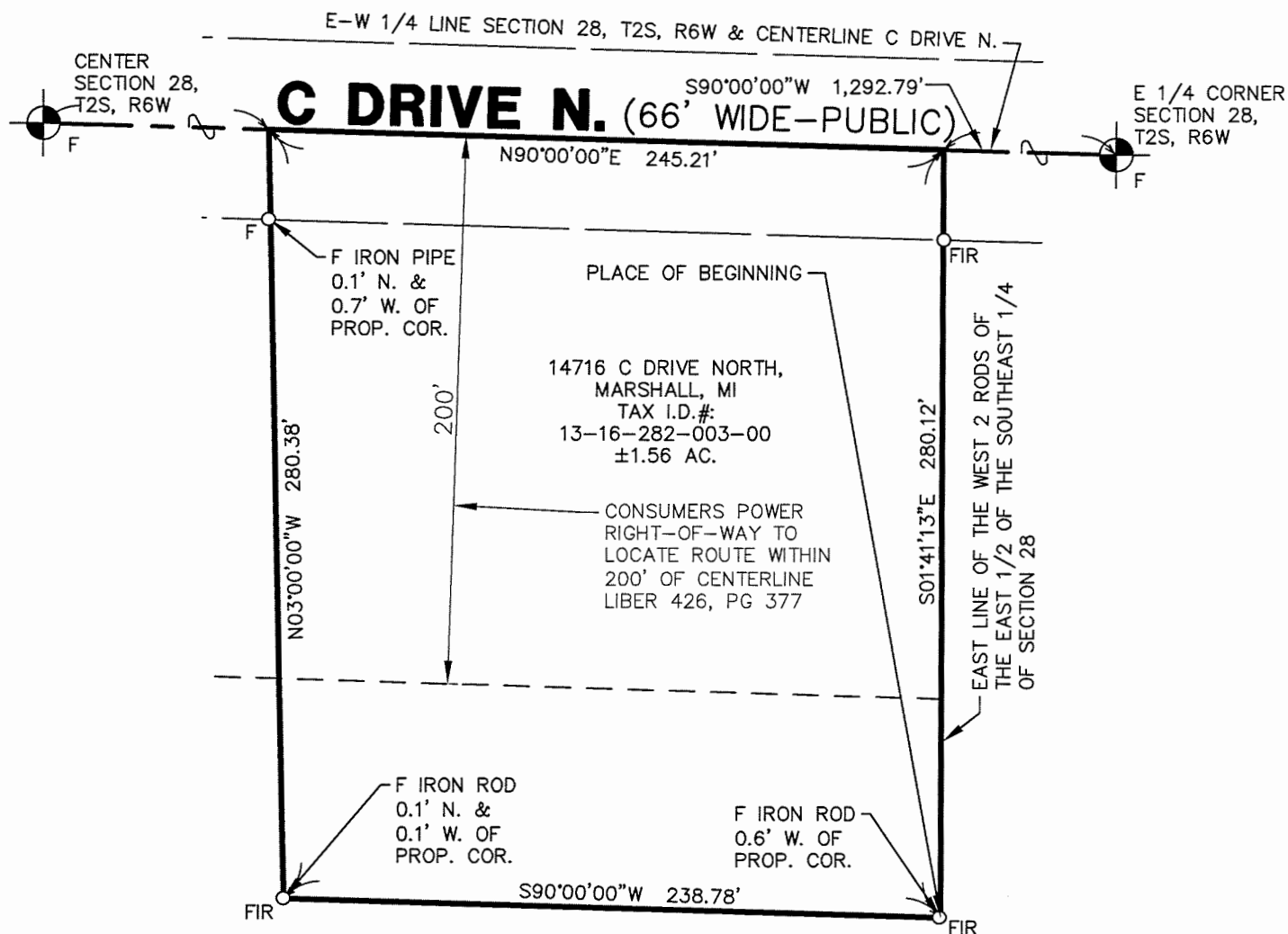
- 16.) EASEMENT GRANTED TO CONSUMERS POWER COMPANY, AS DISCLOSED BY INSTRUMENT RECORDED IN LIBER 426, PAGE 377, CALHOUN COUNTY RECORDS
- 17.) TERMS, CONDITIONS, AND PROVISIONS CONTAINED IN WARRANTY DEED FOR RESERVATION OF THE USE OF A DRIVEWAY RECORDED IN LIBER 846, PAGE 153 AND LIBER 1080, PAGE 75 OF CALHOUN COUNTY RECORDS.

BASIS OF BEARINGS


DEVON TITLE AGENCY, INC.,
FILE No. 20210798
EFFECTIVE DATE: 11/01/2022

LEGEND

- SECTION CORNER
- F FOUND IRON PIPE
- FIR FOUND IRON ROD



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



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M: \CIVIL3D_PROJ\22367\SURVEY\22367-SV-ADDRESS-14716.DWG

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:

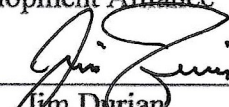
I previously entered into a Real Estate Option Agreement ("Option") with the Marshall Area Economic Development Alliance ("MAEDA") for certain property located in Marshall Township and as described in the enclosed survey ("Property"). MAEDA has exercised the Option for the Property effective December 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 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 _____

SURVEY SKETCH

SURVEY SKETCH OF A PARCEL OF LAND IN THE SW 1/4 OF SECTION 28,
T2S, R6W, CITY OF MARSHALL, CALHOUN COUNTY, MICHIGAN



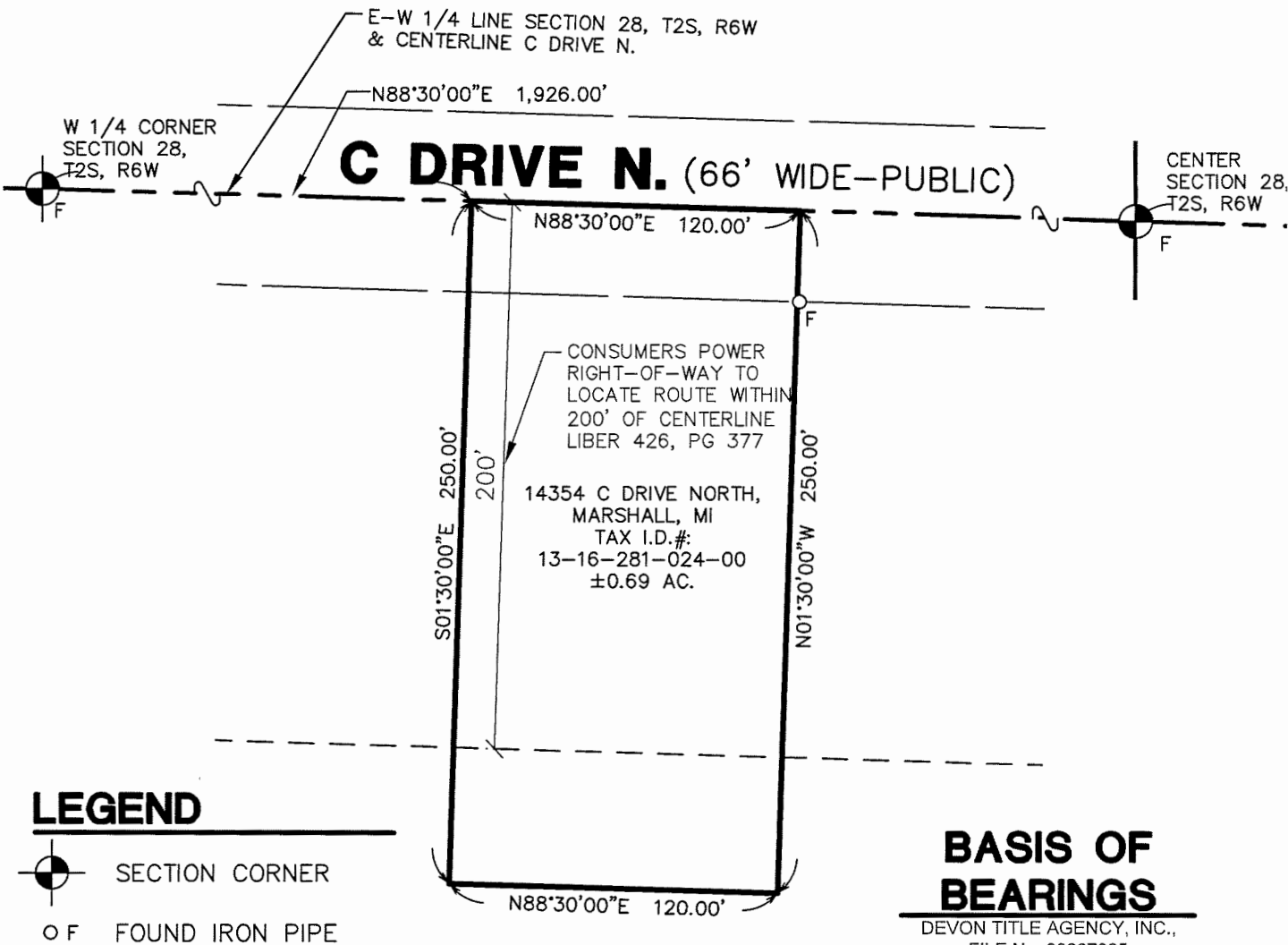
LEGAL DESCRIPTION

(PER DEVON TITLE AGENCY COMMITMENT #20207865, DATED 8/23/2021)

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

16.) EASEMENT GRANTED TO CONSUMERS POWER COMPANY, AS DISCLOSED BY INSTRUMENT RECORDED IN LIBER
426, PAGE 379, CALHOUN COUNTY RECORDS




LEGEND

SECTION CORNER
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	
<div>M I D W E S T E R N</div> <div>C O N S U L T I N G</div> <div>3815 Plaza Drive Ann Arbor, Michigan 48108 (734) 995-0200 • www.midwesternconsulting.com Land Development • Land Survey • Institutional • Municipal Wireless Communications • Transportation • Landfill Services</div>		

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.
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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)

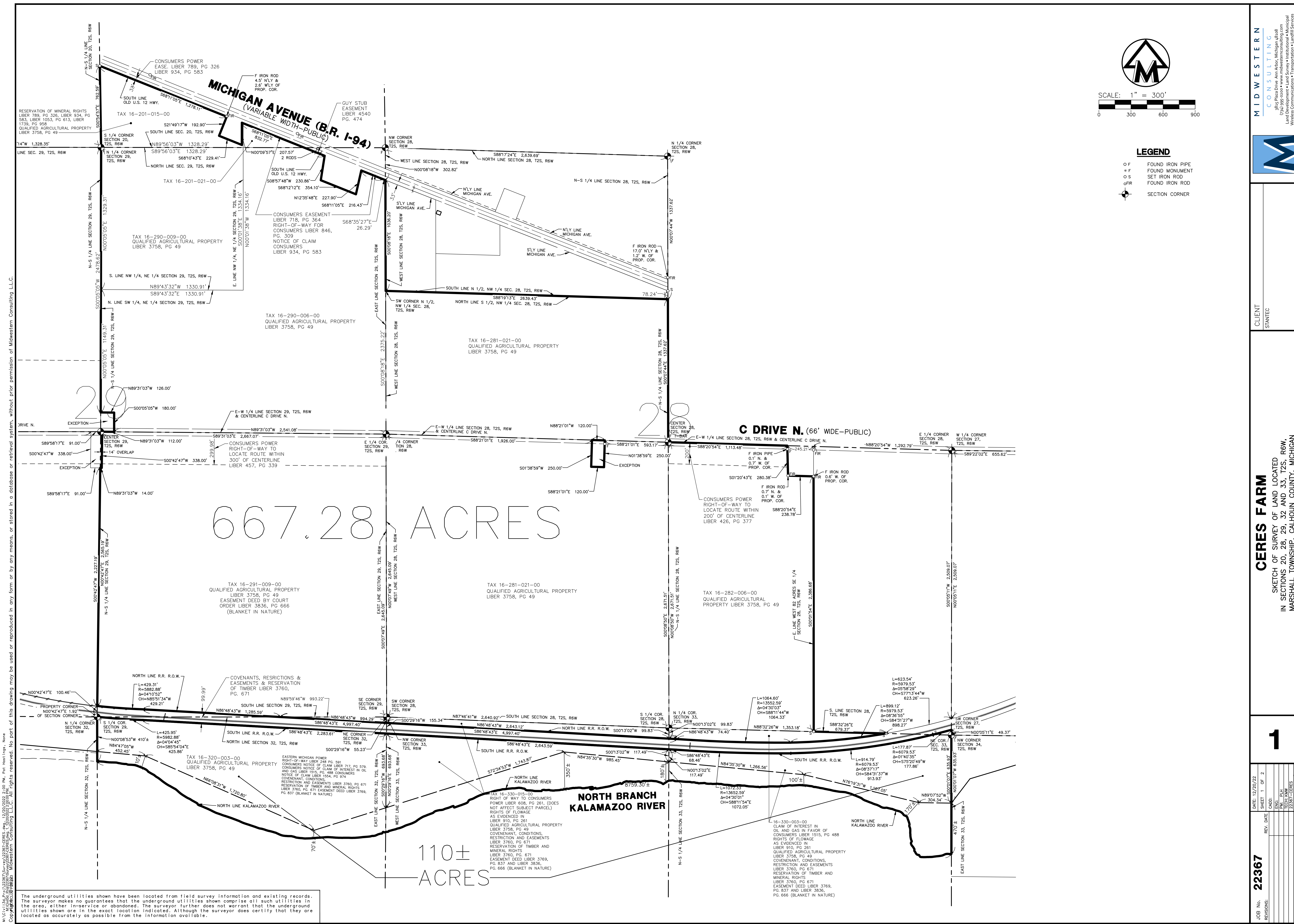
)ss

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 _____



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.

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CLIENT

STATTEC

CERES FARM

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

22367

DATE: 12/20/22
SHEET: 1 OF 2

REV. DATE
REVISIONS

ENG: PHL
CHK: PHL
APP: JEB

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 666, 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.

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.

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.

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.

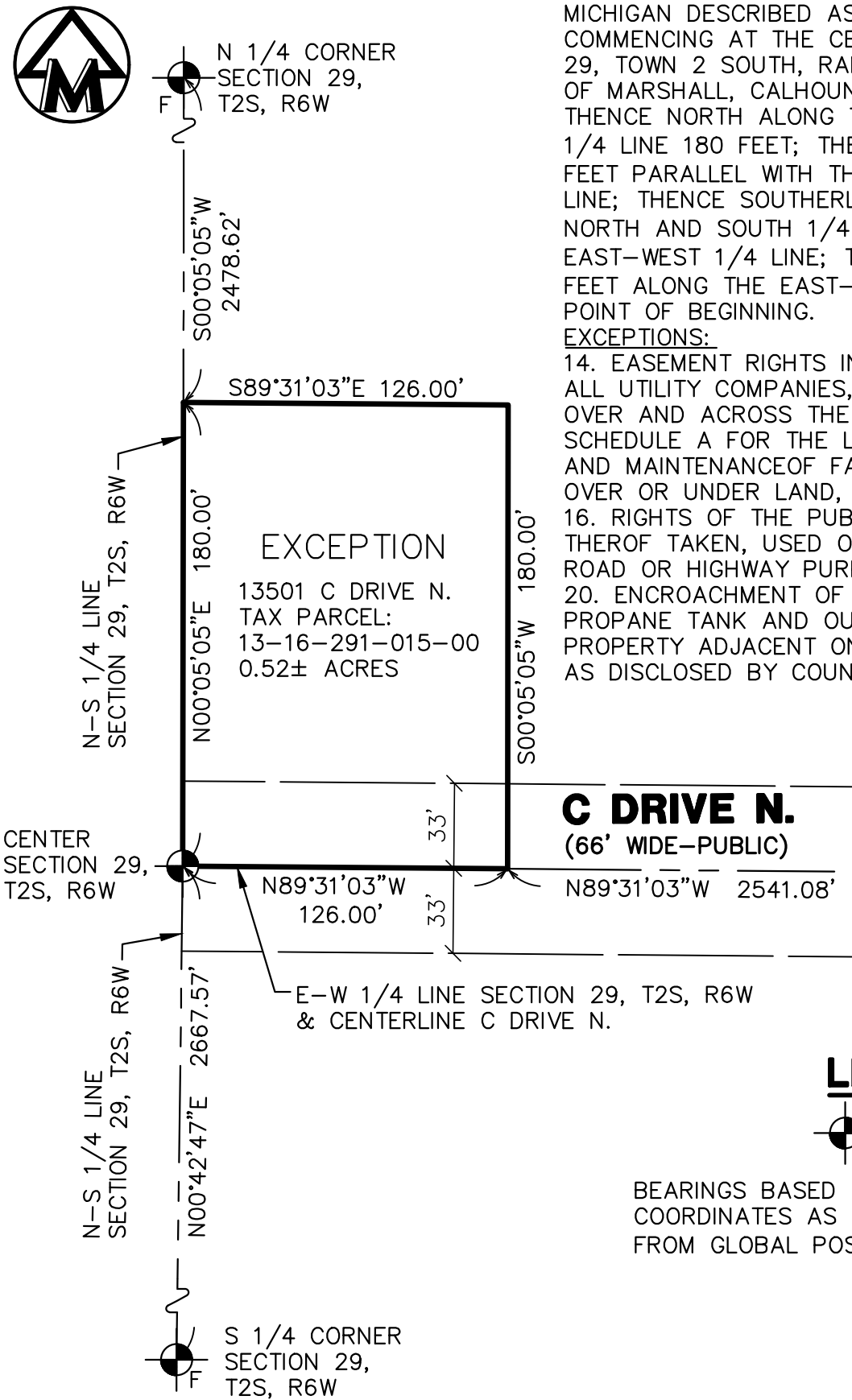
Notary Public, Calhoun County, MI

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



SECTION CORNER

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	
 <div><div>M I D W E S T E R N</div><div>C O N S U L T I N G</div><div>3815 Plaza Drive Ann Arbor, Michigan 48108 (734) 995-0200 • www.midwesternconsulting.com Land Development • Land Survey • Institutional • Municipal Wireless Communications • Transportation • Landfill Services</div></div>		



ITEM 13.H

TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
Michelle Eubank, City Clerk
DATE: January 3, 2023
SUBJECT: CITY COUNCIL VACANCY PROCESS

The Marshall City Charter, Section 2.09, outlines the procedures for when a vacancy occurs on City Council.

(a) Vacancies. The office of any council member, including the office of mayor, shall become vacant upon the occurrence of one or more of the following events: (1) for any reason specified by law or for any intentional violation of this charter, (2) the council member's death or adjudication of mental incompetency, (3) the council member's resignation tendered to the council and accepted by the council, (4) the council member's termination of residency within that area from which he or she was nominated as specified in Section 2.01, (5) the council member's absence from four (4) consecutive regular meetings of the council or 25% of all regular meetings in any calendar year unless such absence shall in each case be excused by the council, (6) the council member's conviction of a felony.

(b) Filling of Vacancies. If a vacancy occurs in the city council, except in the office of mayor, the city council shall, at a regular meeting and within sixty (60) days after such vacancy occurs, appoint a person who possesses the qualifications required of holders of said office. This term shall expire on January first of the year following the next regular election. At this election such vacancies shall be filled for the balance of the unexpired term, if any. However, if any such vacancy is not filled within sixty (60) days or if three or more vacancies in the positions of mayor and council members exist simultaneously or are held by appointments, the clerk shall, within ten (10) days, call a special election to be held within one hundred twenty (120) days thereafter to fill such vacancies for the unexpired terms. No vacancies shall be filled in any manner if fewer than ninety (90) days remain in said vacant council term of office.

With the election of City Council member Schwartz to Mayor and the resignation of City Council member Rice, we need to develop a plan to fill the Ward 2 and Ward 4 City Council seat vacancies within the sixty (60) day requirement.

An example of a process to facilitate the filling of the vacancies within 60 days could include:

- January 3, 2023--- Accept resignations
- 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.

We recommend that the process concludes by the February 21, 2023 regular City Council meeting to avoid the 60-day deadline.

BUDGET IMPACT:

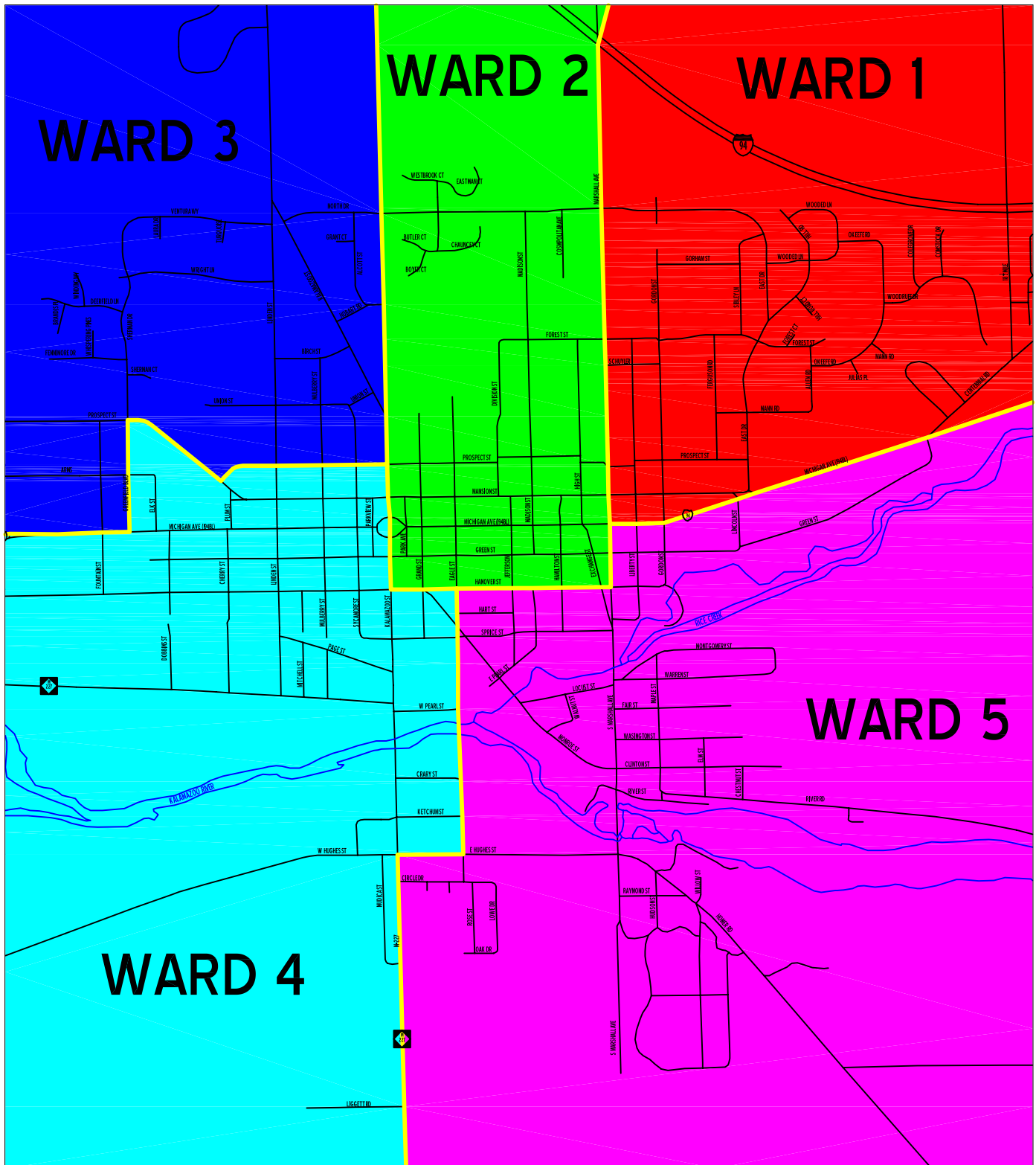
None.

RECOMMENDATION:

Approve a process to appoint City Council members to fill the Ward 2 and Ward 4 vacancies.

CITY OF MARSHALL

WARD MAP



City of Marshall Public Notice

City Council Vacancy

The Marshall City Council will be accepting letters of interest/resumes for the City Council At-Large seat. Letters will be accepted until December 1, 2018 and may be submitted to the City Clerk, 323 West Michigan Avenue, Marshall, MI 49068 or tnelson@cityofmarshall.com. Please contact City Clerk, Trisha Nelson at 269.781.5183 with any questions.

11/13/18

Trisha Nelson, Clerk



ITEM 14.A

TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
Michelle Eubank, City Clerk
DATE: January 3, 2023
SUBJECT: **BOARDS AND COMMISSIONS LIAISON APPOINTMENTS**

At the first meeting in January after the City elections, the Mayor appoints the Board and Commission liaisons.

For 2023/2024, the Mayor appoints the following City Council members to the:

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

BUDGET IMPACT:

None.

RECOMMENDATION:

Approve the Mayor's liaison appointments to the City of Marshall Boards and Commissions as presented.



ITEM 14.B

TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
Michelle Eubank, City Clerk
DATE: January 3, 2023
SUBJECT: **FIREKEEPER'S LOCAL REVENUE SHARING BOARD
APPOINTMENT**

The City of Marshall participates with the Nottawaseppi Huron Band of the Potawatomi Indians and other local municipalities on a Local Revenue Sharing Board for the purpose of receiving and directing the disbursement of revenue sharing payments generated by the Firekeepers Casino. As a member of the Local Revenue Sharing Board, the City is allowed a Board representative and alternate.

To designate those representatives, the attached City of Marshall Resolution #2023-02 is requested to be approved.

BUDGET IMPACT:
None.

RECOMMENDATION:
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.

**CITY OF MARSHALL, MICHIGAN
RESOLUTION #2023-02**

**RESOLUTION APPOINTING REPRESENTATIVE AND ALTERNATES
TO THE LOCAL REVENUE SHARING BOARD**

WHEREAS, the Urban Cooperation Act of 1967 (MCL 124.501 et seq., as amended: hereinafter the “Urban Cooperation Act”) provides that Public agencies of the State of Michigan and Public agencies of the United States may enter into interlocal agreements to exercise jointly with each other any power, privilege or authority that the agencies share in common and that each may exercise separately; and

WHEREAS, under subsection 2(e) of the Urban Cooperation Act (MCL 124.502(e)), Calhoun County, Emmett Charter Township, the City of Battle Creek, the City of Marshall, and Athens Township are Public agencies of the State of Michigan, each of which have the authority to enter into an interlocal agreement; and

WHEREAS, for purposes of the Urban Cooperation Act, the Nottawaseppi Huron Band of the Potawatomi Indians (hereinafter “the Tribe”) is treated as a Public agency of the United States with the authority to enter into an interlocal agreement; and

WHEREAS, in accordance with the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.; hereinafter referred to as “IGRA”), on December 3, 1998 the State of Michigan and the Tribe made and entered into a Compact providing for the conduct of casino gaming, as approved by the U.S. Secretary of the Interior by publication in the Federal Register on February 18, 1999 (64 Fed. Reg. 8111), and as amended on July 23, 2009 in accordance with Section 16 of the Compact and approved by the U.S. Secretary of the Interior by publication in the Federal Register on October 8, 2009, (74 Fed. Reg. 51875) (hereinafter collectively referred to as the “Compact”); and

WHEREAS, the Tribe, a federally-recognized Indian tribe, acting under its governmental authority in accordance with IGRA and the Compact, commenced casino gaming operations on August 1, 2009, at the Firekeepers Casino (hereinafter the “Casino”) on land located in Emmett Township, Michigan that is held in trust for the Nottawaseppi Huron Band by the United States; and

WHEREAS, growth and development on and in the vicinity of the Pine Creek Indian Reservation, which is the governmental and community center of the Tribe, will have impacts on Athens Township, which will be affected by the Tribe’s operation of the Casino; and

WHEREAS, the Compact provides that the local units of government that are in the immediate vicinity or are otherwise directly affected by the Casino, together with the local government(s) affected by growth and development of the Tribe’s governmental and community facilities on and in the immediate vicinity of the Pine Creek Reservation that will result from the operation of the Casino, may, at their option, form a Local

Revenue Sharing Board in conjunction with the Tribe for the purpose of receiving and directing the disbursement of revenue sharing payments required by the Compact; and

WHEREAS, by entering into this interlocal agreement (hereinafter this "Agreement"), the parties hereto seek to create a Local Revenue Sharing Board, consistent with the terms and provisions of the Compact and for the purposes stated therein; and

WHEREAS, the Local Revenue Sharing Board bylaws allow appointment of a Board representative and Board alternates.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the City of Marshall appoints **Mayor Jim Schwartz** as the Board representative and **City Manager Derek N. Perry** as the Board alternate.

Motion by:

AYES,

NAYES,

ABSENT:

CERTIFICATE

The foregoing is a true and a complete copy of the resolution adopted by the City Council and the City of Marshall at a regular meeting on January 3, 2023. Public notice was given and the meeting was conducted in full compliance with the Michigan Open Meetings Act (PA 267, 1976, as amended). Minutes of the meeting will be available as required by the Act.

City of Marshall

By: Michelle Eubank

Its: Clerk

Date: January 3, 2023



ITEM 14.C

TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
Michelle Eubank, City Clerk
DATE: January 3, 2023
SUBJECT: **MARSHALL AREA FIRE FIGHTERS AMBULANCE AUTHORITY
BOARD APPOINTMENT**

In 2004, the City of Marshall joined the Marshall Area Fire Fighters Ambulance Authority (MAFFAA). In accordance with the Articles of Incorporation, "the elected body of each entity allocated a seat on the Board of Directors shall appoint an individual to be a Board member who shall represent that incorporating municipality."

BUDGET IMPACT:
None.

RECOMMENDATION:
Approve the appointment of Mayor Jim Schwartz to serve as the City of Marshall representative on the MAFFAA Board of Directors.