

# **City of Rogers City**

## **Code of Ordinances**

**Adopted December 2, 2014**

**As amended through December 31, 2024**

**ROGERS CITY CODE OF ORDINANCES  
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## Chapter 1 - GENERAL PROVISIONS

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### Sec. 1-1. - Citing Code.

This Code shall be cited as the "Code of Ordinances of the City of Rogers City, Michigan," or the "Rogers City Code."

### Sec. 1-2. - Definitions and rules of construction.

The following words and phrases, when used in this Code, shall have the meanings respectively ascribed to them unless otherwise provided in this Code.

*Charter.* The word "Charter" means the Charter of the City of Rogers City, Michigan.

*City.* The word "city" means the City of Rogers City, Michigan.

*Code.* The words "Code" or "this Code" shall mean the Code of Ordinances of the City of Rogers City, Michigan, as designated in section 1-1.

*Computation of time.* The time within which an act is to be done, as provided in this Code or in any order issued pursuant to this Code, when expressed in days, shall be computed as prescribed by state statute.

*Council.* The word "council" means the legislative body of the City of Rogers City, Michigan.

*County.* The word "county" means the County of Presque Isle.

*Gender.* Words importing masculine gender shall apply to firms, associations, partnerships and corporations, and may apply to females if the intent of the ordinance or Code provision so requires.

*Health officer.* The phrase "health officer" shall mean the director of the county health department or his authorized representative, or any person hereinafter appointed to such position by the council.

*Joint authority.* All words purporting to give joint authority to three (3) or more public officers or other persons shall be construed as giving such authority to a majority of such officers or other persons unless it is otherwise expressly declared in the provision granting the authority.

*MCL.* The abbreviation "MCL" shall mean the Michigan Compiled Laws, as amended.

*Month.* The word "month" shall be construed to mean a calendar month.

*MSA.* The abbreviation "MSA" shall mean the Michigan Statutes Annotated, as amended.

*Number.* Words in either the singular or plural numbers shall include either or both numbers and may apply in any instance to a particular person or persons.

*Oath, affirmation, sworn, affirmed.* The word "oath" shall be construed to include the word "affirmation" in all cases where by law an affirmation may be substituted for an oath; and in like cases the word "sworn" shall be construed to include the word "affirmed."

*Officers, departments, divisions, boards, commissions, employees or agencies.* The several titles of any officer, department, division, board, commission, employee or agency shall mean such officer, department, division, board, commission, employee or agency of the city, or any authorized subordinate or designee.

*Owner.* The word "owner," applied to a building or land, shall include any part owner, land contract vendee, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety, of the whole or of a part of such building or land.

*Person.* The word "person" includes firms, joint adventures, partnerships, corporations, clubs, and all associations or organizations of natural persons, either incorporated or unincorporated, however operating or named, and whether acting by themselves or by a servant, agent or fiduciary, and includes all legal representatives, heirs, successors and assigns thereof.

*Preceding, following.* The words "preceding" and "following," when used by way of reference to any title, chapter or section of any ordinance of the city, shall be construed to mean the title, chapter or section next preceding or next following that in which such reference is made, unless when some other title, chapter or section is expressly designated in such reference.

*Property.* The word "property" shall include real and personal property.

*Public place.* The words "public place" mean any place to or upon which the public resorts, or travels, whether such place is owned or controlled by the city or any agency of the state, or is a place to or upon which the public resorts or travels by custom, or by invitation, express or implied.

*References, history notes.* The Charter references, cross references, state law references, editor's notes and history notes are inserted for convenience and to facilitate the use of same, and such words shall not be construed to limit or affect the meaning of any of the provisions of this Code.

*Seal.* In all cases in which the seal of any court or public office shall be required to be affixed to any paper issuing from such court or office, the word "seal" shall be construed to mean the impression of such seal on such paper alone, as well as the impression of such seal affixed thereto by means of a wafer or wax.

*Shall, may.* The word "shall" means imperative or mandatory; the word "may" means permissive.

*Sidewalk.* The word "sidewalk" means that portion of a street between the curb lines or lateral lines and the right-of-way lines which is intended for the use of pedestrians.

*Signature, subscription.* The words "signature" and "subscription" include a mark when the person cannot write.

*State.* The word "state" means the State of Michigan.

*Street, highway and alley.* The words "street," "highway" and "alley" mean the entire width subject to an easement for public right-of-way, or owned in fee by the city, county or state, of every way or place, of whatever nature, whenever any part thereof is open to the use of the public, as a matter of right for purposes of public travel. The word "alley" means any such way or place providing a secondary means of ingress and egress from a property.

*Sundays, legal holidays.* Whenever any act required to be done pursuant to the provisions of any ordinance or Code section falls on a Sunday or legal holiday, that act shall be performed on the next succeeding business day.

*Tense.* Words used in the present or past tense shall be construed as including the future as well as the present or past.

*Time.* Whenever time is referred to, it means Eastern Standard Time or the time officially in force in the city.

*Titles, headings and catch lines.* The key words used in this Code as headings, titles or catch lines for chapters, articles, divisions and sections are inserted for convenience and to facilitate the use of this Code, and such words shall not be construed to limit or affect the meaning of any of the provisions of this Code.

*Week.* The word "week" shall be construed to mean seven (7) days.

*Written, in writing.* The words "written" or "in writing" may include any form of reproduction or expression of language.

*Year.* The word "year" shall be construed to mean a calendar year; and the word "year," alone, shall be equivalent to the words "year of our Lord."

All ordinances of the city shall be interpreted and construed in accordance with the above provisions, unless such interpretation and construction would be inconsistent with the manifest intent of the council.

#### **Sec. 1-3. - Repeal of ordinances.**

- a) Whenever an ordinance or any part thereof is repealed by a subsequent ordinance, such ordinance or any part thereof so repealed shall not be revived by the repeal of such subsequent repealing ordinance.
- b) Whenever an ordinance is adopted, all ordinances or parts of ordinances in conflict therewith shall, to the extent of such conflict, be repealed.
- c) The repeal of any ordinance or part thereof shall not release or relinquish any penalty, forfeiture or liability incurred under such ordinance or any part thereof, unless the repealing act shall so expressly provide, and such ordinance and part thereof shall be treated as still remaining in force for the purpose of instituting or sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture or liability.

#### **Sec. 1-4. - Amendments to Code.**

- a) Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code in the following language: "That section \_\_\_\_\_ of the Code of Ordinances of the City of Rogers City, Michigan, is hereby amended to read as follows: ...." The new provisions shall then be set out in full as desired.
- b) If a new section not heretofore existing in the Code is to be added, the following language shall be used: "That the Code of Ordinances of the City of Rogers City, Michigan, is hereby amended by adding a section, to be numbered \_\_\_\_\_, which shall read as follows: ...." The new section shall then be set out in full as desired.
- c) If a section is to be repealed, the following language shall be used: "That the Code of Ordinances of the City of Rogers City, Michigan, is hereby amended by deleting a section, numbered \_\_\_\_\_."

#### **Sec. 1-5. - Supplementation of Code.**

- a) By contract or by city personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the council. A supplement to the Code shall include all substantive and general parts of ordinances adopted during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.
- b) In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.



- c) When preparing a supplement to this Code, the codifier, meaning the person, agency or organization authorized to prepare the supplement, may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:
- 1) Organize the ordinance material into appropriate subdivisions;
  - 2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings and titles;
  - 3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
  - 4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections \_\_\_\_\_ through \_\_\_\_\_," inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code; and
  - 5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

**Sec. 1-6. - Certain ordinances not affected by Code.**

Nothing in this Code or the ordinance adopting this Code shall affect any ordinance when not inconsistent with this Code:

- 1) Promising or guaranteeing the payment of money for the city, or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness, or any contracts or obligations assumed by the city;
- 2) Granting any right or franchise;
- 3) Dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way in the city;
- 4) Making any appropriation;
- 5) Levying or imposing annual taxes;
- 6) Providing for local improvements and assessing taxes therefor;
- 7) Dedicating or accepting any plat or subdivision in the city;
- 8) Extending or contracting the boundaries of the city;
- 9) Prescribing traffic and parking restrictions pertaining to specific streets;
- 10) Effecting any specific urban renewal project;
- 11) Pertaining to zoning;
- 12) Any other ordinance or part thereof which is not of a general and permanent nature; and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code. The ordinances are on file in the city clerk's office.

**Sec. 1-7. - Severability.**

If any part of this Code or the application thereof to any person or circumstance shall be found to be invalid by any court, such invalidity shall not affect the remaining parts or applications of this Code which can be given effect without the invalid part or application, provided such remaining parts are not determined by the court to be inoperable, and to this end all provisions of this Code are declared to be severable.

**Sec. 1-8. - General penalty.**

- a) Unless stated otherwise, whenever in this Code or any ordinance of the city any act is prohibited or is made or declared to be unlawful or an offense, or whenever in this Code or such ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, the violation of any such provision by any person shall be deemed a municipal civil infraction punishable by a fine of not more than \$500.00. The City Manager or City Police are authorized to issue citations.
- b) In addition to the penalties provided in this section, any condition caused or permitted to exist in violation of any of the provisions of this Code or any ordinance shall be deemed a new and separate offense for each day that such condition continues to exist.
- c) In addition to the penalty prescribed in subsection (a) of this section, the city may pursue other remedies such as abatement of nuisances, injunctive relief, and revocation of licenses or permits.

**Sec. 1-9. - Notices.**

Notices regarding sidewalk repairs, sewer or water connections, dangerous structures, abating nuisances or any other act, the expense of which if performed by the city may be assessed against the premises under the provisions of this Code, shall be served:

- 1) By delivering the notice to the owner personally or by leaving the same at his residence, office or place of business with some person of suitable age and discretion;
- 2) By mailing the notice by certified or registered mail to such owner at his last known address; or
- 3) If the owner is unknown, by posting the notice in some conspicuous place on the premises at least five (5) days before the act or action concerning which the notice is given is required or is to occur.

**Rogers City, Michigan, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 2 - ADMINISTRATION >>  
ARTICLE I. - IN GENERAL >>**

**ARTICLE I. - IN GENERAL**

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Secs. 2-1—2-25. - Reserved.

**Rogers City, Michigan, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 2 - ADMINISTRATION >>  
ARTICLE II. - COUNCIL >>**

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Sec. 2-27. - Special meetings.

Sec. 2-28. - Presiding officer.

Sec. 2-29. - Order of business.

Sec. 2-30. - Special business.

Sec. 2-31. - Parliamentary decisions.

Sec. 2-32. - Motions and resolutions.

Sec. 2-33. - Reconsideration.

Sec. 2-34. - Citizen remarks.

Sec. 2-35. - Suspending rules.

Sec. 2-36. – Limitation on Use of Mills

Secs. 2-37—2-55. - Reserved.

**Sec. 2-26. - Regular meetings.**

The council shall hold regular meetings on the first and third Monday of each month beginning at 7:00 p.m. at the council chambers in the city hall. The council may by resolution change the date of any of such regular meetings, or hold additional regular meetings.

**Sec. 2-27. - Special meetings.**

Special meetings of the council shall be called by the clerk as provided in the Charter or may be set by resolution of the council. Charter provisions shall govern all special meetings.

**Sec. 2-28. - Presiding officer.**

The mayor shall preside at all meetings of the council and in the absence of the mayor, the mayor pro tem shall preside, and if both the mayor and mayor pro tem are absent, the clerk shall call the council to order and shall preside until a presiding officer is chosen.

**Sec. 2-29. - Order of business.**

The order of business for regular meetings of the council shall be as follows:

- 1) Calling the roll;
- 2) Reading of the minutes of previous meeting or meetings;
- 3) Petitions of citizens appearing before the council;
- 4) Petitions and communications filed with the clerk;
- 5) Communications from city officials;
- 6) Reports from city officials and committees;
- 7) Special and unfinished business;
- 8) New business;
- 9) Adjournment.

**Sec. 2-30. - Special business.**

The council may direct by a majority vote that any matter may be made the special business of a future meeting and the same shall have precedence over all other business at such meeting.

**Sec. 2-31. - Parliamentary decisions.**

The presiding officer of the council shall decide all questions arising under the rules stated in this article and general parliamentary practice subject to appeal, which appeal shall be determined by a majority vote of the members present. If an appeal is taken by any member from the ruling of the presiding officer, the member of the council desiring to appeal shall state briefly what in his opinion the ruling should have been. If this appeal is seconded, the presiding officer shall state clearly the question at issue, and shall then call for the vote of the council on the question: "Shall the decision of the presiding officer be sustained?" The presiding officer shall preserve order and decorum and may speak to points of order in preference to other members. He may express his opinion on any subject under debate without the substitution of another presiding officer.

**Sec. 2-32. - Motions and resolutions.**

Every motion or resolution shall require a second before being put to a vote, and if requested by the presiding officer or any member of the council it shall not be debated until it shall be reduced to writing. Any motion or resolution may be withdrawn at any time before decision or amendment.

**Sec. 2-33. - Reconsideration.**

At a council meeting no motion to reconsider shall be entertained unless made by a member voting with the majority.

**Sec. 2-34. - Citizen remarks.**

The mayor, or the council by majority vote, shall have the right to limit the length of time which any citizen may occupy in addressing the council.

**Sec. 2-35. - Suspending rules.**

The rules stated in this article and of parliamentary practice may be suspended by a majority vote of the members elect and may be amended by a majority vote of the members elect in the same manner as ordinances are amended.

**Sec. 2-36. – Limitation on Use of Mills.**

Should the City Council, pursuant to Section 11.5 of the City Charter, levy more than 17 mills on the real and personal property subject to taxation in the City, the revenue collected by that portion of the levy exceeding 17 mills may only be used for the following purposes:

- a) Infrastructure improvements, including but not limited to, streets, sidewalks, alleys, and easements
- b) Parks, recreational, and cultural improvements and endeavors
- c) Law enforcement and other emergency services

**Secs. 2-37—2-55. - Reserved.**

**Rogers City, Michigan, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 2 - ADMINISTRATION >> ARTICLE III. - ADMINISTRATIVE SERVICE >> DIVISION 1. - GENERALLY >>**

***DIVISION 1. - GENERALLY***

Sec. 2-56. - Division of administrative service.

Secs. 2-57—2-70. - Reserved.

**Sec. 2-56. - Division of administrative service.**

The administrative service of the city shall be under the supervision and direction of the city manager, except as otherwise provided by the Charter, and shall be divided into the following offices and departments, each of which shall be the responsibility of and under the control of a head as listed opposite such office or department:

Department	Official Head
Administration	City Clerk
Police	Chief of Police
Public Works	Director of Public Works
Water Utility	Superintendent of Water Utility
Wastewater Treatment Utility	Superintendent of Wastewater Treatment Utility
Engineering	City Engineer

**Secs. 2-57—2-70. - Reserved.**

***DIVISION 2. - ADMINISTRATIVE POLICY AND PROCEDURE***

Sec. 2-71. - City manager.

Sec. 2-72. - Department heads.

Sec. 2-73. - Vacancies.

Sec. 2-74. - Compliance of all departments with certain procedures.

Sec. 2-75. - Approval of legal documents.

Sec. 2-76. - Bonds.

Sec. 2-77. - Employees retirement system.

Sec. 2-78. Rules and regulations regarding the splitting of lots within recorded plats

Sec. 2-79. Rules and regulations regarding the division of unplatted land

Secs. 2-80—2-95. - Reserved.

**Sec. 2-71. - City manager.**

The city manager shall see that all laws, ordinances, rules, regulations adopted by the council and the provisions of this Code, are properly enforced. He shall attend all meetings of the council, regular and special. During the absence or disability of the manager, the council shall designate some qualified person to temporarily perform the duties of the manager.

**Sec. 2-72. - Department heads.**

All administrative officers are responsible to the city manager for the effective administration of their respective departments and offices, and all activities assigned to them. He shall employ or appoint all officers and employees except as otherwise provided by the Charter or this Code. The city manager may set aside any action taken by any administrative officer and may supersede him in the functions of his office but, as to officers appointed by the council, such action shall be subject to approval by the council.

**Sec. 2-73. - Vacancies.**

In case of vacancy in office or during the absence of any administrative officer, the city manager may designate an interim acting head or perform personally the functions of the office, until such vacancy is filled in accordance with the Charter.

**Sec. 2-74. - Compliance of all departments with certain procedures.**

All departments of the city shall comply with the following:

- 1) All department heads shall keep informed as to the latest practices in their particular field and shall inaugurate, with the approval of the city manager in the case of departments responsible to him or in the case of other departments, with the approval of the officer or body to whom the department head is responsible, such new practices as appear to be of benefit to the service and to the public.
- 2) Reports of the activities of each department shall be made to the manager as he shall direct.
- 3) Each department head shall be held responsible for the preservation of all public records under his jurisdiction and shall provide a system of filing and indexing the same. No public records, reports, correspondence or other data relative to the business of any department shall be destroyed or removed permanently from the files without the knowledge and approval of the council.

**Sec. 2-75. - Approval of legal documents.**

The mayor shall sign, the city clerk shall attest to, the city manager shall approve as to substance, and the city attorney shall approve as to form, all contracts and agreements requiring the assent of the city, unless otherwise provided for by law, the Charter, ordinance or the provisions of this Code.

**Sec. 2-76. - Bonds.**

Surety bonds, conditioned as required by the Charter, shall be filed by the following officers of the city in not less than the amounts indicated:

Treasurer	\$15,000.00
Clerk	15,000.00

All other officers of the city and employees, except the mayor and councilmembers, shall file a blanket bond in an amount not less than two thousand five hundred dollars (\$2,500.00) with excess indemnity of seven thousand five hundred dollars (\$7,500.00) on the water utility secretary.

**Sec. 2-77. - Employees retirement system.**

The city shall be under the provisions of Act No. 135 of the Public Acts of Michigan of 1945 (MCL 38.601 et seq., MSA 5.4001 et seq.), as amended, known as the "Municipal Employees Retirement Act." The city clerk is authorized and directed to make all wage and salary deductions on behalf of the eligible employees of the city required by law and to pay them to the retirement board established by the Municipal Employees Retirement Act, together with such amounts as the city is required to make on behalf of such employees under the provisions of such act.

**Sec. 2-78. – Rules and regulations regarding the splitting of lots within recorded plats**

**1) Definitions as used in this section:**

- a) Lot - The term lot shall include each individual lot, outlot, and any other distinct parcel of land within a subdivision.
- b) Lot Split - This term shall mean the division, partitioning or subdividing of any lot within a recorded plat that is not accomplished through a circuit court action under MCL 560.221 through 560.229.
- c) Resulting Lot - This term shall apply to one of the allowable four (4) parts which a lot can be divided.

**2) Rules Regarding Lot Division**

The splitting of a lot in a recorded plat must be done in accordance with the following:

- a) No lot in a recorded plat shall be divided into more than four (4) parts.
- b) No resulting lot shall be less than those dimensions prescribed in the City of Rogers City Zoning Ordinance.

**3) Not Served by Utilities**

Lots not served by public sewer and public water systems shall not be split if the resulting lots are less than the minimum width and area provided for under the Land Division Act (MCL 560.101 et seq).



#### 4) Adjacent Land

Nothing herein shall prevent the City Manager from approving a lot split of any such lot in a case where the owner of such divided lot owns the land immediately adjacent thereto or in a case where there is presented to the City Manager an executed agreement to convey such divided lot to the adjoining owner and where the combined width and area of the divided lot and the adjacent parcel shall, as a single parcel, conform to the terms and provisions of this section and other ordinances of the City.

#### 5) Prior Approval for Lot Splits

Lots in the City shall not be split without prior review and approval by the City Manager, upon consultation with the Zoning Administrator, in accordance with this section. Exempt from the requirements of this section are lots split through a circuit court action under MCL 560.221 through 560.229.

#### 6) Application for Lot Splits

An applicant shall file with the City Manager all of the following for review and approval of a proposed lot split before any split can be made:

- a) A completed application on such form as may be provided by the City.
- b) Proof of fee ownership of the land to be divided.
- c) A map of the lot, including the approximate location of all existing structures, indicating the dimensions and legal description of the entire lot and each split to be made.
- d) Proof that all requirements of this ordinance have been met.
- e) The fee as may from time to time be established by resolution of the City Council.

#### 7) Determination

- a) The City Manager shall approve or disapprove the lot split applied for within 45 days after receipt of a complete application conforming to the requirements of this section and the State Land Division Act, and shall promptly notify the applicant of the decision, and if denied, the reasons for denial.
- b) The City shall maintain an official record of all approved and accomplished lot splits.
- c) Approval of a lot split is not a determination that the resulting parcels comply with other ordinances or regulations.

#### 8) Validity

Should any subsection, clause or provision of this Section be declared by the courts to be invalid, the same shall not affect the validity of the Section as a whole or any other part thereof.

### **Sec. 2-79. – Rules and regulations regarding the division of unplatted land**

#### 1) Definitions

For purposes on this section the terms “divide” or “division” means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale or lease for more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of Sections 108 and 109 of the State Land Division Act. “Divide” or “division” does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is

added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the State Land Division Act, or the requirements of an applicable local ordinance.

2) Prior approval required for land divisions

Unplatted land in the City shall not be divided without approval of the City Manager in accordance with this section and the State Land Division Act; provided that the following shall be exempted from this requirement:

- a) A parcel proposed for subdivision through a recorded plat pursuant to the State Land Division Act.
- b) An exempt split, as defined by the State Land Division Act.

3) Application for land division

An applicant shall file with the City Manager all of the following for review and approval of a proposed land division before any division can be made:

- a) A completed application on such form as may be provided by the City.
- b) Proof of fee ownership of the land to be divided.
- c) A map of the parcel including the approximate location of all existing structures, indicating the dimensions and legal description of the entire parcel and each division to be made.
- d) Proof that all requirements of this section have been met.
- e) The fee as may from time to time be established by resolution of the City Council.

4) Determination

- a) The City Manager shall approve or disapprove the land division applied for within 45 days after receipt of a complete application conforming to the requirements of this section and the State Land Division Act, and shall promptly notify the applicant of the decision, and if denied, the reasons for denial.
- b) The City shall maintain an official record of all approved and accomplished land divisions or transfers.
- c) Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations.

5) Standards for approval of land divisions

A proposed land division shall be approved if all parcels created by the proposed division or divisions are not less than the dimensions prescribed in the City of Rogers City Zoning ordinance and the proposed land division or divisions comply with all requirements of this section and the State Land Division Act.

6) Validity

Should any subsection, clause or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any other part thereof.

***DIVISION 3. - DISBURSEMENT PROCEDURE***

Sec. 2-96. - Requisitions and purchase orders.

Sec. 2-97. - Verification of invoices.

Secs. 2-98—2-225. - Reserved.

**Sec. 2-96. - Requisitions and purchase orders.**

- a) Whenever it is desired to purchase any material or service, a requisition shall be issued on forms provided therefor and shall be presented to the city manager by the department head.
- b) Except for capital equipment or improvements, if the city manager deems the purchase of such material or service necessary and there are sufficient funds in the account to which the purchase is properly chargeable he may issue a purchase order therefor. The city manager shall secure competitive quotations for the purchase of all materials or services which in his opinion could be advantageously purchased through competition.
- c) If the requisition is for capital equipment or improvements, it shall be submitted by the city manager to the council at its next regular meeting for specific authorization. If such authorization is granted, the council shall include in the motion authorizing the purchase a determination whether or not it shall be let after formal competitive bidding shall be had.

**Sec. 2-97. - Verification of invoices.**

- a) Invoices for materials or services purchased by the city shall be routed to those persons who have received the goods or services who shall certify that they have been received and that proper charges have been made on the invoices.
- b) Verified invoices shall be assembled by the city manager and shall be approved by him for payment and presented to the city clerk for audit and payment.
- c) The city clerk shall prepare and present to the council at its next regular meeting a list of all bills currently paid or due, which list shall be included and incorporated into the minutes of the meeting of the council.

**Secs. 2-98—2-225. - Reserved.**

***DIVISION 1. - GENERALLY***

Sec. 2-226. - Continued.

Sec. 2-227. - Vacancies in membership.

Sec. 2-228. - Removal of members.

Sec. 2-229. - Compensation of members.

Secs. 2-230—2-245. - Reserved.

**Sec. 2-226. - Continued.**

All boards and commissions existing at the time of the adoption of this Code shall be continued and the members serving thereon shall remain in office for the duration of the term for which they were appointed.

**Sec. 2-227. - Vacancies in membership.**

Unless otherwise provided, any vacancy occurring in the membership of any board or commission shall be filled for the remainder of the unexpired term in the manner provided for original appointment.

**Sec. 2-228. - Removal of members.**

The appointing authority may remove any member of any board or commission for cause, but any member shall be entitled to a public hearing on such removal, on written demand filed with the appointing authority within ten (10) days after notice of removal has been given to such member.

**Sec. 2-229. - Compensation of members.**

Unless otherwise provided, all members of boards and commissions shall serve without compensation as members thereof.

**Secs. 2-230—2-245. - Reserved.**

***DIVISION 2. - RESERVED***

Secs. 2-246—2-265. - Reserved.

Secs. 2-246—2-265. - Reserved.

***DIVISION 3. - LOCAL OFFICERS' COMPENSATION COMMISSION***

Sec. 2-266. - Established; appointment, terms of members.

Sec. 2-267. - Determination of salaries.

Sec. 2-268. - Meetings.

Sec. 2-269. - Implementation.

Secs. 2-270—2-285. - Reserved.

**Sec. 2-266. - Established; appointment, terms of members.**

A local officers' compensation commission is created which shall determine the salaries of all local elected officials. The commission shall consist of five (5) members who are registered electors of the city, appointed by the mayor subject to confirmation by a majority of the members elected and serving in the council. The term of office shall be five (5) years, except that of the members first appointed, one (1) each shall be appointed for terms of one (1), two (2), three (3), four (4) and five (5) years. Members shall be appointed before October first of the year of appointment. Vacancies shall be filled for the remainder of the unexpired term. No member or employee of the legislative, judicial or executive branch of any level of government or members of the immediate family of such member or employee shall be eligible to be a member of the commission.

**Sec. 2-267. - Determination of salaries.**

The local officers' compensation commission shall determine the salaries of local elected officials, which determination shall be the salaries unless the council, by resolution adopted by two-thirds of the members elected to and serving on the council, reject them. The determinations of the commission shall be effective thirty (30) days following their filing with the city clerk unless rejected by the council. In case of rejection, the existing salaries shall prevail. Any expense, allowance or reimbursement paid to elected officials in addition to salary shall be for expenses incurred in the course of city business and accounted for to the city.

**Sec. 2-268. - Meetings.**

The local officers' compensation commission shall meet for not more than fifteen (15) session days in 1975 and every odd-numbered year thereafter, and shall make its determination within forty-five (45) calendar days of its first meeting. A majority of the members of the commission constitute a quorum for conducting the business of the commission. The commission shall take no action or make determinations without a concurrence of a majority of the members appointed and serving on the commission. The commission shall elect a chairman from among its members. "Session days" means any calendar day on which the commission meets and a quorum is present. The members of the commission shall receive no compensation, but shall be entitled to their actual and necessary expenses incurred in the performance of their duties.

**Sec. 2-269. - Implementation.**

The council shall implement this division by resolution. The procedure for establishing the compensation of elected officials may be changed by Charter amendment or revision.

**Secs. 2-270—2-285. - Reserved.**

***DIVISION 4. - PLANNING COMMISSION***

Sec. 2-286. - Creation.

Sec. 2-287. - Membership.

Sec. 2-288. – Members, Appointments, and Terms.

Sec. 2-289. – Removal From Office.

Sec. 2-290. – Membership; Vacancies.

Sec. 2-291. – Membership; Compensation.

Sec. 2-292. – Meetings.

Sec. 2-293. – Powers and Duties.

Sec. 2-294. – Meetings; Records.

Sec. 2-295. – Master Plan.

Sec. 2-296. – Reserved.

Sec. 2-297. – Reserved.

Sec. 2-298. – Improvements.

Sec. 2-299. – Approval, Ratification, Reconfirmation.

**Sec. 2-286. - Creation**

There shall be a City of Rogers City Planning Commission pursuant to PA 33 of 2008, as amended, being the Michigan Planning Enabling Act, MCL 125.3801 *et seq.*, with the powers and duties as therein set forth and as hereinafter provided.

**Sec. 2-287. – Membership**

- a) The Planning Commission shall consist of nine members appointed by the mayor with council concurrence. To be qualified to be a member and remain a member of the Planning Commission, the individual shall be a qualified elector of the City of Rogers City, except two non-qualified electors may be a member of the Planning Commission.
- b) Members shall be appointed for three-year terms except an ex officio member who shall be appointed for the term provided in subsection (c). A member shall hold office until his or her successor is appointed.
- c) An ex officio member shall be limited to the mayor and one member from the City Council. The term of office of the ex officio member shall coincide with the elected term of office on the City Council.
- d) The membership shall be representative of the important segments of the community such as the economic, governmental, educational, and social development of the City of Rogers City, in accordance with the major interest as they exist in the City of Rogers City, as follows: Natural resources, Recreation, Education, Public health, Government, Transportation, Industry, and Commerce.
- e) The membership shall also be representative of the entire geography of the City of Rogers City to the extent practicable, and as a secondary consideration to the representation of the major interests.
- f) An ex officio member shall not be chair of the Planning Commission.
- g) Current members of the previously established Planning Commission, with the exception of the City Manager, shall continue to hold their present terms of office until such time as they expire.

- h) The Planning Commission shall elect a Chair, Vice-Chair, and Secretary from among the appointed members. The term of the Chair, Vice-Chair and Secretary shall be for one year, with eligibility for re-election.

#### **Sec. 2-288. - Members, appointments, and terms**

- a) In October of each year the City of Rogers City Clerk shall place an advertisement in a newspaper of general circulation in the City of Rogers City to seek applications for Planning Commission members.
- b) Applications for the Planning Commission are provided by the City of Rogers City Clerk and shall be submitted no later than November 30.
- c) In December of each year the mayor with council concurrence shall consider the applications and nominations received, and appoint members to the Planning Commission by a majority vote for a three year term of office which shall end December 31, at 9:00 a.m. of the respective year.

#### **Sec. 2-289. - Removal from office**

The City Council may remove a member of the Planning Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. Failure to disclose a potential conflict of interest shall be considered malfeasance in office. Failure to repeatedly attend Planning Commission meetings shall be considered nonfeasance in office.

#### **Sec. 2-290. - Membership; vacancies**

The City Council shall fill any vacancy in the membership of the Planning Commission for the unexpired terms in the same manner as the initial appointment.

#### **Sec. 2-291. - Membership; compensation**

All appointed members of the Planning Commission shall be compensated at a rate to be determined by City Council.

#### **Sec. 2-292. - Meetings**

The Planning Commission shall hold at least one regular meeting each month, unless there are no agenda items for consideration, in which case the scheduled meeting may be cancelled. A majority of the Planning Commission shall constitute a quorum for the transaction of the ordinary business of the Planning Commission and all questions which shall arise at their meetings shall be determined by a vote of the majority of the members of the Planning Commission that are present.

#### **Sec. 2-293. - Powers and duties**

The Planning Commission shall have the powers and duties as set forth in PA 33 of 2008, as amended, being the Michigan Planning Enabling Act, MCL 125.3801 *et seq.*; and PA 110 of the Public Acts of 2006, as amended, being the Michigan Zoning Enabling Act, (MCL 125.3101 *et seq.*).

#### **Sec. 2-294. - Meetings; records**

The Planning Commission shall adopt Bylaws for the transaction of business and shall keep a record of its resolutions, findings, and determinations, which records shall be a public record.



**Sec. 2-295. - Master plan**

The affirmative vote of 2/3 of the total number of seats for members of the Planning Commission, regardless if vacancies or absences exist or not, shall be necessary for the adoption, or recommendation for adoption, of any Master Plan or amendment to a Master Plan.

**Sec. 2-296. - Reserved**

**Sec. 2-297. - Reserved**

**Sec. 2-298. - Improvements**

The City Clerk shall furnish the Planning Commission for its consideration a copy of all ordinances, plans and data relative to public improvements of any nature. The Planning Commission may report in relation thereto as it deems necessary or advisable for the consideration of Council.

**Sec. 2-299. - Approval, ratification, reconfirmation**

All official actions taken by the City of Rogers City Planning Commissions preceding the Planning Commission created by this ordinance are hereby approved, ratified and reconfirmed. Any project, review, or process taking place at the effective date of this Ordinance shall continue with the Planning Commission created by this ordinance, subject to the requirements of this Ordinance, and shall be deemed a continuation of any previous City of Rogers City Planning Commission. This Ordinance shall be in full force and effect from and after its adoption and publication.

***Rogers City, Michigan, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 2 - ADMINISTRATION >> ARTICLE IV. - BOARDS AND COMMISSIONS >> DIVISION 5. - PARKS AND RECREATION COMMISSION***

***DIVISION 5. – PARKS AND RECREATION COMMISSION***

Sec. 2-300. – Creation; purpose.

Sec. 2-301. – Composition, appointment.

Sec. 2-302. - Qualifications.

Sec. 2-303. - Vacancies.

Sec. 2-304. – Ex officio members.

Sec. 2-305. – Organization

Sec. 2-306. – Duties and responsibilities

Secs. 2-307 – 2-320 – Reserved

***Sec. 2-300. - Creation; purpose.***

The purpose of this section shall be to establish a Parks and Recreation Commission pursuant to Act 156 of 1917, for the City of Rogers City, which Commission shall assume positive leadership in formulating a philosophy of recreation and recreation program suitable to the City and shall serve as an advisory body to the City Council on all matters related to and necessary to the recreational needs of the City.

***Sec. 2-301. - Composition, appointment.***

The Parks and Recreation Commission shall consist of nine (9) members to be, (including voting ex officio members) appointed by the Mayor subject to the approval of the City Council for a term of three (3) years commencing September 17, 2001. For the first appointment, two (2) members shall be appointed for a one (1) year term, two (2) members for a two (2) year term and three (3) members for a three (3) year term.

***Sec. 2-302.- Qualifications.***

No less than six of the nine members of the Parks and Recreation Commission appointed in accordance with Sec. 2-301 shall be residents of this city.

***Sec. 2-303. - Vacancies.***

Vacancies on the Parks and Recreation Commission shall be filled by appointment for unexpired terms in the same manner as the original appointment.

***Sec. 2-304. - Ex officio members.***

The City Manager or designee and the Supervisor of the Department of Public Works shall serve as ex officio members of the Parks and Recreation Commission in an advisory capacity only. In addition, one member of the City Council shall be an ex officio member of the Parks and Recreation Commission and shall serve the Commission as a full voting member. One of the appointed members of the Parks and Recreation Commission may be a member of the Planning Commission, in which case the member shall serve as an ex officio full voting member.

***Sec. 2-305. - Organization.***

- a) The Parks and Recreation Commission shall hold a regular meeting at least once each month. Such meetings shall be conducted under the auspices of the Open Meetings Act, Public Act 267 of 1976.
- b) The Parks and Recreation Commission shall adopt by-laws governing the procedure for the regular and special meetings of the commission and defining the duties and powers of the commission.

- c) The Parks and Recreation Commission shall elect a Chairperson, Vice-chairperson and a Secretary all of whom shall serve for a term of one year commencing from the date of the first regular meeting. Officers, thereafter, shall be elected for a one-year term upon the expiration of the preceding terms of the previously elected officers.

**Sec. 2-306 - Duties and responsibilities.**

- a) The Parks and Recreation Commission shall review and comment on proposed park projects and park property acquisition prior to final action by City Council.
- b) The Parks and Recreation Commission shall help coordinate park-related activities, including recreational activities and volunteer service for park improvements.
- c) The Parks and Recreation Commission shall assist in updating or creating plans for parks and the park system, recreational facilities and conservancies. The Parks and Recreation Commission shall assist the City with preparation and updating of the Parks and Recreation Master Plan.
- d) The Parks and Recreation Commission shall cooperate with other institutions within and outside the City (such as schools, state and federal government agencies, and civic organizations) to champion, promote and utilize parks and recreational facilities, including agreements with such groups for joint planning, use of facilities and services, or other arrangements of mutual advantage in the conduct of a recreational program.
- e) The Parks and Recreation Commission shall make budget requests to the City Manager for review by the City Council as part of the budget process and review and comment on park related budget items.

**Sec. 2-307--2-320. - Reserved.**

**Rogers City, Michigan, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 3 - ANIMALS >>  
ARTICLE I. - IN GENERAL >>**

**ARTICLE I. - IN GENERAL**

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**Sec. 3-1. - Sanitary enclosures required.**

**Secs. 3-2—3-25. - Reserved.**

**Sec. 3-1. - Sanitary enclosures required.**

Any person keeping, harboring or raising animals or fowl shall keep them in a proper and suitable pen or enclosure and keep them confined to their own premises. All such premises and every part thereof shall at all times be kept in a clean and sanitary condition and all materials therein shall at all times be kept so thoroughly disinfected and deodorized that no offensive or unhealthful odors shall arise therefrom, and shall at all times be kept devoid of rodents and vermin.

**Secs. 3-2—3-25. - Reserved.**

## **ARTICLE II. - DOGS**

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Sec. 3-26. - Reserved.

Sec. 3-27. - Noise restriction.

Sec. 3-28. – Removal of dog feces

Sec. 3-29. – Penalties for violations; enforcement

Secs. 3-30 – 3-52 reserved.

### **Sec. 3-26. – Reserved**

### **Sec. 3-27. - Noise restriction.**

No person shall keep or harbor a dog which by loud or frequent or habitual barking, yelping or howling shall cause a serious annoyance to the neighborhood or passersby on the streets.

### **Sec. 3-28. – Removal of dog feces.**

No person shall permit a dog to defecate on land owned by another or upon any street, sidewalk, passageway, park or other public place unless such person shall immediately remove and dispose of, in a sanitary manner, all such feces deposited by such dog. The deposit shall be properly wrapped, packaged or protected so as to prevent unsightly disposal, odor, or to interfere with the health and welfare of the community.

### **Sec. 3-29. – Penalties for violations; enforcement**

A person who violates any section in this Article is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$50.00 or more than \$500.00 plus costs for each violation. The City Police are authorized to issue municipal civil infraction citations for violations of any sections in this Article.

### **Secs. 3-30—3-52. - Reserved.**

**ARTICLE III. – GEESE, DUCKS, AND SEAGULLS**

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Sec. 3-53. – Feeding of geese, ducks, and seagulls prohibited.

Sec. 3-54. – 3-63 – Reserved.

**Sec. 3-53. – Feeding of geese, ducks, and seagulls prohibited.**

It is ordained that:

- a) No person shall feed, cause to be fed, or provide food for geese, ducks, and seagulls anywhere in the City, on public property including City streets, alleys and right-of-ways.
- b) Any person violating the provisions of this section is responsible for a municipal civil infraction. The City Police are authorized to issue citations. A fine of not more than \$50.00 shall be assessed in accordance with the law.

**Secs. 3-54—3-63. - Reserved.**

#### ARTICLE IV. – EXOTIC AND DANGEROUS ANIMALS

Sec. 3-64. – Exotic and dangerous animals regulated.

Sec. 3-65. – 3-74 – Reserved.

##### Sec. 3-64. – Exotic and dangerous animals regulated.

###### 1) Definitions

As used in this ordinance:

a) exotic, wild, or dangerous animal means a wild animal occurring naturally either presently or historically in the State of Michigan, and in addition shall expressly include the following:

1. All poisonous animals, including rear-fang snakes;
2. Apes: Chimpanzees (pan), gibbons (hylobates), gorillas, orangutans (pongo), and siamangs (symphalangus);
3. Baboons (papio, mandrillus);
4. Bears (ursidae);
5. Bison;
6. Cheetah (acinonyx jubatus);
7. Crocodilia (by example, crocodiles and alligators);
8. Constrictor snakes;
9. Coyote (canis latrans);
10. Deer (cervidae, includes all members of the deer family, for example, white tail deer, elk, antelope and moose);
11. Elephants (elephas and loxodonta);
12. Game cocks and other fighting birds;
13. Hippopotami (hippopotamidae);
14. Hyena (hyaenidae);
15. Jaguars (panthera onca);
16. Leopards (panthera pardus);
17. Lions (panthera leo);
18. Lynxes;
19. Monkeys, old world (cercopithecidae);
20. Ostriches (struthio);
21. Piranha fish;
22. Pumas (felis concolor), also known as cougars, mountain lions and panthers;
23. Rhinoceroses (rhinocerotidae);
24. Sharks (class chondrichthyes);
25. Snow leopards (panthera uncia);
26. Swine (suidae);
27. Tigers (panthera tigris);
28. Wolves (canis lupus);
29. Poisonous spiders, venomous or poisonous insects;
30. Perissodactyla (generally nonruminant ungulate mammals with odd-numbers toes);
31. Artiodactyla (generally hooved mammals with even number of toes, by example, camel);
32. Non-domesticated carnivores including hybrid crosses of non-domesticated carnivores; and,
33. Non-human primates.

- b) person means an individual, partnership, association, corporation, trust, estate, or other legal entity.
  - c) circuses mean a commercial variety show featuring animal acts for public entertainment.
- 2) Unlawful Conduct. Except as provided in Section 5, it shall be unlawful for any person to own, breed, purchase, sell, offer for purchase or sale, keep, maintain or have in possession or under his or her control, any exotic, wild, or dangerous animal in the City of Rogers City.
- 3) Exemptions  
This ordinance does not apply to:
- a) licensed pet shops;
  - b) Any person while transporting any animal, fish, fowl or reptile through the City provided that such animal, fish, fowl, or reptile is adequately restrained to avoid injury to persons or damage to property;
  - c) The keeping of such animals in a bona fide licensed veterinary facility or hospital;
  - d) The keeping of such animals in a bona fide educational or medical institution, museum or other place where they are kept as live specimens for public view or for the purpose of instruction or study, provided, however, such animals are securely confined; and,
  - e) Circuses.
- 4) Penalties and Enforcement. Any person who violates the provisions of this ordinance shall be responsible for a municipal civil infraction punishable by a fine of not more than \$500.00. The City Manager or the City Police are authorized to issue citations.

**Secs. 3-65—3-74. - Reserved.**



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- Sec. 4-1. - Definitions.
  - Sec. 4-2. - Adoption of rules and regulations.
  - Sec. 4-3. - Enforcement of chapter, regulations.
  - Sec. 4-4. - Management and supervision of cemeteries.
  - Sec. 4-5. - Sale of lots.
  - Sec. 4-6. - Lot records.
  - Sec. 4-7. - Perpetual care.
  - Sec. 4-8. - Owner's burial rights.
  - Sec. 4-9. - Register of interments.
  - Sec. 4-10. - Labor charges.
  - Sec. 4-11. - Trespassing.
  - Sec. 4-12. - Operation of vehicles.
  - Sec. 4-13. - Injury to property.
  - Sec. 4-14. - Gatherings and meetings.
  - Secs. 4-15—4-35. - Reserved.

**Sec. 4-1. - Definitions.**

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

*Burial space* means a lot or portion of a lot in any cemetery designated and maintained for the interment of a human body and for no other purpose.

*Cemetery* means any public cemetery owned, managed or controlled by the City.

*Owner* means any person owning or possessing the privilege, license or right of interment in any burial space.

**Sec. 4-2. - Adoption of rules and regulations.**

The City Council shall, from time to time, make such rules and regulations for the burial of the dead, care, improvement and protection of the grounds, mausoleums, monuments and appurtenances of the cemeteries and orderly conduct of persons visiting the same, as may be deemed necessary.

**Sec. 4-3. - Enforcement of chapter, regulations.**

The City Manager shall see that this chapter and all rules and regulations in respect to cemeteries are strictly enforced.

**Sec. 4-4. - Management and supervision of cemeteries.**

The cemetery shall be under the management, supervision and care of the City Council. The Council shall fix the price of lots and other services necessary thereto.

**Sec. 4-5. - Sale of lots.**

All deeds for lots shall be executed on behalf of the City by the Mayor and City Clerk. Any person desiring to purchase a burial space in any City cemetery shall make application and pay the required amount for the lot selected to the City Clerk. Upon the purchase of any burial space, the City Clerk shall prepare and deliver to the purchaser, a duly

executed deed for the burial space. Such deed shall convey to the purchaser the right of interment only, and shall be held subject to the provisions of this Code, existing rules and regulations, and such ordinances, rules and regulations as may be adopted by the Council.

**Sec. 4-6. - Lot records.**

The City Clerk shall keep proper records in which the deeds to all burial spaces shall be recorded at length. In connection with all such records, the City Clerk shall also keep a general index in which shall be noted alphabetically the name of the party to every such instrument of conveyance.

**Sec. 4-7. - Perpetual care.**

The City Council shall, from time to time, establish by resolution the amounts to be paid for cemetery lots which amounts shall include a sufficient sum to provide for perpetual care of the lots so sold. The City may accept sums donated by any testator, trustee or other person for the care of the cemetery or any lots therein. The City shall be obligated to maintain and care for all lots in the cemetery for which perpetual care has been paid except as otherwise provided by the statutes of the State. Any money available in any perpetual care fund or other cemetery fund belonging to the City shall be used for such cemetery purposes as the Council shall determine.

**Sec. 4-8. - Owner's burial rights.**

The owner of any burial space in any City cemetery shall have the right of burial of the dead only and shall allow no interments for remuneration. All interments in burial spaces shall be restricted to members of the family and immediate relatives of the owner thereof, unless special permission by the owner be filed in writing in the office of the City Clerk, with the consent of the City Manager endorsed thereon.

**Sec. 4-9. - Register of interments.**

The City Clerk shall cause to be kept a register of all interments made in any City cemetery on which shall appear the name of the deceased, the date and place of interment and such other information as may be required.

**Sec. 4-10. - Labor charges.**

The City Manager shall charge and cause to be collected on behalf of the City such fees for work performed in the City cemeteries as may be from time to time fixed by the City Council. All such fees shall be paid to the City Treasurer. No person other than an employee of the City, acting under the direction of the City Manager, shall dig or open any grave, nor shall any person grade or fill in a burial space or otherwise do any work in connection therewith, unless such work be done under supervision of the City employee in charge of such cemetery.

**Sec. 4-11. - Trespassing.**

No person shall trespass on any lot or burial space within any City cemetery, pick or cut flowers or shrubs except on his own burial space, or cut down, injure or disturb any tree or shrub or otherwise commit any desecration within any City cemetery. The City Council shall make such additional rules and regulations, as may be deemed necessary for the operation and control of City cemeteries.

**Sec. 4-12. - Operation of vehicles.**

No person shall use any cemetery for the purpose of demonstrating any vehicle or of instructing another, or of learning to drive any vehicle; and no person shall drive any vehicle on any portion of any cemetery, except on a well-defined roadway therein, or as ordered by a proper police official. No person shall tow another vehicle within the cemetery except in case of breakdown therein.

**Sec. 4-13. - Injury to property.**

No person shall injure or damage the cemetery or any of the equipment therein or anything in any way thereto appertaining or remove any of the equipment therein without the written permit of the City Manager, or other person in charge.

**Sec. 4-14. - Gatherings and meetings.**

- a) No person shall schedule or conduct any meeting or event in the cemetery without first applying to the City Manager and receiving a permit. The City Manager may refuse to issue the permit if in his judgment to public peace, health, or safety will be jeopardized thereby, or if City property may be damaged.
- b) If any person or organization deems themselves aggrieved by the provisions of this section they may appeal the decision of the City Manager to the Council.

**Sec. 4-15 - 4.35. Reserved.**

**Chapter 5 - COMMUNITY DEVELOPMENT**

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ARTICLE I. - IN GENERAL

ARTICLE II. - DOWNTOWN DEVELOPMENT

ARTICLE III. - HOUSING COMMISSION

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**ARTICLE I. - IN GENERAL**

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Secs. 5-1—5-25. - Reserved.

Secs. 5-1—5-25. - Reserved.

***DIVISION 1. - GENERALLY***

Secs. 5-26—5-35. - Reserved.

Secs. 5-26—5-35. - Reserved.

**Rogers City, Michigan, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 5 - COMMUNITY DEVELOPMENT >> ARTICLE II. - DOWNTOWN DEVELOPMENT >> DIVISION 2. - DOWNTOWN DEVELOPMENT AUTHORITY >>**

***DIVISION 2. - DOWNTOWN DEVELOPMENT AUTHORITY***

Sec. 5-36. - Definitions.

Sec. 5-37. - Determination of necessity.

Sec. 5-38. - Created.

Sec. 5-39. - Boundaries of downtown district.

Sec. 5-40. - Board of trustees.

Sec. 5-41. - Powers.

Sec. 5-42. - Director—Employment, compensation.

Sec. 5-43. - Same—Bond.

Sec. 5-44. - Same—Eligibility.

Sec. 5-45. - Fiscal year; adoption of budget; financial reports; audit.

Secs. 5-46—5-55. - Reserved.

**Sec. 5-36. - Definitions.**

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

*Act No. 197* means Act No. 197 of the Public Acts of Michigan of 1975 (MCL 125.1651 et seq., MSA 5.3010(1) et seq.), as amended.

*Authority* means the city downtown development authority created by this division.

*Board or board of trustees* means the board of trustees of the authority, the duly appointed governing body of the authority.

*Downtown district* means the downtown district designated in this division.

**Sec. 5-37. - Determination of necessity.**

The council hereby determines that it is necessary for the best interests of the city to halt property value deterioration and increase property tax valuation where possible in the business district of the city, to eliminate the causes of that deterioration and to promote economic growth by establishing a downtown development authority pursuant to Act No. 197.

**Sec. 5-38. - Created.**

There is hereby created, pursuant to Act No. 197, a Downtown Development Authority for the City. The Authority shall be a public body corporate and shall be known and exercise its powers under the title of the "Rogers City Downtown Development Authority". The Authority may adopt a seal, may sue and be sued in any court for this state, and shall possess all the powers necessary to carry out the purpose of its incorporation as provided by this division and Act. No. 197. The enumeration of a power in this division or in Act No. 197 shall not be construed as a limitation upon the general powers of the Authority.

**Sec. 5-39. - Boundaries of downtown district.**

1. Property owned by the city known as Lakeside Park, Rogers City Boat Harbor, located in Block 2 of Original Plat of Rogers City;

2. Original Plat of Rogers City Block 1 except the following described land: Commencing, as the point of beginning, at the most southerly corner of Block 1, thence N 34E30' W 520 feet; thence N 55E30' E 69 feet; thence S 73E55' E 64.7 feet; thence continuing on a line to a point that is N 34E30' W 500 feet and N 55E30' E 125 feet from the most southerly corner of Block 1; thence S 34E31' E 150 feet; thence N 55E30' E 85 feet; thence S 61E00' E 55 feet; thence S 55E30' W 110 feet; thence S 34E30' E 300 feet; thence S 55E30' W 125 feet to the point of beginning;
3. Original Plat of Rogers City Block 13 Lots 7-22, Block 21 Lots 9-11; and Block 23;
4. Larke and Friedrich's Addition Block 4 Lots 6-8 and 34; and Block 9 Lots 7-10;
5. Birchwood Addition Block 1 Lots 1-12 and Block 2 Lots 1-12;
6. Pinewood Addition Block 1 Lots 1-12 and Block 2 Lots 1-12;
7. Pinewood Addition #1 Block 14 Lots 1-12;
8. Hornbacher's Addition Block 4 Lots 5-10 and Block 5 Lots 1-9, Block 1 Lots 12-18;
9. Presque Isle Woods Addition Lots 85-102; also all unplatted land in south half of west half of southwest quarter of northeast quarter of Section 16;
10. All of the unplatted land in the southeast quarter of northwest quarter Section 16 excluding the following:
  - a. Commencing from the southeasterly corner of Lot 17 Hornbacher's 2<sup>nd</sup> Addition, thence N 1E22' W 211.53 feet, thence 87E39' E 100 feet; thence S 1E22' E 211.44 feet; thence S 87E33' W 100 feet to POB;
  - b. All that part of the northerly 100 feet of Southeast quarter of Northwest quarter lying East of Highway US 23 ROW except E 33 feet Section 16, T35N, R5E.
  - c. S 100 feet of N 200 feet of Southeast quarter of Northwest quarter lying E of Highway US 23 except E 33 feet Section 16 T35N R5E.
  - d. All that part of S 130 feet of N 330 feet of Southeast quarter of Northwest quarter lying E of US 23 except E 33 feet Section 16 T35N R5E.
  - e. Unplatted lands T35N, R5E, Section 16 parcel in Southeast quarter of Northwest quarter commencing 330 feet S on quarter line from Northeast corner, thence S 30 feet, W to E line of US 23, northwest on highway 30 feet; thence E at R/A to POB. Except E 33 feet of S 30 feet of N 360 feet street R/W.
  - f. Unplatted lands T35N R5E Section 16 parcel commencing at a point on N and S quarter line 802.9 feet N 00E55' W from center of Section 16; thence W and parallel with E & W quarter line 183 feet; thence N & parallel with N & S quarter line 75 feet to POB; thence N & parallel with N & S one half line 75 feet; thence W & parallel to E & W quarter line to E boundary of US 23; thence southeasterly on E boundary of US 23 82 feet M or L; thence E & parallel to E & W quarter line 227.6 feet M or L to POB.
  - g. Commencing center quarter corner thence N 00E55'00" W 802.9 feet thence W parallel with east-west quarter line 183 feet to POB thence continuing 192.5 feet to E ROW line of Bradley Highway thence northwesterly along ROW line 82 feet thence E parallel with east-west quarter line 227.6 feet thence S 75 feet to POB Section 16 T35N R5E.
  - h. E 183 feet of N 75 feet of S 877.9 feet of Southeast quarter of Northwest quarter except E 33 feet Section 16, T35N R5E.
  - i. E 183 feet of N 75 feet of S 952.9 feet of Southeast quarter of Northwest quarter except E 33 feet ion 16Sect T35N R5E.
  - j. T35N R5E Section 16 part of Southeast quarter of Northwest quarter commencing 60 feet N 55' W from center of Section 16 on North-South quarter line and 616 feet northwesterly along E boundary line of US 23 for POB, thence E parallel with east and west quarter line to north-south quarter line, N 55' West on North-south quarter line 180 feet, W parallel to east-west quarter line to E boundary of US 23, thence southeasterly along said highway to POB.
11. Lands in the south half of Section 16, bounded by east ROW line of Oak Street, north ROW line of 3<sup>rd</sup> Street, southwesterly ROW line of US 23 and the northerly ROW line of Larke Street;
12. Commencing northwest corner Lot 18, Block 1, Hornbacher's Addition thence along US 23 ROW line to southwest corner Lot 9 Block 5 of same plat, thence northeast 150 feet along northeasterly lot line, thence southeast parallel with US 23 ROW line to northeast corner of Lot 18 Block 1 same plat, thence southwesterly 150 feet to the POB;
13. Lehnndorff's Addition Block 3 Lots 1-11, Block 2 Lots 1-22, Block 1 Lots 12-22;



14. Reedy Estes Lots 1, 8, 9, 10 and 11;
15. All unplatted lands in southeast quarter of southwest quarter of southeast quarter of Section 16;
16. East half of northwest quarter of northeast quarter of Section 21;
17. Commencing northeasterly line of US 23 and intersection of Huron Avenue thence northwesterly along US 23 to Cedar Street; thence 150 feet easterly along Cedar Street; thence parallel to US 23 to Huron Street; thence 150 feet southwesterly to POB;
18. All lands lying southwest of the northeasterly line of US 23 in the northeast quarter of the northeast quarter of Section 21;
19. All of the southeast quarter of the northeast quarter of Section 21 except lands owned by Rogers City Schools;
20. Commencing east quarter corner of Section 21, thence north 89E48'18" west 1329.47 feet along east-west quarter line to POB; thence south 2E east 1328.15 feet; thence north 21E54'55" west 1307.75 feet; thence north 53E55'25" east 684.80 feet; thence south 1E51'42" west 289.64 feet to POB;
21. The northeast quarter of southeast quarter of Section 21;
22. Section 22, 1 acre in the right triangle in southwest corner of the northwest quarter of the northwest quarter lying south of Erie Street;
23. The north 191 feet of the west 405 feet of southwest quarter of the northwest quarter of Section 22;
24. That part of the NW 1/4 of SW 1/4 lying Easterly of Wenonah Drive and Northerly of center line of Industrial Park Drive being described as beginning at West 1/4 corner of Section 22; thence N 88E 17' 30" E 482.54 feet along East-West line of said section; thence S 0E 38' 30" E 187.72 feet parallel with west line of said section; thence S 89E 21' 30" W 482.45 feet to the West line of said section; thence N 0E38' 30" W 178.74 feet along said West line to point of beginning. T35N, R5E, Section 22, Also a parcel located in the NW 1/4 of the SW 1/4 of said section; commencing at the West 1/4 corner of said section as presently monumented with a 1/2 inch rod in a monument box; thence N 88E 17' 30" E along the East-West 1/4 line 33 feet to a 1/2 inch iron rod on the East right-of-way line of Wenonah Drive; thence S 0E 38' 30" E along said East right-of-way line 179.35 feet to a point presently monumented with a 1/2 inch iron rod, said point being the point of beginning of the parcel to be described; thence from the point of beginning thus established S 0E 38' 30" E and continuing along the East right-of-way line of Wenonah Drive 142 feet to a 1/2 inch iron rod; thence N 89E 21' 30" E 200 feet to a 1/2 inch iron rod; thence N 0E 38' 30" W 142 feet to a 1/2 inch iron rod; thence S 89E 21' 30" W 200 feet to the point of beginning.
25. Lincoln and Platz Addition Block 7.

#### **Sec. 5-40. - Board of trustees.**

- 1) The Authority shall be under the supervision and control of a board consisting of the mayor and not less than 7 or more than 11 additional members as determined by the City Council. Members shall be appointed by the mayor, subject to approval by the Council. Not less than a majority of the members shall be persons having an interest in property located in the downtown district. Not less than 1 of the members shall be a resident of the downtown district, if the downtown district has 100 or more persons residing within it. A member shall hold office until the member=s successor is appointed. Each member shall serve for a term of 4 years. An appointment to fill a vacancy shall be made by the mayor for the unexpired term only. Members of the board shall serve without compensation, but shall be reimbursed for actual and necessary expenses. The chairperson of the board shall be elected by the board.
- 2) Before assuming the duties of office, a member shall qualify by taking and subscribing to the constitutional oath of office.
- 3) The business which the board may perform shall be conducted at a public meeting of the board held in compliance with the open meetings act, Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976. The board shall adopt rules consistent with Act No. 267 of the Public Acts of 1976 governing its procedure and the holding of regular

meetings, subject to the approval of the governing body. Special meetings may be held if called in the manner provided in the rules of the board.

- 4) Pursuant to notice and after having been given an opportunity to be heard, a member of the board may be removed for cause by the governing body. Removal of a member is subject to review by the circuit court.
- 5) All expense items of the authority shall be publicized monthly and the financial records shall always be open to the public.
- 6) In addition to the items and records prescribed above, a writing prepared, owned, used, in the possession of, or retained by the board in the performance of an official function shall be made available to the public in compliance with the freedom of information act, Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

**Sec. 5-41. - Powers.**

Except as specifically otherwise provided in this division, the authority shall have all powers provided by law subject to the limitations imposed by law. The authority shall have the power to levy ad valorem taxes on the real and tangible personal property not exempt by law and as finally equalized in the downtown district at the rate of not more than two (2) mills each year, provided the council annually approves the levy thereof by the authority.

**Sec. 5-42. - Director—Employment, compensation.**

The board may employ and fix the compensation of a director subject to the approval of the council, as provided in section 5 of Act No. 197.

**Sec. 5-43. - Same—Bond.**

If a director is employed, he shall post bond in the penal sum of five thousand dollars (\$5,000.00) as required by section 5 of Act No. 197.

**Sec. 5-44. - Same—Eligibility.**

A member of the board is not eligible to hold the position of director during his term of office or for a period of two (2) years following the expiration of his term of office.

**Sec. 5-45. - Fiscal year; adoption of budget; financial reports; audit.**

- a) The fiscal year of the authority shall begin on July 1 of each year and end on June 30 of the following year, or such other fiscal year as may be adopted by the city.
- b) The board shall annually prepare a budget and shall submit it to the council through the city manager in accordance with Charter requirements for budget submissions. The board shall not finally adopt a budget for any fiscal year until the budget has been approved by the council. The board may, however, temporarily adopt a budget in connection with the operation of any improvements which have been financed by revenue bonds where to do so is permitted by the ordinance authorizing the revenue bonds.
- c) The authority shall submit financial reports to the city manager and the council from time to time as requested by the city manager and the council. The authority shall be audited annually by the same independent auditors auditing the city and copies of the audit report shall be filed with the council.

**Secs. 5-46—5-55. - Reserved.**

***DIVISION 3. - DEVELOPMENT PLAN AND TAX INCREMENT FINANCING PLAN***

**Sec. 5-56. - Definitions.**

**Sec. 5-57. - Approval and adoption of development plan.**

**Sec. 5-58. - Boundaries of development area adopted.**

**Sec. 5-59. - Preparation of initial base year assessment roll.**

**Sec. 5-60. - Preparation of annual base year assessment roll.**

**Sec. 5-61. - Establishment of development plan project fund; approval of depository.**

**Sec. 5-62. - Payment of tax increments to downtown development authority.**

**Sec. 5-63. - Use of moneys in project fund.**

**Sec. 5-64. - Annual report.**

**Sec. 5-65. - Refund of surplus tax increments.**

**Secs. 5-66—5-85. - Reserved.**

***Sec. 5-56. - Definitions.***

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

*Base year assessment roll* means the base year assessment roll prepared by the city assessor in accordance with section 5-59.

*Captured assessed value* means the amount in any one (1) year by which the current assessed value as finally equalized for all taxable property in development area no. 1 exceeds the initial assessed value.

*Development area* means the area set forth in Appendix A to Ordinance No. 1-1986, or as amended thereafter by Council.

*Development plan* means the "Tax Increment and Development Plan—Rogers City Downtown Development Area No. 1" dated March 13, 1986, as amended and transmitted to the council by the downtown development authority for public hearing, as modified by action of the council and confirmed by this division, copies of which are on file in the office of the city clerk.

*Initial assessed value* means the most recently assessed value as finally equalized of all the taxable property within the boundaries of the development area at the time of adoption of the ordinance from which this division was derived.

*Project fund* means the downtown development authority project no. 1 fund established pursuant to section 5-61.

*Taxing jurisdiction* means each unit of government levying an ad valorem property tax on property in the development area.

***Sec. 5-57. - Approval and adoption of development plan.***

The development plan as amended by the council is hereby approved and adopted. The duration of the plan shall be fifteen (15) years from the date of issuance of the last series of bonds issued pursuant to the development plan, except as it may be extended by subsequent amendment of the plan and this division. A copy of the plan and all amendments thereto shall be maintained on file in the city clerk's office and cross indexed to this division.

**Sec. 5-58. - Boundaries of development area adopted.**

The boundaries of development area no. 1 as set forth in the development plan are hereby adopted and confirmed.

**Sec. 5-59. - Preparation of initial base year assessment roll.**

- a) The city assessor shall prepare the initial base year assessment roll. The initial base year assessment roll shall list each taxing jurisdiction in which development area no. 1 is located, the initial assessed value of development area no. 1 and the amount of tax revenue derived by each taxing jurisdiction from ad valorem taxes on the property in the development area.
- b) The assessor transmitted copies of the initial base year assessment roll to the city treasurer, county treasurer, downtown development authority and each taxing jurisdiction, together with a notice that the assessment roll had been prepared in accordance with the tax increment financing plan contained in the development plan approved by this division.

**Sec. 5-60. - Preparation of annual base year assessment roll.**

Each year within fifteen (15) days following the final equalization of property in development area no. 1 the assessor shall prepare an updated base year assessment roll. The updated base year assessment roll shall show the information required in the initial base year assessment roll and, in addition, the captured assessed value for that year. Copies of the annual base year assessment roll shall be transmitted by the assessor to the same persons as the initial base year assessment roll, together with a notice that it has been prepared in accordance with this division and the development plan.

**Sec. 5-61. - Establishment of development plan project fund; approval of depository.**

The treasurer of the downtown development authority shall establish a separate fund which shall be kept in a depository bank account in a bank approved by the director of finance of the city, to be designated downtown development authority project no. 1. All moneys received by the downtown development authority pursuant to the development plan shall be deposited in the project fund. All moneys in that fund and earnings thereon shall be used only in accordance with the development plan and this division.

**Sec. 5-62. - Payment of tax increments to downtown development authority.**

The city and county treasurers shall, as ad valorem taxes are collected on the property in the development area, pay that proportion of the taxes, except for penalties and collection fees, that the captured assessed value bears to the initial assessed value to the treasurer of the downtown development authority for deposit in the project fund. The payments shall be made on the date on which the city and county treasurers are required to remit taxes to each of the taxing jurisdictions.

**Sec. 5-63. - Use of moneys in project fund.**

The money credited to the project fund and on hand therein from time to time shall annually be used in the following manner and following order of priority:

- 1) To pay into the debt retirement fund, for all outstanding series of bonds issued pursuant to this plan an amount equal to the interest and principal coming due, in the case of principal whether by maturity or mandatory redemption, prior to the next collection of taxes, less any credit for sums on hand in the debt retirement fund.
- 2) To establish a reserve account for payment of principal and interest on bonds issued pursuant to this plan, an amount equal to one-fifth of the largest combined annual principal and interest payments on bonds

issued pursuant to this plan until the amount of the credit of the reserve account is equal to the largest combined annual principal and interest requirements on bonds issued pursuant to this plan. Any amount to the credit of the reserve account at the beginning of a fiscal year in excess of the requirement of the preceding sentence shall be considered tax increment revenue for that year.

- 3) To pay the administrative and operating costs of the downtown development authority and the city for the development area, including planning and promotion, to the extent provided in the annual budget of the downtown development authority.
- 4) To pay, to the extent determined desirable by the downtown development authority and approved by the city, the cost of completing the remaining public improvements as set forth in the development plan to the extent those costs are not financed from the proceeds of bonds.
- 5) To pay the cost of any additional improvements to the development area determined necessary by the downtown development authority and approved by the council.
- 6) To reimburse the city for funds advanced to make preliminary plans, and improvements necessary for the development of the development area in accordance with this plan.
- 7) Any tax increment receipts in excess of those needed under the preceding paragraphs shall revert to the taxing jurisdictions or be used for future development activities within the development area, as defined in the development plan or as expanded to include all or parts of the downtown development district pursuant to amendment or modification of the development plan pursuant to applicable provisions of Act No. 197 of the Public Acts of Michigan of 1975 (MCL 125.1651 et seq., MSA 5.3010(1) et seq.), as amended, and other laws.

**Sec. 5-64. - Annual report.**

Within ninety (90) days after the end of each fiscal year, the downtown development authority shall submit to the council, with copies to each taxing jurisdiction, a report on the status of the project fund. The report shall include the amount and source of revenue in the account, the amount and purpose of expenditures from the account, the initial assessed value of development area no. 1, the captured assessed value of development area no. 1, the tax increments received and the amount of any surplus from the prior year, and any additional information requested by the council or deemed appropriate by the downtown development authority. The secretary of the downtown development authority shall cause a copy of the report to be published once in full in a newspaper of general circulation in the city.

**Sec. 5-65. - Refund of surplus tax increments.**

Any surplus money in the project fund at the end of a year, as shown by the annual report of the downtown development authority, shall be paid by the authority to the city or county treasurer, as the case may be, and rebated by them to the appropriate taxing jurisdiction.

**Secs. 5-66—5-85. - Reserved.**

### ARTICLE III. - HOUSING COMMISSION

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Sec. 5-86. - Continued.

Sec. 5-87. - Composition; appointment, terms of members.

Sec. 5-88. - Powers and duties.

Secs. 5-89—5-110. - Reserved.

**Sec. 5-86. - Continued.**

The city housing commission, created pursuant to Act No. 18 of the Public Acts of Michigan of 1933, Executive Session (MCL 125.651 et seq., MSA 5.3011 et seq.), as amended, is hereby continued.

**Sec. 5-87. - Composition; appointment, terms of members.**

In accordance with section 4 of Act No. 18 of Michigan of 1933, Executive Session (MCL 125.654, MSA 5.3014), as amended, the city housing commission shall consist of five (5) members to be appointed by the city manager. Each of such members shall serve for a term of five (5) years and until his successor shall be appointed and qualified. Members of the first commission shall be appointed for staggered terms.

**Sec. 5-88. - Powers and duties.**

The city housing commission shall have all the powers and duties vested or permitted to be vested in housing commissions by Act No. 18 of the Public Acts of Michigan of 1933, Executive Session (MCL 125.651 et seq., MSA 5.3011 et seq.), as amended, and any laws which are supplemental thereto, it being the intention of this article to vest in the city housing commission all powers and duties permitted by law including the power to act as a borrower for purposes of issuing bonds or notes under Public Act No. 18 of the Extra Session of 1933, as heretofore or hereafter amended.

## Chapter 6 - ELECTIONS

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Sec. 6-1. - Election precincts.

**Sec. 6-1. - Election precincts.**

The city shall consist of one (1) ward, divided into two (2) election precincts, to be numbered and described as specified in this section.

***Precinct I.*** Precinct I shall be described as follows: All of the city lying southerly and easterly of a line commencing at the intersection of the centerline of Michigan Avenue extended and the shoreline of Lake Huron; thence running southwesterly parallel to Erie Street until intersecting with the centerline of US-23; thence southeasterly along the centerline of US-23 to the intersection of US-23 and M-68 Highway; thence southwesterly along M-68 Highway centerline to the city limit of the city.

***Precinct II.*** Precinct II shall be described as follows: All of the city lying northerly and westerly of a line commencing at the intersection of the centerline of Michigan Avenue extended to the shoreline of Lake Huron; thence running southwesterly parallel to Erie Street until intersecting with the centerline of US-23; thence southeasterly along the centerline of US-23 to the intersection of US-23 and M-68 Highway; thence southwesterly along M-68 centerline to the city limit of the city.

**Chapter 7 - GARBAGE AND RUBBISH**

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ARTICLE I. - REFUSE MANAGEMENT

ARTICLE II. - RESERVED



***DIVISION 1. - IN GENERAL***

Secs. 7-1—7-13. - Reserved.  
Sec. 7-14. - Short title.  
Sec. 7-15. - Declaration of necessity and interpretation.  
Sec. 7-16. - City manager's responsibility.  
Sec. 7-17. - Responsibility of owners and occupants.  
Sec. 7-18. - Compliance required.  
Sec. 7-19. - Definitions.  
Sec. 7-20. - Containers—Single-family and two-family dwellings.  
Sec. 7-21. - Same—Multiple dwellings.  
Sec. 7-22. - Same—Commercial establishments, etc.  
Sec. 7-23. - Containers used for mixed waste.  
Sec. 7-24. - Disposal of yard waste.  
Sec. 7-25. - Collection of certain items.  
Sec. 7-26. - Placing at curbside.  
Sec. 7-27. - Curbside placement required.  
Sec. 7-28. - Permitted composting on residential property.  
Sec. 7-29. - Yard waste—Reduction.  
Sec. 7-30. - Yard waste—Removal by a landscaping company.  
Sec. 7-31. - Improper use of container.  
Secs. 7-32—7-57. - Reserved.

**Secs. 7-1—7-13. - Reserved.**

**Sec. 7-14. - Short title.**

This article shall be referred to as "The Refuse Management Ordinance of the City of Rogers City."

**Sec. 7-15. - Declaration of necessity and interpretation.**

It is hereby declared to be necessary to govern the storage, collection, transportation and disposal of refuse and other rejected, unwanted or discarded waste materials within the limits of the city so that the public health, safety and welfare may be protected. It is the intent of the city council that this chapter be liberally construed, in accordance with Act 641 of PA of 1978, MCL 299.401 et. seq., MSA 13.29(1) et. seq., the Solid Waste Management Act ("Act 164").

It is hereby further declared to be a municipal concern to reduce the size of the solid waste stream generated from the residents of the city. to that end, the city has adopted this article.

Each owner, occupant or person in possession of any premises shall be responsible for disposal of his or her refuse in accordance with this chapter and in accordance with the rules and regulations promulgated under this chapter.

**Sec. 7-16. - City manager's responsibility.**

The authority to inspect, investigate and report on the collection, transportation, recycling and disposal of refuse and other waste material by any licensee under this article is vested in the city manager.

The city manager is hereby authorized to make such rules and regulations as from time to time appear to him or her to be necessary to carry out the intent of this chapter, provided that such rules are not in conflict with this or any

other law of the city or any other government with jurisdiction, and provided, further, that such rules are approved by the city council. Failure to observe any approved rule or regulation shall be a violation of this chapter. Such rules and regulations shall be published and available for distribution at the city clerk's office.

**Sec. 7-17. - Responsibility of owners and occupants.**

Every owner, occupant or person in possession of a residential premises in the city is required to have accumulations of refuse removed and disposed of in accordance with this chapter and in accordance with the rules and regulations promulgated under this chapter. Every owner, occupant or person in the city in possession of multiple residential or nonresidential premises shall be responsible for the storage, collection and disposal or recycling of his or her own refuse by any means authorized by law.

**Sec. 7-18. - Compliance required.**

No owner, occupant, tenant or lessee of any building, structure, property or premises in the city shall store, collect, transport or dispose of any refuse, garbage, rubbish or other rejected, unwanted or discharged waste materials, except in compliance with this chapter and applicable county, state and federal statutes, rules and regulations.

**Sec. 7-19. - Definitions.**

- a) Unless the context clearly indicates otherwise, the following rules of construction shall apply: Where the text uses the negative of a defined word, the negative of the definition shall be applied. The definition of a verb or a noun shall be used in an appropriate fashion where the adverbial or adjectival form of the word is used.
- b) All words and phrases used in this article shall be given their common and normal meaning unless defined in this section. Words and phrases defined in this section shall be given the meaning indicated in the interpretation and enforcement of this chapter.

*Approved incinerator* means an incinerator constructed, approved and operated in accordance with the BOCA Basic Fire Prevention Code and its amendments, which from time to time become adopted, the BOCA Basic Mechanical Code and its amendments, which from time to time become adopted, the Department of Natural Resources, Air Quality Control Division.

*Bulk items* means large pieces of furniture, bed springs, mattresses, appliances (including stoves), refrigerators, washing machines, dryers, etc. and sometimes referred to as "white goods" and other discarded materials incidental to the usual major routine of housekeeping.

*Commercial premises* means all nonresidential premises and residential premises which consist of more than two (2) living units.

*Compost* means a dark, crumbly and earthy-smelling form of decomposing organic matter, also called humus. Compost, a useful soil amendment is the result of the composting process.

*Compost bin* means a receptacle for a compost pile designed and constructed to facilitate composting.

*Compost pile* means an accumulation of yard waste and other compostable materials.

*Curbside* refers to the area along city streets between the sidewalk and the curb, or if there is no sidewalk, the area most adjacent to the curb or street, if there is no curb.

*Garbage* means all rejected food wastes including waste accumulation of animal, fruit or vegetable matter used or intended for food or those items for the preparation, use, cooking, dealing in or storing of meat, fish fowl, fruit or vegetable.

*Grayboard* means cardboard that is not corrugated.

*Household hazardous waste* means an accumulation of liquid automobile products, mercury batteries, gardening pesticides, weed killers and poisons, personal and health care products especially aerosol containers, paint cans with paint, household products including oven cleaners, acid, chemicals, poisons and aerosol cans.

*Licensee* means a person who has been issued a license to collect, transport and dispose of refuse from within the city.

*Mixed waste* means a mixture of garbage, rubbish and bulk items.

*Municipal solid waste* means all waste generated by residential and commercial occupants of land within the city including mixed waste, recyclables and yard waste.

*Nuisance* means any act, omission, defect or condition that threatens danger to, or which may be detrimental to, the lives, health or safety of the public.

*Person* means a natural person, firm, partnership, association or corporation.

*Plastic bags* means polyethylene or similar plastic bags of not less than one and one-half (1½) mills thickness designed to store refuse, secured in a manner to be made fly-tight by securely fastening the top with wire, string or ties appropriate for this purpose.

*Premises* means a parcel of land consisting of a lot or a portion thereof, including any buildings, improvements or appurtenances thereon, which by legal construction or by actuality, forms one (1) enclosure with it. This article applies to all premises or estates located within the city limits and to those encroaching upon the city limits.

*Recyclable materials* means materials such as newspapers, junk mail, paper, glass, metal cans, plastics, aluminum, household batteries, grayboard and other materials designated by the city.

*Residential curbside waste.* See "garbage," "rubbish," and "recyclable materials."

*Rubbish* means solid waste materials resulting from house maintenance and cleaning means, nonputrescible solid waste, including cold ashes consisting of both combustible and non-combustible waste, (including paper, cardboard, non-recyclable metal containers, bedding crockery, floor sweepings, empty paint cans with lids removed, rags and other items, all of which are included in the term "mixed waste."

*Senior* means a person who is age sixty-two (62) or older and the head of the household at the service address.

*Yard waste* means miscellaneous waste material resulting from maintaining the landscaping of a home which includes (but not limited to) grass, weeds, shrub clippings, leaves and tree trimmings.

#### **Sec. 7-20. - Containers—Single-family and two-family dwellings.**

A proper and sufficient number of portable containers for the storage of mixed waste between collections shall be provided by each resident occupying a single-family or two-family dwelling. It shall be the duty of the occupants to maintain such container in good repair and in a clean and satisfactory condition to store mixed waste properly therein. The city is not responsible for lost or damaged containers.

**Sec. 7-21. - Same—Multiple dwellings.**

In the case of a building housing more than two (2) families, the owner, lessee or agent, of the premises shall provide for each family a proper and sufficient number of containers as herein defined for the storage of mixed waste between collections. The owner, lessee, agent or caretaker of such receptacles shall maintain them in good repair and in a clean and satisfactory condition. Each unit is entitled to have the number of containers equivalent to the service level of a single family residence.

**Sec. 7-22. - Same—Commercial establishments, etc.**

The proprietor, manager, agent or person in charge of a commercial establishment, professional office, church, school or other non-residential occupancy where solid waste materials accumulate, shall provide proper and sufficient containers as herein defined for the storage of mixed waste between collections. All containers shall be kept clean and in good repair.

**Sec. 7-23. - Containers used for mixed waste.**

- a) Mixed waste shall be placed in water tight containers or other portable receptacles, either galvanized metal or heavy duty plastic with handles and shall a capacity of not less than ten (10) gallons nor more than thirty (30) gallons, nor shall each container weigh more than fifty (50) pounds. Cardboard boxes are not acceptable.
- b) Plastic bags for mixed waste shall be of good quality, tied shut and be able to withstand lifting by the top without breaking. In no case shall a bag exceed fifty (50) pounds.
- c) Containers with ragged or sharp edges or other defects shall be left, tagged indicating a defect for the resident to correct. If not corrected, the container including contents will be collected on the next pickup.

**Sec. 7-24. - Disposal of yard waste.**

Yard waste shall not be picked up curbside and it is the responsibility of the owner or occupant to lawfully dispose of their yard waste.

**Sec. 7-25. - Collection of certain items.**

- a) *Collection of recyclable materials.* Materials for recycling may be placed in recycling containers provided at the transfer station.
- b) *Yard waste.* Yard waste shall be separated from other solid waste and shall not be included in mandatory curbside pickup.
- c) *Yard waste brush.* Branches, vines, tree limbs, tree trunks, stumps and other tree and brush trimmings shall be separated from other solid waste and shall not be included in mandatory curbside pickup.
- d) *Bulk items.* Large household furnishings or bulk items shall not be included in mandatory curbside pickup.
- e) *Other items not collected.* Waste oil, contractor's debris, household hazardous waste, pesticides and other chemicals, concrete, bricks, dirt, hot ashes and other items identified by rules and regulations.

**Sec. 7-26. - Placing at curbside.**

Curbside waste/bulk items shall be placed at curbside not earlier than 12 p.m. (noon) the day before the collection day, unless authorized in advance by the City police.

Residential waste containers, and/or any waste or bulk items not collected by the contractor during curbside collection, shall be removed by the owner, lessee, or occupant of the premise not later than 5 p.m. the day following the collection day.

Any person violating a provision of this Section shall be responsible for a municipal civil infraction punishable by a fine of not more than \$500.00. Any condition caused or permitted to exist in violation of any of the provisions of this Section shall be deemed a new and separate offense for each day that such condition continues to exist. The City police are authorized to issue citations.

**Sec. 7-27. - Curbside placement required.**

Residential curbside waste shall be placed at curbside.

**Sec. 7-28. - Permitted composting on residential property.**

Compost piles shall be permitted on residential property only in accordance with the following:

- 1) Compost piles shall be located a minimum of two (2) feet from any lot line and thirty (30) feet from any dwelling located on adjacent property.
- 2) Compost piles or compost bins shall not exceed four (4) feet by eight (8) feet or eight (8) feet in diameter and shall not exceed four (4) feet in height. A maximum of three (3) compost piles or compost bins shall be allowed on any single property.
- 3) Compost piles and compost bins may include a combination of yard waste, garden and lawn trimmings and debris including (but not limited to) grass clippings, leaves, weeds, twigs, wood chips, small branches, bark peelings, spent flowers, coffee grounds, tea leaves, vegetables and fruit peelings, cabbage and lettuce leaves.
- 4) Compost piles and compost bins shall not include garbage, pet manures, plastics, synthetics or other biodegradable materials or other materials which create offensive odors.
- 5) Compost piles and compost bins shall be maintained to prevent the attraction and harborage of rodents and pet and to prevent the escape of offensive odors to adjacent property.
- 6) Compost piles and compost bins which do not conform to this section shall constitute a nuisance per se and shall be abated in addition to any other applicable penalties.
- 7) Composting on residential property shall only be for permitted items generated by the occupant of the residential property.

**Sec. 7-29. - Yard waste—Reduction.**

To the maximum extent possible, yard waste shall be reduced through mulching or composting on the premises when generated.

**Sec. 7-30. - Yard waste—Removal by a landscaping company.**

The person, entity or business removing the yard waste shall be obligated to dispose of it by composting or delivery to an approved site.

**Sec. 7-31. - Improper use of container.**

It shall be unlawful for any person, firm, corporation, organization or business entity to use or place waste materials into a container not designated for their use or owned by them.

**Secs. 7-32—7-57. - Reserved.**

***DIVISION 2. - TRANSPORTATION, COLLECTION AND DISPOSAL***

Secs. 7-58—7-68. - Reserved.

Sec. 7-69. - Unlawful dumping.

Sec. 7-70. - Commercial refuse.

Sec. 7-71. - Accumulation and disposal of rubbish.

Sec. 7-72. - Littering.

Sec. 7-73. - Unlawful activities.

Sec. 7-74. - Rules and regulations.

Sec. 7-75. - Uncollectible refuse.

Secs. 7-76—7-86. - Reserved.

**Secs. 7-58—7-68. - Reserved.**

**Sec. 7-69. - Unlawful dumping.**

No person shall place, dispose, throw or deposit any refuse or waste materials upon or into any street, alley or other property, public or private, except as specifically provided in this chapter.

**Sec. 7-70. - Commercial refuse.**

Every owner, occupant or person in possession of a commercial establishment shall be responsible for the storage, collection and disposal of his or her refuse. Such refuse must be removed as frequently as necessary to prevent the creation of a nuisance which in the case of single and multiple residences, shall be once a week. Commercial establishments include establishments for group eating, such as clubs, restaurants and institutions, and establishments such as markets, commission houses, grocery stores, fruit and vegetable stands, bakeries, canneries, butcher shops and similar establishments. Garbage and food waste need not be wrapped but shall be placed or stored in covered or closed containers. No garbage or food waste of any kind shall be placed or stored in an uncovered receptacle, nor shall garbage be burned in a container, receptacle or unapproved incinerator.

**Sec. 7-71. - Accumulation and disposal of rubbish.**

- a) Any rubbish accumulated or stored outside of a dwelling or building on any premises, shall be stored in receptacles meeting the requirements of this chapter. No rubbish may be stored or accumulated which is contaminated by any garbage unless stored as garbage. Rubbish shall be disposed of only to a licensed rubbish collector except that any person may dispose of his own rubbish by:
  - 1) An approved incinerator located within a building;
  - 2) Outside incineration during the month of October of each year where such rubbish consists only of leaves;
  - 3) Outside incineration of trees, stumps, shrubbery or other debris cleared from vacant properties for future development. The outside incineration of such debris may be permitted by the city manager under such restrictions and conditions and at such times as shall be specified by the city manager.
- b) No person transporting any rubbish shall fail to securely cover and secure the load so that no part of such load shall be lost while being transported.

**Sec. 7-72. - Littering.**

No paper, lawn cuttings, rakings, leaves, weeds, ashes or any other refuse material whatsoever shall be thrown or swept into any street, gutter, intake, alley vacant lot, park, greenbelt, or other property whether public or private.

**Sec. 7-73. - Unlawful activities.**

It shall be unlawful to bury any animal or vegetable wastes anywhere in the city and it shall be unlawful to deposit, throw, or leave refuse on the premises of any other person.

**Sec. 7-74. - Rules and regulations.**

The city manager shall make such rules and regulations governing the operation of the business of rubbish collections, transportation and disposition as he may deem necessary.

**Sec. 7-75. - Uncollectible refuse.**

- a) *Hazardous wastes.* It shall be unlawful for any person to place in any receptacle for collection any material that might either endanger the collection personnel or that would be detrimental to the normal operation of disposal such as gaseous, solid or liquid poisons, dead animals, ammunition, explosives or any material that possesses heat sufficient to ignite any other collected materials.
- b) *Construction wastes.* It shall be the duty of the owner, contractor or other person responsible for construction work to remove from the premises within a reasonable time after completion of such construction work, all surplus construction material and refuse building material.

**Secs. 7-76—86. - Reserved.**



***DIVISION 3. - BILLINGS AND COLLECTIONS***

Secs. 7-87—7-97. - Reserved.

Sec. 7-98. - Responsibility for payment.

Sec. 7-99. - Continuation of service; change of occupancy.

Sec. 7-100. - Vacation of premises; notice.

Sec. 7-101. - Monthly charge.

Sec. 7-102. - Reserved.

Sec. 7-103. - Payment responsibility.

Sec. 7-104. - Payment collection.

Sec. 7-105. - Property lien for delinquent charges.

Sec. 7-106. - Contractor responsibility for delinquent accounts.

Sec. 7-107. - Authorization to bill.

Sec. 7-108. - Liens recorded.

Sec. 7-109. - Consumer/owner billed.

Secs. 7-110—7-123. - Reserved.

**Secs. 7-87—7-97. - Reserved.**

**Sec. 7-98. - Responsibility for payment.**

Although the occupant or person in possession of residential premises may make arrangements with the city for payment for the required refuse pickup, the owner of record as title holder as reflected in the records of the city assessor, shall be responsible for all refuse collection charges for services to the owner's residential premises.

**Sec. 7-99. - Continuation of service; change of occupancy.**

Residential premises' refuse collection and appropriate charges for service shall continue, regardless of the customers response to the billing procedure, so long as the residential unit is deemed occupied. The owner of the premises shall advise the city of any change in occupancy of the residential unit for purposes of service and billing.

**Sec. 7-100. - Vacation of premises; notice.**

Owners and/or occupants of residential premises shall notify the city if such premises are being vacated between billings. An owner and/or occupant taking title to or possession of residential premises in the city shall notify the city immediately to avoid delay in refuse collection.

**Sec. 7-101. - Monthly charge.**

The monthly charge for each residence in the city for availability of solid waste and garbage disposal services furnished by a city contractor shall be based on agreements which are from time to time entered into by the City of Rogers City. The monthly charge shall also include a billing charge to be determined by City Council.

**Sec. 7-102. - Reserved.**

**Sec. 7-103. - Payment responsibility.**

The fees and charges established herein under Section 14-101 shall be billed to and paid by the person responsible for the water or sewer bills to the premises. Such fees and charges may be billed on a monthly basis and such billing may be combined with any other utility bill sent by the city. If the premises is not served by city water or sewer service, the owner of the premises shall be responsible for the fees and charges established herein.

**Sec. 7-104. - Payment collection.**

The users of solid waste and garbage disposal services or those responsible to pay for the availability of such services under this article shall pay their bills to the city by the due date shown on their bills. Any bill paid after the due date shall be considered a delinquent bill, and a penalty of five (5) percent shall be added to and collected on each delinquent bill.

**Sec. 7-105. - Property lien for delinquent charges.**

In addition to the criminal penalties provided herein for a violation of this article, the city shall have a lien upon each premises, lot, parcel, structure, house or building which receives solid waste or garbage disposal services from contractor or with respect to which such service is available. The lien created herein may be enforced by the city in the manner prescribed by the general laws of the state for the enforcement of tax liens, and all such delinquent fees or charges shall be added to the delinquent tax rolls with respect to the real property (or personal property if the structure is on leased land). Upon entry of such delinquent fees and charges upon the delinquent tax rolls, the collection thereof shall in all respects be governed by the provisions of the general laws of the state for the collection of delinquent taxes.

**Sec. 7-106. - Contractor responsibility for delinquent accounts.**

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

**Sec. 7-107. - Authorization to bill.**

Under this section, the city manager is authorized and directed to collect the applicable fee each month, billing the fee as a separate item on the utility bill.

**Sec. 7-108. - Liens recorded.**

Charges included in utility bills shall be a lien upon the real property. Whenever a utility bill remains unpaid sixty (60) days after it has been rendered, the city clerk/treasurer may file with the county register of deeds a statement of lien claims. This statement shall contain the legal description of the premises served, the amount of the unpaid bill and a notice that the city claims a lien for this amount as well as for all charges subsequent to the period covered by the bill.

**Sec. 7-109. - Consumer/owner billed.**

If the consumer billed is not the owner of the premises and the clerk/treasurer has notice of this, notice shall be mailed to the owner of the premises, if his address is known to the clerk/treasurer, whenever the utility bill remains unpaid for a period of sixty (60) days after it has been rendered.

**Secs. 7-110—7-123. - Reserved.**

***DIVISION 4. - VIOLATIONS; ENFORCEMENT***

Sec. 7-124. - Nuisances.

Sec. 7-125. - Interference with containers and refuse or damage to waste receptacles.

Sec. 7-126. - Scattering of refuse.

Sec. 7-127. - Remedies cumulative.

Sec. 7-128. - Penalty.

**Sec. 7-124. - Nuisances.**

- a) No person in possession, charge of or control of any premises shall keep, cause to be kept or allow the keeping of refuse on any premises within the city in such manner that it will probably become offensive or deleterious to health or will likely cause disease. The same is hereby declared to be a public nuisance.
- b) Any condition or act in violation of a provision of this article, or a provision of applicable state law, is hereby declared to be a public nuisance.
- c) Public nuisances may be abated, removed or enjoined, and damages assessed therefor, in any manner provided by law.

**Sec. 7-125. - Interference with containers and refuse or damage to waste receptacles.**

No person, other than the owner or person lawfully in control of any premises any authorized employee of a person licensed by the city for the collection, transportation or removal of refuse, or an authorized official of the city, shall interfere with receptacles, containers or plastic bags used for the accumulation or handling of refuse, remove any such container from the location where it has been placed by the owner or person lawfully in control of the premises, or disturb or remove refuse placed for collection. No person shall maliciously damage or steal waste receptacles.

**Sec. 7-126. - Scattering of refuse.**

No person shall cast, spill, place, sweep or deposit anywhere within the city any refuse in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway or other public place, or onto any other premises within the city.

**Sec. 7-127. - Remedies cumulative.**

The remedies provided for in this article are cumulative, not exclusive, and shall be in addition to any and all other remedies available in law or in equity to prevent or remedy any violation herein.

**Sec. 7-128. - Penalty.**

Any person who violates the provisions of this article shall be responsible for a municipal civil infraction punishable by a fine of not more than \$500.00. The City Manager or City Police are authorized to issue citations.

**Chapter 8 - HARBOR AND SHORELINE**

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ARTICLE I. - IN GENERAL

ARTICLE II. - HARBOR

ARTICLE III. – FISH CLEANING STATION

**ARTICLE I. - IN GENERAL**

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Secs. 8-1—8-25. - Reserved.

Secs. 8-1—8-25. - Reserved.

## **ARTICLE II. - HARBOR**

Sec. 8-26. - Applicability of state and federal laws, rules, regulations.

Sec. 8-27. - Harbormaster.

Sec. 8-28. - Boat launch fees established; penalty for failure to pay.

Sec. 8-29. - Watercraft operation.

Sec. 8-30. - Engine noise.

Sec. 8-31. - Watercraft inspection.

Sec. 8-32. - Watercraft prohibited in swimming areas.

Sec. 8-33. - Prohibited discharges.

Sec. 8-34. - Docks.

Sec. 8-35. - Off-loading of cargo.

Sec. 8-36. - Fishing.

### **Sec. 8-26. - Applicability of state and federal laws, rules, regulations.**

All laws, rules and regulations of the United States government and the state pertaining to harbors shall be the law of the city for its harbors.

### **Sec. 8-27. - Harbormaster.**

The city manager or such other person employed or designated by him, with the approval of the council, shall be the harbormaster. It shall be his duty to enforce the provisions of this article and to enforce such other rules and regulations which the council may from time to time adopt, and to ensure the safety and convenience of the users of the harbor as well as the general public.

### **Sec. 8-28. - Boat launch fees established; penalty for failure to pay.**

- a) The council from time to time shall establish by resolution a schedule of fees for boat launchings at any city-owned or -operated boat launch facility. The collection and administration of fees shall be in a manner prescribed by the city manager.
- b) Any person who shall fail to pay the established boat launch fee shall be subject to a fine established annually by resolution of Council for each and every violation thereof. Fines shall be payable at the parking violations bureau in accordance with Article 3 of Chapter 17.

### **Sec. 8-29. - Watercraft operation.**

- a) The owner, master, or any person having charge of any watercraft shall not fail to observe any order of the harbormaster with reference to the navigation and disposal of his watercraft while within the harbor limits.
- b) No watercraft shall anchor in the harbor except in accordance with the rules and regulations of the United States government; except in case of necessity, the harbormaster shall have the authority to direct the location and length of time any watercraft may anchor.
- c) No watercraft shall anchor, moor, or otherwise fasten in the harbor in such a manner as to obstruct the passage of any other watercraft coming into or going out of the harbor.

- d) No watercraft leaving, entering, or navigating within the enclosed area of the small boat harbor shall move at a rate of speed faster than a "slow no wake" speed, which means a very slow speed whereby the wake or wash created by the vessel would be minimal.

**Sec. 8-30. - Engine noise.**

No watercraft operated by an internal combustion engine shall be operated in the harbor without being equipped with a muffler or other similar device which shall eliminate all unnecessary noise.

**Sec. 8-31. - Watercraft inspection.**

The police and health officials shall at all times have the right to enter upon any watercraft entering the harbor to inspect the craft or any person thereon for law enforcement purposes.

**Sec. 8-32. - Watercraft prohibited in swimming areas.**

No watercraft shall be operated within any area designated as a public swimming area.

**Sec. 8-33. - Prohibited discharges.**

No person shall discharge or permit to be discharged into the harbor or into any watercourse within the corporate limits any industrial waste, garbage, refuse, ashes, fruits, fruit juices and pits, animal substance, mineral substance, vegetable substance, shavings, sawdust or other waste material.

**Sec. 8-34. - Docks.**

- a) No person shall maintain, construct or extend any dock along municipally owned lakefront property unless the consent of the council is secured.
- b) No person shall allow any dock, wharf, pier, or landing strip operated by him to fall into disrepair or to remain in a dangerous condition.

**Sec. 8-35. - Off-loading of cargo.**

No cargo shall be deposited on any dock or elsewhere which contains anything forbidden entrance to the state by state or federal law, or which in anyway is dangerous to the health, safety or welfare of the public.

**Sec. 8-36. - Fishing.**

- a) Fishing is permitted from the outer breakwalls of the city municipal harbor at any time during the year.
- b) Fishing is permitted in designated areas within the city municipal harbor marina basin prior to June 1 and after September 1 of each year. Fishing areas will be designated by the harbormaster and posted with signs based upon harbor traffic, special events, weather and other pertinent factors.
- c) Fishing is not permitted inside the marina from June 1 through August 31 of each year, unless a designated fishing area has been posted by the harbormaster.
- d) All rules and regulations as officially published and enacted by the state shall be followed and any violation of rules and regulations as adopted by the state under its rule making authority shall be a violation of this section when occurring from the breakwalls or within the city municipal harbor marina basin and structures, docks and piers.

- e) Any violation of state law as regards fishing activities shall be a violation of this section.
- (f) Any person who violates the provisions of this section shall be guilty of a civil infraction and shall be fined twenty-five dollars (\$25.00) for the first offense; fifty dollars (\$50.00) for the second offense; and one hundred twenty-five dollars (\$125.00) for the third and each succeeding offense.



### **ARTICLE III. – FISH CLEANING STATION**

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Sec. 8-37. – Unlawful Conduct.

Sec. 8-38. – Use of Fish Cleaning Station, Permit Required, Exceptions.

Sec. 8-39. – Violation – Civil Infraction.

#### **Sec. 8-37 – Unlawful Conduct**

It shall be unlawful for any person to use the Fish Cleaning Station except as provided in this Article.

#### **Sec. 8-38 – Use of Fish Cleaning Station, Permit Required, Exceptions**

- a) Persons having a valid Rogers City Marina seasonal launch permit may clean their fish at the fish cleaning station.
- b) Persons having a valid Rogers City daily launch permit may clean their fish at the fish cleaning station on the day for which the permit is valid.
- c) Registered guests at the Rogers City Marina may clean their fish at the fish cleaning station.
- d) Any person not having a valid seasonal or daily launch permit, or who is not a registered guest at the Rogers City Marina may hire the services of the fish cleaning station concessionaire.
- e) A person under 17 years of age may clean fish at the fish cleaning station without a permit provided that the fish being cleaned was caught by that person at the Rogers City Marina.
- f) Persons having a “fall shore fishery” permit, issued by the City of Rogers City, which shall be valid from September 15 to the established seasonal closure of the fish cleaning station, with the permit fee established by City Council, may clean their fish at the fish cleaning station.

#### **Sec. 8-39 – Violation – Civil Infraction**

Any person violating any provision of this Article shall be responsible for a municipal civil infraction. The City police are authorized to issue citations. A fine of \$100 shall be assessed in accordance with the law.

**Chapter 9 - MOBILE HOMES AND RECREATIONAL VEHICLES**

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**ARTICLE I. - IN GENERAL**

**ARTICLE II. - RECREATIONAL VEHICLES**

**ARTICLE I. - IN GENERAL**

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**Secs. 9-1—9-25. - Reserved.**

**Secs. 9-1—9-25. - Reserved.**

## ARTICLE II. - RECREATIONAL VEHICLES

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### **Sec. 9-26. - Definitions.**

### **Sec. 9-27. - Parking and storage.**

### **Sec. 9-26. - Definitions.**

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

*Recreational vehicle* means a vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle.

### **Sec. 9-27. - Parking and storage.**

No person shall park or leave any recreational vehicle on any street, alley or other public premises overnight or for a longer period of time than four (4) hours during daylight hours, except in areas specifically designated for the parking of recreational vehicles by the council; and no person shall park or store any recreational vehicle on any privately owned property within the city, except a duly licensed recreational vehicle park, for a period exceeding forty-eight (48) hours, except as provided in this article.

## **Chapter 10 - NUISANCES**

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ARTICLE I. - IN GENERAL

ARTICLE II. - NOISE CONTROL

ARTICLE III. - HANDBILLS AND OTHER ADVERTISEMENTS

ARTICLE IV. - ABANDONED ICEBOXES, REFRIGERATORS AND CONTAINERS

ARTICLE V. – FREESTANDING OUTDOOR WOOD FURNACES

ARTICLE VI. – GRASS AND WEEDS

ARTICLE VII. – JUNK AND DEBRIS

ARTICLE VIII. – JUNK VEHICLES

## ARTICLE I. - IN GENERAL

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Sec. 10-1. - Definitions.

Sec. 10-2. - Prohibited.

Sec. 10-3. - Enforcement—City manager.

Sec. 10-4. - Costs of abatement.

Sec. 10-5. - Placing, keeping certain materials in public streets, alleys or private property prohibited.

Sec. 10-6. - Destruction of noxious weeds.

Secs. 10-7—10-55. - Reserved.

### Sec. 10-1. - Definitions.

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

*Public nuisance* means whatever annoys, injures or endangers the safety, health, comfort, convenience, or repose of the public; offends public decency; interferes with, obstructs or renders dangerous any public place, street, highway, navigable lake or stream; or in any way renders the public insecure in life or property. Public nuisances shall include, but not be limited to:

- 1) Keeping, placing or having in or about any shop, dwelling, or premises owned or occupied by any person or, in any manner, leaving in any public place, other than authorized public dumping places, any animal or vegetable matter or substance, which may cause any unwholesome, noisome or offensive smell, or carrying on any filthy or loathsome trade or occupation which may be deemed prejudicial to health;
- 2) That which the council, by proper resolution, may declare as such and order abated;
- 3) Whatever is forbidden by any provision of this chapter.

### Sec. 10-2. - Prohibited.

No person shall commit, create, or maintain any nuisance. Each day a nuisance shall remain unabated shall be construed as a separate violation.

### Sec. 10-3. - Enforcement—City manager.

The city manager may at his option elect to enforce the provisions of this chapter by one (1) of the following methods or by any combination thereof:

- 1) He may prosecute the person committing, creating, or maintaining the nuisance for a violation of the provisions of this Code;
- 2) He may cause the nuisance to be immediately abated, provided the nuisance involves the public health or safety or injury to property; or
- 3) He may refer the matter to the council for abatement under the provisions of section 14.17 of the Charter.

**Sec. 10-4. - Costs of abatement.**

The costs of abatement by the city of any nuisance shall be collected from the owner or occupant of the property upon which the nuisance was committed, created, or maintained, or from the person committing, creating or maintaining it, in an action at law.

**Sec. 10-5. - Placing, keeping certain materials in public streets, alleys or private property prohibited.**

No person shall place any goods, wares, merchandise, machinery, junk, wood, rubbish, manure, leaves, grass, sawdust, ashes, garbage, ice, snow, or refuse of any kind whatsoever upon any public street or alley, or upon private property not owned by such person, except as provided in this chapter. No person having the care, either as owner or occupant, of any premises bordered by a public street shall fail to remove any such goods, wares, merchandise, machinery, junk, wood, rubbish, manure, leaves, grass, sawdust, ashes, garbage, or refuse from that portion of the public street or alley abutting the premises and bounded by the nearest limit of the traveled portion of the street or alley, except as otherwise provided in this chapter.

**Sec. 10-6. - Destruction of noxious weeds.**

No person shall fail to cut down, remove, destroy or otherwise obliterate all ragweed, Canada thistles, milkweed, wild carrot, oxeye daisies, poison ivy, dodders, mustards, bindweed, perennial sowthistle, hoary alyssum, or other plant which is declared by the council to be a nuisance, growing on property owned by such person or under his possession or control, or on that portion of the public street or alley abutting the property and bounded by the established curb or gutter line.

**Secs. 10-7—10-55. – Reserved**

## ARTICLE II. - NOISE CONTROL

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Sec. 10-56. - Exceptions to article.  
Sec. 10-57. - Article not exclusive.  
Sec. 10-58. - Horns and signal devices.  
Sec. 10-59. - Radios and musical instruments.  
Sec. 10-60. - Shouting and whistling.  
Sec. 10-61. - Hawking.  
Sec. 10-62. - Animal and bird keeping.  
Sec. 10-63. - Whistles and sirens.  
Sec. 10-64. - Engine exhaust.  
Sec. 10-65. - Construction activity.  
Sec. 10-66. - Handling merchandise.  
Sec. 10-67. - Devices to attract attention.  
Secs. 10-68—10-115. - Reserved.

### Sec. 10-56. - Exceptions to article.

None of the terms or prohibitions of this article shall apply or be enforced against:

- 1) *Emergency vehicles.* Any police or fire vehicle or any ambulance while engaged in necessary emergency business.
- 2) *Highway and utility maintenance and construction.* Necessary excavations in or repairs of bridges, streets, or highways, or any public utility installation by or on behalf of the city, or any public utility or any agency of the state, during the night or on Sunday, when the public safety, welfare, and convenience necessitates the performance of the work at such time.
- 3) *Public addresses.* The reasonable use of stationary amplifiers or loudspeakers for public addresses which are noncommercial in character.
- 4) *Christmas music and chimes by permit.* The use of stationary amplifiers or loudspeakers by any person for the transmission of Christmas music and chimes, when authorized by a permit issued upon authority of the city manager. All permits so issued shall specify the hours and dates upon which the use of any amplifier or loudspeaker is authorized, and the use thereof shall be limited to the times specified in the permit.

### Sec. 10-57. - Article not exclusive.

The acts and noises enumerated and prohibited in this article shall not be deemed to be exclusive.

### Sec. 10-58. - Horns and signal devices.

The sounding of any horn or signal device on any automobile, motorcycle, bus, train, or other vehicle while not in motion, except as a danger signal or to give warning of intent to get into motion, or, if in motion, only as a danger signal after or as brakes are being applied and decelerating of the vehicle has begun; the creation by means of such signal devices of any unreasonably loud or harsh sounds; and the sounding of any signal device for any unreasonable or unnecessary period of time, is hereby declared unlawful and is prohibited.



**Sec. 10-59. - Radios and musical instruments.**

The playing of any radio, phonograph, television set, or any musical instrument in such a manner or with such volume, during the hours between 11:00 p.m. and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office or in any dwelling, hotel, hospital, or other type of residence, or of any persons in the vicinity is hereby declared unlawful and is prohibited.

**Sec. 10-60. - Shouting and whistling.**

Yelling, shouting, hooting, whistling, singing, or the making of any other loud noises on the public streets, between the hours of 11:00 p.m. and 7:00 a.m., or the making of any such noise at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any dwelling, hotel, hospital, or other type of residence, or in any office or of any persons in the vicinity is hereby declared unlawful and is prohibited.

**Sec. 10-61. - Hawking.**

The hawking of goods, merchandise, or newspapers in a loud or boisterous manner is hereby declared unlawful and is prohibited.

**Sec. 10-62. - Animal and bird keeping.**

The keeping of any animal or bird which by causing frequent or long continued noise, shall disturb the comfort or repose of any person is hereby declared unlawful and is prohibited.

**Sec. 10-63. - Whistles and sirens.**

The blowing of any whistles or sirens, except to give notice of the time to begin or stop work or as a warning of fire or danger is hereby declared unlawful and is prohibited.

**Sec. 10-64. - Engine exhaust.**

The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, or motor vehicle, except through a muffler or other device which effectively prevents loud or explosive noises therefrom, is hereby declared unlawful and is prohibited.

**Sec. 10-65. - Construction activity.**

The erection, including excavation therefor, demolition, alteration, or repair of any building, and the excavation of streets and highways on Sundays, and on other days, except between the hours of 7:00 a.m. and 8:00 p.m., unless a permit therefor is first obtained from the city manager, is hereby declared unlawful and is prohibited.

**Sec. 10-66. - Handling merchandise.**

The creation of a loud and excessive noise in connection with loading and unloading any vehicle or the opening and destruction of bales, boxes, crates, and containers is hereby declared unlawful and is prohibited.

**Sec. 10-67. - Devices to attract attention.**

The use of any drum, loudspeaker, amplifier, or other instrument or device for the purpose of attracting attention for any purpose is hereby declared unlawful and is prohibited.

## **Sec. 10.68 – Recreational vehicle use**

### **a) Purpose**

- 1) The City of Rogers City, is a city incorporated under the Home Rule City Act, Act 279 of 1909, and is authorized to adopt ordinances for the protection of the public health, safety and welfare, and;
- 2) The use and operation of recreational vehicles with the City of Rogers City may create a public nuisance and adversely affect the public's health, safety and welfare by the creation of excessive noise, dust and fumes, and;
- 3) The purpose of this Section is to provide for the reasonable regulation of recreational vehicles in the City of Rogers City so as to reduce noise and air pollution, protect the public's health, safety and welfare; and to provide for the peaceable and quiet enjoyment of property.

### **b) Definitions**

- 1) Occupant means a person who regularly resides on the real property in question.
- 2) Owner means any Person who has legal or equitable title to the real property in question.
- 3) Person means an individual, group of individuals, partnership, firm, association or any other entity.
- 4) Recreational vehicle means all motorized vehicles, designed, re-designed, or otherwise being used for off-road recreational use, including, but not limited to the following:
  - A) Motorcycles
  - B) Trail bikes
  - C) All-terrain vehicles (ATVs)
  - D) Utility-terrain vehicles (UTVs)
  - E) Go carts
  - F) Snowmobiles
- 5) The term Recreational Vehicle shall not include motorized vehicles for law enforcement, fire, emergency, fire emergency, military, or other authorized government purposes, or off-road motorized vehicles used as utility vehicles for agriculture, husbandry, lawn care, snow removal, or business operations.

### **c) Operation and use of recreational vehicles on private property**

The following regulations shall apply for the use of a Recreational Vehicle on private real property:

- 1) Only the Owner, Occupant, permitted guests and family may operate a Recreational Vehicle on private, real property subject to the restrictions outlined herein.
- 2) The following setback requirements apply:
  - A) A Person operating a Recreational Vehicle must remain at least three hundred (300) feet from any property line, including property road frontage and associated roadway right-of-way lines, unless

written permission has been obtained by the adjoining property owner or occupant to operate the recreational vehicle within any reduced setback.

- B) It shall not be a violation of this Section to operate a Recreational Vehicle within the required setback for purposes of ingress and egress from or onto a driveway.
- 3) No more than two (2) Recreational Vehicles may be operated at the same time.
- 4) A person may operate a Recreational Vehicle only between the hours of one-half hour after sunrise to one-half hour before sunset.
- 5) No Recreational Vehicle shall be operated, for more than one hour per day, in such a manner as to cause noise audible to the adjoining property owner or occupant.
- 6) A person shall not generate, or permit to be generated as a result of the use or operation of any Recreational Vehicle, any dust which crosses over onto an adjoining or adjacent real property that will interfere with the reasonable use and enjoyment of the residential use of that property, either inside or outside.
- 7) All Recreational Vehicles shall be fitted with the original equipment exhaust while in operation.
- d) Operation and use of a recreational vehicle on City right of ways
- Unnecessary indiscriminate operating of Recreational Vehicles up and down or across City streets, alleys or right of ways is prohibited.
- e) Enforcement and Penalty

A violation of this Section is a municipal civil infraction and punishable by a fine of not more than \$500.00. The Rogers City Police Department is authorized to issue citations.

**Secs. 10-69 thru 10-115 – Reserved**

**ARTICLE III. - HANDBILLS AND OTHER ADVERTISEMENTS**

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Sec. 10-116. - Prohibited methods of distribution.

Sec. 10-117. - Time for distribution.

Sec. 10-118. - Posting restricted.

Secs. 10-119—10-140. - Reserved.

**Sec. 10-116. - Prohibited methods of distribution.**

- a) No person shall distribute, throw, drop or scatter in any street, alley or public place any posters, handbills, cards, samples, or other matter used for the purpose of advertising in such a manner as to result in the littering of any street, alley or public place.
- b) No person shall distribute handbills, cards, samples, or other advertising matter as to cause the littering of any street, alley, or public place or any private property not his own.

**Sec. 10-117. - Time for distribution.**

No person shall go about the streets, alleys, or other public places for the purpose of distributing any posters, handbills, cards, samples, or other matter used for the purpose of advertising after the time of sunset and before the time of the following sunrise.

**Sec. 10-118. - Posting restricted.**

- a) No person shall attach, paint, place, write, stamp, paste, or otherwise affix any sign, advertisement or other matter upon any lamppost, electric light, railway, public utilities pole, tree, fire hydrant or boxing covering it; or on any bridge, pavement, sidewalk or crosswalk, public building or any property or thing belonging to the city or located in the public streets, alleys, parks, or other public places, without the written permission of the city manager to do so; provided that this shall not be construed to prevent any public official from so doing for any public purpose.
- b) No person shall attach, place, paint, write, stamp, paste or otherwise affix any sign, advertisement or other matter upon any house, wall, fence, gate, post or tree without first having obtained the written permission of the owner, agent or occupant of the premises.
- c) No person shall erect any sign in violation of the provisions of the zoning ordinance.

**Secs. 10-119—10-140. - Reserved.**

**ARTICLE IV. - ABANDONED ICEBOXES, REFRIGERATORS AND CONTAINERS**

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Sec. 10-141. - Removal of locking devices.

Sec. 10-142. - Reserved.

**Sec. 10-141. - Removal of locking devices.**

It shall be unlawful for any person to store or leave outside of any building, structure or dwelling in a place accessible to children any abandoned, unattended or discarded icebox, refrigerator, or any other container of any kind which has an airtight snaplock or other locking device thereon, without first removing the snaplock or other locking devices or doors from the icebox, refrigerator, or container.

**Sec. 10-142. - Reserved.**

## **ARTICLE V. – FREESTANDING WOOD FURNACES**

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Sec. 10-143. - Definition.

Sec. 10-144. - Prohibition.

Sec. 10-145 – Violations; Declaration of Nuisance

Sec. 10-146 – Enforcement

Sec. 10-147 – Penalty

### **Sec. 10-143. – Definition**

For purposes of this section, the term “freestanding wood burning furnace” shall mean any device or structure that:

- 1) Is designated, intended, or used to provide heat and/or hot water to any residence or other structure; and
- 2) Operates by the burning of wood or other solid fuel; and
- 3) Is not located within a residential structure.
- 4) Excluded from the definition of a freestanding wood burning furnace is any device which is designed to heat only the structure in which it is located.

### **Sec. 10-144. – Prohibition**

It shall be unlawful to install or operate a freestanding wood burning furnace, and to cause or permit the installation or operation of a freestanding wood burning furnace, within the City.

### **Sec. 10-145. – Violations; Declaration of Nuisance**

Any freestanding wood burning furnace installed or operated in violation of this Article is hereby declared to be a nuisance per se.

### **Sec. 10-146. – Enforcement**

The City Manager and the Chief of Police are designated as the authorized City officials to enforce the provisions of this ordinance.

### **Sec. 10-147. – Penalty**

Whoever violates any provision of this section shall be guilty of a misdemeanor punishable by a fine of not more than \$500.00 and/or imprisonment for not more than 90 days. Each day that a violation exists or continues shall constitute a separate and additional violation.

## ARTICLE VI. – GRASS AND WEEDS

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Sec. 10.148 - Duty of property owners and occupants to destroy and remove noxious vegetation

Sec. 10.149 – Natural area permit

Sec. 10.150 – Cutting by City

Sec. 10.151 – Notice requirements

Sec. 10.152 – Penalties/enforcement

Secs. 10.153 thru 10.162 – Reserved

### **Sec. 10.148 - Duty of property owners and occupants to destroy and remove noxious vegetation**

No person who is owner, possessor, or occupier of land within the City shall fail to cut all weeds and grass growing thereon when such weeds and grass are noxious, unsightly or detrimental to the public health and welfare, at least once before each of the following dates: May 1, June 1, July 1, August 1 and September 1 and as many other times as may be necessary to prevent such land from becoming noxious, unsightly or detrimental to the public health and welfare. For the purposes of this section, when said weeds or grass reach nine inches in height it shall be deemed noxious, unsightly or detrimental to the public health and welfare.

### **Sec. 10.149 - Natural area permit**

Any owner, possessor, or occupier of land may maintain an area of natural plant growth on which weeds and grass in excess of nine inches may grow provided they first obtain a Natural Area Permit from the City Council.

### **Sec. 10.150 - Cutting by City**

If any person shall fail to comply with the provisions of this ordinance the City Manager or Chief of Police shall, through the Department of Public Works or by private contractor, cause all such weeds and grass to be cut or destroyed upon lands of the person not complying with the provisions hereof. The City Treasurer shall keep an accurate account of all expense incurred with respect to each parcel of land entered upon in carrying out the provisions of this ordinance and charge the cost to the property owner. The City shall have a lien upon the parcel of land for the amount of the expense and the expense shall be added to the taxes assessed against the property as a special assessment and collected in the same manner as other taxes.

### **Sec. 10.151 - Notice requirements**

The City Clerk shall on or before the fifteenth day of April of each year give notice of the requirements and provisions of this ordinance by publishing a notice thereof once per week for two successive weeks in a newspaper of general circulation in the City.

### **Sec. 10.152 – Penalties/enforcement**

Failure to cut weeds and grass as required herein shall constitute a municipal civil infraction punishable by a fine of not more than \$500.00. Each day a violation of this Article is committed shall constitute a separate offense. The City Manager, City Police, or a person designated by the chief of police, are authorized to issue citations for violation of this Article.

### **Secs. 10.153 thru 10.162 – Reserved**

## ARTICLE VII. – JUNK AND DEBRIS

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### Sec. 10.163 – Purpose

### Sec. 10.164 – Property maintenance

### Sec. 10.165 – Abatement

### Sec. 10.166 – Emergency

### Sec. 10.167 – Violation

### Secs. 10.168 thru 10.177 – Reserved

#### **Sec. 10.163 - Purpose**

It is hereby determined that the storage or accumulation of junk, garbage, or other items that might otherwise clutter a parcel of property within the City of Rogers City tends to result in blighted and deteriorated neighborhoods, an increase in criminal activity, the spread of vermin and disease, is hazardous to persons and property and is contrary to the public peace, health, safety and general welfare of the community, and constitutes a public nuisance.

#### **Sec. 10.164 - Property maintenance**

No person shall maintain or allow to be maintained any conditions prohibited by this ordinance upon any structure or property owned, leased, rented or occupied by such person. All premises shall be maintained in a clean, safe and sanitary condition, free from any accumulation of the following:

- a) Refuse.....all putrescible solid wastes, including garbage, rubbish, ashes, street cleanings, dead animals, and solid market or industrial wastes.
- b) Rubbish.....non putrescible solid wastes consisting of combustible and non-combustible materials, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, and similar materials.
- c) Building materials..... scrap items, including but not limited to lumber, brick, blocks, plumbing material/fixtures, heating ducts/fixtures, electrical wiring/fixtures. This section shall not apply to building material while such material is being actively used in the maintenance or construction of the premises.
- d) Junk items.....including but not limited to parts of machinery, broken or unusable furniture, stoves, refrigerators, or other household appliances, remnants of wood, metal or other cast-off materials, whether or not the same could be put to any usable use.
- e) Furniture.....household furniture, designed and customarily used as interior furnishings, when stored and/or used outdoors in yards or on open porches and decks.

#### **Sec. 10.165 - Abatement**

In case any owner, occupier, or possessor of any lands or any person, firm or corporation having charge of any lands shall fail to comply with this ordinance, the City Manager or City Police shall have the right to enter upon said lands and abate the situation, provided notice of non-compliance is served in writing by certified mail by the City Manager or City Police upon the owner, occupier, or possessor of said lands, or any person, firm or corporation having charge of said lands at least ten days prior to the City Manager or City Police entering the lands. The notice shall state the nature of the nuisance, the location of the violation, and shall require that nuisance be abated within ten days. The notice shall be deemed proper and served upon the owner, occupier, or possessor of said lands, or any person, firm



or corporation having charge of said lands with such receipt being binding as to the date of service or, if the same is returned by the United States Postal Service because of its inability to make delivery thereof, the date of service shall be the date the notice is returned to the sender. The City Manager or City Police shall file a report in writing with the City Treasurer noting the date when said nuisances were abated, the names of the owner, occupier or possessor of said lands, or any person, firm or corporation having charge of said lands and the cost of abating the public nuisance. The full cost of abatement shall be a lien on the property and added to the taxes assessed against the property as a special assessment and collected in the same manner as other taxes.

#### **Sec. 10.166 - Emergency**

The City Manager or City Police may abate any public nuisance if the public safety and welfare requires immediate action, without prior notice, the cost of which shall be assessed against the property in the manner described in Sec. 10.165.

#### **Sec. 10.167 – Penalties/enforcement**

Any owner, occupant or person in charge of land within the City of Rogers City violating any of the provisions of this Article shall be guilty of a municipal civil infraction. A fine of not more than \$500.00 shall be assessed in accordance with the law. Each day such violation is committed or permitted shall constitute a separate offense. The City Manager, City Police, or person designated by the Chief of Police, are authorized to issue citations for violation of this Article.

#### **Secs. 10.168 thru 10.177 – Reserved**

## ARTICLE VIII. – JUNK VEHICLES

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Sec. 10.178 – Purpose

Sec. 10.179 – Junk vehicles/vehicle parts regulated

Sec. 10.180– Vehicle defined

Sec. 10.181 – Junk vehicle defined

Sec. 10.182 – Exceptions

Sec. 10.183 – Vehicle repair

Sec. 10.184 – Persons responsible

Sec. 10.185 – Severability

Sec. 10.186 – Abatement

Sec. 10.187 – Penalties/enforcement

Secs. 10.188 thru 10.197 - Reserved

### **Sec. 10.178 - Purpose**

- a) It is hereby determined that there exists on privately owned parcels of land in the City of Rogers City accumulations of junk vehicles or parts thereof and that such accumulation of vehicles and/or parts thereof constitutes a hazard to the public health, safety and welfare of the residents of the City of Rogers City for the reason that they provide a habitat conducive to breeding and nesting of rats, mice and other vermin and also that they contain objects with sharp edges and other hazards which could injure small children who would be attracted to play thereon without appreciating the danger thereof, and that they diminish property values and are a potential source of environmental contamination due to leaking fluids and that the regulations contained herein are the minimum regulations required to eliminate the foregoing undesirable conditions and protect the public health, safety and welfare of the community.
- b) It is further determined that the repair, redesign, modifying or dismantling of any vehicle on a regular basis outside of a fully enclosed building, or the maintenance of vehicles or parts thereof upon any privately owned parcel of land located in a residentially zoned district should be regulated to protect the peace and quiet enjoyment of neighborhoods, it being the intent herein that all such activities must be accomplished within a fully enclosed building in compliance with all City of Rogers City Zoning Ordinance provisions and said activities must not constitute a nuisance or annoyance to adjoining property owners or occupants.

### **Sec. 10.179 - Junk vehicles/vehicle parts regulated**

No person shall permit any junk vehicle or vehicle parts to be placed, stored or allowed to remain within the City of Rogers City in violation of the provisions of this article.

### **Sec. 10.180 - Vehicle defined**

As used in this ordinance, the term vehicle shall mean any motor vehicle which is otherwise known as an auto, automobile, bus, car, motor home, motorcycle, pickup, truck or van.

### **Sec. 10.181 - Junk vehicle defined**

A junk vehicle is defined for purposes of this article as a vehicle which, because of its mechanical condition, structural integrity or missing parts, is inoperable or cannot legally be driven on a public highway in Michigan.

#### **Sec. 10.182 - Exceptions**

- a) A junk vehicle and vehicle parts are permitted to be stored outdoors for a period not to exceed 90 days in the commercial or industrial zoned areas of the City where there is located and where the property owner or lessee operates a licensed auto repair shop or licensed scrap yard on the premises and the property has all zoning approvals necessary.
- b) A junk vehicle may be stored outdoors on private premises in a residential zoned district for a period not exceeding fifteen days if the owner is repairing the vehicle or about to have it repaired.
- c) Parts of vehicles being removed, replaced or installed by the occupant working on his own vehicle on the premises may be reasonably stored outdoors in an orderly manner on the premises for a period not exceeding fifteen (15) days. Parts or tires to be discarded shall be removed immediately.

#### **Sec. 10.183 - Vehicle repair**

Repairing junk vehicles in residential zoned districts other than vehicles wholly owned and titled to the owner or person in control of the premises is prohibited. Repair of junk vehicles must take place within a fully enclosed building.

#### **Sec. 10.184 - Persons responsible**

The provisions of this article shall apply to the owner of the vehicle or parts thereof or the person having charge, custody or control of the vehicle or parts thereof and also the owner of the private premise or the person having charge, custody or control of the private premises on which the vehicle or the part thereof is located and both persons shall be responsible for the removal thereof.

#### **Sec. 10.185 - Severability**

The sections of this article are declared to be severable and if any section is declared illegal or void for any reason, it shall not affect the remainder of the article.

#### **Sec. 10.186 - Abatement**

- a) In case any owner, occupier or possessor of any land or any person, firm or corporation having charge of any land fails to comply with this ordinance, the City Manager or City Police shall have the right to enter upon said lands and remove the junk vehicle, provided notice of non-compliance is served in writing by certified mail by the City Manager or City Police, upon the owner, occupier, or possessor of said lands or any person, firm or corporation having charge of said lands at least ten days prior to the City Manager or City Police entering the lands. The notice shall state the nature of the violation, the location of the violation, and shall require that the violation be abated within ten days. The notice shall be deemed proper and served upon the owner, occupier, or possessor of said lands, or any person, firm or corporation having charge of said lands with such receipt being binding as to the date of service, or, if the same is returned by the United States Postal Service because of its inability to make delivery thereof, the date of service shall be the date the notice is returned to the sender. The City Manager or City Police shall file a report in writing with the City Treasurer noting the date when the violation was abated, the name of the person, firm or corporation having charge of the land and the cost of abating the violation. The full cost shall then be a lien on the land and added to the taxes assessed against the land as a special assessment and collected in the same manner as other taxes.
- b) The City Manager or City Police may abate any violation of this article if the public safety and welfare requires immediate action, without prior notice, the cost of which shall be assessed against the land in the manner described above.

- c) The City Manager or City Police may, at the cost of the owner of the junk vehicle, abate any violation of this ordinance without prior notice where a junk vehicle is in the public right of way of any street, alley or highway of the City.

**Sec. 10.187 – Penalties/enforcement**

A violation of any of the provisions of this Article shall be a municipal civil infraction. The City Manager, City Police, or person designated by the Chief of Police, are authorized to issue citations. A copy of the citation need not be personally served upon the alleged violator, but may be served by sending the same to the alleged violator by first-class mail at his last known address. A fine of \$500.00 shall be assessed in accordance with the law. Each day a violation is committed or permitted shall constitute a separate offense and shall be punished as such hereunder.

**Secs. 10.188 thru 10.197 – Reserved**

## **Chapter 11 - OFFENSES**

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ARTICLE I. - OFFENSES AGAINST PUBLIC SAFETY

ARTICLE II. - CURFEW FOR MINORS

***DIVISION 1. - GENERALLY***

**Sec. 11-1. – Regulation of consumer fireworks.**

**Secs. 11-2—11-50. - Reserved.**

**Sec. 11-1. - Regulation of Consumer Fireworks**

- a) Definitions.- As used in this section the following terms shall have the meanings indicated:

ACT -The Michigan Fireworks Safety Act, Public Act No. 256 of the State of Michigan of 2011, as amended.

APA STANDARD 87-1. APA Standard 87-1, standard for construction and approval for transportation of fireworks, novelties, and theatrical pyrotechnics, published by the American Pyrotechnics Association of Bethesda, Maryland

CONSUMER FIREWORKS -Fireworks devices that are designed to produce visible effects by combustion, that are required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States consumer product safety commission under 16 CFR parts 1500 and 1507, and that are listed in APA standard 87-1, 3.1.2, 3.1.3, or 3.5. Consumer fireworks do not include low-impact fireworks.

LOW-IMPACT FIREWORKS – Ground and handheld sparkling devices as that phrase is defined under APA standard 87-1, 3.1., 3.1.1.1.1 to 3.1.1.1.8, and 3.5.

- b) Regulation on use of consumer fireworks.

- 1) No person shall ignite, discharge or use consumer fireworks within the city, except this prohibition shall not preclude any person from the ignition, discharge and use of consumer fireworks after 11 a.m. on any of the following days:

- A) December 31 until 1 a.m. on January 1
- B) The Saturday and Sunday immediately preceding Memorial Day until 11:45 p.m. on each of those days
- C) June 29 to July 4 until 11:45 p.m. on each of those days
- D) July 5, if that date is a Friday or Saturday, until 11:45 p.m.
- E) The Saturday and Sunday immediately preceding Labor Day until 11:45 p.m. on each of those days

- 2) No person under the age of 18 shall ignite, discharge or use consumer fireworks within the city at any time.

- c) Penalties and Enforcement.

Any person who violates the provisions of this section shall be responsible for a municipal civil infraction punishable by a fine of \$1,000 for each violation. The City Police are authorized to issue citations. Five hundred dollars of each fine collected under this Division shall be remitted to the Rogers City Police Department.

Secs. 11-2.—11-50. – Reserved.

***DIVISION 2. - WEAPONS***

Sec. 11-51. - Discharging firearms prohibited.

Secs. 11-52.—11-100. - Reserved.

**Sec. 11-51. - Discharging firearms prohibited.**

- a) It shall be unlawful for any person within the city to discharge any firearm or other instrument producing a like effect and noise except in the lawful defense of his person or property, or as authorized in advance by action of the City Council of the City of Rogers City, or as otherwise permitted by law.
- b) It shall be unlawful for any person within the city to discharge without injury to another person any firearm while intentionally without malice aiming at or toward any person.

**Secs. 11-52.—11-100. - Reserved.**

***DIVISION 3. – DANGEROUS/UNSAFE BUILDINGS***

Sec. 11-81. – Unlawful conduct.

Sec. 11-82 – Condemnation

Sec. 11-83 – Dangerous building; definition

Sec. 11-84 – Violation-civil infraction

Sec. 11-85 – Abatement

Sec. 11-86 – Validity

Secs. 11-87 – 11-100 – Reserved

**Sec. 11-81 – Unlawful conduct**

It shall be unlawful for any owner of land, in the City of Rogers City, to keep or maintain any building or part thereof which is a dangerous or unsafe building as defined in Sec. 11-83.

**Sec. 11-82 – Condemnation**

The City may condemn dangerous or unsafe buildings under the provisions of Sec. 14.17 of the Charter.

**Sec. 11-83 – Dangerous building; definition**

- a) As used in this Division, “dangerous building” means a building or structure that has one or more of the following defects or is in one or more of the following conditions:
- b) A portion of the building or structure is damaged by fire, wind, flood, or other cause so that the structural strength or stability of the building or structure is appreciably less than it was before the catastrophe and does not meet the minimum requirements of the building code of Presque Isle County for a new building or structure.
- c) A part of the building or structure is likely to fall, become detached or dislodged, or collapse.
- d) A portion of the building or structure has settled to such an extent that walls or other structural portions of the building or structure have materially less resistance to wind than is required by the building code of Presque Isle County.
- e) The building or structure, or part thereof, because of dilapidation, deterioration, decay, faulty construction, or the removal or movement of some portion of the ground necessary for the support, or for 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 fall or give way.
- f) The building, structure, or portion thereof is manifestly unsafe for the purpose for which it is used.
- g) A building or structure is vacant, dilapidated, and open at door, window, or other such place, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers or animals.



#### **Sec. 11-84 – Violation – civil infraction**

Any owner of land within the City of Rogers City in violation of any of the provisions of this Division shall be guilty of a municipal civil infraction. The City police are authorized to issue citations. A copy of the citation need not be personally served upon the alleged violator, but may be served upon an owner or occupant of the land, building, or structure by posting the copy on the land or attaching the copy to the building or structure. In addition, a copy of the citation shall be sent by first-class mail to the owner of the land, building, or structure at the owner's last known address. A fine of \$500.00 shall be assessed in accordance with the law. Each day such a violation is committed or permitted shall constitute a separate offense and shall be punished as such hereunder.

#### **Sec. 11-85 – Abatement**

If the property owner in violation of this Division fails to take corrective action, the City may take all steps necessary to bring the property into compliance, including, but not limited to, the demolition and removal of the building or structure itself. In these instances, all costs incurred by the City associated with the corrective action necessary to bring the property into compliance will be passed along to the property owner and, if not paid upon invoice, will serve as a lien on the property and placed on the property tax bill. The City shall notify the property owner by certified mail of its intent to abate no less than 30 days prior to the corrective action taking place, unless the city manager determines that immediate action is necessary due to public safety concerns. In those instances, an attempt will be made to notify the property owner by phone, electronically, or in person but abatement may take place regardless of the success of that attempt.

#### **Sec. 11-86 – Validity**

If any section, subsection, sentence, clause, or phrase of this Division is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Division.

#### **Secs. 11-87 – 11-100 – Reserved**

**ARTICLE II. - CURFEW FOR MINORS**

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Sec. 11-101. - Hours.

Sec. 11-102. - Parental responsibility.

**Sec. 11-101. - Hours.**

No minor under the age of seventeen (17) years shall loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, public buildings, places of amusement and entertainment, vacant lots or other unsupervised places, between the hours of 10:00 p.m. and 6:00 a.m. of the following day, official city time, except that between June 1 and September 15, inclusive, of each calendar year, the evening curfew hour shall be extended to 11:00 p.m., official city time; provided, however, that the provisions of this section do not apply to a minor accompanied by his parent, guardian or other adult person having the care and custody of the minor, or where the minor is upon an emergency errand or legitimate business directed by his parent, guardian or other adult person having the care and custody of the minor. Any minor violating the provisions of this section shall be deemed to be a delinquent child and may be complained against in the probate court for the county as a delinquent child by the chief of police.

**Sec. 11-102. - Parental responsibility.**

No parent, guardian or other adult person having the care and custody of a minor under the age of seventeen (17) years shall permit such minor to loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, wharves, docks, or other public grounds, public places, and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places between the hours of 10:00 p.m. and 6:00 a.m. of the following day, official city time, except that between June 1 and September 15, inclusive of each calendar year, the evening curfew hour shall be extended to 11:00 p.m. official city time; provided, however, that the provisions of this section do not apply when the minor is accompanied by his parent, guardian or other adult person having the care and custody of the minor, or unless the minor is upon an emergency errand or legitimate business directed by his parent, guardian or other adult person having the care and custody of the minor.

## **Chapter 12 - PARKS AND RECREATION**

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Sec. 12-1. - Rules and regulations.

Sec. 12-2. - Operation of vehicles.

Sec. 12-3. - Towing vehicle.

Sec. 12-4. - Injury to property.

Sec. 12-5. - Concessions.

Sec. 12-6. - Gatherings and meetings.

### **Sec. 12-1. - Rules and regulations.**

The city manager is hereby empowered, subject to approval and adoption by the council, to make such rules and regulations pertaining to the conduct and use of parks and playgrounds as are necessary to administer the same or to protect public property or the safety, health or welfare of the public. Any person violating such rules and regulations shall be responsible for a municipal civil infraction. The City police are authorized to issue citations. A fine of \$100.00 shall be assessed in accordance with the law.

### **Sec. 12-2. - Operation of vehicles.**

No person shall use any park or playground for the purpose of demonstrating any vehicle or of instructing another, or of learning to drive any vehicle; and no person shall drive any vehicle on any portion of any park or playground, except on a well-defined roadway therein, or as ordered by a proper police official.

### **Sec. 12-3. - Towing vehicle.**

No person shall tow another vehicle within any park or playground except in case of a breakdown therein.

### **Sec. 12-4. - Injury to property.**

No person shall injure or damage any park or playground or any of the equipment therein or anything in any way thereto appertaining; nor remove any of the equipment therein without the written permit of the city manager or other person in charge.

### **Sec. 12-5. - Concessions.**

No person shall sell or rent, or attempt to sell or rent, any service, merchandise, or any object in any park or playground without first entering into a contract with the city to operate a concession therein; except that a group or organization may on a special occasion obtain a limited permit therefor issued by the city clerk, upon the approval of the council.

### **Sec. 12-6. - Gatherings and meetings.**

- a) No person shall schedule or conduct any meeting or event in any street, alley, park, or public place, without first applying to the city manager and receiving a permit. The city manager may refuse to issue the permit if in his judgment the public peace, health, or safety will be jeopardized thereby, or if city property may be damaged.
- b) If persons or organizations deem themselves aggrieved by the provisions of this section they may appeal the decision of the city manager to the council.

**Chapter 13 - PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS**

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ARTICLE I. - IN GENERAL

ARTICLE II. - PEDDLERS AND SOLICITORS

ARTICLE III. - TRANSIENT MERCHANTS

ARTICLE IV. – MOBILE FOOD VENDING

**ARTICLE I. - IN GENERAL**

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Secs. 13-1—13-25. - Reserved.

Secs. 13-1—13-25. - Reserved.

Rogers City, Michigan, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 13 - PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS >> ARTICLE II. - PEDDLERS AND SOLICITORS>>

## **ARTICLE II. - PEDDLERS AND SOLICITORS**

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DIVISION 1. - GENERALLY

DIVISION 2. - LICENSE

**DIVISION 1. - GENERALLY**

Sec. 13-26. - Definitions.

Sec. 13-27. - Fixed stands prohibited.

Sec. 13-28. - Prohibited areas.

Sec. 13-29. - Curb service prohibited.

Sec. 13-30. - Use of devices to attract attention.

Secs. 13-31—13-45. - Reserved.

**Sec. 13-26. - Definitions.**

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

*Peddler* means any person traveling by foot, wagon, automotive vehicle or other conveyance, from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, truck garden or farm products or provisions, offering and exposing the same for sale or making sales and delivering articles to purchasers, or who, without traveling from place to place, shall sell or offer the same for sale from a wagon, automotive vehicle, or other vehicle or conveyance. Any person who solicits orders and as a separate transaction makes deliveries to purchasers as part of a scheme or design to evade the provisions of this article, shall be deemed a peddler. The word "peddler" shall include the words "hawker" and "huckster."

*Solicitor* means any individual, whether a resident of the city or not, traveling either by foot, wagon, automobile, motor truck, or any other type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders for sales of goods, wares and merchandise, books or magazines, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether he is collecting advance payments on such sale or not, and shall include any person who, for himself, or for another person, hires, leases, uses, or occupies any building, structure, tent, railroad boxcar, boat, hotel room, lodginghouse, apartment, shop, or any other place within the city for the sole purpose of exhibiting samples and taking orders for future delivery. The word "solicitor" shall include the word "canvasser."

**Sec. 13-27. - Fixed stands prohibited.**

No peddler or solicitor shall stop or remain in any one (1) place upon any street, alley or public place, longer than necessary to make a sale to a customer wishing to buy. Any peddler or solicitor using a vehicle, when stopped, shall place his vehicle parallel to and within twelve (12) inches of the curb and shall depart from such place as soon as he has completed sales with customers actually present.

**Sec. 13-28. - Prohibited areas.**

No peddler or solicitor, in the sale of goods, wares and merchandise, shall obstruct any street, alley, sidewalk or driveway except as may be necessary and reasonable to consummate a sale or remain, barter, sell, offer or expose for sale any goods, wares or merchandise in front of or at the side of any property against the wish or desire of the property owner or the tenant or occupant of such property. No peddler or solicitor shall engage in peddling on any street, alley or public place after having been requested to desist by any police officer of the city because of congested or dangerous traffic conditions.

**Sec. 13-29. - Curb service prohibited.**

No person shall operate or maintain any stand, vehicle, store or place of business on or near to any highway in such a manner that the customers of or traders with such person occupy or congregate within the limits of any street, lane, highway, or public place within the city. No person shall be permitted to use the streets, alleys, lanes or public places of the city for the service of customers or for the transaction of business, or to use any stands, stores or other places of business in any manner that shall require the customer, when transacting the business, to stand within the limits of the streets, highways, alleys or public places of the city.

**Sec. 13-30. - Use of devices to attract attention.**

No peddler or solicitor shall shout or cry out his goods or merchandise, nor blow any horns, ring any bell or use any other similar device to attract the attention of the public.

**Secs. 13-31—13-45. - Reserved.**



***DIVISION 2. - LICENSE***

Sec. 13-46. - Required.

Sec. 13-47. - Exempt persons.

Sec. 13-48. - Application.

Sec. 13-49. - Certification of police chief.

Sec. 13-50. - Fees—Prescribed by council.

Sec. 13-51. - Same—Adjustment for undue burden upon interstate commerce.

Secs. 13-52—13-70. - Reserved.

**Sec. 13-46. - Required.**

No person shall engage in the business of peddler or solicitor within the city without first obtaining a license therefor.

**Sec. 13-47. - Exempt persons.**

The following shall be exempt from the requirements of this division but shall be subject to the other provisions of this article:

- 1) Farmers or truck gardeners selling or offering for sale any products grown, raised or produced by them, the sale of which is not otherwise prohibited or regulated;
- 2) Any person under eighteen (18) years of age, when engaged in peddling on foot in the neighborhood of his residence under the direct supervision of any school or recognized charitable or religious organization.

**Sec. 13-48. - Application.**

The application for a peddler's or solicitor's license required by the provisions of this division shall furnish the following information:

- 1) Name and description of the applicant;
- 2) Permanent home address and full local address of the applicant;
- 3) A brief description of the nature of the business and the goods to be sold;
- 4) If employed, the name and address of the employer, together with credentials establishing the exact relationship;
- 5) The length of time for which the right to do business is desired;
- 6) The place where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced, where such goods or products are located at the time the application is filed, and the proposed method of delivery;
- 7) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance, the nature of the offense, and the punishment or penalty assessed therefor.

**Sec. 13-49. - Certification of police chief.**

No peddler's or solicitor's license shall be issued under the provisions of this division without the certification of the chief of police.

**Sec. 13-50. - Fees—Prescribed by council.**

The fees for a peddler's or solicitor's license shall be as prescribed by resolution of the council.

**Sec. 13-51. - Same—Adjustment for undue burden upon interstate commerce.**

- a) No fee for a peddler's or solicitor's license shall be so applied as to occasion an undue burden upon interstate commerce. In any case where a license fee is believed by a licensee or applicant for a license to place an undue burden upon interstate commerce, he may apply to the city manager for an adjustment of the fees so that it shall not be discriminatory, unreasonable, or unfair as to such commerce. Such application may be made before, at, or within six (6) months after payment of the prescribed license fee. The applicant shall, by affidavit, and supporting testimony, show his method of business and gross volume or estimated gross volume of business and such other information as the city manager may deem necessary in order to determine the extent, if any, of the burden on such commerce.
- b) The city manager shall then conduct an investigation, comparing applicant's business with other businesses of like nature and shall make findings of fact from which he shall determine whether the fee fixed for the solicitor's license is unfair, unreasonable or discriminatory as to applicant's business and shall fix as the license fee for the applicant, an amount that is fair, reasonable and nondiscriminatory, or, if the fee has already been paid, shall order a refund of the amount over and above the fee so fixed.
- c) In fixing the fee to be charged, the city manager shall have the power to base the fee upon a percentage of gross sales, or any other method which will ensure that the fee assessed shall be uniform with that assessed on businesses of like nature, so long as the amount assessed does not exceed the fee as prescribed by council resolution.
- d) Should the city manager determine the gross sales measure of the fee to be the fair basis, he may require the applicant to submit, either at the time of termination of applicant's business in the city, or at the end of each three-month period, a sworn statement of the gross sales and pay the amount of fee therefor, provided that no additional fee during any one (1) license year shall be required after the licensee shall have paid an amount equal to the annual license fee as prescribed by resolution of the council.

**Secs. 13-52—13-70. - Reserved.**

Rogers City, Michigan, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 13 - PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS >> ARTICLE III. - TRANSIENT MERCHANTS >>

### **ARTICLE III. - TRANSIENT MERCHANTS**

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DIVISION 1. - GENERALLY

DIVISION 2. - LICENSE

***DIVISION 1. - GENERALLY***

Sec. 13-71. - Definitions.

Secs. 13-72—13-85. - Reserved.

***Sec. 13-71. - Definitions.***

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

*Temporary business* means that every person engaged in the retail sale and delivery of goods, wares or merchandise, is deemed to be engaged in carrying on a temporary business unless his goods, wares or merchandise have been assessed for taxation in the city during the current year.

***Secs. 13-72—13-85. - Reserved.***

***DIVISION 2. - LICENSE***

Sec. 13-86. - Required.

Sec. 13-87. - Exemption.

Sec. 13-88. - Certifications required.

Sec. 13-89. - Indebtedness to city.

Sec. 13-90. - Benefit sales.

**Sec. 13-86. - Required.**

No person shall engage in a temporary business of selling goods, wares or merchandise at retail within the city from any lot, premises, building, room or structure, including railroad cars, without first obtaining a license therefor.

**Sec. 13-87. - Exemption.**

The operation of a business licensed under another provision of this Code shall be exempt from the requirements of this article.

**Sec. 13-88. - Certifications required.**

No license for a temporary or transient business shall be granted except upon certification of the chief of police, city treasurer and building inspector.

**Sec. 13-89. - Indebtedness to city.**

No license for a temporary or transient business shall be granted to any person owing any personal property taxes or other indebtedness to the city, or who contemplates using any personal property on which personal property taxes are owing, in the operation of such business.

**Sec. 13-90. - Benefit sales.**

Any person selling or offering for sale any goods, wares or merchandise on behalf of and solely for the benefit of any recognized charitable or religious purpose shall, after meeting all other requirements, be granted a license without payment of the fee required for transient merchants.

**Rogers City, Michigan, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 13 - PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS >> ARTICLE IV. – MOBILE FOOD VENDING >>**

- Sec. 13-91. - Purpose
- Sec. 13-92. - Definitions
- Sec. 13-93. - Scope
- Sec. 13-94. – License required; non-transferrable
- Sec. 13-95. – Application
- Sec. 13-96. - Fees
- Sec. 13-97. – Permitted locations
- Sec. 13-98. - Requirements
- Sec. 13-99. – Signage
- Sec. 13-100. – Enforcement
- Sec. 13-101. - Impoundment
- Sec. 13-102. - Revocation
- Sec. 13-103. – Right of appeal
- Sec. 13-104. – Validity and severability
- Secs. 13-105 thru 13-114 – Reserved

**Sec. 13-91 - Purpose**

It is the purpose of this Article to permit the operation of Mobile Food Vending Units that add to the vibrancy and desirability of the City of Rogers City, while providing a framework under which such businesses operate; and to protect the public health, safety and welfare of the City.

**Sec. 13-92 - Definitions**

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

- a) *License*. A license issued under this Article, as required for operation of a Mobile Food Vending Unit.
- b) *Mobile Food Vending*. Serving or offering for sale, food and/or beverages from a Mobile Food Vending Unit which may include the ancillary sales of branded items consistent with the food, such as a tee shirt that bears the name of the organization engaged in Mobile Food Vending.
- c) *Mobile Food Vending Unit*. Any motorized or non-motorized vehicle, trailer, stand, cart, or other device designed to be portable and not permanently attached to the ground from which food is served or offered for sale.
- d) *Operate*. All activities associated with the conduct of business, not including set up and take down.
- e) *Police Department*. The Rogers City Police Department.
- f) *Stationary*. Any Mobile Food Vending Unit that is not immobilized or that remains in the same location for greater than 5 minutes.
- g) *Vendor*. Any person(s) engaged with or employed by a Mobile Food Vending Unit.

**Sec. 13-93 – Scope**

- a) General. The provisions of this Section apply to Mobile Food Vending Units engaged in the business of cooking, preparing and distributing food or beverage with or without charge on any property within the City of Rogers City.
- b) Exceptions. A license issued under this Article shall not be required for:

- 1) Any school or government-sponsored Mobile Food Vending Unit operating on school or government property.
  - 2) Authorized participants in any City-sponsored event (fair, festival, special event, civic event).
  - 3) Any other event otherwise approved by the City.
  - 4) Not-for-profit groups who operate Mobile Food Vending Units on an infrequent and irregular basis and on private property.
  - 5) Mobile Food Vending Units operating on private property and that are not open to the general public; these include but are not limited to; graduation parties, open houses, family reunions, or other private events.
  - 6) Unless operating upon a public street or within the right of way, food establishments that operate a permanent business that appears on the City tax roll are also exempt from this Article. When operating upon a public street or within the right of way immediately adjacent to their permanent location, permanent businesses are exempt from the minimum distance requirements in Sec. 13-97(b)(c). A license granted to a permanent business shall not count toward the 24-license-per-month limit.
- c) Exempted entities must notify the City of intent to operate a Mobile Food Vending Unit and may be denied if operation conflicts with other events. Exempted entities shall not constitute a license to be counted against the 24-license-per-month limit established in Sec. 13-94(a).

**Sec. 13-94 License required; non-transferrable.**

- a) General. No vendor shall engage in Mobile Food Vending without a license from the Police Department authorizing such vending. All licenses shall be prominently displayed on the Mobile Food Vending Unit. A license issued is not transferable from person to person or between vehicles. The City shall issue up to 24 licenses per calendar month. A vendor may purchase a day license no sooner than 90 days prior to the intended date of operation, and no later than 48 hours prior to the intended date of operation. Not more than eight (8) licenses can be issued to a single vendor per calendar month. Not more than three (3) licenses can be issued on any one day.
- b) License. A license allows the Vendor to operate in the City for one day.

**Sec. 13-95 Application.**

Every Vendor desiring to engage in Mobile Food Vending shall submit a written application for such license to the Police Department. The application for a license shall include the following documentation:

- a) Complete license application.
- b) Copy of Health Department license.
- c) Copy of valid driver's license, current vehicle registration, and insurance including automobile liability coverage.
- d) Proof of General Comprehensive Liability policy with limits of not less than \$1 million Combined Single Limit coverage issued by an insurer licensed to do business in this State and which names the City as an additional insured.
- e) Signed statement that the licensee shall indemnify and hold harmless the City, its officers and employees for any claims, damages, or injuries to persons or property which arise out of any activity by the licensee, its employees, or agents carried on under terms of the license.

#### **Sec. 13-96 Fees.**

An application for a license under this Article shall be accompanied by a fee in an amount established by resolution of the City Council of the City of Rogers City. Fees are non-refundable once a license has been issued by the Police Department. No fee shall be charged to a business which is on the City's tax rolls whose normal business includes the sale of food and/or beverages. No one shall hire or subcontract such vendors in an attempt to evade the provisions of this Article. Special events sponsored by the City are exempt from licensing fees associated with Mobile Food Vending Units if all other requirements are met.

#### **Sec. 13-97 Permitted locations.**

- a) Permitted Locations. Appropriate locations for Mobile Food Vending Units shall be limited to public areas authorized by resolution of City Council or on private property with a written agreement signed by the property owner. The use of other public areas is prohibited without written permission from the City.
- b) Proximity to Existing Food Service Establishments. Any Mobile Food Vending Unit may not operate within five hundred (500) feet from the door of an eating establishment that is actively open for business unless the restaurant owner has signed a waiver for that purpose.
- c) Proximity to other Mobile Food Vending Units. Any Mobile Food Vending Unit operating within the City must be at least 10 feet from another Mobile Food Vending Unit, measured by the walkable distance between the two units. Food establishments who operate a permanent business that appears on the City tax roll are exempted from this distance requirement.

#### **Sec. 13-98 Requirements.**

Any vendor engaging in Mobile Food Vending within the City of Rogers City must:

- a) Provide appropriate waste receptacles at the site of the unit and remove all litter, debris and other waste attributable to the vendor on a daily basis.
- b) Not operate during a City-authorized street fair, public festival, farmers' market or other public event without authorization from the Police Department.
- c) Immobilize the Mobile Food Vending Unit while operating in the City.
- d) Not use flashing, blinking or strobe lights; all exterior lights over sixty (60) watts shall contain opaque, hood shields to direct the illumination downward.
- e) Not use loud music, amplification devices, or any other audible methods to gain attention. Any safety hazard or excessive noise associated with the operation of a Mobile Food Vending Unit, including generators, will be addressed by the Police Department and may result in license revocation.
- f) Comply with all applicable City Ordinances unless stated otherwise herein.
- g) Comply with all applicable federal, state, county, and health department regulations.
- h) Operate only between the hours of 8:00 a.m. and 11:00 p.m.
- i) Not park a Mobile Food Vending Unit on the street overnight or leave a Mobile Food Vending Unit unattended and unsecured at any time. Any Mobile Food Vending Unit found to be unattended shall be considered a public safety hazard and may be ticketed and impounded.
- j) Not represent the granting of a license under this Article as an endorsement by the City.
- k) Not utilize any electricity or power without the written authorization of the power customer; no power cable or similar device shall be extended at or across any City street, sidewalk, or pathway.
- l) Not dispose of waste generated by a Mobile Food Vending Unit into storm drains or sanitary sewer.



- m) Not be located so as to block or impede pedestrian or vehicular movement at any public sidewalk, roadway, driveway, approach, designated fire lane, or other means of ingress/egress not mentioned herein.
- n) Display any licenses granted to the vendor by state, county, and City authorities.

**Sec. 13-99 Signage.**

The operator of a Mobile Food Vending Unit may have one portable sign not more than six square feet, with no dimension greater than three feet and no height (with legs) greater than four feet, located within five feet of the unit; under no circumstances shall such a sign be placed upon a street or sidewalk in a manner that impedes pedestrian and/or vehicle safety.

**Sec. 13-100 Enforcement.**

Any license holder operating a Mobile Food Vending Unit in violation of any provision of this Article or any rules and regulations promulgated by the City shall be subject to a civil infraction pursuant to Sec. 1-8 of the Rogers City Code of Ordinances. Each act of violation and every day upon which a violation shall occur shall constitute a separate offense.

**Sec. 13-101 Impoundment.**

Any equipment associated with food vending that is not in compliance with this Article and/or left on public property may be impounded at the owner's expense.

**Sec. 13-102 Revocation.**

- a) The Police Department shall revoke the license of a Mobile Food Vending Unit for any of the following reasons:
  - 1) Fraud, misrepresentation, or a false statement on an application or in the course of operating the Mobile Food Vending Unit.
  - 2) Creation of a public nuisance constituting a danger to public health, safety, and welfare.
- b) Once a license has been issued it may be revoked, suspended or not renewed by the Police Department for failure to comply with the provisions of this Article and/or any other applicable rules or regulations promulgated by the City. Immediately upon such revocation the license shall become null and void and the Police Department shall provide written notice to the license holder by certified mail to the address provided on the application. No person whose Mobile Food Vending Unit license has been revoked shall be eligible to receive another license within the City for one (1) year from the date of license revocation.

**Sec. 13-103 Right of appeal.**

Vendors seeking to operate outside the above requirements, or who wish to appeal a decision of the Police Department associated with the denial or revocation of a license, may petition the City Council. The City Council is not obligated to approve a request and will, at its discretion, permit or deny a request for any reason. Applicant must still follow all application procedures and documentation requirements. To appear on the agenda for consideration of an appeal, a written request for appeal must be made to the Police Department not later than seven (7) business days before the City Council meeting for which redress is sought.

**Sec. 13-104 Validity and severability.**

The provisions of this Article are severable and the invalidity of any phrase, clause or part of this Article shall not affect the validity or effectiveness of the remainder of the Article.

**Secs. 13-105 through 13-114 Reserved**

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## **Chapter 14 - SIGNS**

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### ARTICLE I. - IN GENERAL

## ARTICLE I. - IN GENERAL

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Sec. 14-1. – Tourist Oriented Directional Signs

Secs. 14-2.—14-20.. - Reserved.

### Sec. 14-1. – Tourist Oriented Directional Signs

- 1) The City of Rogers City may permit tourist-oriented directional signs as defined by MCL 247.401 within its jurisdictional boundaries as provided by and pursuant to MCL 247.403(7).
- 2) An operator of a tourist-oriented activity who wishes to participate in a directional sign program under 1996 P.A. 299, as amended, and is applying for a sign that would reside within the boundaries of the City of Rogers City in accordance with the provisions of Section 2 of 1996 P.A. 299 (MCL 247.402) shall submit the application for review by the City Council or its designee.
- 3) The City Council or its designee may approve or reject the placement of any tourist-oriented directional sign within its jurisdictional boundaries under the provisions of this ordinance.
- 4) The City Council may appoint a designee by resolution to approve or reject the placement of any tourist-oriented directional sign within its jurisdictional boundaries under the provisions of this ordinance.
- 5) Any person violating any of the provisions of this ordinance, or who installs or causes to be installed a tourist-oriented directional sign without the approval of both the Michigan Department of Transportation and the City Council, shall be guilty of a municipal civil infraction, punishable by a civil fine of not more than \$100.00, plus costs, and if applicable, damages and expenses as provided by law.

Secs. 14-2—14-20. - Reserved.

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## **Chapter 15 - SPECIAL ASSESSMENTS**

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Sec. 15-1. - Initiation.

Sec. 15-2. - Petitions.

Sec. 15-3. - Public hearing.

Sec. 15-4. - Waivers.

### **Sec. 15-1. - Initiation.**

The council may initiate any improvement by the special assessment method, or such may be initiated by petition of property owners in accordance with the provisions of the Charter.

### **Sec. 15-2. - Petitions.**

Petitions for special assessments shall be on forms approved by the city manager and in addition to a brief description of the property owned by the respective signers, shall set forth the location, extent and character of the desired improvements, the portion of the total cost which it is proposed to assess against the property to be benefited, and the number of annual installments in which it is proposed the assessment is to be divided. In case the council shall not determine the improvement necessary, the petitioners shall be notified.

### **Sec. 15-3. - Public hearing.**

If the council determines the improvement necessary, after the city manager has presented his report as required by Charter provision, a public hearing shall be noticed and had as provided by the Charter and state law.

### **Sec. 15-4. - Waivers.**

The owner of record of any lot or premises may at any time execute in writing a "Waiver of Notice and Proceeding, Authorization and Agreement," and file it with the council, waiving any or all notice of hearing and other proceedings required by this chapter and in the Charter, and authorizing the council to make such special assessments as the council may determine against such owners and their property without further notice, and agreeing to pay the special assessment. The council may thereupon by resolution authorize the city manager to proceed with the improvement. Any special assessment so made, shall upon confirmation of the assessment by the council be considered the same as any other special assessment formally made under provision of the Charter, notwithstanding the omission of any notice or proceeding so waived.

**Chapter 16 - STREETS, SIDEWALKS AND OTHER PUBLIC PLACES**

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ARTICLE I. - IN GENERAL

ARTICLE II. - DESIGNATION OF STREETS AND BUILDING NUMBERS

ARTICLE III. - OBSTRUCTIONS AND EXCAVATIONS

ARTICLE IV. - STREET VACATIONS

ARTICLE V. - SIDEWALKS

**ARTICLE I. - IN GENERAL**

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Secs. 16-1—16-25. - Reserved.

Secs. 16-1—16-25. - Reserved.

## **ARTICLE II. - DESIGNATION OF STREETS AND BUILDING NUMBERS**

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Sec. 16-26. - Street map.

Sec. 16-27. - Street numbers.

Sec. 16-28. - Numbering premises required; effect of noncompliance.

Secs. 16-19—16-50. - Reserved.

### **Sec. 16-26. - Street map.**

All streets shall be known and designated by the names applied thereto, respectively, on the map of the city on file with the city clerk. That map is adopted by and made a part of this Code and shall be referred to as the street map. The naming of any new street or the changing of the name of any street shall be done by resolution of the council. That resolution shall provide for public notice thereof and hearing thereon before becoming effective and when effective shall amend the street map.

### **Sec. 16-27. - Street numbers.**

All premises shall bear a distinctive street number in accordance with and as designated upon the street numbering plat on file in the office of the city clerk, which plat is adopted and made a part of this article. The change of any street numbers shall be done by resolution of the council, which resolution shall amend the street numbering plat.

### **Sec. 16-28. - Numbering premises required; effect of noncompliance.**

No person shall fail to place the correct number upon the front of any occupied premises. Such number shall face the street and be adjacent to the principal entrance and in such a position as to be plainly visible from the street.

Secs. 16-29—16-50. - Reserved.

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### **ARTICLE III. - OBSTRUCTIONS AND EXCAVATIONS**

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DIVISION 1. - GENERALLY

DIVISION 2. - CURB CUTS

DIVISION 3. - SIDEWALK OBSTRUCTIONS

DIVISION 4. - SAFETY REQUIREMENTS

DIVISION 5. - MOVING OF BULKY OR HEAVY OBJECTS

**Rogers City, Michigan, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 16 - STREETS, SIDEWALKS AND OTHER PUBLIC PLACES >> ARTICLE III. - OBSTRUCTIONS AND EXCAVATIONS >> DIVISION 1. - GENERALLY >>**

***DIVISION 1. - GENERALLY***

Sec. 16-51. - Definitions.  
Sec. 16-52. - Compliance.  
Sec. 16-53. - Permit for excavation—Required.  
Sec. 16-54. - Same—Exception for emergency.  
Sec. 16-55. - Same—Application; insurance, cash deposits.  
Sec. 16-56. - Maintenance of installations in streets.  
Sec. 16-57. - Backfilling.  
Sec. 16-58. - Placement of utility poles.  
Sec. 16-59. - Driveway extensions.  
Sec. 16-60. - Temporary street closings.  
Sec. 16-61. - Expense of removal or refilling charged to person responsible.  
Secs. 16-62—16-70. - Reserved.

***Sec. 16-51. - Definitions.***

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

*Street* means all of the land lying between property lines on either side of all streets, alleys and boulevards in the city, and includes lawn extensions and sidewalks and the area reserved therefor where they are not yet constructed.

***Sec. 16-52. - Compliance.***

No person shall make any excavation in, or cause any damage to any street in the city, except under the conditions and in the manner permitted in this article. No person shall place any article, thing or obstruction in any street, except under the conditions and in the manner permitted in this article, but this provision shall not be deemed to prohibit such temporary obstructions as may be incidental to the expeditious movement of articles and things to and from abutting premises, nor to the lawful parking of vehicles within the part of the street reserved for vehicular traffic.

***Sec. 16-53. - Permit for excavation—Required.***

No person shall make any excavation or opening in or under any street without first obtaining a written permit from the city manager. No permit shall be granted until the applicant shall post a cash deposit and file a liability insurance policy as required by section 16-55.

***Sec. 16-54. - Same—Exception for emergency.***

The city manager may, if the public safety requires immediate action, grant permission to make a necessary street opening in an emergency, provided that a permit shall be obtained on the following business day and the provisions of this article shall be complied with.

***Sec. 16-55. - Same—Application; insurance, cash deposits.***

- a) Where permits are authorized in this article, they shall be obtained upon application to the city manager, upon such forms as he shall prescribe, and there shall be a charge for each such permit as prescribed by resolution of the council. Such permit shall be revocable by the city manager for failure to comply with this

article, rules and regulations adopted pursuant to this article and the lawful orders of the city manager or his duly authorized representative and shall be valid only for the period of time endorsed thereon. Application for a permit under the provisions of this article shall be deemed an agreement by the applicant to promptly complete the work permitted and observe all pertinent laws and regulations of the city in connection therewith, repair all damage done to the street surface and installations on, over or within such street, including trees, and protect and save harmless the city from all damages or actions at law that may arise or may be brought on account of injury to persons or property resulting from the work done under the permit or in connection therewith.

- b) Where liability insurance policies are required to be filed in making application for a permit, they shall be in not less than the amount as prescribed by resolution of the council. A duplicate executed copy or photostatic copy of the original of such insurance policy, approved as to form by the city attorney, shall be filed with the city clerk.

**Sec. 16-56. - Maintenance of installations in streets.**

Every owner of and every person in control of any estate maintaining a sidewalk vault, coal hole, manhole, or any other excavation, or any post, pole, sign, awning, wire, pipe, conduit or other structure in, under, over or upon, any street which is adjacent to or a part of his estate, shall do so only on condition that such maintenance shall be considered as an agreement on his part with the city to keep the excavation or structure and the covers thereof, and any gas and electric boxes and tubes thereon, in good repair and condition at all times during his ownership or control thereof, and to indemnify and save harmless the city against all damages or actions at law that may arise or be brought by reason of such excavation or structure being under, over, in or upon the street, or being unfastened, out of repair or defective during such ownership or control.

**Sec. 16-57. - Backfilling.**

All trenches in a public street or other public place, except by special permission, shall be backfilled with approved granular material.

**Sec. 16-58. - Placement of utility poles.**

Utility poles may be placed in such streets as the city manager shall prescribe and shall be located thereon in accordance with the directions of the city manager.

**Sec. 16-59. - Driveway extensions.**

Driveway extensions between private property and the traveled roadway portion of city streets shall be subject to the following regulations:

- 1) The property owner shall be responsible for all principal and incidental driveway extension construction, reconstruction and maintenance costs.
- 2) Driveway extensions shall not interfere with street drainage or maintenance. Culverts where required by the city shall be furnished and installed by the property owner of a size and material and at grades specified by the city engineer.
- 3) Driveway extension paving shall not overlay sidewalks or roadway surfacing except where specifically authorized by the city engineer to accommodate extreme elevation differentials.
- 4) The city shall not be liable for damage by reason of city construction, maintenance or action under this section.

**Sec. 16-60. - Temporary street closings.**

The director of public works shall have authority to temporarily close any street, or portion thereof, when he shall deem such street to be unsafe or temporarily unsuitable for use for any reason. He shall cause suitable barriers and signs to be erected on such street, indicating that it is closed to public travel. When any street or portion thereof shall have been closed to public travel, no person shall drive any vehicle upon or over the street except as it may be necessary incidentally to any street repair or construction work being done in the area closed to public travel. No person shall move or interfere with any sign or barrier erected pursuant to this section without authority from the director of public works.

**Sec. 16-61. - Expense of removal or refilling charged to person responsible.**

Encroachments and obstructions in the street may be removed and excavations refilled and the expense of such removal or refilling charged to the abutting land owner when made or permitted by him or suffered to remain by him, otherwise than in accordance with the terms and conditions of this article. The procedure for collection of such expenses shall be as prescribed in sections 14.17—14.19 of the Charter.

**Sec. 16-62. High Transport Corridor.**

1) *Designation of the high transport corridor.*

The designated high transport corridor is described as follows:

- a) Commencing at the south City limit line on Business Route US 23; thence North on Business Route US 23 to Park Drive; thence North on Park Drive to Calcite Road; thence in a southeasterly direction on Calcite Road to the end of Calcite Road.
- b) The City Clerk shall maintain an accurate and current map of the corridor route as adopted by this ordinance.

2) *Height clearance directed.*

All public utility providers and all other entities, including individuals, firms, partnerships, associations, companies, corporations, public or private, who own, lease, operate, construct and/or maintain overhead lines and wires, poles and/or related overhead facilities or equipment located along, across, over and/or adjacent to the designated high transport corridor, are hereby directed to maintain each and every such line or facility with no less than 28 feet of clearance above the road surface.

3) *Sanctions and penalties.*

Violation of any provision of this ordinance shall be a municipal civil infraction punishable by a fine of five hundred dollars (\$500.00). Each day of a continuing violation may be charged and punished as a separate and distinct violation.

4) *Severability.*

Should any portion of this ordinance be held invalid for any reason, such holding shall not be construed as affecting the validity of any of the remaining portions hereof.

**Secs. 16-63—16-70. - Reserved.**

***DIVISION 2. - CURB CUTS AND DRIVEWAY ACCESS***

Sec. 16-71. - Permit required.

Sec. 16-72. - Specifications.

Sec. 16-73. - Costs of adjusting public improvements.

Sec. 16-74. – Appeals to City Council.

Secs. 16-75—16-85. - Reserved.

**Sec. 16-71. - Permit required.**

No opening in or through any curb, driveway access from a street or alley, or public sidewalk driveway crossing shall be made without first obtaining a written permit from the city manager or his/her authorized representative.

**Sec. 16-72. - Specifications.**

Curb cuts, driveway accesses, and sidewalk driveway crossings to provide access to private property shall comply with the following:

1) Residential-zoned districts

- a) No single curb cut or driveway access shall exceed a width of twenty-five (25) feet, or be less than a width of ten (10) feet at the line where the driveway connects to an improved or unimproved public street or alley.
- b) The minimum distance between any curb cut or driveway access and a public crosswalk shall be five (5) feet.
- c) The maximum number of curb cuts or driveway accesses per residential property is three (3) and the maximum number of curb cuts or driveway accesses per frontage is two (2) regardless of the number of tax parcels that comprise a residential property or the number of residential units on a property.

2) Commercial districts

- a) The minimum distance between curb cuts or driveway accesses shall be ten (10) feet.
- b) The minimum distance between any curb cut or driveway access and a public cross walk shall be five (feet).
- c) The maximum number of lineal feet of sidewalk driveway crossings permitted for any lot, parcel of land, business or enterprise, shall be forty-five (45) percent of the total abutting street frontage up to and including two hundred (200) lineal feet of street frontage plus twenty (20) percent of the lineal feet of street frontage in excess of two hundred (200) feet.

**Sec. 16-73. - Costs of adjusting public improvements.**

The adjustments to utility poles, light standards, fire hydrants, catch basins, street or railway signs, signals, or other public improvements or installations made necessary by curb cuts or driveway crossings shall be accomplished without cost to the city.

**Sec. 16-74. – Appeals to City Council**

Requests for an exception to any of the requirements established in this Division must be made to City Council, which may deviate from the requirements only when following them would clearly constitute a hardship to the individual making the appeal; if granted, the hardship must be documented in the minutes of the public meeting in which the appeal is considered.

**Secs. 16-75—16-85. - Reserved.**

**Rogers City, Michigan, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 16 - STREETS, SIDEWALKS AND OTHER PUBLIC PLACES >> ARTICLE III. - OBSTRUCTIONS AND EXCAVATIONS >> DIVISION 3. - SIDEWALK OBSTRUCTIONS >>**

***DIVISION 3. - SIDEWALK OBSTRUCTIONS***

Sec. 16-86. - Pedestrian passage.

Secs. 16-87—16-100. - Reserved.

**Sec. 16-86. - Pedestrian passage.**

At least six (6) feet of sidewalk space shall be kept clean and clear for the free passage of pedestrians and if building operations are such that free passageway is impracticable, a temporary plank sidewalk with substantial railings or sidewalk shelter shall be provided around such obstruction.

**Secs. 16-87—16-100. - Reserved.**

**Rogers City, Michigan, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 16 - STREETS, SIDEWALKS AND OTHER PUBLIC PLACES >> ARTICLE III. - OBSTRUCTIONS AND EXCAVATIONS >> DIVISION 4. - SAFETY REQUIREMENTS >>**

***DIVISION 4. - SAFETY REQUIREMENTS***

Sec. 16-101. - Shoring of excavations.

Secs. 16-102—16-110. - Reserved.

**Sec. 16-101. - Shoring of excavations.**

All openings and excavations shall be properly and substantially sheeted and braced as a safeguard to workmen and to prevent cave-ins or washouts which would tend to injure the thoroughfare or subsurface structure of the street.

**Secs. 16-102—16-110. - Reserved.**



**Rogers City, Michigan, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 16 - STREETS, SIDEWALKS AND OTHER PUBLIC PLACES >> ARTICLE III. - OBSTRUCTIONS AND EXCAVATIONS >> DIVISION 5. - MOVING OF BULKY OR HEAVY OBJECTS >>**

***DIVISION 5. - MOVING OF BULKY OR HEAVY OBJECTS***

Sec. 16-111. - Permit required.

Sec. 16-112. - Cash deposit, insurance.

Sec. 16-113. - Route specified.

Secs. 16-114—16-135. - Reserved.

**Sec. 16-111. - Permit required.**

No person shall move, transport, or convey any building or other similar bulky or heavy object, including machinery, trucks and trailers, larger in width than eight (8) feet eight (8) inches across or along any street, alley or other public place in the city without first obtaining a permit from the city manager.

**Sec. 16-112. - Cash deposit, insurance.**

No housemoving permit shall be granted until the applicant shall file a liability insurance policy as required by section 16-55.

**Sec. 16-113. - Route specified.**

A permit to move bulky, heavy objects shall specify the route to be used in such movement and no person shall engage in such movement along a route other than that specified in the permit.

**Secs. 16-114—16-135. - Reserved.**

#### **ARTICLE IV. - STREET VACATIONS**

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Sec. 16-136. - Resolution of council, public hearing required; objections.

Sec. 16-137. - Petition to vacate; costs.

Secs. 16-138—16-160. - Reserved.

##### **Sec. 16-136. - Resolution of council, public hearing required; objections.**

When the council shall deem it advisable to vacate, discontinue or abolish any street, alley or public ground, or any part thereof, they shall by resolution so declare and in the resolution shall appoint a time not less than four (4) weeks later when they shall meet and hear objections thereto. Notice of such meeting with a copy of such resolution shall be published for four (4) consecutive weeks before the time appointed for such meeting in a newspaper published and circulating in the city. Objections to such proposed action of the council may be filed with the city clerk in writing and if any objections shall be filed or made, the street, alley or public ground, or any part thereof, shall not be vacated or discontinued except by the concurring vote of at least four (4) members of the council. The passage of any resolution vacating, abolishing or discontinuing any street, alley or public ground, or any part thereof, shall be an amendment to the street map to that extent.

##### **Sec. 16-137. - Petition to vacate; costs.**

Any petition filed by any person with the city clerk seeking the vacation, discontinuance or abolishing of any street, alley or public ground, or any part thereof, shall not be presented by the city clerk to the council until there has been deposited with the clerk the sum as prescribed by resolution of the council to apply on the expenses of publication and recording. Any costs in excess of such sum shall be collected from the petitioner by the city clerk before the vacating resolution shall be effective and recorded. Any unexpended portion of such deposit shall be refunded by the clerk to the petitioner depositing it.

**Secs. 16-138—16-160. - Reserved.**

## **ARTICLE V. - SIDEWALKS**

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- Sec. 16-161. - Permit required.
- Sec. 16-162. - Construction bond required.
- Sec. 16-163. - Ordering construction.
- Sec. 16-164. - Construction by city.
- Sec. 16-165. - Specifications.
- Sec. 16-166. – Reserved..
- Sec. 16-167. - Maintenance.
- Sec. 16-168. - Openings.
- Sec. 16-169. - Removal of litter, obstructions.
- Sec. 16-170. - Removal of snow, ice.
- Sec. 16-171. - Penalty for violation of sections 16-169 and 16-170.

### **Sec. 16-161. - Permit required.**

No person shall construct, rebuild or repair any sidewalk except in accordance with the line, grade, slope and specifications established by the city manager, nor without first obtaining a written permit from the city manager, except that sidewalk repairs of less than fifty (50) square feet of sidewalk may be made without a permit.

### **Sec. 16-162. - Construction bond required.**

No person shall construct, build, or lay any concrete sidewalk or crosswalk within the city without first filing with the city clerk a bond to the city in the sum as prescribed by resolution of the council to be approved by the city clerk. That bond shall be conditioned upon the construction of such sidewalk or crosswalk in accordance with the lines, grades, slope, and specifications established by the city manager, and shall indemnify the city for a period of two (2) years from the date of the construction of such sidewalk or crosswalk for any damage thereto by reason of the use of improper material, or improperly compounding or laying the walk, or failure to conform to the specifications furnished by the city manager as provided in section 16-165.

### **Sec. 16-163. - Ordering construction.**

The city council may, by resolution, require the owners of lots and premises to build sidewalks in the public streets adjacent to and abutting such lots and premises. When such resolution shall be adopted, the city clerk shall give notice thereof, in accordance with chapter 1 of this Code, to the owner of such lot or premises requiring him to construct or rebuild such sidewalk within twenty (20) days from the date of such notice.

### **Sec. 16-164. - Construction by city.**

If the owner of any lot or premises shall fail to build any particular sidewalk as described in the notice required by section 16-163, and within the time and in the manner required thereby, the city manager is hereby authorized and required, immediately after the expiration of the time limited for the construction or rebuilding by the owner, to cause such sidewalk to be constructed and the expense thereof shall be charged to such premises and the owner thereof, and collected as provided in sections 14.18 and 14.19 of the Charter.

### **Sec. 16-165. - Specifications.**

Sidewalks shall be five (5) feet in width and four (4) inches in thickness except in driveways where the thickness shall be six (6) inches.

**Sec. 16-166. - Reserved**

**Sec. 16-167. - Maintenance.**

No person shall permit any sidewalk which adjoins property owned by him to fall into a state of disrepair or to be unsafe.

**Sec. 16-168. - Openings.**

No person shall open or use any opening in the sidewalk unless the same is provided with a suitable protection and guard approved by the chief of police.

**Sec. 16-169. - Removal of litter, obstructions.**

No person having the care, either as owner or occupant, of any premises bordered by a graded or paved sidewalk shall fail to remove promptly therefrom all sand, rubbish, litter of any kind, or obstructions or nuisance of every sort.

**Sec. 16-170. - Removal of snow, ice.**

The owners and occupants of all lots and premises abutting on a graded or paved sidewalk in any business section of the city shall keep such sidewalks free from all snow and ice.

**Sec. 16-171. - Penalty for violation of sections 16-169 and 16-170.**

If the owner or occupant of lots and premises shall fail, refuse or neglect to remove snow and ice or obstructions and nuisances from his sidewalks within twenty-four (24) hours after being notified to do so by the chief of police, or to repair sidewalks within thirty (30) days after being notified to do so by the city manager, the city manager may cause the same to be removed or repaired, and the cost thereof may be made a special tax or assessment against the lot or premises or may be collected in an action at law, as the council may direct.

## **Chapter 17 - TRAFFIC AND MOTOR VEHICLES**

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ARTICLE I. - IN GENERAL

ARTICLE II. - PARKING PROHIBITED IN CERTAIN PLACES

ARTICLE III. - PARKING VIOLATIONS BUREAU

ARTICLE IV. - RESERVED

ARTICLE V. - PARKING LOTS

ARTICLE VI. – SNOWMOBILES AND ORVS

ARTICLE VII. – UTILITY TERRAIN VEHICLES

## **ARTICLE I. - IN GENERAL**

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### **Sec. 17-1 - Michigan Vehicle Code adopted by reference**

1) Code Adopted

The Michigan Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923, is adopted by reference.

2) References In Code

References in the Michigan Vehicle Code to "local authorities" shall mean the City of Rogers City.

3) Notice To Be Published

The City Clerk shall publish this ordinance in the manner required by law and shall publish, at the same time, a notice stating the purpose of the Michigan Vehicle Code and the fact that a complete copy of the Code is available to the public at the Office of the Clerk for inspection.

4) Penalties

The penalties provided by the Michigan Vehicle Code are adopted by reference provided, however, that the City may not enforce any provision of the Michigan Vehicle Code for which the maximum period of imprisonment is greater than 93 days.

### **Sec. 17-2 – Truck traffic prohibited**

a) Commercial Vehicle-Defined.

"Commercial vehicle" means any vehicle with a gross weight of more than 10,000 pounds and requiring a commercial driver license to operate.

b) Street -Defined.

"Street" means South Sixth Street between Orchard Street and Airport Drive.

c) Commercial Vehicle--Prohibited.

Commercial vehicles are prohibited on South Sixth Street between Orchard Street and Airport Drive.

d) Local Deliveries-Not Applicable.

This ordinance shall not apply to commercial vehicles making local deliveries to or doing business with residences on the street.

e) Exemptions.

This ordinance shall not apply to City Department of Public Works vehicles or emergency vehicles.

f) Posting.

Notice that commercial vehicles are prohibited shall be posted on each end of the street.

g) Violation-Civil Infraction.

Any person violating any of the provisions of this ordinance shall be responsible for a civil infraction. The city police are authorized to issue citations. A fine of \$100.00 shall be assessed in accordance with the law.

Secs. 17-3—17-25. - Reserved.

## ARTICLE II. – PARKING PROHIBITED IN CERTAIN PLACES

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Sec. 17-26. – Parking for certain purposes prohibited.

Sec. 17-27. – Parking trailer rigs.

Sec. 17-28. – Restricted parking areas.

Sec. 17-29. – Wintertime parking restrictions.

Secs. 17-30—17-55. - Reserved.

### **Sec.17-26 - Parking for certain purposes prohibited.**

No person shall park a vehicle upon any street or municipally owned parking lot for the principal purpose of:

- a) displaying such vehicle for sale;
- b) Washing, polishing, greasing or repairing such vehicle, unless repairs are necessitated by emergency;
- c) Displaying advertising;
- d) Selling merchandise from such vehicle except in a duly-established market place or when so authorized or licensed under the code of ordinances of this governmental unit;
- e) Storage for more than forty-eight (48) continuous hours.

### **Sec. 17-27 - Parking trailer rigs.**

No pole trailers or semitrailers shall be parked on any of the streets in the city for a longer period than one (1) hour at any one (1) time unless permitted in advance by the city manager or his/her duly authorized representative.

### **Sec. 17-28 - Restricted parking areas.**

No person shall park a vehicle in the restricted areas set forth below, except during the times specifically provided for in those restricted areas:

- a) No parking zones. No parking allowed at any time.
  - 1) The north side of Erie Street between Second Street and Third Street.
  - 2) The south side of Erie Street between Third Street and the alley between Second and Third Street.
  - 3) The north side of Third Street from Linden Street 50 feet east.
  - 4) The east side of Third Street from Superior Street 35 feet south.
- b) Nighttime restrictions. No parking between the hours of 3:00 a.m. and 7:00 a.m.
  - 1) Both sides of Third Street from Ontario Street to Superior Street.
  - 2) Both sides of Erie Street from Second Street to Fourth Street.
  - 3) Both sides of Michigan Avenue from Second Street to Fourth Street.
  - 4) Both sides of Huron Avenue from Second Street to Fourth Street.
  - 5) Both sides of Second Street from Erie Street to Huron Avenue.



- c) Boat trailer restrictions. No parking of vehicles with boat trailers between July 15 and September 15.
  - 1) East side of Lake Street from Huron Avenue to Ontario Street.
  - 2) Both sides of Huron Avenue from First Street to Lake Street.
  - 3) Both sides of Michigan Avenue from First Street to Lake Street.
  - 4 Both sides of Erie Street from First Street to Lake Street.
  - 5) Both sides of Ontario Street from First Street to Lake Street.
- d) One-hour restricted parking. No parking for more than one hour between the hours of 7:00 a.m. and 6:00 p.m., Monday through Saturday.
  - 1) Both sides of Erie Street from Third Street to Fourth Street.
  - 2) Both sides of Third Street from Ontario Street to Superior Street, except that section from Superior Street 35 feet south, where parking is prohibited.
- e) Thirty-minute restricted parking. No parking for more than 30 minutes between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday.
  - 1) The east side of Second Street from Erie Street to a point two hundred eighty three (283) feet north of the centerline of Erie Street.
- f) Fifteen-minute restricted parking. No parking for more than 15 minutes between the hours of 9:00 a.m. and 6:00 p.m., Monday through Saturday.
  - 1) The west side of Third Street adjacent to the property commonly known as 229 N. Third Street.
- g) Other Restricted Areas. A person shall not stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or to comply with the law or directions of a police officer or traffic-control device, at any place where official signs prohibit stopping, standing, or parking. The City Council may, by resolution, designate or restrict the stopping, standing or parking, which resolution may thereafter be modified or revised from time to time.

#### **Sec. 17-29 - Wintertime parking restrictions**

No person shall park a vehicle on any street or alley or parking lanes of any streets or street easements between the hours of 3:00 a.m. and 7:00 a.m. during the period including, and between, November 1 of any year and March 31 of the following year.

**Secs. 17-30—17-55. - Reserved.**

### **ARTICLE III. - PARKING VIOLATIONS BUREAU**

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Sec. 17-56. - Established.

Sec. 17-57. - Location, employees, regulations.

Sec. 17-58. - Procedure.

Sec. 17-59. - Violation ticket.

Sec. 17-60. - Fines.

Secs. 17-61—17-80. - Reserved.

#### **Sec. 17-56. - Established.**

A parking violations bureau is hereby established within the city for the purpose of handling alleged parking violations. The parking violations bureau shall be under the supervision and control of the chief of police.

#### **Sec. 17-57. - Location, employees, regulations.**

The city manager shall, subject to the approval of the council, establish a convenient location for the parking violations bureau, appoint qualified city employees to administer the bureau, and adopt rules and regulations for the operation thereof.

#### **Sec. 17-58. - Procedure.**

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

#### **Sec. 17-59. - Violation ticket.**

The issuance of a traffic ticket or notice of violation by a police officer of the city shall be deemed an allegation of a parking violation. Such traffic ticket or notice of violation shall indicate the length of time in which the person to whom the same was issued must respond before the parking violations bureau. It shall also indicate the address of the bureau, the hours during which the bureau is open, the amount of the penalty scheduled for the offense for which the ticket was issued and advise that a warrant for the arrest of the person to whom the ticket was issued will be sought if such person fails to respond within the time limited.

#### **Sec. 17-60. - Fines.**

The fines for parking violations shall be as established by resolution of the city council.

#### **Secs. 17-61—17-80. - Reserved.**

**ARTICLE IV. – RESERVED**

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Secs. 17-81. – 17-100 - Reserved

## ARTICLE V. - PARKING LOTS

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Sec. 17-101. - Definitions.  
Sec. 17-102. - Trespassing.  
Sec. 17-103. - Signs.  
Sec. 17-104. - Exceptions.  
Sec. 17-105. - Special events.  
Sec. 17-106. - Penalty.

### Sec. 17-101. - Definitions.

As used in this article, the following terms shall have the following meanings, unless the context clearly indicates a different meaning:

*Business parking lot:* Any privately owned parking lot providing free parking during business hours adjacent to any store, office building, commercial building or industrial building, for the convenience of employees and customers or patrons.

*Public parking lot:* Any publicly owned parking lot located in the city providing parking for the public or for the specific use of any unit of government.

*Person:* Any person, firm, corporation or association.

### Sec. 17-102. - Trespassing.

No person shall enter, stay at or remain in any business or public parking lot at any time. Staying at, remaining in or entering the lot is prohibited by the owner or person lawfully in charge as indicated by a sign posted at the parking lot. No person shall drive, place, park, occupy or leave any vehicle in any business or public parking lot at any such time.

### Sec. 17-103. - Signs.

- a) The prohibition recited in section 17-102 of this article shall be effective at any business parking lot or public parking lot where the owner or person lawfully in charge has posted a sign or signs clearly stating the prohibition.
- b) The sign referred to herein shall have letters not less than two (2) inches in height which shall read: "Trespassing and/or Parking Forbidden by City Ordinance", followed by designation of specific hours during which such trespassing and/or parking are prohibited.
- c) Should an owner or person lawfully in charge of any business or public parking lot wish to restrict the use of that parking lot at all times to "customers only", the sign shall say "Customer Parking Only by City Ordinance" and specific hours need not be designated.
- d) These signs shall be posted at each entrance to the property or in a prominent place on the property where they are clearly visible from outside the property.

### Sec. 17-104. - Exceptions.

The following uses of a parking lot referred to herein shall not constitute a violation of this section:

- 1) Temporary entrance to a parking lot in an emergency or to avoid an accident or upon instruction of a police officer to do so.
- 2) Entrance by a police officer or officers in the course of duty.
- 3) Entrance by fire, ambulance and other emergency personnel and equipment in the course of duty.
- 4) Entrance by an owner or tenant of any establishment served by the parking lot, or by any employee of an owner or tenant of any such establishment or unit of government for any business related function or duty.
- 5) Entrance by any city inspector in the course of duty.

**Sec. 17-105. - Special events.**

The owner or person in charge of any parking lot may grant temporary permission to use the lot during any specified hours when parking and/or trespassing is normally prohibited by posting temporary signs or posters to that effect. The owner or person in charge shall notify the Police Department of any such temporary permission.

**Sec. 17-106. - Penalty.**

Any person who violates the provisions of this article shall be responsible for a municipal civil infraction punishable by a fine of not more than \$500.00. The City Manager or City Police are authorized to issue citations.

## **ARTICLE VI. – SNOWMOBILES & ORVS**

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Sec. 17-107. – Snowmobile operation on city streets and alleys.

Sec. 17-108. – Snowmobile operation on private property..

Sec. 17-109. – Snowmobile careless operation.

Sec. 17-110. – Confiscation of snowmobiles.

### **Sec. 17-107 - Snowmobile operation on city streets and alleys.**

The use of snowmobiles is permitted on streets and alleys within the City of Rogers City other than M-68, US-23, Third Street, and Erie Street; however no person shall operate a snowmobile on any city street or alley:

- a) At a rate of speed greater than is reasonable and proper having due regard for conditions then existing, and in no event in excess of fifteen (15) miles per hour
- b) Without having on his person a valid motor vehicle operator's license
- c) With more than one (1) passenger on a snowmobile
- d) Between the hours of 11:00 p.m. and 7:00 a.m. any place within the city except on Saturdays and Sundays when snowmobiles may be operated until 3:00 a.m.
- e) To cross any street except at a street intersection

In addition, those operating snowmobiles must:

- a) Travel as close to the right edge of the plowed area of the street as practical.
- b) Obey all traffic signals, signs, and devices.
- c) Yield the right-of-way to all vehicular traffic and pedestrians."

### **Sec. 17-108 - Snowmobile operation on private property.**

No person shall operate a snowmobile in any cemetery or in any established public park or recreation area unless specifically designated for operation of snowmobiles by the council or on private property without the consent of the property owner or his agent.

### **Sec. 17-109 - Snowmobile careless operation.**

No person shall operate a snowmobile in the city in a careless or negligent manner likely to endanger any person or property.

**Secs. 17-110 through 17-119 reserved**

## **ARTICLE VII. – UTILITY TERRAIN VEHICLES**

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Sec. 17-120. – Utility terrain vehicle defined

Sec. 17-121. – UTV (side-by-side) operation on city streets and alleys

Sec. 17-122. – UTV operation on private property

Sec. 17-123. – UTV careless operation

Sec. 17-124. – Municipal civil infraction

Sec. 17-125. – Sec. 17-134 - Reserved

### **Sec. 17-120 – Utility Terrain Vehicle defined**

For the purposes of this ordinance, a Utility Terrain Vehicle (UTV), commonly referred to as a side-by-side, is defined as a commercially manufactured vehicle designed for off-highway use that meets all of the following criteria:

- a) Has a dry weight of not more than 2,000 pounds
- b) Is not more than 80 inches in width
- c) Has an engine displacement of not more than 1,000cc
- d) Is designed to travel on four or more low pressure or non-pneumatic tires
- e) Has a steering wheel
- f) Features non-straddle seating
- g) Has two headlights, a taillight, and a brake light
- h) Has a roll bar or similar structural system or device
- i) Has a seat belt for the operator and each passenger
- j) Has a 17-character VIN or PIN

### **Sec. 17-121 - UTV (side-by-side) operation on city streets and alleys**

The operation of a UTV is permitted on the streets and alleys within the City of Rogers City except M-68, US-23, Third Street, and Erie Street unless crossing the same at an intersection. A UTV operated in the City must be operated:

- a) At a rate of speed not greater than is reasonable and proper having due regard for conditions then existing, and in no event in excess of twenty-five (25) miles per hour
- b) On the far right-hand side of the maintained portion of the roadway
- c) By an individual having on his person a valid motor vehicle operator's license
- d) In a manner which does not interfere with traffic on the road, traveling single file, except when overtaking another UTV or golf cart, and yielding to vehicular traffic when necessary
- e) Between the hours of one-half hour after sunrise and one-half hour before sunset
- f) With the operator and all passengers wearing DOT-approved helmets unless the UTV has a manufacturer-designed and installed roll bar above and behind the head
- g) With the driver and all passengers wearing properly fitted and fastened safety belts at all times
- h) With all passengers seated in seating designed and manufactured for a passenger

- i) With a throttle so designed that when the pressure used to advance the throttle is removed, the engine speed will immediately and automatically return to idle
- j) With a U.S. Forest Service-approved spark arrester type exhaust system
- k) With a muffler in good working order and in constant operation
- l) With a braking system in good working condition that operates by either hand or foot
- m) In accordance with local ordinances prohibiting excessive noise
- n) In abeyance of all traffic signals, signs, and devices

UTVs must yield to pedestrians when crossing streets and may only cross a street at an intersection and in the most direct line possible.

**Sec. 17-122 - UTV operation on private property**

No person shall operate a UTV in any cemetery, airport, or established public park or recreation area or on private property without the consent of the property owner or his agent

**Sec. 17-123 - UTV careless operation**

No person shall operate a UTV in the City in a careless or negligent manner likely to endanger any person or property

**Sec. 17-124 – Municipal Civil Infraction**

A violation of Sections 17-121 through 17-123 is a municipal civil infraction and punishable by a fine of not more than \$500.00. The Rogers City Police Department is authorized to issue citations.

**Secs. 17-125 through 17-134 reserved.**



## **Chapter 18 - UTILITIES**

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ARTICLE I. - IN GENERAL

ARTICLE II. - CITY WATER UTILITY

ARTICLE III. - CITY WASTEWATER TREATMENT UTILITY

ARTICLE IV. - WATER AND SEWER RATES

**ARTICLE I. - IN GENERAL**

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Secs. 18-1—18-25. - Reserved.

Secs. 18-1—18-25. - Reserved.

**ARTICLE II. - CITY WATER UTILITY**

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Sec. 18-26. - Definitions.

Sec. 18-27. - Service connection fees.

Sec. 18-28. - Turning on and off water service at the curb stop.

Sec. 18-29. - Water meters.

Sec. 18-30. - Access to meters.

Sec. 18-31. - Reimbursement for damage to meters.

Sec. 18-32. - Fire hydrant use.

Sec. 18-33. - Water emergency orders.

Sec. 18-34. - Additional regulations.

Sec. 18-35. - Injury to facilities.

Sec. 18-36. - Cross connections.

Sec. 18-37 – Groundwater protection; declaration of necessity

Sec. 18-38 – Groundwater protection; Methods of reducing potential contamination

Sec. 18-39 – Private water wells

Secs. 18-40 —18-60. - Reserved.

**Sec. 18-26. - Definitions.**

The following definitions shall apply in the interpretation of this article:

*City Right of Way* means the area on, below, or above the entire boundary of a public roadway, alley, or easement of the City,

*City Water Distribution System* means all mains, connections, pipes, meters, hydrants and appurtenances connected with or served by the city water system.

*Department* means the water department of the City.

*Frontage or Area Fees* means a fee charged by the City to recover the costs of extending a Water Main to a property where City water had been previously unavailable.

*Superintendent* means the superintendent of the water department or his authorized representative.

*Tap-In Fee* means the fee established by the City to offset City costs to tap the Water Main and provide a Water Service Connection, paid as a lump sum when the Water Service Connection is Installed.

*Water Main* means that part of the city water distribution system located within the City right of way designed to supply more than (1) water service connection.

*Water Meter Fee* means the required fee established to offset the cost of the water meter.

*Water Service Connection* means the appurtenances and piping material inside the City right of way from the water main to and including the curb stop at or near the property line.

*Water Service Line* means the appurtenances and piping material outside the City right of way from the curb stop at or near the property line to the water meter setting.

**Sec. 18-27. - Service connection permit fees.**

- a) Application for water connections shall be made to the City on forms prescribed and furnished by the Department. The Department may refuse to authorize a larger service line than reasonably required by the premises served. Water Service Connections and water meters shall be installed by the City, or an approved, licensed and insured contractor, in accordance with rules and regulations of the City and upon payment of the required Frontage or Area Fee, Tap-In Fee and Water Meter Fee. All meters and Water Service Connections shall be the property of the City. Tap-In Fees shall not be less than the cost of materials, installation and overhead attributable to such installations.
- b) All fees and charges shall be as prescribed by resolution of the City Council and adjusted accordingly to reflect the cost of providing the service and shall be as follows:
  - 1) *Tap-In Fee:* A charge for the installation of a Water Service Connection by the City, requested by the property owner, covering the costs to remove street pavements and related street features, excavate trenches, tap services into water mains, install water service connections, backfill and compact trenches, and repair the street pavement, curb and gutter, sidewalks, and landscaping. The property owner shall be responsible for costs to install the Water Service Connection in excess of the minimum charge established by the City. The property owner is responsible for all costs associated with installation of, and repairs to, the Water Service Line, with the work to be inspected and approved by the City.
  - 2) *Frontage or Area Fees:* A charge to recover the costs of extending the Water Main, if requested by a property owner and if necessary to provide water service to the property.
  - 3) *Water Meter Fee:* A charge to offset the cost of installing a new water meter, including the cost of the meter itself.
  - 4) *Monthly User Charges*

**Sec. 18-28. - Turning on and off water service at the curb stop.**

- a) No person, other than an authorized employee of the Department, shall turn on or off any water service at the curb stop.
- b) No person shall remove the cover from any curb stop or place any dirt, stone, or other obstruction in it, or tamper with it in any way so as to obstruct the use thereof. No person shall impede the Department's ability to operate the curb stop by placing items, including but not limited to vehicles, on top of it. In addition to the penalties described in Sec. 1-8 and any other legal remedies that may be available, the City may take steps to remove the obstruction necessary to access and operate the curb stop and pass along all costs associated with doing so to the customer.

**Sec. 18-29. - Water meters.**

All premises using water shall be metered. No person except a Department employee shall change the location of, alter, or interfere in any way with, any water meter.

**Sec. 18-30. - Access to meters.**

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

**Sec. 18-31. - Reimbursement for damage to meters.**

Any damage which a meter may sustain resulting from carelessness of the owner, agent, or tenant or from neglect of the owner, agent, or tenant to properly secure and protect the meter, as well as any damage which may be wrought by frost, hot water or steam backing from a boiler, shall be paid by the owner of the property to the City on presentation of a bill which shall be based on time and materials, and shall be collected as specified in Article IV of this chapter for the collection of service charges.

**Sec. 18-32. - Fire hydrant use.**

No person shall open or use any fire hydrant connected with the City water distribution system unless duly authorized by the Superintendent to do so.

**Sec. 18-33. - Water emergency orders.**

The City Manager may regulate, limit, or prohibit the use of water for any purpose. Such regulations shall restrict less essential water uses to the extent deemed necessary to assure an adequate supply for essential domestic and commercial needs and for firefighting. No such regulation, limitation, or prohibition shall be effective until twenty-four (24) hours after the publication thereof in a newspaper of general circulation in the City. Any person violating any such rule or regulation shall, upon conviction thereof, be punished as prescribed in section 1-8.

**Sec. 18-34. - Additional regulations.**

The City Manager may make and issue additional rules and regulations concerning the water distribution system, and connections thereto, including water meter repair and replacement, not inconsistent herewith. Such rules and regulations shall be effective upon approval by the City Council.

**Sec. 18-35. - Injury to facilities.**

No person, except an employee of the City in the performance of his duties, shall wilfully or carelessly break, damage, destroy, uncover, deface or tamper with any structure, appurtenances or equipment which is a part of the City water distribution system.

**Sec. 18-36. - Cross connections.**

- a) The City adopts by reference the water supply cross connections rules and regulations included in Part 14 of the Michigan Safe Drinking Water Act Administrative Rules (SDWA).
- b) It shall be the duty of the Department to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply are deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be as established by the Department.
- c) The representative of the Department shall have the right to enter at any reasonable time any property served by a connection to the public water supply of the City for the purpose of inspecting the piping system or systems thereof for cross connections. On request the owner, lessees or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections.

- d) The Department is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this Section exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply system. Water service to such property shall not be restored until the cross connection has been eliminated in compliance with the provisions of this Section.
- e) The potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified by this Section and by the State Plumbing Code. Any water outlet which could be supplied by a non-potable source must be labeled in a conspicuous manner as:

WATER UNSAFE  
FOR DRINKING

- f) This Section does not supersede Michigan Drinking Water Act 399 or the State Plumbing Code but is supplementary thereto.

**Sec. 18-37 - Groundwater Protection - Declaration of necessity.**

The City desires to promote the public health, safety, and general welfare, minimize public and private losses due to contamination of the public water supply, maximize groundwater protection/pollution abatement control procedures in order to:

- a) Protect human life and health;
- b) Minimize expenditure of public money for costly pollution remediation projects;
- c) Minimize regulations on land use;
- d) Minimize business interruptions;
- e) Insure that the public is provided with a safe potable water supply now and for future generations;
- f) Protect the natural resources of the State.

**Sec. 18-38 - Groundwater Protection - Methods of reducing potential contamination.**

In order to accomplish the goals stated in Sec. 18-42, the City shall employ the following methods:

- a) Establish a groundwater protection area, which means that area within the defined "Capture Zones" of the municipal wells.
- b) Inventory and plot on a map all potential sources of contamination within the designated groundwater protection area.
- c) Frequent monitoring of existing and future activities within the groundwater protection area that have been identified as potential sources of contamination.
- d) Develop contingency plans for alternative drinking water supplies to help mitigate contamination of the current public water supply.
- e) Site new wells properly to maximize yield and minimize potential contamination.
- f) Educate the public on groundwater, where it comes from, how it becomes contaminated, and the ways to protect it.
- g) Provide technical assistance to private well owners in the abandonment of wells.
- h) Promote the USDA Conservation Reserve Program to farmland owners within the defined "capture zones".

- i) Submit a copy of this program to the Michigan Department of Environment, Great Lakes, and Energy for consent and approval.

#### **Sec. 18-39. Private Water Wells**

- 1) Definitions. The following definitions shall apply in the interpretation of this Section:

- a) "Construction site dewatering" means temporary removal of ground water from an excavating site.
- b) "Owner" means the person holding the legal or equitable title to real property or a lesser estate therein, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, lessee or any other person, firm or corporation directly or indirectly in control of a building, structure or real property or his duly authorized agent.
- c) "Person" means any individual, partnership, corporation, limited liability company, association, organization or other legal entity.
- d) "City" means the City of Rogers City.
- e) "City water service" means the water supplied by the City of Rogers City.
- f) "Water well" means a hole drilled or bored into the earth for the purpose of removing water through mechanical or non-mechanical means.

- 2) Private Water Well Prohibited. Except as provided in Subsection (3), no person shall install, construct, develop, maintain or use a water well within the City. No person shall use a water well described in Subsection 3b to serve a building or property not served by that well on January 1, 2024.

- 3) Permitted Water Wells. The following water wells are permitted within the City under the terms and conditions specified:

- a) A water well used solely for the purpose of construction site dewatering or for conducting response activities, including sampling or treatment of the groundwater.
- b) A water well lawfully in existence at the time of the enactment of this *Section*, provided, however, the size of such water well shall not be expanded.
- c) A water well for new development when a water main is not located within 200 feet of the property, provided that the water from the water well is tested annually and approved for human consumption by the Michigan Department of Environmental Quality, or the County-health department.
- d) A water well authorized in advance by the City Council subject to the following:
  - 1) Connection to the City system is not possible or practical, as determined by City Council;
  - 2) The drilling and operation of the well will not impact public health and safety or the reliable and safe operation of the City water system, as determined by City Council;
  - 3) The property on which the well is proposed is not less than three acres in size;
  - 4) The well may not be used to supply potable water;
  - 5) The well may not be connected to the City water system;
  - 6) The well cannot produce, nor feature a pump with a capacity of, greater than 10 gallons per minute;

- 7) The City reserves the right to inspect the well upon request;
  - 8) The drilling and operation of the well at all times complies with State and County health department rules and regulations;
  - 9) In the event that use of the well is discontinued, it must be capped within 30 days in accordance with applicable State and County health department rules and regulations.
- 4) Connection to City Water Service Required. Except for water wells permitted under Subsection (3) above, the owner of any house, building, or property used for human occupancy, employment, recreation, or other purposes situated within the City and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a water main within 200 feet of the property is hereby required at his or her expense to install suitable plumbing facilities therein, in accordance with the plumbing codes then in effect and enforced within the City and to connect such facilities directly with the City water service in accordance with the requirements of the City of Rogers City Code of Ordinances.
- 5) Violations. Any person who violates any provision of this Section shall be responsible for a municipal civil infraction and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars. Each day this Section is violated shall be considered a separate violation.
- 6) Enforcement Officials. The City Police are authorized to issue municipal civil infraction citations.
- 7) Nuisance Per Se. A violation of this Section is hereby declared to be a nuisance per se and is declared to be offensive to the public health, safety and welfare.
- 8) Civil Remedies. In addition to enforcing this Section through the use of a municipal civil infraction proceeding, the City may initiate proceedings in the Circuit Courts to abate or eliminate the nuisance per se or any other violation of this Section.
- 9) Severability. If any provision of this Section or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any remaining portion or application of this Section which can be given effect without the invalid portion or application.

**Secs. 18-40—18-60. - Reserved.**



**ARTICLE III. - CITY WASTEWATER TREATMENT UTILITY**

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- DIVISION 1. - GENERALLY
- DIVISION 2. - UNSANITARY DEPOSITS, DISCHARGE TO NATURAL OUTLETS PROHIBITED
- DIVISION 3. - PROCESS WASTEWATER
- DIVISION 4. - PRIVATE SEWAGE DISPOSAL
- DIVISION 5. - BUILDING SEWER AND CONNECTIONS
- DIVISION 6. - USE OF THE PUBLIC SEWERS
- DIVISION 7. - DISPOSAL AT POTW TREATMENT PLANT
- DIVISION 8. - FEES FOR INDUSTRIAL PRETREATMENT
- DIVISION 9. - PROTECTION FROM DAMAGE
- DIVISION 10. - POWER AND AUTHORITY OF INSPECTORS
- DIVISION 11. - ENFORCEMENT
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***DIVISION 1. - GENERALLY***

Sec. 18-61. - Purpose and policy.

Sec. 18-62. - Definitions.

Sec. 18-63. - Abbreviations.

Secs. 18-64—18-75. - Reserved.

***Sec. 18-61. - Purpose and policy.***

- a) This article regulates private and public sewers, sewer connections, industrial waste pretreatment facilities and discharge of industrial waste into the city publicly operated treatment works and provides for pollutant limitations, data collection, monitoring and sampling, and provides for penalties for the violation thereof.
- b) The objectives of this article are:
  - 1) To prevent the introduction of pollutants into the wastewater system which will interfere with the normal operation of the system or contaminate the resulting municipal sludge;
  - 2) To prevent the introduction of pollutants into the wastewater system which do not receive adequate treatment in the POTW, and which will pass through the system into receiving waters or the atmosphere or otherwise be incompatible with the system;
  - 3) To improve the opportunity to recycle and reclaim wastewater and sludge from the system.

***Sec. 18-62. - Definitions.***

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this article, shall have the meanings hereinafter designated.

*Act* or *the Act* means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.

*Applicable county health department* means the Presque Isle County Health Department.

*Authorized representative of industrial user* means an authorized representative of an industrial user may be: (a) a principal executive officer of at least the level of vice-president, if the industrial user is a corporation; (b) a general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; or (c) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

*Biochemical oxygen demand (BOD)* means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at twenty (20) degrees Celsius expressed in terms of weight and concentration (milligrams per liter).

*Building drain* means that part of the lowest horizontal piping of a drainage system which receives discharge from drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.

*Building sewer* means the extension from the building drain to the clean-out at the property line.

*Building sewer connection* means the sewer line, which connects the sewer main to the building sewer at the property line and clean-out.

*Capital charge* means charges levied to customers of the wastewater system which are used to pay principal, interest and administrative costs of retiring the debt incurred for construction of the wastewater system. The capital charge shall be in addition to the user charge specified below.

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

*Chemical oxygen demand (COD)* means a measure of the oxygen-consuming capacity of inorganic and organic matter present in water or wastewater. It is expressed as the amount of oxygen consumed from a chemical oxidant in a specified test. It does not differentiate between stable and unstable organic matter and thus does not necessarily correlate with biochemical oxygen demand. Also known as OC and DOC, oxygen consumed and dichromate oxygen consumed, respectively.

*Combined sewer* means a sewer receiving both surface runoff and sewage.

*Commercial waste* means a liquid or water-carried waste material from a commercial business engaged in buying, selling, exchanging goods or engaging in such goods or services.

*Compatible pollutant* means a substance amenable to treatment in the wastewater treatment plant such as biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the NPDES permit if the publicly owned treatment works was designed to treat such pollutants, and in fact does remove such pollutant to a substantial degree. Examples of such additional pollutants may include: chemical oxygen demand, total organic carbon, phosphorus and phosphorus compounds, nitrogen compounds, fats, oils and greases of animal or vegetable origin.

*Composite sample* means a series of samples taken over a specific time period whose volume is proportional to the flow in the waste stream, which are combined into one (1) sample.

*Connection fees* means the permit fees charged to defray the administrative, construction and the connection costs of installing a lateral line from the sewer main to the clean-out at the property line of the user.

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

*Direct discharge* means the discharge of treated or untreated wastewater directly to the waters of the state.

*Director* means the city manager or his authorized representative.

*Environmental Protection Agency, or EPA* means the U.S. Environmental Protection Agency, administrator, or other duly authorized official.

*Frontage or Area Fees* means a fee charged (for construction after July 1, 2002) to recover the costs of extending the mains and providing the service.

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

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

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

*Incompatible pollutants* means any pollutant which is not a compatible pollutant.

*Indirect discharge* means the discharge or the introduction of nondomestic pollutants into the POTW (including holding tank waste discharged into the system).

*Industrial wastes* means the wastewater discharges from industrial, manufacturing, trade or business processes, or wastewater discharge from any structure with these characteristics, as distinct from their employees' domestic wastes or wastes from sanitary conveniences.

*Interference* means the inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the city's NPDES permit or reduces the efficiency of the POTW. The term also includes prevention or sewage sludge use or disposal by the POTW.

*Laboratory determination* means the measurements, tests and analyses of the characteristics of waters and wastes in accordance with the methods contained in the latest edition at the time of any such measurement, test, or analysis of "Standard Methods for Examination of Water and Waste Water," a joint publication of the American Public Health Association, the American Waterworks Association, and the Water Pollution Control Federation or in accordance with any other method prescribed by the rules and regulations promulgated pursuant to this article.

*Majority contributing industry* means any industrial user of the publicly owned treatment works that:

- 1) Has a flow of fifty thousand (50,000) gallons or more per average work day;
- 2) Has a flow greater than five (5) percent of the flow carried by the municipality receiving the wastes;
- 3) Has in its waste a toxic pollutant in toxic amounts as defined in the standards under section 307(a) of the Federal Water Pollution Control Act of 1972; or
- 4) Is found by the permit issuance authority in connection with the issuance of NPDES permit to the publicly owned treatment works receiving the waste, to significantly impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works. All major contributing industries shall be monitored.

*National categorical pretreatment standard or pretreatment standard* means any federal regulation containing pollutant discharge limits promulgated by the EPA which applies to a specific category of industrial users.

*National pollution discharge elimination system or NPDES permit* means a permit issued pursuant to section 402 of the Act (33 U.S.C. 1342).

*National prohibitive discharge standard or prohibitive discharge standard* means any regulation developed under the authority of 307(b) of the Act and 40 CFR, section 402.5.

*Natural outlet* means any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

*New source* means any source, the construction of which is commenced after October 1, 1990.

*Normal domestic sewage (NDS)* means wastewater which, when analyzed, shows a daily average concentration of not more than two hundred (200) milligrams per liter of BOD; nor more than two hundred (200) milligrams per liter of suspended solids; nor more than five (5) milligrams per liter of phosphorus.

*Operation and maintenance* means all work, materials, equipment, utilities and other effort required to operate and maintain the wastewater transportation and treatment system consistent with insuring adequate treatment of

wastewater to produce an effluent in compliance with the NPDES permit and other applicable state and federal regulations, and includes the cost of replacement.

*Owner* means owner of record of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or other person, firm or corporation in control of a building.

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

*pH* means the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

*Pollutant* means any of the various chemicals, substances and refuse materials such as solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, radioactive materials, heat, and industrial, municipal, and agricultural wastes which impair the purity of the water and soil.

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

*POTW treatment plant* means that portion of the POTW designed to provide treatment to wastewater.

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

*Pretreatment requirements* means any substantive or procedural requirement for treating of a waste prior to inclusion in the POTW.

*Properly shredded garbage* means the wastes from the preparation, cooking and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

*Publicly owned treatment works (POTW)* means a treatment works as defined by section 212 of the Act (33 U.S.C. 1292), which is owned in this instance by the city. This definition includes any sewers that convey wastewater to the POTW treatment plant. For the purposes of this article, "POTW" shall also include any sewers that convey wastewater to the POTW from persons outside the city who are, by contract or agreement with the city, users of the city's POTW.

*Public sewer* means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

*Ready To Serve Fee* means the customers' financial contribution toward pre-existing and ongoing system costs.

*Replacement* means the replacement in whole or in part of any equipment, appurtenances and accessories in the wastewater transportation or treatment systems to ensure continuous treatment of wastewater transportation or treatment system to insure continuous treatment of wastewater in accordance with the NPDES permit and other applicable state and federal regulations.

*Sanitary sewage* means a liquid or water-carried waste discharged from the sanitary conveniences of dwellings including but not limited to residential homes, apartment houses and hotels, office buildings, commercial businesses or industrial plants.

*Sanitary sewer* means a sewer which carries sewage and to which storm, surface and groundwaters are not intentionally admitted.

*Sewage* means a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such groundwater as may be present.

*Sewage treatment plant or wastewater treatment plant* means any arrangement of devices and structures used for treating sewage.

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

*Sewer* means a pipe or conduit for carrying sewage.

*Sewer service charge* means the sum of the applicable user charge, surcharges and capital charges.

*Significant industrial user* means any industrial user of the city's wastewater disposal system who:

- 1) Has a discharge flow of twenty-five thousand (25,000) gallons or more per average work day; or
- 2) Has a flow greater than five (5) percent of the flow in the city's wastewater treatment system; or
- 3) Has in his wastes toxic pollutants as defined pursuant to section 307 of the Act, state statutes, and rules; or
- 4) Is found by the city, Michigan Department of Natural Resources, or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.

*Slug load* means any substance released in a discharge at a rate and/or concentration which causes interference to a POTW.

*Standard industrial classification (SIC)* means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

*Storm sewer or storm drain* means a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

*Stormwater* means any flow occurring during or following any form of natural precipitation and resulting therefrom.

*Superintendent* means the person designated by the city to supervise the operation of the publicly owned treatment works, who is charged with certain duties and responsibilities by this article, or his duly authorized representative.

*Surcharge* means as part of the service charge, any customer discharging wastewater having strength in excess of limits set forth by the city shall be required to pay an additional charge to cover the cost of treatment of such excess strength wastewater.

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

*Tap-In Fee* means the fee established to offset City costs to tap services into sanitary sewer mains and provide a building sewer connection.

*Toxic pollutant* means any pollutant or combination of pollutants which is or can potentially be harmful to public health or environment including those listed as toxic in regulations promulgated by the administrator of the environmental protection agency under the provisions of the Clean Water Act 307(a) or other acts.

*Uncontaminated industrial waste* means wastewater which has not come into contact with any substance used in or incidental to industrial processing operations and to which no chemical or other substance has been added.

*User* means any person who contributes, causes or permits the contribution of wastewater into the POTW.

*User charge* means a charge levied on users of a treatment works for the cost of operation and maintenance of sewerage works pursuant to section 204(b) of PL 92-500 and includes the cost of replacement.

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

- 1) *Residential user* means a user of the treatment works whose premises or buildings are used primarily as a domicile for one (1) or more persons, including dwelling units such as detached, semi-detached, and row houses, mobile homes, apartments, or permanent multifamily dwellings. Transient lodging is not included; it is considered commercial.
- 2) *Industrial user* means any user who discharges industrial wastes.
- 3) *Commercial user* means an establishment listed in the Office of the Management and Budget's "Standard Industrial Classification Manual" (SICM), involved in a commercial enterprise, business, or service which, based on a determination by the city, discharges primarily segregated domestic wastes or wastes from sanitary conveniences and which is not a residential user or an industrial user.
- 4) *Institutional user* means any establishment listed in the SICM involved in a social, charitable, religious or educational function which, based on a determination by the city, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.
- 5) *Governmental user* means any federal, state or local government user of the wastewater treatment works.

*Wastewater* means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water, and stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

*Watercourse* means a channel in which a flow of water occurs, either continuously or intermittently.

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

#### **Sec. 18-63. - Abbreviations.**

The following abbreviations used in this article shall have the designated meanings:

- 1) BOD—Biochemical Oxygen Demand.
- 2) CFR—Code of Federal Regulations.

- 3) COD—Chemical Oxygen Demand.
- 4) EPA—Environmental Protection Agency.
- 5) l—Liter.
- 6) mg—Milligrams.
- 7) mg/l—Milligrams Per Liter.
- 8) NDS—Normal Domestic Sewage.
- 9) NPDES—National Pollutant Discharge Elimination System.
- 10) P—Phosphorus.
- 11) POTW—Publicly Owned Treatment Works.
- 12) SIC—Standard Industrial Classification.
- 13) SICM—Standard Industrial Classification Manual.
- 14) SS—Suspended Solids.
- 15) SWDA—Solid Waste Disposal Act, 42 U.S.C. 6901 et seq.
- 16) O&M—Operation and Maintenance.
- 17) CWA—Clean Water Act.

**Secs. 18-64—18-75. - Reserved.**



**Rogers City, Michigan, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 18 - UTILITIES >>  
ARTICLE III. - CITY WASTEWATER TREATMENT UTILITY >> DIVISION 2. - UNSANITARY DEPOSITS, DISCHARGE TO  
NATURAL OUTLETS PROHIBITED>>**

***DIVISION 2. - UNSANITARY DEPOSITS, DISCHARGE TO NATURAL OUTLETS PROHIBITED***

Sec. 18-76. - Waste deposits.  
Sec. 18-77. - Water pollution.  
Sec. 18-78. - Privies and septic tanks.  
Sec. 18-79. - Sewer connection required.  
Secs. 18-80—18-90. - Reserved.

**Sec. 18-76. - Waste deposits.**

It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner upon public property within the city, or in any area under the jurisdiction of the city, any human or animal excrement, garbage or other objectionable waste.

**Sec. 18-77. - Water pollution.**

It shall be unlawful, when sewage and/or treatment facilities are available, to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any sanitary sewage, industrial wastes or other polluted waters, unless specifically permitted by the applicable county health department.

**Sec. 18-78. - Privies and septic tanks.**

It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage, unless specifically permitted by the applicable county health department or as hereinafter provided.

**Sec. 18-79. - Sewer connection required.**

The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the city, is hereby required at his expense to install suitable sewage facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article, within ninety (90) days after date of official notice to do so.

**Secs. 18-80—18-90. – Reserved**

**DIVISION 3. - PROCESS WASTEWATER**

Sec. 18-91. - Wastewater contribution information.

Sec. 18-92. - Discharge modifications.

Sec. 18-93. - Discharge conditions.

Sec. 18-94. - Compliance date report.

Sec. 18-95. - Periodic compliance reports.

Sec. 18-96. - Monitoring facilities.

Sec. 18-97. - Inspection and sampling.

Sec. 18-98. - Pretreatment.

Sec. 18-99. - Confidential information.

Secs. 18-100—18-110. - Reserved.

**Sec. 18-91. - Wastewater contribution information.**

- a) Any industry or structure discharging process flow to the sanitary sewer, storm sewer or receiving stream shall file the material listed below with the director. Any industry which does not normally discharge to the sanitary sewer, storm sewer or receiving stream, but has the potential to do so from accidental spills or similar circumstances, shall also file the material listed below. The director may require each person who applies for or receives sewer service, or through the nature of the enterprise creates a potential environmental problem, to file the material listed below on a disclosure form prescribed by the city:

- 1) Name, address and location (if different from the address);
- 2) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- 3) Wastewater constituents and characteristics including, but not limited to, those mentioned in division 1 of this article as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with the procedures and methods detailed in:
  - A) "Standard Methods for the Examination of Water and Wastewater," American Public Health Association, current edition.
  - B) "Manual of Methods for Chemical Analysis of Water and Wastes," United States Environmental Protection Agency, current edition.
  - C) "Annual Book of Standards, Part 131, Water, Atmospheric Analysis," American Society of Testing Materials, current edition.
- 4) Time and duration of contribution;
- 5) Average daily wastewater flow rates, including daily, monthly and seasonal variations, if any;
- 6) Industries identified as significant industries or subject to the national categorical pretreatment standards, or those required by the city must submit site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, sewer connections and appurtenances by the size, location and elevation;
- 7) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;

- 8) Where known, the nature and concentration of any pollutants in the discharge which are limited by any city, state or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis, and if not, whether additional operation and maintenance and/or additional pretreatment is required by the industrial user to meet applicable pretreatment standards;
  - 9) If additional pretreatment and/or operation and maintenance will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:
    - A) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards.
    - B) No increment referred to in subsection (a)(9)a. shall exceed nine (9) months.
    - C) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the director including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the director;
  - 10) Each product produced by type, amount, process or processes, and rate of production;
  - 11) Type and amount of raw materials processed, average and maximum per day;
  - 12) Number and type of employees, hours of operation of plant, and proposed or actual hours of operation of pretreatment system;
  - 13) Any other information as may be deemed by the city to be necessary to evaluate the impact of the discharge on the POTW.
- b) The disclosure form shall be signed by a principal executive officer of the user and a qualified engineer. The city will evaluate the complete disclosure form and data furnished and may require additional information. Within ninety (90) days after full evaluation and acceptance of the data furnished, the city shall notify the user of the acceptance thereof.

**Sec. 18-92. - Discharge modifications.**

Within nine (9) months of the promulgation or revision of a national categorical pretreatment standard, all affected users must submit to the city the information required by section 29-91(a)(8) and (9).

**Sec. 18-93. - Discharge conditions.**

Wastewater discharges shall be expressly subject to all provisions of this article and all other applicable regulations, user charges, and fees established by the city. The city may:

- 1) Set unit charges or a schedule of user charges and fees for the wastewater to be discharged to the POTW;
- 2) Limit the average and maximum wastewater constituents and characteristics;

- 3) Limit the average and maximum rate and time of discharge or make requirements for flow regulations and equalization;
- 4) Require the installation and maintenance of inspection and sampling facilities;
- 5) Establish specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests, and reporting schedule;
- 6) Establish compliance schedules;
- 7) Require submission of technical reports or discharge reports;
- 8) Require the maintaining, retaining and furnishing of plant records relating to wastewater discharge as specified by the city, and affording city access thereto, and copying thereof;
- 9) Require notification of the city for any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
- 10) Require notification of slug discharges;
- 11) Require other conditions as deemed appropriate by the city to ensure compliance with this article;
- 12) Require waste treatment facilities, process facilities, waste streams, or other potential waste problems to be placed under the specific supervision and control of persons who have been certified by an appropriate state agency as properly qualified to supervise such facilities;
- 13) Require records and file reports to be maintained on the final disposal of specific liquids, solids, sludge, oils, radioactive materials, solvents or other wastes.

**Sec. 18-94. - Compliance date report.**

Within ninety (90) days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the director a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement will be signed by an authorized representative of the industrial user, and certified to by a qualified representative.

**Sec. 18-95. - Periodic compliance reports.**

- a) Any user or new source discharging into the POTW, shall submit to the director during the months of June and December, unless required more frequently in pretreatment standard or by the director, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards or this article. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in section 29-93(3). At the discretion of the director and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the director may agree to alter the months during which the above reports are to be submitted.

- b) The director may also impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases in which the imposition of mass limitations is appropriate. In such cases, the report required by subsection (a) shall also indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user.

**Sec. 18-96. - Monitoring facilities.**

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

**Sec. 18-97. - Inspection and sampling.**

The city shall inspect the facilities of any user to ascertain whether the purpose of this article is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the city or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination, records copying or in the performance of any of their duties. The city, state department of natural resources, and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring, and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the city, state department of natural resources, and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

**Sec. 18-98. - Pretreatment.**

- a) Industrial users shall provide necessary wastewater treatment as required to comply with this article and shall achieve compliance with all national categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations and as required by the city. Any facilities required to pretreat wastewater to a level acceptable to the city shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the city for review, and shall be approved by the city before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this article. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the city prior to the user's initiation of the changes.
- b) The city shall annually publish in the major local newspaper a list of the users which were not in compliance with any pretreatment requirements or standards at least once during the twelve (12) previous months. The notification shall also summarize any enforcement actions taken against the user during the same twelve (12) months.
- c) All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or state department of natural resources upon request.

**Sec. 18-99. - Confidential information.**

- a) Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the city that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.
- b) When requested by the person furnishing a report, the portion of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to this article, the national pollutant discharge elimination system (NPDES) permit, or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.
- c) Information accepted by the city as confidential shall not be transmitted to any governmental agency or to the general public by the city until and unless a ten-day notification is given to the user.

***DIVISION 4. - PRIVATE SEWAGE DISPOSAL***

Sec. 18-111. - Public sewer unavailable.  
Sec. 18-112. - Isolation from municipal water supply.  
Sec. 18-113. - Availability of public sewer.  
Sec. 18-114. - Owner to bear costs.  
Sec. 18-115. - Additional requirements.  
Secs. 18-116—18-135. - Reserved.

**Sec. 18-111. - Public sewer unavailable.**

Where a public sewer is not available under the provisions of section 18-79, the building sewer shall be connected to an approved private sewage disposal system.

**Sec. 18-112. - Isolation from municipal water supply.**

No private sewage disposal system of any nature, design or method shall be within two hundred (200) feet of a well used as a source of a municipal water supply.

**Sec. 18-113. - Availability of public sewer.**

At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in section 18-79, a direct connection shall be made to the public sewer in compliance with this article, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned for sanitary use, cleaned of sludge, and filled with clean bank-run gravel, or dirt.

**Sec. 18-114. - Owner to bear costs.**

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the city.

**Sec. 18-115. - Additional requirements.**

No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by any other agency having legal jurisdiction.

**Secs. 18-116—18-135. - Reserved.**

**DIVISION 5. - BUILDING SEWER AND CONNECTIONS**

Sec. 18-136. - Sewer connection permit.  
Sec. 18-137. - Permit fee.  
Sec. 18-138. - Installation costs.  
Sec. 18-139. - Separate building sewer.  
Sec. 18-140. - Old building sewers.  
Sec. 18-141. - Materials.  
Sec. 18-142. - Size and slope.  
Sec. 18-143. - Elevation.  
Sec. 18-144. - Artificial lift.  
Sec. 18-145. - Joints and connections.  
Sec. 18-146. - Capacity.  
Sec. 18-147. - Cleanout.  
Sec. 18-148. - Construction.  
Sec. 18-149. - Excavations.  
Sec. 18-150. - Additional regulations.  
Secs. 18-151—18-160. - Reserved.

**Sec. 18-136. - Sewer connection permit.**

No person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof, without first obtaining a written permit from the director. No building sewer shall be covered until after it has been inspected and approved by the director.

**Sec. 18-137. - Permit fee.**

Application for connection to the city sanitary sewer system shall be made on forms provided by the city. All connections to the sanitary sewer system of the City shall be made only on written authorization and permits issued by the City and upon payment of applicable *Connection Fees* established as follows:

- 1) The sanitary sewer connection fees shall be as prescribed by resolution of City Council and adjusted accordingly to reflect the costs of providing the services.

The *Connection Fees* shall be as follows: *(See City Fee Schedule)*

- a) *Ready To Serve Fee*: shall be based upon factors including: volume of water used (water service size), wastewater treatment plant capacity, capital costs of pre-existing and ongoing costs of collection and treatment system components, buildings, overhead and administration, land, pumping stations and facility improvements. *Ready to Serve Fee* shall mean: *An initial fee levied on all new connections to the system and/or a onetime fee levied on a user when there is a change in the size of water service line or an increase in volume usage which changes the otherwise applicable Ready to Serve charge. (See Fee Schedule)*
- b) *Tap-In Fee*: A minimum charge *(See Fee Schedule)* shall be based upon costs to cut and remove street pavements and related street features, excavate trenches, tap into sanitary sewer mains and install lead to the property line with clean-out at property line, backfill and compact trenches, repair the street pavement, curb and gutter, sidewalks, landscaping and other related costs. Property owners will be responsible for all costs that exceed the minimum charge. Work, shall be completed by the City of Rogers City or an approved, licensed and insured contractor, in accordance with rules and regulations



- of the City and upon payment of the required connection fees. Work shall be inspected and approved by the City. The property owner is responsible for all installation costs from the property line to the building and the installation shall be inspected and approved by the City. Payments for installation of services must be received prior to beginning work and will be based on actual costs upon completion of work. *Note: For services installed by Special Assessment or by Private Developers, the Tap-In Fee may be reduced or waived, but the full cost of the service connection, including repair of roadway base and pavement, (all to City of Rogers City specifications), shall be paid by the property owner.*
- c) *Frontage or Area Fees: (for construction after July 1, 2002)* may be charged in order to recover the costs of extending the mains and providing the service. *Frontage and Area Fees* may be levied before connection to the system for properties that have never had sewer service previously; or where a sewer main is presently installed to service the premises. *Frontage or Area Fees* will be computed based upon actual costs of providing the services, including the extension of mains and leads to the property line. Note: *Properties in which Special Assessments have been levied or private developers have paid for utility construction, Frontage or Area Fees may be reduced or waived.*
  - d) The sanitary sewer *Connection Fees* shall be waived for utilization of a service which serves a former structure on the property.
  - e) The above *Connection Fees shall not be considered retroactive*. In cases where connection fees, special assessments or agreements have been previously reached and/or paid for, those agreements shall be honored.
- 2) No fee shall be charged for connection to the storm sewer system, but the full cost of the service construction, including repair of roadway base and pavement, (all to City specifications) shall be paid by the property owner.

**Sec. 18-138. - Installation costs.**

All costs and expenses incident to the installation, connection and maintenance of the building sewer to the public sewer connection shall be borne by the owner.

**Sec. 18-139. - Separate building sewer.**

A separate and independent building sewer shall be provided for every building, except where one (1) building stands at the rear of another or an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, yard or driveway, the building sewer from the front building may be extended to the rear building.

**Sec. 18-140. - Old building sewers.**

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the director, to meet all requirements of this article.

**Sec. 18-141. - Materials.**

The building sewer shall be constructed of Schedule 40 PVC plastic pipe, minimum, as approved by the director. The city reserves the right to specify and require the encasement of any sewer pipe with concrete, or the installation of the sewer pipe in a concrete cradle if foundation and construction are such as to warrant such protection in the opinion of the director.

**Sec. 18-142. - Size and slope.**

The size and slope of the building sewer shall be subject to approval by the director, but in no event shall the diameter be less than four (4) inches. The slope of such four-inch pipe shall be not less than one-quarter inch per foot, unless otherwise permitted. The slope of pipe, the diameter of which is six (6) inches or more, shall be not less than one-eighth-inch per foot unless otherwise permitted.

**Sec. 18-143. - Elevation.**

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three (3) feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade. The line shall be straight or laid with properly curved pipe and fittings. Changes in direction greater than forty-five (45) degrees shall be provided with cleanouts accessible for cleaning.

**Sec. 18-144. - Artificial lift.**

In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by artificial means approved by the director, and discharged to the building sewer.

**Sec. 18-145. - Joints and connections.**

All joints and connections shall be made gastight and watertight. All joints shall be inspected and approved by the director.

**Sec. 18-146. - Capacity.**

No sewer connection will be permitted unless there is capacity available in all downstream sewers, lift stations, force mains, and the sewage treatment plant, including capacity for treatment of BOD and suspended solids.

**Sec. 18-147. - Cleanout.**

All newly constructed building sewers shall have properly sized cleanouts at the head of the sewer and at the property line that are accessible at all times. This cleanout shall allow access of sewer cleaning equipment of a size equivalent to the size of the building sewer.

**Sec. 18-148. - Construction.**

All sewers shall be constructed in accordance with the latest edition of the "Ten State Standards."

**Sec. 18-149. - Excavations.**

All excavations for building sewer installation shall be adequately guarded and lighted so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city and in accordance with chapter 25.

**Sec. 18-150. - Additional regulations.**

The city manager may make and issue additional rules and regulations concerning the sewage disposal system, connections, maintenance and appurtenances thereto, not inconsistent herewith. Such rules and regulations shall be effective upon approval by the council.

**Secs. 18-151—18-160. - Reserved.**

**DIVISION 6. - USE OF THE PUBLIC SEWERS**

- Sec. 18-161. - General discharge prohibitions.
- Sec. 18-162. - Specific pollutant limitation.
- Sec. 18-163. - National categorical pretreatment standards.
- Sec. 18-164. - State requirements.
- Sec. 18-165. - City's right of revision.
- Sec. 18-166. - Surface water.
- Sec. 18-167. - Interceptors.
- Sec. 18-168. - Interceptor maintenance.
- Sec. 18-169. - Discharges subject to review.
- Sec. 18-170. - Discharges subject to surcharge.
- Sec. 18-171. - Measurements and tests.
- Sec. 18-172. - Flow determination.
- Sec. 18-173. - Excessive discharges.
- Sec. 18-174. - Accidental discharge.
- Sec. 18-175. - Special agreements.
- Secs. 18-176—18-185. - Reserved.

**Sec. 18-161. - General discharge prohibitions.**

No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to the national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. The city may refuse to accept any wastes which will cause the POTW to violate its NPDES discharge limits. A user may not contribute the following substances to any POTW:

- 1) Any liquids, solids or gases which by reason of their nature and quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.
- 2) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to, grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.
- 3) Any wastewater having a pH less than 6.0 or greater than 9.6, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the POTW.
- 4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or exceed the limitation set forth in a categorical pretreatment standard. This prohibition of toxic pollutants will conform to section 307(a) of the Act.

- 5) Any noxious or malodorous liquids, gases or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
- 6) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludge or scum, to be unsuitable for reclamation and reuse or to interfere with the reclamation process.
- 7) Any substance which will cause the POTW to violate its NPDES permit or the receiving water quality standards.
- 8) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- 9) Any wastewater having a temperature which will inhibit biological activity in the POTW resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds forty (40) degrees Celsius or one hundred four (104) degrees Fahrenheit.
- 10) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which will cause interference to the POTW.
- 11) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the director in compliance with applicable state or federal regulations.
- 12) Any wastewater which causes a hazard to human life or creates a public nuisance.
- 13) Any unpolluted water including, but not limited to stormwater, groundwater, roof water or noncontact cooling water.
- 14) Any waters or wastes containing suspended solids or any constituent of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.
- 15) Any waste from individual sewage disposal systems except at the POTW treatment plant as provided in division 7 of this article, except that waste from any individual sewage disposal system may be disposed of directly into a sanitary sewer upon entering into an agreement with the city, which agreement shall specify the site of disposal, sewage disposal charge, and such other conditions as may be required to satisfy the sanitation and health requirements of the city. For the purpose of this subsection, "individual sewage disposal system" is defined to include every means of disposing of industrial, commercial, household, domestic, or other water-carried sanitary waste or sewage other than a public sanitary sewer.
- 16) Any sludge, precipitate or congealed substances resulting from an industrial or commercial process, or resulting from the pretreatment of wastewater or air pollutants.

**Sec. 18-162. - Specific pollutant limitation.**

- a) No person shall discharge wastewater containing in excess of:
  - (1) .01 mg/l cadmium
  - (2) 1.0 mg/l copper
  - (3) .1 mg/l cyanide
  - (4) .1 mg/l lead
  - (5) Detectable levels of mercury
  - (6) .75 mg/l nickel
  - (7) .005 mg/l silver

- (8) 2.5 mg/l total chromium
- (9) 2.5 mg/l zinc
- (10) 40 mg/l total Kjeldahl nitrogen
- (11) 10 mg/l phenolic compounds which cannot be removed by the POTW wastewater treatment process
- (12) 700 mg/l COD
- (13) 100 mg/l by weight of fat, oil or grease
- (14) 200 mg/l BOD
- (15) 200 mg/l suspended solids
- (16) 5 mg/l phosphorus
- (17) 50 mg/l iron
- (18) 15 mg/l chlorine demand at 30 minutes
- (19) Detectable levels of polychlorinated biphenyl

- b) Should the above concentrations, either individually or in combination with one another, interfere with the sewage treatment process, or cause difficulties or damage to the receiving waters, the maximum concentrations of these substances will be reduced by order of the director.
- c) Should any other substance either individually or in combination with other substances interfere with the sewage treatment process or cause damage to the receiving waters or affect the sanitary or storm sewer system, the allowable concentration of these substances will be reduced by order of the director. Should the director determine that the above limits can be raised without damage to the sewer system or the sewage plant exceeding the state or federal limits, then the director may raise the limits, and shall determine the individual concentrations depending on quantity of flow, equipment capabilities, reliability of testing, etc.

**Sec. 18-163. - National categorical pretreatment standards.**

Upon the promulgation of the national categorical pretreatment standards for a particular subcategory, the pretreatment standard, if more stringent than limitations imposed under this article for sources in that subcategory, shall immediately supersede the limitations imposed under this article and shall be considered part of this article. The director shall notify all affected users of the applicable reporting requirements.

**Sec. 18-164. - State requirements.**

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this article.

**Sec. 18-165. - City's right of revision.**

The city reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in division 1 of this article.

**Sec. 18-166. - Surface water.**

- a) No user shall discharge or cause to be discharged any stormwater, surface water, groundwater, water from footing drains, or roof water to any sanitary sewer or sewer connection. Any premises connected to a storm sewer shall comply with county, state and federal requirements as well as those of the city.
- b) Downspouts and roof leaders shall be disconnected from sanitary sewers by April 1, 1990. If this is not done, the city shall perform this work and bill the user.

- c) Stormwater, groundwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as combined sewers or storm sewers. Discharge of cooling water or unpolluted process water to a natural outlet shall be approved only by the state water resources commission.

**Sec. 18-167. - Interceptors.**

Grease, oil and sand interceptors shall be provided when in the opinion of the director they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand, and other harmful ingredients, except that such interceptors shall not be required for private living quarters of dwelling units. All interceptors shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers, which when bolted in place shall be gastight and watertight.

**Sec. 18-168. - Interceptor maintenance.**

Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

**Sec. 18-169. - Discharges subject to review.**

- a) The admission into the public sewers or any waters or wastes containing the following shall be subject to review and approval by the director:
  - (1) Five-day BOD greater than two hundred (200) parts per million by weight;
  - (2) More than two hundred (200) parts per million by weight of suspended solids;
  - (3) More than five (5) parts per million by weight of phosphorus;
  - (4) Any quantity of substances having the characteristics described in section 29-161; or
  - (5) Average daily flow greater than two (2) percent of the average daily sewage flow of the city, or having a rate of flow (gallons per day) greater than ten (10) percent of the average daily city flow for a period of one (1) hour or more.
- b) here necessary in the opinion of the city, the owner shall provide at his expense, such preliminary treatment as may be necessary to reduce the five-day BOD, suspended solids, and phosphorus to the concentrations given in subsections (a)(1), (2), and (3) above, or to reduce objectionable characteristics of constituents to within the maximum limits provided for in section 29-161, or control the quantities and rates of discharge of such waters or wastes.

**Sec. 18-170. - Discharges subject to surcharge.**

- a) Where the strength of sewage from an industrial, commercial or institutional establishment exceeds two hundred (200) parts per million by weight of biochemical oxygen demand or two hundred (200) parts per million by weight of suspended solids or five (5) parts per million by weight of phosphorus, and where such wastes are permitted to be discharged to the sewer system by the director, an added charge, as noted below, will be made against such establishment according to the strength of such wastes. The strength of such wastes shall be determined by composite samples taken over a sufficient period of time to insure a representative sample. The cost of taking and making the first of these samples shall be borne by the city. The cost of any subsequent sampling and testing shall be borne by the industry or establishment, whether owner or lessee. Tests shall be made by an independent laboratory or at the city wastewater treatment plant.
- b) Added charges shall be determined by the city. These charges shall be based on the cost of operation, maintenance and equipment replacement for the sewage works.

**Sec. 18-171. - Measurements and tests.**

All measurements, tests and analyses of the characteristics of water to which reference is made in sections 18-161 and 18-169 shall be determined in accordance with the latest edition at the time of "Standard Methods for Examination of Water and Sewage," and shall be determined at the control manhole provided for in section 18-96, or upon suitable samples taken at the control manhole. If no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

**Sec. 18-172. - Flow determination.**

To determine the sewage flow from any establishment, the director may use one (1) of the following methods:

- 1) The amount of water supplied to the premises by the city or a private water company as shown upon the water meter if the premises are metered;
- 2) If such premises are supplied with river water or water from private wells, the amount of water supplied from such sources as estimated by the director from the water, gas or electric supply;
- 3) If such premises are used for an industrial or commercial purpose of such a nature that the water supplied to the premises cannot be entirely discharged into the sewer system, the estimate of the amount of sewage discharged into the sewer system made by the director from the water, gas or electric supply;
- 4) The number of gallons of sewage discharged into the sewer system as determined by measurements and samples taken at a manhole installed by the owner of the property served by the sewer system at his own expense in accordance with the terms and conditions of the permit issued by the director pursuant to division 6 of this article; or
- 5) A figure determined by the director by any combination of the foregoing or by any other equitable method.

**Sec. 18-173. - Excessive discharges.**

No user shall ever increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the national categorical pretreatment standards, or in any other pollutant-specific limitation developed by the city or state. Dilution may be an acceptable means of complying with some of the prohibitions set forth in section 29-161, upon prior written approval of the director.

**Sec. 18-174. - Accidental discharge.**

- a) *Generally.* Where required, a user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this article. Facilities to prevent accidental discharge or prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the city for review, and shall be approved by the city before construction of the facility. All required users shall complete such a plan within one hundred eighty (180) days after the adoption of Ordinance No. 90-05. If required by the city, a user who commences contribution to the POTW after the effective date of Ordinance No. 90-05 shall not be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the city. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this article. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume and corrective actions.

- b) *Written notice.* Within five (5) days following an accidental discharge, the user shall submit to the director a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.
- c) *Notice to employees.* A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees of whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

**Sec. 18-175. - Special agreements.**

No statement contained in this division shall be construed as preventing any special agreement or arrangement between the city and any person whereby waste of unusual strength of character may be accepted by the city, subject to payment therefor by the person provided such waste will not damage the sanitary sewer or storm sewer or sewage treatment plant or the receiving waters.

**Secs. 18-176—18-185. - Reserved.**



***DIVISION 7. - DISPOSAL AT POTW TREATMENT PLANT***

Sec. 18-186. - Individual sewage system wastes.

Sec. 18-187. - Rates.

Secs. 18-188—18-200. - Reserved.

**Sec. 18-186. - Individual sewage system wastes.**

Waste from individual sewage systems may be accepted with permission of the superintendent at the POTW treatment plant. No waters or wastes described in section 18-161(15) shall be disposed of at the POTW treatment plant.

**Sec. 18-187. - Rates.**

Rates for disposal at the POTW treatment plant shall be determined by the superintendent at the time of acceptance.

**Secs. 18-188—18-200. - Reserved.**

***DIVISION 8. - FEES FOR INDUSTRIAL PRETREATMENT***

Sec. 18-201. - Purpose.

Sec. 18-202. - Description of charges and fees.

Secs. 18-203—18-215. - Reserved.

**Sec. 18-201. - Purpose.**

It is the purpose of this article to provide for the recovery of costs from users of the POTW for the implementation of the pretreatment program established herein. The applicable charges or fees shall be set forth in the city's schedule of charges and fees.

**Sec. 18-202. - Description of charges and fees.**

- a) The city shall establish and charge fees for:
  - (1) Reimbursement of costs of setting up and operating the pretreatment program;
  - (2) Monitoring, inspections and surveillance procedures;
  - (3) Reviewing accidental discharge procedures and construction;
  - (4) Filing appeals;
  - (5) Consistent removal by the city of pollutants otherwise subject to federal pretreatment standards; and
  - (6) Others as the city may deem necessary to carry out the requirements contained herein.
- b) Additional surcharges may be made by the city to compensate the city for the cost of treatment of pollutant loadings not normally treated at or in excess of those treated by the POTW.
- c) There shall be additional charges for laboratory testing of wastewater. The laboratory charge shall be for the cost thereof and will be determined for each industrial user.
- d) The charges and fees for the services provided by the system shall be levied upon any user which may have any sewer connections with the POTW and which discharges industrial waste to the POTW or any part thereof. Such charges shall be based upon the quantity and quality of industrial wastewater used thereon or therein.

**Secs. 18-203—18-215. – Reserved.**

***DIVISION 9. - PROTECTION FROM DAMAGE***

Sec. 18-216. - Protection from damage.

Secs. 18-217—18-230. - Reserved.

**Sec. 18-216. - Protection from damage.**

No unauthorized person shall enter or maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the municipal sewage works.

**Secs. 18-217—18-230. - Reserved.**

***DIVISION 10. - POWER AND AUTHORITY OF INSPECTORS***

Sec. 18-231. - Right of entry.

Sec. 18-232. - Indemnification.

Secs. 18-233—18-245. - Reserved.

***Sec. 18-231. - Right of entry.***

The director and other duly authorized employees of the city acting as his duly authorized agent, bearing proper credentials and identification, shall be permitted to enter upon such properties as may be necessary for the purposes of inspection, observation, measurement, sampling and testing in accordance with provisions of this article.

***Sec. 18-232. - Indemnification.***

While performing the necessary work on private properties referred to in section 29-231, the director or other duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death of the city employee and the city shall indemnify the company against loss or damage to its property by city employees or property damage claims asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions are required in division 6 of this article.

***Secs. 18-233—18-245. - Reserved.***

**DIVISION 11. - ENFORCEMENT**

Sec. 18-246. - Wastewater discharges.  
Sec. 18-247. - Harmful contribution.  
Sec. 18-248. - Notification of violation.  
Sec. 18-249. - Show cause hearing.  
Sec. 18-250. - Legal action.  
Secs. 18-251—18-260. - Reserved.

**Sec. 18-246. - Wastewater discharges.**

It shall be unlawful to discharge to the waters of the state within the city, or in any area under the jurisdiction of the city, and/or to the POTW any wastewater except as authorized by the director in accordance with the provisions of this article except as provided by an NPDES permit.

**Sec. 18-247. - Harmful contribution.**

- a) The city may suspend the wastewater treatment service when such suspension is necessary, in the opinion of the city, to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment, causes interference to the POTW, or causes the city to violate any condition of its NPDES permit.
- b) The city may seek to terminate the wastewater treatment services to any user which:
  - 1) Fails to factually report the wastewater constituents and characteristics of its discharge;
  - 2) Fails to report significant changes in wastewater constituents or characteristics;
  - 3) Refuses reasonable access to the user's premises by representatives of the city for the purpose of inspection or monitoring; or
  - 4) Violates the conditions of this article, of any final judicial order entered with respect thereto.
- c) Any person notified of a suspension of the wastewater treatment service shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the city shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The city shall reinstate the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the city within fifteen (15) days of the date of occurrence.

**Sec. 18-248. - Notification of violation.**

Whenever the city finds that any user has violated or is violating this article, or any prohibition, limitation of the requirements contained herein, the city may serve upon such person a written notice stating the nature of the violation. Within thirty (30) days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the city by the user.

**Sec. 18-249. - Show cause hearing.**

- a) Any user subject to enforcement action under the provisions of this article may request a hearing within ten (10) days of receipt of notification of a proposed enforcement action. A hearing is to be held by the director concerning the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the director why the proposed enforcement action should not be taken.
- b) The director may conduct the hearing and take the evidence, or may designate any officer or employee to:
  - 1) Issue in the name of the director notices of hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
  - 2) Take the evidence;
  - 3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the director for action thereon.
- c) At any hearing held pursuant to this article, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charge thereof.
- d) After the director has reviewed the evidence, he may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, and that the devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.
- e) The director shall also establish appropriate surcharges or fees to reimburse the city for the additional cost of operation and maintenance of the wastewater treatment works due to the violations of this article.
- f) Any action by the director may be appealed to the council.
- g) Any user for any reason can use this same appeals procedure.

**Sec. 18-250. - Legal action.**

If any user discharges sewage, industrial wastes or other wastes into the city's wastewater disposal system, or violates any other provision of this article contrary to the provisions of this article, federal, or state pretreatment requirements, or any order of the city, the city attorney may commence an action for appropriate legal and/or equitable relief in the court of this county.

**Secs. 18-251—18-260. - Reserved.**

***DIVISION 12. - PENALTIES***

Sec. 18-261. - Notice.

Sec. 18-262. - Penalties generally.

Sec. 18-263. - Penalties for damages.

Sec. 18-264. - Liability for damages.

Sec. 18-265. - Falsifying information.

Secs. 18-266—18-275. - Reserved.

**Sec. 18-261. - Notice.**

Any person found to be violating any provision of this article except section 18-216 shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

**Sec. 18-262. - Penalties generally.**

Any person who continue any violation beyond the time limit provided for in section 18-261 shall be responsible for a municipal civil infraction punishable by a fine of not more than \$500.00. The City Manager or City Police are authorized to issue citations.

**Sec. 18-263. - Penalties for damages.**

In addition to making restitution as provided in section 18-264, any person who violates the provisions of section 18-216 shall be responsible for a municipal civil infraction punishable by a fine of not more than \$500.00. The City Manager or City Police are authorized to issue citations.

**Sec. 18-264. - Liability for damages.**

Any person violating any of the provisions of this article shall become liable to the city for any expense, loss or damage caused the city by reason of such violation.

**Sec. 18-265. - Falsifying information.**

Any person who knowingly makes any false statements, representations or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this article, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this article, shall, upon conviction, be punished by a fine of not more than one thousand dollars (\$1,000.00) or be imprisoned for not more than six (6) months, or both.

**Secs. 18-266—18-275. - Reserved.**

***DIVISION 13. - RECORDS RETENTION***

Sec. 18-276. - Records to be retained.

Secs. 18-277—18-285. - Reserved.

**Sec. 18-276. - Records to be retained.**

All users subject to this article shall retain and preserve for no less than three (3) years, any records, books, documents, memoranda, reports, correspondence, and any and all summaries thereto, relating to monitoring, sampling, and chemical analyses made by or in behalf of a user in connection with the user's discharge. All records which pertain to matters which are the subject of administrative adjustment or any other enforcement or litigation activities brought by the city pursuant hereto shall be retained and preserved by the user until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

**Secs. 18-277—18-285. - Reserved.**



***DIVISION 14. - RECORDS***

Sec. 18-286. - Audit required.

Sec. 18-287. - Annual review of sewer charge system.

Sec. 18-288. - Classification review.

Sec. 18-289. - Insurance.

Secs. 18-290—18-300. - Reserved.

**Sec. 18-286. - Audit required.**

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

**Sec. 18-287. - Annual review of sewer charge system.**

In conjunction with the audit, there shall be an annual review of the sewer charge system for adequacies meeting expected expenditures for the following year and to insure proportionality among user classes as required by federal regulations.

**Sec. 18-288. - Classification review.**

Classification of old and new industrial users also shall be reviewed annually.

**Sec. 18-289. - Insurance.**

The city will maintain and carry insurance on all physical properties of the system, of the kinds and in the amounts normally carried by public utility companies and municipalities engaged in the operation of sewage disposal systems. All monies received for losses under any such insurance policies shall be solely for the replacement and restoration of the property damaged or destroyed.

**Secs. 18-290—18-300. - Reserved.**

***DIVISION 15. - VARIANCES***

Sec. 18-301. - Application for variance.

Secs. 18-302—18-310. - Reserved.

**Sec. 18-301. - Application for variance.**

Any person, upon written application to the city manager's office within ninety (90) days after the effective date of Ordinance No. 90-05, as amended, who shows, in the case of the activity being conducted or operated, that compliance with division 6 of this article would either be impossible or constitute an undue hardship because of time limitations, may be granted a variance by the city manager for a reasonable time, not to extend beyond two (2) years from the effective date of Ordinance No. 90-05, as amended, at which date all variances shall terminate and after which date no new variances will be granted. Any person granted a variance by the city manager within six (6) months from the date of the granting of the variance shall make reports to the city manager periodically as to the progress being made toward compliance with division 6 of this article. A variance shall not be granted under the provisions of this section where a person applying therefor is causing a public nuisance or other injury to the general public, or is subject to a national categorical standard, and any such variances shown to have been granted under these circumstances shall be immediately terminated. Any variance granted under the provisions of this section shall not be construed to relieve the person who shall receive it from any liability or penalties imposed by other law for the commission or maintenance of a nuisance.

**Secs. 18-302—18-310. - Reserved.**

***DIVISION 16. - VALIDITY, SEVERABILITY, CONFLICT***

Sec. 18-311. - Severability.

Sec. 18-312. - Conflict.

Secs. 18-313—18-355. - Reserved.

**Sec. 18-311. - Severability.**

The provisions of this article are severable, and if any of the provisions, words, phrases, clauses, or terms, or the application thereof to any person, or to any circumstances, shall be held invalid, illegal or unconstitutional by any court of competent jurisdiction, such decision or findings shall not in any way affect the validity, legality or constitutionality of any other provision, word, phrase, clause or term, and they shall continue in full force and effect.

**Sec. 18-312. - Conflict.**

All laws and parts of laws, all ordinances, codes and regulations which are inconsistent with or in conflict with or repugnant to any provisions of this article, shall be deemed not to apply; provided that nothing herein contained shall be construed to prevent the adoption and enforcement of a law, ordinance, code or regulation which is more restrictive or establishes a higher standard than those provided in this article.

**Secs. 18-313—18-355. - Reserved.**

**ARTICLE IV. - WATER AND SEWER RATES**

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Sec. 18-356. - Definitions

Sec. 18-357. – Establishment and computation of monthly charges

Sec. 18-358. - Annual audit.

Sec. 18-359. - No free service.

Sec. 18-360. - Annual notification.

Sec. 18-361. - Billing.

Sec. 18-362 – Failed meters

Sec. 18-363 – Inaccurate meters

Sec. 18-364. - Termination of service for nonpayment.

Sec. 18-365. - Collection of delinquent accounts.

Secs. 18-366.—18-375. - Reserved.

**Sec. 18-356. - Definitions.**

The following definitions shall apply in the interpretation of this article:

Base Rate Charge (Sewer) means the flat portion of the monthly sewer bill to metered customers based upon the size of the Water Service Connection to the customer, due whether water is on or off if a Building Sewer Connection is available to the property.

Base Rate Charge (Water) means the flat portion of the monthly water bill to metered customers based upon the size of the Water Service Connection to the customer, due whether water is on or off if a Water Service Connection is available to the property.

Building sewer connection means the sewer line which connects the sewer main to the building sewer at the clean-out at or near the property line and clean-out.

Commodity Charge (Sewer) means the variable portion of the monthly sewer bill based upon use of the sewer system by the customer as determined by the water meter.

Commodity Charge (Water) means the variable portion of the monthly water bill based upon the metered consumption of water by the customer.

Flat Rate Sewer Charge means a monthly fee billed to a non-metered property which is connected to the City sewer system but not to the City water system; fee is based on estimated use and paid instead of a base rate charge or commodity charge; multi-use facility charges may still apply.

Multi-Unit Charge means a per-unit fee included on the monthly sewer and water bills of those who own buildings including three or more units.

Water Service Connection means the appurtenances and piping material inside the City right of way from the water main to and including the curb stop or, in commercial applications, up to at or near the property line.

#### **Sec. 18-357. – Establishment and computation of monthly charges**

Monthly charges for the connection to, and use of, the water and wastewater systems of the City are established annually by resolution of the City Council, to ensure sufficiency of revenues in meeting operation, maintenance and replacement costs, as well as debt retirement and capital costs. Such charges and rates shall be made against all premises with access to a Water Service Connection or Building Sewer Connection. Monthly charges for both water and sewer are based on size of water meter, metered consumption of water, and number of units within the building served. Unmetered buildings with access to sewer but not water are charged a flat rate based on a reasonably assumed rate of consumption determined by the City. The monthly charges applied by the City include the following:

- 1) Base Rate Charge is a flat monthly water and sewer fee based on the diameter of Water Service Connection through which property is served, charged to all metered properties to which a Water Service Connection and/or Building Sewer Connection is available even if the water to the property is shut off.
- 2) Commodity Charge is a variable monthly water and sewer fee based on the metered amount of water consumed, also used to determine customer's use of sanitary sewer system.
- 3) Multi-Unit Charge is a flat monthly per-unit water and sewer fee billed to all multi-unit facilities of three or more.
- 4) Flat Rate Sewer Charge is billed in lieu of the Sewer Base Rate Charge and Sewer Commodity Charge to non-metered properties with access to City sanitary sewer service but not City water service

#### **Sec. 18-358. - Annual audit.**

- a) An annual audit shall be prepared and considered as part of an annual review of the monthly charges. The monthly charges shall be revised as necessary to meet system expenses.

#### **Sec. 18-359. - No free service.**

No free service shall be allowed for any user of the City's **water or** wastewater systems.

#### **Sec. 18-360. - Annual notification.**

All customers of the City's water and/or wastewater systems will receive annually, prior to any revision thereto, a public disclosure of monthly water and sewer charges.

#### **Sec. 18-361. - Billing.**

Charges for water and sewer service shall be billed and collected monthly. All water meters shall be read prior to last day of every-month and bills rendered not later than the seventh of the month following the meter reading. Bill shall be immediately due and payable and may be paid without penalty up to and including the seventeenth day of the month when rendered. If such charges are not paid on or before the applicable due date, a penalty of five (5) percent shall be added thereto.

#### **Sec. 18-362. – Failed meters.**

If any meter shall fail to register properly, the Department shall estimate the consumption on the basis of former consumption and bill accordingly.

#### **Sec. 18-363. - Inaccurate meters.**

- a) A consumer may require that the meter be tested. If the meter is found accurate, a charge will be made as prescribed by resolution of the council. If the meter is found defective, it shall be repaired or an accurate meter installed and no charge shall be made.

- b) A meter shall be considered accurate if, when tested, it registers not to exceed five (5) percent more or five (5) percent less than the actual quantity of water passing through it. If a meter registers in excess of five (5) percent more than the actual quantity of water passing through it, it shall be considered "fast" to that extent. If a meter registers in excess of five (5) percent less than the actual quantity of water passing through it, it shall be considered "slow" to that extent.
- c) If a meter tested at the request of a consumer is determined to register "fast," the City shall credit the consumer with a sum equal to the percent "fast" multiplied by the amount of all bills incurred by the consumer within the three (3) months prior to the test.
- d) If a meter tested at the request of a consumer is determined to register "slow," the City may collect from the consumer a sum equal to the percent "slow" multiplied by the amount of all the bills incurred by the consumer for the prior three (3) months.
- e) When the City, on its own initiative, makes a test of a water meter, it shall be done without cost to the consumer, other than his paying the amount due the City for water used by him as above provided, if the meter is found to be "slow."

**Sec. 18-364. - Termination of service for nonpayment.**

If payment is not received or satisfactory arrangements have not been made within sixty (60) days of the due date on the bill, a shutoff notice will be sent by first-class mail to inform the user that failure to respond will result in termination of water service. If payment is not received or satisfactory arrangements have not been made within seven (7) days after the shutoff notice is sent to the user, the water service shall be shut off. No water service that has been discontinued due to nonpayment shall be restored until all past due bills are paid or satisfactory arrangements for such payment are made. There shall be a water turn-off charge associated with non-payment which shall be established annually by resolution of the City Council.

**Sec. 18-365. – Collection of delinquent accounts**

- a) The City is authorized to enforce the payment of charges for water or sewer service to any premises by discontinuing the water service to such premises, and an action of the assumpsit may be instituted by the city against the customer. The charges for water and sewer service shall be a lien against the premises. The City Treasurer shall, annually on June 1, take necessary actions to have all amounts delinquent by more than 60 days on the next tax roll of the City. Such charges to be assessed shall be collected in the same manner as general City taxes.
- b) In cases where the city is properly notified that a tenant is responsible for water or sewer charges, no such service shall be commenced or continued to such premises until there has been deposited with the City a sum established by City Council. Such deposits may be applied against any delinquent water or sewer charges and the application thereof shall not affect the right of the City to turn off the water service to any premises for any remaining delinquency. Such deposit, or any remaining deposit balance, shall be returned to the customer when the customer discontinues receiving water and/or sewer service with the City.

**Secs. 18-366—18-375. – Reserved.**

## **Chapter 19 - VEGETATION**

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ARTICLE I. - IN GENERAL

ARTICLE II. - PRIVATE TREES

## ARTICLE I. - IN GENERAL

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- Sec. 19-1. - Definitions.
- Sec. 19-2. - Applicability.
- Sec. 19-3. - Rules and regulations.
- Sec. 19-4. - Enforcement.
- Sec. 19-5. - Permits for tree planting, care, removal.
- Sec. 19-6. - Lawn extensions.
- Secs. 19-7.—19-40. - Reserved.

### Sec. 19-1. - Definitions.

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

*Park* means all public parks having individual names and all areas owned by the city to which the public has free access as a park.

*Prohibited species* means any tree of poplar (*Populus sp.*), willow (*Salix sp.*), box elder (*Acer negundo*), silver maple (*Acer saccharium*), locust (*Robina sp.*), tree of heaven (*Ailanthus altissima*), catalpa (*Catalpa sp.*), mulberry (*Morus sp.*) and Siberian elm (*Ulmus pumila*).

*Public utility* means any person, owning or operating any pole, line, pipe or conduit located in any public street or over or along any public easement or right-of-way for the transmission of electricity, gas, telephone service or telegraph service.

*Street* means all the land lying between property lines on either side of all streets, highways and boulevards in the city.

*Tree* means trees, shrubs, bushes and all other woody vegetation.

### Sec. 19-2. - Applicability.

The provisions of this chapter, except as otherwise specifically stated, shall apply only to public streets, parkways, parks and other land publicly owned or controlled by the city.

### Sec. 19-3. - Rules and regulations.

The city manager shall make such rules and regulations supplementary to this chapter and not in conflict herewith, as he may from time to time deem necessary, to be effective upon approval by the council. Until changed pursuant to this section, the rules and regulations in effect at the adoption of this Code, shall continue in effect. No person shall fail to obey any rule or regulation made effective by this chapter.

### Sec. 19-4. - Enforcement.

The director of public works shall be charged with the duty of enforcing the provisions of this chapter.

### Sec. 19-5. - Permits for tree planting, care, removal.



The city manager shall have control over all trees located within the street rights-of-way and parks in the city and the planting, care and removal thereof, subject to the regulations contained in this chapter. The owner of land abutting on any street may, upon obtaining prior written permission of the city manager, prune, spray, plant or remove trees in that part of the street abutting his land not used for public travel, but no person shall otherwise prune, spray, plant or remove any tree in any street or park. Every such permit shall specify the extent of the authorization and the conditions to which it is subject. Where an owner of abutting property requests the removal of a tree, the city manager is authorized, in his discretion, to require as a condition to granting of approval for such removal, that such property owner make the removal in accordance with regulations established by the department of public works and assume all or any part of the costs of removing such tree.

**Sec. 19-6. - Lawn extensions.**

On residence streets, the abutting owner or occupant may maintain a planting strip on the lawn extension between the sidewalk and curb and may plant flowers, trees and shrubbery therein in conformity with this chapter. No person shall wilfully injure or destroy any grass, flower, tree or shrub, upon any such planting strip or throw any papers, refuse or other thing thereon. No person shall drive an automobile, bicycle or other vehicle upon or over any such planting strip.

**Secs. 19-7.—19-40. - Reserved.**

## ARTICLE II. - PRIVATE TREES

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Sec. 19-41. - Obstructions prohibited.

Sec. 19-42. - Clearance at intersections.

### **Sec. 19-41. - Obstructions prohibited.**

Every owner of any tree on private property overhanging any street or right-of-way within the city shall trim the branches so that the branches shall not obstruct the light from any streetlamp or obstruct the view of any street intersection and so that there shall be a clear space of ten (10) feet above the surface of the street or right-of-way. Such owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The city shall have the right to trim any tree or shrub on private property when it interferes with the proper spread of light along the street from a streetlight, or interferes with visibility of any traffic-control device or sign, such trimming to be confined to the area immediately above the right-of-way.

### **Sec. 19-42. - Clearance at intersections.**

All shrubs and bushes located on the triangle formed by two (2) right-of-way lines at the intersection of two (2) streets, and extending for a distance of twenty-five (25) feet each way from the intersection of the right-of-way lines on any corner lot within the city, shall not be permitted to grow to a height of more than thirty (30) inches in height from top of curb at street level, in order that the view of the driver of a vehicle approaching a street intersection shall not be obstructed. Trees may be planted and maintained on private property in this area, provided that all branches are trimmed to maintain a clear vision for a vertical height of ten (10) feet above the roadway surface. Any owner of any property failing to trim any trees, shrubs or bushes in conformity with this section or section 19-41, shall be notified by the director of public works in the manner provided in section 1-9 to do so and such notice shall require trimming in conformity with this section within ten (10) days after the date of such notice. Upon the expiration of such period, the director of public works may cause the trimming to be done and the cost thereof may be collected from the owner of such property as a single lot assessment in accordance with sections 14.17 through 14.19 of the Charter.

**Chapter 20 - VEHICLES FOR HIRE**

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ARTICLE I. - IN GENERAL

ARTICLE II. - TAXICABS

**ARTICLE I. - IN GENERAL**

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Secs. 20-1—20-25. - Reserved.

Secs. 20-1—20-25. - Reserved.

## ARTICLE II. - TAXICABS

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DIVISION 1. - GENERALLY

DIVISION 2. - BUSINESS LICENSE

DIVISION 3. - DRIVER'S PERMIT

**DIVISION 1. - GENERALLY**

Sec. 20-26. - Definitions.

Sec. 20-27. - Lost property.

Secs. 20-28—20-35. - Reserved.

**Sec. 20-26. - Definitions.**

The following word, when used in this article, shall have the meanings ascribed to it in this section, except where the context clearly indicates a different meaning:

*Taxicab* means a licensed public motor vehicle for hire which is designated and constructed to seat not more than ten (10) persons and which is operated as a common carrier on call or demand.

**Sec. 20-27. - Lost property.**

No owner or operator of a taxicab shall fail to return any property left by any person in such taxicab.

**Secs. 20-28—20-35. - Reserved.**

***DIVISION 2. - BUSINESS LICENSE***

Sec. 20-36. - Required.

Sec. 20-37. - Application.

Sec. 20-38. - Fee.

Sec. 20-39. - Investigation of applicant; inspection of taxicab.

Secs. 20-40—20-50. - Reserved.

**Sec. 20-36. - Required.**

It shall be unlawful for any person to operate any taxicab within the corporate limits of the city without first having obtained a license therefor.

**Sec. 20-37. - Application.**

An application for a license to operate a taxicab must be filed in duplicate with the city clerk upon blanks to be furnished by him; such application shall contain the full name and business address of the owner and a complete description of the vehicle for which a license is desired.

**Sec. 20-38. - Fee.**

Applicants for taxicab licenses shall pay to the city the license fee prescribed by resolution of the council for each taxicab for which a license is desired.

**Sec. 20-39. - Investigation of applicant; inspection of taxicab.**

The chief of police shall cause an investigation to be made of the fitness of the applicant as to character and ability, and shall cause an inspection of the taxicab, for which a license is desired, to determine that such taxicab is thoroughly safe, clean, and fit for the transportation of passengers.

**Secs. 20-40—20-50. - Reserved.**

***DIVISION 3. - DRIVER'S PERMIT***

Sec. 20-51. - Required.

Sec. 20-52. - Qualifications for issuance.

**Sec. 20-51. - Required.**

Each person driving a taxicab must obtain a permit therefor from the chief of police.

**Sec. 20-52. - Qualifications for issuance.**

No taxicab driver's permit shall be issued unless the applicant:

- 1) Is of the age of eighteen (18) years or over;
- 2) Has good eyesight and is not subject to any infirmity of the body or mind which might render him unfit for the safe operation of a public vehicle;
- 3) Is not addicted to the use of controlled substances and alcoholic liquors;
- 4) Has a knowledge of the traffic regulations of this Code and state traffic regulations.



## Chapter 21 - TELECOMMUNICATIONS

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### Sec. 21-1. – METRO Act.

#### 1) Purpose.

The purposes of this ordinance are to regulate access to and ongoing use of public rights-of-way by telecommunications providers for their telecommunications facilities while protecting the public health, safety, and welfare and exercising reasonable control of the public rights-of way in compliance with the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (Act No. 48 of the Public Acts of 2002) (“Act”) and other applicable law, and to ensure that the City qualifies for distributions under the Act by modifying the fees charged to providers and complying with the Act.

#### 2) Conflict.

Nothing in this ordinance shall be construed in such a manner as to conflict with the Act or other applicable law.

#### 3) Terms Defined.

The terms used in this ordinance shall have the following meanings:

*Act* means the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (Act No. 48 of the Public Acts of 2002), as amended from time to time.

*City* means the City of Rogers City.

*City Council* means the City Council of the City of Rogers City or its designee. This Section does not authorize delegation of any decision or function that is required by law to be made by the City Council.

*City Manager* means the City Manager or his or her designee.

*Permit* means a non-exclusive permit issued pursuant to the Act and this ordinance to a telecommunications provider to use the public rights-of-way in the City for its telecommunications facilities.

All other terms used in this ordinance shall have the same meaning as defined or as provided in the Act, including without limitation the following:

*Authority* means the Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority created pursuant to Section 3 of the Act.

*MPSC* means the Michigan Public Service Commission in the Department of Consumer and Industry Services, and shall have the same meaning as the term “Commission” in the Act.

*Person* means an individual, corporation, partnership, association, governmental entity, or any other legal entity.

*Public Right-of-Way* means the area on, below, or above a public roadway, highway, street, alley, easement or waterway. Public right-of-way does not include a federal, state, or private right-of-way.

*Telecommunication Facilities or Facilities* means the equipment or personal property, such as copper and fiber cables, lines, wires, switches, conduits, pipes, and sheaths, which are used to or can generate, receive, transmit, carry, amplify, or provide telecommunication services or signals. Telecommunications facilities or facilities do not include antennas, supporting structures for antennas, equipment shelters or houses, and any ancillary equipment and miscellaneous hardware used to provide federally licensed commercial mobile service as defined in section 332(d) of part I of title III of the communications act of 1934, chapter 652, 48 Stat. 1064, 47 U.S.C. 332 and further defined as commercial mobile radio service in 47 CFR 20.3, and service provided by any wireless, two-way communication device.

*Telecommunications Provider, Provider and Telecommunication Services* mean those terms as defined in Section 102 of the Michigan telecommunications act, 1991 PA 179, MCL 484.2102. Telecommunication provider does not include a person or an affiliate of that person when providing a federally licensed commercial mobile radio service as defined in Section 332(d) of part I of the communications act of 1934, chapter 652, 48 Stat. 1064, 47 U.S.C. 332 and further defined as commercial mobile radio service in 47 CFR 20.3, or service provided by any wireless, two-way communication device. For the purpose of the Act and this ordinance only, a provider also includes all of the following:

- a) A cable television operator that provides a telecommunication service.
- b) except as otherwise provided by the Act, a person who owns telecommunication facilities located within a public right-of-way.
- c) A person providing broadband internet transport access service.
- 4) Permit Required.
- a) *Permit Required.* Except as otherwise provided in the Act, a telecommunications provider using or seeking to use public rights-of-way in the City for its telecommunications facilities shall apply for and obtain a permit pursuant to this ordinance.
- b) *Application.* Telecommunications providers shall apply for a permit on an application form approved by the MPSC in accordance with Section 6(1) of the Act. A telecommunications provider shall file one copy of the application with the City Clerk, one copy with the City Manager, and one copy with the City Attorney. Applications shall be complete and include all information required by the Act, including without limitation a route map showing the location of the provider=s existing and proposed facilities in accordance with Section 6(5) of the Act.
- c) *Confidential Information.* If a telecommunications provider claims that any portion of the route maps submitted by it as part of its application contain trade secret, proprietary, or confidential information, which is exempt from the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246, pursuant to Section 6(5) of the Act, the telecommunications provider shall prominently so indicate on the face of each map.
- d) *Application Fee.* Except as otherwise provided by the Act, the application shall be accompanied by a one-time non-refundable application fee in the amount of \$500.00.
- e) *Additional Information.* The City Manager may request an applicant to submit such additional information which the City Manager deems reasonably necessary or relevant. The applicant shall comply with all such requests in compliance with reasonable deadlines for such additional information

established by the City Manager. If the City and the applicant cannot agree on the requirement of additional information requested by the City, the City or the applicant shall notify the MPSC as provided in Section 6(2) of the Act.

- f) *Previously Issued Permits.* Pursuant to Section 5(1) of the Act, authorizations or permits previously issued by the City under Section 251 of the Michigan telecommunications act, 1991 PA 179, MCL 484.2251 and authorizations or permits issued by the City to telecommunications providers prior to the 1995 enactment of Section 251 of the Michigan telecommunications act but after 1985 shall satisfy the permit requirements of this ordinance.
  - g) *Existing Providers.* Pursuant to Section 5(3) of the Act, within 180 days from November 1, 2002, the effective date of the Act, a telecommunications provider with facilities located in a public right-of-way in the City as of such date, that has not previously obtained authorization or a permit under Section 251 of the Michigan telecommunications act, 1991 PA 179, MCL 484.2251, shall submit to the City an application for a permit in accordance with the requirements of this ordinance. Pursuant to Section 5(3) of the Act, a telecommunications provider submitting an application under this subsection is not required to pay the \$500.00 application fee required under subsection (d) above. A provider under this subsection shall be given up to an additional 180 days to submit the permit application if allowed by the Authority, as provided in Section 5(4) of the Act.
- 5) Issuance of Permit.
- a) *Approval or Denial.* The authority to approve or deny an application for a permit is hereby delegated to the City Manager. Pursuant to Section 15(3) of the Act, the City Manager shall approve or deny an application for a permit within forty-five (45) days from the date a telecommunications provider files an application for a permit under Section 4(b) of this ordinance for access to a public right-of-way within the City. Pursuant to Section 6(6) of the Act, the City Manager shall notify the MPSC when the City Manager has granted or denied a permit, including information regarding the date on which the application was filed and the date on which permit was granted or denied. The City Manager shall not unreasonably deny an application for a permit.
  - b) *Form of Permit.* If an application for permit is approved, the City Manager shall issue the permit in the form approved by the MPSC, with or without additional or different permit terms, in accordance with Sections 6(1), 6(2) and 15 of the Act.
  - c) *Conditions.* Pursuant to Section 15(4) of the Act, the City Manager may impose conditions on the issuance of a permit, which conditions shall be limited to the telecommunications provider's access and usage of the public right-of-way.
  - d) *Bond Requirement.* Pursuant to Section 15(3) of the Act, and without limitation on subsection (c) above, the City Manager may require that a bond be posted by the telecommunications provider as a condition of the permit. If a bond is required, it shall not exceed the reasonable cost to ensure that the public right-of-way is returned to its original condition during and after the telecommunications provider's access and use.

6) Construction/Engineering Permit.

A telecommunications provider shall not commence construction upon, over, across, or under the public rights-of-way in the City without first obtaining a construction or engineering permit as required under chapter 25 of this Code, as amended, for construction within the public rights-of-way. No fee shall be charged for such a construction or engineering permit.

7) Conduit or Utility Poles.

Pursuant to Section 4(3) of the Act, obtaining a permit or paying the fees required under the Act or under this ordinance does not give a telecommunications provider a right to use conduit or utility poles.

- a) Issuing a permit in the form approved by the MPSC, with or without additional or different permit terms, as provided in Section 5(b) of this ordinance;
- b) Limiting the conditions imposed on the issuance of a permit to the telecommunications provider's access and usage of the public right-of-way, in accordance with Section 5(c) of this ordinance;
- c) Not requiring a bond of a telecommunications provider which exceeds the reasonable cost to ensure that the public right-of-way is returned to its original condition during and after the telecommunication provider's access and use, in accordance with Section 5(d) of this ordinance;
- d) Not charging any telecommunications providers any additional fees for construction or engineering permits, in accordance with Section 6 of this ordinance;
- e) Providing each telecommunications provider affected by the City's right-of-way fees with a copy of this ordinance, in accordance with Section 11 of this ordinance;
- f) Submitting an annual report to the Authority, in accordance with Section 14 of this ordinance; and
- g) Not holding a cable television operator in default for a failure to pay certain franchise fees, in accordance with Section 15 of this ordinance.

8) Route Maps.

Pursuant to Section 6(7) of the Act, a telecommunications provider shall, within 90 days after the substantial completion of construction of new telecommunications facilities in the City, submit route maps showing the location of the telecommunications facilities to both the MPSC and to the City. The route maps should be in paper format unless and until the MPSC determines otherwise, in accordance with Section 6(8) of the Act.

9) Repair Damage.

Pursuant to Section 15(5) of the Act, a telecommunications provider undertaking an excavation or construction or installing telecommunications facilities within a public right-of-way or temporarily obstructing a public right-of-way in the City, as authorized by a permit, shall promptly repair all damage done to the street surface and all installations under, over, below, or within the public right-of-way and shall promptly restore the public right-of-way to its preexisting condition.

10) Establishment and Payment of Maintenance Fee.

In addition to the non-refundable application fee paid to the City set forth in subsection 4(d) above, a telecommunications provider with telecommunications facilities in the City's public rights-of-way shall pay an annual maintenance fee to the Authority pursuant to Section 8 of the Act.

11) Modification of Existing Fees.

In compliance with the requirements of Section 13(1) of the Act, the City hereby modifies, to the extent necessary, any fees charged to telecommunications providers after November 1, 2002, the effective date

of the Act, relating to access and usage of the public rights-of-way, to an amount not exceeding the amounts of fees and charges required under the Act, which shall be paid to the Authority. In compliance with the requirements of Section 13(4) of the Act, the City also hereby approves modification of the fees of providers with telecommunication facilities in public rights-of-way within the City's boundaries, so that those providers pay only those fees required under Section 8 of the Act. The City shall provide each telecommunications provider affected by the fee with a copy of this ordinance, in compliance with the requirement of Section 13(4) of the Act. To the extent any fees are charged telecommunications providers in excess of the amounts permitted under the Act, or which are otherwise inconsistent with the Act, such imposition is hereby declared to be contrary to the City's policy and intent, and upon application by a provider or discovery by the City, shall be promptly refunded as having been charged in error.

12) Savings Clause.

Pursuant to Section 13(5) of the Act, if Section 8 of the Act is found to be invalid or unconstitutional, the modification of fees under Section 11 above shall be void from the date the modification was made.

13) Use of Funds.

Pursuant to Section 10(4) of the Act, all amounts received by the City from the Authority shall be used by the City solely for rights-of way related purposes. Depositing the amounts received into the Major Street Fund and/or Local Street Fund, maintained by the City under Act No. 51 of the Public Acts of 1951, would help ensure compliance with this requirement of the Act.

14) Annual Report.

Pursuant to Section 10(5) of the Act, the City Manager shall file an annual report with the Authority on the use and disposition of funds annually distributed by the Authority.

15) Cable Television Operators.

Pursuant to Section 13(6) of the Act, the City shall not hold a cable television operator in default or seek any remedy for its failure to satisfy an obligation, if any, to pay after November 1, 2002, the effective date of this Act, a franchise fee or similar fee on that portion of gross revenues from charges the cable operator received for cable modem services provided through broadband internet access services.

16) Existing Rights.

Pursuant to Section 4(2) of the Act, except as expressly provided herein with respect to fees, this ordinance shall not affect any existing rights that a telecommunications provider or the City may have under a permit issued by the City or under a contract between the City and a telecommunications provider related to the use of the public rights-of-way.

17) Compliance.

The City hereby declares that its policy and intent in adopting this ordinance is to fully comply with the requirements of the Act, and the provisions hereof should be construed in such a manner as to achieve that purpose. The City shall comply in all respects with the requirements of the Act, including but not limited to the following:

- h) Exempting certain route maps from the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246, as provided in Section 4(c) of this ordinance;

- i) Allowing certain previously issued permits to satisfy the permit requirements hereof, in accordance with Section 4(f) of this ordinance;
- j) Allowing existing providers additional time in which to submit an application for a permit, and excusing such providers from the \$500 application fee, in accordance with Section 4(g) of this ordinance;
- k) Approving or denying an application for a permit within forty-five (45) days from the date a telecommunications provider files an application for a permit for access to and usage of a public right-of-way within the City, in accordance with Section 5(a) of this ordinance;
- l) Notifying the MPSC when the City has granted or denied a permit, in accordance with Section 5(a) of this ordinance;
- m) Not unreasonably denying an application for a permit, in accordance with Section 5(a) of this ordinance;

18) Reservation of Police Powers.

Pursuant to Section 15(2) of the Act, this ordinance shall not limit the City's right to review and approve a telecommunications provider's access to and ongoing use of a public right-of-way or limit the City's authority to ensure and protect the health, safety, and welfare of the public.

19) Severability.

The various parts, sentences, paragraphs, sections and clauses of this ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause of this ordinance is adjudged unconstitutional or invalid by a court or administrative agency of competent jurisdiction, the unconstitutionality or invalidity shall not affect the constitutionality or validity of any remaining provisions of this ordinance.

20) Authorized City Officials.

The City Manager or his or her designee is hereby designated as the authorized City official to issue municipal civil infraction citations for violations under this ordinance.

21) Municipal Civil Infraction.

A person who violates any provision of this ordinance or the terms or conditions of a permit is responsible for a municipal civil infraction, and shall be subject to a fine of \$100.00. Nothing in this Section 21 shall be construed to limit the remedies available to the City in the event of a violation by a person of this ordinance or a permit.

22) Repealer.

All ordinances and portions of ordinances inconsistent with this ordinance are hereby repealed.

23) Effective Date.

This ordinance shall take effect on passage and publication as required by law.

**Rogers City, Michigan, Code of Ordinances >> PART II - CODE OF ORDINANCES >> CHAPTER 22 - MARIHUANA>>ARTICLE I. – PROHIBITION OF MARIHUANA ESTABLISHMENTS**

Sec. 22-1 – Definitions

Sec. 22-2 – No marihuana establishments

Sec. 22-3 – Violations and penalties

Sec. 22-4 thru 22-10 – Reserved

**Sec. 22-1. – Definitions**

Words used within this Article shall have the definitions as provided for in the Michigan Regulation and Taxation of Marihuana Act.

**Sec. 22-2 – No marihuana establishments**

The City of Rogers City hereby prohibits all marihuana establishments within the boundaries of the City of Rogers City pursuant to the Michigan Regulation and Taxation of Marihuana Act.

**Sec. 22-3 – Violations and penalties**

- 1) Any person who disobeys, neglects, or refuses to comply with any provision of this Article or who causes, allows, or consents to any of the same shall be deemed to be responsible for the violation of this Article. A violation of this Article is deemed to be a nuisance per se.
- 2) A violation of this Article is a municipal civil infraction, for which the fines shall not be less than \$100 nor more than \$500, in the discretion of the Court. The foregoing sanctions shall be in addition to the rights of the City of Rogers City to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the City of Rogers City incurs in connection with the municipal civil infraction.
- 3) Each day during which any violation continues shall be deemed a separate offense.
- 4) In addition, the City of Rogers City may seek injunctive relief against persons alleged to be in violation of this Article, and such other relief as may be provided by law.
- 5) This Article shall be administered and enforced by the City Manager, the Chief of Police, or the duly authorized representative of either.

**Secs. 22-4 thru 22-10 – Reserved**

**Rogers City, Michigan, Code of Ordinances >> PART II - CODE OF ORDINANCES >> CHAPTER 23 – HOUSING >>  
ARTICLE I. – RESIDENTIAL RENTAL UNITS >> DIVISION I. - REGISTRATION**

Sec. 23-1 – Definitions  
Sec. 23-2 – Initial registration  
Sec. 23-3 – Follow-up registration  
Sec. 23-4 – Registration information  
Sec. 23-5 – Changes in registration information  
Sec. 23-6 – Fees; late fees  
Sec. 23-7 – Maintenance of records  
Sec. 23-8 – Penalty for failure to comply  
Sec. 23-9 thru 23-20 – Reserved

**Sec. 23-1. - Definitions.**

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

*Local agent.* An individual or company representing the owner having a place of residence or business within the county or within 40 miles of the city if residing outside the county. The local agent is responsible for the operation of the owner's residential rental dwelling unit(s) located within the city. A local agent is required if:

- a) The owner resides outside of the county more than 40 miles from the city.
- b) The owner resides outside the county more than 40 miles from the city for more than 90 days each calendar year.

*Owner.* The individual(s), company, corporation, or governmental or private agency listed on the recorded deed or purchaser under a recorded land contract as the owner of a property containing residential rental dwelling unit(s).

*Residential rental dwelling unit.* Distinct individual living quarters within a building intended for occupancy by a person or persons other than the owner and the family of the owner, and for which a remuneration of any kind is paid. Single-family residences, duplexes, apartments and rooming houses may all contain and be classified as rental units.

**Sec. 23-2. - Initial registration.**

Within 90 days of the effective date of this Division all buildings containing residential rental dwelling units within the corporate limits of the city shall be registered at City Hall on a form provided by the City. Units must be registered by the owner or the owner's local agent as defined in this Division.

**Sec. 23-3. - Follow-up registration.**

Following the initial 90-day registration period residential rental dwelling units shall be registered as follows:

- a) Newly constructed residential rental dwelling buildings or units shall be registered prior to the issuance of a final certificate of occupancy.
- b) A residential rental dwelling/building/unit sold, transferred or conveyed shall be re-registered by the new owner within 30 days of the date of the deed, land contract, or other instrument of conveyance. At that time the units will be removed from the previous owner's registration.
- c) Any non-rental residential dwelling unit converted to a residential rental dwelling unit shall be registered prior to the date it is occupied for rental purposes.



**Sec. 23-4. - Registration information.**

The following information shall be provided by the owner or owner's local agent at the time of registration:

- a) Owner's name, address, phone number, fax number and e-mail address (optional).
- b) Local agent's (if applicable) name, address, phone number, fax number and e-mail address (optional).
- c) Address of each building owned (fee simple or land contract) by the registrant containing residential rental dwelling unit(s) (includes multi-unit building in which the owner lives).
- d) The number and identifying address of each residential rental dwelling unit for buildings containing more than one dwelling unit.
- e) Signature of owner or local agent attesting to the truthfulness of the information provided. If signed by the owner, said owner being a company, corporation or governmental or private agency, only a duly authorized officer or administrator may sign the registration form.

**Sec. 23-5. - Changes in registration information.**

Changes in the registration information, other than those listed in section 22-4, shall be provided in writing to City Hall.

**Sec. 23-6. - Fees; late fees.**

There shall be no fee for the registration, re-registration or updating of registration information within the allotted time periods. If a residential rental dwelling unit is not registered within the time period specified herein, then a late fee shall be applied as established by the City's annual fee schedule per rental dwelling unit and shall be paid by the owner of same as defined herein.

**Sec. 23-7. - Maintenance of records.**

City staff shall be responsible for maintaining all residential rental dwelling unit registration data and providing a semi-annual report to the city council of the number of residential rental dwelling units in the city, type (single family, duplex, multi-unit, apartment complexes, rooming houses, etc.) and the number and type of units added to or deleted from the registration roster.

**Sec. 23-8. - Penalty for failure to comply.**

Failure to register a residential rental dwelling unit within the applicable time period prescribed in this Division shall constitute a municipal civil infraction punishable by a fine of not more than \$500.00. Each day a violation of this Division is committed shall constitute a separate offense. The City Manager, City Police, or the duly authorized representative of either are authorized to issue citations for violation of this Division.

The submission of false information on a residential rental dwelling unit registration form shall constitute a municipal civil infraction punishable by a fine of not more than \$500.00. Each day a violation of this Division is committed shall constitute a separate offense. The City Manager, City Police, or the duly authorized representative of either are authorized to issue citations for violation of this Division.

**Secs. 23-9 – 23.20 – Reserved**

**Rogers City, Michigan, Code of Ordinances >> PART II - CODE OF ORDINANCES >> CHAPTER 23 – HOUSING >> ARTICLE I. – RESIDENTIAL RENTAL UNITS >> DIVISION II. - INSPECTIONS**

Sec. 23-21 – Intent  
Sec. 23-22 – Definitions  
Sec. 23-23 – Certificate of compliance required  
Sec. 23-24 – Affected and exempt units/structures  
Sec. 23-25 – Basis for inspection  
Sec. 23-26 – Inspection criteria  
Sec. 23-27 – Inspection procedures  
Sec. 23-28 – Revocation of certificate of compliance  
Sec. 23-29 – Fees  
Sec. 23-30 – Failure to comply  
Sec. 23-31 – Enforcement authorization  
Sec. 23-32 – Program implementation  
Sec. 23-33 thru 23-50 – Reserved

**Sec. 23-21. - Intent.**

The city recognizes the importance of the rental housing segment of the overall city housing stock inasmuch as it provides housing options and opportunities to those citizens of the community who are unable to attain or do not desire home ownership. It is in the interest of the city to ensure that all rental residential units, structures and grounds leased for occupancy to the general public are in compliance with minimum property maintenance standards. Benefits to the city include:

- a) Protection of the health, safety and welfare of residents of rental properties and adjacent properties. Existing structures and premises not in compliance will be repaired to provide a minimum level of health and safety as required herein.
- b) Maintenance of property values and "quality of life" within the immediate neighborhoods in which residential rental units are located.
- c) Enforcement of common minimum standards for all residential rental units, structures and premises.

**Sec. 23-22. - Definitions.**

As used in this Division, the following words shall have the meanings ascribed to them in this section, unless context clearly indicates otherwise:

*Rental inspector:* The person, company, or organization contracted by the City to perform the daily administration of the rental inspection program including scheduling of appointments, inspections, re-inspections and record keeping.

*Certificate of compliance:* Official document stating that a residential rental dwelling unit and/or structure meets the minimum standards established by the City for occupancy.

*Local agent:* An individual or company representing the owner having a place of residence or business within the county or within 40 miles of the city if residing outside the county. The local agent is responsible for the operation of the owner's residential rental dwelling unit(s) located within the city regarding compliance with the provisions of this Division, and terms and conditions of all other codes and ordinances of the city. A local agent is required if:

- a) The owner resides outside of the County more than 40 miles from the city.
- b) The owner resides outside of the county more than 40 miles from the city for more than 90 days each calendar year.

*Owner/property owner:* The individual(s), company, corporation, or governmental or private agency listed on the recorded deed or purchaser under a recorded land contract as the owner of a property containing residential rental dwelling unit(s).

*Residential rental dwelling structure:* Any building containing one or more residential rental dwelling units including any common areas accessible to residents of all residential rental units within the building, restricted or non-accessible portions of the structure and the building exterior.

*Residential rental dwelling unit:* Distinct individual living quarters within a building intended for occupancy by a person or persons other than the owner and the family of the owner, and for which a remuneration of any kind is paid. Single family residences, duplexes, apartments and rooming houses may all contain and be classified as rental units.

*Residential rental premises:* The site upon which a residential rental dwelling unit or structure is located including, but not limited to, yards, walkways, driveways, patios, decks, accessory structures, fences and landscaping.

**Sec. 23-23. - Certificate of compliance required.**

- a) No person shall lease, rent or cause to be occupied a residential rental dwelling unit and/or structure unless a valid certificate of compliance is issued by the city in the name of the owner and/or local agent for the specific rental structure and each residential rental dwelling unit. A certificate shall be issued only upon the successful completion of an inspection of the rental dwelling unit and/or structure by the rental inspector and other inspectors as may be deemed necessary. The certificate shall be retained by the property owner or local agent and produced upon request. A copy shall be provided to each lessee.
- b) A certificate of compliance shall be valid for a period of five years from the date of issuance unless revoked by the city.
- c) Dwelling units in existence and registered with the city at the time this Division goes into effect may continue to be occupied until such time as the initial inspection is scheduled and the process completed.
- d) A certificate of compliance cannot be issued for a residential rental unit unless it is registered with the city.

**Sec. 23-24. - Affected and exempt units/structures.**

- a) All single, duplex and multi-family rental units and structures, including boarding and/or rooming houses as defined in the city zoning ordinance, located within the city, shall comply with the requirements of this Division except as specifically exempted below:
- b) Exemptions.
  - 1) *One-time exception.* Any rental unit listed above, which within the previous six months prior to a scheduled inspection has been:
    - a) Inspected and approved by the county building official; or
    - b) Issued a certificate of occupancy by the county building department.Such units will be issued a five-year certificate of compliance without an additional inspection.
  - 2) *Permanent exemptions.* The following are permanently exempted from the requirements of this Division:
    - a) All residential rental units and/or complexes currently inspected by the Federal Housing and Urban Development Department (HUD) or the Federal Housing Administration (FHA). Proof of inspection and compliance must be provided.
    - b) Hotels, motels, and bed and breakfast establishments as classified in the Michigan Building Code, as amended.
    - c) Homeless shelters.

### **Sec. 23-25. - Basis for inspection.**

The city, through its rental inspector, shall have the authority to inspect any residential rental dwelling unit or structure under the following situations:

- a) In the course of an initial scheduled inspection and five-year renewal inspection to receive and maintain a certificate of compliance.
- b) Upon request by the property owner or local agent to inspect a unit(s) and/or structure.
- c) Upon receipt of information that a unit or units are not registered with the city.

### **Sec. 22-26. - Inspection criteria.**

#### a) Living Room

- 1) The rental unit must have at least one habitable room which is not a kitchen area or bathroom.
- 2) An "efficiency apartment" (living/sleeping room with a kitchen area designed into it) is considered a living room.
- 3) In units with one or more habitable rooms (other than kitchen or bathroom), one room, regardless of current use, must be selected as a living room.

#### b) Electrical Hazards - All rental units must be free from electrical hazards. Ground Fault Interrupter outlets are required where a plug and any water source may come in contact in the kitchen, bathroom or laundry room. Electrical hazards include:

- 1) Broken or frayed electrical wires.
- 2) Bare metal wires not covered by rubber or plastic insulation.
- 3) Loose or improper wire connections to outlets.
- 4) Improper splicing of wires.
- 5) Light fixtures hanging from electric wire with no other firm support.
- 6) Missing or badly cracked cover plates on outlets and switches.
- 7) Any outlet that does not work. But ONLY if the electrical box or coverplate gives a shock or if there are scorch marks.
- 8) Electric cords under rugs/floor coverings.
- 9) A wire laying in or near standing water or where water might splash.
- 10) Lamp cord that is part of the permanent wiring system of the unit.
- 11) Improper connections, insulation or grounding of any component of the electrical system.
- 12) Exposed fuse box connections.
- 13) Overloaded circuits evidenced by frequently "blown" fuses.
- 14) Any rubber or plastic coated electrical wiring in a room that is mounted on the surface of a wall or ceiling in a manner that allows it to be abused (broken, cut or damaged in other ways).

#### c) Electricity requirements - All rental units must meet the following minimum electricity requirements:

- 1) Living room – 2 outlets, or 1 outlet and 1 permanent light fixture.
- 2) Kitchen – 1 outlet and 1 permanent light fixture.
- 3) Bathrooms – 1 permanent light fixture.
- 4) Other rooms used for living – 2 outlets, or 1 outlet and 1 permanent light fixture.

#### d) Security - All outer doors and windows must be capable of being locked.

##### 1) Door locks

- A) All locks should be operable and securely fastened to the door.
- B) The lock "striker plate" should be working and be fastened securely to the door frame.
- C) A chain lock alone is not considered adequate to pass. However, a chain lock with another properly working lock would be adequate and would pass.
- D) A simple slide "bolt" lock (keyless lock) would not be adequate as the only lock on the only door of the unit.

- E) The door frame itself must be able to hold the door and securely lock when closed.
  - F) Security bars are not allowed as a primary means of locking a patio door unless that are permanently attached to the door frame.
- 2) Window locks
- A) Locks installed on windows must work and when placed in the locked position, hold securely.
  - B) Security bars are not allowed as a primary means of locking a window unless they are permanently attached to the window frame.
  - C) A window that is nailed shut is not an acceptable means of locking.
- e) Window condition
- 1) Windows in a rental unit must meet the following conditions:
    - A) No missing or broken-out panes.
    - B) No dangerously loose, cracked panes.
    - C) No windows that will not close.
    - D) No windows that, when closed, do not form a reasonably tight seal and allow serious drafts to enter.
  - 2) Screens on windows are required
- f) Ceiling condition - Ceilings shall be free from:
- 1) Severe bulging or buckling.
  - 2) Large holes.
  - 3) Loose plaster/drywall in danger of falling (other than paper or paint).
  - 4) Loose sections of plaster or drywall in danger of falling.
  - 5) Many missing parts such as ceiling tile.
- g) Wall condition - Walls shall be free from:
- 1) Severe buckling, bulging or leaning.
  - 2) Damaged or loose structural members.
  - 3) Large holes or any holes, regardless of size, that allow significant drafts.
- h) Floor condition - Floors shall be free from:
- 1) Severe buckling, sagging or movement when walked upon.
  - 2) Large sections of damaged/missing parts (e.g., missing floor boards).
  - 3) Holes which penetrate both the finish floor and the subflooring that allow weather or vermin to enter.
  - 4) Permanent floor covering/boards which are serious tripping hazards.
- i) Kitchen
- 1) All rental units shall have a kitchen.
  - 2) A kitchen is an area used for preparation of meals. It may be either a separate room or an area of a larger room (for example, a kitchen area in an efficiency apartment).
  - 3) A separate kitchen or kitchen area must be used **primarily** for the preparation and storage of food. A bedroom with a refrigerator is not a kitchen.
  - 4) A kitchen must have all of the following:
    - A) A separate kitchen sink with piped hot and cold water;
    - B) A stove for cooking food;
    - C) A refrigerator to store perishable food; and
    - D) Facilities and services for the sanitary disposal of food and refuse.
- j) Stove/range with oven - Each rental unit must have a working oven and a stove/range with all top burners that work.

- k) Refrigerator - Each rental unit must have an adequate sized, properly working refrigerator that can maintain a temperature low enough so that food does not spoil over a reasonable period of time and capacity for storing frozen food.
- l) Kitchen sink - A rental unit shall have a working kitchen sink with hot and cold running water.
- m) Bathroom - A rental unit shall have at least one bathroom present in the unit for the exclusive use of the occupant with a working toilet, wash basin, and hot and cold running water and adequate water pressure.
- n) Smoke detectors - A rental unit shall have at least one battery operated or hardwired smoke detector in proper operating condition installed on each level of the rental unit.
- o) Heating Equipment - A rental unit must have properly working, vented heating equipment capable of providing adequate heat to all rooms in the rental unit.
- p) Plumbing - A rental unit must have plumbing free from major leaks or corrosion that cause serious and persistent levels of rust or contamination of the drinking water.
- q) Sewer connection - A rental unit must be connected to an approved public disposal system and be free from sewer back-up.
- r) Access to unit - A Tenant must have direct access to the rental unit without having to go through another unit.
- s) Exits - A rental unit must have an alternate means of exit from the building in case of fire.
- t) Infestation - A rental unit shall be free of infestation of rats, mice, or other potentially harmful vermin.

**Sec. 23-27. - Inspection procedures.**

- a) For the initial round of inspections the rental inspector shall prepare an inspection schedule for existing residential rental dwelling units and structures presently registered with the city. The schedule shall be based on a five-year inspection cycle and shall be developed so as:
  - 1) Not to concentrate on a single geographic area in a given year; and
  - 2) To limit the number of inspections for a single property owner with nine or more residential rental units in separate structures to no more than one-third of the units in a calendar year.
- b) Newly constructed and/or registered residential rental units shall be scheduled for an inspection at the time they are registered and shall be inspected and obtain a certificate of compliance prior to occupancy unless exempted under section 22-24(b)(1), one-time exemptions. In such case a certificate of compliance shall be issued without an additional inspection.
- c) At least 30 days prior to an inspection or inspections the rental inspector shall send in writing a notification to the property owner or local agent including the date, time and the unit or units to be inspected. It shall be the responsibility of the property owner or local agent to notify the affected tenant(s). The property owner or local agent may request a change in the inspection appointment no less than ten days prior to the scheduled inspection. In the event a property owner, local agent or tenant learns that he/she cannot be present at the scheduled appointment, the rental inspector must be notified at least 24 hours in advance. A new inspection appointment shall be scheduled no more than 30 days from the original appointment. A missed appointment by a property owner or local agent shall be rescheduled by the inspector, and a "missed appointment fee" as listed in the city's adopted comprehensive fee schedule shall be imposed.
- d) A property owner, local agent or tenant shall provide access to his/her residential rental dwelling unit(s) and/or structure(s). An individual refusing entry shall be notified of the city's authority to inspect the property and that it will take appropriate and necessary action, including but not limited to: issuance of a citation, obtaining a

search warrant, posting the unit as uninhabitable and/or instituting other legal action as prescribed in section 22-30, failure to comply.

- e) A unit in compliance with the requirements included in the inspection checklist shall be issued a Certificate of Compliance valid for a period of five years from the date of issuance unless revoked by the city (see section 22-28, revocation of certificate of compliance).
- f) For units with code violations the rental inspector shall provide a written notice of the noted code violations to the property owner or local agent, who shall have 30 days from receipt of the notice to correct said code violations. More time may be granted by the rental inspector in those situations in which the property owner or local agent can demonstrate a justifiable need and the additional time will not result in conditions deteriorating further. Less time may also be specified for life or health threatening situations. If any violation remains uncorrected following the allotted repair time an additional ten days may be granted; however, a re-inspection fee shall be imposed for each subsequent re-inspection. The re-inspection fee shall be paid prior to the inspection.
- g) The rental inspector shall be responsible for scheduling renewal inspections at least 45 days prior to the expiration of a certificate of compliance.
- h) If, during the course of an inspection, the inspector becomes alarmed that tenant is at immediate risk, inspector may notify other authorities as to his concerns and bring those officials in as part of the inspection.

#### **Sec. 23-28. - Revocation of certificate of compliance.**

A certificate of compliance may be revoked by the rental inspector under the following circumstances:

- a) A residential dwelling unit or structure is not operated as a rental unit or structure for 90 consecutive days and/or is removed by the property owner or local agent from the city's rental registration list. A new certificate of compliance must be obtained including the required inspection prior to occupancy.
- b) A property owner or local agent has failed to correct code violations within the required timeframe and has been officially cited by the city as in violation of this Division.

#### **Sec. 23-29. - Fees.**

Fees for inspections, missed appointments, re-inspections, late fees and appeals shall be as prescribed in the city comprehensive fee schedule as adopted from time to time by the city council. All fees shall be paid at city hall prior to inspections being performed. A late fee shall be charged for all inspection fees not paid prior to the inspection through ten days after the inspection is performed. Fees remaining unpaid more than ten days following an inspection shall be charged an additional late fee and all accumulative charges may be added to the tax rolls relative to the property(s), and such charges shall become a lien in the same manner as the regular taxes applied to such premises, until such charges are paid.

#### **Sec. 23-30. - Failure to comply.**

A violation of any of the provisions of this division shall be a municipal civil infraction. A copy of the citation need not be personally served upon the alleged violator, but may be served by sending the same to the alleged violator by first-class mail at his or her last known address. A fine of not more than \$500.00 shall be assessed in accordance with the law. Each day a violation is committed or permitted shall constitute a separate offense and shall be punished as such hereunder.

#### **Sec. 23-31. - Enforcement authorization.**

The city manager, city police department, or duly authorized representative for either, is authorized to enforce the provisions of this article and issue citations pursuant hereto.

**Sec. 23-32. - Program implementation.**

The city manager, or his/her duly authorized representative, shall be responsible for the implementation and ongoing operation of the city rental housing inspection program.

**Secs. 23-33—23-50. - Reserved.**



**Rogers City, Michigan, Code of Ordinances >> PART II - CODE OF ORDINANCES >> CHAPTER 23 – HOUSING >>  
ARTICLE II. – LODGING ESTABLISHMENTS >> DIVISION I. - REGISTRATION**

Sec. 23-51 – Definitions

Sec. 23-52 – Registration

Sec. 23-53 – Registration information

Sec. 23-54 – Fees; late fees

Sec. 23-55 – Penalty for failure to register, update registration, or provide accurate information

Sec. 23-56 thru 23-70 – Reserved

**Sec. 23-51. – Definitions**

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

*Contact person.* An individual listed by the owner on a registration form that should be contacted on matters related to the lodging establishment instead of, or in addition to, the owner, or if the owner cannot be reached; can be the local agent.

*Dwelling unit.* Space within a lodging establishment featuring at least one bed and one bathroom furnished for rent by the hour, day, night, week, or longer.

*Kitchenette.* A portion of a dwelling unit used, or intended to be used, for the preparation of food, or for both the preparation and consumption of food, while the remainder of the room is used, or may be intended at least partially for, purposes other than food preparation/consumption. A kitchenette shall have a sink, cooktop, cabinets or storage shelves, counter or table, and refrigerator, all of which shall be in good repair.

*Local agent.* An individual or company representing the owner of a lodging establishment and responsible for day-to-day operation and/or maintenance of that lodging establishment, whose fulltime residence is within 40 miles of the City. A local agent is required if the owner of the lodging establishment resides more than 40 miles from the City limits more than 90 days in a calendar year.

*Lodging establishment.* A building or group of buildings containing dwelling units which primarily provide daily and weekly accommodations for short-term stays but may also be rented for longer periods. Every building or structure kept, used, maintained as, advertised, or held out to the public to be a hotel, motel, resort, inn, or bed and breakfast shall be included in this definition. Exempted from this definition are long-term and short-term residential units defined and regulated in Chapter 23, Article 1.

*Long-term guest.* A person renting a dwelling unit within a lodging establishment for more than 90 consecutive days and/or a person who has claimed the address of the lodging establishment as his/her residence.

*Property owner.* The individual or organization supported on tax records as owning the lodging establishment.

*Short-term guest.* A person renting a dwelling unit within a lodging establishment for not more than 90 consecutive day and who has not claimed the address of the lodging establishment as his/her residence.

**Sec. 23-52. - Registration.**

- a) Within 90 days of the effective date of this Division, all existing lodging establishments operating within the corporate limits of Rogers City must register at City Hall on a form provided by the City

- b) A lodging establishment sold, transferred or conveyed from one property owner to another shall be re-registered by the new property owner within 30 days of the completion of the sale, transfer, or conveyance.
- c) A newly-constructed lodging establishment, or a property converted to a lodging establishment from a prior use, must register prior to accepting guests.

**Sec. 23-53. - Registration information.**

The following information shall be provided by the property owner, contact person, or local agent, on a form provided by the City, at the time of registration:

- a) Name of the lodging establishment.
- b) Address, phone number, email address, and web site of the lodging establishment.
- c) Number of total dwelling units in the lodging establishment, with all room numbers listed.
- d) Number of dwelling units with kitchenettes, if any, with those room numbers listed.
- e) Dwelling units available and/or rented to long-term guests, if any, with those room numbers listed.
- f) Property owner's name, address, phone number, and e-mail address.
- g) Local agent and/or contact person's name, address, phone number, and email address, if applicable.
- h) Signature of owner, contact person, or local agent attesting to the truthfulness of the information provided. If owner is a company or organization, only a duly authorized officer or administrator may sign the registration form.

Changes to the any of the registration information listed above must be provided to the City in writing within 30 days of those changes occurring.

**Sec. 23-54. - Fees; late fees.**

There shall be no fee for the registration, re-registration, or updating of registration information occurring within the time allotments specified in this Division. If a lodging establishment fails to register within the specified time allotment, a late fee established in advance by City Council will be charged.

**Sec. 23-55. - Penalty for failure to register, update registration, or provide accurate information.**

Failure to properly register a lodging establishment, or update registration, as required in this Division shall constitute a municipal civil infraction punishable by a fine of not more than \$500.00. Each day a violation of this Article is committed shall constitute a separate offense. The City Manager, City Police, or the duly authorized representative of either, are authorized to issue citations for violations of this Division.

The submission of false, inaccurate, or incomplete information on a lodging establishment registration form shall constitute a municipal civil infraction punishable by a fine of not more than \$500.00. Each day a violation of this Division is committed shall constitute a separate offense. The City Manager, City Police, or the duly authorized representative of either, are authorized to issue citations for violation of this Division.

**Secs. 23-56 – 23-70. – Reserved**

**Rogers City, Michigan, Code of Ordinances >> PART II - CODE OF ORDINANCES >> CHAPTER 23 – HOUSING >> ARTICLE II. – LODGING ESTABLISHMENTS >> DIVISION II. - INSPECTION**

Sec. 23-71 – Intent  
Sec. 23-72 – Definitions  
Sec. 23-73 – Certificate of compliance required  
Sec. 23-74 – Inspection criteria  
Sec. 23-75 – Inspection procedures  
Sec. 23-76 – Revocation of certificate of compliance  
Sec. 23-77 – Fees  
Sec. 23-78 – Failure to comply  
Sec. 23-79 – Enforcement authorization  
Sec. 23-80 – Program implementation  
Sec. 23-81 thru 23-100 – Reserved

**Sec. 23-71. - Intent.**

The City recognizes the economic impact of the lodging industry in Rogers City and relies on these establishments to provide quality accommodations to guests looking to discover and enjoy all that the community has to offer. It is vital to the reputation of the City that the lodging located within its borders meet minimum property maintenance standards. Benefits to the City of requiring such standards include:

- a) Protection of the health, safety and welfare of guests to the community.
- b) Attraction of tourists the local economy needs to survive and thrive.
- c) Preservation of quality of life Rogers City residents have come to enjoy and tax base City needs to operate successfully.
- d) Enforcement of common minimum standards consistent with those already applied to both short-term rentals and apartments.
- e) Requirement of basic living conditions for those dwelling units serving as long-term guest residences.

**Sec. 23-72. - Definitions.**

As used in this Division, the following words shall have the meanings ascribed to them in this section, unless context clearly indicates otherwise:

*Certificate of compliance:* Official document stating that the lodging establishment is registered, has passed inspection, and meets the minimum standards established by the City as described in this Division.

*Contact person.* An individual listed by the owner on a registration form that should be contacted on matters related to the lodging establishment instead of, or in addition to, the owner, or if the owner cannot be reached; can be the local agent.

*Dwelling unit.* Space within a lodging establishment featuring at least one bed and one bathroom furnished for rent by the hour, day, night, week, or longer.

*Kitchenette.* A portion of a dwelling unit used, or intended to be used, for the preparation of food, or for both the preparation and consumption of food, while the remainder of the room is used, or may be intended at least partially for, purposes other than food preparation/consumption. A kitchenette shall have a sink, cooktop, cabinets or storage shelves, counter or table, and refrigerator, all of which shall be in good repair.

*Local agent.* An individual or company representing the owner of a lodging establishment and responsible for day-to-day operation and/or maintenance of that lodging establishment, whose fulltime residence is within 40 miles of

the City. A local agent is required if the owner of the lodging establishment resides more than 40 miles from the City limits more than 90 days in a calendar year.

*Lodging establishment.* A building or group of buildings containing dwelling units which primarily provide daily and weekly accommodations for short-term stays but may also be rented for longer periods. Every building or structure kept, used, maintained as, advertised, or held out to the public to be a hotel, motel, resort, inn, or bed and breakfast shall be included in this definition. Exempted from this definition are long-term and short-term residential units defined and regulated in Chapter 23, Article 1.

*Lodging establishment premises:* The site upon which a lodging establishment is located as well as its common shared spaces, and mechanical, electrical, and plumbing facilities, including, but not limited to, yards, walkways, driveways, patios, decks, fences, landscaping, offices, guest computer rooms, lobbies, laundry facilities, exercise rooms, pool and spas, saunas, and bathrooms.

*Long-term guest.* A person renting a dwelling unit within a lodging establishment for more than 90 consecutive days and/or a person who has claimed the address of the lodging establishment as his/her residence.

*Property owner.* The individual or organization supported on tax records as owning the lodging establishment.

*Rental inspector:* The person, company, or organization contracted by the City to perform the daily administration of the lodging establishment inspection program including scheduling of appointments, inspections, re-inspections and record keeping.

*Short-term guest.* A person renting a dwelling unit within a lodging establishment for not more than 90 consecutive day and who has not claimed the address of the lodging establishment as his/her residence.

**Sec. 23-73. - Certificate of compliance required.**

- a) No person shall lease, rent or cause to be occupied a dwelling unit within a lodging establishment unless a valid certificate of compliance is issued by the City. A certificate of compliance shall be issued only upon the successful completion of an inspection of the lodging establishment by the rental inspector and other inspectors as may be deemed necessary and described later in this Division.
- b) A certificate of compliance shall be valid for a period of five years from the date of issuance unless revoked by the City.
- c) A lodging establishment in existence on the date this Division takes effect may continue to operate without a certificate of compliance until passing initial inspections, as long as the lodging establishment continues to follow all regulations in Chapter 3, Article 2.
- d) The City may inspect a lodging establishment that has not been registered if it deems doing so to be in the public's best interest, but a certificate of compliance cannot be issued to an unregistered lodging establishment.

**Sec. 23-74. - Inspection criteria.**

- a) Electrical Hazards

All dwelling units must be free from electrical hazards. Ground Fault Interrupter (GFI) outlets are required where a plug and any water source may come in contact in the kitchen, bathroom or laundry room. Other electrical hazards of concern include:

- 1) Broken or frayed electrical wires.

- 2) Bare metal wires not covered by rubber or plastic insulation.
- 3) Loose or improper wire connections to outlets.
- 4) Improper splicing of wires.
- 5) Light fixtures hanging from electric wire with no other firm support.
- 6) Missing or badly cracked cover plates on outlets and switches.
- 7) Any outlet that does not work and gives off a shock and/or shows evidence of scorch marks.
- 8) Electric cords under rugs/floor coverings.
- 9) A wire laying in or near standing water or where water might splash.
- 10) Extension cord that is part of the permanent wiring system of the unit.
- 11) Improper connections, insulation or grounding of any component of the electrical system.
- 12) Exposed fuse box connections.
- 13) Overloaded circuits evidenced by frequently "blown" fuses.
- 14) Any rubber- or plastic-coated electrical wiring mounted on the surface of a wall or ceiling in a manner that allows it to be abused (broken, cut or damaged in other ways).

b) Security

All outer doors and windows must be capable of being locked.

1) Door locks

- A) All locks should be operable and securely fastened to the door.
- B) The lock "striker plate" should be working and be fastened securely to the door frame.
- C) A chain lock alone is not considered adequate to pass. However, a chain lock with another properly working lock would be adequate and would pass.
- D) A simple slide "bolt" lock (keyless lock) would not be adequate as the only lock on the only door of the unit.
- E) The door frame itself must be able to hold the door and securely lock when closed.
- F) Security bars are not allowed as a primary means of locking a door.

2) Window locks

- A) Locks installed on windows must work and when placed in the locked position, hold securely.
- B) Security bars are not allowed as a primary means of locking a window.
- C) A window that is nailed shut is not an acceptable means of locking.

c) Window condition

- 1) Windows in a dwelling unit must meet the following conditions:
- 2) No missing or broken-out panes.
- 3) No dangerously loose, cracked panes.
- 4) No windows that will not close.
- 5) No windows that, when closed, don't form a reasonably tight seal, and allow serious drafts to enter.
- 6) A screen on at least one window in the living room/bedroom of the dwelling unit is required unless air conditioning is provided in that space.

d) Ceiling condition

Ceilings shall be free from:

- 1) Severe bulging or buckling.
- 2) Golf ball-sized holes.
- 3) Severely peeling plaster or paint.
- 4) Loose sections of plaster or drywall in danger of falling.
- 5) Many missing parts such as ceiling tile.

e) Wall condition

Walls shall be free from:

- 1) Severe buckling, bulging, or leaning.
- 2) Damaged or loose structural members.

- 3) Large holes or any holes, regardless of size, that allow significant drafts.
  - 4) Severely peeling plaster or paint.
- f) Floor condition  
Floors shall be free from:
- 1) Severe buckling, sagging, or movement when walked upon.
  - 2) Large sections of damaged/missing parts (e.g., missing or partially missing floor boards).
  - 3) Holes which penetrate both the finish floor and the subflooring that may allow weather or vermin to enter.
  - 4) Permanent floor covering/boards which are serious tripping hazards.
  - 5) All kitchen and bathroom floors must be maintained in good condition and maintainable.
- g) Lighting  
All rooms within the dwelling unit must have adequate lighting, with at least one permanent, hardwired fixture in each room.
- h) Living room/bathroom  
A dwelling unit must include at least one room, in addition to the bathroom, with not less than one full, double, queen, or king bed.
- i) Bathroom  
A dwelling unit shall contain a bathroom for the exclusive use of the guest with a working toilet, wash basin, shower and/or bathtub, hot and cold running water, and adequate water pressure.
- j) Kitchenette  
With the exception of a properly functioning microwave oven or coffee maker provided by the lodging establishment, the cooking of food within a dwelling unit, except in a kitchenette in compliance with this Division, is prohibited. Hot plates or similar equipment to heat or cook food are not permitted. A kitchenette must include the following:
- 1) A sink with piped hot and cold water.
  - 2) A cooktop in which all burners work properly.
  - 3) An adequate counter or table on which to prepare food.
  - 4) Cabinets and/or storage shelves in which to store food and kitchen items.
  - 5) A refrigerator/freezer unit in good repair.
  - 6) An oven is not required but, if provided, must be in good working order.
- k) Smoke detectors/fire suppression
- 1) A dwelling unit shall have at least one battery operated or hardwired smoke detector in proper operating condition installed on each level.
  - 2) Where fire suppression is required by State of Michigan code, the fire suppression system must be maintained and proven to be in good working order.
- l) Heating Equipment:  
A dwelling unit must have properly working, vented heating equipment capable of providing adequate heat to all rooms in the dwelling unit.
- m) Plumbing
- 1) A dwelling unit must have plumbing free from major leaks or corrosion that cause serious and persistent levels of rust or contamination of the drinking water.
  - 2) The plumbing system must be free of significant leaks or persistent dripping.
- n) Sanitary sewer connection  
A dwelling unit must be connected to an approved disposal system and be free from sewer back-up.

- o) Access to unit  
A guest must have direct access to the dwelling unit without having to go through another dwelling unit.
- p) Infestation/basic cleanliness  
A dwelling unit shall be free from infestation or a preponderance of the following:
  - 1) Rats, mice, or other potentially harmful vermin.
  - 2) Bed bugs, cockroaches, flies, fleas, ticks, or other insects
  - 3) Mold or mildew
  - 4) Dirt, garbage, or rubbish
- q) Structure  
The lodging establishment must be free from obvious and/or severe structural defects that could endanger both staff and guests.
- r) Lodging establishment premises  
The lodging establishment grounds, common areas, staff areas, and utility infrastructure must be free from obvious causes of serious injury or illness including, but not limited to trip hazards, sharp or blunt objects that can cut or impale, garbage, rubbish, or debris, or obvious, clear, and potentially dangerous violations of State of Michigan building, electrical, mechanical, plumbing, or health codes.
- s) Requirements for long-term guests
  - 1) While a lodging establishment can rent dwelling units to long-term guests, the following conditions must be met:
    - A) The dwelling unit must include a City-approved kitchenette.
    - B) The dwelling unit must include an adequate number of beds for the number of long-term guests residing in the space.
    - C) In addition to a bed or beds, the dwelling unit must provide seating, such as a couch or chairs, adequate for the number of long-term guests residing in the space.
  - 2) All dwelling units in existence on the date this Division is adopted must be able to meet these requirements to continue to rent space to long-term guests.
  - 3) All dwelling units previously rented to short-term guests must be inspected following an update of the registration by the property owner, contact person, or local agent before it can be rented to a long-term guest.

**Sec. 23-75. - Inspection procedures.**

- a) For each lodging establishment:
  - 1) Twenty percent (20%) of all dwelling units to be rented to short-term guests shall be inspected every five years, with all fractions rounded up (i.e. two inspections required for an establishment renting between six and 10 units). All inspections will be conducted within the same year, and on the same day, if possible, and the dwelling units to be inspected will be selected by the rental inspector on the date of the inspection, with the inspector doing his/her best to work with lodging establishment to avoid disturbing guests.
  - 2) All dwelling units to be rented to long-term guests shall be inspected every five years, with an inspection required before a dwelling unit that had been rented to short-term guests can be rented to long-term guests. It shall be the responsibility of the property owner, contact person, or local agent to coordinate inspection with existing long-term guest.
- b) Newly constructed and/or registered lodging establishments shall be scheduled for an inspection as immediately following registration as practical and shall be inspected and secure a certificate of compliance prior to operation.

- c) At least 30 days prior to an inspection or inspections, the rental inspector shall notify the property owner, contact person, or local agent of the date and time of the inspection. The property owner, contact person, or local agent may request a change in the appointment date/time not less than ten days prior to the scheduled inspection. In the event a property owner, contact person, or local agent learns that he/she cannot be present at the scheduled appointment, the rental inspector must be notified at least 24 hours in advance. A new inspection appointment shall be scheduled not more than 30 days from the original appointment. A missed appointment by a property owner, contact person, or local agent shall be rescheduled by the inspector, and a "missed appointment fee" established in advance by City Council shall be imposed.
- d) A property owner, contact person, or local agent shall provide access to the selected dwelling unit(s). The City will take necessary action against those refusing entry including, but not limited to, issuance of a citation, obtaining a search warrant, posting the unit as uninhabitable and/or instituting other legal action as prescribed in section 23-78, failure to comply.
- d) A lodging establishment in compliance with the requirements included in the inspection checklist shall be issued a certificate of compliance valid for a period of five years from the date of issuance unless revoked by the city per section 23-76, revocation of certificate of compliance.
- e) For lodging establishments that fail inspections, the rental inspector shall provide a written notice of the violations to the property owner, contact person, or local agent, who shall have 30 days from receipt of the notice to correct those violations. More time may be granted by the rental inspector in those situations in which the property owner, contact person, or local agent can demonstrate a justifiable need and the additional time will not, in the opinion of the rental inspector, result in conditions deteriorating further or significantly endangering public health or safety. Less time may also be specified for life or health threatening situations. If any violation remains uncorrected following the allotted repair time, an additional ten days may be granted; however, a re-inspection fee shall be imposed for each subsequent re-inspection. The re-inspection fee shall be paid prior to the inspection.
- f) The rental inspector shall be responsible for scheduling renewal inspections at least 45 days prior to the expiration of a certificate of compliance.
- g) If, during the course of an inspection, the rental inspector becomes alarmed that a lodging establishment poses a risk to existing or future guests, staff, or the public, the rental inspector may notify other agencies of his concerns and request that other agencies including, but not limited to, building, electrical, mechanical, plumbing, and health departments, conduct their own investigation/inspection.
- h) Additional Inspections. The rental inspector may schedule and conduct inspections of additional dwelling units within a lodging establishment, beyond those required in Section 23-75(a), if the inspections he performs turn up serious and consistent violations and he/she has reason to believe similar violations exist in the uninspected units.

**Sec. 23-76. - Revocation of certificate of compliance.**

A certificate of compliance may be revoked by the rental inspector under the following circumstances:

- a) A lodging establishment is not operated for that purpose for 90 consecutive days and/or the property owner, contact person, or local agent asks that its registration with the City be rescinded. In either of these scenarios, the lodging establishment must be re-registered and a new certificate of compliance must be obtained prior to its reopening for operation.
- b) A property owner, contact person, or local agent has failed to correct code violations within the required timeframe upon reregistering and has been officially cited by the City as in violation of this Division.



**Sec. 23-77. - Fees.**

Fees for inspections, missed appointments, re-inspections, and late registrations shall be established annually by City Council. All fees shall be billed by the City prior to inspections being scheduled. A late fee shall be charged for all inspection fees not paid prior to the inspection through ten days after the inspection is performed. Fees remaining unpaid more than ten days following an inspection shall be charged an additional late fee. All charges may be added to the tax bills of the applicable property, and such charges shall become a lien in the same manner as the regular property taxes applied to such premises, until such charges are paid.

**Sec. 23-78. - Failure to comply.**

A violation of any of the provisions of this Division shall be a municipal civil infraction. A copy of the citation need not be personally served upon the alleged violator, but may be served by sending the same to the alleged violator by first-class mail at his or her last known address. A fine of not more than \$500.00 shall be assessed in accordance with the law. Each day a violation is committed or permitted shall constitute a separate offense and shall be punished as such hereunder.

**Sec. 23-79. - Enforcement authorization.**

The city manager, city police department, or duly authorized representative for either, is authorized to enforce the provisions of this Division and issue citations pursuant hereto.

**Sec. 23-80. - Program implementation.**

The city manager, or his/her duly authorized representative, shall be responsible for the implementation and operation of the city lodging establishment inspection program, with oversight provided by City Council.

**Secs. 23-81—23-100. - Reserved.**