

CITY OF CHARLEVOIX CITY COUNCIL MEETING

Monday, September 15, 2014 - 7:00 p.m.

210 State Street, City Hall, Second Floor City Council Chambers, Charlevoix, Michigan

- I. Invocation or Pledge of Allegiance**
- II. Roll Call of Members Present**
- III. Inquiry Regarding Possible Conflicts of Interest**
- IV. Consent Agenda**
 - A. City Council Meeting Minutes – September 2, 2014 PG 1-7
 - B. Accounts Payable Check Registers & Payroll Check Registers PG 8-19
 - C. Standing Historic District Study Committee Resignation - Robert Heath PG 20
- V. Public Hearings**
 - A. Public Hearing an Ordinance to Amend Title VI, Chapter 61 - Nuisances PG 21-73
- VI. Reports**
- VII. Requests, Petitions and Communications and Actions Thereon**
 - A. Consideration to Approve a License Agreement to Utilize Paving Bricks on East Upright Avenue and Alice Street in the Street Right-of-Way PG 74-78
 - B. Consideration to Approve a License Agreement with Goodwill Industries for Paved Area at 402 Petoskey PG 79-83
 - C. Substation Maintenance Contract PG 84-95
 - D. 2013-14 Fiscal Year Financial Presentation PG 96
 - E. Water & Sewer Turn On Fees and Water Usage Minimum for Multiple Unit Locations PG 97-99
- VIII. Introduction and Initial Actions Relating to Ordinances or to Resolutions That Require Publication or Hearings Prior to Final or Further Action**
- IX. Resolutions**
 - A. Water & Sewer Turn On Fees and Water Usage Minimum for Multiple Unit Locations PG 99
- X. Ordinances**
 - A. Ordinance to Amend Title VI, Chapter 61 - Nuisances PG 23-48
- XI. Miscellaneous Business**
- XII. Audience – Non-Agenda Input (written requests take precedent)**
- XIII. Adjourn**

The City of Charlevoix will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting upon one weeks notice to the City of Charlevoix. Individuals with disabilities requiring auxiliary aids or services should contact the City of Charlevoix Clerk's Office in writing or calling the following: City Clerk, 210 State Street, Charlevoix, MI 49720 (231) 547-3250.

Posted September 11, 2014 4:00 p.m.

CITY OF CHARLEVOIX
REGULAR CITY COUNCIL MEETING MINUTES
Tuesday, September 2, 2014 – 7:00 p.m.
210 State Street, City Hall, Council Chambers, Charlevoix, MI

The meeting was called to order at 7:00 p.m. by Mayor Norman Carlson Jr.

I. Pledge of Allegiance

II. Roll Call of Members Present

Mayor: Norman Carlson Jr.
City Manager: Rob Straebel
City Clerk: Joyce Golding
Members Present: Councilmembers Peggy Brennan, Shane Cole, Lyle Gennett, Shirley Gibson, Leon Perron, and Jeff Porter

III. Inquiry Regarding Possible Conflicts of Interest

None.

IV. Consent Agenda

The following items were approved and filed:

- A. Approval of Minutes – August 14, 2014 Special Meeting Minutes
- B. Approval of Minutes – August 18, 2014 Regular Meeting Minutes
- C. Approval of Minutes – August 20, 2014 Special Meeting Minutes
- D. Accounts Payable Special Check Register – August 20, 2014
- E. Accounts Payable Check Register – September 3, 2014
- F. ACH Payments – August 5, 2014 – August 29, 2014
- G. Payroll Check Register – August 29, 2014
- H. Payroll Transmittal – August 29, 2014

V. Public Hearings

A. Second Public Hearing: Discussion and with a Possible Vote on Expanding City Marina

The City held a public hearing on August 18, 2014 to solicit public comments on the marina expansion project. Council also directed Staff to hold a second public hearing on September 2, 2014.

The City has received a rough estimate for Flotation Docking including seven 80' slips and shoppers docks of \$363,000 and for utilities extensions of \$117,000. Because of the size and weight of the Keweenaw Star, Flotation Docking is not recommended. Three pilings would be required to moor the vessel and an estimate of \$45,000–\$50,000 was received from Lyons Marine Construction for installation.

The issue of safety and navigational routes appear to be of most concern to various parties that may be impacted by the development of a new northerly dock. City Manager Straebel indicated that it would be in the City's best interest to fully define the docking options for the area north of Dock A. This can be completed with a comprehensive review by the DNR and the Army Corps of Engineers who will at the same time fully vet any safety and navigational concerns. He stated that to bring the proposal this far and not have identified what could be constructed in this area leaves the issue open for future Councils and brings no closure to a controversial dock expansion project. After the review, Council will be able to consider a viable proposal.

Councilmember Gibson asked how many of the three 80' slips were full this summer. Harbormaster Evans stated that these slips were full during the peak season generating \$384 per night.

Councilmember Brennan answered numerous questions that were brought forth at the previous public hearing.

Treasurer Zielinski stated that two financial obligations still remain for the marina: the East Park Marina Bond and a \$700,000 cash advance from the Electric Fund. He is projecting a shortfall in coming years and sees the revenue generated from the marina expansion as a way to negate the deficit.

Mayor Carlson clarified that a decision to start building the marina expansion was not being made at this meeting. The decision is whether or not to move forward to the permitting process.

Mayor Carlson opened the item to public comment.

Steve Little, Charlevoix Township, is opposed to the project because he considers Round Lake to be overdeveloped and cluttered.

John Fogg, Beaver Island resident and St. James Marine Company representative, is not against the project; however, he is concerned with barge traffic and what will happen if the bridge does not open.

Bill McDonough, CEO of Beaver Island Boat Company (BIBCO) stated BIBCO is not opposed to the expansion but he stands behind his captains and their safety concerns.

Bob Timms suggested adding 75-80' to Dock A to add six 80' slips.

Doug LaBelle, Charlevoix taxpayer, feels that Council needs to help Charlevoix create more businesses and encourage young families to reside in Charlevoix.

Karen Pierce, 3rd Ward, asked for clarification regarding the credentials of the authors of the marina economic impact study among other topics.

Bernie Ward, Ward Brothers Marine and captain, feels that the entire marina should be reworked. He stated the current proposal should be no more than 100-115'.

Tom Waldony questioned whether the proposed dock would have an impact on the parking area adjacent to the water. Mayor Carlson stated that general marina parking is at the Library and no additional concerns at the water related to parking are anticipated.

Greg Krueger, Jefferson Beach Yacht Sales, is in favor of sending the plan for review. He stated that he has four clients committed to signing a 3-5 year lease.

Luther Kurtz, 1st Ward, stated that the Downtown Development Authority (DDA) and Planning Commission are in favor of the expansion. He values a strong relationship with BIBCO and encourages the Council to support the expansion.

Mayor Carlson noted for the record that he is a member of the DDA and he recused himself from voting on the expansion, thus allowing him to cast a tie-breaking vote at this meeting if necessary.

Gabe Campbell, 2nd Ward, stated that BIBCO brings in \$100,000's and Keweenaw Star brings in money. He finds it strange that representatives were not on the Marina Expansion Committee. He is concerned that BIBCO may move from Charlevoix. He suggested putting the expansion on the ballot in the spring. Mayor Carlson clarified misinformation. BIBCO brings in millions of dollars a year along with business and jobs. BIBCO is not looking to sever the relationship it has with Charlevoix. Mayor Carlson stated that there are no additional bonds for the marina. Taking the question of the marina expansion to the people is illegal and Council is tasked to make the decision.

Ron Agnello, 1st Ward, prefers the 5-slip option. He also stated that there should be more shoppers' docks.

Bethany Pearson, CED Director and DDA representative, stated that in a poll of downtown businesses 85% were in favor of the expansion. Of those in favor of the expansion, 75% recommend the 7-slip option. The expansion would bring more year-round economy to Charlevoix.

Public comment was closed.

Mayor Carlson reiterated Council's options: send a 5 or 7-slip proposal to the reviewing agencies; table the expansion proposal; or do nothing. Councilmember Brennan explained the agency review process.

Councilmember Porter stated that 90% of the people he has spoken to are not in favor of the expansion, but are willing to reconfigure the current docks to accommodate larger boats. City Manager Straebel commented that this would be fairly challenging from an engineering perspective.

Councilmember Gennett feels that Council should send the proposal to the reviewing agency. Councilmember Cole agreed.

Councilmember Perron is against the marina expansion. He would like to see investments support the year round residents, such as Mt. McSaubia ski hill, rather than on something that a few millionaires can use for six weeks out of the year.

Motion by Councilmember Brennan, second by Councilmember Gennett, to recommend a 7-slip dock for 80' vessels and expanded shoppers' dock be sent to the appropriate reviewing agencies.

Yeas: Cole, Gennett, Brennan
Nays: Gibson, Perron, Porter
Absent: None

TIE VOTE.

Mayor Carlson: Yea
Motion passes.

VI. Reports

City Manager Straebel requested permission to attend the annual International City Manager's Association Conference and asked for an excused absence from the September 15th Council meeting. Permission granted.

VII. Requests, Petitions and Communications and Actions Thereon

A. Consideration to Approve a License Agreement for Use of Alice Street Right-of-Way

On August 21, 2014 City Council directed Staff to develop a license agreement with the Boss Family to utilize City right-of-way for a driveway/parking area. The Boss' will have use of 25' of paved right-of-way. The City retains full ownership of this area and the licensee does not retain any ownership rights by way of adverse possession or prescriptive easements.

Councilmember Perron stated there is some question about obstructing the sidewalk in front of the property and equitable treatment of all City residents.

Councilmember Gennett stated that the Boss property is unique with regards to the shortened sidewalk.

Mayor Carlson stated that if vehicles are parked on the sidewalk after the agreement is executed, then the Police Department can enforce the agreement.

Mayor Carlson opened the item to public comment. There was no public comment and the item was closed.

Motion by Councilmember Cole, second by Councilmember Brennan, to approve License Agreement for Driveway/Parking Area in the Right-of-Way at 203 Alice Street.

Yeas: Cole, Gennett, Gibson, Perron, Porter, Brennan

Nays: None

Absent: None

B. Discussion Regarding Golf Course Consulting Proposal from Vargo Golf Company

The City received one proposal from Vargo Golf Company after issuing a request for proposal (RFP) for golf course consultant services. Vargo's proposal is to partner with the City to manage the golf course. Both the City Treasurer and City Manager feel that the City should at least explore the details of how Vargo would approach managing the golf course. There would be no obligation for these exploratory discussions. If hiring a management company is a viable solution, an additional RFP would be crafted to solicit management proposals for the Charlevoix Golf Club.

Golf and Grounds Director Heid recommended conducting a survey of other privatized community golf courses prior to conversations with Vargo to facilitate an informed dialog.

Councilmember Gennett cited several items in the consulting proposal that he does not agree with. He stated that citizens want recreation to remain the way it is and proposed creating a millage.

Councilmember Gibson suggested that Recreation Director Tom Kirinovic should look at all recreation options in the community before the City spends money on a consulting group. She stated that Vargo is self-serving. She also recommended utilizing the Recreation Advisory Committee. Councilmember Cole agreed with Councilmember Gibson's suggestions. Recreation Director Kirinovic stated he would be willing help in any way he can.

Councilmember Porter feels that responsibility for the golf course should fall under the Recreation Director.

Treasurer Zielinski stated that the City needs to embrace creative ideas with regards to the golf course to avoid deficit funding.

Mayor Carlson indicated that a consultant recommending privatization should be exempt from management opportunities to avoid a self-serving perception.

Maureen LeBlanc suggested asking Charlevoix townships to partner with the City to support recreation. Mayor Carlson stated that the townships chose not to participate in a partnership in the past.

Diane Barker feels the golf rates are too high and suggested a different price schedule.

Dave Novolny questioned whether there was a deed restriction with regards to privatization.

Mary Eveleigh shared her experience with privatized courses in the Lansing area, which failed. Ms. Eveleigh feels that people will step forward to help the City's recreational facilities.

C. Purchase of Energy

The Michigan Public Power Agency (MPPA) is recommending that the City purchase future blocks of energy in accordance with the City's Risk Management and Hedge Policies. According to MPPA predictions, the City needs to purchase energy to fill in during peak hours in 2016 and 2019 at a maximum cost of \$448,800.

Mayor Carlson opened the item to public comment. There was no public comment and the item was closed.

Motion by Councilmember Brennan, second by Councilmember Gennett, for approval to spend up to a maximum of \$448,800 to purchase blocks of peak energy as detailed [in the agenda packet] for the years 2016 and 2019.

Yeas: Cole, Gennett, Gibson, Perron, Porter, Brennan
Nays: None
Absent: None

D. Water & Sewer Turn On Fees and Water Usage Minimum for Multiple Unit Locations

The water and sewer turn on fees adopted for the 2014-15 fiscal year were not increased to account for the annual increases to water and sewer rates. Treasurer Zielinski stated that if a large number of seasonal residents took advantage of this discrepancy in rates, it would significantly impact the City's water and sewer revenues as well as increase the workload for the DPW staff. Staff recommends increasing the turn on fees to equal approximately seven months of the minimum charge.

Single family residential homes and commercial properties are charged a monthly water usage minimum of 2,000 gallons. Currently, multiple unit locations with one water meter are charged a monthly usage minimum of 1,500 gallons. In order to have a fair and equitable rate structure, Staff recommends increasing the minimum usage for multiple unit locations to 2,000 gallons. City Treasurer Zielinski recommended further discussion at the next Council meeting on September 15th, with direction to Staff.

Councilmember Gennett stated his concern with customers requesting a utility turn-on in March, which could be costly to the City.

Mayor Carlson opened the item to public comment. There was no public comment and the item was closed.

Mayor Carlson stated that this item will be placed on the September 15th agenda.

VIII. Introduction and Initial Actions Relating to Ordinances or to Resolutions That Require Publication or Hearings Prior to Final or Further Action

None.

IX. Resolutions

None.

X. Ordinances

None.

XI. Miscellaneous Business

Councilmember Gibson suggested placing more bicycle racks in Bridge Park. Councilmember Brennan agreed.

XII. Audience - Non-agenda Input (written requests take precedent)

CED Director Pearson encouraged Council and interested citizens to attend the Michigan Main Street Program meeting on September 4th at 6:00 p.m. at the Library.

XIII. Closed Session

A. City Manager Evaluation – Section 15.268 (8) (a)

Motion by Councilmember Gennett, second by Councilmember Brennan, to go into closed session for the City Manager Evaluation, citing Section 15.268 (8) (a) of the Open Meetings Act.

Yeas: Cole, Gennett, Gibson, Perron, Porter, Brennan
Nays: None
Absent: None

Council moved into closed session at 8:55 p.m. Council resumed open session at 9:30 p.m.

XIV. Adjourn

The Mayor stated that, barring any objections, the meeting would adjourn.
 There were no objections.
 Meeting adjourned at 9:31 p.m.

Joyce M. Golding City Clerk Norman L. Carlson Jr. Mayor

Special Accounts Payable: 08/20/2014

AT&T MOBILITY	72.29	PRIORITY HEALTH	44,349.18
CHARLEVOIX STATE BANK	2,230.03	STATE OF MICHIGAN	12,265.55
DELTA DENTAL	4,437.05	VERIZON WIRELESS	56.72
GREAT LAKES ENERGY	201.42	VISION SERVICE PLAN	508.38
METLIFE SMALL BUSINESS CENTER	794.45		
PREIN & NEWHOF	202,913.48	TOTAL	267,828.55

Accounts Payable: 09/03/2014

AIRGAS USA LLC	174.02	HEID, THOMAS J.	41.00
ALL-PHASE ELECTRIC SUPPLY CO.	2,951.65	HOLECHECK, JENNACA R.	6.50
AMERICAN WASTE INC.	2,682.94	HOLIDAY COMPANIES	10,315.20
AMSTUTZ, LINDA	278.75	HYDE SERVICES LLC	397.76
ARMOR EXPRESS	390.00	HYDRO DESIGNS INC.	515.00
ARROW UNIFORM-TAYLOR L.L.C.	1,246.11	INDUSTRIAL MARKETING	2,169.02
ARTFORM FABRICATING &	1,000.00	KIRINOVIC, THOMAS	41.00
AT & T CORPORATION	240.00	KMart	409.99
AT YOUR SERVICE PLUS INC	9,950.00	KSS ENTERPRISES	1,683.44
AT&T LONG DISTANCE	18.88	KUSINA, DENNIS	124.32
AVFUEL CORPORATION	96,193.24	LAKESHORE TIRE & AUTO SERVICE	72.50
BERG, REBECCA	147.00	LAVOIE, RICHARD	11.47
BLANFORD, KATHERINE	54.94	LOTTIE'S BAGELS	48.00
BRADLEY, PAIGE M.	16.13	LUNDTEIGEN, GUNNAR	1,200.00
CENTRAL DRUG STORE	50.59	MDC CONTRACTING LLC	9,123.90
CHARLEVOIX SCREEN MASTERS INC	226.00	MICHIGAN MUNICIPAL LEAGUE	13,298.00
COAST TO COAST COMPUTER	49.00	MIDWEST GOLF & TURF	47.42
COOK FAMILY FARMS	15.00	MUTUAL OF OMAHA	45.78
CUMMINS BRIDGEWAY LLC	424.00	NORTHERN CREDIT BUREAU	4.00
DCASSESSING SERVICES	4,371.08	NORTHERN MICHIGAN REVIEW INC.	123.20
DeROSIA, PATTY	41.00	NYSTROM, JIM	120.00
DOAN, GERARD	41.00	OLESON'S FOOD STORES	393.13
DOMINIC, BONNIE	25.00	OLSON BZDOK & HOWARD	2,728.00
EAST JORDAN FAMILY HEALTH CTR	122.00	PARASTAR INC.	1,459.32
EJ USA INC.	1,419.30	PEARSON, BETHANY	109.94
ELLIOTT, PATRICK M.	41.00	PERFORMANCE ENGINEERS INC	522.50
ELLSWORTH.FARMER'S EXCHANGE	94.00	PETERS, MEGAN	21.50
ETNA SUPPLY	2,092.43	PHELPS SAW-MILL	120.00
EVANS, HAL	41.00	POLLARDWATER.COM - EAST	179.49
FAMILY FARM & HOME	243.58	POLLUTION CONTROL SERVICES INC	8,100.00
FARMER WHITE'S	80.00	POND HILL FARM LLC	48.00
FASTENAL COMPANY	93.96	POWER LINE SUPPLY	3,134.99
FIRESERVICE MANAGEMENT	368.28	PREIN & NEWHOF	54,333.59
FISHER SCIENTIFIC	1,485.28	PRESTON FEATHER	294.70
FLETCH'S	9.75	PRUITT, CANDY	64.09
FOX CHARLEVOIX	1,406.89	R & R FIRE TRUCK REPAIR INC.	337.85
FREDRICKSON SUPPLY LLC	131.28	ROCKAFELLOW, SARAH C.	16.43
FREEDOM MAILING SERVICES INC.	2,424.55	ROLOFF, ROBERT	265.08
GALLIMORE, SARAH	58.00	SCHMUCKAL OIL CO	701.55
GINOP SALES INC	1,911.80	SCHWAGER, EDWARD J.	41.00
GORDON FOOD SERVICE	126.42	SEELEY'S PRINTING SERVICE	160.00
GRAINGER	1,476.00	SHARROW MASONRY INC	1,856.75
GRAND TRAVERSE GARAGE DOOR	3,250.84	SPARTAN DISTRIBUTORS INC	351.81
GRIFFIN BEVERAGE CO	165.70	SPENCER, MICHAEL	41.00
GRP ENGINEERING INC.	203.14	STANDARD AND POORS	5,000.00
GUNTZVILLER, RHONDA	123.00	STATE OF MICHIGAN	345.00
HACH COMPANY	607.26	STATE OF MICHIGAN	855.00
HALL, CHASE	34.94	STRAEBEL, ROBERT J.	41.00
HANKINS, SCOTT	41.00	SUTPHEN CORPORATION	1,400.00
HARRELL'S	585.00	SWEM, DONALD L.	41.00

TEUNIS, STEVEN	41.00	WILLCOME TREE SERVICE	9,045.00
UP NORTH PROPERTY SERVICES LLC	5,236.00	WINDOM-TRIPP, LINDA	75.00
UPPER CASE PRINTING INK.	550.80	WOOD SHOP, THE	525.00
VANTOURA ENERGY SERVICES	4,150.30	WOODY, SCOTT	1,221.16
VILLAGE GRAPHICS INC.	61.01	WORK & PLAY SHOP	22.65
WEBB, BRANDON	8.68	WYMAN, MATTHEW A.	41.00
WELLER, LINDA	49.67	ZIELINSKI, JOSEPH A.	41.00
WEST SHORE FIRE INC	414.97		
WHITLEY, ANDREW	11.98	TOTAL	283,477.97

ACH Payments: 08/05/2014 – 08/29/2014

PAYMENT SERVICE NETWORK	216.10	STATE OF MI (WITHHOLDING TAX)	5,947.20
MI PUBLIC POWER AGENCY	34,810.35	VANTAGEPOINT (401 ICMA PLAN)	728.06
MI PUBLIC POWER AGENCY	274,339.72	VANTAGEPOINT (457 ICMA PLAN)	13,580.25
MI PUBLIC POWER AGENCY	19,376.27	MERS (DEFINED BENEFIT PLAN)	40,852.28
IRS (PAYROLL TAX DEPOSIT)	42,171.24		
ALERUS FINANCIAL (HCSP)	280.00	TOTAL	432,301.47

PAYROLL: NET PAY

Pay Period Ending 08/23/2014 – Paid 08/29/2014

WELLER, LINDA JO	1,524.85	JONES, TERRI L.	754.90
STRAEBEL, ROBERT J.	2,186.47	SWEM, DONALD L.	1,867.40
GOLDING, JOYCE M.	1,020.25	EATON, BRAD A.	1,607.49
DEROSIA, PATRICIA E.	871.03	WILSON, TIMOTHY J.	1,985.33
LOY, EVELYN R.	1,017.15	LAVOIE, RICHARD L.	1,373.75
KLOOSTER, ALIDA K.	1,404.26	STEVENS, BRANDON C	1,165.21
BROWN, STEPHANIE C.	1,067.74	WHITLEY, ANDREW T.	1,358.80
SPENCER, MICHAEL D.	1,296.68	DRAVES, MARTIN J.	1,792.43
SPENCLEY, PATRICIA L.	1,049.12	ELLIOTT, PATRICK M.	1,732.18
PANOFF, ZACHARY R.	820.00	MORRISON, KEVIN P.	1,164.03
MILLER, FAITH G.	60.22	HODGE, MICHAEL J.	1,089.25
PEARSON, BETHANY S.	1,248.39	WELLS JR., DONALD E.	1,395.87
ZIELINSKI, JOSEPH A.	1,735.63	BRADLEY, KELLY R.	1,341.51
LEESE, MERRI C.	173.92	WILSON, RICHARD J.	1,118.22
DOAN, GERARD P.	1,613.56	HART II, DELBERT W.	690.88
SHRIFT, PETER R.	1,122.01	JOHNSON, STEVEN P.	1,349.31
SCHLAPPI, JAMES L.	970.05	JONES, ROBERT F.	1,258.62
UMULIS, MATTHEW T.	1,240.46	DORAN, JUSTIN J.	1,425.61
HANKINS, SCOTT A.	1,517.19	BISHAW, JAMES H.	551.52
ORBAN, BARBARA K.	1,262.33	MARTINEZ, STANLEY A.	505.66
TRAEGER, JASON A.	1,130.16	MANKER JR, DAVID W.	463.84
WARNER, JANINE M.	986.17	MANKER SR, DAVID W.	700.76
EVANS JR, HALBERT K.	1,424.26	NEUMANN, DANA L.	521.30
KLOOSTER, PATRICK H.	557.93	BECKER, MICHAEL S.	553.59
LEE, LOREN G.	227.33	HERRIMAN, COBY M.	271.07
HUMBLE, NATHAN C.	761.52	SHEPARD, ZACHARY N.	480.25
FLICKEMA, ANDREW M.	732.19	COLE, STEVEN D.	502.74
BINGHAM, LARRY E.	803.99	NICHOLS, RUSSELL N.	490.95
LABELLE, DAVIS B.	405.27	HAWKINS, JAMES S.	353.09
KLINGER, LUCAS D.	521.06	MCGHEE, ROBERT R.	1,092.66
BRANDI, MAURA E.	253.83	STANTS, JACOB W.	384.34
SPEGELE, GREYSON H.	405.27	BLOOMER, GABRIELLE J.	359.83
VANLOO, JORDAN C.	615.23	KIRINOVIC, THOMAS F.	123.46
GLENNY, GRACE A.	537.45	KLOOSTER, SUSAN E.	83.31
ACHARYA, VARUN R.K.	139.85	STEBE, LAURA A.	143.64
GREYERBIEHL, KELLY M.	527.51	HALL, CHASE D.	552.40
IVAN, PAUL M.	5,133.15	PETERS, MEGAN M.	507.54
SCHWARTZFISHER, JOSEPH L.	1,102.91	RUDOLPH, TRISTAN M.	315.46
ROLOFF, ROBERT P.	1,950.04	GOLOVICH, SAWYER P.	593.29
BRODIN, WILLIAM C.	1,375.51	ECKHARDT, LOGAN R.	602.99
RILEY, DENISE M.	500.76	WEBB, MICHAEL B.	1,076.07
TEUNIS, STEVEN L.	1,839.10	ELLIOTT, ASHLIE D.	364.43
WURST, RANDALL W.	1,230.98	PARKER-DROST, HERO	401.77
MAYER, SHELLEY L.	1,531.44	HOLECHECK, JENNACA R.	406.16
HILLING, NICHOLAS A.	1,523.12	WELLS, IVY L.	440.16
MEIER III, CHARLES A.	1,118.33	ROCKAFELLOW, SARAH C.	417.77
ZACHARIAS, STEVEN B.	1,585.74	BRADLEY, PAIGE M.	318.09
NISWANDER, JOSEPH F.	1,371.36	HEID, THOMAS J	1,273.19
FRYE, EDWARD J.	1,021.98	WESCOTT, DENNIS M	280.37

STEIN, DONNA E.	305.58	SEAMAN, HEATHER K.	1,597.14
CURTIS, DENNIS E.	914.40	BAGINSKI, JORDAN R.	262.48
BOOTHE, STEVEN A.	266.04	TABER, HOLLY S	365.11
GRUNCH, RONALD J.	273.72	WYMAN, MATTHEW A.	1,241.28
RYPSTRA III, BART	212.78	DRAVES, MICHAEL J.	651.77
DAVIS, RONALD L.	261.72	SCHRADER, LOU ANN	507.60
GILL, DAVID R.	1,086.32	SCHWAGER, EDWARD J.	710.27
MACLEOD, SAMUEL R.	417.22	HUESING, HENRY A.	313.66
STEIN, MARK G.	35.68	RILEY, CASEY W.	700.67
TODD, RICHARD D.	367.30	WILKIN, AMANDA J.	496.46
WOODY, SCOTT R.	3,312.97	AMSTUTZ, LINDA J.	1,095.44
VANLOO, JOSEPH G.	525.51	TOTAL	109,838.36

PAYROLL: TRANSMITTAL
08/29/2014

AMERICAN FAMILY LIFE	182.40	COMMUNICATION WORKERS OF AMER	529.95
AMERICAN FAMILY LIFE	269.17	MI STATE DISBURSEMENT UNIT	546.29
BAY WINDS FEDERAL CREDIT UNION	110.00	NORTHWESTERN BANK	150.00
CHAR EM UNITED WAY	82.04	PRIORITY HEALTH	1,489.42
CHARLEVOIX STATE BANK	1,041.16	TOTAL	4,400.43

Pay Period Date	Check Issue Date	Check Number	Payee	Emp ID	Description	Amount
09/06/2014	09/12/2014	110999	AMERICAN FAMILY LIFE	9011	AMERICAN FAMILY LIFE-POST	162.40
09/06/2014	09/12/2014	110999	AMERICAN FAMILY LIFE	9011	AMERICAN FAMILY LIFE-PRETA	269.17
09/06/2014	09/12/2014	111000	BAY WINDS FEDERAL C	9024	HSA-EMPLOYEE CONTRIB-BAY	110.00
09/06/2014	09/12/2014	111001	CHAR EM UNITED WAY	9009	UNITED WAY Pay Period: 9/6/20	65.50
09/06/2014	09/12/2014	111002	CHARLEVOIX STATE BA	9017	HSA - EMPLOYEE CONTRIB - C	941.16
09/06/2014	09/12/2014	111003	COMMUNICATION WORK	9004	CWA UNION DUES Pay Period:	530.60
09/06/2014	09/12/2014	111004	MI STATE DISBURSEME	9012	FRIEND OF THE COURT Pay P	546.29
09/06/2014	09/12/2014	111005	NORTHWESTERN BANK	9018	HSA - EMPLOYEE CONTRIB - N	150.00
09/06/2014	09/12/2014	111006	POLICE OFFICERS LABO	9003	POL UNION DUES Pay Period: 9	382.00
09/06/2014	09/12/2014	111007	PRIORITY HEALTH	392358	PRIORITY HEALTH Pay Period:	1,514.54
Grand Totals:						10 4,691.66

JJ

Summary of Check Registers & ACH Payments

FIRSTMERIT BANK - CHECKS ISSUED

09/12/14 Payroll	\$ 92,404.59
09/12/14 Payroll Transmittal Checks	\$ 4,691.66
09/16/14 Regular Accounts Payable	\$ 574,289.67
Checks Sub-Total:	\$ 671,385.92

FIRSTMERIT BANK - ACH PAYMENTS

09/02/14 MI Public Power Agency	\$ 18,398.42
09/05/14 Payment Service Network	\$ 223.70
09/08/14 MI Public Power Agency	\$ 13,379.67
09/09/14 State of MI (Sales Tax)	\$ 28,503.89
09/12/14 IRS (Payroll Tax Deposit)	\$ 35,358.13
09/12/14 Alerus Financial (HCSP)	\$ 270.00
09/12/14 State of MI (Withholding Tax)	\$ 5,058.07
09/12/14 Vantagepoint (401 ICMA Plan)	\$ 728.05
09/12/14 Vantagepoint (457 ICMA Plan)	\$ 13,439.34

ACH Sub-Total: \$ 115,359.27

First Merit Bank Total: \$ 786,745.19

CHARLEVOIX STATE BANK - CHECKS ISSUED

(PROPERTY TAX DISBURSEMENT TO VARIOUS TAXING AUTHORITIES)

09/16/14 Tax Disbursement	\$ 3,147,365.24
Charlevoix State Bank Total:	\$ 3,147,365.24
Grand Total:	\$ 3,934,110.43

APPROVED:

RS

CITY MANAGER

JJ

CITY TREASURER

WJ

CITY CLERK

Pay Period Date	Journal Code	Check Issue Date	Check Number	Payee	Emp ID	Description	Amount
09/06/2014	PC	09/12/2014	18303	WELLER, LINDA JO	101		1,367.08
09/06/2014	PC	09/12/2014	18304	STRAEBEL, ROBERT J.	102		2,496.75
09/06/2014	PC	09/12/2014	18305	GOLDING, JOYCE M.	106		1,053.34
09/06/2014	PC	09/12/2014	18306	DEROSIA, PATRICIA E.	107		871.03
09/06/2014	PC	09/12/2014	18307	LOY, EVELYN R.	117		1,017.15
09/06/2014	PC	09/12/2014	18308	KLOOSTER, ALIDA K.	121		1,632.33
09/06/2014	PC	09/12/2014	18309	BROWN, STEPHANIE C.	126		1,067.74
09/06/2014	PC	09/12/2014	18310	SPENCER, MICHAEL D.	132		1,524.76
09/06/2014	PC	09/12/2014	18311	SPENCLEY, PATRICIA L.	136		1,068.82
09/06/2014	PC	09/12/2014	18312	PANOFF, ZACHARY R.	141		743.98
09/06/2014	PC	09/12/2014	18313	MILLER, FAITH G.	142		21.50
09/06/2014	PC	09/12/2014	18314	PEARSON, BETHANY S.	143		1,248.39
09/06/2014	PC	09/12/2014	18315	ZIELINSKI, JOSEPH A.	144		1,735.63
09/06/2014	PC	09/12/2014	18316	LEESE, MERRI C.	145		158.51
09/06/2014	PC	09/12/2014	18317	DOAN, GERARD P.	201		1,613.56
09/06/2014	PC	09/12/2014	18318	SHRIFT, PETER R.	203		1,230.35
09/06/2014	PC	09/12/2014	18319	SCHLAPPI, JAMES L.	204		1,099.28
09/06/2014	PC	09/12/2014	18320	UMULIS, MATTHEW T.	205		1,316.07
09/06/2014	PC	09/12/2014	18321	HANKINS, SCOTT A.	208		1,774.05
09/06/2014	PC	09/12/2014	18322	ORBAN, BARBARA K.	209		1,678.73
09/06/2014	PC	09/12/2014	18323	TRAEGER, JASON A.	210		1,462.70
09/06/2014	PC	09/12/2014	18324	WARNER, JANINE M.	213		1,214.25
09/06/2014	PC	09/12/2014	18325	EVANS JR, HALBERT K.	214		1,424.26
09/06/2014	PC	09/12/2014	18326	LEE, LOREN G.	217		359.37
09/06/2014	PC	09/12/2014	18327	FLICKEMA, ANDREW M.	222		308.55
09/06/2014	PC	09/12/2014	18328	BINGHAM, LARRY E.	224		803.99
09/06/2014	PC	09/12/2014	18329	SCHWARTZFISHER, JOS	303		1,302.22
09/06/2014	PC	09/12/2014	18330	ROLOFF, ROBERT P.	304		2,222.68
09/06/2014	PC	09/12/2014	18331	BRODIN, WILLIAM C.	305		1,290.14
09/06/2014	PC	09/12/2014	18332	RILEY, DENISE M.	306		512.51
09/06/2014	PC	09/12/2014	18333	TEUNIS, STEVEN L.	402		1,758.35
09/06/2014	PC	09/12/2014	18334	WURST, RANDALL W.	411		1,726.93
09/06/2014	PC	09/12/2014	18335	MAYER, SHELLEY L.	412		2,031.83
09/06/2014	PC	09/12/2014	18336	HILLING, NICHOLAS A.	413		1,172.92
09/06/2014	PC	09/12/2014	18337	MEIER III, CHARLES A.	421		1,118.33
09/06/2014	PC	09/12/2014	18338	ZACHARIAS, STEVEN B.	422		1,268.28
09/06/2014	PC	09/12/2014	18339	NISWANDER, JOSEPH F.	504		1,301.28
09/06/2014	PC	09/12/2014	18340	FRYE, EDWARD J.	508		958.86
09/06/2014	PC	09/12/2014	18341	JONES, TERRI L.	511		495.53
09/06/2014	PC	09/12/2014	18342	EATON, BRAD A.	515		1,780.26
09/06/2014	PC	09/12/2014	18343	WILSON, TIMOTHY J.	516		2,244.88
09/06/2014	PC	09/12/2014	18344	LAVOIE, RICHARD L.	519		1,442.79
09/06/2014	PC	09/12/2014	18345	STEVENS, BRANDON C.	521		1,312.33
09/06/2014	PC	09/12/2014	18346	DRAVES, MARTIN J.	523		1,609.21
09/06/2014	PC	09/12/2014	18347	ELLIOTT, PATRICK M.	600		1,732.19
09/06/2014	PC	09/12/2014	18348	WELLS JR., DONALD E.	609		1,468.48
09/06/2014	PC	09/12/2014	18349	BRADLEY, KELLY R.	614		1,406.45
09/06/2014	PC	09/12/2014	18350	WILSON, RICHARD J.	615		1,310.33
09/06/2014	PC	09/12/2014	18351	HART II, DELBERT W.	616		711.96
09/06/2014	PC	09/12/2014	18352	JONES, ROBERT F.	618		1,366.12
09/06/2014	PC	09/12/2014	18353	DORAN, JUSTIN J.	621		1,545.68
09/06/2014	PC	09/12/2014	18354	MARTINEZ, STANLEY A.	634		356.53
09/06/2014	PC	09/12/2014	18355	MANKER JR, DAVID W.	638		415.59
09/06/2014	PC	09/12/2014	18356	MANKER SR, DAVID W.	639		638.28
09/06/2014	PC	09/12/2014	18357	NEUMANN, DANA L.	640		428.09
09/06/2014	PC	09/12/2014	18358	BECKER, MICHAEL S.	641		540.06
09/06/2014	PC	09/12/2014	18359	NICHOLS, RUSSELL N.	661		484.39

Pay Period Date	Journal Code	Check Issue Date	Check Number	Payee	Emp ID	Description	Amount
09/06/2014	PC	09/12/2014	18360	HAWKINS, JAMES S.	662		290.95
09/06/2014	PC	09/12/2014	18361	MCGHEE, ROBERT R.	663		928.39
09/06/2014	PC	09/12/2014	18362	STANTS, JACOB W.	664		430.80
09/06/2014	PC	09/12/2014	18363	BLOOMER, GABRIELLE J.	665		352.13
09/06/2014	PC	09/12/2014	18364	KIRINOVIC, THOMAS F.	700		303.86
09/06/2014	PC	09/12/2014	18365	KLOOSTER, SUSAN E.	702		1.36
09/06/2014	PC	09/12/2014	18366	STEBE, LAURA A.	703		59.89
09/06/2014	PC	09/12/2014	18367	GOLOVICH, SAWYER P.	759		447.09
09/06/2014	PC	09/12/2014	18368	WEBB, MICHAEL B.	773		46.17
09/06/2014	PC	09/12/2014	18369	WELLS, IVY L.	781		370.72
09/06/2014	PC	09/12/2014	18370	HEID, THOMAS J	802		1,273.19
09/06/2014	PC	09/12/2014	18371	WESCOTT, DENNIS M.	828		319.28
09/06/2014	PC	09/12/2014	18372	STEIN, DONNA E.	830		345.89
09/06/2014	PC	09/12/2014	18373	GRUNCH, RONALD J.	844		273.72
09/06/2014	PC	09/12/2014	18374	RYPSTRA III, BART	852		149.75
09/06/2014	PC	09/12/2014	18375	MACLEOD, SAMUEL R.	857		383.06
09/06/2014	PC	09/12/2014	18376	STEIN, MARK G.	858		15.85
09/06/2014	PC	09/12/2014	18377	VANLOO, JOSEPH G.	902		672.05
09/06/2014	PC	09/12/2014	18378	TABER, HOLLY S.	924		484.52
09/06/2014	PC	09/12/2014	18379	WYMAN, MATTHEW A.	927		1,387.29
09/06/2014	PC	09/12/2014	18380	DRAVES, MICHAEL J.	928		780.43
09/06/2014	PC	09/12/2014	18381	SCHRADER, LOU ANN	929		604.26
09/06/2014	PC	09/12/2014	18382	SCHWAGER, EDWARD J.	930		1,467.68
09/06/2014	PC	09/12/2014	18383	HUESING, HENRY A.	931		237.86
09/06/2014	PC	09/12/2014	18384	RILEY, CASEY W.	1052		608.55
09/06/2014	PC	09/12/2014	110982	CHAVEZ, DEBRA L.	199		440.50
09/06/2014	PC	09/12/2014	110983	KLOOSTER, PATRICK H.	216		414.97
09/06/2014	PC	09/12/2014	110984	LABELLE, DAVIS B.	234		280.31
09/06/2014	PC	09/12/2014	110985	KLINGER, LUCAS D.	235		148.00
09/06/2014	PC	09/12/2014	110986	GREYERBIEHL, KELLY M.	280		487.13
09/06/2014	PC	09/12/2014	110987	SWEM, DONALD L.	512		1,667.40
09/06/2014	PC	09/12/2014	110988	WHITLEY, ANDREW T.	522		1,644.21
09/06/2014	PC	09/12/2014	110989	MORRISON, KEVIN P.	601		952.17
09/06/2014	PC	09/12/2014	110990	HODGE, MICHAEL J.	606		1,317.32
09/06/2014	PC	09/12/2014	110991	JOHNSON, STEVEN P.	617		1,227.59
09/06/2014	PC	09/12/2014	110992	BISHAW, JAMES H.	633		417.99
09/06/2014	PC	09/12/2014	110993	COLE, STEVEN D.	657		373.48
09/06/2014	PC	09/12/2014	110994	CURTIS, DENNIS E.	831		879.85
09/06/2014	PC	09/12/2014	110995	BOOTHE, STEVEN A.	832		236.18
09/06/2014	PC	09/12/2014	110996	DAVIS, RONALD L.	853		182.33
09/06/2014	PC	09/12/2014	110997	GILL, DAVID R.	856		905.29
09/06/2014	PC	09/12/2014	110998	TODD, RICHARD D.	859		349.48

Grand Totals:

99

92,404.59

Report Criteria:

- Computed checks included
- Manual checks included
- Supplemental checks included
- Termination checks included
- Void checks included

Check Number	Payee	Amount
09/16/2014		
111008	ABRAMOWSKI, DWAIN	25.00
111009	ACE HARDWARE	1,825.32
111010	AIRGAS USA LLC	1,113.28
111011	ALL-PHASE ELECTRIC SUPPLY CO.	153.61
111012	AMERICAN WASTE INC.	2,415.60
111013	ARMOR EXPRESS	455.00
111014	ARROW UNIFORM-TAYLOR L.L.C.	995.58
111015	AT YOUR SERVICE PLUS INC	115.00
111016	AVFUEL CORPORATION	76,663.70
111017	B & L SOUND INC	180.90
111018	BANDIT INDUSTRIES INC	232.03
111019	BC/BS OF MI REFUNDS	26.16
111020	BERG, REBECCA	92.00
111021	BIANCHI, KERRIE PAUL	196.00
111022	BOB MATHERS FORD	46.20
111023	BOYNE AREA MEDICAL CENTER	100.00
111024	BRADFORD'S	58.50
111025	BURKLE, CHARLES	2,310.00
111026	CARQUEST OF CHARLEVOIX	1,768.14
111027	CHARLEVOIX COURIER	58.80
111028	CHARLEVOIX SCREEN MASTERS INC	48.50
111029	CHARLEVOIX TOWNSHIP	15.23
111030	CHARTER COMMUNICATIONS	973.31
111031	CHEMICAL SYSTEMS INC.	1,872.00
111032	CINTAS CORPORATION	148.56
111033	CITY OF CHARLEVOIX - UTILITIES	82,860.22
111034	CLEAR WATER PLUMBING & HEATIN	989.30
111035	CONSOLIDATED PLASTICS CO INC.	324.30
111036	COOK FAMILY FARMS	35.00
111037	CROSSROADS MOBILE MAINTENANC	580.50
111038	CUTCO CORPORATION	80.30
111039	DAVE KRING CHEVROLET	755.90
111040	DHASELEER, CARL	146.00
111041	DITCH WITCH SALES OF MICHIGAN	647.78
111042	DTE ENERGY	1,349.86
111043	DUERKSEN, RICK	64.00
111044	EATON CORPORATION	1,039.74
111045	EJ USA INC.	2,096.00
111046	ELLSWORTH FARMER'S EXCHANGE	268.00
111047	EUROFINS EATON ANALYTICAL INC.	345.00
111048	FAMILY FARM & HOME	387.80
111049	FARMER WHITE'S	99.00
111050	FASTENAL COMPANY	47.67
111051	FISHER SCIENTIFIC	635.97
111052	GALLS AN ARAMARK COMPANY	142.95
111053	GERBER HOMEMADE SWEETS	20.00
111054	GOLDING, JOYCE	41.00
111055	GRAINGER	998.40

Check Number	Payee	Amount
111056	GREAT LAKES PIPE & SUPPLY	623.37
111057	GUNTZVILLER, RHONDA	252.00
111058	HARRELL'S	60.00
111059	HI-LINE	570.19
111060	HYDE SERVICES LLC	449.26
111061	INDEPENDENT DRAFTING SERVICES	3,136.00
111062	J & B MEDICAL SUPPLY INC.	236.52
111063	J & J GARAGE DOOR SERVICE INC.	175.00
111064	JACK DOHENY SUPPLIES INC	552.97
111065	JAQUA, ERIC	25.00
111066	JASURDA, ELENA	250.00
111067	JOHN DEERE	441.17
111068	KLOOSTER, ALIDA K.	41.00
111069	KMart	84.83
111070	KORTHASE FLINN	264.16
111071	KSS ENTERPRISES	238.72
111072	LAVANWAY, PHILLIP	46.00
111073	LAVOIE, RICHARD	34.17
111074	LEESE, M. CHRIS	100.00
111075	LEESE, M. CHRIS	5.00
111076	LOTTIE'S BAGELS	104.00
111077	MCLEMORE, JULIA	663.04
111078	MICHIGAN MUNICIPAL ELECTRIC	250.00
111079	MICHIGAN MUNICIPAL LEAGUE	10,665.00
111080	MICHIGAN OFFICEWAYS INC	617.63
111081	MICHIGAN RURAL WATER ASSN	145.00
111082	MICHIGAN SECTION AWWA	100.00
111083	MICHIGAN WATER ENV ASSOC	375.00
111084	MID STATES BOLT & SCREW CO	42.87
111085	MIKE'S GLASS	127.85
111086	NORTHERN FIRE & SAFETY INC.	47.00
111087	NORTHERN MICHIGAN DUST CONTR	384.00
111088	NORTHERN MICHIGAN JANITORIAL	76.65
111089	NORTHERN MICHIGAN REVIEW INC.	485.00
111090	OSTRUM-BERROU, TARA	289.00
111091	OTEC	1,087.12
111092	PARSONS CENTENNIAL FARM LLC	51.00
111093	PERFORMANCE ENGINEERS INC	7,552.50
111094	POLYDYNE INC	379.50
111095	POND HILL FARM LLC	101.00
111096	POSTMASTER	39.54
111097	POWER LINE SUPPLY	290.12
111098	PRESTON FEATHER	1,092.48
111099	PUROLL EQUIPMENT COMPANY LLC	70.89
111100	QUILL CORP	206.63
111101	R & R PRODUCTS INC	71.17
111102	RESIDEX LLC	337.80
111103	ROAD WEASEL ENTERPRISES LLC	11.00
111104	ROBY, STEVEN	2.09

Check Number	Payee	Amount
111105	SECURITY SANITATION INC.	95.00
111106	SHINDORF BUILDERS	707.00
111107	SHORELINE POWER SERVICES INC.	69.00
111108	SIEGRIST, DAVID	11.00
111109	SPARTAN DISTRIBUTORS INC	101.60
111110	SPARTAN STORES LLC	17.77
111111	SPEEDWRENCH INC.	2,777.87
111112	SPOK INC	78.99
111113	STANDARD ELECTRIC CO	321.11
111114	STATE OF MICHIGAN	250.00
111115	STATE OF MICHIGAN	1,000.00
111116	SUPERIOR MECHANICAL	323.85
111117	TUV RHEINLAND INDUSTRIAL	1,025.95
111118	UP NORTH PROPERTY SERVICES LL	4,494.00
111119	UPPER CASE PRINTING INK.	414.00
111120	US BANK	337,997.50
111121	USA BLUE BOOK	677.57
111122	WEST SHORE FIRE INC	729.22
111123	WINDER POLICE EQUIPMENT	110.34
111124	WINNELL, CHARLES	1,290.00
111125	WOOD SHOP, THE	1,980.00
111126	WORK & PLAY SHOP	724.55
Total 09/16/2014:		574,289.67
Grand Totals:		574,289.67

Check Number	Payee	Amount
09/02/2014		
90214001	MICHIGAN PUBLIC POWER AGENCY	18,398.42
Total 09/02/2014:		18,398.42
Grand Totals:		18,398.42

Check Number	Payee	Amount
09/05/2014		
90514001	PAYMENT SERVICE NETWORK INC.	223.70
	Total 09/05/2014:	223.70
	Grand Totals:	223.70

Check Number	Payee	Amount
09/08/2014		
90814001	MICHIGAN PUBLIC POWER AGENCY	13,379.67
Total 09/08/2014:		13,379.67
Grand Totals:		13,379.67

Check Number	Payee	Amount
09/09/2014		
90914001	STATE OF MICHIGAN	28,503.89
Total 09/09/2014:		28,503.89
Grand Totals:		28,503.89

Check Issue Date	Check Number	Payee	Amount
91214001			
09/12/2014	91214001	**EFTPS* Payroll Taxes	8,691.61
09/12/2014	91214001	**EFTPS* Payroll Taxes	8,691.61
09/12/2014	91214001	**EFTPS* Payroll Taxes	2,032.73
09/12/2014	91214001	**EFTPS* Payroll Taxes	2,032.73
09/12/2014	91214001	**EFTPS* Payroll Taxes	13,909.45
Total 91214001:			
	5		35,358.13
91214002			
09/12/2014	91214002	Alerus Financial	270.00
Total 91214002:			
	1		270.00
91214003			
09/12/2014	91214003	STATE OF MICHIGAN	5,058.07
Total 91214003:			
	1		5,058.07
91214004			
09/12/2014	91214004	Vantagepoint - 401 Plan 109153	728.05
Total 91214004:			
	1		728.05
91214005			
09/12/2014	91214005	Vantagepoint - 457 Plan 300959	5,580.67
09/12/2014	91214005	Vantagepoint - 457 Plan 300959	216.72
09/12/2014	91214005	Vantagepoint - 457 Plan 300959	1,695.77
09/12/2014	91214005	Vantagepoint - 457 Plan 300959	5,946.18
Total 91214005:			
	4		13,439.34
Grand Totals:			
	12		54,853.59

Check Number	Payee	Amount
09/16/2014		
2400	CHARLEVOIX COUNTY TREASURER	867,312.35
2401	CHARLEVOIX PUBLIC SCHOOLS	1,017,104.12
2402	CHARLEVOIX PUBLIC SCHOOLS	154,064.29
2403	CHARLEVOIX PUBLIC SCHOOLS	11,348.11
2404	CHARLEVOIX PUBLIC SCHOOLS	70,947.73
2405	CITY OF CHARLEVOIX - TAXES DUE	1,019,021.21
2406	LERETA LLC	4,025.83
2407	OCWEN LOAN SERVICING LLC	2,780.81
2408	PNC MORTGAGE	760.79
Total 09/16/2014:		3,147,365.24
Grand Totals:		3,147,365.24

CHECKS DRAWN ON CHARLEVOIX STATE BANK ACCOUNT

Michael Spencer

From: Robert Heath <mnbheath@gmail.com>
Sent: Thursday, September 04, 2014 10:15 AM
To: Michael Spencer
Subject: Resignation form Planing Committee for Historic Preservation

Dear Mike:

Margaret and I have sold our home in Charlevoix and are moving full time to Florida. I therefore submit my resignation effective today.

I wish to express my appreciation to the city council, Rob and Ken and the entire two committees that have worked so hard to preserve the treasures of Charlevoix.

Thank you for the opportunity to serve this great city.

Robert R. Heath
210 E. Hurlbut St.
Charlevoix, MI. 49720

My new address in Florida is:
2922 Evinston Ct.
The Villages, FL 32163

(231) 547-1978 cell
(231) 437-3255
mnbheath@gmail.com

CHARLEVOIX CITY COUNCIL

AGENDA ITEM

AGENDA ITEM TITLE: Public Hearing an Ordinance to amend Title VI, Chapter 61-
Nuisances.

DATE: September 15, 2014

PRESENTED BY: Mike Spencer, City Planner

ATTACHMENTS: Copy of ordinance 2014-XX-XX.

BACKGROUND INFORMATION:

The purpose of this agenda item is to hold a public hearing on an ordinance that will amend Title VI, Chapter 61 of the City of Charlevoix Code, also known as the Nuisance Ordinance. The City has had a nuisance ordinance since the 1960s and since then numerous revisions have been made. The purpose of this Ordinance is to protect public health and safety, maintain property values, eliminate blighted properties, and more specifically to provide residents general safeguards from “nuisances” such as unsafe or blighted buildings, loud noises, odors from garbage or smoke from campfires, the presence of junk vehicles, building materials, and abandoned construction projects. One aspect of nuisance ordinances that is becoming more and more prevalent in Michigan communities is the ability to regulate or require mediation measures for dilapidated and/or unsafe buildings. There is basic language in our current ordinance about buildings, however due to the advice of our legal counsel and to be consistent with recent court decisions we feel the changes are necessary.

Based on the direction of Council, Staff has worked with our legal counsel to clarify language and add a legally sound process for addressing dangerous and dilapidated buildings. The attached draft ordinance is provided in ~~strike through~~ and underline format so that City Council and the general public can see what language we are proposing to change.

In addition to these changes, we are proposing that the Police Department take a more active role in enforcement with certain violations and issuing warnings or citations. This is more consistent with other municipalities and provides a team approach between the Planning and Zoning Office and the Police Department to provide better enforcement. Specifically, a designated police officer will be handling violations of the weed ordinance, trash or refuse being placed out at the curb on the wrong days, junk vehicles, and trash, rubbish, scrap iron, and building materials being stored outside of properties. Since I am familiar with the court processes and have testified under oath repeatedly, I will be handling any major violations or issues which will most likely require a court remedy. I will also be handling administration and

enforcement of any dilapidated or unsafe buildings. The language of the ordinance allows for this flexibility and Staff have agreed this is most appropriate and efficient way to handle enforcement that is consistent with other cities.

We have provided over a month of public review since the introduction on August 11th and I have received no public comments. We did receive a FOIA request from John Haggard asking for copies of invoices from the City Attorney that show how much time was spent on the nuisance ordinance and requesting specific emails from Staff.

RECOMMENDATION:

Motion to approve ordinance XX revising the Nuisance Ordinance a presented.

CITY OF CHARLEVOIX
ORDINANCE NO. XXX of 2014
AN ORDINANCE TO AMEND CHAPTER 61 TO TITLE VI, OF THE CHARLEVOIX CITY CODE TO
REGULATE NUISANCES

THE CITY OF CHARLEVOIX ORDAINS:

SECTION 1. Chapter 61, Title VI of the City Code is hereby repealed in its entirety and replaced with the following:

Draft attached.

SECTION 2. Severability.

No other portion, paragraph or phase of the Code of the City of Charlevoix, Michigan shall be affected by this Ordinance except as to the above sections, and in the event any portion, section or subsection of this Ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this Ordinance or of the Code of the City of Charlevoix, Michigan.

SECTION 3. Effective Date.

This Ordinance shall become effective thirty (30) days after its enactment.

Ordinance No. XXXX was adopted on the X day of month, A.D. 2014, by the Charlevoix City Council as follows:

Motion by: Councilmember
Seconded by: Councilmember

Yeas:
Nays:
Absent:

State of Michigan)
) ss
City of Charlevoix)

Joyce M. Golding

Clerk

Norman L. Carlson, Jr.

Mayor

CERTIFICATION

I, the undersigned, the Deputy Clerk/Treasurer of the City of Charlevoix, Charlevoix County, Michigan, do hereby certify that the foregoing is a true and complete copy of Ordinance No. XXX of 2014 adopted by the City Council of the City of Charlevoix, County of Charlevoix, State of Michigan, at a regular meeting held on month day, 2014 and published in the *Charlevoix Courier* on month day, 2014, the original of which is on file in my office and available to the public. Public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267 of the Michigan Public Acts of 1976.

Dated:

Stephanie C. Brown, Deputy Clerk/Treasurer

TITLE VI - HEALTH REGULATIONS

CHAPTER 61

NUISANCES

ARTICLE I. IN GENERAL

(Ord. No. 744, 04/19/10)

6.1 Purpose.

It is hereby found and declared that the purposes of this Article are to eliminate public nuisances within all areas of the City of Charlevoix for the protection of the health, safety, morals and general welfare of its residents; to preserve existing values of other properties within or adjacent to such areas and all other areas of the City; and to preserve the taxable value of the property within such areas and all other areas of the City. The purposes include regulating the maintenance and safety of certain buildings and structures for the benefit of the public health, safety, and welfare; to establish administrative requirements and prescribe procedures for the maintenance or demolition of certain buildings and structures; to establish remedies, provide for enforcement, and fix penalties for the violation of this ordinance.

6.2. Definitions. As used in this Article.

"Boat" means every description of watercraft used or capable of being used as a means of transportation on water, including personal watercraft and nonmotorized boats such as canoes, rowboats, and sailboats. Boat, however, does not include an air mattress, paddleboard, paddleboat, boogie board, or similar device used by one (1) or two (2) persons for floating or paddling.

"Building materials" mean lumber, bricks, concrete or cinder blocks, plumbing or heating materials, electrical wiring or equipment, shingles, mortar, concrete or cement, nails, screws, windows and window frames, molding, insulation, tyvec or any other materials used in construction of any structure.

"Dismantled" means the state of having a part or parts removed or missing that are integral to the operation of or required by any law or regulation to be present on a motor vehicle, boat, or other item to which it is normally attached.

"Dock" means a pier, platform, or other structure which, if fully operational, is designed to be extended from the shore over water.

"Dangerous Building Enforcing Agency" means the City, through the Zoning Administrator and/or such other official(s) or agency as may be designated by the City Council to enforce this ordinance. Such persons are authorized to seek advice from a person who has expertise in housing matters including, but not limited to, an engineer, architect, building contractor, building inspector, or member of a community housing organization.

"Dangerous Building Hearing Officer" or "Hearing Officer" means a person appointed by and serving at the pleasure of the City Mayor. The Dangerous Building Hearing Officer shall be a person who has expertise in housing matters including, but not limited to, an engineer, architect, building contractor, building inspector, or member of a community housing organization. An employee of the Dangerous Building Enforcing Agency, or a person whose advice is sought by the Enforcing Agency, shall not be appointed as Hearing Officer.

"Garbage" means rejected food wastes, including waste accumulation of animal, fruit or vegetable matter used or intended for food or that relate to the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit or vegetables.

"Hoist" means a mechanical device attached permanently or temporarily to the bottomland of a lake or river and used to raise or lift a boat out of the water for the purpose of preventing or restricting the motion of the boat.

"Inoperable" means incapable of being used for the purpose or purposes for which an item is designed or normally used, either physically or by operation of law, due to dismantling, disrepair, or the lack of a currently valid Michigan license or registration. In addition, the following items shall be deemed inoperable: any motor vehicle, trailer, recreational vehicle, or snowmobile which lacks functioning tires or treads that permit motion or movement. In addition, a boat shall be deemed inoperable if there are one or more holes in its hull, it lacks any parts necessary for normal use, or the engine does not start when provided fuel.

"Junk" means items or objects that are old, discarded, or not currently being used for the purpose or purposes for which they are designed or normally used, including but not limited to used or salvaged metals and their compounds or combination; used or salvaged rope; rubber; rotting wood; scrap iron; tires and snowmobile treads; parts for motor vehicles, boats, all terrain vehicles, recreational vehicles, snowmobiles, and/or trailers; inoperable or dismantled refrigerators, stoves, dishwashers, dryers, washing machines, and furniture; and inoperable or

dismantled lawn mowers, weed trimmers, snow blowers, snow plows, tractors, and any other machinery used for excavation, maintenance, or snow removal.

"Liquid industrial wastes" means any liquid brine, by-product, industrial wastewater, leachate, off-specification commercial product, sludge, grease-trap clean-out residue, used oil, or other liquid waste produced by, incident to or resulting from industrial or commercial activity except any liquid brine normally used in oil or gas extraction on a site permitted by the Michigan Supervisor of Wells.

"Marine equipment" means any item used or intended for use in conjunction with boats or water related activities, including but not limited to swimming rafts, docks, hoists, dock supports, buoys, outboard motors, oars, boat trailers, sails, rope, masts, anchors, and any other stationary or movable structure intended to support a boat.

"Motor vehicle" means any wheeled vehicle which is self-propelled or intended to be self-propelled regardless of whether the vehicle is designed for off-road use or use on public streets. A motor vehicle includes, but is not limited to cars, trucks, all terrain vehicles, mopeds, motorcycles, scooters, dune buggies and golf carts.

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

"Recreational Vehicle" means any motor vehicle or trailer capable of being self-propelled or towed that is equipped with living space, sleeping quarters, and associated amenities, including but not limited to motor homes, fifth wheel trailers, pop-up campers, caravans, camper vans, travel trailers, and truck campers.

"Rubbish" means hazardous or non-hazardous, non-putrescible solid wastes, including but not limited to combustible waste such as paper, cardboard, brush, bags, rags, and litter of any kind and non-combustible waste such as metal containers, glass, bedding, crockery, and demolished items, objects, or materials of any kind.

"Sealed container" means a covered, closable container which is fly-proof and watertight such as garbage cans with properly fitting tops or plastic garbage bags which have been closed or twisted shut.

"Snowmobile" means any motor-driven vehicle designed for travel primarily on snow or ice of a type that utilizes sled-type runners or skis, an endless belt tread, or any combination of these or other similar means of contact with the surface upon which it is operated, but is not a vehicle that must be registered under the Michigan vehicle code, being Act No. 300 of the Public Acts of 1949.

"Totally closed structure" means a building capable of being sealed on all sides such as a house, garage or storage shed with a roof, floor and walls or closable doors around its perimeter.

"Trailer" means any wheeled vehicle designed and normally towed behind a motor vehicle which is required to have a currently valid Michigan registration to be lawfully operated on a public highway.

"Vermin" means a noxious or objectionable animal, including but not limited to a mouse, rat, chipmunk, squirrel, skunk, raccoon, or porcupine.

6.3. Nuisances. The following are hereby declared to be nuisances:

- (1) The keeping or storage of building materials outside on private property unless there is in force a valid building permit from the County Building Department for construction on that property and the building materials are for use in such construction.
- (2) The keeping or storage of ashes, junk, garbage or rubbish outside of a totally enclosed structure on private property except in a sealed container designed for the purpose of holding such ashes, junk, garbage, or rubbish.
- (3) The placing of ashes, junk, garbage or rubbish on private property without the owner's permission or on public property. This provision applies regardless of whether the ashes, junk, garbage or rubbish is in a sealed container.
- (4) The keeping or storage of ashes, junk, garbage or rubbish on private property, including inside a building, in such a manner that the items, regardless of the method of containment, have become a breeding ground, food source or habitation of insects or vermin.
- (5) Intentional depositing of liquid petroleum crude oil, liquid petroleum crude oil by-products and derivatives or liquid industrial wastes on the ground.
- (6) A "dangerous building" as defined in MCL 125.539, as amended, or otherwise defined herein, which includes any building or structure, residential or otherwise, that has one or more of the following defects or is in one or more of the following conditions:

- a. A door, aisle, passageway, stairway or other means of exit does not conform to the applicable Fire or Building Code.
- 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 Housing Law of Michigan, Public Act 167 of 1917, as amended, (MCL 125.401, *et seq.*), or the applicable Building Code for a new building or structure, purpose or location.
- c. A part of the building or structure is likely to fall, become detached or dislodged, or collapse, and injure persons or damage property.
- 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 in the case of new construction by the Housing Law of Michigan, Public Act 167 of 1917, as amended, (MCL 125.401, *et seq.*), or the applicable Building Code.
- e. The building or structure, or a part of the building or structure, 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 or structure, or a part of the building or structure, is manifestly unsafe for the purpose for which it is used, or otherwise determined by the Enforcement Agency to be unsafe due to any of the following defects or because it is in any of the following conditions:
 - i. A structure, because of dilapidation, decay, damage, faulty construction, or otherwise which is unsanitary or unfit for human use;
 - ii. A structure or portion of a structure with significant decay or dilapidation due to neglect or deterioration that renders it unfit for its intended use, including damage to the roof or ceilings, walls or windows, or entrances;
 - iii. The building or structure, or a part of the building or structure, has light, air, or sanitation facilities which are inadequate to protect the health, safety, or general welfare of those who live or may live within;
 - iv. The building or structure, or a part of the building or structure, is hazardous to the safety, health, or general welfare of the people of the city by reason of inadequate maintenance, dilapidation, or abandonment;

- v. The building or structure, or a part of the building or structure, has been damaged by fire, wind, flood, or by any other cause to such an extent as to be dangerous to the life, safety, health, or general welfare of the people living in the city;
- vi. The building or structure, or a part of the building or structure, has become damaged to such an extent that the cost of repair to place it in a safe, sound, and sanitary condition exceeds the state equalized value of the building or structure of the structure, at the time when repairs are to be made.
- g. The building or structure is damaged by fire, wind or flood, or is dilapidated or deteriorated and becomes an attractive nuisance to children who might play in the building or structure to their danger, or becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful or immoral act.
- h. A building or structure used or intended to be used for dwelling purposes, including the adjoining grounds, because of dilapidation, decay, damage, faulty construction or arrangement, or otherwise, is unsanitary or unfit for human habitation, is in a condition that the health officer of the City or county determines is likely to cause sickness or disease, or is likely to injure the health, safety or general welfare of people living in the dwelling.
- i. A building or structure is vacant, dilapidated and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.
- j. A building or structure remains unoccupied for a period of 180 consecutive days or longer, and is not listed as being available for sale, lease or rent with a real estate broker licensed under Article 25 of the Occupational Code, Public Act 299 of 1980, (MCL 339.2501, et seq.), or is not publicly offered for sale by the owner. This subdivision does not apply to either of the following:
 - i. A building or structure as to which the owner or agent does both of the following: (1) Notifies the City Police Department that the building or structure will remain unoccupied for a period of 180 consecutive days. The notice shall be given by the owner or agent not more than 30 days after: the building or structure becomes unoccupied or the effective date of this Ordinance provision, whichever is latest in time; AND (2) Maintains the exterior of the building or structure and adjoining grounds in accordance with this ordinance and the Housing Law of Michigan, Public Act 167 1917, as amended, (MCL 125.401, et seq.), or the Building Code.
 - ii. A secondary dwelling of the owner that is regularly unoccupied for a period of 180 days or longer each year, if the owner notifies the Police Department that the dwelling will remain unoccupied for a period of 180 consecutive days or more each year. An owner who has given the notice prescribed by this subparagraph shall notify the Police Department not

more than 30 days after the dwelling no longer qualifies for this exception. As used in this subparagraph, "secondary dwelling" means a dwelling such as a vacation home, hunting cabin or summer home, that is occupied by the owner or a member of the owner's family during part of year.

- (8) Except as required by law, the distributing, placing, posting, or affixing of posters, notices, or handbills on private property without consent of the owner or occupant or in a public right-of-way; provided, however, notices which do not cause a visual obstruction to traffic or pedestrians may be placed on public utility poles.
- (9) The existence of any pond, pool of water, or vessel holding stagnant water which serves as a breeding ground for insects.
- (10) The emission of fumes or gas in such quantities as to cause discomfort to a person of normal sensory acuity at an adjoining property or public place.
- (11) Any vehicle used for an illegal purpose.
- (12) Any use of public streets or public sidewalks, or both, which causes a crowd to gather and obstructs the free, lawful movement of people and vehicles along said streets and sidewalks.
- (13) Spitting on any sidewalk or on the floor or seat of any public carrier, or on the floor, wall, seat or equipment of any public place.
- (14) Keeping or housing any animals or domestic fowl within the city other than dogs, cats, birds or animals commonly classified as pets. For the purposes of this subsection the term "dog" shall include the male and female of the dog family or genus canis.
- (15) The keeping of any inoperable or dismantled icebox, refrigerator or similar airtight container having a door or access with a magnetic seal, snap latch or other locking device, in a place accessible by children without first removing the magnetic seal, snap latch or locking device or doors, or securely locking same.

(16) Except as provided in subsections (16)(a) - (b), the keeping or storage of inoperable or dismantled motor vehicles, boats, all terrain vehicles, recreational vehicles, snowmobiles, and/or trailers outside of a totally enclosed structure on private property.

(a) An inoperable or dismantled motor vehicle, boat, all terrain vehicle, recreational vehicle, snowmobile, and/or trailer may be kept outside of a totally enclosed structure on private property for no more than fifteen (15) days for the purpose of being repaired or awaiting repairs. This subsection shall apply to individuals making the repairs and to gas and service stations engaged in the business of making repairs.

(b) An inoperable or dismantled motor vehicle, boat, all terrain vehicle, recreational vehicle, snowmobile, and/or trailer may be kept outside of a totally enclosed structure on private property for no more than fifteen (15) days for the purpose of being marketed for sale.

(c) For purposes of section 6.3(16)(a) & (b), a motor vehicle, boat, all terrain vehicle, recreational vehicle, snowmobile, and/or trailer that is possessed by a business which sells or repairs any of those items shall not be considered inoperable or dismantled solely because the item is unlicensed.

(17) The keeping or storage of inoperable or dismantled marine equipment outside of a totally enclosed structure on private property.

(18) Except as provided in subsection (18)(a), the existence of tanks, pumps lifts, jacks, air compressors or similar equipment outside of a totally enclosed structure.

(a) Service stations, repair shops, gas stations, construction companies, or similar businesses shall be allowed to store or keep tanks, pumps lifts, jacks, air compressors or similar equipment outside of a totally enclosed structure provided that any such item is in operable condition and is actively used for its intended purpose as part of the business.

6.4 Inspection.

City representatives shall have the duty and the right to inspect property or buildings to determine violations of or compliance with this Article. City representatives may exercise this right of inspection by consent of the person

having the possession of the property or building or by an administrative search warrant issued by a court of competent jurisdiction.

6.5. Prohibition.

No person shall commit, create, or maintain any nuisance. No person shall knowingly permit the existence of a nuisance on the property owned or possessed by such person. It shall be unlawful for any owner or agent thereof to keep or maintain any building or part thereof which is a dangerous building as defined in Section 6.3(6).

6.6. Industrial Usage.

The storage or keeping of salvageable metal or wood shall not be prohibited on property on which is located a factory engaged in manufacturing, assembling or machining as long as the salvageable metal or wood is for resale or reuse by the occupant of the property.

6.7. Separate Court Action, Nuisance Per Se.

Nothing in this Ordinance shall prohibit the City or any interested party from seeking such other relief as may be permitted in law or in equity regarding the existence of a nuisance. A violation of this Article is deemed to be a nuisance per se.

6.8 Notice of Dangerous Building; Hearing; Order

The provisions of this Section are intended to be consistent with the Housing Law of Michigan, MCL 125.521 *et seq*, and shall be interpreted accordingly.

A. Notice Requirement. Notwithstanding any other provision of this ordinance, if a building or structure is found to be a dangerous building as defined in Section 6.3(6) of this Ordinance, the Dangerous Building Enforcing Agency may issue a notice that the building or structure is a dangerous building. The notice shall state the grounds for the Enforcing Agency's determination that the building or structure is a dangerous building.

B. Parties Entitled to Notice. The notice shall be served on each owner of or party in interest in the building or structure in whose name the property appears on the last local tax assessment records of the City.

C. Contents of Notice. The notice shall specify the time and place of a hearing on whether the building or structure is a dangerous building and state that the person to whom the notice is directed shall have the opportunity at the hearing to show cause why the Hearing Officer should not order the building or structure to be demolished, otherwise made safe, or properly maintained.

D. Service of Notice. The notice shall be in writing and shall be served upon the person to whom the notice is directed either personally or by certified mail, return receipt requested, addressed to the owner or party in interest at the address shown on the tax records. If a notice is served upon a person by certified mail, a copy of the notice shall also be posted upon a conspicuous part of the building or structure. The notice shall be served upon the owner or party in interest at least 10 days before the date of the hearing included in the notice.

6.9 Dangerous Building Hearing Officer; Duties; Hearing; Order

A. Filing Dangerous Building Notice with Hearing Officer. The Dangerous Building Enforcing Agency shall file a copy of the notice of the dangerous condition of any building with the Hearing Officer.

B. Hearing Testimony and Decision. At the hearing, the Hearing Officer shall take testimony of the Dangerous Building Enforcing Agency, the owner of the property, and any interested party. Not more than five days after completion of the hearing, the Hearing Officer shall render a decision either closing the proceedings or ordering the building or structure demolished, otherwise made safe, or properly maintained, and where applicable shall fix a time for the owner, agent, or lessee to comply with the order. The Hearing Officer shall make factual findings supporting its conclusions.

C. Noncompliance with Hearing Officer Order/Request to Enforce Order. If the owner, agent or lessee fails to appear or neglects or refuses to comply with the Hearing Officer order, the Hearing Officer shall file a report of the findings and a copy of the order with the City Council not more than five days after noncompliance by the owner and request that necessary action be taken to enforce the order. A copy of the findings and order of the Hearing Officer shall be served on the owner, agent or lessee in the manner prescribed in Section 6.8(D) of this Article.

6.9: Enforcement Hearing Before the City Council

The City Council shall fix a date not less than 30 days after it receives the request for action and shall give notice to the owner, agent or lessee in the manner prescribed in Section 6.8(D) of this Article of the time

and place of the hearing. At the hearing, the owner, agent or lessee shall be given the opportunity to show cause why the order should not be enforced. The City Council shall either approve, disapprove or modify the order. If the City Council approves or modifies the order, the City Council shall take all necessary action to enforce the order. If the order is approved or modified, the owner, agent or lessee shall comply with the order within 60 days after the date of the hearing under this section. In the case of an order of demolition, if the City Council determines that the building or structure has been substantially destroyed by fire, wind, flood or other natural disaster and the cost of repair of the building or structure will be greater than the state equalized value of the building or structure, the owner, agent or lessee shall comply with the order of demolition within 21 days after the date of the hearing under this section.

6.10 Implementation and Enforcement

A. Implementation of Order by City. In the event of the failure or refusal of the owner or party in interest to comply with the decision of the City Council as applicable, the City Council may, in its discretion, contract for the demolition, making safe or maintaining the exterior of the building or structure or grounds adjoining the building or structure.

B. Reimbursement of Costs. The costs of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure, incurred by the City to bring the property into conformance with this ordinance shall be reimbursed to the City by the owner or party in interest in whose name the property appears. The cost of demolition includes, but is not limited to, fees paid to hearing officers, costs of title searches or commitments used to determine the parties in interest, recording fees for notices and liens filed with the county register of deeds, demolition and dumping charges, court reporter attendance fees, and costs of the collection of the charges authorized under MCL 125.541.

C. Notice of Costs. The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified by the City assessor of the amount of the costs of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure, by first class mail at the address shown on the City records.

D. Lien for Unpaid Costs. If the owner or party in interest fails to pay the costs within 30 days after mailing by the assessor of the notice of the amount of the cost, in the case of a dwelling, the City shall have a lien for the costs incurred by the City to bring the property into conformance with this ordinance. The lien shall not take effect until notice of the lien has been filed or recorded as provided by law. A lien provided for in this subsection does not have priority over previously filed or recorded liens and encumbrances. The lien for

the costs shall be collected and treated in the same manner as provided for property tax liens under the General Property Tax Act, Public Act 206 of 1893, as amended, (MCL 211.1, *et seq.*).

E. Court Judgment for Unpaid Costs. In addition to other remedies under this ordinance, the City may bring an action against the owner of the building or structure for the full cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure. A judgment in an action brought pursuant to this Article may be enforced against assets of the owner other than the building or structure. The City shall have a lien on the property for the amount of a judgment obtained under this subsection. The lien provided for in this subsection shall not take effect until notice of the lien is filed or recorded as provided by law. The lien does not have priority over prior filed or recorded liens and encumbrances.

ARTICLE II. NOISE CONTROL

6.20. Excessive noise declared nuisance.

All loud or unusual noises or sounds and annoying vibrations which offend the peace and quiet of persons of ordinary sensibilities are hereby declared to be public nuisances.

6.21. Specific offenses.

Each of the following acts is declared unlawful and prohibited, but this enumeration shall not be deemed to be exclusive, namely:

- (1) *Animal and Bird Noises.* The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort or repose of any person.
- (2) *Construction Noises.* The erection (including excavating therefor), demolition, alteration or repair of any building, and the excavation of streets and highways, on Sundays, and other days, except between the hours of 7 o'clock A. M. and 6 o'clock P.M., unless a permit be first obtained from the City Manager.
- (3) *Sound Amplifiers.* Use of any loud speaker, amplifier or other instrument or device, whether stationary or mounted on a vehicle for any purpose except one which is non-commercial in character and when so used shall be subject to the following restrictions:
 - (a) The only sounds permitted are music or human speech.
 - (b) Operations are permitted for four (4) hours each day, except on Sundays and legal holidays when no operations shall be authorized. The permitted four (4) hours of operation shall be as designated by the Chief of Police.
 - (c) Sound amplifying equipment mounted on vehicles shall not be operated unless the sound truck upon which such equipment is mounted is operated at a speed of at least ten (10) miles per hour except when said truck is stopped or impeded by traffic.

- (d) Sound shall not be issued within one hundred (100) yards of hospitals, schools or churches.
 - (e) The volume of sound shall be controlled so that it will not be audible for a distance in excess of one hundred (100) feet from the sound amplifying equipment and so that the volume is not unreasonably loud, raucous, jarring, disturbing, or a nuisance to persons within the area of audibility.
- (4) *Engine Exhausts.* 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.
 - (5) *Handling Merchandise.* The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.
 - (6) *Blowers.* The discharge into the open air of noise from a compressor, blower or power fan unless the noise from such compressor, blower or fan is muffled sufficiently to deaden such noise.
 - (7) *Hawking.* The hawking of goods, merchandise, or newspapers in a loud and boisterous manner.
 - (8) *Horns and Signal Devices.* The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching, apparently out of control, or to give warning of intent to get under motion, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.
 - (9) *Radio and Musical Instruments.* The playing of any radio, television set, phonograph, or any musical instrument in such a manner or with such volume, particularly during the hours between 11 o'clock P.M. and 7 o'clock A.M., or the making of any such noise at any time so as to annoy or disturb the quiet, comfort, or repose of persons in any school, place of worship, or office, or in any dwelling, hotel, or other type of residence, or of any persons in the vicinity.
 - (10) *Shouting and Whistling.* Yelling, shouting, hooting, whistling, or singing or the making of any other loud noise on the public streets between the hours of 11 o'clock P.M. and 7 o'clock A.M., or the

making of any such noise at any time so as to annoy or disturb the quiet, comfort, or repose of persons in any school, place of worship, or office, or in any dwelling, hotel, or other type of residence, or of any person in the vicinity.

- (11) *Whistle or Siren.* The blowing of any whistle or siren, except to give notice of the time to begin or stop work or as a warning of fire or danger.

6.22. Exceptions.

None of the terms or prohibitions of section 6.21 shall apply to or be enforced against:

- (1) **Emergency Vehicles.** Any police or fire vehicle or any ambulance, while engaged upon emergency business.
- (2) **Highway Maintenance and Construction.** Excavations or repairs of bridges, streets, or highways by or on behalf of the City or the State of Michigan, during the night, when the public safety, welfare, and convenience renders it impossible to perform such work during the day.

6.25–6.29 Repealed. (Ord. No. 658, 03-06-00).

ARTICLE III. VIOLATIONS

6.30. Violations.

A violation of Section 6.21(9) or Section 6.21(10) shall be a misdemeanor. A violation of any other provision of this Chapter, including failing or refusing to comply with an order approved or modified by the City under Article I, shall be a municipal civil infraction subject to a civil fine of not more than \$500.00 plus costs, which may include all direct or indirect expenses to which the City has spent in connection with the violation. Each day a violation of this Chapter continues to exist constitutes a separate violation.

(Ord. No. 658, §45, 03-06-00)

CHAPTER 62

LITTER

6.41. Definitions.

In the interpretation of this Chapter the following definitions shall apply, except where the context clearly indicates that another meaning is intended:

- (1) "Private premises" shall mean any lot or parcel of land owned or occupied by any person whether or not improved with any dwelling, house, building, or other structure, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to any dwelling, house, building or other structure erected thereon.
- (2) "Public place" shall mean any and all streets, sidewalks, boulevards, alleys, or other public ways and any and all public parks, squares, spaces, grounds and buildings.
- (3) "Garbage" shall mean decaying animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.
- (4) "Refuse" shall mean all decaying and nondecaying solid wastes including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, junk and solid market and industrial wastes.
- (5) "Rubbish" shall mean nondecaying solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.
- (6) "Litter" shall mean garbage, refuse, and rubbish as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

6.42. Litter in Public Places.

No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the City except in public receptacles, in authorized private receptacles for collection, or in official City dumps.

6.43. Use of Waste Receptacles.

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

6.44. Sweeping Litter into Gutters.

No person shall sweep into or deposit in any gutter, street or other public place within the City the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

6.45. Merchants' Duty to Keep Sidewalks Clean.

No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the City the accumulation of litter from any building or lot. Persons owning or occupying places of business within the City shall keep the sidewalk in front of their business premises free of litter.

6.46. Litter on Occupied Private Property.

No person shall throw or deposit litter on any private premises within the City whether owned by such person or not, except that the owner or person in control of occupied private premises may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.

6.47. Persons to Maintain Premises Free of Litter.

The owner, occupant, or person in control of any private premises shall at all times maintain the premises free of litter. Provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection.

(Ord. No. 658, §16, 03-06-00)

6.48. Enforcement.

The chief of police or his designee is hereby charged with the enforcement of this Chapter. No person being the owner, occupant, or person in control of any private premises shall accumulate or permit the accumulation of any litter on the private premises owned, controlled or occupied by such person in a manner prohibited by the provisions of this Chapter.

(Ord. No. 658, §17, 03-06-00)

6.49. Nuisance Per Se.

A violation of this Chapter is hereby declared to constitute a nuisance per se. Upon application to any court of competent jurisdiction, the court may order the nuisance abated and/or the violation restrained and enjoined. Relief sought pursuant to this section shall not operate to preclude the enforcement of this Chapter pursuant to Section 1.12 or Aof this Code.

(Ord. No. 658, §18, 03-06-00)

CHAPTER 63
WEED CONTROL*
(Ord. No. 630, 12-04-95)

6.71. Weed Growth Prohibited.

No person owning and/or occupying any premises in the City of Charlevoix shall permit or maintain on any such premises any growth of noxious weeds; nor any growth of grass or any growth of grass or other rank vegetation to a greater height than twelve (12) inches on the average; nor any accumulation of dead weeds, grass or brush. "Noxious weeds" shall include Canada thistle (*Cirsium arvense*), dodders (any species of *Cuscuta*), mustards (charlock, black mustard and Indian mustard, species of *Brassica* or *Sinapis*). Wild Carrot (*Daucus Carota*), bindweed (*Convolvulus arvensis*), perennial sowthistle (*Sonchus arvensis*), hoary alyssum (*Berteroa incana*), ragweed (*Ambrosia elatior* 1), poison ivy (*Rhus toxicodendron*) and poison sumac (*Toxicodendron vernix*). The term "person," as used in this chapter, means an individual, partnership, corporation, limited liability company or any other legal entity.

6.72. Duty of Occupant or Owner.

It shall be the duty of the occupant as well as the owner of every premises within the city to cut and remove or destroy by lawful means all such noxious weeds and grass, as often as may be necessary to comply with the provisions of section 6.71; provided, that the cutting, removing or destroying of such weeds and grass at least once in every three (3) weeks between June 1 and September 15 of each year shall be deemed to be compliance with this chapter.

6.73. When City to Do Work.

If there is not compliance with the provisions of sections 6.71 and 6.72, the city manager shall notify the occupant or owner of such premises to comply with the provisions of said sections within ten (10) days after service of such notice. Notice shall be given in accordance with section 1.11 of this Code. If there is no compliance with such notice within the specified time, the city manager shall cause such weeds, grass and other vegetation to be removed or destroyed and the actual cost of such cutting, removal or destruction including supervision and overhead costs shall be a lien against the premises and collected in the manner prescribed in Act 359 of the Public Acts of 1941, as amended. The city manager shall be commissioner of noxious weeds of the city and shall serve as such without additional compensation.

6.74. Alternative Publication.

In lieu of the notice required by section 6.73, the city manager may publish a notice in a newspaper of general circulation in the city during the month of March. The notice shall state that vegetation not cut by June 1 of that year will be cut by the city. It shall also state the continuing obligation of a person to comply with this chapter and that the owner of the property may be charged with the cost of compliance pursuant to section 6.73. The notice shall also contain such other information as is required by Act 359 of the Public Acts of 1941, as amended.

CHAPTER 64
MASS GATHERINGS*

(Ord. No. 598)

*Editor's note—Ordinance No. 598 did not specifically amend the Code; hence, inclusion of §§1-3 as Ch. 64, §§ 6.91-6.63, was at the discretion of the editor.

Cross reference(s)--Parks and public grounds, Tit. III; streets and sidewalks, Tit. IV; licenses, Ch. 71; police regulations, Tit. IX.

6.91. Definitions.

The following terms, as used in this chapter, are hereby defined to mean:

- (1) *City* shall mean the City of Charlevoix.
- (2) *City Manager* shall mean the person appointed by the city pursuant of Article III, Section 3.3 of the City Charter for the City of Charlevoix or his or her designee.
- (3) *Licensee* shall mean any person to whom a license is issued pursuant to this Ordinance.
- (4) *Mass gathering* shall mean an organized outdoor event of two thousand (2,000) people or more held at a single location on either public or private land within the city.
- (5) *Sponsor* shall mean any person who organizes, promotes, conducts, or causes to be organized, promoted or conducted a mass gathering.

(Ord. No. 598, §1, 05-04-92; Ord. No. 599, §1, 08-17-92; Ord. No. 658, 03-06-00)

6.92. License.

- (a) *Required.* A person shall not sponsor, maintain, conduct, promote or permit a mass gathering in the city without first obtaining a license from the city for each mass gathering

- (b) *Application.* No later than twenty (20) days before the proposed mass gathering, the sponsor(s) of the mass gathering shall submit in writing an application for a mass gathering license to the city manager on such forms and in such manner as the city manager prescribes. The application shall contain:
- (1) The name(s), address(es) and telephone number(s) of the proposed mass gathering sponsor(s);
 - (2) The date(s) and estimated hours of the proposed mass gathering;
 - (3) A description of the kind, character and type of mass gathering proposed;
 - (4) The address of location of the site at which the proposed mass gathering will be held, including a written statement from the property owner consenting to the use of his or her property for the proposed mass gathering; and
 - (5) An estimate of the maximum number of people expected to attend the proposed mass gathering.
- (c) *Application fee.* Each application for a mass gathering license shall be accompanied by a nonrefundable fee in an amount established, from time to time, by the city council by resolution.
- (d) *Action on application.* After receiving an application for a mass gathering license and the appropriate fee, the city manager shall consider the information contained in the application and shall, if necessary, investigate or cause to be investigated the circumstances surrounding the proposed mass gathering, the number of people anticipated to attend, whether there is a conflict with other uses of the site, the increased demands on the city's police and fire department resources, and the sponsor's plans to provide adequate food and water facilities, bathroom facilities, disposal of solid waste and garbage and vehicle parking and access to the site. Within fifteen (15) days after receiving an application for a mass gathering license, the city manager shall approve the application and issue the mass gathering license, unless after considering the above factors, he or she finds by a preponderance of the evidence that holding the mass gathering as proposed in the application would be detrimental to the public health, safety and welfare of the city. If the city manager denies a mass gathering license, he or she shall send written notice of the denial, including the reasons for

the denial, to the sponsor(s) by certified mail within five (5) days of the denial decision.

(Ord. No. 598, §1, 05-04-92)

6.93. Nuisance Per Se.

A violation of Section 6.92(a) is hereby declared to be a nuisance per se and any action and violation thereof may be immediately enjoined in the Charlevoix County Circuit Court. Enforcement of this Section shall not preclude enforcement for violation of this Chapter pursuant to Section 1.12 of this Code.

(Ord. No. 598, 05-04-92, Ord. No. 658, 03-06-00)

REDLINE
TEXT

TITLE VI - HEALTH REGULATIONS

CHAPTER 61

NUISANCES

ARTICLE I. IN GENERAL

(Ord. No. 744, 04/19/10)

6.1 Purpose.

It is hereby found and declared that the purposes of this Article are to eliminate public nuisances within all areas of the City of Charlevoix for the protection of the health, safety, morals and general welfare of its residents; to preserve existing values of other properties within or adjacent to such areas and all other areas of the City; and to preserve the taxable value of the property within such areas and all other areas of the City. The purposes include regulating the maintenance and safety of certain buildings and structures for the benefit of the public health, safety, and welfare; to establish administrative requirements and prescribe procedures for the maintenance or demolition of certain buildings and structures; to establish remedies, provide for enforcement, and fix penalties for the violation of this ordinance.

6.2. Definitions. As used in this Article.

"Boat" means every description of watercraft used or capable of being used as a means of transportation on water, including personal watercraft and nonmotorized boats such as canoes, rowboats, and sailboats. Boat, however, does not include an air mattress, paddleboard, paddleboat, boogie board, or similar device used by one (1) or two (2) persons for floating or paddling.

"Building materials" mean lumber, bricks, concrete or cinder blocks, plumbing or heating materials, electrical wiring or equipment, shingles, mortar, concrete or cement, nails, screws, windows and window frames, molding, insulation, tyvec or any other materials used in construction of any structure.

"Dismantled" means the state of having a part or parts removed or missing that are integral to the operation of or required by any law or regulation to be present on a motor vehicle, boat, or other item to which it is normally attached.

"Dock" means a pier, platform, or other structure which, if fully operational, is designed to be extended from the shore over water.

"Dangerous Building Enforcing Agency" means the City, through the Zoning Administrator and/or such other official(s) or agency as may be designated by the City Council to enforce this ordinance. Such persons are authorized to seek advice from a person who has expertise in housing matters including, but not limited to, an engineer, architect, building contractor, building inspector, or member of a community housing organization.

"Dangerous Building Hearing Officer" or "Hearing Officer" means a person appointed by and serving at the pleasure of the City Mayor. The Dangerous Building Hearing Officer shall be a person who has expertise in housing matters including, but not limited to, an engineer, architect, building contractor, building inspector, or member of a community housing organization. An employee of the Dangerous Building Enforcing Agency, or a person whose advice is sought by the Enforcing Agency, shall not be appointed as Hearing Officer.

"Garbage" means rejected food wastes, including waste accumulation of animal, fruit or vegetable matter used or intended for food or that relate to the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit or vegetables.

"Hoist" means a mechanical device attached permanently or temporarily to the bottomland of a lake or river and used to raise or lift a boat out of the water for the purpose of preventing or restricting the motion of the boat.

"Inoperable" means incapable of being used for the purpose or purposes for which an item is designed or normally used, either physically or by operation of law, due to dismantling, disrepair, or the lack of a currently valid Michigan license or registration. In addition, the following items shall be deemed inoperable: any motor vehicle, trailer, recreational vehicle, or snowmobile which lacks functioning tires or treads that permit motion or movement. In addition, a boat shall be deemed inoperable if there are one or more holes in its hull, it lacks any parts necessary for normal use, or the engine does not start when provided fuel.

"Junk" means items or objects that are old, discarded, or not currently being used for the purpose or purposes for which they are designed or normally used, including but not limited to used or salvaged metals and their compounds or combination; used or salvaged rope; rubber; rotting wood; scrap iron; tires and snowmobile treads; parts for motor vehicles, boats, all terrain vehicles, recreational vehicles, snowmobiles, and/or trailers; inoperable or dismantled refrigerators, stoves, dishwashers, dryers, washing machines, and furniture; and inoperable or

dismantled lawn mowers, weed trimmers, snow blowers, snow plows, tractors, and any other machinery used for excavation, maintenance, or snow removal.

"Liquid industrial wastes" means any liquid brine, by-product, industrial wastewater, leachate, off-specification commercial product, sludge, grease-trap clean-out residue, used oil, or other liquid waste produced by, incident to or resulting from industrial or commercial activity except any liquid brine normally used in oil or gas extraction on a site permitted by the Michigan Supervisor of Wells.

"Marine equipment" means any item used or intended for use in conjunction with boats or water related activities, including but not limited to swimming rafts, docks, hoists, dock supports, buoys, outboard motors, oars, boat trailers, sails, rope, masts, anchors, and any other stationary or movable structure intended to support a boat.

"Motor vehicle" means any wheeled vehicle which is self-propelled or intended to be self-propelled regardless of whether the vehicle is designed for off-road use or use on public streets. A motor vehicle includes, but is not limited to cars, trucks, all terrain vehicles, mopeds, motorcycles, scooters, dune buggies and golf carts.

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

"Recreational Vehicle" means any motor vehicle or trailer capable of being self-propelled or towed that is equipped with living space, sleeping quarters, and associated amenities, including but not limited to motor homes, fifth wheel trailers, pop-up campers, caravans, camper vans, travel trailers, and truck campers.

"Rubbish" means hazardous or non-hazardous, non-putrescible solid wastes, including but not limited to combustible waste such as paper, cardboard, brush, bags, rags, and litter of any kind and non-combustible waste such as metal containers, glass, bedding, crockery, and demolished items, objects, or materials of any kind.

"Sealed container" means a covered, closable container which is fly-proof and watertight such as garbage cans with properly fitting tops or plastic garbage bags which have been closed or twisted shut.

"Snowmobile" means any motor-driven vehicle designed for travel primarily on snow or ice of a type that utilizes sled-type runners or skis, an endless belt tread, or any combination of these or other similar means of contact with the surface upon which it is operated, but is not a vehicle that must be registered under the Michigan vehicle code, being Act No. 300 of the Public Acts of 1949.

"Totally closed structure" means a building capable of being sealed on all sides such as a house, garage or storage shed with a roof, floor and walls or closable doors around its perimeter.

"Trailer" means any wheeled vehicle designed and normally towed behind a motor vehicle which is required to have a currently valid Michigan registration to be lawfully operated on a public highway.

"Vermin" means a noxious or objectionable animal, including but not limited to a mouse, rat, chipmunk, squirrel, skunk, raccoon, or porcupine.

6.3. Nuisances. The following are hereby declared to be nuisances:

- (1) The keeping or storage of building materials outside on private property unless there is in force a valid building permit from the County Building Department for construction on that property and the building materials are for use in such construction.
- (2) The keeping or storage of ashes, junk, garbage or rubbish outside of a totally enclosed structure on private property except in a sealed container designed for the purpose of holding such ashes, junk, garbage, or rubbish.
- (3) The placing of ashes, junk, garbage or rubbish on private property without the owner's permission or on public property. This provision applies regardless of whether the ashes, junk, garbage or rubbish is in a sealed container.
- (4) The keeping or storage of ashes, junk, garbage or rubbish on private property, including inside a building, in such a manner that the items, regardless of the method of containment, have become a breeding ground, food source or habitation of insects or vermin.
- (5) Intentional depositing of liquid petroleum crude oil, liquid petroleum crude oil by-products and derivatives or liquid industrial wastes on the ground.
- (6) A "dangerous building" as defined in MCL 125.539, as amended, or otherwise defined herein, which includes any building or structure, residential or otherwise, that has one or more of the following defects or is in one or more of the following conditions:

- a. A door, aisle, passageway, stairway or other means of exit does not conform to the applicable Fire or Building Code.
- 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 Housing Law of Michigan, Public Act 167 of 1917, as amended, (MCL 125.401, et seq.), or the applicable Building Code for a new building or structure, purpose or location.
- c. A part of the building or structure is likely to fall, become detached or dislodged, or collapse, and injure persons or damage property.
- 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 in the case of new construction by the Housing Law of Michigan, Public Act 167 of 1917, as amended, (MCL 125.401, et seq.), or the applicable Building Code.
- e. The building or structure, or a part of the building or structure, 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 or structure, or a part of the building or structure, is manifestly unsafe for the purpose for which it is used, or otherwise determined by the Enforcement Agency to be unsafe due to any of the following defects or because it is in any of the following conditions:
 - i. A structure, because of dilapidation, decay, damage, faulty construction, or otherwise which is unsanitary or unfit for human use;
 - ii. A structure or portion of a structure with significant decay or dilapidation due to neglect or deterioration that renders it unfit for its intended use, including damage to the roof or ceilings, walls or windows, or entrances;
 - iii. The building or structure, or a part of the building or structure, has light, air, or sanitation facilities which are inadequate to protect the health, safety, or general welfare of those who live or may live within;
 - iv. The building or structure, or a part of the building or structure, is hazardous to the safety, health, or general welfare of the people of the city by reason of inadequate maintenance, dilapidation, or abandonment;

- v. The building or structure, or a part of the building or structure, has been damaged by fire, wind, flood, or by any other cause to such an extent as to be dangerous to the life, safety, health, or general welfare of the people living in the city;
- vi. The building or structure, or a part of the building or structure, has become damaged to such an extent that the cost of repair to place it in a safe, sound, and sanitary condition exceeds the state equalized value of the building or structure of the structure, at the time when repairs are to be made.
- g. The building or structure is damaged by fire, wind or flood, or is dilapidated or deteriorated and becomes an attractive nuisance to children who might play in the building or structure to their danger, or becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful or immoral act.
- h. A building or structure used or intended to be used for dwelling purposes, including the adjoining grounds, because of dilapidation, decay, damage, faulty construction or arrangement, or otherwise, is unsanitary or unfit for human habitation, is in a condition that the health officer of the City or county determines is likely to cause sickness or disease, or is likely to injure the health, safety or general welfare of people living in the dwelling.
- i. A building or structure is vacant, dilapidated and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.
- j. A building or structure remains unoccupied for a period of 180 consecutive days or longer, and is not listed as being available for sale, lease or rent with a real estate broker licensed under Article 25 of the Occupational Code, Public Act 299 of 1980, (MCL 339.2501, et seq.), or is not publicly offered for sale by the owner. This subdivision does not apply to either of the following:
 - i. A building or structure as to which the owner or agent does both of the following: (1) Notifies the City Police Department that the building or structure will remain unoccupied for a period of 180 consecutive days. The notice shall be given by the owner or agent not more than 30 days after: the building or structure becomes unoccupied or the effective date of this Ordinance provision, whichever is latest in time; AND (2) Maintains the exterior of the building or structure and adjoining grounds in accordance with this ordinance and the Housing Law of Michigan, Public Act 167 1917, as amended, (MCL 125.401, et seq.), or the Building Code.
 - ii. A secondary dwelling of the owner that is regularly unoccupied for a period of 180 days or longer each year, if the owner notifies the Police Department that the dwelling will remain unoccupied for a period of 180 consecutive days or more each year. An owner who has given the notice prescribed by this subparagraph shall notify the Police Department not

more than 30 days after the dwelling no longer qualifies for this exception. As used in this subparagraph, "secondary dwelling" means a dwelling such as a vacation home, hunting cabin or summer home, that is occupied by the owner or a member of the owner's family during part of year.

- a. ~~The existence of any structure or damaged partial structure which because of fire, wind or other natural disaster or physical deterioration is no longer habitable as a dwelling, nor currently useful for any other purposes for which it may have been intended.~~
- (7) ~~The existence of any vacant building, garage, house or outbuilding unless such structure is kept secure from entry by the public.~~
- (8) Except as required by law, the distributing, placing, posting, or affixing of posters, notices, or handbills on private property without consent of the owner or occupant or in a public right-of-way; provided, however, notices which do not cause a visual obstruction to traffic or pedestrians may be placed on public utility poles.
- (9) The existence of any pond, pool of water, or vessel holding stagnant water which serves as a breeding ground for insects.
- (10) The emission of fumes or gas in such quantities as to cause discomfort to a person of normal sensory acuity at an adjoining property or public place.
- (11) Any vehicle used for an illegal purpose.
- (12) Any use of public streets or public sidewalks, or both, which causes a crowd to gather and obstructs the free, lawful movement of people and vehicles along said streets and sidewalks.
- (13) Spitting on any sidewalk or on the floor or seat of any public carrier, or on the floor, wall, seat or equipment of any public place.
- (14) Keeping or housing any animals or domestic fowl within the city other than dogs, cats, birds or animals commonly classified as pets. For the purposes of this subsection the term "dog" shall include the male and female of the dog family or genus canis.

- (15) The keeping of any inoperable or dismantled icebox, refrigerator or similar airtight container having a door or access with a magnetic seal, snap latch or other locking device, in a place accessible by children without first removing the magnetic seal, snap latch or locking device or doors, or securely locking same.
- (16) Except as provided in subsections (16)(a) - (b), the keeping or storage of inoperable or dismantled motor vehicles, boats, all terrain vehicles, recreational vehicles, snowmobiles, and/or trailers outside of a totally enclosed structure on private property.
- (a) An inoperable or dismantled motor vehicle, boat, all terrain vehicle, recreational vehicle, snowmobile, and/or trailer may be kept outside of a totally enclosed structure on private property for no more than fifteen (15) days for the purpose of being repaired or awaiting repairs. This subsection shall apply to individuals making the repairs and to gas and service stations engaged in the business of making repairs.
- (b) An inoperable or dismantled motor vehicle, boat, all terrain vehicle, recreational vehicle, snowmobile, and/or trailer may be kept outside of a totally enclosed structure on private property for no more than fifteen (15) days for the purpose of being marketed for sale.
- (c) For purposes of section 6.3(16)(a) & (b), a motor vehicle, boat, all terrain vehicle, recreational vehicle, snowmobile, and/or trailer that is possessed by a business which sells or repairs any of those items shall not be considered inoperable or dismantled solely because the item is unlicensed.
- (17) The keeping or storage of inoperable or dismantled marine equipment outside of a totally enclosed structure on private property.
- (18) Except as provided in subsection (18)(a), the existence of tanks, pumps lifts, jacks, air compressors or similar equipment outside of a totally enclosed structure.
- (a) Service stations, repair shops, gas stations, construction companies, or similar businesses shall be allowed to store or keep tanks, pumps lifts, jacks, air compressors or similar equipment outside of a totally enclosed structure provided that any such item is in operable condition and is actively used for its intended purpose as part of the business.

6.4 Inspection.

City representatives shall have the duty and the right to inspect property or buildings to determine violations of or compliance with this Article. City representatives may exercise this right of inspection by consent of the person having the possession of the property or building or by an administrative search warrant issued by a court of competent jurisdiction.

6.5. Prohibition.

No person shall commit, create, or maintain any nuisance. No person shall knowingly permit the existence of a nuisance on the property owned or possessed by such person. It shall be unlawful for any owner or agent thereof to keep or maintain any building or part thereof which is a dangerous building as defined in Section 6.3(6).

6.6. Industrial Usage.

The storage or keeping of salvageable metal or wood shall not be prohibited on property on which is located a factory engaged in manufacturing, assembling or machining as long as the salvageable metal or wood is for resale or reuse by the occupant of the property.

6.7. Separate Court Action, Nuisance Per Se.

Nothing in this Ordinance shall prohibit the City or any interested party from seeking such other relief as may be permitted in law or in equity regarding the existence of a nuisance. A violation of this Article is deemed to be a nuisance per se.

6.8 Notice of Dangerous Building; Hearing; Order

The provisions of this Section are intended to be consistent with the Housing Law of Michigan, MCL 125.521 et seq, and shall be interpreted accordingly.

A. Notice Requirement. Notwithstanding any other provision of this ordinance, if a building or structure is found to be a dangerous building as defined in Section 6.3(6) of this Ordinance, the Dangerous Building Enforcing Agency may issue a notice that the building or structure is a dangerous building. The notice shall

state the grounds for the Enforcing Agency's determination that the building or structure is a dangerous building.

B. Parties Entitled to Notice. The notice shall be served on each owner of or party in interest in the building or structure in whose name the property appears on the last local tax assessment records of the City.

C. Contents of Notice. The notice shall specify the time and place of a hearing on whether the building or structure is a dangerous building and state that the person to whom the notice is directed shall have the opportunity at the hearing to show cause why the Hearing Officer should not order the building or structure to be demolished, otherwise made safe, or properly maintained.

D. Service of Notice. The notice shall be in writing and shall be served upon the person to whom the notice is directed either personally or by certified mail, return receipt requested, addressed to the owner or party in interest at the address shown on the tax records. If a notice is served upon a person by certified mail, a copy of the notice shall also be posted upon a conspicuous part of the building or structure. The notice shall be served upon the owner or party in interest at least 10 days before the date of the hearing included in the notice.

6.9 Dangerous Building Hearing Officer; Duties; Hearing; Order

A. Filing Dangerous Building Notice with Hearing Officer. The Dangerous Building Enforcing Agency shall file a copy of the notice of the dangerous condition of any building with the Hearing Officer.

B. Hearing Testimony and Decision. At the hearing, the Hearing Officer shall take testimony of the Dangerous Building Enforcing Agency, the owner of the property, and any interested party. Not more than five days after completion of the hearing, the Hearing Officer shall render a decision either closing the proceedings or ordering the building or structure demolished, otherwise made safe, or properly maintained, and where applicable shall fix a time for the owner, agent, or lessee to comply with the order. The Hearing Officer shall make factual findings supporting its conclusions.

C. Noncompliance with Hearing Officer Order/Request to Enforce Order. If the owner, agent or lessee fails to appear or neglects or refuses to comply with the Hearing Officer order, the Hearing Officer shall file a report of the findings and a copy of the order with the City Council not more than five days after noncompliance by the owner and request that necessary action be taken to enforce the order. A copy of the findings and order of the Hearing Officer shall be served on the owner, agent or lessee in the manner

prescribed in Section 6.8(D) of this Article.

6.9: Enforcement Hearing Before the City Council

The City Council shall fix a date not less than 30 days after it receives the request for action and shall give notice to the owner, agent or lessee in the manner prescribed in Section 6.8(D) of this Article of the time and place of the hearing. At the hearing, the owner, agent or lessee shall be given the opportunity to show cause why the order should not be enforced. The City Council shall either approve, disapprove or modify the order. If the City Council approves or modifies the order, the City Council shall take all necessary action to enforce the order. If the order is approved or modified, the owner, agent or lessee shall comply with the order within 60 days after the date of the hearing under this section. In the case of an order of demolition, if the City Council determines that the building or structure has been substantially destroyed by fire, wind, flood or other natural disaster and the cost of repair of the building or structure will be greater than the state equalized value of the building or structure, the owner, agent or lessee shall comply with the order of demolition within 21 days after the date of the hearing under this section.

6.10 Implementation and Enforcement

A. Implementation of Order by City. In the event of the failure or refusal of the owner or party in interest to comply with the decision of the City Council as applicable, the City Council may, in its discretion, contract for the demolition, making safe or maintaining the exterior of the building or structure or grounds adjoining the building or structure.

B. Reimbursement of Costs. The costs of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure, incurred by the City to bring the property into conformance with this ordinance shall be reimbursed to the City by the owner or party in interest in whose name the property appears. The cost of demolition includes, but is not limited to, fees paid to hearing officers, costs of title searches or commitments used to determine the parties in interest, recording fees for notices and liens filed with the county register of deeds, demolition and dumping charges, court reporter attendance fees, and costs of the collection of the charges authorized under MCL 125.541.

C. Notice of Costs. The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified by the City assessor of the amount of the costs of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure, by first class mail at the address shown on the City records.

D. Lien for Unpaid Costs. If the owner or party in interest fails to pay the costs within 30 days after mailing by the assessor of the notice of the amount of the cost, in the case of a dwelling, the City shall have a lien for the costs incurred by the City to bring the property into conformance with this ordinance. The lien shall not take effect until notice of the lien has been filed or recorded as provided by law. A lien provided for in this subsection does not have priority over previously filed or recorded liens and encumbrances. The lien for the costs shall be collected and treated in the same manner as provided for property tax liens under the General Property Tax Act, Public Act 206 of 1893, as amended, (MCL 211.1, et seq.).

E. Court Judgment for Unpaid Costs. In addition to other remedies under this ordinance, the City may bring an action against the owner of the building or structure for the full cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure. A judgment in an action brought pursuant to this Article may be enforced against assets of the owner other than the building or structure. The City shall have a lien on the property for the amount of a judgment obtained under this subsection. The lien provided for in this subsection shall not take effect until notice of the lien is filed or recorded as provided by law. The lien does not have priority over prior filed or recorded liens and encumbrances.

ARTICLE II. NOISE CONTROL

6.20. Excessive noise declared nuisance.

All loud or unusual noises or sounds and annoying vibrations which offend the peace and quiet of persons of ordinary sensibilities are hereby declared to be public nuisances.

6.21. Specific offenses.

Each of the following acts is declared unlawful and prohibited, but this enumeration shall not be deemed to be exclusive, namely:

- (1) *Animal and Bird Noises.* The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort or repose of any person.
- (2) *Construction Noises.* The erection (including excavating therefor), demolition, alteration or repair of any building, and the excavation of streets and highways, on Sundays, and other days, except between the hours of 7 o'clock A. M. and 6 o'clock P.M., unless a permit be first obtained from the City Manager.
- (3) *Sound Amplifiers.* Use of any loud speaker, amplifier or other instrument or device, whether stationary or mounted on a vehicle for any purpose except one which is non-commercial in character and when so used shall be subject to the following restrictions:
 - (a) The only sounds permitted are music or human speech.
 - (b) Operations are permitted for four (4) hours each day, except on Sundays and legal holidays when no operations shall be authorized. The permitted four (4) hours of operation shall be as designated by the Chief of Police.
 - (c) Sound amplifying equipment mounted on vehicles shall not be operated unless the sound truck upon which such equipment is mounted is operated at a speed of at least ten (10) miles per hour except when said truck is stopped or impeded by traffic.

- (d) Sound shall not be issued within one hundred (100) yards of hospitals, schools or churches.
 - (e) The volume of sound shall be controlled so that it will not be audible for a distance in excess of one hundred (100) feet from the sound amplifying equipment and so that the volume is not unreasonably loud, raucous, jarring, disturbing, or a nuisance to persons within the area of audibility.
- (4) *Engine Exhausts.* 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.
 - (5) *Handling Merchandise.* The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.
 - (6) *Blowers.* The discharge into the open air of noise from a compressor, blower or power fan unless the noise from such compressor, blower or fan is muffled sufficiently to deaden such noise.
 - (7) *Hawking.* The hawking of goods, merchandise, or newspapers in a loud and boisterous manner.
 - (8) *Horns and Signal Devices.* The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching, apparently out of control, or to give warning of intent to get under motion, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.
 - (9) *Radio and Musical Instruments.* The playing of any radio, television set, phonograph, or any musical instrument in such a manner or with such volume, particularly during the hours between 11 o'clock P.M. and 7 o'clock A.M., or the making of any such noise at any time so as to annoy or disturb the quiet, comfort, or repose of persons in any school, place of worship, or office, or in any dwelling, hotel, or other type of residence, or of any persons in the vicinity.
 - (10) *Shouting and Whistling.* Yelling, shouting, hooting, whistling, or singing or the making of any other loud noise on the public streets between the hours of 11 o'clock P.M. and 7 o'clock A.M., or the

making of any such noise at any time so as to annoy or disturb the quiet, comfort, or repose of persons in any school, place of worship, or office, or in any dwelling, hotel, or other type of residence, or of any person in the vicinity.

- (11) *Whistle or Siren.* The blowing of any whistle or siren, except to give notice of the time to begin or stop work or as a warning of fire or danger.

6.22. Exceptions.

None of the terms or prohibitions of section 6.21 shall apply to or be enforced against:

- (1) **Emergency Vehicles.** Any police or fire vehicle or any ambulance, while engaged upon emergency business.
- (2) **Highway Maintenance and Construction.** Excavations or repairs of bridges, streets, or highways by or on behalf of the City or the State of Michigan, during the night, when the public safety, welfare, and convenience renders it impossible to perform such work during the day.

6.25–6.29 Repealed. (Ord. No. 658, 03-06-00).

ARTICLE III. VIOLATIONS

6.30. Violations.

A violation of Section 6.21(9) or Section 6.21(10) shall be a misdemeanor. A violation of any other provision of this Chapter, including failing or refusing to comply with an order approved or modified by the City under Article I, shall be a municipal civil infraction subject to a civil fine of not more than \$500.00 plus costs, which may include all direct or indirect expenses to which the City has spent in connection with the violation. Each day a violation of this Chapter continues to exist constitutes a separate violation.

(Ord. No. 658, §45, 03-06-00)

CHAPTER 62

LITTER

6.41. Definitions.

In the interpretation of this Chapter the following definitions shall apply, except where the context clearly indicates that another meaning is intended:

- (1) "Private premises" shall mean any lot or parcel of land owned or occupied by any person whether or not improved with any dwelling, house, building, or other structure, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to any dwelling, house, building or other structure erected thereon.
- (2) "Public place" shall mean any and all streets, sidewalks, boulevards, alleys, or other public ways and any and all public parks, squares, spaces, grounds and buildings.
- (3) "Garbage" shall mean decaying animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.
- (4) "Refuse" shall mean all decaying and nondecaying solid wastes including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, junk and solid market and industrial wastes.
- (5) "Rubbish" shall mean nondecaying solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.
- (6) "Litter" shall mean garbage, refuse, and rubbish as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

6.42. Litter in Public Places.

No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the City except in public receptacles, in authorized private receptacles for collection, or in official City dumps.

6.43. Use of Waste Receptacles.

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

6.44. Sweeping Litter into Gutters.

No person shall sweep into or deposit in any gutter, street or other public place within the City the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

6.45. Merchants' Duty to Keep Sidewalks Clean.

No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the City the accumulation of litter from any building or lot. Persons owning or occupying places of business within the City shall keep the sidewalk in front of their business premises free of litter.

6.46. Litter on Occupied Private Property.

No person shall throw or deposit litter on any private premises within the City whether owned by such person or not, except that the owner or person in control of occupied private premises may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.

6.47. Persons to Maintain Premises Free of Litter.

The owner, occupant, or person in control of any private premises shall at all times maintain the premises free of litter. Provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection.

(Ord. No. 658, §16, 03-06-00)

6.48. Enforcement.

The chief of police or his designee is hereby charged with the enforcement of this Chapter. No person being the owner, occupant, or person in control of any private premises shall accumulate or permit the accumulation of any litter on the private premises owned, controlled or occupied by such person in a manner prohibited by the provisions of this Chapter.

(Ord. No. 658, §17, 03-06-00)

6.49. Nuisance Per Se.

A violation of this Chapter is hereby declared to constitute a nuisance per se. Upon application to any court of competent jurisdiction, the court may order the nuisance abated and/or the violation restrained and enjoined. Relief sought pursuant to this section shall not operate to preclude the enforcement of this Chapter pursuant to Section 1.12 or A of this Code.

(Ord. No. 658, §18, 03-06-00)

CHAPTER 63
WEED CONTROL*
(Ord. No. 630, 12-04-95)

6.71. Weed Growth Prohibited.

No person owning and/or occupying any premises in the City of Charlevoix shall permit or maintain on any such premises any growth of noxious weeds; nor any growth of grass or any growth of grass or other rank vegetation to a greater height than twelve (12) inches on the average; nor any accumulation of dead weeds, grass or brush. "Noxious weeds" shall include Canada thistle (*Cirsium arvense*), dodders (any species of *Cuscuta*), mustards (charlock, black mustard and Indian mustard, species of *Brassica* or *Sinapis*). Wild Carrot (*Daucus Carota*), bindweed (*Convolvulus arvensis*), perennial sowthistle (*Sonchus arvensis*), hoary alyssum (*Berteroa incana*), ragweed (*Ambrosia elatior* 1), poison ivy (*Rhus toxicodendron*) and poison sumac (*Toxicodendron vernix*). The term "person," as used in this chapter, means an individual, partnership, corporation, limited liability company or any other legal entity.

6.72. Duty of Occupant or Owner.

It shall be the duty of the occupant as well as the owner of every premises within the city to cut and remove or destroy by lawful means all such noxious weeds and grass, as often as may be necessary to comply with the provisions of section 6.71; provided, that the cutting, removing or destroying of such weeds and grass at least once in every three (3) weeks between June 1 and September 15 of each year shall be deemed to be compliance with this chapter.

6.73. When City to Do Work.

If there is not compliance with the provisions of sections 6.71 and 6.72, the city manager shall notify the occupant or owner of such premises to comply with the provisions of said sections within ten (10) days after service of such notice. Notice shall be given in accordance with section 1.11 of this Code. If there is no compliance with such notice within the specified time, the city manager shall cause such weeds, grass and other vegetation to be removed or destroyed and the actual cost of such cutting, removal or destruction including supervision and overhead costs shall be a lien against the premises and collected in the manner prescribed in Act 359 of the Public Acts of 1941, as amended. The city manager shall be commissioner of noxious weeds of the city and shall serve as such without additional compensation.

6.74. Alternative Publication.

In lieu of the notice required by section 6.73, the city manager may publish a notice in a newspaper of general circulation in the city during the month of March. The notice shall state that vegetation not cut by June 1 of that year will be cut by the city. It shall also state the continuing obligation of a person to comply with this chapter and that the owner of the property may be charged with the cost of compliance pursuant to section 6.73. The notice shall also contain such other information as is required by Act 359 of the Public Acts of 1941, as amended.

CHAPTER 64
MASS GATHERINGS*

(Ord. No. 598)

*Editor's note—Ordinance No. 598 did not specifically amend the Code; hence, inclusion of §§1-3 as Ch. 64, §§ 6.91-6.63, was at the discretion of the editor.

Cross reference(s)--Parks and public grounds, Tit. III; streets and sidewalks, Tit. IV; licenses, Ch. 71; police regulations, Tit. IX.

6.91. Definitions.

The following terms, as used in this chapter, are hereby defined to mean:

- (1) *City* shall mean the City of Charlevoix.
- (2) *City Manager* shall mean the person appointed by the city pursuant of Article III, Section 3.3 of the City Charter for the City of Charlevoix or his or her designee.
- (3) *Licensee* shall mean any person to whom a license is issued pursuant to this Ordinance.
- (4) *Mass gathering* shall mean an organized outdoor event of two thousand (2,000) people or more held at a single location on either public or private land within the city.
- (5) *Sponsor* shall mean any person who organizes, promotes, conducts, or causes to be organized, promoted or conducted a mass gathering.

(Ord. No. 598, §1, 05-04-92; Ord. No. 599, §1, 08-17-92; Ord. No. 658, 03-06-00)

6.92. License.

- (a) *Required.* A person shall not sponsor, maintain, conduct, promote or permit a mass gathering in the city without first obtaining a license from the city for each mass gathering

- (b) *Application.* No later than twenty (20) days before the proposed mass gathering, the sponsor(s) of the mass gathering shall submit in writing an application for a mass gathering license to the city manager on such forms and in such manner as the city manager prescribes. The application shall contain:
- (1) The name(s), address(es) and telephone number(s) of the proposed mass gathering sponsor(s);
 - (2) The date(s) and estimated hours of the proposed mass gathering;
 - (3) A description of the kind, character and type of mass gathering proposed;
 - (4) The address of location of the site at which the proposed mass gathering will be held, including a written statement from the property owner consenting to the use of his or her property for the proposed mass gathering; and
 - (5) An estimate of the maximum number of people expected to attend the proposed mass gathering.
- (c) *Application fee.* Each application for a mass gathering license shall be accompanied by a nonrefundable fee in an amount established, from time to time, by the city council by resolution.
- (d) *Action on application.* After receiving an application for a mass gathering license and the appropriate fee, the city manager shall consider the information contained in the application and shall, if necessary, investigate or cause to be investigated the circumstances surrounding the proposed mass gathering, the number of people anticipated to attend, whether there is a conflict with other uses of the site, the increased demands on the city's police and fire department resources, and the sponsor's plans to provide adequate food and water facilities, bathroom facilities, disposal of solid waste and garbage and vehicle parking and access to the site. Within fifteen (15) days after receiving an application for a mass gathering license, the city manager shall approve the application and issue the mass gathering license, unless after considering the above factors, he or she finds by a preponderance of the evidence that holding the mass gathering as proposed in the application would be detrimental to the public health, safety and welfare of the city. If the city manager denies a mass gathering license, he or she shall send written notice of the denial, including the reasons for

the denial, to the sponsor(s) by certified mail within five (5) days of the denial decision.

(Ord. No. 598, §1, 05-04-92)

6.93. Nuisance Per Se.

A violation of Section 6.92(a) is hereby declared to be a nuisance per se and any action and violation thereof may be immediately enjoined in the Charlevoix County Circuit Court. Enforcement of this Section shall not preclude enforcement for violation of this Chapter pursuant to Section 1.12 of this Code.

(Ord. No. 598, 05-04-92, Ord. No. 658, 03-06-00)

CHARLEVOIX CITY COUNCIL

AGENDA ITEM

AGENDA ITEM TITLE: Consideration to Approve a License Agreement to Utilize Paving Bricks on Upright Avenue and Alice Street in the Street Right-of-Way

DATE: September 15, 2014

PRESENTED BY: Linda Weller

ATTACHMENTS:

1. License Agreement
2. Google Earth Map of Vacant lot

BACKGROUND INFORMATION: The DeRosia Family (Patty DeRosia is the City's Human Resource Assistant) are completing construction on a new home at 207 Alice Street. They propose to utilize concrete paving bricks to surface the proposed 17' driveway on Upright Street and install a 5' sidewalk on Alice Street consisting of the same type of paved bricks. As both a portion of the driveway and sidewalk will be located in City right of way, Staff felt it best to create a license agreement to limit the City's financial obligation if City crews need to remove the bricks in the City right-of-way.

The agreement establishes that it shall be the DeRosia's obligation to remove and replace the bricks in the right-of-way if City crews need to do work in the area. It also states that in the case of an emergency, City crews have the right to remove paving bricks at no cost to the City.

RECOMMENDATION: Motion to Approve License Agreement for Driveway/Sidewalk Improvements for 207 Alice Street.

**LICENSE FOR DRIVEWAY/SIDEWALK IMPROVEMENTS ON ALICE STREET AND
UPRIGHT AVENUE IN THE CITY RIGHT OF WAY**

This Agreement is made on the last date set forth below between the City of Charlevoix, a Michigan municipal corporation (the "City"), and Patricia and Bruce DeRosia ("Licensees").

RECITALS

- A. The City owns the Alice Street and Upright Avenue rights-of-way located in the City of Charlevoix as dedicated in the Original Plat of Clifford's Addition to the Village of Charlevoix as recorded with the Charlevoix County Register of Deeds.
- B. Patricia and Bruce DeRosia own part of Lots 1 and 2 of the Clifford's Addition in the Village of Charlevoix, commonly known as 207 Alice Street.
- C. Licensees wish to use Paving Brick for a portion of their driveway and sidewalk located in the Road Right of Way for Alice Street and Upright Avenue, and the City has agreed to allow use of Paving Brick subject to the terms and conditions of this Agreement.

In consideration of the foregoing and other good and valuable consideration, the parties agree as follows:

- 1. The City agrees that the Licensees may construct a 17' driveway on Upright Avenue and a 5' sidewalk on Alice Street consisting of Oaks Concrete Paving Brick occupying a portion of Upright Avenue and Alice Street rights-of-way, so long as:
 - a. If the City needs access or use of the City right-of-way occupied by the driveway or sidewalk for any reason, Licensee agrees to remove the bricks within seven days of written notice by the City at no cost to the City.
 - b. In cases of emergency, City crews will be allowed to remove said bricks at no costs to the City. Licensee will be obligated to reinstall bricks at their sole cost.
 - c. The Licensees do not expand the driveway area beyond 17' and sidewalk beyond 5' in width at any point.

2. In consideration for this License Agreement, Licensees acknowledge the City's ownership of the road rights-of-way and that Licensees have not obtained any right, title or interest in the Upright Avenue or Alice Street right-of-way by way of adverse possession, prescriptive easement or any other way. Licensees further expressly waive any and all claims for any right, title or interest in the aforementioned street rights-of-way.
3. The privilege granted by the City to the Licensees is made with the express condition that the Licensees shall not acquire any right of easement or any other rights with respect to the Encroachment in the future. Such permission shall also not evolve into a property right or easement by lapse of time or otherwise.
4. This Agreement shall remain in force and effect only so long as the driveway and sidewalk remains in place. Upon the removal of the driveway and sidewalk, all rights of the Licensees under this agreement shall cease.

Date: _____

City of Charlevoix
a Michigan municipal corporation

WITNESSES:

By _____

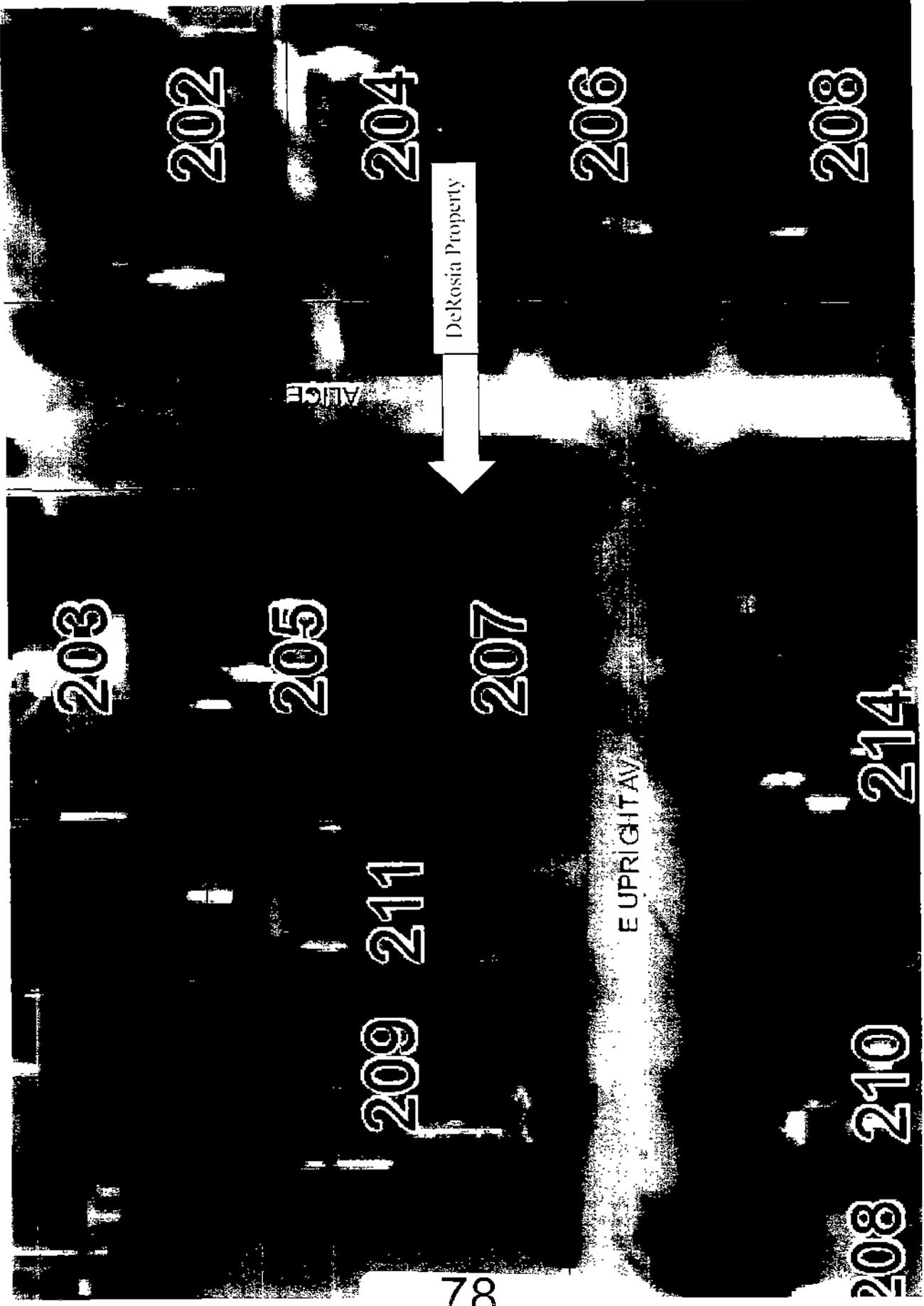
Its: _____

STATE OF MICHIGAN
COUNTY OF CHARLEVOIX

Signed and acknowledged before me on _____, 2014 by _____,
its _____ of the City of Charlevoix, a Michigan municipal corporation, on
behalf of the corporation.

Notary Public

County, Michigan
Commission Expires: _____



202

204

206

208

203

205

207

209 211

214

210

208

DeRosia Property

ALICE

E UPRIGHTAY

CHARLEVOIX CITY COUNCIL

AGENDA ITEM

AGENDA ITEM TITLE: Consideration to Approve a License Agreement with Goodwill Industries for paved area at 402 Petoskey.

DATE: September 15, 2014

PRESENTED BY: Mike Spencer

- ATTACHMENTS:**
1. License Agreement
 2. Site Plan showing paved area

BACKGROUND INFORMATION:

Goodwill is currently in the site plan review process for the change of use from the vacant former IGA building to the proposed retail store. This change of use requires Level A Site Plan review which is an administrative review completed by the zoning administrator. We are not presenting this item for Site Plan Review, but for approval to enter into a license agreement. There is a pre-existing paved parking area that was put in some time ago that has historically been used for excess parking by the IGA and subsequent stores. We do not know when the parking area was installed or if the former property owners had permission from the City. Goodwill does not anticipate needing that area for day to day business but may use it for overflow parking. Based on my preliminary meeting with the Goodwill Maintenance Manager on September 4th they did not seem to have a problem with the license agreement however they will be having their attorney review the document. This is another area where a license agreement will help protect the City from adverse possession and if needed, this parking area can be removed and utilized for greensapce, sidewalks, utilities or a combination of these uses.

RECOMMENDATION: Motion to approve a License Agreement for the paved area on west side of the building at 402 Petoskey.

LICENSE FOR DRIVEWAY/PARKING AREA IN BURNS STREET RIGHT OF WAY

This Agreement is made on the last date set forth below between the City of Charlevoix, a Michigan municipal corporation (the "City"), and Goodwill Industries of Northern Michigan, Inc. ("Licensee").

RECITALS

- A. The City owns the Burns Street right-of-way located in the City of Charlevoix as dedicated in the Dixon's unrecorded plat and in the Fox & Eaton's unrecorded plat to the Village of Charlevoix as recorded with the Charlevoix County Register of Deeds.
- B. Goodwill Industries of Northern Michigan, Inc. own the lot described as: BEG AT SE COR OF BURNS ST & PETOSKEY AVE TH E 148.5FT TH S 136FT TH W 148.5FT TH N 136FT TO POB PT GOV LOT 2 SEC 26-34-8, commonly known as 402 Petoskey Avenue.
- C. The prior owners have previously constructed an asphalt driveway and parking area within the Burns Street right-of-way (the "Encroachment").
- D. The parties wish to resolve any disputes between them with respect to the Encroachment.

In consideration of the foregoing and other good and valuable consideration, the parties agree as follows:

- 1. The City agrees that the Licensee, and their heirs, successors, or assigns (collectively the "Licensee") may continue to occupy a portion of the Burns Street right-of-way for overflow parking, so long as:
 - a. The Licensee does not expand the existing parking area, and
 - b. The City, in its sole discretion, does not wish to make any other use of the Burns Street right-of-way for any reason.

2. In consideration for this License Agreement, Licensee acknowledge the City's ownership of the road right-of-way and that Licensee have not obtained any right, title or interest in the Burns Street right-of-way by way of adverse possession, prescriptive easement or any other way. Licensee further expressly waive any and all claims for any right, title or interest in the Burns Street right-of-way.
3. The privilege granted by the City to the Licensee is made with the express condition that the Licensee shall not acquire any right of easement or any other rights with respect to the Encroachment in the future. Such permission shall also not evolve into a property right or easement by lapse of time or otherwise.
4. This Agreement shall remain in force and effect only so long as the driveway and parking area remains in place. Upon the removal of the driveway and/or parking area, all rights of the Licensee under this agreement shall cease. Should the City decide, in its sole discretion, to use any portion of the Burns Street right-of-way as provided in Paragraph 1(b), this agreement shall cease.
5. Licensee's use of the parking area shall comply with all applicable City Ordinances.

Date: _____

City of Charlevoix
a Michigan municipal corporation

WITNESSES:

By: _____

Its: _____

STATE OF MICHIGAN
COUNTY OF CHARLEVOIX

Signed and acknowledged before me on _____, 2014 by _____, its _____ of the City of Charlevoix, a Michigan municipal corporation, on behalf of the corporation.

Notary Public

County, Michigan
Commission Expires: _____

WITNESSES:

LICENSEE:

STATE OF MICHIGAN
COUNTY OF CHARLEVOIX

Signed and acknowledged before me on _____, 2014 by Goodwill Industries of Northern Michigan, Inc.

Notary Public
_____ County, Michigan
Commission Expires: _____

Prepared by:
Scott W. Howard (P52028)
OLSON, BZDOK & HOWARD, P.C.
420 E. Front Street
Traverse City, MI 49685
231-946-0044

CHARLEVOIX CITY COUNCIL

AGENDA ITEM

AGENDA ITEM TITLE: Substation Maintenance Contract

DATE: September 15, 2014

PRESENTED BY: Don Swem

ATTACHMENTS: GRP Recommendation Letter, Contract

BACKGROUND INFORMATION:

The Westenbroek Substation has two 10 MVA Transformers that are roughly 24 years old. Although oil samples have been analyzed in the past, we have never really had a formal maintenance program for these transformers.

Due to the lack of consistent maintenance and the importance of this equipment it is felt that it is time to implement a testing and maintenance program. GRP Engineering was hired to write up a contract for the work. The contract covers inspection, testing and maintenance of the two 10 MVA Transformers and six Voltage Regulators at the Westenbroek substation. The work requires that each transformer be de-energized which means that the work needs to be done in the off season when loads are lower, and will be done one transformer at a time while the remaining load is switched to the other transformer.

A bid package was prepared by GRP and sent out to six different qualified bidders. Bids were received from 2 of the bidders. Some of the other bidders have informed us that the schedule was too tight and they declined to bid. GRP has reviewed the bids and believes the price from the low bidder of \$13,944 to be very reasonable and has recommended that the Contract be awarded to Utilities Instrumentation Service (UIS) out of Dexter, Michigan. UIS has the experience and qualifications to do the work and they are available to get it done this fall.

The bid tabulation is shown on the attached recommendation letter. A copy of the bid package is also attached.

RECOMMENDATION:

It is recommended that Council award the contract for "Westenbroek Substation Power Transformer And Voltage Regulator Maintenance", Project No. 13-0564.01, to Utilities Instrumentation Service for a total price of \$13,944.00.

September 9, 2014
13-0564.01

Mr. Don Swem
Electric Department Supervisor
City of Charlevoix
401 W. Carpenter
Charlevoix, MI 49720

**RE: Westenbroek Substation Power Transformer and Voltage Regulator Maintenance
Project RFP Evaluation & Recommendation**

Dear Don:

GRP Engineering, Inc. has completed our evaluation of the maintenance quotes received for the Westenbroek Substation Power Transformer and Voltage Regulator Maintenance project. Quotes were requested for maintenance, inspection, and testing of two (2) 10MVA power transformers and six (6) 500kVA voltage regulators. Two (2) contractors provided quotations and Utility Instrument Services provided the lowest quote. Summary of the quote are provided below:

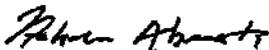
ABB Field Service	No Bid
Consumers Energy	No Bid
Siemens Field Service	No Bid
Premier Power Maintenance	No Bid
Newkirk Electric, Inc	\$ 38,100.00
Utility Instrument Services	\$ 13,944.00

GRP Engineering, Inc. sees no reason that the City of Charlevoix should not award the contract to Utility Instrument Services. Please note that the quotes are valid for 120 days after proposal due date. Please advise us upon acceptance of the Utility Instrument Services quote.

Please contact me should you have any additional questions regarding this evaluation and recommendation.

Sincerely,

GRP Engineering, Inc.



Nicholas Abraitis
Electrical Engineer/Project Manager

CITY OF CHARLEVOIX
CHARLEVOIX, MICHIGAN
(MI-49720)

**WESTENBROEK
SUBSTATION POWER
TRANSFORMER AND
VOLTAGE REGULATOR
MAINTENANCE**

GRP
Engineering, Inc.

Power Utility & Electrical Engineering
Grand Rapids/Petoskey, Michigan

August 2014
Project No. 13-0564.01

TABLE OF CONTENTS

1. PROPOSAL DATA
2. PRICE BREAKDOWN
3. EXCEPTIONS
4. PROPOSAL ACCEPTANCE PERIOD
5. PROPOSAL REQUIREMENTS
6. SCHEDULE
7. PROPOSAL EVALUATION
8. AWARD OF CONTRACT
9. TERMS OF PAYMENT
10. PRICE AND SCHEDULE
11. TECHNICAL REQUIREMENTS
12. LIST OF SUBSTATION EQUIPMENT
13. INSURANCE REQUIREMENTS

1.0 PROPOSAL DATA

- 1.1 Proposals are requested for furnishing necessary equipment, materials and labor for the preventative maintenance (PM) and testing of two (2) Delta-Star 10MVA power transformers, five (5) Siemens JFR 500kVA single phase voltage regulators, one (1) Cooper VR-32 500kVA single phase voltage regulator.
- 1.2 Proposals are to be submitted on or before 2:00 p.m., local time, Tuesday September 9, 2014 at which time they will be opened and read aloud. No bids will be received after this date and time. Proposals shall be in accordance with and in direct response to this Specification. Proposals shall be complete and include all data requested in this Specification.
- 1.3 The Proposals shall include an original and one (1) copy, including all attachments, addressed to:

Office of the City Clerk
City of Charlevoix
210 State Street
Charlevoix, MI 49720

Proposals must be submitted in an opaque, sealed envelope, with the Bidder's name and the words "Proposal for Westenbroek Substation Power Transformer and Voltage Regulator Maintenance" clearly noted on the outside of the envelope. All documents required to support the proposal must be included in this sealed envelope.

- 1.4 The City of Charlevoix (Owner) is not obligated to give oral answers to any inquiries regarding the meaning of this Technical Specification or oral instructions previous to award of the contract.
- 1.5 Any explanation desired by the Bidder, if such explanation is deemed necessary, will be made in the form of an addendum, a copy of which will be forwarded to each Bidder that has requested a copy of this Specification.
- 1.6 All addenda issued prior to the due date of this proposal shall become part of this Specification and all proposals are to include the features described in the addenda. Each proposal submitted should list all addenda that have been received and considered in the development of the Bidder's proposal.
- 1.7 Bidder has visited the site and become familiar with and is satisfied as to the general, local and site conditions that may affect the cost, progress, performance and furnishing of the work.

1.8 Bid shall be genuine and not made in the interest of or on behalf of any undisclosed person, firm or corporation and is not submitted in conformity with any agreement or rules of any group, association, organization or corporation; Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham Bid; Bidder has not solicited or induced any person, firm or corporation to refrain from bidding; and bidder has not sought by collusion to obtain for itself any advantage over any other Bidder or over the City of Charlevoix.

2.0 PRICE BREAKDOWN

2.1 The Bidder shall include individual prices for maintenance of each style of equipment. The total price should be the summation of each style of equipment multiplied by the quantity per style added together for a total proposal price. (Refer to Section 11 for list of equipment include in this proposal to be maintained.)

3.0 EXCEPTIONS

3.1 The Bidder shall state in the proposal that he has complied with this specification. If exceptions are taken they shall be specifically listed under this heading. The Bidder's Standard Terms and Conditions will not be considered as exceptions and only those terms and conditions explicitly noted as taking exception to this specification will be considered.

4.0 PROPOSAL ACCEPTANCE PERIOD

4.1 All unit prices shall remain, without escalation, for a period of 120 days from due date of said proposal. It is anticipated that a recommendation for award will be submitted to the Charlevoix City Council for consideration at its September 15, 2014 meeting.

5.0 PROPOSAL REQUIREMENTS

5.1 Bidders shall comply with the following requirements:

5.1.1 Submit a completed copy of Section 10 of this Specification: Price and Schedule. Included in this section is the firm price for the specified maintenance complying with this Specification and alternate Proposals as enumerated.

5.1.2 Bidder shall provide Certificates of Insurance in accordance with Owner's standards which are summarized below. Detailed insurance requirements will be provided upon request.

Worker's compensation:	Statutory
Comprehensive General Liability:	\$500,000 / \$1,000,000
Comprehensive Automobile Liability:	\$500,000 / \$1,000,000

6.0 SCHEDULE

- 6.1 The maintenance and testing are to be completed before October 23, 2014. All maintenance and testing shall be performed on site. The exact schedule for the performance of the maintenance and testing shall be determined upon contract award.

7.0 PROPOSAL EVALUATION

- 7.1 Purchase decisions will be based on the lowest and best-qualified bid for the maintenance, schedule compliance, and the information supplied by the Bidder.

8.0 AWARD OF CONTRACT

- 8.1 The contract will be awarded to the responsible and qualified Bidder (as determined by the Owner) whose evaluated proposal conforming to this specification will be the most advantageous to the Owner.
- 8.2 Notice of Intent to Award shall be given by September 19, 2014 Written Purchase Order contract will be issued without delay.
- 8.3 The Owner reserves the right to waive any and all informalities and to negotiate contract terms with the successful Bidder, and the right to disregard all nonconforming, non-responsible, or conditional proposals.
- 8.4 The Owner reserves the right to reject any and all proposals.

9.0 TERMS OF PAYMENT

- 9.1 The Owner will pay for successful maintenance and testing of the Westenbroek Substation Power Transformers and Voltage Regulators on a net 30 day basis from receipt of valid invoice. It is expected that the maintenance will be performed within a forty-five (45) day period; therefore, the Owner expects that one (1) billing will be required for this project in its entirety.

10.0 PRICE AND SCHEDULE

(A completed copy of this Section must be included with the Proposal)

Westenbroek Substation Power Transformer and Voltage Regulator Maintenance / Inspection

Submitted by:
(Full name)

.....
(Full address)
.....
.....

10.1 OFFER

Having examined all matters referred to in the attached Specification prepared for the above-mentioned project, we, the undersigned, hereby offer to enter into a Contract to provide the Power Transformer and Voltage Regulator Maintenance and Testing for the Price as broken out in units and identified in the following table, in lawful money of the United States of America. All federal, State of Michigan, and local taxes are excluded from the Bid Price. The Bidder states that all materials required for the Project will be of high quality and that the Bidder meets all conditions of this Specification unless exception is taken and clearly identified.

PRICING TABLE

Quantity	Description	Price Each	Extended Price
2	Maintenance, Inspection, and Testing of 10MVA Delta-Star Power Transformer	\$	\$
5	Maintenance, Inspection, and Testing of 500kVA Siemens JFR Voltage Regulator	\$	\$
1	Maintenance, Inspection, and Testing of 500kVA Cooper VR-32 Voltage Regulator	\$	\$
	Total Project Price		\$

10.2 ACCEPTANCE

This offer shall be open for acceptance and is irrevocable for 120 days after said proposal due date.

10.3 CONTRACT TIME

If this Proposal is accepted, Bidder will complete the performance of the maintenance and testing before *October 23, 2014*.

10.4 ADDENDA

The following Addenda have been received. The modifications to the Bid Documents noted below have been considered and all costs are included in the Bid Price.

Addendum # Dated

Addendum # Dated

10.5 EXCEPTANCE TO SPECIFICATION

Bidder states that the Maintenance to be performed meets or exceeds the requirements set forth in the Charlevoix Power Transformer and Voltage Regulator Maintenance, Inspection, and Testing package specification, dated *August 25, 2014*. If any exception is taken, then the Bidder must disclose in writing what the exact exception is and in what section of these Specifications to which the exception pertains. Exceptions or substitutions will not be accepted without submittal of the proper documentation listed above.

Please check the appropriate box below:

- No. Exceptions or Substitutions to the Specification have not been taken in this Proposal.
- Yes. Exceptions or Substitutions to the Specification have been taken in this Proposal.

If "Yes" above was checked, then the exact exception along with the section number must be disclosed in writing and attached to the proposal.

10.6 SIGNATURE(S)

.....
(Print the full name of Bidder)

.....
(Authorized signing officer)

(Title)

(Date)

11.0 TECHNICAL SECTION

11.1 SCOPE

11.1.1 This Specification covers Power Transformer and Voltage Regulator Maintenance, Inspection, and Testing.

11.2 TEST FIRM REQUIREMENTS

11.2.1 The Bidder must be qualified to perform maintenance and testing on the equipment listed in the PRICING TABLE.

11.2.2 The Bidder must show proof in writing of the following:

11.2.2.1 Five (5) years or more of experience maintaining and testing high voltage power circuit breakers.

11.2.2.2 Individuals who will perform the tests and maintenance must be certified by NETA (National Electrical Testing Association) or factory trained/certified to perform the tests required for high voltage power circuit breakers. (These certifications must be current.)

11.2.2.3 Provide at least three (3) references from entities for which the Bidder has performed like maintenance and testing. The references must include the contact information of the individual responsible as the Owner's representative.

11.3 TESTING AND MAINTENANCE DUTIES

11.3.1 DELTA-STAR POWER TRANSFORMER TESTING

- 11.3.1.1 Verify Power Transformer has been cleared and properly grounded.
- 11.3.1.2 Perform external visual inspection of main transformer noting condition of oil levels, bushings, surge arresters, indicating gages, N2 Pressure, Desiccant condition, radiators, fans (if equipped), paint, and control cabinet.
- 11.3.1.3 DOBLE test (Power Factor/Dissipation) on all windings and bushings.
- 11.3.1.4 DOBLE test (Power Factor/Dissipation) on all primary lightning arresters.
- 11.3.1.5 Perform winding resistance test and Turns Test Ratio (TTR) on each no load tap.
- 11.3.1.6 Check nitrogen system for proper pressure and tank fill pressure.
- 11.3.1.7 Check cooling fan controls for proper operation.
- 11.3.1.8 Check pressure relief device(s) for proper operation.
- 11.3.1.9 Check sudden pressure relay(s) for proper operation.
- 11.3.1.10 Check main tank oil level gauge for proper operation.
- 11.3.1.11 Take Oil Sample for quality screen (IFT, Acid, H2O, Color, and Power Factor) and compare to Owner previous records.
- 11.3.1.12 Take Oil Sample for dissolved gas analysis (DGA) and compare to owner previous records.

11.4.1 SIEMENS JFR AND COOPER VR-32 VOLTAGE REGULATOR TESTING

- 11.4.1.1 Verify Voltage Regulator has be de-energized and has a visible open on both the load and line side of the device.
- 11.4.1.2 Perform visible external inspection of the bushings, bypass arrester, line terminals, drain valve sample device, and position indicator.
- 11.4.1.3 Perform motor and control verification to include manual raise and lower, automatic raise and lower, band indication and time delay, drag hand reset, operations counter, position indicator, and limit switches.
- 11.4.1.4 Inspect the insulating oil for color, level, and dielectric breakdown test.
- 11.4.1.5 Perform an internal inspection to include contact alignment and wear, insulation integrity, chain tension, and drive spring integrity.
- 11.4.1.6 Check the Vari-Amp limit switches by attempting to run the tapchanger beyond the position to which the switches are set (Siemens JFR only).
- 11.4.1.7 Check the fans for proper operation.

---- End of Specification ----

CHARLEVOIX CITY COUNCIL

AGENDA ITEM

AGENDA ITEM TITLE: 2013-14 Fiscal Year Financial Audit Presentation

DATE: September 15, 2014

PRESENTED BY: Jason Kelly, CPA – Rehmann Robson Audit Supervisor

ATTACHMENTS:

BACKGROUND INFORMATION: The City's auditor, Rehmann Robson, has completed their audit of the City's financial statements as of and for the year ended March 31, 2014. Their audit encompassed the financial statements of the City's governmental activities, business-type activities, DDA, each major fund and the aggregate remaining fund information. Jason Kelly from Rehmann will present the findings of the audit and present a general overview of the financial health of the City.

Per the "Comments and Recommendations" (Attachment A) in the auditors' communication letter, the auditors noted that there was a lack of internal control structure and procedures surrounding the Mt. McSauba Ski Hill operations since current practices do not provide a sufficient audit trail for revenue collection. To address this issue, the auditors recommend that the City implement internal control procedures at the Ski Hill that would document daily sales volume and seasonal pass sales, such as using pre-numbered tickets.

Additionally, Attachment B of the auditors' communication letter shows the audit adjustments done by the auditors. The number of adjusting journal entries completed by the auditors was reduced to 21 this year compared to 36 last year. The Treasury Staff will continue to focus on reducing the number of adjustments the auditors make this year.

With the financial audit now completed, Staff will file the audited financial statements, the F-65 report and the City's and DDA's Michigan Finance Qualifying Statements with the State in order to comply with State requirements. Additionally, Staff will comply with SEC disclosure requirements in regards to the audited financial statements. Council will be receiving, under separate cover, a draft audited Financial Statements for March 31, 2014 with the Auditors' communication letter.

RECOMMENDATION: For City Council to accept and approve the audit.

CHARLEVOIX CITY COUNCIL

AGENDA ITEM

AGENDA ITEM TITLE: Water & Sewer Turn On Fees and Water Usage Minimum for Multiple Unit Locations

DATE: September 15, 2014

PRESENTED BY: Joe Zielinski, City Treasurer

ATTACHMENTS: (1) Current & Proposed Water & Sewer Rates & Fees
(2) Resolution to Adopt Amended Fees & Usage Minimum

BACKGROUND INFORMATION: As discussed at the September 2nd Council meeting, the water and sewer turn on fees adopted for the 2014-15 fiscal year were not increased from the prior year while water and sewer rates were increased 5% and 24.5%, respectively. As a result, the current fees and rates create an incentive for many seasonal residents to turn off their water and sewer services during the colder months to avoid paying the monthly minimum charge for water and sewer services and to pay the turn on fee when they return for the warmer months. Since such actions would significantly impact the City's water and sewer revenues as well as increase the workload for the DPW staff, Staff recommends increasing the turn on fees for both water and sewer to equal approximately seven months of the minimum charge. Attached in your agenda packet are the current water and sewer rates and fees and the proposed turn on fees.

Also discussed at the September 2nd Council meeting was the monthly water usage minimum charged to multiple unit locations, such as an apartment or condominium building, that are served with a single water meter. Currently, multiple unit locations with one water meter are charged a monthly water usage minimum of 1,500 gallons per unit while all other single family residential homes and commercial properties are charged a monthly water usage minimum of 2,000 gallons. In order to have a consistent rate structure, Staff recommends setting the monthly water usage minimum charged to multiple unit locations that have one water meter to 2,000 gallons per unit.

RECOMMENDATION: Motion to pass the attached resolution to increase the water and sewer turn on fees and to set the water usage minimum to 2,000 gallons for all water and sewer customers.

**CITY OF CHARLEVOIX
WATER & SEWER RATES
2014-2015 Budget**

	WATER RATES - In City		WATER RATES - Rural	
	Effective 4/1/2014	Proposed	Effective 4/1/2014	Proposed
Water Service Charge - Meter Size				
3/4" or Smaller	\$13.91		\$27.82	
1"	17.11		34.22	
1 1/2"	27.61		55.22	
2"	38.86		77.72	
3"	68.61		137.22	
4"	124.61		249.22	
6"	243.61		N/A	
Sprinkling Meter	1.50		3.00	
Commodity Charge				
1st 2,000 Gallons	3.30		6.60	
3rd-50th 1,000 Gallons	2.55		5.00	
51st 1,000 Gallons and Over	2.10		4.00	
Water Usage Minimum (Gallons per Unit)				
Water Minimum Charge	17.21	2,000	34.42	2,000
Privilege Fees				
New User Cost per REU, Prepaid	\$1,000.00		\$1,500.00	
Turn On Fee - Water Only	150.00	No Change	150.00	250.00
Turn On Fee - Sprinkler	20.00		20.00	

Other Water Rates

- Service Upgrade (to remove old galvanized pipe) Effective 4/1/2014
\$500.00
- Water Tap Fee 250.00
- 3/4" Line 320.00
- 1" Line cost
- Larger than 1" Line cost
- Water Bacteriological Tests \$20/sample

	SEWER RATES - In City		SEWER RATES - Rural	
	Effective 4/1/2014	Proposed	Effective 4/1/2014	Proposed
Water Service Charge - Meter Size				
3/4" or Smaller	\$23.40		\$35.10	
1"	32.60		48.90	
1 1/2"	52.40		78.60	
2"	75.50		113.25	
3"	145.50		218.25	
4"	246.00		369.00	
6"	N/A		375.00	
Commodity Charge				
Commodity Rate per 1,000 Gallons	5.00		6.35	
Sewer Minimum Charge	33.40		47.80	
Summer Sprinkling Rate	N/A		N/A	
Privilege Fees				
New User Cost per REU, Prepaid	\$2,000.00		\$3,000.00	
Turn On Fee - Water & Sewer	210.00	350.00	210.00	525.00

CITY OF CHARLEVOIX
RESOLUTION 2014-09-XX
RESOLUTION TO AMEND RATES AND FEES ASSOCIATED WITH THE 2014-15 BUDGET

WHEREAS, the City of Charlevoix annually must adopt a balanced budget to comply with the City Charter; and

WHEREAS, the City of Charlevoix in preparing the budget, assumes the adoption of rates and fees for various services they provide in order to pay for those services in whole or in part as proposed in their annual budget; and

WHEREAS, the City of Charlevoix defines all of their rates and fees in the rate section of the proposed budget.

THEREFORE, BE IT RESOLVED, THAT THE CITY COUNCIL OF THE CITY OF CHARLEVOIX amends the rates and fees included in the 2014-15 Budget with changes to the rates and fees for the following areas, effective September 16, 2014:

1. Turn On Fee – Water Only (Rural): \$250
2. Turn On Fee – Water & Sewer (In City): \$350
3. Turn On Fee – Water & Sewer (Rural): \$525
4. Water Usage Minimum: 2,000 gallons

RESOLVED, this ____ day of September, A.D. 2014.

Resolution was adopted by the following yea and nay vote:

Yeas:

Nays:

Absent: