



Brighton City Council Meeting

200 N First St • City Hall Council Chambers • Brighton, Michigan 48116
(810) 227-1911 • www.brightoncity.org

November 26, 2024 – 6:30 p.m.

AGENDA

1. Call to order
2. Pledge of Allegiance
3. Roll call
4. Consider approval of the agenda
5. Consider approval of consent agenda items

Consent Agenda Items

- a. [Approval of minutes: regular meeting of November 12, 2024](#)
- b. [Acceptance of the quarterly investment and financial reports](#)
- c. [Approval of Resolution# 2024-25 – Amended and Restated 457\(b\) retirement plans and authorize the City Manager to execute the same](#)
- d. [Approval of Resolution# 2024-26 – Amended and Restated 401\(a\) retirement plans and authorize the City Manager to execute the same](#)
- e. [Approval of Nationwide Administrative Services Agreement for the Governmental 457\(b\) Deferred Compensation Plan and 401\(a\) Defined Contribution Plan](#)

Correspondence

6. Call to the public
7. Staff updates
8. Updates from Councilmember liaisons to various boards and commissions
9. Mayoral Proclamation: Eagle Scout Liam Wheeler

Discussion

10. [Review draft Ordinance: Amendments to the Solicitors Ordinance](#)

New Business

11. [Consider adoption of the Brighton Area Fire Authority Amended and Restated Articles of Incorporation](#)
12. [Consider approval of Resolution #2024-24, 2025 City of Brighton Boards and Commissions meeting schedule](#)
13. [Conduct a first reading and consider setting a public hearing date of January 14, 2025, for proposed ordinance #607: Amendments to the R5 Zoning District Regulations](#)

Closed Session

14. Consider Entering into Closed Session to Receive a Written Attorney-Client Privileged Communication pursuant to section MCL 15.268(1)(h) of the Open Meetings Act

Other Business

15. Call to the public
16. Adjournment



Brighton City Council Meeting

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MINUTES OF THE REGULAR MEETING OF THE BRIGHTON CITY COUNCIL HELD ON NOVEMBER 12, 2024

1. Call to order

Mayor Tobbe called the meeting to order at 6:30 p.m.

2. Pledge of Allegiance

3. Roll call

Present were Mayor Tobbe, Mayor Pro Tem Bohn, Councilmembers: Albert, Gardner, Gipson, Pettengill, and Schmenk.

Staff Present: City Manager Gretchen Gomolka, DPS Director Marcel Goch, Community Development Manager Michael Caruso, Finance Director Liz Gaines, City Clerk Tara Brown, Attorney Sarah Gabis, and Chief Brent Pirochta.

4. Consider approval of the agenda

Motion by Councilmember Gardner, seconded by Councilmember Schmenk to approve the agenda as presented. **The motion carried, 7-0.**

5. Consider approval of consent agenda items

Motion by Councilmember Schmenk, seconded by Councilmember Pettengill to approve the consent agenda as presented. **The motion carried by roll call vote, 7-0.**

Consent Agenda Items

- a. **Approval of minutes: regular meeting of October 22, 2024**
- b. **Approval of the 2024 Brighton Ladies Night Civic Event**
- c. **Approval to recognize The Livingston County Chorale as a 501(c)(3), non-profit organization for the purpose of obtaining a Charitable Gaming License, Resolution #2024-22**
- d. **Approval of the five-year watershed advisory agreement at a cost not to exceed \$3,387.30 per year**
- e. **Approval of a Transfer with Outdoor Service (1 Area) and Sunday Sales Permit (PM) for a Class C license – Spirits and Mixed Drink from Grand River Grille, Inc to 8125 Movie Drive, Brighton MI, DBA as Michigan Pickleball Group, LLC; Resolution 2024-23**

Correspondence

6. Call to the public

Mayor Tobbe opened the call to the public at 6:33 p.m.

Karen Wirth spoke regarding density within the R5 district and asked that new builds align with current homes to maintain the neighborhood look.

Deborah Teegan spoke regarding the R5 district and new builds.

Hearing and seeing no further comment, the call to the public was closed at 6:39 p.m.

7. Staff updates

Clerk Brown thanked all the amazing election inspectors on an election well run. All Election Day precincts reported by 8:30 p.m. and most inspectors were home by 9:30 p.m. The November General election brought many early voters in resulting in high turnout numbers that kept the inspectors busy all day. Overall the election went well and without issues.

Chief Pirochta noted that police officers will be at Target for their annual Heros and Helpers charity organization

pairing local public safety partners with youth from under-resourced areas to go holiday shopping on November 23, 2024, from 8:30 a.m. to 12:30 p.m. And on November 23, 2024, police officers will be hosting the Cram the Cruiser event to benefit Bountiful Harvest from 10:00 a.m. to 3:00 p.m. at local grocery stores.

City Manager Gomolka also noted that the Chamber of Commerce event, Holiday Glow on November 23, 2024, will begin at 1:00 p.m. with holiday shopping opportunities and fun for all. Santa is expected to arrive around 5:50 p.m.

DPS Director Goch was asked if lines along Main Street in the areas without curb can be painted to reflect the division between parking and walking area. Director Goch noted the line would need to be yellow but will look into options to achieve what is being asked.

City Manager Gomolka noted the Brighton Area Fire Authority agreement is expected to be brought to City Council for City Council's review and potential approval. Snowplow names have been decided by vote and the winners will be listed on Facebook as well as the My Brighton MI app. The winning names are Clearopathra, Clark W. Blizzwald, Sled Zepplin, Betty Whiteout, and Plowmageddon. The city is happy to report that the MML, in partnership with the Ralph C. Wilson Foundation, would like to help market downtown with a grant to fund wayfinding and logo design. More information will be brought back to City Council once an approach has been determined. Fire pit hours have been changed to winter hours from 7:00 a.m. to midnight.

8. Updates from Councilmember liaisons to various boards and commissions

Councilmember Pettengill stated that Troop 350 conducted fall cleanup for several local residents for those who aren't able.

Mayor Pro Tem Bohn stated the Planning Commission met on November 4, 2024, and conducted a public hearing for the R5 zoning district with a public open house with Giffels Webster just prior to the meeting.

Councilmember Gardner stated the Huron River Watershed Council calendar is available for free at city offices. Please stop by and grab your calendar before they run out.

Councilmember Albert noted the Brighton Veterans Memorial Committee will meet soon to discuss and debrief from the Veterans Day Parade. The committee will discuss what went well and what can be improved.

Councilmember Gipson relayed a happy birthday to the Marines on their Marine Corps Day and thanked all who served. The Downtown Development Authority met and approved holiday lights similar to last year with hopes of expanding in upcoming years. The authority also discussed future funds and how they can help other areas of the Downtown District.

Discussion

9. Transmittal of pension and OPEB reporting under Public Act 202 of 2017

Finance Director Gaines provided an overview of the pension and OPEB reporting pursuant to Public Act 202. No action was necessary.

10. Review draft Ordinance 607: Amendments to the R5 Zoning District Regulations

City Manager Gomolka provided a general overview of the steps that have been taken so far. Attorney Gabis explained what options are available to move forward with the recommendations from Planning Commission as it pertains to amendments to the R5 Zoning District regulation. Community Development Manager Caruso outlined the changes and recommendations that the Planning Commission proposed for adoption.

City Council deliberated at length about multiple family dwellings, duplexes, allowable building types as it relates to minimum lot width, maximum lot width, and maximum lot area, height, units, setbacks, and lot coverage. Revisions will be made and brought back to City Council to conduct a first reading and set a public hearing date.

City Council recessed from 8:00 p.m. to 8:10 p.m.

New Business

11. Consider approving the purchase of a Caterpillar skid steer loader and hammer attachment for a cost not to exceed \$73,890

Motion by Councilmember Gardner, seconded by Councilmember Schmenk to approve the purchase of a Caterpillar skid steer loader and hammer attachment for a cost not to exceed \$73,890. **The motion carried, 7-0.**

12. Consider appointment to the Zoning Board of Appeals

Motion by Councilmember Gipson, seconded by Councilmember Gardner to appoint Caleb Jenkins to the Zoning Board of Appeals. **The motion carried, 7-0.**

13. Consider awarding the contract for the rehabilitation of the Oak Ridge Meadows lift station to CSM Mechanical, LLC in an amount not to exceed \$175,400

Motion by Councilmember Pettengill, seconded by Councilmember Schmenk to award the contract for the rehabilitation of the Oak Ridge Meadows lift station to CSM Mechanical, LLC in an amount not to exceed \$175,400. **The motion carried, 7-0.**

Other Business

14. Call to the public

Mayor Tobbe opened the call to the public at 8:20 p.m.

Susan Walter-Bakhaus spoke regarding the report associated with the Zoning Board of Appeals appointment in the packet and the appointment process.

Caleb Jenkins spoke and thanked City Council for the appointment to the Zoning Board of Appeals and appreciated their support.

Karen Wirth thanked City Council for listening to residents and appreciate their attention to the R5 district.

Jillian Powers spoke as a longtime resident stating that she is not in favor of flat roofs.

Hearing and seeing no further comment, the call to the public was closed at 8:28 p.m.

City Manager Gomolka clarified the report for the Zoning Board of Appeals appointment.

Mayor Pro Tem Bohn stated the qualifications of the recent Zoning Board of Appeals appointee were outstanding and has full faith in the new members' abilities.

15. Adjournment

Motion by Councilmember Gipson, seconded by Councilmember Pettengill to adjourn the meeting at 8:30 p.m. **The motion carried, 7-0.**

Tara Brown, City Clerk



City of Brighton

REPORT FROM THE CITY MANAGER TO CITY COUNCIL NOVEMBER 26, 2024

SUBJECT: QUARTERLY INVESTMENT REPORT FOR THE PERIOD ENDING SEPTEMBER 30, 2024

ADMINISTRATIVE SUMMARY

- The City's total investment/bank balance has increased by \$5,725,238 or 21.9% over last quarter to \$31,861,220.
- This increase is to be expected as we collect tax revenue in the first quarter, while expenditures tend to be constant throughout the year.
- The City's average rate of return on investments decreased from 4.179% to 3.75% over the last quarter. This decrease is due to the Fed Funds Rate being cut from 5.33% to 4.83%. Expect our rate of return to decrease as the Fed Funds Rate is reduced.
- The City's earnings remain somewhat lower than the benchmark 3-month Treasury Bill Rate and the Fed Funds Rate. This is due to the city's need for liquidity and protecting funds in low interest, higher insurance coverage bank accounts. The City continues to properly diversify funds in order to obtain the most FDIC insurance coverage at possible. We achieve this through lower interest-bearing investments that spread our money across several different banks. This relieves the burden of the City tracking 40 or more different financial institutions in order to obtain FDIC insurance coverage.
- The City's deposits/investments with Flagstar Bank, The State Bank, Independent Bank, and Michigan Class total 42.5%, 5.2%, 27.4%, and 12.9%, respectively, of the City's overall portfolio. The high ratio of deposits held in Flagstar and Independent Bank is because these are fully insured accounts earning moderate interest.
- We continue to work within the primary objectives of the City's Investment Policy, which, in priority are: safety, liquidity, and return on investment.

Prepared by: Elizabeth Gaines, Finance Director

Reviewed and approved by: Gretchen Gomolka, City Manager

MEMORANDUM

To: City Council
From: Laura Hoshaw, Treasurer *LH*
Subject: Quarterly Investment Report
Date: November 18, 2024

We are earning interest rates ranging from 0% to 5.40% on our money market, savings, and checking accounts held at various financial institutions. We have two accounts that are earning 0% interest at Old National Bank. One is a small balance account, which allows our Police officers no fee money orders for out of county court warrants. The other is a tax account that gives our citizens another location to pay their property taxes. These funds are liquid in nature and are available to use on demand. We currently have seven CDs ranging from \$251,180 to \$299,982. They range from 6 months to 12 months in length with interest rates from 4.17% to 5.40%. We also added two CDARS (Certificate of Deposit Account Registry Service) at CIBC Bank. CDARS allows investments in CDs held by many different FDIC insured banking institutions so it can achieve full FDIC coverage for the total sum. One account is for \$1,030,894 at 4.85% for 1 year and the other is for \$1,27,021 for 2 years. Municipalities are required to use Michigan banks for investment purposes.

A disappointing September pushed home sales to a 14-year low. Lower mortgage rates and rising inventory failed to entice buyers, particularly first-timers, as prices continued their year over year climb. Mortgage rates dipped to their lowest level of the year in September, while inventory climbed, but that wasn't enough to boost sales. With slower sales, inventory continues to rise, hitting 4.3 months supply in September. A year ago, inventory was sitting at just 3.4 months. More inventory and lower rates should translate into more home buying and selling activity in the fourth quarter.

The U.S. economy posted another solid though slightly disappointing period of growth in the third quarter, propelled higher by strong consumer spending that has defied expectations for a slowdown. Gross domestic product, a measure of all goods and services produced during the three-month period from July through September, increased to a 2.8% annualized rate. The report confirms that the U.S. expansion has continued despite elevated interest rates and long-standing worries that the burst of fiscal and monetary stimulus that carried the economy through the Covid crisis wouldn't be enough to sustain growth. However, resilient consumer spending, which accounts for about two thirds of all activity, has helped keep the economy moving, as has a relentless wave of government spending that pushed the deficit to more than 1.8 trillion in fiscal 2024.

The Committee decided to lower the target range for the federal funds rate to 4 ¾ % to 5%. Recent indicators suggest that economic activity has continued to expand at a solid pace. Job gains have slowed, and the unemployment rate has moved up but remains low. Inflation has made further progress towards the Committee's 2% inflation objective but remains somewhat elevated. The economic outlook is uncertain, and the Committee is attentive to the risks to both sides of its dual mandate.

CITY OF BRIGHTON
 QUARTERLY INVESTMENT REPORT
 AS OF SEPTEMBER 30, 2024

Investment Accounts	Account Balance	Maturity Date	Current % Interest Rate	Average R.O.R.
OLD NATIONAL BANK-Checking	41,462	Immediate	0.00%	0.00%
OLD NATIONAL BANK-Juvenile	12,544	Immediate	0.00%	0.00%
Total Old National Bank	54,006			
BANK OF ANN ARBOR	60,980	Immediate	0.90%	0.00%
Total Bank of Ann Arbor	60,980			
FIRST NATIONAL BANK OF AMERICA	1,026	Immediate	0.25%	0.00%
Total First National Bank of America	1,026			
HORIZON BANK-MM	2,733	Immediate	1.10%	0.00%
Total Horizon Bank	2,733			
FLAGSTAR BANK-Refundable Deposit	795,915	Immediate	3.75%	0.09%
FLAGSTAR BANK-Combined Savings	220,097	Immediate	3.75%	0.03%
FLAGSTAR BANK-A/P Checking	12,534,424	Immediate	3.30%	1.30%
Total Flagstar Bank	13,550,437			
CHIEF FINANCIAL CREDIT UNION-Platinum Sav	286,493	Immediate	0.05%	0.00%
Total Chief Financial Credit Union	286,493			
THE STATE BANK-Savings Account	1,671,054	Immediate	4.00%	0.21%
Total The State Bank	1,671,054			
INDEPENDENT BANK UTILITY LB CHECKING	8,734,098	Immediate	3.44%	0.94%
Total Independent Bank	8,734,098			
MICHIGAN CLASS	4,095,928	Immediate	5.23%	0.67%
Total Michigan Class	4,095,928			
CD-COMERICA BANK	262,552	02/25/25	5.05%	0.04%
CD-CIBC BANK	258,531	11/21/24	5.40%	0.04%
CDARS-CIBC	1,030,894	02/13/25	4.85%	0.16%
CDARS-CIBC	1,027,021	02/12/26	4.25%	0.14%
CD-HORIZON BANK	274,305	08/07/25	4.17%	0.04%
CD-FIRST NATIONAL BANK OF AMERICA	251,180	02/14/25	5.15%	0.04%
CD-BANK OF ANN ARBOR	299,982	11/21/24	5.10%	0.05%
Total Certificate of Deposits	3,404,466		4.85%	
TOTAL	31,861,220			3.75%
Three Month Treasury Bill Rate*				4.92%
Average Fed Funds Rate**				5.13%
City's Avg. R.O.R. over/(under) the 3-month T-Bill Rate				-1.17%
City's Avg. R.O.R. over/(under) the Avg. Fed Funds Rate				-1.38%



City of Brighton

REPORT FROM THE CITY MANAGER TO CITY COUNCIL

November 26, 2024

SUBJECT: QUARTERLY FINANCIAL REPORT FOR THE PERIOD ENDING SEPTEMBER 30, 2024

ADMINISTRATIVE SUMMARY

- This report is for the first quarter of the fiscal year and it is still very early in the year and budgeted items are trending in line with budget, with the exception of interest income and grant revenue, which are both already higher than budgeted.
- We will continue to monitor the budget and make City Council aware of any significant budget variances if they should arrive prior to next quarters report.

Prepared by: Elizabeth Gaines, Finance Director

Reviewed &

Approved by: Gretchen Gomolka, City Manager

FINANCIAL REPORT FOR CITY OF BRIGHTON - GENERAL FUND
PERIOD ENDING 9/30/2024

Favorable compared to Budget
Materially In line with Budget
Monitoring
Unfavorable compared Budget

	2024-25 ORIGINAL BUDGET	2024-25 AMENDED BUDGET	YTD BALANCE 9/30/2024	OVER/ (UNDER) AMENDED BUDGET	NOTES
REVENUE					
PROPERTY TAXES	8,268,820.00	8,268,820.00	8,242,063.69	(26,756.31)	We have collected the majority of our taxes, more will trickle in throughout the year.
TAX PENALTIES, INTEREST & FEES	321,500.00	321,500.00	257,994.44	(63,505.56)	This is the tax administrative fee (1% fee on all taxes added to tax bills), we have collected on the summer tax bills and will continue collecting this on the winter tax bills.
LICENSES & PERMITS	453,750.00	453,750.00	57,722.67	(396,027.33)	We received some Building permit fees, which will pick up in the spring. We wont start receiving cable franchise fees until early November.
STATE SHARED REVENUE	1,075,000.00	1,075,000.00	0.00	(1,075,000.00)	This includes the PPT reimbursement, which which we receive in October and May, and the State Shared revenue which we will receive by-monthly starting in October.
INVESTMENT EARNINGS	30,000.00	30,000.00	106,327.44	76,327.44	Due to high interest rates we have exceeded the budgeted amount.
RENTS & ROYALTIES	75,350.00	75,350.00	4,875.00	(70,475.00)	The majority of this line item represents charges to Major and Local streets for employees working on street projects, which will be recorded at year end. This line also includes building rental fees (AMP and community center).
OTHER REVENUE	60,500.00	60,500.00	43,566.98	(16,933.02)	Includes reimbursement for civic events, dividend payment from our purchasing card and reimbursements to the City for retiree health savings account pre-funding.
OTHER FINANCING SOURCES	270,523.09	270,523.09	0.00	(270,523.09)	This represents appropriation from DDA and Utility Funds.
SERVICE CHARGES	871,700.00	871,700.00	247,072.71	(624,627.29)	This is primarily refuse collection user fees.
FINES & FORFEITS	24,000.00	24,000.00	10,144.23	(13,855.77)	Primarily police related fines which come in sporadically throughout the year.
LOCAL UNIT CONTRIBUTION	97,500.00	97,500.00	9,201.27	(88,298.73)	This account is for the liaison officer payments.
GRANTS	1,500.00	1,500.00	18,500.00	17,000.00	We received a \$10,000 grant to assist with election needs and an \$8,500 grant to assist with education for our police officers. Neither grant was anticipated.
TOTAL REVENUES	11,550,143.09	11,550,143.09	8,997,468.43	(2,552,674.66)	

Favorable compared to Budget
 Materially in line with Budget
 Monitoring
 Unfavorable compared Budget

	2024-25 ORIGINAL BUDGET	2024-25 AMENDED BUDGET	YTD BALANCE 9/30/2024	OVER/ (UNDER) AMENDED BUDGET	NOTES
EXPENDITURES					
CITY COUNCIL	37,485.00	37,485.00	9,408.50	(28,076.50)	Primary expense is Per Diems, which are paid at the end of the year.
CITY MANAGER	299,410.00	299,410.00	57,406.46	(242,003.54)	Includes City Manager, a portion of both Assistant to the City Manager positions and an allocated portion of the budgeted additional payment to MERS.
COMMUNICATIONS	37,600.00	37,600.00	12,762.88	(24,837.12)	This budget is limited to community promotions expenses.
LEGAL SERVICES	245,299.00	245,299.00	10,582.20	(234,716.80)	General and Labor attorney retainers and other expenses.
CITY CLERK	292,644.00	292,644.00	60,271.71	(232,372.29)	Election costs and per diems, a portion of both Assistant to the City Manager positions, general operating expenses as well as an allocated portion of the budgeted additional payment to MERS.
HUMAN RESOURCES	257,920.00	290,720.00	47,982.08	(242,737.92)	General operations, a portion of both Assistant to the City Manager positions, as well as an allocated portion of the budgeted additional payment to MERS.
FINANCE	858,663.00	858,663.00	170,273.96	(688,389.04)	General operations as well as an allocated portion of the budgeted additional payment to MERS.
INFORMATION SYSTEMS	262,785.00	262,785.00	54,878.69	(207,906.31)	General operations to run IT, primarily software related expenses.
POLICE	3,821,864.00	3,838,994.70	758,560.09	(3,080,434.61)	General operations as well as an allocated portion of the budgeted additional payment to MERS.
PUBLIC WORKS	2,878,425.00	2,928,424.15	638,013.30	(2,290,410.85)	General operations covering all city buildings and public spaces.
COMMUNITY DEVELOPMENT	594,708.00	594,708.00	131,851.90	(462,856.10)	General operations as well as an allocated portion of the budgeted additional payment to MERS.
POST EMPLOYMENT BENEFITS	554,995.00	554,995.00	114,119.43	(440,875.57)	Healthcare for retirees.
TRANSFERS-OUT AGENCIES	161,200.00	166,200.00	2,000.00	(164,200.00)	425 Agreement payment to Genoa Township based on the Taxable Value for the parcels in the agreement, as well as an appropriation to Economic Development Council and the Historical Society.
TRANSFERS-OUT OTHER FUNDS	1,638,644.58	1,638,644.58	572,104.52	(1,066,540.06)	Appropriations to other funds are made as expenditures in those funds occur.
TOTAL EXPENDITURES	11,941,642.58	12,046,572.43	2,640,215.72	(9,406,356.71)	
NET OF REVENUES & EXPENDITURES	(391,499.49)	(496,429.34)	6,357,252.71		It is too early in the year to make projections. Overall revenues and expenditures are materially inline with the budget. Note the budgeted use of fund balance is primarily due to an additional \$572,399 (\$600,000 total including utilities fund portion) payment into MERS.

**ACTION BY THE CITY COUNCIL
RESTATEMENT OF GOVERNMENTAL 457(b) RETIREMENT PLAN**

The undersigned, on behalf of the City Council of City of Brighton, MI (“Employer”), hereby certifies that at a meeting of the City Council, the following resolutions were approved:

WHEREAS, the Employer has maintained the City of Brighton 457(b) Deferred Compensation Plan (“Plan”) since 1-24-1995 for the benefit of eligible employees;

WHEREAS, the Employer has decided to amend the above-referenced Plan by adopting a complete restatement of the current Plan document;

WHEREAS, the City Council has reviewed and evaluated the proposed amendment(s) to the Plan; and

WHEREAS, the Plan document authorizes the Employer to amend the selections under the Adoption Agreement.

NOW, THEREFORE, BE IT RESOLVED that the City Council has hereby approved the proposed amendment(s) and authorizes the Employer to adopt the City of Brighton 457(b) Deferred Compensation Plan as a complete restatement of the prior Plan, to be effective on 1-1-2024;

RESOLVED FURTHER, that the undersigned members of the City Council authorize the execution of the restated Plan document and authorize the performance of any other actions necessary to implement the adoption of the Plan restatement. The members of the City Council may designate any member(s) of the City Council (or other authorized person) to execute the restated Plan document and perform the necessary actions to adopt the restated Plan. The Employer will maintain a copy of the restated Plan, as approved by the members of the City Council, along with a copy of the prior Plan, in its files;

RESOLVED FURTHER that the Employer will act as administrator of the Plan and will be responsible for performing all actions necessary to carry out the administration of the Plan. The Employer may designate any other person or persons to perform the actions necessary to administer the Plan; and

RESOLVED FURTHER, that Plan participants shall be provided with a summary of the Plan provisions within a reasonable period of time following the adoption of the restated Plan.

The undersigned hereby certifies that he/she is an Authorized Representative of the Employer and that the foregoing is a true record of a resolution duly adopted at a meeting of the City Council, and that said meeting was held in accordance with state law and the Charter of the above-named Employer.

IN WITNESS WHEREOF, I have executed my name below as an Authorized Representative of the Employer.

Authorized Representative / Date

This Resolution was adopted this 26th day of November 2024.

I, Tara Brown, City Clerk for the City of Brighton, do hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the City Council at the Regular meeting held on November 26, 2024.

Tara Brown, City Clerk

**ACTION BY THE CITY COUNCIL
RESTATEMENT OF QUALIFIED RETIREMENT PLAN**

The undersigned, on behalf of the City Council, hereby certifies that at a meeting of the City Council of City of Brighton (“Employer”), the following resolutions were approved:

WHEREAS, the Employer has maintained the City of Brighton Defined Contribution Plan (“Plan”) since 7-1-2019 for the benefit of its eligible employees;

WHEREAS, the Employer has decided to amend the above-referenced Plan by adopting a complete restatement of the current Plan document;

WHEREAS, the City Council has reviewed and evaluated the proposed amendment(s) to the Plan; and

WHEREAS, the Plan document authorizes the Employer to amend the selections under the Adoption Agreement.

NOW, THEREFORE, BE IT RESOLVED that the City Council has hereby approved the proposed amendment(s) and authorizes the Employer to adopt the City of Brighton Defined Contribution Plan as a complete restatement of the prior Plan, to be effective on 1-1-2024;

RESOLVED FURTHER that the undersigned members of the City Council authorize the execution of the restated Plan document and authorize the performance of any other actions necessary to implement the adoption of the Plan restatement. The members of the City Council may designate any members of the City Council (or other authorized person) to execute the restated Plan document and perform the necessary actions to adopt the restated Plan. The Employer will maintain a copy of the restated Plan, as approved by the members of the City Council, along with a copy of the prior Plan, in its files;

RESOLVED FURTHER that the Employer will act as administrator of the Plan and will be responsible for performing all actions necessary to carry out the administration of the Plan. The Employer may designate any other person or persons to perform the actions necessary to administer the Plan; and

RESOLVED FURTHER that Plan participants shall be provided with a summary of the Plan provisions within a reasonable period of time following the adoption of the restated Plan.

The undersigned hereby certifies that he/she is an Authorized Representative of the Employer and that the foregoing is a true record of a resolution duly adopted at a meeting of the City Council, and that said meeting was held in accordance with state law and the Charter of the above-named Employer.

IN WITNESS WHEREOF, I have executed my name below as an Authorized Representative of the Employer.

Authorized Representative / Date

This Resolution was adopted this 26th day of November 2024.

I, Tara Brown, City Clerk for the City of Brighton, do hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the City Council at the Regular meeting held on November 26, 2024.

Tara Brown, City Clerk



City of Brighton

REPORT FROM THE CITY MANAGER TO CITY COUNCIL

NOVEMBER 26, 2024

SUBJECT: REVIEW PROPOSED ORDINANCE: TO AMEND THE CITY OF BRIGHTON CODE OF ORDINANCES, PEDDLERS, SOLICITORS, AND CANVASSERS

ADMINISTRATIVE SUMMARY

Currently there are two articles under Chapter 22 of the code of ordinances that address peddlers, solicitors, and canvassers, Article VI, Peddlers, and Article VII, Solicitors and Canvassers. The changes proposed are to combine the articles into one to bring a cohesive ordinance that aligns the licensing and regulation of peddlers, solicitors, and canvassers within the City of Brighton.

As mentioned in the attached draft ordinance, these regulations are designed to promote public safety, reduce vehicular and pedestrian traffic congestion, and ensure the safe use of streets and sidewalks. It also seeks to safeguard against misrepresentations, fraud, and crime, and to promote the safety and privacy of residents in their homes. The regulations contained within the ordinance will provide procedural requirements for peddling, soliciting and canvassing, which aim to provide residents with transparency and the ability to safeguard their privacy.

RECOMMENDATION

No motion is needed at this time. The ordinance amendment will come back to City Council for a first reading and setting of a public hearing at a later date.

Prepared by: Tara Brown, City Clerk

Reviewed by: Gretchen Gomolka, City Manager

Reviewed by: City Attorney (Required for all agreements, ordinances, etc.)

Acceptable Form and Ready to Execute

Other _____

Attachments: Draft ordinance amendments

CITY OF BRIGHTON
AMENDMENT TO CODE: PEDDLERS, SOLICITORS AND CANVASSERS
ORDINANCE NO. _____

DATE

The City of Brighton City Council ordains and adopts the following amendments to Chapter 22, Article VI, Peddlers, and Article VII, Solicitors and Canvassers, [new language underlined, deleted language ~~stricken~~]:

THE CITY OF BRIGHTON HEREBY ORDAINS:

SECTION 1: Repeal of Chapter 22 “Businesses”, Article VI “Peddlers”.

Chapter 22 “Businesses”, Article VI “Peddlers” is amended to repeal §§ 22-171 through 182. Article VI, Section 22-171 through Section 22-182 are hereby reserved.

SECTION 2: Chapter 22 Businesses, Article VII “SOLICITORS AND CANVASSERS”, Division 1 “Generally”, § 22-200 “Purpose”.

Chapter 22 Businesses, Article VII “SOLICITORS AND CANVASSERS”, Division 1 “Generally”, § 22-200 is amended to add a new section read as follows:

§ 22-200 Purpose.

The purpose of this Article is to license and regulate the movement, location, manner, and hours of operation of peddlers, solicitors and canvassers within the City. These regulations are designed to promote public safety, reduce vehicular and pedestrian traffic congestion, and ensure the safe use of streets and sidewalks. Additionally, this Article aims to protect the quiet enjoyment and peace of residents, while preserving ample opportunities for peddlers, solicitors and canvassers. Furthermore, this Article seeks to safeguard against misrepresentations, fraud, and crime, and to promote the safety and privacy of residents in their homes. The regulations herein provide procedural requirements for peddling, soliciting and canvassing, which aim to provide residents with transparency and the ability to safeguard their privacy.

SECTION 3: Amendment of Chapter 22, Businesses, Article VII, Division 1, Sections 22-201 through 22-210.

Chapter 22, “Businesses”, Article VII, Division 1, “Generally” is amended to read as follows:

§ 22-201 Definitions.

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

~~Canvasser or solicitor means any individual, whether resident of the city or not, traveling either by foot, wagon, automobile, motor truck, or any other type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes~~

~~for sale a sample of the subject of such sale or whether he is collecting advance payments on such sales or not, provided that such definition shall include any person who, for himself, or for another person hires, leases, uses or occupies any building, structure, tent, railroad box car, boat, hotel room, lodging house, apartment, shop or any other place within the city for the sole purpose of exhibiting samples and taking orders for future delivery.~~

“Canvasser” means any person, whether a resident of the city or not, traveling either by foot, wagon, automobile, motor truck or any other type of conveyance, from place to place, from house to house, or from street to street, within the city, for the purpose of either acquiring information or disseminating information.

“Peddler” means any person, whether a resident of the city or not, traveling either by foot, wagon, automobile, motor truck or any other type of conveyance, from place to place, from house to house, or from street to street, with in the city, carrying, conveying or transporting goods, wares, personal property or merchandise, for the purpose of offering and exposing the same for sale.

“Solicitor” means any person, whether a resident of the city or not, traveling either by foot, wagon, automobile, motor truck or any other type of conveyance, from place to place, from house to house, or from street to street, within the city:

1. For the purpose of taking or soliciting donations;
2. For the purpose of taking orders for the sale of goods, wares, merchandise or personal property of any nature for future delivery; or
3. For the purpose of providing services, or seeking employment to be performed at that time or in the future.

“Merchant” means a business licensed by the city and occupying a physical space open to the public in a non-residential district of the city.

§ 22-202 Persons excluded.

The provisions of this article shall not be construed to apply to nor regulate commercial travelers employed by wholesale houses and taking or attempting to take orders from merchants for goods, wares, and merchandise, and personal property of any nature whatsoever, to be retailed by such merchants; ~~nor to orders taken or attempted to be taken by residents of the county for charitable purposes approved by the city manager;~~ nor to permanently employed bonded route salesmen who solicit orders from and distribute goods to ~~regular~~ established customers on established routes, who are carrying proof of bond and traveling in a vehicle that prominently displays the name and telephone number of the company for which the goods, wares, personal property, or merchandise are sold; nor to persons who sell goods, wares, personal property or merchandise and who are selling such items from a stationary location with the permission of the owner or occupant of the premises.

§ 22-203 Permit and license required.

It shall be unlawful for any peddler, solicitor or canvasser to engage in such ~~business activity~~ within the city without first obtaining a permit and license therefor in compliance with the provisions of this article.

§ 22-204 Application.

Applicants for permit and license under this article must file with the city clerk a sworn application in writing (in duplicate) on a form to be furnished by the city clerk, which shall give the following information:

- (1) Name and description of the applicant;
- (2) Permanent home address and full local address of the applicant;
- (3) A brief description, to be used by the City for verification purposes only, of the nature of the business, ~~and~~ goods to be sold, or information to be distributed or requested;
- (4) If employed, the name and address of the employer, together with credentials establishing the exact relationship;
- (5) The length of time for which the right to peddle, canvass or solicit ~~do business~~ is desired;
- (6) For solicitors, the intended recipient of a solicited donation, the place where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced, where such goods or products are located at the time such application is filed, and the proposed method of delivery;
- (7) A photograph of the applicant, taken within 60 days immediately prior to the date of the filing of the application, which picture shall be two inches by two inches showing the head and shoulders of the applicant in a clear and distinguishing manner;
- (8) ~~The fingerprints of the applicant and the names of at least two reliable property owners~~ residents of the county who will certify as to the applicant's good character ~~and business respectability~~, or in lieu of the names of references, such other available evidence as to the good character ~~and business responsibility~~ of the applicant as will enable an investigator to properly evaluate such character ~~and business responsibility~~;
- (9) A statement as to whether or not the applicant has been convicted of any crime, ~~misdemeanor, or violation of any municipal ordinance~~, the nature of the offense and the punishment or penalty assessed therefor;
- (10) The method of delivery and method of travel within the City, including make and model of vehicle to be used if any;
- (11) If the applicant is an organization or entity, the above information shall be provided for every person who will peddle, solicit or canvass on behalf of the applicant.

~~(10)~~ (12) At the time of filing the application, a fee as set by resolution of the city council shall be paid to the city clerk to cover the cost of the initial investigation.

§ 22-205 Investigation and issuance.

(a) Upon receipt of an application for a license and permit required by this article, the original shall be referred to the chief of police, who shall cause such investigation of the applicant's ~~business and moral~~ character to be made as he or she deems necessary for the protection of the public good.

(b) If as a result of such investigation, the applicant's character ~~or business responsibility~~ is found to be unsatisfactory, the chief of police shall endorse on such application his disapproval and his or her reasons for the same, and return the application to the city clerk, who shall notify the applicant that his or her application is disapproved and that no permit and license will be issued. Upon disapproval of an application, the applicant shall be entitled, upon request, to a hearing before the city council. A request for a hearing must be made in writing, within five days of the disapproval of an application.

(c) If as a result of such investigation, the character ~~and business responsibility~~ of the applicant ~~are~~ is found to be satisfactory, the chief of police shall endorse on the application his or her approval, execute a permit addressed to the applicant for the carrying on of the business applied for and return such permit, along with the application to the city clerk, who shall, upon payment of the prescribed license fee, deliver to the applicant his or her permit and issue a license. Such license shall contain the signature of the city clerk and seal of the city and shall show the name, address and photograph of such licensee, the class type of license issued, the amount of fee paid, the date of issuance and the length of time the same shall be operative, as well as the license number and other identifying description of any vehicle used in such peddling, soliciting or canvassing and either the kind of goods to be sold thereunder, the information to be requested or disseminated thereunder or the person or entity for which donations are solicited, as applicable. ~~the amount of fee paid, the date of issuance and the length of time the same shall be operative, as well as the license number and other identifying description of any vehicle used in such soliciting or canvassing.~~ The clerk shall keep a permanent record of all licenses issued.

§ 22-206 Fees.

(a) The fee for a license required by this article which shall be charged by the city clerk shall be established by resolution of the city council.

(b) No fee shall be required of one selling products in compliance with the Michigan Right to Farm Act, MCL 286.471 et seq. of ~~the~~ a farm or orchard actually produced by the seller.

(c) No fee shall be required of any person who is a war veteran and who has first obtained a peddler's license pursuant to the terms and provisions of Act No. 359 of the Public Acts of Michigan of 1921 (MCL 35.441 et seq., ~~MSA 4.1241 et seq.~~), as amended, provided that the goods, wares and merchandise proposed to be sold by such person are his own.

~~(d) None of the license fees provided for by this section shall be so applied as to occasion an undue burden upon interstate commerce. In any case where a license fee is believed by a licensee or applicant for license to place an undue burden upon such commerce, he may apply to the city~~

~~council for an adjustment of the fee so that it shall not be discriminatory, unreasonable, or unfair as to such commerce. Such application may be made before, at, or within six months after payment of the prescribed license fee. The applicant shall, by affidavit and supporting testimony, show his method of business and such other information as the council may deem necessary in order to determine the extent, if any of such undue burden on such commerce. The council shall then conduct an investigation, and shall make findings of fact from which it shall determine whether the fee fixed by this section is unfair, unreasonable or discriminatory as to applicant's business and shall fix as the license fee for the applicant, an amount that is fair, reasonable and nondiscriminatory, or, if the fee has already been paid, shall order a refund of the amount over and above the fee so fixed.~~

§ 22-207 Bond.

~~Every applicant for a solicitor's license for the purpose of taking orders for the sale of goods, wares, merchandise or personal property of any nature for future delivery who is not bonded shall obtain a license required by this Article, and provide a bond as required herein. not a resident of the city, or who being a resident of the city represents a firm whose principal place of business is located outside the state, Such applicant shall file with the city clerk a surety bond, running to the city in the amount of \$1,000.00 with surety acceptable to and approved by the council, conditioned that the applicant shall comply fully with all the provisions of this Code and the statutes of the state regulating and concerning the business of solicitor and guaranteeing to any citizen of the city that all money paid as a down payment will be accounted for and applied according to the representations of the solicitor and further guaranteeing to any citizen of the city doing business with such solicitor, that the property purchased will be delivered according to the representations of such solicitor. Action on such bond may be brought in the name of the city to the use or benefit of the aggrieved person.~~

§ 22-208 Duty of police.

It shall be the duty of any police officer of the city to require any person seen peddling, soliciting or canvassing, and who is not known by such officer to be duly licensed, to produce his or her peddlers, solicitor's or canvasser's license and to enforce the provisions of this article against any person found to be violating the same.

§ 22-209 Records.

The chief of police shall report to the city clerk all ~~convictions for~~ violations of this article and the city clerk shall maintain a record for each license issued and record the reports of violation therein.

§ 22-210 Hours of Operation; Expiration of license.

A peddler, solicitor or canvasser with a valid permit shall not solicit between the hours of 7:00 p.m. and 9:00 a.m. All licenses issued under the provisions of this article shall expire on the date specified in the license.

§ 22-211 through § 22-220. (Reserved)

SECTION 4: Chapter 22 “Businesses”, Article VII “SOLICITORS AND CANVASSERS”, Division 1 “Generally”, § 22-211 “Endorsement by the City”.

Chapter 22 “Businesses”, Article VII “SOLICITORS AND CANVASSERS”, Division 1 “Generally”, is amended to add a new section 22-211 to read as follows:

§ 22-211 Endorsement by the City.

No peddler, solicitor or canvasser shall falsely claim or represent that their activities or speech are endorsed by the city, its departments, officers, or employees, solely on the basis of holding a license or certificate of registration issued under this Article.

SECTION 5: Chapter 22 “Businesses”, Article VII “SOLICITORS AND CANVASSERS”, Division 1 “Generally”, § 22-212 “Material Change of Information”.

Chapter 22 “Businesses”, Article VII “SOLICITORS AND CANVASSERS”, Division 1 “Generally”, is amended to add a new Section 22-212 to read as follows:

§ 22-212 Material Change of Information.

While a permit is in effect, a peddler, solicitor or canvasser shall, within one (1) business day of the change, report to the city clerk in writing any material change in any information previously provided on the application form.

SECTION 6: Chapter 22 “Businesses”, Article VII “SOLICITORS AND CANVASSERS”, Division 1 “Generally”, § 22-213 “Penalty”.

Chapter 22 “Businesses”, Article VII “SOLICITORS AND CANVASSERS”, Division 1 “Generally”, is amended to add a new Section 22-213 to read as follows:

§ 22-213 Penalty.

Unless otherwise specified, a violation of this article is a civil infraction punishable as provided in this Code. Equitable relief may also be awarded as permitted by Michigan law. Each act of violation and every day upon which any such violation shall occur shall constitute a new and separate offense.

SECTION 7: Chapter 22 “Businesses”, Article VII “SOLICITORS AND CANVASSERS”, Division 1 “Generally”, § 22-214 “Request to Leave and Harassment”.

Chapter 22 “Businesses”, Article VII “SOLICITORS AND CANVASSERS”, Division 1 “Generally”, is amended to add a new Section 22-214 to read as follows:

§ 22-214 Request to Leave and Harassment.

No peddler, solicitor or canvasser may remain on private property after being instructed to leave by the lawful possessor of the premises. Peddlers, solicitors and canvassers are prohibited from threatening or harassing any resident of the city during their activities and from engaging in any conduct that is fraudulent or could endanger the health or safety of others.

SECTION 8: Repeal of Chapter 22 “Businesses”, Article VII “SOLICITORS AND CANVASSERS”, Division 2.

Division 2 “Non-Commercial Soliciting” of Article II, “Solicitors and Canvassers” of Chapter 22 “Businesses” is hereby repealed.

SECTION 9: Division 2 Reserved; Section 22-215 through Section 22-245 Reserved.

Division 2 is hereby reserved. Sections § 22-215 through § 22-225 are hereby reserved.

SECTION 10: Heading Amended.

The heading of Article VII “Solicitors and Canvassers” of Chapter 22, “Businesses”, is hereby amended as follows:

Article VII Peddlers, Solicitors and Canvassers.”

SECTION 11. Repealer.

All ordinances that conflict with this Ordinance are repealed to the extent necessary to give this Ordinance full force and effect.

SECTION 12. Severability.

The provisions of this Ordinance are severable. If any provision of this Ordinance is found invalid for any reason, such holding will not affect the validity of the remaining provisions of this Ordinance.

SECTION 13. Effective Date.

This Ordinance shall take effect fifteen (15) days after enactment, and after publication as provided by law and the Charter.

YEAS: Council Member(s) _____

NAYS: Council Member(s) _____

ABSTAIN: Council Member(s) _____

ABSENT: Council Member(s) _____

CERTIFICATION

As the City Clerk of the City of Brighton, Livingston County, Michigan, I certify this is a true and complete copy of an ordinance adopted by the City of Brighton Council at a regular meeting held on _____, 2024.

Date: _____, 2024

City Clerk _____

Tara Brown

First Reading: _____

Brief Publication: _____

Second Reading: _____

Public Hearing: _____

Adoption: _____

Publication: _____

Effective Date: _____



City of Brighton

REPORT FROM THE CITY MANAGER TO CITY COUNCIL

NOVEMBER 26, 2024

SUBJECT: CONSIDER ADOPTION OF THE BRIGHTON AREA FIRE AUTHORITY AMENDED AND RESTATED ARTICLES OF INCORPORATION

ADMINISTRATIVE SUMMARY

City Council had previously discussed transfer of the fire station building and land located at 615 W. Grand River to the Brighton Area Fire Authority (BAFA) with a clause that would revert the ownership of the property back to the City should the site cease to be used as an operating fire station. This transfer would benefit both the City and BAFA, by decreasing maintenance costs for the city and creating opportunities for investment by BAFA using both grant and millage funds.

Mayor Tobbe, Mayor Pro Tem Bohn, and Manager Gomolka met with leadership from BAFA, Genoa Township, and Brighton Township to discuss the City's proposed transfer agreement and all parties were in agreement that it would make sense to update the dated Articles of Incorporation prior to approving the transfer agreement.

Manager Gomolka and Attorney Gabis spent several months working in coordination with BAFA staff and legal counsel, who in turn coordinated with Genoa Township and Brighton Township to draft the proposed Amended and Restated Articles of Incorporation.

The highlighted amendments are as follows:

- Modernizes the necessary provisions for electronic communications and web-pages and updates language to align with the Authority's budget practices.
- Adds the ability for a community to include an alternate board member to the Authority Board.
- Clarifies the disposition of real property (Buildings) under the unlikely event of dissolution of the Authority or withdrawal of a public agency, to ensure that the fire stations within each municipality are turned over to those municipalities.
- Removes the alternate funding formula for funding of the Authority and clarifies the intent of funding the Authority is through an Authority-run millage.
- Includes language on the funding of BAFA in the unlikely event of multiple failed millages, which would be an allocation of expenditures pro rata based on the taxable value of each community. The budget would have to be approved by the governing body of each participating municipality.

RECOMMENDATION

City Staff recommendations approval of the Brighton Area Fire Authority Amended and Restated Articles of Incorporation and authorize Mayor Tobbe and Clerk Brown to execute the same.

Prepared by: Gretchen Gomolka, City Manager

Reviewed by: City Attorney (Required for all agreements, ordinances, etc.)

Acceptable Form and Ready to Execute

Other _____

Attachments: Brighton Area Fire Authority Amended and Restated Articles of Incorporation

**BRIGHTON AREA
FIRE AUTHORITY**

**AMENDED AND RESTATED
ARTICLES OF
INCORPORATION**

Between and Among

CITY OF BRIGHTON
a Michigan Home Rule City

and

CHARTER TOWNSHIP OF GENOA
a Michigan Charter Township

and

CHARTER TOWNSHIP OF BRIGHTON
a Michigan Charter Township

RECITALS

The following recitals are made regarding this Amended and Restated Articles of Incorporation between the City of Brighton, Livingston County, Michigan, the Charter Township of Genoa, Livingston County, Michigan and the Charter Township of Brighton, Livingston County, Michigan (collectively referred to as the "Public Agencies"):

Pursuant to Act 57 of the Public Acts of 1988, MCL 124.601 *et seq.*, any 2 or more municipalities may incorporate an authority for the purpose of providing emergency services to the incorporating municipalities. An incorporating municipality may transfer to the authority of which it is a part any municipal emergency service.

Further an authority is created by the adoption of articles of incorporation by the legislative body of each incorporating municipality.

On or about May 1, 2000, the Brighton Area Fire Authority was established, and the Articles of Incorporation were adopted by the Public Agencies.

The Public Agencies desire to amend and restate the Articles of Incorporation;

THEREFORE, PURSUANT TO THE AUTHORITY GRANTED BY ACT 57 OF 1988, MCL 124.601 ET SEQ. IT IS MUTUALLY AGREED BY AND AMONG THE PUBLIC AGENCIES AS FOLLOWS:

ARTICLE 1. DEFINITIONS

1.1. Definitions. As used in these Articles:

- 1.1.1. "Articles" means this Amended and Restated Articles of Incorporation between and among the City of Brighton, Genoa Township and Brighton Township.
- 1.1.2. "Act 57" means Act 57 of the Public Acts of 1988, MCL 124.601 *et seq.*
- 1.1.3. "Alternate Representative" means an individual appointed by a Public Agency as an alternate for a Representative under Section 4.5 of these Articles.
- 1.1.4. "Authority" means the Brighton Area Fire Authority, a separate legal entity and public body corporate created under Article III of these Articles.
- 1.1.5. "Brighton Township" means the Charter Township of Brighton, Livingston County, Michigan, a Michigan Charter township.
- 1.1.6. "City" means the City of Brighton, Livingston County, Michigan, a Michigan general law city.
- 1.1.7. "Emergency Services" means fire protection services, emergency medical services, and any other emergency health or safety services as designated in these Articles of Incorporation.
- 1.1.8. "Effective Date" means January 1, 2025
- 1.1.9. "Fire Authority Board" means the governing body of the Brighton Area Fire Authority described in these Articles.

- 1.1.10. “Fire Chief” means the chief executive officer of the Authority selected under Section 4.16 of these Articles.
 - 1.1.11. “Fiscal Year” means the fiscal year of the Authority, which shall begin on July 1 of each calendar year and end on June 30 of the following calendar year.
 - 1.1.12. “Genoa Township” means the Charter Township of Genoa, Livingston County, Michigan, a Michigan General township.
 - 1.1.13. “Governing Authority(ies)” means the Township Boards for the Charter Township of Brighton and the Charter Township of Genoa and the City Council for the City of Brighton.
 - 1.1.14. “OMA” means the Open Meetings Act, MCL 15.261 to 15.275.
 - 1.1.15. “Public Agency” means a township or city that has approved these Articles (incorporating municipality).
 - 1.1.16. “Person” means an individual, authority, corporation, limited liability company, partnership, limited partnership, firm, organization, association, joint venture, trust, governmental entity, Public Agency, or other legal entity.
 - 1.1.17. “Related Emergency Health and Safety Services” means health and other medically related services rendered in conjunction with the provision of Emergency Services.
 - 1.1.18. “Representative” means an individual serving on the Fire Authority Board appointed by a Public Agency.
 - 1.1.19. “Run - Fire” means the act of the Authority responding with 1 or more vehicles to provide Fire Services within the Service Area.
 - 1.1.20. “Run – EMS” means the act of the Authority responding with 1 or more vehicles to provide Emergency Medical Services within the Service Area.
 - 1.1.21. “Service Area” means the geographic territory of all of the Public Agencies as detailed in Exhibit A to these Articles, and any additional geographic areas inside and outside of the Public Agencies’ geographic territory to which the Authority may provide Emergency Services under a contract with a County, City, Village, Township, or Authority other than a mutual or reciprocal aid agreement or compact.
 - 1.1.22. “State” means the State of Michigan.
- 1.2. **Captions and Headings.** The captions, headings, and titles in these Articles are a convenience and not intended to have any substantive meaning or be interpreted as part of these Articles.
 - 1.3. **Plural Terms.** A term or phrase in these Articles importing the singular number only may extend to and embrace the plural number and every term or phrase importing the plural number may be applied and limited to the singular number.

ARTICLE 2. PURPOSE

- 2.1. **Purpose.** The purpose of these Articles is to amend and restate the terms under which the Authority shall exercise the common powers, privileges, and authority of each of the Public Agencies to provide efficient and effective Emergency Services and related Emergency Health and Safety Services consistent with these Articles.

ARTICLE 3. RATIFICATION OF BRIGHTON AREA FIRE AUTHORITY

- 3.1. **Ratification and Legal Status of Authority.** The Authority is a separate legal entity for the purpose of administering and executing these Articles. The Authority is a public body corporate with powers granted under these Articles, the Act, and other applicable law. All actions taken by the Fire Authority Board under the previous Articles of Incorporation are hereby ratified.
- 3.2. **Principal Office.** The principal office of the Authority shall be at a location in the Service Area determined by the Fire Authority Board upon recommendation from the Fire Chief.
- 3.3. **Title to Authority Assets.** All property owned by the Authority is owned by the Authority as a separate legal entity and public body corporate, and no Public Agency has any ownership interest in Authority property, except as may otherwise be stated in the deeds or title documents of such property.
- 3.4. **Tax-Exempt Status.** The Public Agencies intend the activities of the Authority to be tax-exempt as governmental functions carried out by an instrumentality or political subdivision of government under Section 115 of the Internal Revenue Code of 1986, 26 USC 115, or any corresponding provisions of any future federal tax code. The Public Agencies also intend the activities of the Authority to be governmental functions carried out by a political subdivision of the State, exempt to the extent provided under State law from taxation by this State, including, but not limited to, income tax under the Income Tax Act of 1967, MCL 206.1 to 206.713, and property tax under The General Property Tax Act, MCL 211.1 to 211.157, and any successor State tax laws.
- 3.5. **Nonprofit Status.** As a governmental instrumentality within this State, the Authority may not be operated for profit. No part of any earnings of the Authority may inure to the benefit of a Person other than the Public Agencies. It is the intent of the Public Agencies that the Authority maintains its nonprofit status.
- 3.6. **Compliance with Law.** The Authority shall comply with all Federal and State laws, rules, and regulations applicable to the Authority.
- 3.7. **Relationship of the Public Agencies.** The Public Agencies agree that no Public Agency shall be responsible for the acts of the Authority or its employees, agents, and servants or of the employees, agents, and servants of any other Public Agency, whether acting separately or in conjunction with the implementation of these Articles. The Public Agencies shall only be bound and obligated under these Articles as expressly agreed to by each Public Agency and no Public Agency may otherwise obligate any other Public Agency.
- 3.8. **No Third-Party Beneficiaries.** Except as expressly provided in these Articles, these Articles do not create in any Person and is not intended to create by implication or otherwise, any direct or indirect obligation, duty, promise, benefit, right to be indemnified (such as contractually, legally, equitably, or by implication), right to be subrogated to any Public Agency's rights in these Articles, or any other right.

- 3.9. Legal Settlements.** The Authority shall not be liable for any settlement of any proceeding made without its consent.
- 3.10. Litigation Costs.** If a legal proceeding commenced by a third party, challenges the validity of these Articles or action or activity under these Articles and a Public Agency or a Protected Person of a Public Agency is named as a defendant, to the extent permitted by law, including, but not limited to, Section 28 of Article VII of the State Constitution of 1963 and Section 5 of the Act, the cost of legal representation for the Public Agency or the Protected Person shall be the responsibility of the Authority, payable from funds lawfully available to Authority. To the extent permitted by law, and from funds lawfully available to the Authority, the Authority shall defend, hold harmless, and reimburse a Public Agency or a Protected Person of a Public Agency from and against any and all costs, losses, claims, liabilities, actions, suits, proceedings, fines, expenses, payments, penalties, damages, and injuries, of whatever kind or nature, including attorneys' fees and costs, arising out of, resulting from, caused by, or associated with, or alleged to have arisen out of, resulted from, been caused by, or associated with, in whole or in part, directly or indirectly, the execution or performance of these Articles, or any acts or omissions of any Public Agency or any Person taken in connection with these Articles or their performance. The Public Agencies intend that a Public Agency and Protected Persons of a Public Agency will have no liabilities or costs of any nature in connection with these Articles other than those specifically agreed to or assumed in writing by a Public Agency. To the extent permitted by law and from funds lawfully available to the Authority, if any suit, action, or proceeding is brought against a Public Agency or any Protected Person of the Public Agency, the suit, action, or proceeding shall be defended by counsel as determined by each Public Agency. If the defense is by counsel to a Public Agency, the Authority shall pay all reasonable and necessary costs of the defense, including reasonable counsel fees, to the extent permitted by law and from funds lawfully available to the Authority. If a Public Agency determines that the Authority shall defend the Public Agency or Protected Person of the Public Agency, the Authority shall immediately assume the defense at its own reasonable and necessary cost, to the extent permitted by law and from funds lawfully available to the Authority. Notwithstanding another provision of this section, if the Authority refuses to defend a Public Agency or a Protected Person under this section, or a conflict under applicable law or rules prohibits the Authority from defending a Public Agency or a Protected Person, the Public Agency or Protected Person may retain counsel and the Authority shall be responsible for the reasonable and necessary costs and expenses of the Public Agency or Protected Person, to the extent permitted by law and from funds lawfully available to the Authority. As used in this section, "Protected Person" means a commission, council, board, commission member, council member, board member, officer, supervisor, employee, contractor, or agent of a Public Agency.

ARTICLE 4. FIRE AUTHORITY BOARD AND FIRE CHIEF

- 4.1. Fire Authority Board.** The governing body of the Authority shall be a board known as the "Fire Authority Board". Except as otherwise provided in these Articles, the Fire Authority Board shall exercise the powers of the Authority. The Fire Authority Board shall have the responsibility, authority, and right to direct on behalf of the public the functions and services performed or exercised under these Articles.
- 4.2. Composition.** The Fire Authority Board shall be composed of two members selected by the Governing Authority of each Public Agency (for a total of six members), each of whom at the time of selection and during their term of office shall be a qualified elector residing within the territorial boundaries of his or her respective incorporating municipality; and one member selected by the other six members who at the time of selection and during their term of office shall be a resident of the territorial area of the Authority at large, which member shall serve as the at-large member of the Board. A member of the Board shall not be a member of an emergency services entity of any

incorporating municipality at the time the duties of said entity are transferred to or assumed by the Authority.

- 4.3. Term of Office.** Except for the at-large member, each member shall serve for a full term of four years, beginning with the first day of January next following his or her respective appointment. The at-large member shall serve for a full term of two years, beginning with the first day of January next following his or her appointment. Each member of the Board shall qualify by taking the constitutional oath of office and filing it with the clerk of his or her respective incorporating municipality or, in the case of the at-large member, with the clerk of the City of Brighton. The members of the Board serving at the time of the adoption of these Articles shall continue to serve the remainder of their terms. Successor Board members shall be selected on or before the 15th day of December of each year that a term of office expires.
- 4.4. Representative Qualifications.** Each Representative, except for the At-Large Representative, shall be a qualified elector residing within the territorial boundaries of the Public Agency appointing the Representative for the full term of their office. A member of the Board shall not be a member or employee of any emergency service operated by the Authority.
- 4.5. Alternate Representatives.** For each Representative appointed under Section 4.2, the Governing Authority of the Public Agency appointing the Representative may appoint one Alternate Representative to, except as otherwise provided in these Articles, exercise the duties of the Representative in the place and stead of the Representative if the Representative is absent or is otherwise unable to perform his or her duties. An Alternate Representative shall meet the qualifications for a Representative under Section 4.4. Each Alternate Representative shall be appointed for a term of 1 year. Alternate Representatives may participate in meetings of the Fire Authority Board but shall not have a vote, unless acting in the place and stead of an absent Representative from their jurisdiction.
- 4.6. Vacancies.** In the event of a vacancy in a position of Representative or Alternate Representative, the vacancy shall be filled in the same manner as the original appointment for the balance of the unexpired term.
- 4.7. Removal.** A Representative or Alternate Representative appointed by a Public Agency may be removed from the Fire Authority Board, without cause and at any time, by the Governing Authority of the appointing Public Agency.
- 4.8. Officers.** The Fire Authority Board shall elect from among the serving Representatives a Chairperson, a Vice Chairperson, Secretary and Treasurer. The term of an officer of the Fire Authority Board shall be one (1) year, or until a successor is elected. The officers of the Fire Authority Board shall perform duties specified in these Articles and as otherwise determined by the Fire Authority Board. An Alternate Representative may not serve as an officer of the Fire Authority Board. Employees of the Authority shall assist the officers of the Fire Authority Board in the performance of their duties. If a vacancy arises in an officer position, the Fire Authority Board shall fill the vacancy for the remainder of the unexpired term.
- 4.9. Chairperson.** The Chairperson of the Fire Authority Board shall be the presiding officer at all meetings of the Fire Authority Board. Except as herein otherwise provided, the Chairperson shall not have any executive or administrative functions other than as a member of the Board.
- 4.10. Secretary and Treasurer.** The Secretary shall be the recording officer of the Board. The Treasurer shall be custodian of the funds of the Authority and shall give to it a bond conditioned upon the faithful performance of the duties of his or her office. All moneys shall be deposited in an insured financial institution to be designated by the Board, and all checks or other forms of withdrawal therefrom shall be signed by two persons, which persons shall be the Secretary, the Treasurer or

the chief administrative employee of the Authority, or their respective written designees. All authorized signatories shall give a bond conditioned upon the faithful execution of their duties as signatories. The Fire Authority Board may hire or contract with persons to assist Fire Authority Board Secretary and Treasurer in the performance of their duties.

- 4.11. Officer Absences.** In the event of an absence or inability of any officer of the Fire Authority Board to perform the duties of his or her position as an officer, the Fire Authority Board may designate another Representative to temporarily assume the duties of the officer position as an acting officer. But, in the event of the absence or inability of the Chairperson to perform his or her duties as Chairperson, the Vice-Chairperson shall serve as the acting Chairperson.
- 4.12. Meetings.** The Fire Authority Board shall hold regular monthly meetings or at other intervals as is agreed to by the Fire Authority Board, however, in no event shall meetings be held less frequently than once every 3 months. Each meeting shall be held at a time, date, and place determined by the Fire Authority Board. Officers of the Fire Authority Board shall be elected at the first meeting of each calendar year. The Fire Authority Board also may hold special meetings as deemed necessary by the call of the Chairperson or by any three (3) Representatives and at any special meeting, a minimum of one board representative from each Public Agency shall be present. Meetings of the Fire Authority Board shall comply with the Michigan Open Meetings Act, 15.261 et seq., as amended (“OMA”). Public notice of the time, date, and place of Fire Authority Board meetings shall be given in the manner required by the OMA. Notice of meetings of the Fire Authority Board also shall be posted in the locations for the posting of public notices at the principal office of the Authority and at the principal office of each Public Agency.
- 4.13. Quorum and Voting.** Four or more Representatives constitutes a quorum for the transaction of business by the Fire Authority Board, including any Alternative Representatives acting on behalf of a Representative. Except as otherwise provided for in these Articles, when a quorum is present, the Fire Authority Board may act only by a majority vote of the members present, including any Alternate Representatives acting on behalf of a Representative. Each Representative shall have 1 vote, including any Alternative Representative acting for a Representative. Representatives and Alternate Representatives shall not engage in proxy voting.
- 4.14. Ethics and Conflicts of Interest.** Representatives, Alternate Representatives, officers, and employees of the Authority shall conduct themselves ethically, at a minimum complying with standards provided for public officers and employees under MCL 15.341 to 15.348, as amended. The Fire Authority Board may adopt additional and/or more detailed ethics policies. Representatives, Alternate Representatives, officers, and employees of the Authority shall be deemed to be public servants under MCL 15.321 to 15.330, as amended and are subject to any other applicable laws with respect to conflicts of interest, including the Incompatible Public Office Act, MCL 15.181 et seq. as amended. The Fire Authority Board shall establish policies and procedures requiring disclosure of relationships that may give rise to conflicts of interest.
- 4.15. Compensation.** The members of Fire Authority Board shall be compensated at the rate provided in the budget for the Authority for each fiscal year. Each member of the Board shall be entitled to reimbursement for all expenditures made by him or her in carrying out official duties as may be approved by the Board and to the extent authorized by the budget for the Authority for each Fiscal Year.

4.16. Fire Chief.

- 4.16.1. The Fire Authority Board shall appoint a Fire Chief to administer all programs, funds, personnel, facilities, contracts, and all other administrative functions of the Authority, subject to oversight by the Fire Authority Board and in compliance with the provisions of these Articles.
- 4.16.2. The Fire Chief shall receive compensation as determined by the Fire Authority Board. All terms and conditions of the Fire Chief’s employment, including length of service, shall be specified in a written contract between the Fire Chief and the Fire Authority Board, provided that the Fire Chief shall serve at the pleasure of the Fire Authority Board.
- 4.16.3. The Fire Chief or designee shall report to the Fire Authority Board at meetings of the Fire Authority Board and to the Chairperson of the Fire Authority Board between meetings of the Fire Authority Board.

4.17. Oath of Office. The Representatives, Alternate Representatives, and the Fire Chief, prior to entering upon the duties of office, shall take and subscribe to the constitutional oath of office under Section 1 of Article XI of the State Constitution of 1963. The oath of office shall be filed with the Secretary.

**ARTICLE 5.
POWERS OF THE AUTHORITY**

5.1. Common and Shared Powers. The Authority shall have all powers granted to the Authority pursuant to the Act 57. The enumeration of a power, privilege, or authority in these Articles shall not be construed as limiting the powers, privileges, or authorities of the Authority. In carrying out its purposes, the Authority may perform, or perform with any Person, as applicable, any power, privilege, or authority relating to Emergency Services, as that term is defined in Act 57, that the Public Agencies share in common and that each might exercise separately to the fullest extent permitted by Act 57, including, but not limited to, all of the following:

- 5.1.1. Preventing, extinguishing and investigation of fires.
- 5.1.2. Purchasing and providing suitable vehicles and equipment for the extinguishment of fires rescues and other equipment to fulfill the mission of the Authority.
- 5.1.3. Erecting and maintaining buildings for the keeping of vehicles and equipment.
- 5.1.4. Employing command staff, fire fighters, fire safety inspectors, and other personnel.
- 5.1.5. Operating or furnishing ambulance and rescue services, including, but not limited to, emergency medical services and rescue and ambulance services.
- 5.1.6. Adopting rules or regulations governing the internal administration and functioning of the Authority.
- 5.1.7. Enforcing ordinances and regulations for fire protection, for fire safety, to prevent fires, to suppress fires, or to provide for the storage and handling of combustible, explosive, or other hazardous substances.
- 5.1.8. Collecting fees for the provision of Emergency Services and other applicable services provided by the Authority.

- 5.1.9. Investigating Emergency Services requirements, needs, and programs within or without the Service Area of the Authority and cooperating with appropriate governmental authorities regarding the investigations.
- 5.1.10. Entering into mutual aid or reciprocal aid agreements or compacts.
- 5.1.11. Entering into interlocal agreements with other municipalities pursuant to the Urban Cooperation Act of 1967, MCL 124.501 to 124.512.
- 5.1.12. Exercising the authority of a Township and a City under the Fire Prevention Code, MCL 29.1 to 29.4
- 5.1.13. Levying tax on all taxable property within the limits of the Authority.
- 5.1.14. Adopting ordinances and regulations:
 - A. For fire protection, for fire safety, to prevent fires, to suppress fires, or to provide for the storage and handling of combustible, explosive, or other hazardous substances within the Service Area.
 - B. Authorizing the imposition and collection of fees for the provision of Emergency Services.
- 5.1.15. Recommending for adoption by the Governing Authority of each of the Public Agency's ordinances and regulations:
 - A. For fire protection, for fire safety, to prevent fires, to suppress fires, or to provide for the storage and handling of combustible, explosive, or other hazardous substances.
 - B. Authorizing the imposition and collection of fees for the provision of Emergency Services.
- 5.1.16. Entering into a contract for Emergency Services to be provided by the Authority to any other County, City, Township, or Authority. The fees and charges for services provided in the contract shall not be required to be the same as the fees and charges incurred by a Public Agency for comparable services under these Articles. Charges and fees specified in a contract shall be subject to increase by the Authority, as necessary, in order to provide funds to meet the obligations of the Authority. The Authority also may enter into a contract for Emergency Services to be provided to the Authority by any other emergency services provider.
- 5.2. Sale of Real Property.** Absent the approval by resolution of the Governing Authority of the Public Agency in which the real property is located, the Fire Authority shall have no right to sell any of the real property owned by the Fire Authority that is located within any of the Public Agencies unless the funds from the sale are used for a replacement building to be used at a minimum for the same purpose in the same Public Agency, in which event a simple majority vote of the Fire Authority Board is all that is required.
- 5.3. Limitation on Binding Public Agencies.** The Authority shall not have the power to bind a Public Agency or to create debts, liabilities, or obligations of a Public Agency, unless otherwise specifically agreed to by the Public Agency.

5.4. No Waiver of Governmental Immunity. The Public Agencies agree that no provision of these Articles are intended, nor shall they be construed, as a waiver by any Public Agency of any governmental immunity or exemption provided under the Act or other law.

**ARTICLE 6.
MANNER AND METHOD FOR EXERCISE OF COMMON POWER**

6.1. Funding, The Fire Authority shall be funded in accordance with Act 57. The primary funding shall be through a tax levy by the Authority in accordance with Act 57.

6.2. Financial Support by Public Agencies. Upon failure of a millage as a primary means of funding, the Authority will establish a revised budget that is approved by the Governing Authority of the Public Agencies. The funding provided for the revised budget shall be proportionally funded by the Public Agencies based on the existing taxable value of each community.

6.3. Employees. The Authority shall function as the employer of the employees of the Authority and have the responsibility, authority, and right to manage and direct the employees.

6.4. Real Property. Real property, including, but not limited to, fire buildings and fixtures, owned on the Effective Date by a Public Agency or constructed after the Effective Date by a Public Agency shall remain the real property of the Public Agency, unless transferred by legal instrument to the Authority. For real property owned by a Public Agency and used by the Authority in the exercise of common powers under these Articles, the Authority shall enter into a lease or other agreement with the Public Agency that provides for financial contribution by the Authority for the purpose of paying costs to the Public Agency associated with the operation, maintenance, and repair of the real property, including, but not limited to, electricity, water, heating, ventilation, air conditioning, insurance, roofing, eave troughs, garage doors and openers, sidewalks, gardens, and driveways. The Authority’s financial contribution shall be calculated based upon the Authority’s percentage of usage of the real property. For real property of a Public Agency to be used by the Authority beginning on the Effective Date, a lease or other agreement shall be completed within 90 days of the Effective Date.

6.5. Acts and Omissions. Except as otherwise explicitly provided in these Articles, it is the intent of the Public Agencies that liability for acts or omissions of a Public Agency prior to the Effective Date shall remain with a Public Agency and not be transferred, assigned, or assumed by the Authority. The Authority shall only be liable for its own acts or omissions that occur after the Effective Date and the Public Agencies shall not be liable for any acts or omissions of the Authority.

**ARTICLE 7.
INSURANCE**

7.1. Insurance. The Authority, as independent governmental agency, shall maintain liability, casualty and such other insurance as is required by law or deemed appropriate by the Fire Authority Board.

ARTICLE 8. BOOKS, RECORDS, AND FINANCES

- 8.1. Authority Records.** The Authority shall keep and maintain at the principal office of the Authority all documents and records of the Authority. The records of the Authority, which shall be available to the Public Agencies, shall include a copy of these Articles and any amendments to these Articles. The records and documents shall be maintained until termination of these Articles and shall be transmitted to any successor entity.
- 8.2. Freedom of Information Act.** The Authority shall be subject to and comply with the Freedom of Information Act, MCL 15.231 to 15.246.
- 8.3. Uniform Budgeting and Accounting Act.** The Authority shall be subject to and comply with the Uniform Budgeting and Accounting Act, MCL 141.421 to 141.440a. Unless otherwise designated by the Fire Authority Board, the Fire Chief shall serve as the Chief Administrative Officer of the Authority. The Fire Authority Board shall approve all budgets and budget amendments for the Authority for each Fiscal Year.
- 8.4. Annual Budget.** Each Fiscal Year, the Fire Chief shall prepare a proposed operating and capital budget reflecting the projected revenues and projected expenditures of the Authority for the next Fiscal Year. The budget prepared by the Fire Chief shall be submitted to the Fire Authority Board for review and adoption. The Fire Authority Board shall give final approval of the annual budget for the next Fiscal Year (commencing on the first day of July) no later than May 31 of each year.
- 8.5. Purchases.** All major purchases and contracts, of any kind or nature, to be defined by the Fire Authority Board and documented in Board minutes, must be approved by a majority vote of the Fire Authority Board.
- 8.6. Deposits and Investments.** The Authority shall deposit and invest money of the Authority, not otherwise employed in carrying out the purposes of the Authority, in accordance with an investment policy established by the Fire Authority Board consistent with laws and regulations regarding investment of public funds.
- 8.7. Disbursements.** Disbursements of money by the Authority shall be in accordance with the annual budget adopted by the Fire Authority Board, consistent with any guidelines recommended by the Fire Chief and approved by the Fire Authority Board, and also shall be in accordance with applicable law. All checks or other forms of withdrawal on any account of the Authority shall be signed or approved by two individuals authorized by the Fire Authority Board.
- 8.8. Financial Statements and Reports.** The Authority shall prepare, or cause to be prepared, at its own expense, annual audited financial statements (balance sheet, statement of revenue and expense, statement of cash flows, and changes in fund balance). The financial statements shall be prepared in accordance with generally accepted accounting principles and shall be accompanied by a written opinion of an independent certified public accounting firm. A copy of the annual financial statement and report shall be filed with the Michigan Authority of Treasury, made available to each of the Public Agencies, and posted on a publicly accessible internet website.
- 8.9. Audit.** An audit of the Authority's funds may be made annually by an accounting firm chosen by the Board. Complete financial records shall be kept by the Board and shall be available for inspection by interested Public Agencies in the office of the secretary of the Board during regular office hours. Such audit shall be performed in accordance with generally accepted auditing standards and shall include tests of accounting records, and such other auditing procedures as deemed appropriate by the auditor. If an audit is performed, the Board shall submit to each Public Agency hereto an audit statement to include the expression of the auditor's opinion on whether the

financial statements present fairly the financial position, results of operations and changes in financial position in conformity with generally accepted accounting principles consistently applied.

**ARTICLE 9.
TERMINATION**

9.1. Withdrawal.

- 9.1.1. Any Public Agency may withdraw from these Articles by notifying each of the other Public Agencies and the Authority prior to commencement of the next Fiscal Year. A withdrawal is not effective until the end of the Fiscal Year following the Fiscal Year in which notice was provided.
- 9.1.2. A Public Agency that withdraws from these Articles shall remain liable for its portion of the debts and liabilities of the Authority incurred while a Public Agency to these Articles in accordance with Section 11 of Act 57, MCL 124.611, as amended.
- 9.1.3. Real Property owned by the Authority in the jurisdiction of a withdrawing Public Agency and Personal Property owned by the Authority in the possession of a withdrawing Public Agency (or in the possession of personnel who will no longer remain with the Authority after the withdrawal of the Public Agency) shall be returned to the Authority before the withdrawal becomes effective.
- 9.1.4. Subject to any deed restrictions or previous conditions of transfer, Real Property owned by the Authority in the jurisdiction of a withdrawing Public Agency shall be returned to the withdrawing Public Agency if requested by the withdrawing Public Agency before the withdrawal becomes effective. The withdrawing Public Agency shall return any purchase price paid by the Authority to obtain the real property along with the depreciated value of any capital improvements made to the property less its portion of the contributions to the capital improvements costs.
- 9.1.5. A withdrawing Public Agency shall not be entitled to the return of, or any credit for, any personal property or money transferred or paid to the Authority by the withdrawing Public Agency.

9.2. Effect of Withdrawal. The withdrawal of a Public Agency shall neither terminate nor have any effect upon the provisions of these Articles as long as two (2) Public Agencies remain as Public Agencies to these Articles.

9.3. Expulsion.

- 9.3.1. If a Public Agency fails to comply with these Articles or the policies of the Authority, the Public Agency may be expelled from the Authority by resolution approved by at least 4/5^{ths} of the Representatives on the Fire Authority Board, including any Alternate Representatives serving on behalf of a Representative and subject to ratification by 2/3rds of the Governing Authorities of the Public Agencies. Before adopting an expulsion resolution, the Fire Authority Board first shall notify a Public Agency of its potential expulsion, state the reasons for the potential expulsion, which shall only be for cause, and request compliance by the Public Agency with the Public Agency’s obligations under these Articles. An expulsion resolution shall provide for a cure period of not less than 90 days and shall include an effective date for the expulsion if a Public Agency does not timely cure its noncompliance. A Public Agency subject to expulsion has all rights and remedies under the law to challenge the reasons for expulsion, including seeking declaratory relief by a court of competent jurisdiction. If a Public Agency subject to expulsion seeks such

remedies, expulsion shall not be effective until resolved by court order. An expelled Public Agency is obligated to pay contributions accrued as of the effective date of the expulsion. An expelled Public Agency shall have the same rights as a withdrawing Public Agency, as set forth in Article 9.

- 9.3.2. If, however, a Public Agency fails to comply with these Articles by failing to pay its financial obligation when due and such failure continues for four (4) months, within that four (4) month period, said Public Agency is suspended from the Authority. If, however, the defaulting Public Agency cures the breach by paying all amounts owed with interest, the Public Agency shall be reinstated as a full member with all rights and privileges accorded thereto.
- 9.3.3. A Public Agency that is expelled from the Authority shall be treated as if it has withdrawn from the Authority and shall be subject to all of the provisions of Article 9, above.
- 9.4. Termination.** The Authority may be terminated by a concurrent resolution adopted by a majority of the Governing Authorities of the Public Agencies. Before termination is effective, all outstanding indebtedness of the Authority shall be paid.
- 9.5. Disposition upon Termination.** As soon as possible after termination of these Articles, the Authority shall wind up its affairs as follows:
- 9.5.1. All of the Authority's debts, liabilities, and obligations to its creditors and all expenses incurred in connection with the termination of the Authority and distribution of its assets shall be paid first.
- 9.5.2. If cash assets are insufficient to pay all debts, liabilities, and obligations, the shortfall shall be paid first by selling any personal property of the Authority and applying the proceeds of the sale to cover any shortfall. If the sale of the personal property of the Authority is insufficient to pay all debts, liabilities, and obligations, the Public Agencies shall be liable for paying such shortfall according to their funding ratios.
- 9.5.3. Other than real property, the remaining assets of the Authority shall be distributed by the Fire Authority Board to the Public Agencies, by calculating each Public Agency's proportionate distribution in the same manner by which the proportion of debts and obligations of a withdrawing Public Agency are determined by their funding ratios.
- 9.5.4. Title to all real property owned by the Authority shall be transferred to the Public Agency in which the real property is located.
- 9.5.5. Upon termination of the Authority, an employee of the Authority who performs Emergency Services in the jurisdiction of a Public Agency following the termination shall be protected in relation to that Public Agency to the same extent as employees of a Public Agency are protected in relation to the Authority under Section 10 of Act 57 (MCL 124.610) as amended.
- 9.6. Termination by the Fire Authority.** In the event the Fire Authority shall cease to use any of the real properties for Emergency Services or Related Emergency Health and Safety Services, and such use is discontinued for longer than thirty (30) consecutive days, the Fire Authority shall be considered to have abandoned the use of this real property and that real property shall revert to the municipality in which that real property is located, with no consideration paid to the Fire Authority. The municipality shall be entitled to exercise this right by delivering to the Fire Authority written notice by certified mail of its intent to exercise its right of reverter ("Exercise Notice"). Upon delivery of a valid Exercise Notice, the Fire Authority shall, within thirty (30) calendar days of the

municipality delivering the Exercise Notice, the Fire Authority shall deliver to the municipality an executed quit claim deed, in recordable format for Livingston County, conveying fee simple title in the real property to the municipality, for the full consideration of less than One Hundred Dollars (\$100.00). This clause shall be considered supplemental and shall not be construed to impair any Public Agency's right of reverter in any deed or other evidence of title.

**ARTICLE 10.
MISCELLANEOUS**

- 10.1. Review of Articles.** These Articles shall be reviewed by the Governing Authority of the Public Agencies no less than once every ten (10) years or sooner if the majority of the Governing Authorities so desire.
- 10.2. Due Execution of these Articles.** Each Public Agency shall duly execute not less than 3 copies of these Articles, each of which, taken together, is an original but all of which constitute 1 instrument.
- 10.3. Public Purpose and Governmental Function.** The powers, duties, rights, obligations, functions, and responsibilities of the Authority constitute essential public purposes and governmental functions.
- 10.4. Non-impairment.** Nothing in these Articles authorizes the impairment of a deed, bond, note, security, or uncontested legal obligation of a Public Agency.
- 10.5. Notices.** Any and all correspondence or notices required, permitted, or provided for under these Articles to be delivered to any Public Agency shall be sent to that Public Agency by first class mail and by electronic mail. All written notices shall be sent to each Public Agency's signatory to these Articles, or his or her successor. All correspondence shall be considered delivered to a Public Agency as of the date that the notice is deposited with sufficient postage with the United States Postal Service. A notice of withdrawal shall be sent via certified mail to the address included with each Public Agency's signature to these Articles.
- 10.6. Severability of Provisions.** If any provision of these Articles, or their application to any Person, Public Agency, or circumstance, is invalid or unenforceable, the remainder of these Articles and the application of that provision to other Persons or circumstances and to the remaining Public Agencies is not affected but will be enforced to the extent permitted by law, it being the intent of the remaining Public Agencies to continue to agree to the substantive provisions of these Articles and to implement the Articles.
- 10.7. Governing Law.** These Articles are made and entered into in this State and shall in all respects be interpreted, enforced, and governed under State law without regard to the doctrines of conflict of laws. The language of all parts of these Articles shall in all cases be construed as a whole according to their fair meaning and not construed strictly for or against any Public Agency.
- 10.8. Resolution of Disputes.** In the event of any dispute, claim, question, or disagreement arising from or relating to these Articles or the breach of these Articles, the Public Agencies shall use their best efforts to settle the dispute, claim, question, or disagreement. To this effect, the Public Agencies shall consult and negotiate with each other in good faith and, recognizing their mutual interests, attempt to reach a just and equitable solution satisfactory to the Public Agencies. If the Public Agencies do not reach a solution within 90 days, then the Public Agencies shall attempt to settle the dispute in non-binding mediation before a third-Public Agency mediator acceptable to all Public Agencies at a mutually agreeable time and place, with the involved Public Agencies equally sharing the costs of mediation. Any Public Agency may initiate mediation by giving the other Public Agencies 14 days' notice. In the event the Public Agencies are still unable to resolve a dispute

arising under or related to these Articles, the dispute shall be submitted to the courts of the State in Livingston County.

10.9. Amendment. These Articles may be amended, or an alternative form of these Articles adopted only upon written agreement of all Public Agencies. Any subsequent agreement or contract among the Public Agencies that is inconsistent with these Articles shall be considered as an amendment to the Articles and be approved as provided in the Act by the Governing Authorities of the Public Agencies. Any amendment to allow the participation in the Authority by another Public Agency as a Public Agency will be completed in a manner consistent with the Act.

10.10. Effective Date. These Articles are effective on the Effective Date.

ENDORSEMENTS ON THE FOLLOWING PAGE

The foregoing Articles of Incorporation were adopted by the Township Board of the Charter Township of Genoa, Livingston County, Michigan, at a meeting duly held on the _____ day of _____, 20____ of said Township Board, certified below by the Supervisor and Clerk of said Township.

GENOA TOWNSHIP

Dated: _____, 20__

By:
Its: Township Supervisor

Dated: _____, 20__

By:
Its: Township Clerk

The foregoing Articles of Incorporation were adopted by the Township Board of the Charter Township of Brighton, Livingston County, Michigan, at a meeting duly held on the _____ day of _____, 20____ of said Township Board, certified below by the Supervisor and Clerk of said Township.

BRIGHTON TOWNSHIP

Dated: _____, 20__

By:
Its: Township Supervisor

Dated: _____, 20__

By:
Its: Township Clerk

The foregoing Articles of Incorporation were adopted by the City Council of the City of Brighton, Livingston County, Michigan, at a meeting duly held on the _____ day of _____, 20____ of said City Council, certified below by the Mayor and Clerk of said City.

CITY OF BRIGHTON

Dated: _____, 20__

By:
Its: Mayor

Dated: _____, 20__

By:
Its: City Clerk

EXHIBIT A

AUTHORITY SERVICE AREA

- 1. City of Brighton -the entire geographic area of the City of Brighton.
- 2. Genoa Township – the entire geographic area of the Township of Genoa.
- 3. Brighton Township – the entire geographic area of the Township of Brighton.



City of Brighton

REPORT FROM THE CITY MANAGER TO CITY COUNCIL NOVEMBER 26, 2024

SUBJECT: 2025 BOARDS AND COMMISSION MEETING SCHEDULE NOTICE

ADMINISTRATIVE SUMMARY

The proposed schedule for the 2025 Boards and Commission meetings has been crafted to align with the designated dates and times for each board and commission. The finalized schedule notification will be published in accordance with the protocols outlined in the City of Brighton Charter Section 6.1 and the Open Meeting Act 15.265 Sec. 5(2).

RECOMMENDATION

It is the recommendation of staff that City Council approves the 2025 Boards and Commission Meeting Schedule, Resolution #2024-24.

Prepared by: Tara Brown, City Clerk

Reviewed by: Gretchen Gomolka, City Manager

**CITY OF BRIGHTON
2025 MEETING DATES
RESOLUTION #2024-24**

A RESOLUTION TO APPROVE THE CITY OF BRIGHTON CITY COUNCIL, BOARDS, AND COMMISSIONS MEETING DATES FOR 2025

At a regular meeting of the City Council of the City of Brighton, Livingston County, Michigan, held in the City Council Chambers at 200 N. First Street, in said City, on Thursday, November 26, 2024, at 6:30 pm.

PRESENT:

ABSENT:

The following preamble and resolution were offered by Council Member _____ and supported by Council Member _____

WHEREAS, Chapter 6 of the Brighton City Charter provides for the procedures and miscellaneous powers and duties of the Brighton City Council; and

WHEREAS, Section 6.1 of the Brighton City Charter provides that the City of Brighton City Council shall provide by resolution for the time and place of its regular meetings and shall hold at least one meeting each month, and;

WHEREAS, the Brighton City Council finds it to be in the best interests of the health, safety and welfare of the City that it meet two times per month, unless on occasion timely and necessary City business can be addressed in one meeting per month.

NOW THEREFORE BE IT RESOLVED THAT, the City of Brighton hereby accepts and approves the meeting dates attached as Exhibit A as the regular meeting dates established for 2025. The Clerk is hereby directed to publish the aforementioned dates in accordance with the Michigan Open Meetings Act, MCL 15.261 et seq.

PRESENT:

NAYS:

ABSENT:

RESOLUTION DECLARED ADOPTED.

Tara Brown
City Clerk

CERTIFICATION

The forgoing resolution was certified at a regular meeting of the City Council of the City of Brighton held on November 26, 2024.

Tara Brown, City Clerk

CITY OF BRIGHTON
2025 PUBLIC NOTICE OF MEETINGS

The Brighton City Council, Boards, and Commissions operate from the Brighton City Hall Offices located at **200 N. First Street, Brighton, MI 48116**. Regular meetings are typically held in the City Council Chambers unless otherwise noticed. For inquiries, contact the office at **(810) 227-1911** or email **info@brightoncity.org**.

CITY COUNCIL MEETINGS

Time: 6:30 p.m.

Meeting Dates:

January: 14, 28

February: 11, 25

March: 11, 25

April: 8, 22

May: 13, 27

June: 10, 24

July: 8, 22

August: 12, 26

September: 9, 23

October: 14, 28

November: 10, 25

December: 9

Budget Work Sessions:

Dates: April 14, 15, 16, 17, 18

Retreat Date:

PLANNING COMMISSION

Time: 7:00 p.m.

Submittals Due: 30 days prior to the meeting.

Meeting Dates:

January: 6

February: 3

March: 3, 17

April: 7, 21

May: 5, 19

June: 2, 16

July: 7, 21

August: 4, 18

September: 15

October: 6, 20

November: 3, 17

December: 1, 15

ZONING BOARD OF APPEALS

Time: 7:00 p.m.

Submittals Due: 30 days prior to the meeting.

Meeting Dates:

January: 9

February: 13

March: 13

April: 10

May: 8

June: 12

July: 10

August: 14

September: 11

October: 9

November: 13

December: 11

DOWNTOWN DEVELOPMENT/BROWNFIELD REDEVELOPMENT AUTHORITY BOARD

Time: 7:15 a.m.

Meeting Dates:

January: 21

February: 18

March: 18

April: 15

May: 20

June: 17

July: 15

August: 19

September: 16

October: 21

November: 18

December: 16

BRIGHTON ARTS & CULTURE COMMISSION

Time: 6:00 p.m.

Meeting Dates:

January: 13

February: 10

March: 10

April: 14

May: 12

June: 9

July: 14

August: 11

September: 8

October: 13

November: 10

BOARD OF REVIEW

Meeting Dates:

March 10: 8:00 a.m. - 9:00 a.m.: Organizational Meeting

9:00 a.m. - 12:00 p.m. & 1:00 p.m. - 5:00 p.m.: Appeals

March 12: 5:00 p.m. - 9:00 p.m.: Appeals

March 24: 9:00 a.m. - 12:00 p.m. & 1:00 p.m. - 4:00 p.m.: Appeals

July 22: 9:30 a.m. Meeting

December 9: 9:00 a.m. Meeting



City of Brighton

REPORT FROM THE CITY MANAGER TO CITY COUNCIL NOVEMBER 26, 2024

SUBJECT: CONDUCT A FIRST READING OF PROPOSED ORDINANCE 607 AND CONSIDER SETTING A PUBLIC HEARING DATE

ADMINISTRATIVE SUMMARY

In November of 2023, the Planning Commission started their five-year review of the city's master plan. In July of 2024, City Council gave a recommendation to the Commission asking for a review the R5 Uptown Zoning District regulations, which included individual letters from Councilmembers expressing their areas of concern and the changes they would like to see in the district regulations. The letters all contained a common element of concern that focused on density, height, setbacks, and lot coverage. The following is a timeline of events to date:

- November 20, 2023 - Planning Commission began deliberation of the master plan review.
- June 11, 2024 - City Council made a recommendation for review of the R5 Uptown zoning regulations.
- July 15, 2024 – Planning Commission conducted a review of the City Council recommendation and began deliberating R5 zoning regulation amendments.
- September 9, 2024 – City Council motioned for the Planning Commission to finalize the proposed amendments to the R5 District and set a public hearing date by November 4, 2024.
- November 4, 2024 – Planning Commission conducted a public hearing for amendments to the R5 District and granted a motion for a recommendation of approval proposed Ordinance 607.
- November 12, 2024 – City Council reviewed the Planning Commission's recommendation of proposed Ordinance 607. Changes were determined by Council, and staff was instructed to update the proposed ordinance to include the revisions.

Recommendation

Conduct a first reading of proposed Ordinance 607 and set a public hearing date for January 14, 2025.

Prepared by: Michael Caruso, Community Development Manager

Approved by: Gretchen Gomolka, City Manager

Attachments: 1. Proposed R5 Regulation Amendments (Redlined Version)
2. Ordinance 607 (Draft)

CITY OF BRIGHTON
ORDINANCE NO. 607

AN ORDINANCE OF THE CITY OF BRIGHTON, MICHIGAN; AMENDING CHAPTER 98, "ZONING" OF THE CODE OF ORDINANCE AS FOLLOWS:

THE CITY OF BRIGHTON, LIVINGSTON COUNTY, HERBY ORDAINS:

Amend Section 98-3.7.1(A), Intent, (3rd paragraph), to read as follows:

For Uptown South, a typical building of one to two stories is envisioned. For Uptown North, up to three stories may be permitted. The neighborhood in the R-5 district should be walkable, and tree-lined streets should encourage pedestrian linkages to downtown.

Amend Section 98-3.7.1(B), Principle Permitted Uses, as follows:

- (1) Multiple-family dwellings of three or more individual units
- (4) In Uptown North, detached single-family residential constructed prior to June 1, 2018.
- (5) In Uptown South, detached single-family residential.
- (7) Two-family residential.

Amend Section 98-3.7.1(D), Allowed Building Types, Table 98-3.7.1E, as follows:

Remove "Apartment" category line from Uptown North.
Multiplex minimum lot area, 7,200 square feet.

Amend Section 98-3.7.1(D), Allowed Building Types, Table 98-3.7.1E, Notes to Table, as follows:

- (3) There shall be at least 3 townhouse units in a single run, providing a total combined building width of at least 54 feet (three 18-foot-wide units minimum).

Amend Section 98-3.47 Building Types (R5), (A) Townhouse, as follows:

- (1) Description. The townhouse building type consists of structures with three or more attached units placed side by side. Private open space is typically provided in the rear yard but may also be available in a side yard for some units. These units are also referred to as row houses.
- (2) a. Principal Building Height:
 - Overall Height, Uptown North 48' - Uptown South 35' max.
 - Frontage Height, Uptown North 36' max.
- b. Accessory Building height:
 - Overall Height, 22' max.

- Frontage Height, 10' max.
- c. Setbacks:
- iii. Interior Side Yard, Minimum, One side 5' – total of two sides, 16'
- Remove subsection (1) and subsection (2).
- Sub.(5) Shall be 10' minimum for an end unit if adjacent to any district other than R-5, and 20' minimum in Uptown North when adjacent to a parcel in Uptown South.
- d. Building Dimensions:
- ii. Maximum Building Dimension for Longest Side, 180 feet.
(e.g., this will permit 6 units at 30').
- (3) a. Building Intensity:
- i. Lot Coverage, 50% maximum.
- ii. Minimum / maximum units per run, 3 / 6.
- Sub.(6) The maximum run in the Uptown North subarea shall be 8 units, provided the maximum 180' building length is not exceeded.
- (5) a. Allowed Roof Types:
Remove "Flat Roof" & "Cornice expression line at roofline is required".

Amend Section 98-3.47 Building Types (R5), (B) Neighborhood Courtyard, as follows:

- (1) Description. The neighborhood courtyard apartment building consists of structures that contain multiple attached and stacked units. The units have access to a courtyard or series of courtyards. Each unit may have its own individual entry or up to three units may share a common entry. Neighborhood courtyard apartments are modest in scale, at up to two-stories in height, and they mix well in neighborhoods with other similar medium-density building types such as fourplexes, sixplexes, and townhouse buildings.
- (2) a. Principal Building Height:
Overall Height, 35' max.
Remove the "frontage height" line.
- b. Accessory Building height:
Overall Height, 22' max.
Frontage Height, 10' max.
- c. Setbacks:
Remove subsection (1).
- (3) Intensity:
- a. Lot coverage, 50% max.
- b. Minimum / Maximum Number of Units, 3 / 6.
- (5) a. Allowed Roof Types:
Remove "Flat Roof" & "Cornice expression line at roofline is required".

Amend Section 98-3.47 Building Types (R5), (C) Multiplex, as follows:

- (1) Description. The multiplex residential building consists of a single structure that contains multiple attached side-by-side or stacked dwelling units. The units are accessed from one shared entry. This building type has the appearance of a large single-family home but contains 3-6 dwelling units. It is a building type that is modest in scale, at up to two stories in height, and it mixes well in neighborhoods with other similar medium-density building types such as neighborhood courtyard developments and townhouses.
- (2) a. Principal Building Height:
Overall Height, 35' max.
Remove the "frontage height" line.
- b. Accessory Building height:
Overall Height, 22' max.
Frontage Height, 10' max.
- c. Setbacks:
Remove subsection (1).
- (3) Intensity:
a. Lot coverage, 50% max.
b. Minimum / Maximum Number of Units, 3 / 6.
- (5) a. Allowed Roof Types:
Remove "Flat Roof" & "Cornice expression line at roofline is required".
- (6) c. Accessory Dwelling Units:
Remove this Section.

Amend Section 98-3.47 Building Types (R5), (D) Apartment, as follows:

Remove this Section.

Amend Section 98-7.5 Nonconforming Uses and Structures to add section H., as follows:

- H. Buildings constructed after August 2, 2018, in accordance with Section 98-3.7.1 of this Chapter, are exempt from **subsection C** of this Section. However, such buildings may not be enlarged or altered and may only be restored in accordance with the final site plan originally approved by the City.

Effective Date:

This ordinance shall take effect fifteen (15) days after enactment, and after publication as provided by law and the Charter.

YEAS: Council Member(s) _____

NAYS: Council Member(s) _____

ABSTAIN: Council Member(s) _____

ABSENT: Council Member(s) _____

CERTIFICATION

As the City Clerk of City of Brighton, Livingston County, Michigan, I certify this is a true and complete copy of an ordinance adopted by the City of Brighton Council at a regular meeting held on _____, 2024.

Tara Brown

City Clerk

First Reading:

Brief Publication:

Second Reading:

Public Hearing:

Adoption:

Full Publication:

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement

A. INTENT

The R-5 multiple-family residential medium-to-high density district is intended to provide for residential units in a variety of styles and types within walking distance (five- to ten-minute walk) of downtown and adjacent to the downtown business district. The R-5 district is a unique area of the city. It is located north of downtown, east and west of N. Second Street, and is primarily surrounded by industrial and commercial uses. A portion of the district fronts on the Millpond. It is intended to be transitional between areas of dissimilar land use and the downtown. It also is intended to implement the High Density Mixed Residential category on the City's Future Land Use Map.

This district is divided into two sub-districts: Uptown North and Uptown South. Uptown North is envisioned with larger-scale multiple-family development projects on larger lots. Typical building types include large apartment buildings and townhouses. Uptown South is envisioned with small-scale, multiple-family structures on smaller lots, including redeveloping one or two lots of record that meet the dimensional requirements for the desired building type. Typical building types include townhouses, courtyard apartments, fourplexes, and similar types.

For Uptown South, a typical building of one to **two** stories is envisioned. For Uptown North, up to **three** stories may be permitted. ~~if certain standards are met and the development is compatible with the surrounding neighborhood.~~ The neighborhood in the R-5 district should be walkable, and tree-lined streets should encourage pedestrian linkages to downtown.

Development in this district should be designed to preserve and enhance existing topographic and landscape features and to avoid adverse environmental, economic and visual effects on adjoining or nearby residences and their neighborhoods. Building materials

should be high quality, and building frontages will typically be varied.

A further purpose of this district is to support downtown by providing nearby housing, assure the orderly development of the public road network, and to create and/or preserve the appealing intimate scale of the traditional small town community.



B User Note: For uses listed in bold blue, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

1. **Multiple-family dwellings** of **four or more individual units** §98-4.6 **three**
2. **Home occupations** §98-4.1
3. **Special care residential facilities** §98-4.8
4. In Uptown North, detached single-family ~~and two-family~~ residential constructed prior to June 1, 2018.
5. In Uptown South, detached single-family ~~and two-family residential~~
6. **Accessory buildings and uses customarily incidental to the above-permitted uses** §98-5.16

7. **Two family residential**

C. SPECIAL LAND USES

1. **Wireless communication facilities** and **services** §98-4.35



D. ALLOWED BUILDING TYPES

Because of the importance of establishing proper pedestrian-oriented form and meeting the intent of this district, lot dimension and area requirements are established based on building type and subarea.¹ A lot must meet the minimum dimensions and area specified below to qualify for the allowed Building Type.

Table 98-3.7.1.E Allowable Building Types				
	Minimum Lot Width	Maximum Lot Width	Minimum Lot Area	Additional Standards
Uptown North				
Apartment	150 feet	NA	1 acre	§98-3.47
Townhouse	150 feet ³	NA	1 acre	§98-3.47
Uptown South				
Townhouse	72 feet ³	200 feet	7,200 sq. ft.	§98-3.47
Neighborhood Courtyard	100 feet	200 feet	10,000 sq. ft.	§98-3.47
Multiplex	60 feet ⁴	200 feet	6,000 7200 sq. ft.	§98-3.47
Notes to Table				
<p>¹ For single- and two- family homes, the requirements of Section 98-3.4.D shall apply; provided that no new enclosed addition shall decrease the existing street-facing yard setback.</p> <p>² Any lot in the R-5 district shall be at least 150' wide in Uptown North and 60' in Uptown South. Certain Building Types require greater lot widths (see above and §98-3.47).</p> <p>³ There shall be at least 4 3 townhouse units in a single run, providing a total combined building width of at least 72' 54' (four three 18-foot wide units min.) See Section 98-3.47.A.</p> <p>⁴ Two multiplex structures may be built on single lot provided there is 20' of green space between structures and both structures are street-facing.</p>				

Minimum lot depth for all building types: 100 feet

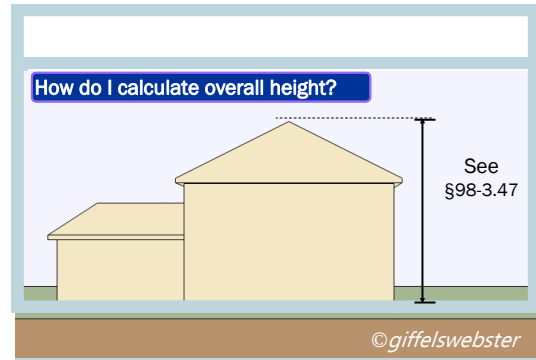
Setbacks See Building Types [§98-3.47](#)

Building Height See Building Types [§98-3.47](#)

Lot Coverage Maximum lot coverage: See Building Types [§98-3.47](#)

Notes to Development Standards:
[Section 98-3.32.B.2, 4, 10, 11, 12, 14, 15, 16](#)

(Amended by Ord. No. 582, Pt. 4, 8-2-2018)



The above drawing is not to scale.

SELECTED REFERENCES

98-3. Zoning Districts

- [Planned Unit Development](#) §98-3.22
- [Multiple-Family Residential District](#) §98-3.35
- [Building Types \(R-5\)](#) §98-3.47
- [Frontage Types](#) §98-3.48

98-4. Use Standards

- [Multiple Family Units ...](#) §98-4.6
- [Temporary or Garage Dwellings](#) §98-4.37
- [Domestic Employees Dwellings](#) §98-4.39
- [Removal of Soil, Sand...](#) §98-4.40
- [Disposal and Dumping...](#) §98-4.41

98-5. Site Standards

- [Refuse Containers](#) §98-5.1
- [Refuse Disposal](#) §98-5.2
- [Stormwater Management Systems](#) §98-5.3
- [Exterior Lighting](#) §98-5.4
- [Traffic Study Requirements](#) §98-5.5
- [Off-Street Parking and Loading Regulations](#) §98-5.6
- [Landscaping Regulations](#) §98-5.7
- [Slope](#) §98-5.9
- [Front Yard Restriction](#) §98-5.10
- [Fences](#) §98-5.11
- [Principal buildings](#) §98-5.12

98-5. Site Standards (Continued)

- [Open Storage of Obnoxious Matter](#) §98-5.13
- [Public Improvements](#) §98-5.14
- [Regulated Wetlands and...](#) §98-5.15
- [Accessory Buildings and Uses](#) §98-5.16

98-6. Development Procedures

- [Site Plan Review](#) §98-6.1
- [Special Land Use Approval](#) §98-6.2

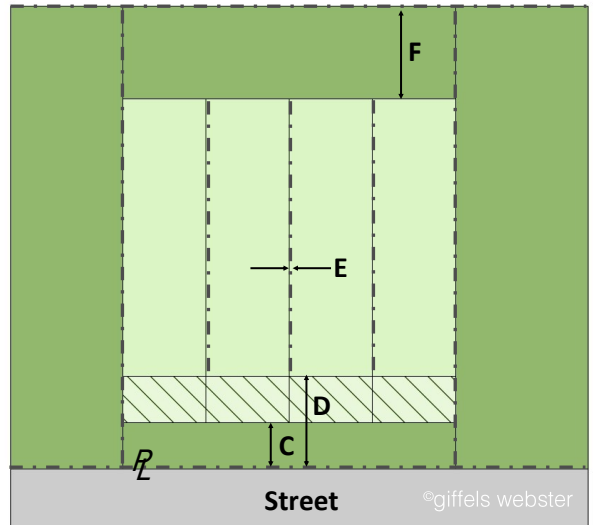
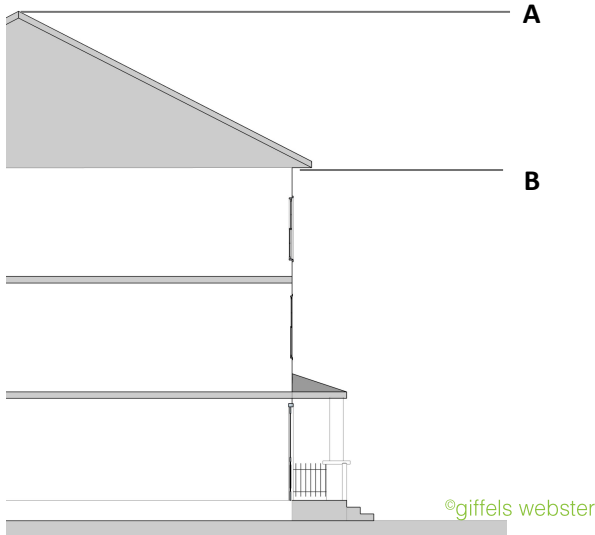


- 1** Purpose and Introduction
- 2** Definitions
- 3** Zoning Districts
- 4** Use Standards
- 5** Site Standards
- 6** Development Procedures
- 7** Admin and Enforcement

Section 98-3.47 Building Types

A. Townhomes

1. Description. The townhouse building type consists of structures with ~~four~~ **three** or more attached units placed side by side. Private open space is typically provided in the rear yard, but may also be available in a side yard for some units. These units are also referred to as row houses.



2. Building Form

a. Principal Building Height

Overall Height **Uptown North 48' Uptown South 35'** max. **A**

Frontage Height- **Uptown North 36' 36'** max. **B**

b. Accessory Building Height

Overall Height **24' 22'** max. **A**

Frontage Height **14' 10'** max. **B**

c. Setbacks

- | | | |
|--|---|----------|
| i. Front Yard and Street-facing Side Yard, Minimum ³ | 10' | C |
| ii. Front Yard and Street-facing Side Yard, Maximum ⁴ | 20' | D |
| iii. Interior Side Yard, Minimum ⁵ | 10' | E |
| | One side 5' - total of two sides 16' | |
| iv. Interior Side Yard, Maximum | 30' | E |
| v. Rear Yard, Minimum | 20' | F |

¹ ~~In the Uptown North and South subareas, the maximum Overall Height shall be 48' and the maximum Frontage Height shall be 36'. In the Uptown North Subarea, the Overall Building Height shall be increased to 60' max. and Frontage Height shall be 48' max. if the conditions in Section 98-3.47.D.4, Additional Building Height, are met.~~

² ~~if a flat roof is proposed, the maximum Frontage Height for a principal structure shall be 36' and may be increased up to 39.5' to accommodate a 3.5' parapet wall.~~

³ A projecting porch, stoop, lightwell area, or similar allowed front facade feature may extend from the facade to a line no closer than 5' from the street-facing lot line.

⁴ In the Uptown North subarea, the maximum setback shall not apply if the unit is on a parcel that exceeds 200' in depth.

⁵ Shall be 10' minimum for an end unit if adjacent to any district other than R-5, **and 20' minimum in Uptown North when adjacent to a parcel in the Uptown South.**

Building Envelope Min. / Max. Setback Area

d. Building Dimensions

- | | |
|--|---------|
| i. Unit Width Min./Max. | 18'/40' |
| ii. Maximum Building Dimension for longest side (e.g., this will permit 6 units at 30' wide each) or 8 units at 22" | 180' |

3. Intensity and Density

a. Building Intensity

- | | |
|--|-------------------------------|
| i. Lot Coverage | 60% 50% max. |
| ii. Minimum / Maximum Units per Run | 4 / 8 3 / 6 |
| iii. Minimum Green Space Between Building Runs | 18' |

⁶ The maximum run in the Uptown North subarea shall be ~~16~~ **8** units, provided the maximum 180' building length is not exceeded.

4. Building Floor Heights

Building floor to ceiling heights shall meet the following minimum dimensions.

- a. Ground Floor: 10 feet
- b. Upper Floors: 9 feet
- c. Overall Height: See Section 98-3.47.A.2.a.-b.

Attic space may be developed to include occupied floor area as a half story provided all other regulations of this chapter are met.

- 1** Purpose and Introduction
- 2** Definitions
- 3** Zoning Districts
- 4** Use Standards
- 5** Site Standards
- 6** Development Procedures
- 7** Admin and Enforcement



5. Façade Composition Requirements

a. Allowed Roof Types

~~i. Flat~~ ~~Cornice expression line at roofline is required.~~

ii. Pitched (sloped)

b. Transparency of façade glazing

i. Upper Floors Building facades facing streets shall contain a minimum of 10 percent clear glass³ between the floor elevation of the second story and the bottom of the cornice expression line or bottom of eave. Windows shall be square or vertically proportioned.

ii. Ground Floor Building facades facing streets shall contain a minimum of 10 percent clear glass³ between the finish ground floor elevation and the top of the ground floor.

iii. All Floors All non-street facing facades shall have at least 5 percent glass per floor.

6. Other Standards

a. Parking

- i. Parking spaces may be enclosed, covered or open.
- ii. Parking shall not be permitted in a front yard or any other street-facing yard.
- iii. Garages shall be freestanding, attached or tuck-under.
- iv. The above parking regulations may be modified by the body approving the site plan upon a finding that the spirit and intent of this district is maintained and unique circumstances exist that warrant consideration of alternative parking regulations.

See also **Section 98-5.7.**

b. Pedestrian Access

Each unit shall have an individual entry facing the front lot line.

c. Conflicts

Whenever there is a conflict between standards in this Section 98-3.47.A. and other provisions of this Ordinance, this Section shall control.

d. Building Materials and Appearance

See **Section 98-4.6.C.2** for more information.

Concept Sketch showing Townhouse Development (for illustrative purposes)

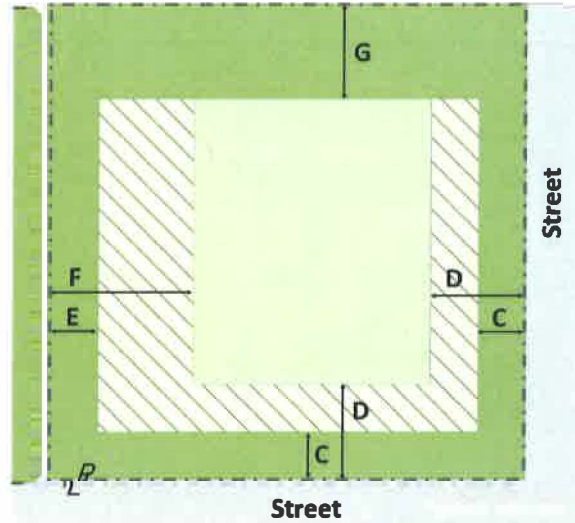
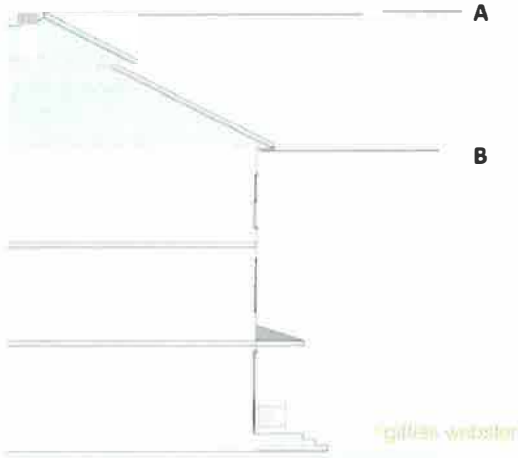


(Amended by Ord. No. 582, Pt. 2, 8-2-2018)



B. Neighborhood Courtyard

1. Description. The neighborhood courtyard apartment building consists of structures that contain multiple attached and stacked units. The units have access to a courtyard or series of courtyards. Each unit may have its own individual entry or up to three units may share a common entry. Neighborhood courtyard apartments are modest in scale, at up to ~~three~~ **two**-stories in height, and they mix well in neighborhoods with other similar medium-density building types such as fourplexes, sixplexes, and townhouse buildings.



Building Envelope // Min. / Max. Setback Area

d. Building Dimensions

Maximum Building Dimension on Longest Side 100'

3. Intensity

a. Lot Coverage ~~60%~~ **50%** max.

b. Min/Max. Number of Units ~~4-8~~ **3/6**

4. Open Space & Courtyard

a. Dimensions of Courtyard

i. Width 25 feet min.

ii. Depth 25 feet min.

b. Courtyard Relationship to Building Width

Courtyard width shall not exceed 50% of the combined width of the building as calculated from the front of building.

c. Edge Wall Required

A 30" to 36" high wall shall define the edge of the courtyard. The edge wall shall be located within 5 feet of the front lot line and shall be constructed of 1) brick, stone or similar material or 2) brick or stone piers, at least 24" wide and no more than 15 feet apart, connected by a black, gray or brown metal decorative fence comprised of vertical bars, with supplemental shrub or ornamental grass plantings. All walls and piers shall have a stone cap.

2. Building Form

a. Principal Building Height Overall

Height ~~48'~~ **35'** max. **A**

Frontage Height ~~36'~~ max. **B**

b. Accessory Building Height

Overall Height ~~28'~~ **22'** max. **A**

Frontage Height ~~16'~~ **10'** max. **B**

c. Setbacks

i. Front Yard and Street-facing Side Yard, Minimum² 10' **C**

ii. Front Yard and Street-facing Side Yard, Maximum 20' **D**

iii. Interior Side Yard, Minimum 10' **E**

iv. Interior Side Yard, Maximum 30' **F**

v. Rear Yard, Minimum 20' **G**

~~1 If a flat roof is proposed, the maximum Frontage Height for a principal structure is 36' and may be increased to up to 39.5' to accommodate a 3.5' parapet wall.~~

² A projecting porch, stoop or similar allowed front facade feature may extend from the facade to a line no closer than 5' from the street-facing lot line.



5 Façade Composition Requirements

- a. Allowed Roof Types
 - ~~i. Flat Cornice expression line at roofline is required.~~
 - ii. Pitched (sloped)
- b. Transparency of façade glazing
 - i. Upper Floors

Building facades facing streets shall contain a minimum of 10 percent clear glass⁽²⁾ between the floor elevation of the second story and the bottom of the cornice expression line or bottom of eave. Windows shall be square or vertically proportioned.
 - ii. Ground Floor

Building facades facing streets shall contain a minimum of 10 percent clear glass⁽²⁾ between the finish ground floor elevation and the top of the ground floor.
 - iii. All Floors

All non-street facing facades shall have at least 5 percent glass per floor.

6. Building Floor Heights

- Building floor to ceiling heights shall meet the following minimum dimensions.
- a. Ground Floor: 10 feet
 - b. Upper Floors: 9 feet
 - c. Overall Height: See **Section 98-3.47.B.2.a.-b.**
- Attic space may be developed to include occupied floor area as a half story provided all other regulations of this Chapter are met.

7. Other Standards

- a. Parking
 - i. Parking spaces may be enclosed, covered or open.
 - ii. Parking shall not be permitted in a front yard or any other street-facing yard.
 - iii. Garages shall be detached or tuck-under.
 - iv. The above parking regulations may be modified by the body approving the site plan upon a finding that the spirit and intent of this district is maintained and unique circumstances exist that warrant consideration of alternative parking regulations.

See also **Section 98-5.7**
- b. Pedestrian Access

Each unit shall have an individual entry except that up to 3 units may have a combined entry.
- c. Allowed Building Frontage Types
 - i. Projecting Porch **Section 98-3.48.A**
 - ii. Stoop **Section 98-3.48.C**
 - iii. Flex Dooryard **Section 98-3.48.E**

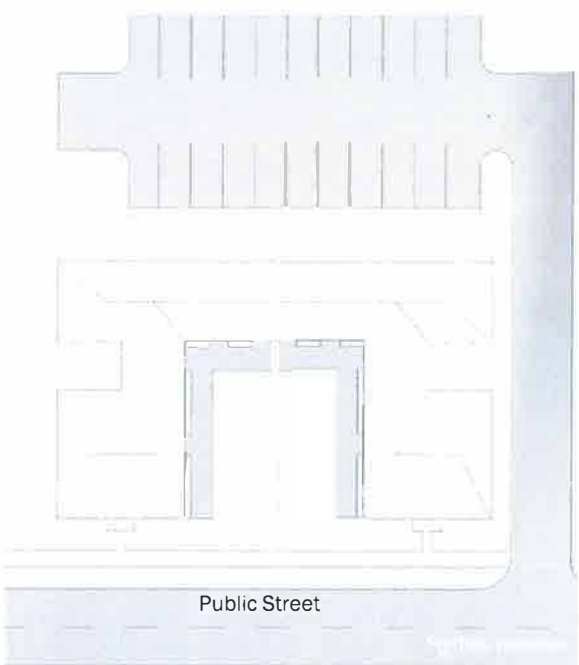
d. Conflicts

Whenever there is a conflict between standards in this Section 98-3.47.B. and other provisions of this Ordinance, this Section shall control.

e. Building Materials and Appearance

See **Section 98-4.6.C.2** for more information.

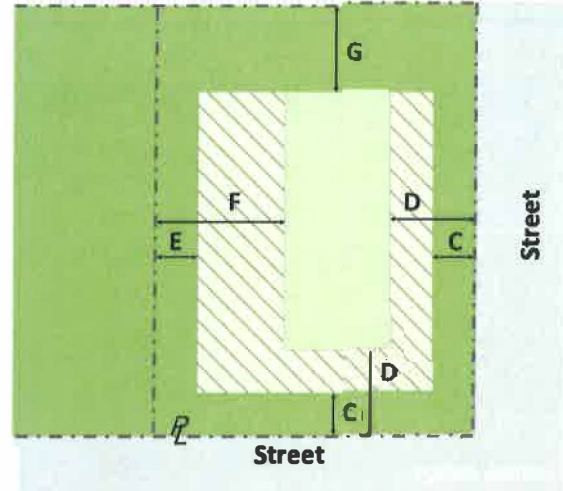
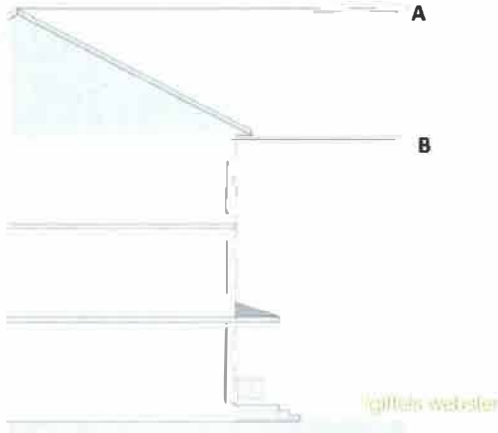
Concept Sketch showing Neighborhood Courtyard Development (for illustrative purposes)



(Amended by Ord. No. 582, Pt. 2, 8-22018)

C. Multiplex

1. Description. The multiplex residential building consists of a single structure that contains multiple attached side-by-side or stacked dwelling units. The units are accessed from one shared entry. This building type has the appearance of a large single family home, but contains **+3-6** dwelling units. It is a building type that is modest in scale, at up to three stories in height, and it mixes well in neighborhoods with other similar medium-density building types such as neighborhood courtyard developments and townhouses.



Building Envelope Min. / Max. Setback Area

2. Building Form

a. Principal Building Height		
Height	48' max.	A
Frontage Height	36' max.	B
b. Accessory Building Height		
Overall Height	28' 22' max.	A
Frontage Height	16' 10' max.	B
c. Setbacks		
i. Front Yard and Street-facing Side Yard, Minimum ²	10'	C
ii. Front Yard and Street-facing Side Yard, Maximum	20'	D
iii. Interior Side Yard, Minimum	10'	E
iv. Interior Side Yard, Maximum	30'	F
v. Rear Yard, Minimum	20'	G

d. Building Dimensions

Maximum Building Dimension on Longest Side 100'
 Two multiplex structures may be built on single lot provided there is 20' of green space between structures.

~~1. If a flat roof is proposed, the maximum Frontage Height for a principal structure is 36' and may be increased to up to 39.5' to accommodate a 3.5' parapet wall.~~
 2. A projecting porch, stoop, or similar allowed front facade feature may extend from the facade to a line no closer than 5' from the street-facing lot line.

3. Intensity

a. Lot Coverage	60% 50% max.
b. Min/Max. Number of Units	4/8 3/6

4. Building Floor Heights

- Building floor to ceiling heights shall meet the following minimum dimensions.
- Ground Floor: 10 feet
 - Upper Floors: 9 feet
 - Overall Height: See 98-3.47.C.2.a.-b.

Attic space may be developed to include occupied floor area as a half story provided all other regulations of this chapter are met.

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement



5. Façade Composition Requirements

a. Allowed Roof Types

- i. Flat ~~Cornice expression line at roofline is required.~~
- ii. Pitched (sloped)

b. Transparency of façade glazing

- i. Upper Floors
Building facades facing streets shall contain a minimum of 10 percent clear glass⁽²⁾ between the floor elevation of the second story and the bottom of the cornice expression line or bottom of eave. Windows shall be square or vertically proportioned.
- ii. Ground Floor
Building facades facing streets shall contain a minimum of 10 percent clear glass⁽²⁾ between the finish ground floor elevation and the top of the ground floor.
- iii. All Floors
All non-street facing facades shall have at least 5 percent glass per floor.

6. Other Standards

a. Parking

- i. Parking spaces may be enclosed, covered or open.
- ii. Parking shall not be permitted in a front yard or any other street-facing yard.
- iii. Garages shall be freestanding, attached or tuck-under.
- iv. The above parking regulations may be modified by the body approving the site plan upon a finding that the spirit and intent of this district is maintained and unique circumstances exist that warrant consideration of alternative parking regulations.

See also **Section 98-5.7.**

b. Pedestrian Access

Units are serviced by a single shared entry facing the front lot line, but some individual units may have their own entryways in a side or rear yard.

~~e. Accessory Dwelling Units--~~

~~Up to two additional dwelling units may be constructed in a detached or attached annex building or garage. These additional units shall have a design style and building materials similar to the principal multiplex.~~

d. Allowed Building Frontage

- i. Projecting Porch **Section 98-3.48.A**
- ii. Integral Porch **Section 98-3.48.B**
- iii. Stoop **Section 98-3.48.C**
- iv. Forecourt **Section 98-3.48.D**

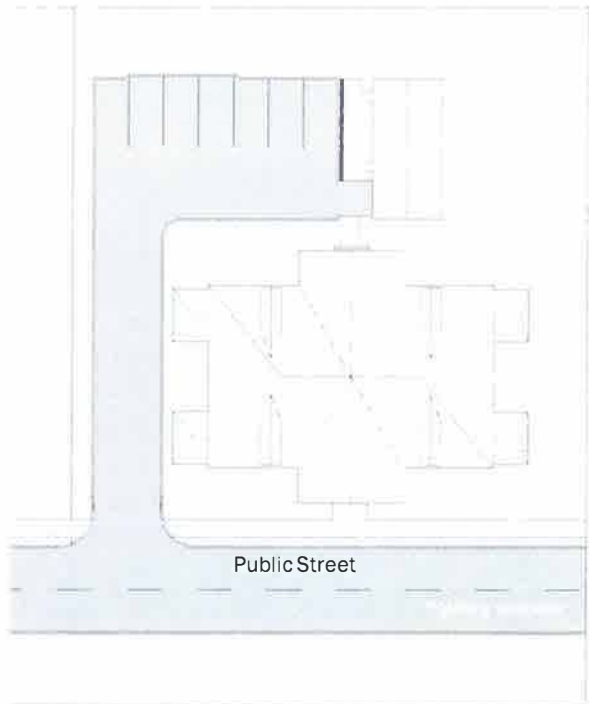
e. Conflicts

Whenever there is a conflict between standards in this Section 98-3.47.C. and other provisions of this Ordinance, this Section shall control.

f. Building Materials and Appearance

See **Section 98-4.6.C.2** for more information.

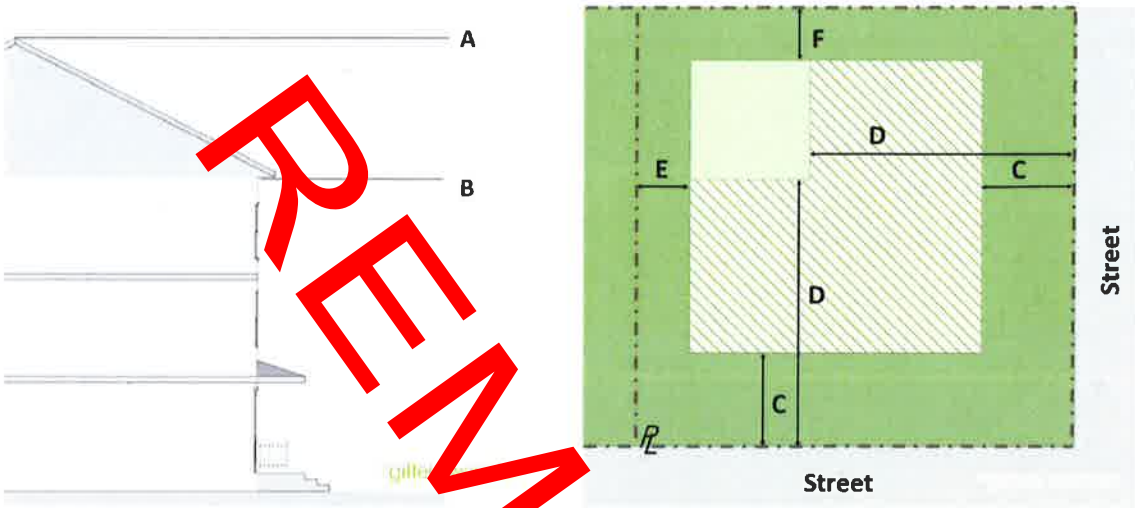
Concept Sketch showing Multiplex Development (for illustrative purposes)



(Amended by Ord. No. 582, Pt. 2, 8-2-2018)

D. Apartment

1. Description. The Apartment building consists of a single structure or a series of structures that each contain multiple attached side-by-side or stacked units, with a minimum of six units. The units are accessed from one shared entry per building, and may have one or more secondary shared access locations. Although this building type may be large in scale, the exterior facade is divided into smaller pieces to minimize the appearance of the massing. It is limited to three-stories in height, but may have four stories if certain conditions are met. Apartments may be constructed in a courtyard style.



REMEMBER

2. Building Form

a. Principal Building Height ¹		
Overall Height	48' max.	A
Frontage Height	36' max. ²	B
b. Accessory Building Height		
Overall Height	32' max.	A
Frontage Height	20' max.	B
c. Setbacks		
i. Front Yard and Street-facing Side Yard	35' min.	C
ii. Front Yard and Street-facing Side Yard	100' max.	D
iii. Interior Side Yard ³	10' min.	E
iv. Rear Yard ³	20' min	F

¹ The Overall Building Height shall be 60' max. and Frontage Height shall be 48' max. if the conditions in 98-3.47.D.4., Additional Building Height, are met.

² If a flat roof is proposed, the maximum Frontage Height for a principal structure is 36' (or 48' if 4-story qualification is met). This may be increased to 39.5' and 51.5' respectively to add a parapet wall.

³ If a structure exceeds an overall height of 32 feet and abuts a single-family residential district, the yard abutting the single-family district shall be increased to equal the height of the building.

Building Envelope Min. / Max. Setback Area

d. Building Dimensions	
i. Maximum Building Dimension on Longest Side	250'
ii. Minimum distance between Buildings	25'

3. Intensity

Lot Coverage	60% max.
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4. Additional Building Height

- The Overall Building Height (max.) and Frontage Height (max.) for principal structures may be increased to 60 feet and 48 feet, respectively, to permit four floors, if any two of the conditions below are met. For flat roofs, the Frontage Height may be increased to 48'.
- Structured or underground parking that accommodates at least 50 percent of the total parking demand for the development site is provided on site.
 - Open space parks, plazas, and/or boardwalk areas are provided that give access to or viewing of natural features or waterbodies.
 - A park or playground is developed that is accessible to the general public.
 - A wildlife habitat, wetland, woodland or similar environmental feature is preserved in a manner that goes beyond what would be otherwise required by a conventional development on the site.
 - A substantial off-site public benefit is provided by the applicant that would not otherwise be a part of a conventional development.



5. Façade Composition Requirements

a. Allowed Roof Types

- i. Flat Cornice expression line at roofline is required.
- ii. Pitched (sloped)

b. Transparency of façade glazing

- i. Upper Floors Building facades facing streets shall contain a minimum of 10 percent clear glass between the floor elevation of the second story and the bottom of the cornice expression line or bottom of eave. Windows shall be square or vertically proportioned.
- ii. Ground Floor Building facades facing streets shall contain a minimum of 10 percent clear glass between the finish ground floor elevation and the top of the ground floor.
- iii. All Floors All non-street facing facades shall have at least 5 percent glass per floor.

6. Building Floor Heights

Building floor to ceiling heights shall meet the following minimum dimensions.

- a. Ground Floor: 10 feet
- b. Upper Floors: 9 feet
- c. Overall Height: See [Section 98-3.47.D.2.a-b.](#)

7. Parking

Parking may be located in any yard. If it is located in a front or street-facing side yard, it shall subject to the following:

- a. Parking spaces shall be screened from view using a 30" opaque screen of brick or stone (wall), continuous hedgerow, or decorative black, grey or brown fencing with vertical bars, supplemented with landscaping.
- b. Parking lots shall be set back at least 10 feet from any lot line (5' for interior side). If along a street, 1.5" caliper min. deciduous trees shall be planted every 30 feet, on average.
- c. Whenever a parking structure is visible from a street, it shall be designed to be compatible with the residential structures it serves, with high quality facing materials such brick and stone, or an equivalent material of equal durability and aesthetics, as determined by the City Council, on at least 75 percent of the street-facing façade.
- d. Parking spaces may be enclosed, covered or open.
- e. Garages may be freestanding, attached or tuck-under.
- f. The above parking regulations may be modified by the body approving the site plan upon a finding that the spirit and intent of this district is maintained and unique circumstances exist that warrant consideration of alternative parking regulations.

See also [Section 98-5.7.](#)

8. Other Standards

a. Pedestrian Access

Units are serviced by single or multiple shared entry points.

b. Allowed Frontages

- i. Projecting Porch [Section 98-3.48.A](#)
- ii. Forecourt [Section 98-3.48.D](#)
- iii. Flex Dooryard [Section 98-3.48.E](#)

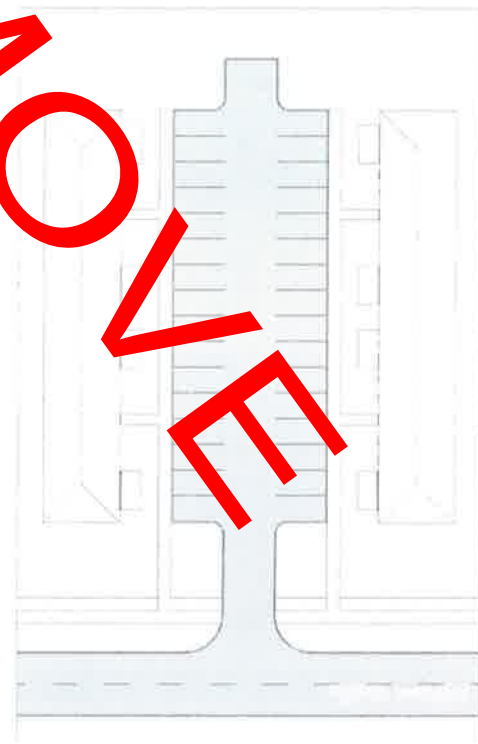
c. Conflicts

Whenever there is a conflict between standards in this Section 98-3.47.D and other provisions of this Ordinance, this Section shall control.

d. Building Materials and Appearance

See [Section 98-4.6.C.2](#) for more information.

Concept Sketch showing Apartment Development (for illustrative purposes)



(Amended by Ord. No. 582, Pt. 2, 8-2-2018; Ord. No. 590, 12-5-2019)

98-7.0 Administration, Appeals, and Enforcement

98-7.1 CONSTRUCTION PRIOR TO CODE

Any building or structure for which a building permit has been issued and the construction of the whole or a part of which has been started, or for which a contract or contracts have been entered into pursuant to a lawful building permit issued prior to the effective date of this Code, may be completed and used in accordance with the plans and applications on which such building permit was granted.

98-7.2 MOVING DWELLINGS

Any building or structure which has been wholly or partially erected on any premises located either within or outside of this City, shall not be moved to and placed upon any other premises in this City until a permit for such removal shall have been secured under [Section 98-7.6](#). Any such building or structure shall fully conform to all the provisions of this Chapter, in the same manner as a new building or structure. Any such building or structure shall not be used or occupied until a certificate of occupancy, as provided in [Section 98-7.6](#), shall have been endorsed on such permit. Any such certificate of occupancy shall not be endorsed on such permit until the building inspector shall have made an inspection of such building or structure and shall have found the same to be in a condition deemed safe for use and occupancy, and shall have made a written report, setting forth the facts as ascertained by such inspection, to the board of appeals.

98-7.3 DEDICATION OF PRIVATE PROPERTY FOR PUBLIC PURPOSE

Upon the dedication of private property for any City purpose, the dedication shall be accomplished by the execution and delivery of a warranty deed conveying marketable title in fee simple absolute. The City Council may accept a quitclaim deed or an easement in lieu of a warranty deed if the City Council determines an easement or quitclaim deed is sufficient.

98-7.4 VARIANCE

The Zoning Board of Appeals shall have authority to interpret this Article and may in specific cases, in accordance with Michigan law, grant a variance from the requirements of this Article provided the variance complies with Michigan law

98-7.5 NONCONFORMING USES AND STRUCTURES

The following provisions shall apply to nonconforming uses:

- A. The lawful use of land for storage purposes and for advertising signs and billboards which does not conform to the provisions of this Chapter shall be discontinued within five years from the date of the original approval of the City Code (July 17, 1964), and the same uses of land which become nonconforming by reason of a subsequent change in this Chapter shall also be discontinued within five years of the date of this change.
- B. Any lawful nonconforming use of a building existing at the time of the effective date of the Ordinance from which this Code was derived may be continued, except as herein prohibited or restricted, provided that the building or use thereof shall not be structurally changed, altered or enlarged unless such altered or enlarged building or use shall conform to the provisions of the Chapter for the district in which it is located or the alteration is proposed for a legal nonconforming single-family residence. The later exemption shall only apply under the conditions that the intent of the proposed alterations is the maintenance of the use of the property for a single-family residential purpose and the value of the alteration does not exceed 50 percent of its fair market value. No nonconforming use, if changed to a use permitted in the district in which it is located, shall be resumed or changed back to a nonconforming use.
- C. No building which has been damaged by fire, explosion, lightning, earthquake, tornado or any other act of God or the public enemy, to the extent of more than 50 percent of its fair market value, shall be restored except in conformity with the regulations of this Chapter.
- D. If a nonconforming use of any building or premises is discontinued or its normal operation stopped for a period of one year, the use of the same shall thereafter conform to the regulations of the district in which it is located.
- E. A nonconforming use shall not be extended or enlarged.

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement



- F. A nonconforming structure that was erected, converted or structurally altered in violation of the provisions of the Ordinance or Code then in effect shall not be validated by the adoption of this Chapter and such violations or any violations of this Chapter may be ordered removed or corrected by the City Council or other proper officials at any time.
- G. A nonconforming use affected by **subsection C** of this Section may be petitioned to the Zoning Board of Appeals for relief of those regulations cited. A determination of whether to grant relief shall be made by the Zoning Board of Appeals following a review and recommendation by the City Planning Commission. An established site plan review procedure shall be used in this process. In making their decision, the City Planning Commission and the Zoning Board of Appeals shall consider the location of the property, the use of surrounding property, the use of the structure in its relation to the zoning district in which it is located, and any other considerations deemed relative to rendering a decision in the best interest of the City. Prior to rendering a decision, the Zoning Board of Appeals shall by mail notify all property owners within 300 feet of the petitioned property and provide for newspaper notice at least 15 days prior to conducting a public hearing on the petitioned property. Public hearings shall be conducted by the Zoning Board of Appeals prior to rendering a decision on the petitioned property.

98-7.6

H. Add paragraph for buildings built under current zoning that will become non-conforming if the zoning changes

COMPLIANCE

- A. No land or building hereafter erected or altered shall be occupied, used or changed in use until a certificate of occupancy and compliance shall have been issued by the department of buildings stating that the land or building or proposed use of a building or land, complies with all the building and health laws and ordinances and provisions of this Chapter.
- B. Certificates of occupancy and compliance shall be applied for coincident with the application for a building permit and shall be issued within ten days after the erection or alteration of such building or the use of land shall have been completed in conformity with the provisions of these regulations. A record of all such certificates shall be kept on file in the office of the City Clerk and copies shall be furnished to any person having proprietary or tenancy interest in the building affected. No fee shall be

charged for an original certificate applied for coincident with the application for a permit; for all other certificates, or for copies of any original certificates, there shall be a charge of \$1.00 each.

- C. No permit for the excavation for, or the alteration of, any building or for any use of land, shall be issued before application has been made for a certificate of occupancy and compliance.

98-7.7 ENFORCEMENT

The provisions of this Chapter shall be administered and enforced by the City Building Inspector or by an agent appointed by the City Manager.

98-7.8 VIOLATION

It shall be the duty of all architects, contractors, subcontractors, builders and other persons having charge of the establishment of any use of land or the erecting, altering, changing, or remodeling of any building or structure, before beginning or undertaking any such work, to see that a proper permit has been granted therefor and that such work does not conflict with and is not in violation of the terms of this Chapter. Any such architect, builder, contractor or other person doing or performing any such work of erecting, repairing, altering, changing, or remodeling without such a permit having been issued or in violation of, or in violation of, the terms of this Chapter, shall be guilty of violation hereof in the same manner and to the same extent as the owner of the premises or persons for whom such buildings are erected, repaired, altered, changed or remodeled or the use of land established in violation hereof and shall be subject to the penalties herein prescribed for such violation.

