

CITY OF POTTERVILLE

ORDINANCE NO. 13-240

AN ORDINANCE TO AMEND CITY OF POTTERVILLE CODE OF ORDINANCE.

Proposed changes:
Charter

Change gender to non-bias gender

Attach fee structure for city hall fees, coping, foia, and property maintenance

3.06 remove the word “regular” to change to be next election

(c) Filling of vacancies. A vacancy in the Council shall be filled for the remainder of the unexpired term if any, at the next **regular** election following not less than 60 days upon the occurrence of the vacancy, but the Council by a majority vote of all its remaining members shall appoint a qualified person to fill the vacancy until the person elected to serve the remainder of the unexpired term takes office. If the Council fails to do so within 30 days following the occurrence of the vacancy, the election authorities shall call a special election to fill the vacancy, to be held not sooner than 90 days and not later than 120 days following the occurrence of the vacancy and to be otherwise governed by the provisions of Article VIII. Notwithstanding the requirement in section 3.11 that a quorum of the Council is reduced to less than four; the remaining members may by majority action appoint additional members to raise the membership to four.

3.16 (b) add online

(b) Codification. Within three years after Adoption of this charter and at least every ten Years thereafter, the Council shall provide for the preparation of a general codification of all City ordinances and resolutions having the force and effect of law. The general codification shall Be adopted by the Council by ordinance and shall be published promptly in bound or loose-leaf Form, together with this charter and any amendments thereto, pertinent provisions of the Constitution and other laws of the state of Michigan, and such codes of technical regulations And other rules and regulations as the Council may specify. This compilation shall be Known and cited officially as the Potterville City Code. Copies of the code shall be furnished to City officers, placed in libraries and public offices for free public reference and made available For purchase by the public at a reasonable price fixed by the Council **or found online**

4.03 acting manager-need to address and have letter on file, annual renewal

By letter filed with the City Clerk the Manager shall designate, subject to approval of the Council, a qualified City administrative officer to exercise the powers and perform the duties of the Manager during his temporary absence or disability. During such absence or disability, the Council may revoke such designation at any time and appoint another officer of the City to serve until the Manager shall return or his disability shall cease.

4.04 add (10) City manager will make changes with notification given council unless legal action is necessary

5.02 (11) Employee handbook will be presented and approved by city council annually

5.03. Legal officer. Add to be bid out annually

There shall be a legal officer of the city, appointed by the Council as provided in section 5.01, who shall serve as chief legal adviser to the Council, the Manager and all City departments, offices and agencies, shall represent the City in all legal proceedings and shall perform any other duties prescribed by this charter or by ordinance.

6.06 add locations and online

Section 6.06. Public records. Copies of the budget as adopted shall be public records and shall be made available to the public at suitable places in the city

6.07 Section 6.07. Amendments after adoption.

(a) Supplemental appropriations. If during the fiscal year the Manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the Council by resolution may make supplemental appropriations. The Council may make such supplemental appropriations, as the Council deems necessary, by procedures established by state statute. **Define state statute**

(Looked on mml for definition and couldn't not locate)

6.15 add excess funds created to belong to the city and brought to council for approval of appropriations Section 6.15. City tax rolls. After the Board of Review has completed its review of the assessment roll the Assessor shall prepare a copy of the assessment roll to be known as the "City Tax Roll" and upon receiving the certification of the several amounts to be raised the assessor shall spread upon said tax roll the several amounts determined by the Council to be charged assessed or reassessed against persons or property. He shall also spread the amounts of the general City tax according to and in proportion to the several valuations set forth in said assessment roll. To avoid fractions in computation on any tax roll, the assessor may add to the amount of the several taxes to be raised not more than the amount prescribed by statute. Any excess created thereby on any tax rolls shall belong to the City.

10.01 add that assessment funds are to be designated for assessment use only...

Section 10.01. General power relative to special assessments. The Council shall have the power to determine the necessity of any local public improvement and to determine that the whole or any part of the expense thereof shall be defrayed by special assessment upon the property especially benefited and shall so declare by resolution, provided that all special assessments levied shall be based upon or be in proportion to the benefits derived or to be derived. Such resolution shall state the estimated cost of

the improvement, what proportion of the cost thereof shall be paid by special assessment, and what part, if any, shall be a general obligation of the City and the number of installments in which assessments may be paid, and shall designate the districts or land and premises upon which special assessments shall be levied.

Ordinances: Need to update and correct indexing

Chapter 2- administration

2.51 & 2.52 amend and update city council and mayor pay

2.231 budget stabilization fund-creations---is this being followed?

Chapter 6 –buildings and building regulations

Need improvements on massage ordinance, application on file-compare to zoning book

Chapter 10-dda

Define where budget is available at? Would like to make assessable at city hall and online. Would like to remove 10-76 (employee retirements & insurance) removed Sec. 10-76. Employees' retirement and insurance programs.

The fulltime, compensated employees of the downtown development authority shall be eligible to participate in the city's retirement and insurance programs as if they were civil service employees except that the employees of the authority are not civil service employees

Chapter 12-environment-public safety committee to set firework ordinance. Remove Mayor from 12.94-should be handled by police and fire only. Add floodplain ordinance into this section.

Sec. 12-94. Abatement of nuisances. Whenever any nuisance caused by unlawful noise prohibited in this article shall be found on any premises or in any streets, or elsewhere in the city, contrary to this article, the mayor and police chief or police officers is each hereby respectively authorized in their reasonable discretion to cause the same to be summarily abated in such reasonable manner as they may think best, acting personally or through their duly authorized representatives

Chapter 14 Fire prevention and protection

Define trash and rubbish

Trash

1. discarded material: discarded, unwanted, or worthless material or objects
2. AGRICULTURE trimmings from plants: twigs, branches, or leaves that have fallen or been trimmed from trees and plants

Rubbish:

1. Trash: see above
2. Worthless things or of very poor quality

Public safety committee is working on ordinance

Chapter 16-land division and subdivisions

Sec 16-118 LOTS

(e) Landscaped easement for certain lots; double frontage lots. Lots shall back into such Features as freeways, arterial streets, shopping centers, or industrial properties, except where There is a marginal access or a secondary access street provided. Such lots shall contain a landscaped easement along the rear at least 20 feet wide in addition to the utility easement to restrict access to the arterial street, to minimize noise and to protect outdoor living areas. **Lots Extending through a block and having frontage on two local streets shall be prohibited-**
Would like to remove this last sentence

Sec. 16-147. Underground wiring---Remove business specific names

Underground electrical and communications distribution systems operating at 15,000 volts or Less to ground, exclusive of main supply and perimeter feed lines, for residential subdivisions Shall be constructed in conformance with the requirements of the Consumers Power Company And Michigan Bell Telephone Company. Conduits or cables shall be placed entirely underground Within private easements or within public ways or other public and quasi-public utility Rights-of-way. These public ways or other public and quasi-public utility rights-of-way shall be Planned so as not to conflict with other underground utilities.

Quasi-public-essentially public (as in services rendered) although under private ownership or control

Chapter 18---law enforcement

Define civil infraction-The term *infraction* is frequently used in reference to the violation of a particular statute for which the penalty is minor, such as a parking infraction.

18-35 do we have a municipal ordinance violations bureau?

18.37 Persons authorized to issue violation notices.

The following persons are authorized to issue municipal civil infraction citations or municipal Civil infraction violation notices under this article:

(1) Any city police officer or county sheriff or deputy sheriff.

(2) The building official. **(Define)**

(3) The zoning administrator.

(4) The city manager or the city manager's designee.

Chapter 20

Define annoyance

Sec. 20-94. Prowling.

It shall be unlawful for any person to prowl about any alley or the private premises of any Other person **in the nighttime (remove)**, without authority or the permission of the owner of such premises.

Sec. 20-122. Begging or soliciting alms.

4) Within 15 feet of any pay telephone, provided that when a pay telephone is located within a telephone booth or other facility, such distance shall be measured from the entrance or exit of The telephone booth or facility; **Can this be removed?**

Sec. 20-154. Prostitution

(b) It shall be unlawful for any person to engage or offer to engage the services of another Person, **not his spouse (remove)**, for the purpose of prostitution, lewdness or assignation, by payment in money or other form of consideration.

Chapter 22

Sec. 22-42. Alcoholic beverages.

- a) No person shall have in his possession within park boundaries any alcoholic beverages, except beer and/or wine.
- b) All allowed alcoholic beverages as defined must be brought into the park in the Original containers and such containers shall not exceed 67.6 fluid ounces (two liters) in capacity.

C) No glass containers allow within park limits ---add

Sec. 22-43

- c) **Smoking. No person shall smoke any tobacco product within fifty (50) feet of any playground at any city parks.**
(designating smoking areas are still in discussion)

Chapter 26-planning commission-

Include current pay scale- current \$40 for chair and \$35 for other members per meeting

Chapter 30- special assessments

Include MCL provided from attorney that states it goes by taxable value

Add all information that pertains to the “special road” (hartel to Sunset hill”)

Chapter 38- utilities

Sec. 38-31. Fluoridation of city water supply rejected: include:

The State of Michigan does not mandate fluoridation. Michigan law § 333.12721 gives only local governing bodies authority over fluoridation. It prohibits state departments, boards, agencies, or commissions from ordering municipal water fluoridation. Local governments can begin or discontinue fluoridation at their discretion, by ordinance or by referendum vote.

www.cdc.gov ---add

Sec. 38-128. Annual reporting and recordkeeping. Sufficient data to complete an annual report to the state department of public health and to monitor the cross connection control program adequately for city purposes will be maintained by the city water department and its responsible agents. An inspection form (as noted in the appendix) will be used to monitor the status of the protective device as well as the test results reported by a qualified backflow preventer tester (and also for re-inspection for cross connections). (Ord. No. 106, § VIII, 9-11-1978) **what are the violations fines?**

Sec. 38-467. Billing; delinquency penalty.

Charges for all sewage disposal service shall be billed and collected at least quarterly. The frequency of the billings shall be established from time to time by resolution of the city council. All bills paid on or before the 20th day of the month next following the date of billing shall be without penalty, but if unpaid by such date the bill shall thereafter be considered delinquent and shall be subject to a ten percent penalty, or as otherwise determined by resolution of the city council.

(Ord. No. 147, § 1, 1-10-1994) ***we are currently assessing late fees after the 15th? Add the resolution that changed the date.***

Sec. 38-502. Storm water improvement fund established. The storm water improvement fund for the city is hereby established. All storm water service charges and storm water improvement permit fees shall be deposited into such fund. All expenditures from the storm water improvement fund shall be used for the construction, maintenance and improvement of the storm water system servicing the city.

(Ord. No. 136, § 2, 4-8-1991) ***has this been established?***

35-501-definitions

Include the definition of cross-connections

THIS ORDINANCE SHALL TAKE EFFECT 45 DAYS AFTER PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN THE CITY OF POTTERVILLE.

THE FOREGOING ORDINANCE WAS INTRODUCED ON MAY 16, 2013 AT A REGULAR MEETING OF THE POTTERVILLE CITY COUNCIL BY M. STORIE AND SECONDED BY L. AMEY AND A PUBLIC HEARING WAS SCHEDULED FOR JUNE 20, 2013.

AT A REGULAR MEETING OF THE CITY COUNCIL ON AUGUST 15, 2013, R. NORMAN MADE A MOTION TO ADOPT ORDINANCE # 13-240 SWIMMING POOLS, SUPPORTED BY J. FRENCH.

YEAS: R. NORMAN, D. HARTSON, J. BUSSARD, J. FRENCH, K. ANTCLIFF, M. STORIE, L. AMEY

NAYS: NONE

ATTEST:

Brandi Brace – Potterville City Clerk