CITY OF CHARLEVOIX

AGENDA
CITY OF CHARLEVOIX CITY COUNCIL REGULAR MEETING
Monday, January 17, 2022- 6:00 PM
Council Chambers, 210 State Street, Charlevoix, MI

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1. **Pledge of Allegiance**
2. **Roll Call**
3. **Presentations**
4. **Inquiry Regarding Conflicts of Interest**
5. **Consent Agenda**

   A. City Council Meeting Minutes - January 3, 2022
   B. Accounts Payable and Payroll Check Registers
   C. Approval of Deputy Clerk Appointment
   D. Building Authority Commission Appointment: Clerk Dvoracek
   E. Revised Pump Replacement Proposal for Water Treatment Plant: $1,400

6. **Public Hearings and Actions Requiring Public Hearings**

   A. Public Hearing: 211 Bridge Street Associates, LLC Commercial Facilities Exemption Certificate
      Mark L. Heydlauff, City Manager; Andrew Margulies, 211 Bridge Street Associates, LLC
   B. Property Maintenance Ordinance
      Jonathan Scheel, Zoning Administrator
   C. Amendment to Membership of the Shade Tree and Parks Commission Ordinance
      Mark L. Heyldauff, City Manager
   D. Set Public Hearing: Budget Amendment for FY 2022
      Mark L. Heydlauff, City Manager
   E. Set Public Hearing: Budget Ordinance 2022-23
      Mark L. Heydlauff, City Manager

7. **All Other Actions and Requests**

   A. Mason Street Parking Lot Engineering
      Patrick M. Elliott, Public Works Superintendent
   B. Charlevoix County Park Millage Funding Resolution

Kent Knorr, Recreation Director

C. 2022 City Council Goals
Mark L. Heydlauff, City Manager

D. Mayoral Appointment
Luther Kurtz, Mayor

8. Reports and Communications

A. Public Comment

B. City Manager's Comments

C. Mayor and Council Comments

9. Other Council Business

10. Adjourn

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

CHARLEVOIX CITY COUNCIL

Consent Agenda

TITLE: City Council Meeting Minutes - January 3, 2022

DATE: January 17, 2022

RECOMMENDATION:

Motion to approve City Council minutes.

ATTACHMENTS:

- Draft Council Minutes

CITY OF CHARLEVOIX
REGULAR CITY COUNCIL MEETING MINUTES
Monday, January 3, 2022 – 6:00 p.m.
210 State Street, Charlevoix, MI 49720

The meeting was called to order at 6:00 p.m. by Mayor Kurtz.

1. Pledge of Allegiance

2. Roll Call

Mayor:	Luther Kurtz
Members Present:	Aaron Hagen, Janet Kalbfell, Phil Parr, Richard Spring, Mark Knapp
Members Absent:	Greg Bryan
City Manager:	Mark L. Heydlauff
City Clerk:	Sarah J. Dvoracek

3. Presentations

4. Inquiry Regarding Conflicts of Interest

5. Consent Agenda

All items listed under Consent Agenda are considered routine and will be enacted by one motion. There will be no separate discussion of these items. If discussion of an item is required, it will be removed from the Consent Agenda and considered separately.

A. City Council Meeting Minutes – December 20, 2021
B. Purchase of six (6) Power Partners 37.5 kVA Pad Mount Transformers through Power Line Supply in the amount of $21,960
C. Charlevoix Groundhog Shadow Fest-Approval of a special liquor license on City property
D. Accounts Payable and Payroll Check Registers
    a. Regular Accounts Payable Check Register – January 4, 2022
    b. Payroll Check Register – December 22, 2021
    c. Payroll Transmittal – December 22, 2021
    d. Tax Disbursement – January 4, 2022
    e. Special Accounts Payable—December 22, 2021
    f. ACH Payments—December 20, 2021 to December 27, 2021

Motion by Parr, second by Kalbfell to approve the Consent Agenda.

Yeas:	Hagen, Kalbfell, Parr, Spring, Knapp
Nays:	None
Absent:	Bryan

6. Public Hearings & Actions Requiring Public Hearings

7. All Other Actions & Requests

A. City Clerk Appointment/Oath of Office

City Manager Heydlauff stated earlier this fall Sarah Dvoracek was appointed as the Deputy City Clerk during the transitional and training period with City Clerk Golding. Now that City Clerk Golding has officially retired the next steps are for Council to officially appoint Sarah to the position of City Clerk.

Mayor Kurtz opened the item to public comment, none were heard.

Motion by Spring, second by Kalbfell to appoint Sarah Dvoracek to the position of City Clerk. Motion carried by unanimous voice vote.

Mayor Kurtz gave City Clerk Dvoracek her Oath of Office.

B. Mayoral Appointment

Mayor Kurtz made the following mayoral appointments and requested Council's approval for:

- Liam Dreyer to the DDA/Main Street Board
- Paige Pemble to the Recreation Advisory Committee
- Claire Scholten to the Recreation Advisory Committee
- Maureen Radke to the Planning Commission
- Sarah Matye to the Recreation Advisory Committee

Mayor Kurtz opened the item to public comment, none were heard.

Motion by Parr, second by Hagen to confirm the mayoral appointment of Liam Dreyer (non-voting student member) to the Downtown Development Authority/Main Street Board, term expiring December 2023. Motion carried by unanimous voice vote.

Mayor Kurtz opened the item to public comment, none were heard.

Motion by Knapp, second by Parr to confirm the mayoral appointment of Paige Pemble (voting student member) to the Recreation Advisory Committee, term expiring December 2022. Motion carried by unanimous voice vote.

Mayor Kurtz opened the item to public comment, none were heard.

Motion by Spring, second by Parr to confirm the mayoral appointment of Claire Scholten (non-voting student member) to the Recreation Advisory Committee, term expiring December 2022. Motion carried by unanimous voice vote.

Mayor Kurtz opened the item to public comment, none were heard.

Motion by Parr, second by Kalbfell to confirm the mayoral appointment of Maureen Radke to the Planning Commission, term expiring April 2024. Motion carried by unanimous voice vote.

Mayor Kurtz opened the item to public comment, none were heard.

Motion by Hagen, second by Kalbfell to confirm the mayoral appointment of Sarah Matye to the Recreation Advisory Committee, term expiring December 2024. Motion carried by unanimous voice vote.

8. Reports & Communications

A. Public Comments

B. City Manager Comments

C. Mayor & Council Comments

- Council concurred the goal setting work session will be scheduled for January 11, 2022 at 6:00 pm, if time permits the Council will also discuss the 2022-2023 budget
- Council collectively wished everyone a Happy New Year and congratulated newly appointed City Clerk Dvoracek

9. Other Council Business

10. Adjourn

Mayor Kurtz adjourned the meeting at 6:15 p.m.

Sarah J. Dvoracek, City Clerk — Luther Kurtz, Mayor

Special Accounts Payable – 12/22/2021

AT&T	1,578.92	PRIORITY HEALTH	44,504.81
AT&T MOBILITY	758.25	STANDARD INSURANCE CO	2,602.77
CHARTER COMMUNICATIONS	726.16	VSP INSURANCE CO. (CT)	548.43
DELTA DENTAL	3,404.63		
EQUITABLE FINANCIAL LIFE INSURANCE	32.45	**TOTAL**	**54,156.42**

Regular Accounts Payable – 01/04/2022

AMAZON CAPITAL SERVICES	18.36	HARBOR INDUSTRIES INC.	14,000.00
ANDERSON, ELIZABETH A.	50.00	HART II, DELBERT W.	50.00
ANZELL, BETH A.	50.00	HEYDLAUFF, MARK L.	50.00
BALLARD'S PLUMBING AND HEATING	100.00	HILLING, NICHOLAS A.	50.00
BELVEDERE CLUB	2,625.37	KLOOSTER, ALIDA K.	50.00
CARQUEST OF CHARLEVOIX	1,391.85	KNORR, KENT J.	50.00
CHARLEVOIX AUTO	502.44	KSS ENTERPRISES	94.42
CONTROL SOLUTIONS INC	1,855.00	LANDSCAPE FORMS INC	3,470.00
CONWAY PROFESSIONAL SERVICES	520.00	LITTLE TRAVERSE DISPOSAL LLC	1,599.00
CRYSTAL FLASH ENERGY	769.71	MCDERMOTT, DENNIS J.	50.00
DeROSIA, PATRICIA E.	50.00	McGINN, KELLY A.	50.00
DOAN, GERARD P.	50.00	MICHIGAN FARMERS MARKET ASSOC	250.00
DORNBOS SIGN INC	1,901.63	MILLER, WILLIAM S.	50.00
DOTSON, LINDSEY J.	50.00	MORROW, JULIE	50.00
DVORACEK, SARAH	50.00	MWEA	875.00
EATON, BRAD A.	23.00	MYNORTH MEDIA	350.00
ELLIOTT, PATRICK M.	50.00	OAKLAND COMMUNITY COLLEGE/CREST	400.00
ELLSWORTH FARMERS EXCHANGE	2,906.22	OHM ADVISORS	790.50
ELMER'S CRANE & DOZER INC	5,975.00	POWER SYSTEM ENGINEERING	3,719.50
FAMILY FARM AND HOME	1,851.52	SCHOLEY, ROBERT W.	50.00
FASTENAL COMPANY	65.31	TOP LINE ELECTRIC LLC	12,901.63
FLETCH'S INC	3,313.92	TRUCK & TRAILER SPECIALTIES	24.99
GFL ENVIRONMENTAL	20.00	UNIFIRST CORPORATION	32.31
GRIFFITH, JOHN J	50.00	UP NORTH ASSESSING INC	5,200.00
HACH COMPANY	2,036.60	VILLAGE GRAPHICS INC	20.00

WURST, RANDALL W.	50.00		
WYMAN, MATTHEW A.	50.00	**TOTAL**	**70,653.28**
YOUNG, KRISTEN L.	50.00		

ACH Payments – 12/22/2021 to 12/27/2021

MI PUBLIC POWER AGENCY	5,407.77	MI PUBLIC POWER AGENCY	236,231.13
IRS (PAYROLL TAX DEPOSIT)	35,400.98	MI PUBLIC POWER AGENCY	6,230.55
ALERUS FINANCIAL (HCSP)	350.00		
STATE OF MI (WITHHOLDING TAX)	5,136.00	**TOTAL**	**366,906.36**
VANTAGEPOINT (401 ICMA PLAN)	957.68		
VANTAGEPOINT (457 ICMA PLAN)	20,458.38		
VANTAGEPOINT (ROTH IRA)	1,080.76		
MERS (DEFINED BENEFIT PLAN)	55,653.11		

Payroll Net Pay – Check Date 12/22/2021

HEYDLAUFF, MARK L.	3,096.34	ANDERSON, ELIZABETH A.	1,336.16
DVORACEK, SARAH J.	2,239.35	KENWABIKISE, DAVID L.	1,182.54
GOLDING, JOYCE M.	1,920.63	ELLIOTT, PATRICK M.	3,065.95
DEROSIA, PATRICIA E.	642.53	SCHWARTZFISHER, JOSEPH	1,340.80
DOTSON, LINDSEY J.	1,382.05	BRADLEY, KELLY R.	1,707.20
KLOOSTER, ALIDA K.	1,787.52	HART II, DELBERT W.	1,601.84
GOLOVICH, KAREN J.	1,032.94	JONES, ROBERT F.	1,719.90
BARNEVELD, RICHELLE L.	1,221.95	FARRELL, MITCHELL L.	1,386.74
SCHULZ, GINNY L.	1,462.27	THORP JR, WILLIAM D.	1,464.36
MCGINN, KELLY A.	1,695.71	LEITNER, RYAN S.	1,725.79
DOAN, GERARD P.	2,428.14	FERGUSON, ROYCE L.	1,514.42
SCHOLEY, ROBERT W.	1,595.68	KNORR, KENT J.	1,997.23
UMULIS, MATTHEW T.	1,291.81	ANZELL, BETH A.	1,364.84
ORBAN, BARBARA K.	1,245.64	MATTACK, JEFFREY C.	1,049.65
RILEY, DENISE M.	454.74	BOSS, BEAU J.	1,529.20
MUNK, CHRISTOPHER J.	1,307.28	COFFEY, JASON J.	951.42
SCHICK, TIELER R.	1,409.90	WYMAN, MATTHEW A.	1,805.34
STEWART, MORGAN J.	1,148.05	MILLER, WILLIAM S.	998.72
YOUNG, KRISTEN L.	1,436.18	DOUGLAS, MARK	1,016.21
WURST, RANDALL W.	1,354.85	MCCRANEY, RUSSELL R.	1,043.07
HILLING, NICHOLAS A.	1,929.63	PAALMAN, STEPHEN J.	84.58
MEIER III, CHARLES A.	1,785.16	LAVOIE, RICHARD L.	3,209.92
ZACHARIAS, STEVEN B.	1,461.20	STEVENS, BRANDON C.	3,209.92
NEWMAN, MARK J.	1,340.14	WHITLEY, ANDREW T.	2,470.73
LOUGHMILLER, JOHN A.	1,663.16	MORRISON, KEVIN P.	1,558.28
GRIFFITH, JOHN J.	2,993.90	BOSS JR, DALE E.	1,292.44
EATON, BRAD A.	2,794.56	MCDERMOTT, DENNIS J.	52.86
WILSON, TIMOTHY J.	2,938.48	HOLM, ARTHUR R.	1,259.58
LAVOIE, RICHARD L.	2,021.02		
STEVENS, BRANDON C.	2,674.17	**TOTAL**	**96,798.75**
DRAVES, MARTIN J.	2,104.08		

Payroll Transmittal – 12/22/2021

4FRONT CREDIT UNION	785.00	EQUITABLE FINANCIAL LIFE INSURANCE	386.22
AMERICAN FAMILY LIFE	521.59	MI STATE DISBURSEMENT UNIT	116.55
CAL STATE DISBURSEMENT UNIT	92.19	PRIORITY HEALTH	1,505.35
CHAR EM UNITED WAY	20.00		
CHARLEVOIX STATE BANK	915.00	**TOTAL**	**5,033.75**
COMMUNICATION WORKERS OF AMER	691.85		

Tax Disbursement – 01/04/2022

BELVEDERE CLUB	2,662.11	CITY OF CHARLEVOIX - TAXES DUE	18,465.84
CHARLEVOIX COUNTY TREASURER	34,317.54	CORELOGIC CENTRALIZED REFUNDS	787.12
CHARLEVOIX DISTRICT LIBRARY	28,726.68	LAKE CHARLEVOIX EMS AUTHORITY	25,317.18
CHARLEVOIX PUBLIC SCHOOLS	122.11	LAKE MICHIGAN CREDIT UNION	1,016.60
CHARLEVOIX PUBLIC SCHOOLS	7.60	RECREATIONAL AUTHORITY	5,552.21
CHARLEVOIX PUBLIC SCHOOLS	13.31	TIMMS, ROBERT	544.55
CHARLEVOIX PUBLIC SCHOOLS	2.36		
CHARLEVOIX PUBLIC SCHOOLS	2.80	**TOTAL**	**185,738.70**
CHARLEVOIX-EMMET ISD	68,200.69		

CHARLEVOIX CITY COUNCIL

Consent Agenda

TITLE: Accounts Payable and Payroll Check Registers

DATE: January 17, 2022

ATTACHMENTS:

- Accounts Payable and Payroll Check Registers

Check Number	Payee	Amount
12/30/2021		
135481	CHARLEVOIX STATE BANK	9,967.96
135482	CHARLEVOIX TOWNSHIP TREASURE	78.59
135483	GREAT LAKES ENERGY	261.10
Total 12/30/2021:		10,307.65
Grand Totals:		10,307.65

Summary of Check Registers & ACH Payments

HUNTINGTON NATIONAL BANK - CHECKS ISSUED

12/30/21	Special Accounts Payable Run	$ 10,307.65
01/07/22	Payroll (net pay)	$ 116,097.28
01/07/22	Payroll Transmittal Checks	$ 5,365.10
01/18/22	Regular Accounts Payable	$ 185,957.12
	Checks Sub-Total:	$ 317,727.15

HUNTINGTON NATIONAL BANK - ACH/WIRE PAYMENTS

01/03/22	MI Public Power Agency	$ 19,256.81
01/03/22	AMG Payment Solutions	$ 24.99
01/03/22	Payment Service Network Inc.	$ 259.30
01/07/22	IRS (Payroll Tax Deposit)	$ 44,393.12
01/07/22	Alerus Financial (HCSP)	$ 350.00
01/07/22	State of MI (Withholding Tax)	$ 6,268.97
01/07/22	Vantagepoint (401 Plan)	$ 957.68
01/07/22	Vantagepoint (457 Plan)	$ 21,131.07
01/07/22	Vantagepoint (Roth IRA)	$ 1,080.76
01/10/22	MI Public Power Agency	$ 14,540.88
01/11/22	DTE Energy	$ 6,590.70
01/11/22	State of MI (Sales Tax)	$ 21,458.37
	ACH Sub-Total:	$ 136,312.65
	Huntington National Bank Total:	$ 454,039.80

CHARLEVOIX STATE BANK - CHECKS ISSUED

(PROPERTY TAX DISBURSEMENT TO VARIOUS TAXING AUTHORITIES)

01/18/22	Tax Disbursement	$ 628,004.12
	Charlevoix State Bank Total:	$ 628,004.12
	Grand Total:	$ 1,082,043.92

APPROVED: _____ CITY MANAGER _____ CITY TREASURER _____ CITY CLERK

M = Manual Check, V = Void Check

Pay Period Date	Journal Code	Check Issue Date	Check Number	Payee	Emp ID	Description	Amount
01/01/2022	PC	01/07/2022	34645	BERTINELLI, DAVID P.	764		566.13
01/01/2022	PC	01/07/2022	34646	JOY, ANNE E.	765		561.79
01/01/2022	PC	01/07/2022	34647	MATTACK, JEFFREY C.	767		1,090.53
01/01/2022	PC	01/07/2022	34648	HILLIGAN, ABIGAIL B.	769		512.55
01/01/2022	PC	01/07/2022	34649	PEARSALL, KRISTA M.	784		165.18
01/01/2022	PC	01/07/2022	34650	BOSS, BEAU J.	788		1,537.64
01/01/2022	PC	01/07/2022	34651	BEMIS, GARRETTSON G.	797		394.85
01/01/2022	PC	01/07/2022	34652	COFFEY, JASON J.	798		947.41
01/01/2022	PC	01/07/2022	34653	WYMAN, MATTHEW A.	927		1,809.70
01/01/2022	PC	01/07/2022	34654	MILLER, WILLIAM S.	933		1,461.55
01/01/2022	PC	01/07/2022	34655	DOUGLAS, MARK	935		1,479.46
01/01/2022	PC	01/07/2022	34656	MCCRANEY, RUSSELL R.	936		1,493.19
01/01/2022	PC	01/07/2022	34657	PAALMAN, STEPHEN J.	942		658.99
01/01/2022	PC	01/07/2022	135484	TIMMS, ROBERT N	92		46.17
01/01/2022	PC	01/07/2022	135485	LAVOIE, RICHARD L.	519	Mutual Aid Wages	188.82
01/01/2022	PC	01/07/2022	135486	STEVENS, BRANDON C.	521	Mutual Aid Wages	188.82
01/01/2022	PC	01/07/2022	135487	WHITLEY, ANDREW T.	522		2,231.30
01/01/2022	PC	01/07/2022	135488	MORRISON, KEVIN P.	601		1,353.94
01/01/2022	PC	01/07/2022	135489	BOSS JR, DALE E.	701		1,296.79
01/01/2022	PC	01/07/2022	135490	MATTER, DAWSON K.	786		101.90
01/01/2022	PC	01/07/2022	135491	HOLM, ARTHUR R.	791		1,263.77
01/01/2022	PC	01/07/2022	135492	WILLSON, BRENDA R.	799		215.13
Grand Totals:			79				116,097.28

Report Criteria:
Computed checks included
Manual checks included
Supplemental checks included
Termination checks included
Void checks included

Pay Period Date	Journal Code	Check Issue Date	Check Number	Payee	Emp ID	Description	Amount
01/01/2022	PC	01/07/2022	34588	KURTZ, LUTHER J.	54		978.91
01/01/2022	PC	01/07/2022	34589	HAGEN, AARON W.	56		601.05
01/01/2022	PC	01/07/2022	34590	KALBFELL, JANET P.	58		612.59
01/01/2022	PC	01/07/2022	34591	BRYAN JR, GREGORY T.	59		507.32
01/01/2022	PC	01/07/2022	34592	PARR, PHILIP M.	61		408.20
01/01/2022	PC	01/07/2022	34593	KNAPP, MARK D.	62		408.20
01/01/2022	PC	01/07/2022	34594	SPRING, RICHARD C.	63		240.50
01/01/2022	PC	01/07/2022	34595	FLANDERS, FRANCIS B.	90		44.04
01/01/2022	PC	01/07/2022	34596	BRYAN, BRENDA L.	91		46.17
01/01/2022	PC	01/07/2022	34597	HEYDLAUFF, MARK L.	102		3,357.94
01/01/2022	PC	01/07/2022	34598	DVORACEK, SARAH J.	105		2,244.03
01/01/2022	PC	01/07/2022	34599	GOLDING, JOYCE M.	106		10,000.93
01/01/2022	PC	01/07/2022	34600	DEROSIA, PATRICIA E.	107		675.62
01/01/2022	PC	01/07/2022	34601	DOTSON, LINDSEY J.	109		1,386.42
01/01/2022	PC	01/07/2022	34602	KLOOSTER, ALIDA K.	121		2,198.52
01/01/2022	PC	01/07/2022	34603	GOLOVICH, KAREN J.	122		1,013.26
01/01/2022	PC	01/07/2022	34604	BARNEVELD, RICHELLE	123		1,295.67
01/01/2022	PC	01/07/2022	34605	SCHULZ, GINNY L.	125		1,464.52
01/01/2022	PC	01/07/2022	34606	MILLER, FAITH G.	142		76.36
01/01/2022	PC	01/07/2022	34607	MCGINN, KELLY A.	146		2,154.14
01/01/2022	PC	01/07/2022	34608	DOAN, GERARD P.	201		2,432.48
01/01/2022	PC	01/07/2022	34609	SCHOLEY, ROBERT W.	204		1,632.71
01/01/2022	PC	01/07/2022	34610	UMULIS, MATTHEW T.	205		1,888.50
01/01/2022	PC	01/07/2022	34611	ORBAN, BARBARA K.	209		1,800.32
01/01/2022	PC	01/07/2022	34612	RILEY, DENISE M.	213		425.77
01/01/2022	PC	01/07/2022	34613	MUNK, CHRISTOPHER J.	215		2,186.57
01/01/2022	PC	01/07/2022	34614	SCHICK, TIELER R.	216		2,080.85
01/01/2022	PC	01/07/2022	34615	STEWART, MORGAN J.	217		2,195.96
01/01/2022	PC	01/07/2022	34616	YOUNG, KRISTEN L.	230		1,867.26
01/01/2022	PC	01/07/2022	34617	WURST, RANDALL W.	411		1,431.60
01/01/2022	PC	01/07/2022	34618	HILLING, NICHOLAS A.	413		1,743.38
01/01/2022	PC	01/07/2022	34619	MEIER III, CHARLES A.	421		1,553.80
01/01/2022	PC	01/07/2022	34620	ZACHARIAS, STEVEN B.	422		2,218.72
01/01/2022	PC	01/07/2022	34621	NEWMAN, MARK J.	424		1,837.22
01/01/2022	PC	01/07/2022	34622	LOUGHMILLER, JOHN A.	425		1,781.51
01/01/2022	PC	01/07/2022	34623	GRIFFITH, JOHN J.	500		2,998.09
01/01/2022	PC	01/07/2022	34624	EATON, BRAD A.	515		2,317.07
01/01/2022	PC	01/07/2022	34625	WILSON, TIMOTHY J.	516		3,192.91
01/01/2022	PC	01/07/2022	34626	LAVOIE, RICHARD L.	519		2,284.23
01/01/2022	PC	01/07/2022	34627	STEVENS, BRANDON C.	521		2,443.49
01/01/2022	PC	01/07/2022	34628	DRAVES, MARTIN J.	523		2,975.65
01/01/2022	PC	01/07/2022	34629	ANDERSON, ELIZABETH	526		1,338.42
01/01/2022	PC	01/07/2022	34630	KENWABIKISE, DAVID L.	528		1,184.64
01/01/2022	PC	01/07/2022	34631	ELLIOTT, PATRICK M.	600		3,083.00
01/01/2022	PC	01/07/2022	34632	SCHWARTZFISHER, JOS	603		1,326.00
01/01/2022	PC	01/07/2022	34633	BRADLEY, KELLY R.	614		1,746.91
01/01/2022	PC	01/07/2022	34634	HART II, DELBERT W.	616		1,841.22
01/01/2022	PC	01/07/2022	34635	JONES, ROBERT F.	618		1,368.25
01/01/2022	PC	01/07/2022	34636	FARRELL, MITCHELL L.	622		1,400.64
01/01/2022	PC	01/07/2022	34637	THORP JR, WILLIAM D.	623		1,737.19
01/01/2022	PC	01/07/2022	34638	LEITNER, RYAN S.	624		1,570.52
01/01/2022	PC	01/07/2022	34639	FERGUSON, ROYCE L.	625		2,418.62
01/01/2022	PC	01/07/2022	34640	KNORR, KENT J.	700		2,026.00
01/01/2022	PC	01/07/2022	34641	ANZELL, BETH A.	702		1,367.26
01/01/2022	PC	01/07/2022	34642	BOSS, SHERRY M.	730		610.22
01/01/2022	PC	01/07/2022	34643	DOE-NIMPHIE, SETH K.	738		401.50
01/01/2022	PC	01/07/2022	34644	HAGEN, MADISON L.	752		108.80

Pay Period Date	Check Issue Date	Check Number	Payee	Emp ID	Description	Amount
01/01/2022	01/07/2022	135493	4FRONT CREDIT UNION	9024	HSA-EMPLOYEE CONTRIB-4FR	885.00
01/01/2022	01/07/2022	135494	AMERICAN FAMILY LIFE	9011	AMERICAN FAMILY LIFE-POST T	86.90
01/01/2022	01/07/2022	135494	AMERICAN FAMILY LIFE	9011	AMERICAN FAMILY LIFE-PRETA	434.69
01/01/2022	01/07/2022	135495	CALIFORNIA STATE DISB	9033	Remittance ID 200000001923773	92.19
01/01/2022	01/07/2022	135496	CHARLEVOIX STATE BAN	9017	HSA - EMPLOYEE CONTRIB - C	915.00
01/01/2022	01/07/2022	135497	COMMUNICATION WORK	9004	CWA UNION DUES Pay Period:	691.95
01/01/2022	01/07/2022	135498	EQUITABLE FINANCIAL LI	9010	LIFE - VOLUNTARY Pay Period:	277.90
01/01/2022	01/07/2022	135498	EQUITABLE FINANCIAL LI	9010	SPOUSE LIFE Pay Period: 1/1/2	51.98
01/01/2022	01/07/2022	135498	EQUITABLE FINANCIAL LI	9010	CHILD LIFE Pay Period: 1/1/202	4.40
01/01/2022	01/07/2022	135498	EQUITABLE FINANCIAL LI	9010	AD&D - VOLUNTARY Pay Period	37.78
01/01/2022	01/07/2022	135498	EQUITABLE FINANCIAL LI	9010	SPOUSE AD&D Pay Period: 1/1/	10.83
01/01/2022	01/07/2022	135498	EQUITABLE FINANCIAL LI	9010	CHILD AD&D Pay Period: 1/1/20	3.33
01/01/2022	01/07/2022	135499	MI STATE DISBURSEMEN	9012	FRIEND OF THE COURT Pay Pe	116.55
01/01/2022	01/07/2022	135500	POLICE OFFICERS LABO	9003	POL UNION DUES Pay Period: 1	251.25
01/01/2022	01/07/2022	135501	PRIORITY HEALTH	392358	PRIORITY HEALTH Pay Period:	1,505.35
Grand Totals:		15				5,365.10

Check Number	Payee	Amount
01/18/2022		
135502	ACE HARDWARE	2,312.50
135503	ALGER-BERGMANN, JODIE	100.00
135504	ALL-PHASE ELECTRIC SUPPLY CO	1,522.16
135505	AMAZON CAPITAL SERVICES	1,174.16
135506	AMERICAN LEGAL PUBLISHING CORP	1,000.00
135507	AT&T LONG DISTANCE	.57
135508	AVFUEL CORPORATION	1,166.12
135509	BALLARD'S PLUMBING AND HEATING	4,989.00
135510	BEAVER RESEARCH COMPANY	30.94
135511	BEHAN WINDOW CLEANING	420.00
135512	BELL EQUIPMENT COMPANY	833.30
135513	BOGART, NICHOLAS	100.00
135514	CENTRAL DRUG STORE	125.15
135515	CHARLEVOIX COUNTY EQUALIZATIO	1,432.00
135516	CHARLEVOIX GROUNDHOG SHADOW	5,000.00
135517	CHARLEVOIX SCREEN MASTERS INC	12.00
135518	CHARTER COMMUNICATIONS	144.98
135519	CHIRCO TITLE AGENCY INC	24.94
135520	CITY OF CHARLEVOIX - UTILITIES	38,096.91
135521	CIVIC SYSTEMS LLC	9,451.00
135522	CRYSTAL FLASH ENERGY	726.34
135523	DETROIT AIR COMPRESSOR	668.19
135524	DVORACEK, SARAH	138.60
135525	EDGEWATER RESOURCES LLC	1,838.00
135526	EJ USA INC.	1,096.70
135527	ELECTIONSOURCE	1,365.00
135528	ELLSWORTH FARMERS EXCHANGE	1,240.00
135529	ETNA SUPPLY	40.80
135530	F.H. BLACK & COMPANY INCORPORA	337.50
135531	FAMILY FARM AND HOME	467.92
135532	FREEDOM MAILING SERVICES INC	2,386.25
135533	GATEHOUSE MEDIA MICHIGAN HOLDI	416.22
135534	GOLDING, JOYCE M.	249.99
135535	GRAINGER	274.32
135536	GREAT LAKES ELEVATOR LLC	429.38
135537	GREAT LAKES REGION CAP MAGAZIN	95.00
135538	GRP ENGINEERING INC	4,755.00
135539	HACH COMPANY	2,628.87
135540	HERITAGE-CRYSTAL CLEAN LLC	25.00
135541	HOLIDAY LIGHTING SERVICE	740.00
135542	HOLLAND ENGINEERING	10,000.00
135543	HOUSING NORTH	4,625.00
135544	HYDROCORP	562.50
135545	INDEPENDENT DRAFTING SERVICES	1,880.00
135546	IVEY, MARY	23.48
135547	KASSBOHRER ALL TERRAIN VEHICLE	1,404.97
135548	KENDALL, DAVID	50.00
135549	KSS ENTERPRISES	177.43

M = Manual Check, V = Void Check

Check Number	Payee	Amount
135550	LASER PRINTER TECHNOLOGIES	560.00
135551	MCCARDEL CULLIGAN-PETOSKEY	51.50
135552	MICHIGAN MUNICIPAL LEAGUE	9,309.00
135553	MICHIGAN MUNICIPAL LEAGUE	471.85
135554	MURRAY'S CREATIONS	65.00
135555	NAVIA BENEFIT SOLUTIONS	50.00
135556	NW MI COG	24,832.50
135557	OLESON'S FOOD STORES	40.68
135558	OMS COMPLIANCE SERVICES INC	599.75
135559	O'REILLY AUTOMOTIVE INC	30.29
135560	POWER LINE SUPPLY	34,767.94
135561	PREIN & NEWHOF	150.00
135562	PRO COMM INC	120.00
135563	SEELY, STEVE	1,431.18
135564	STATE OF MICHIGAN	180.00
135565	SUMMIT FIRE PROTECTION	450.00
135566	TELE-RAD INC	185.00
135567	TERMINAL SUPPLY CO	14.01
135568	TESSMER, RICHARD	12.51
135569	UNIFIRST CORPORATION	1,206.27
135570	UPPER CASE PRINTING INK.	1,131.00
135571	USA BLUE BOOK	689.86
135572	VILLAGE GRAPHICS INC	1,887.47
135573	WORK 'N PLAY SHOP	34.12
135574	ZIXCORP	1,109.00
Total 01/18/2022:		185,957.12
Grand Totals:		185,957.12

M = Manual Check, V = Void Check

Check Number	Payee	Amount
01/03/2022		
10322001	MICHIGAN PUBLIC POWER AGENCY	19,256.81
10322002	AMG PAYMENT SOLUTIONS	24.99
10322003	PAYMENT SERVICE NETWORK INC.	259.30
Total 01/03/2022:		19,541.10
Grand Totals:		19,541.10

Check Issue Date	Check Number	Payee	Amount
10722001			
01/07/2022	10722001	**EFTPS* Payroll Taxes	11,176.65
01/07/2022	10722001	**EFTPS* Payroll Taxes	11,176.65
01/07/2022	10722001	**EFTPS* Payroll Taxes	2,613.95
01/07/2022	10722001	**EFTPS* Payroll Taxes	2,613.95
01/07/2022	10722001	**EFTPS* Payroll Taxes	16,811.92
Total 10722001:			
	5		44,393.12
10722002			
01/07/2022	10722002	Alerus Financial	350.00
Total 10722002:			
	1		350.00
10722003			
01/07/2022	10722003	STATE OF MICHIGAN	6,268.97
Total 10722003:			
	1		6,268.97
10722004			
01/07/2022	10722004	Vantagepoint - 401 Plan 109153	957.68
Total 10722004:			
	1		957.68
10722005			
01/07/2022	10722005	Vantagepoint - 457 Plan 300959	5,263.00
01/07/2022	10722005	Vantagepoint - 457 Plan 300959	2,410.74
01/07/2022	10722005	Vantagepoint - 457 Plan 300959	4,211.56
01/07/2022	10722005	Vantagepoint - 457 Plan 300959	9,245.77
Total 10722005:			
	4		21,131.07
10722006			
01/07/2022	10722006	Vantagepoint - Roth IRA 706117	1,080.76
Total 10722006:			
	1		1,080.76
Grand Totals:			
	13		74,181.60

Check Number	Payee	Amount
01/10/2022		
11022001	MICHIGAN PUBLIC POWER AGENCY	14,540.88
Total 01/10/2022:		14,540.88
Grand Totals:		14,540.88

M = Manual Check, V = Void Check

Check Number	Payee	Amount
01/11/2022		
11122001	DTE ENERGY	6,590.70
11122002	STATE OF MICHIGAN	21,458.37
Total 01/11/2022:		28,049.07
Grand Totals:		28,049.07

M = Manual Check, V = Void Check

Check Number	Payee	Amount
01/18/2022		
3744	CHARLEVOIX COUNTY TREASURER	425.73
3745	CHARLEVOIX COUNTY TREASURER	120,715.45
3746	CHARLEVOIX DISTRICT LIBRARY	97,656.46
3747	CHARLEVOIX PUBLIC SCHOOLS	1,012.21
3748	CHARLEVOIX PUBLIC SCHOOLS	505.87
3749	CHARLEVOIX PUBLIC SCHOOLS	886.15
3750	CHARLEVOIX PUBLIC SCHOOLS	157.16
3751	CHARLEVOIX PUBLIC SCHOOLS	186.06
3752	CHARLEVOIX-EMMET ISD	231,849.37
3753	CITY OF CHARLEVOIX - MISC	155.99
3754	CITY OF CHARLEVOIX - TAXES DUE	68,159.04
3755	LAKE CHARLEVOIX EMS AUTHORITY	86,066.73
3756	LERETA LLC	1,353.26
3757	RECREATIONAL AUTHORITY	18,874.64
Total 01/18/2022:		628,004.12
Grand Totals:		628,004.12

CHECKS DRAWN ON CHARLEVOIX STATE BANK ACCOUNT

M = Manual Check, V = Void Check

CHARLEVOIX CITY COUNCIL

Consent Agenda

TITLE: Approval of Deputy Clerk Appointment

DATE: January 17, 2022

BACKGROUND:

City Clerk Dvoracek is requesting Council approve her choice of Ginny Schulz as her new Deputy Clerk. According to the City Charter, "*The City Clerk may, with the approval of City Council, appoint a Deputy Clerk.*"

RECOMMENDATION:

Motion to approve Clerk Dvoracek's appointment of Ginny Schulz as Deputy Clerk.

CHARLEVOIX CITY COUNCIL

Consent Agenda

TITLE: Building Authority Commission Appointment: Clerk Dvoracek

DATE: January 17, 2022

BACKGROUND:

In June 2019, the Building Authority Commission was established to facilitate financing for the new Public Services Facility building. Pursuant to the Articles of Incorporation, members of the Commission shall be appointed by the City Council. Previously, this position was held by retired Clerk Golding and she also acted as the Commission's Secretary.

RECOMMENDATION:

Motion to appoint Clerk Dvoracek to the Building Authority Commission, term expiring June 2024.

CHARLEVOIX CITY COUNCIL

Consent Agenda

TITLE: Revised Pump Replacement Proposal for Water Treatment Plant: $1,400

DATE: January 17, 2022

BACKGROUND:

In December, Council authorized pump replacements and motor retrofits for low service pumps at the Water Treatment Plant. The figures provided were from quotes obtained in September; upon executing the agreement, supply chain issues caused a $1,400 increase to the $55,422.41 project. Attached you'll find the revised quote for this portion of the project showing this increase.

RECOMMENDATION:

Motion to authorize a revision to the previously approved project for Northern Pump and Well at the Water Treatment Plant by amending the not to exceed amount to $56,822.41.

CHARLEVOIX CITY COUNCIL

Public Hearings and Actions Requiring Public Hearings

TITLE: Public Hearing: 211 Bridge Street Associates, LLC Commercial Facilities Exemption Certificate

DATE: January 17, 2022

PRESENTED BY: Mark L. Heydlauff, City Manager; Andrew Margulies, 211 Bridge Street Associates, LLC

BACKGROUND:

Public Act 255 of 1978 encourages the replacement, restoration and new construction of commercial property by abating the property taxes generated from new investment for a period up to 12 years in a designated redevelopment district. On October 17, 2016, City Council established a Commercial Redevelopment District for the City.

The local legislative body is authorized to exempt a commercial property from certain parts of the General Property Tax Act. A facility issued a certificate is exempt from real property taxes and is instead subject to a commercial rehabilitation facilities tax.

211 Bridge Street Associates, LLC has submitted an Application for Commercial Facilities Exemption Certificate for The Taffy Barrel and Elements Gallery Building. A public hearing is part of the application approval process.

RECOMMENDATION:

Motion to approve a Commercial Facility Exemption Certificate for 211 Bridge Street Associates for a period of 12 years as presented.

ATTACHMENTS:

- 211 Bridge Street Application
- 211 Bridge Street Worksheet

Michigan Department of Treasury
4757 (Rev. 12-20)

RECEIVED
DEC 14 2021

STATE USE ONLY		
Application Number	Date Received	LUCI Code

Application for Commercial Facilities Exemption Certificate

Issued under authority of Public Act 255 of 1978, as amended.

Read the instructions page before completing the application. **This application must be filed after a Commercial Redevelopment District is established.** The original application and required documents are filed with the clerk of the Local Governmental Unit (LGU).

PART 1: OWNER / APPLICANT INFORMATION (applicant must complete all fields)

Applicant (Company) Name			NAICS or SIC Code
211 Bridge Street Associates, L.L.C.			531190
Facility's Street Address	**City**	**State**	**ZIP Code**
211 Bridge Street	Charlevoix	MI	49720
Name of City, Township or Village (taxing authority)	**County**	**School District Where Facility is Located**	
City of Charlevoix	Charlevoix County	Charlevoix Public Schools	
☒ City ☐ Township ☐ Village			
Date of Rehabilitation Commencement (mm/dd/yyyy)	**Planned Date of Rehabilitation Completion (mm/dd/yyyy)**		
1/1/22	7/31/22		
Estimated Cost of Rehabilitation	**Number of Years Exemption Requested (1-12)**		
$2,180,000.00	12		

Expected Project Outcomes (check all that apply)

- ☒ Increase Commercial Activity
- ☒ Retain Employment
- ☒ Revitalize Urban Areas
- ☒ Create Employment
- ☐ Prevent Loss of Employment
- ☐ Increase Number of Residents in Facility's Community

No. of perm. jobs to be created due to facility's rehab.	No. of perm. jobs to be retained due to facility's rehab.	Number of construction jobs to be created during rehabilitation
6	12	15

Each year, the State Treasurer may approve 25 additional reductions of half the state education tax for a period not to exceed six years.

☐ Check this box if you wish to be considered for this exclusion.

PART 2: APPLICATION DOCUMENTS

Prepare and attach the following items:

- ☒ General description of the facility (year built, original use, most recent use, number of stories, square footage)
- ☒ General description of the facility's proposed use
- ☒ General description of the nature and extent of the restoration, replacement, or construction to be undertaken
- ☒ Legal description of the facility
- ☒ Descriptive list of the fixed building equipment that will be a part of the facility
- ☒ Time schedule for undertaking and completing the facility's restoration, replacement or construction
- ☒ Statement of the economic advantages expected from receiving the exemption

PART 3: APPLICANT CERTIFICATION

Name of Authorized Company Officer (no authorized agents)	Telephone Number		
Andrew Margulies	248-705-9666		
Fax Number	**E-mail Address**		
N/A	andrew@marguliesinvestments.com		
Mailing Address	**City**	**State**	**ZIP Code**
51 W Long Lake Road	Bloomfield Hills	MI	48304

I certify that, to the best of my knowledge, the information contained herein and in the attachments is truly descriptive of the property for which this application is being submitted. Further, I am familiar with the provisions of Public Act 255 of 1978, as amended, and to the best of my knowledge the company has complied or will be able to comply with all of the requirements thereof which are prerequisite to the approval of the application by the local governmental unit and the issuance of a Commercial Facilities Exemption Certificate by the State Tax Commission.

I further certify that this application relates to a program, when completed, will constitute a facility, as defined by Public Act 255 of 1978, as amended.

Signature of Authorized Company Officer (no authorized agents)	Title	Date
Andrew Margulies	Manager	11/2/21

Continue on Page 2

PART 4: LGU ASSESSOR CERTIFICATION

Provide the Taxable Value and State Equalized Value of the Commercial Property.

	Taxable Value (excluding land)	**State Equalized Value (SEV)** (excluding land)
Building	214100	214100

The property to be covered by this exemption may not be included on any other specific tax roll while receiving the Commercial Facilities Exemption. For example, property on the Eligible Tax Reverted Property (Land Bank) specific tax roll cannot be granted a Commercial Facilities Exemption that would also put the same property on the Commercial Facilities specific tax roll.

☒ By checking this box I certify that, if approved, the property to be covered by this exemption will be on the Commercial Facilities Exemption specific tax roll and not on any other specific tax roll.

Name of Assessor (first and last name)	Telephone Number		
Joe Lavender	2315473614		
Fax Number	E-mail Address		
	joel@charlevoixmi.gov		
Mailing Address	City	State	ZIP Code
210 State St	Charlevoix	MI	49721

I certify that, to the best of my knowledge, the information contained in Part 4 of this application is complete and accurate.

Assessor's Signature	Date
	12/21/2021

PART 5: LGU ACTION / CERTIFICATION (LGU Clerk must complete Part 5)

Action Taken By LGU:

☐ Exemption approved for _____ years, ending December 30, _____ (not to exceed 12 years)

☐ Exemption Denied

Date District Established (attach resolution for district)	Local Unit Classification Identification (LUCI) Code	School Code

Name of Clerk (first and last name)	Telephone Number		
Fax Number	E-mail Address		
Mailing Address	City	State	ZIP Code

LGU Contact Person for Additional Information	LGU Contact Person Telephone Number	Fax Number

I certify that, to the best of my knowledge, the information contained in this application and attachments is complete and accurate.

Clerk's Signature	Date

If you have questions, need additional information or sample documents, call 517-335-7491 or visit **www.michigan.gov/propertytaxexemptions**.

Instructions for Completing Form 4757
Application for Commercial Facilities Exemption Certificate

The Commercial Facilities Exemption Certificate was created by Public Act 255 of 1978, as amended. Applications for a certificate of exemption are filed, reviewed, and approved by the Local Governmental Unit (LGU). A copy of the certificate is filed with the State Tax Commission.

Owner / Applicant Instructions

1. Complete Parts 1, 2 and 3 of the application. Restoration, replacement, or construction may commence **after** establishment of a district.
2. The following must be provided to the LGU as attachments to the application:
   a. General description of the facility (year built, original use, most recent use, number of stories, square footage).
   b. General description of the proposed use of the facility.
   c. General description of the nature and extent of the restoration, replacement, or construction to be undertaken.
   d. Legal description of the facility.
   e. Descriptive list of the fixed building equipment that will be a part of the facility.
   f. Time schedule for undertaking and completing the restoration, replacement, or construction of the facility.
   g. Statement of the economic advantages expected from the exemption.
3. After reviewing Parts 1, 2, and 3 for complete and accurate information, sign the application where indicated.

LGU Assessor Instructions

1. Complete Part 4 of the application.
2. After completing Part 4, sign where indicated to certify that if approved, the property will appear on the Commercial Facilities Exemption specific tax roll only.

LGU Clerk Instructions

1. After the LGU passes a resolution approving the application, complete Part 5 of the application. A resolution template with required statements can be found at **www.michigan.gov/propertytaxexemptions**.
2. After reviewing the application for complete and accurate information, sign the application to certify the application meets the requirements as outlined by Public Act 255 of 1978, as amended.
3. Issue a certificate to the applicant using the certificate templates found at **www.michigan.gov/propertytaxexemptions**.
4. If in Part 1 the applicant did **not** wish to be considered for the State Education Tax exclusion, submit only a copy of the Certificate to the State Tax Commission at **PTE@michigan.gov** for faster service. An additional submission option is to mail a copy of the Certificate to Michigan Department of Treasury, State Tax Commission, PO Box 30471, Lansing, MI 48909.
5. If in Part 1 the applicant did wish to be considered for the State Education Tax exclusion, submit a copy of the Certificate, application and attachments to the State Tax Commission at **PTE@michigan.gov** for faster service. An additional submission option is to mail a copy of the Certificate to Michigan Department of Treasury, State Tax Commission, PO Box 30471, Lansing, MI 48909.

ATTACHMENT A

Facility Description

The qualified facility is a 0.08-acre property located on the west side of Bridge Street, to the north of Clinton Street, to the east of state street and the south of Park Avenue in Charlevoix, Michigan. The qualified facility is located at 211 Bridge Street and comprises one tax parcel with the Tax ID 052-246-001-20 (the "subject property").

The subject property was originally developed for Blanchard Hardware Company in or around 1915 as a +/-6,850 SF 2 story hardware store with a full basement and remained in operation until likely the late 1920's. Historical photos show that the subject property was later occupied by a Kroger Grocer in or around 1935. Various retail and office tenants occupied the building in the years since, including Metler's Clothier and currently The Taffy Barrel and Elements Gallery. The second floor of the subject property was converted to office space in or around 1978 and occupied by Hans Wiemer as his personal office and studio. The second floor is currently vacant.

The subject property is zoned Central Business District. The petitioner, 211 Bridge Street Associates, L.L.C., proposes to redevelop the property by converting the vacant second floor into three (3) transient lodging units, installing an elevator, second means of egress from the upper floor and fire suppression, updating HVAC and electrical systems, remodeling the front and rear elevations with care taken to adhere to the Downtown Charlevoix Design Guidelines and restore as much of the original front façade as possible that may be left intact under the current façade and construct a rooftop deck.

The 0.08-acre property is a "qualified facility" per Section 8 of Michigan Public Act 210 because:

a) The property is improved with a commercial building that is more than fifteen (15) years old,

b) Rehabilitation activities have not yet occurred at the time this application was prepared or submitted,

c) Completion of the qualified facility is expected to increase commercial activity in the area, retain employment, create employment opportunities, and revitalize an underutilized commercial property,

d) The rehabilitation project would not be feasible without receipt of the exemption certificate, and

e) The applicant, 211 Bridge Street Associates, L.L.C., is not delinquent in the payment of any taxes related tothe qualified facility.

ATTACHMENT B

Proposed Use

The applicant proposes to redevelop the 0.08-acre property. The project will include combined rehabilitation and new construction whereby the existing tenant space occupied by The Taffy Barrel & Elements Gallery will remain, The second floor will be converted into 3 transient lodging units, with construction a partial third floor to provide access to a rooftop patio. The project will incorporate design elements outlined in Downtown Charlevoix Design Guide authored by the Charlevoix Main Street DDA such as retaining and reconstructing original features of the subject property, making improvements to the rear façade of the building to enhance the Van Pelt Alley district, guidelines provided for building additions taking care to ensure they do not dominate the appearance of the building, etc.

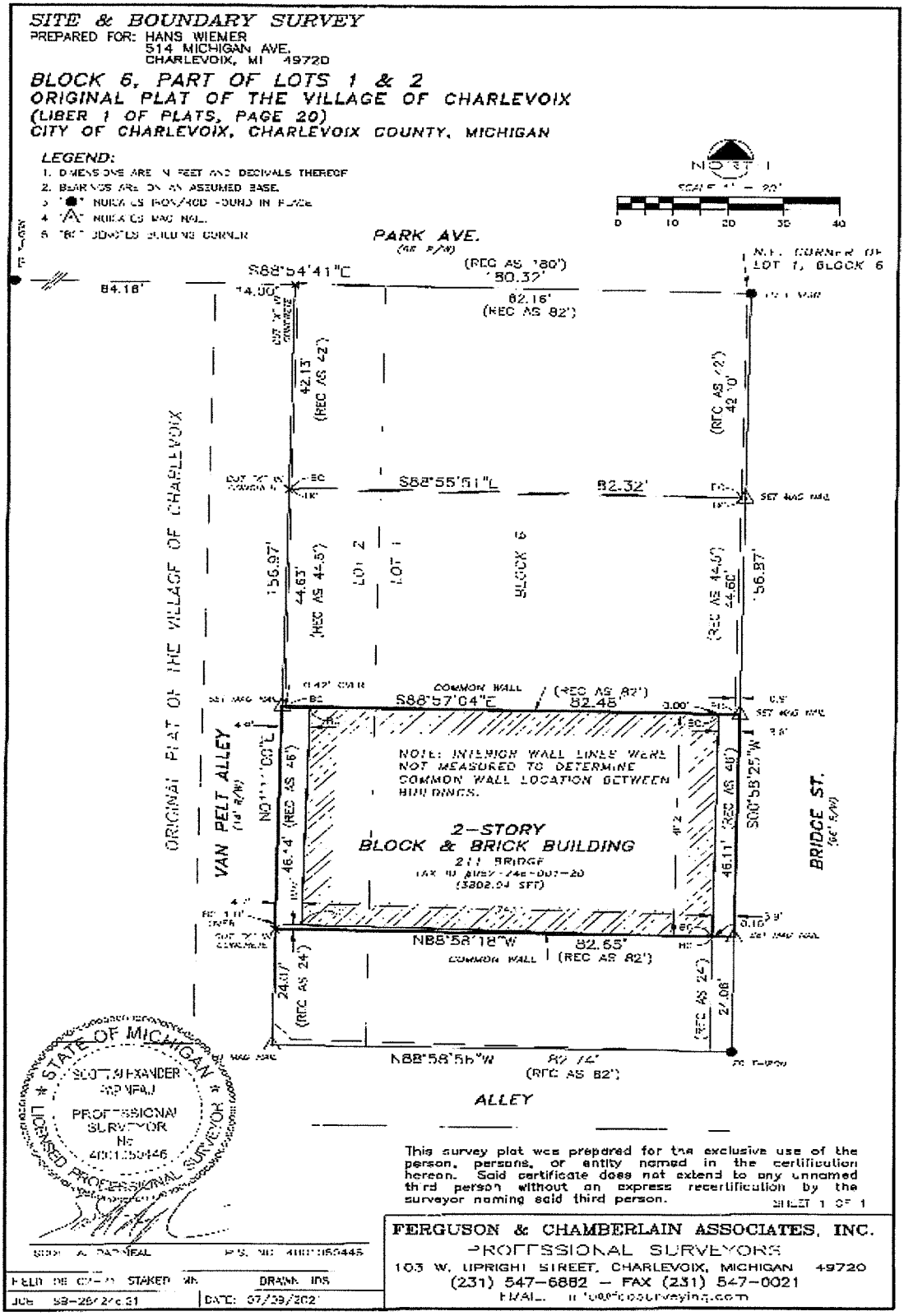
ATTACHMENT C

Nature and Extent of Rehabilitation

Rehabilitation will start with interior demolition of the second floor finishes. Second floor will be reconstructed into 3 transient lodging units. A new exterior egress stair and balcony will be constructed on the back of the building with wire mesh screening which may be planted with climbing greenery. A new ground level entry will be added in the rear of the building with elevator the second floor. New rear walkway to improve entries to existing ground floor retail tenants. Improved signage and Tenant recognition on the rear of the building to the extend permissible by local code. Current front façade finishes are to be stripped off including cedar shingle mansard roofs and stone tile covering original brick veneer. Features of the original façade and center box projection window are to be retained, and original cornice restored or reconstructed to the extent possible. Exterior finishes are to conform with Main Street Design Committee and Downtown Charlevoix Design Guide Standards. Northern and southernmost front facing second floor windows are to be removed (with original masonry window surrounds left intact)_ and recessed balconies put in their place for upper level units. A partial third story is to be constructed to house elevator and egress stairs to rooftop patio.

ATTACHMENT D

Legal Description



ATTACHMENT E

Fixed Building Equipment List

Estimated Fixed Building Equipment List

Trade	**Projected Investment**
Plumbing	$35,000.00
Fire Suppression	$40,000.00
HVAC	$40,000.00
Electrical	$30,000.00
Elevator	$50,000.00
Total Estimated Cost:	**$195,000.00**

ATTACHMENT F

Estimated Schedule

The applicant expects interior demolition to occur in the winter of 2021/22. Construction is anticipated to start by Q1 2022. It is anticipated that the entire project will be completed by mid-summer 2022.

ATTACHMENT G

Economic Advantages

The proposed project will have numerous benefits for the community. The first public benefit will be the rehabilitation of an aging building, beautifying the van pelt alleyway and helping to convert the alleyways to avenues of commerce and improve the economic vitality of Charlevoix's downtown. Secondly, with the addition of upper level transient lodging, population density will improve, adding to the number of consumers in this walkable downtown community.

The proposed redevelopment plan for the facility will create an estimated 6 new jobs, retain an estimated 12 jobs, and is also anticipated to support an estimated 15 construction jobs. The property is ideally located within the downtown area of the City of Charlevoix.

Economic advantages will enrich the area providing long term benefits, generating revenue for surrounding businesses, increasing real estate values and providing additional property tax revenue to the City. It is further anticipated that the completion of this transformational project will spur additional investment in downtown Charlevoix

CITY OF CHARLEVOIX

COMMERCIAL FACILITIES EXEMPTION CERTIFICATE WORKSHEET

APPLICANT: 211 Bridge St Associates LLC DATE: 01/10/2022

Pursuant to Public Act 255 of 1978, the City Council is authorized to grant Commercial Facilities Exemption Certificates (CFEC) within Commercial Redevelopment Districts. The following guidelines shall govern Council's decision on the length of the CFEC.

1. Number of full-time or full-time equivalent jobs created by and/or retained by project:

NUMBER OF JOBS	RETAINED	AND/OR	CREATED	POINTS EARNED
1 – 5	10 points		20 points	70
6 – 10	20 points		40 points	
11 – 20	30 points		60 points	
21 or more	40 points		80 points	

2. Cost of construction for new facilities (includes cost of all taxable property):

NEW CONSTRUCTION COST	POSSIBLE	POINTS EARNED
Up to $150,000	5 points	
$150,000 – $300,000	10 points	
$300,000 – $450,000	15 points	
$450,000 – $600,000	20 points	
$600,000 – $750,000	25 points	
$750,000 – $1,000,000	35 points	
Over $1,000,000	50 points	

-OR-

Cost of renovation as percent of taxable real property and the true cash value of the building portion of the property at commencement of restoration: 10%

RENO COST % TO TAXABLE VALUE	POSSIBLE	POINTS EARNED
10 – 19%	5 points	5
20 – 29%	10 points	
30 – 44%	15 points	
45 – 59%	20 points	
60 – 74%	25 points	
75 – 99%	35 points	
100% or more	50 points	

3. Installation of an automatic fire sprinkler system in all new or rehabilitated areas:

POSSIBLE	POINTS EARNED
10 points	10

4. Degree to which the rehabilitation conforms to Main Street Design Committee Standards and/or adheres to Historic Preservation Standards:

POSSIBLE	POINTS EARNED
20-40 points	40

5. A technically qualified engineer or architect certifies that energy-saving devices, materials, and/or design has been incorporated into the renovation or new construction which exceed minimum applicable cost requirements:

POSSIBLE	POINTS EARNED
10 points	Ø

6. The project creates second-story housing units in the downtown at a market-based rental level or provides housing conducive to use by seasonal workers:

HOUSING UNITS	POSSIBLE	POINTS EARNED
1 – 2	10 points	Ø 50
3 – 4	20 points	
5 or more	40 points	

TERM OF ABATEMENT

TOTAL POSSIBLE POINTS	POINTS EARNED
230 points	

POINTS	YEARS OF ABATEMENT
70 – 84	6
85 – 109	9
110 or more	12

With a score of 125 50 points Applicant hereby qualifies for 12 years of tax abatement.

CITY MANAGER 1/10/22 DATE

CITY CLERK Sarah J. Dewrock 01-10-2022 DATE

REV 10.2016

CHARLEVOIX CITY COUNCIL

Public Hearings and Actions Requiring Public Hearings

TITLE: Property Maintenance Ordinance

DATE: January 17, 2022

PRESENTED BY: Jonathan Scheel, Zoning Administrator

BACKGROUND:

On October 18, 2021, Council held a public hearing regarding the International Property Maintenance Code Ordinance. However, City Council could not vote on the ordinance due to several council members being absent. The City Charter states that all Council Members must be present to vote on an ordinance. During the October 18 meeting the Council adopted the Enforcement Policy for this ordinance.

Currently the City does not have any type of property maintenance code. The only tool the City has to address dilapidated structures is the City's Dangerous Building's Ordinance. To initiate an action using the Dangerous Building Ordinance a structure has to be significantly degraded or damaged, usually to the point that it is economically unfeasible to repair or restore the structure. The City goals, adopted by the City Council included the goal of "Increase Housing Availability". To help achieve that goal staff is asking the Planning Department to work on "developing a property maintenance standard ordinance to provide additional tools for improving substandard housing units." The Planning Commission has reviewed the International Property Maintenance Code (IPMC) and recommended approval by City Council.

Given the experiences with dilapidated buildings over the past few of years, and the time and effort required to enforce the dangerous building ordinance, a property maintenance code could offer a more efficient and less time-consuming enforcement tool while advancing the City's goal to increase housing availability. A property maintenance code would provide the City the ability to intervene to require deteriorating structures that have defects to be corrected prior to becoming unfixable issues. The IPMC is developed by the International Code Council (ICC). The ICC is a nonprofit member-based association that develops a wide variety of model codes. Historically, model codes were prepared by several different code bodies such as Building Officials Code Administrators International, Inc. (BOCA), Southern Building Code Congress International (SBCCI), and the International Conference of Building Officials (ICBO). With different bodies developing different codes the application of the varying standards across jurisdictions was very difficult for builders, architects, manufactures and other users of the codes. In 1999, the code bodies began to work together to prepare a unified code under the auspices of the ICC. The ICC is dedicated to developing a minimum set of standards to be used in the design, building and maintenance of safe, sustainable and affordable structures. The first set of ICC codes were published in 2000 and included the International Building Codes. ICC Codes have since been adopted in all 50 states and the IPMC has been adopted by many municipalities in Michigan and throughout the country.

In Michigan the International Building Codes developed by the ICC were adopted by the State of Michigan and are now the State of Michigan Construction Code. The State Construction Code does reference the IPMC and it could be enforced by municipalities that have adopted the State Construction Code.

In Charlevoix County, the choice has been made not to enforce the IPMC so municipalities would need to adopt the code individually if the municipality wished to enforce it. In Charlevoix County the City of East Jordan has adopted the IPMC. Boyne City recently has adopted the code. Other northern Michigan city's that have adopted the code are Petoskey, Cheboygan and Alpena. In the cities of Petoskey and Cheboygan the code is enforced by the police departments, in the City of Alpena they have their own building department that enforces the code, in City of East Jordan the enforcement is done by the zoning administrator. There are several benefits to simply adopting the IPMC by reference including the following:

• Thoroughness - The IPMC is drafted with input from code compliance officers, industry officials, and other interested parties. The codes are carefully formulated with input from specialists in the fields, municipal entities, and members of the public. As such, it is less likely that a particular issue will "slip through the cracks."
• Balance – Because the code is created with the input of various perspectives, it tends to represent a balance between the needs of the industry, the concerns of the public, and the interests of code enforcement.
• Readability – as the IPMC has been in place for a significant time, its provisions have been honed over the years to eliminate ambiguity and improve clarity.
• Ease of Enforcement – The IPMC has gained acceptance as a definitive code in the industry and in the court system. This makes its enforcement less subject to challenge than an untested local code provision. Also, contractors are more likely to be familiar with (and therefore more likely to comply with) the code provisions of the IPMC than a tailored local code, lowering the overall number of potential violations. A licensed contractor should not be able to plead ignorance.
• Ease of Adoption – If the City adopts the IPMC by reference, it will not be burdened with creating its own property maintenance code. The IPMC is a copyrighted document (as are other codes), so a municipality that is copying and pasting code provisions from other sources runs the risk of unintentionally violating copyright laws. Adoption by reference avoids the risk and the burden of creating a new code.
• Ease of Amendment – If the City adopts the IPMC by reference and has the latest manual available for inspection and review by citizens, the City will not be burdened with frequent reviews of its property maintenance code to determine if an update is needed; it will simply be a matter of having the most recent version on file.
One of the primary concerns that has been expressed with proposed adoption of the IPMC has been how it will be enforced. This is an understandable concern and all of the northern Michigan municipalities that have adopted the IPMC had similar concerns expressed during the adoption process. In all cases these concerns have not materialized. Council adopted the Enforcement Policy for this ordinance on October 18 and it is included for your reference.

RECOMMENDATION:

Motion to approve Ordinance 828 adopting the International Property Maintenance Code.

ATTACHMENTS:

- International Property Maintenance Code
- IPMC Enforcement Policy
- Ordinance

2018

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INTERNATIONAL PROPERTY MAINTENANCE CODE®



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PREFACE

Introduction

The *International Property Maintenance Code*® (IPMC®) establishes minimum requirements for the maintenance of existing buildings through model code regulations that contain clear and specific property maintenance and property improvement provisions. This 2018 edition is fully compatible with all of the *International Codes*® (I-Codes®) published by the International Code Council® (ICC®), including the *International Building Code*®, *International Energy Conservation Code*®, *International Existing Building Code*®, *International Fire Code*®, *International Fuel Gas Code*®, *International Green Construction Code*®, *International Mechanical Code*®, *International Plumbing Code*®, *International Private Sewage Disposal Code*®, *International Residential Code*®, *International Swimming Pool and Spa Code*®, *International Wildland-Urban Interface Code*®, *International Zoning Code*® and *International Code Council Performance Code*®.

The I-Codes, including this *International Property Maintenance Code*, are used in a variety of ways in both the public and private sectors. Most industry professionals are familiar with the I-Codes as the basis of laws and regulations in communities across the U.S. and in other countries. However, the impact of the codes extends well beyond the regulatory arena, as they are used in a variety of nonregulatory settings, including:

- Voluntary compliance programs such as those promoting sustainability, energy efficiency and disaster resistance.
- The insurance industry, to estimate and manage risk, and as a tool in underwriting and rate decisions.
- Certification and credentialing of individuals involved in the fields of building design, construction and safety.
- Certification of building and construction-related products.
- U.S. federal agencies, to guide construction in an array of government-owned properties.
- Facilities management.
- "Best practices" benchmarks for designers and builders, including those who are engaged in projects in jurisdictions that do not have a formal regulatory system or a governmental enforcement mechanism.
- College, university and professional school textbooks and curricula.
- Reference works related to building design and construction.

In addition to the codes themselves, the code development process brings together building professionals on a regular basis. It provides an international forum for discussion and deliberation about building design, construction methods, safety, performance requirements, technological advances and innovative products.

Development

This 2018 edition presents the code as originally issued, with changes reflected in the 2003 through 2015 editions and further changes developed through the ICC Code Development Process through 2016. A new edition of the code is promulgated every 3 years.

This code is intended to establish provisions that adequately protect public health, safety and welfare; that do not unnecessarily increase construction costs; that do not restrict the use of new materials, products or methods of construction; and that do not give preferential treatment to particular types or classes of materials, products or methods of construction.

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Maintenance

The *International Property Maintenance Code* is kept up to date through the review of proposed changes submitted by code enforcement officials, industry representatives, design professionals and other interested parties. Proposed changes are carefully considered through an open code development process in which all interested and affected parties may participate.

The ICC Code Development Process reflects principles of openness, transparency, balance, due process and consensus, the principles embodied in OMB Circular A-119, which governs the federal government's use of private-sector standards. The ICC process is open to anyone; there is no cost to participate, and people can participate without travel cost through the ICC's cloud-based app, cdpAccess®. A broad cross section of interests are represented in the ICC Code Development Process. The codes, which are updated regularly, include safeguards that allow for emergency action when required for health and safety reasons.

In order to ensure that organizations with a direct and material interest in the codes have a voice in the process, the ICC has developed partnerships with key industry segments that support the ICC's important public safety mission. Some code development committee members were nominated by the following industry partners and approved by the ICC Board:

- American Institute of Architects (AIA)
- National Association of Home Builders (NAHB)

The code development committees evaluate and make recommendations regarding proposed changes to the codes. Their recommendations are then subject to public comment and council-wide votes. The ICC's governmental members—public safety officials who have no financial or business interest in the outcome—cast the final votes on proposed changes.

The contents of this work are subject to change through the code development cycles and by any governmental entity that enacts the code into law. For more information regarding the code development process, contact the Codes and Standards Development Department of the International Code Council.

While the I-Code development procedure is thorough and comprehensive, the ICC, its members and those participating in the development of the codes disclaim any liability resulting from the publication or use of the I-Codes, or from compliance or noncompliance with their provisions. The ICC does not have the power or authority to police or enforce compliance with the contents of this code.

Code Development Committee Responsibilities (Letter Designations in Front of Section Numbers)

In each code development cycle, proposed changes to this code are considered at the Committee Action Hearings by the International Property Maintenance Code Development Committee, whose action constitutes a recommendation to the voting membership for final action on the proposed changes. Proposed changes to a code section having a number beginning with a letter in brackets are considered by a different code development committee. For example, proposed changes to code sections that have the letter [F] in front of them (e.g., [F] 704.1) are considered by the International Fire Code Development Committee at the Committee Action Hearings.

The content of sections in this code that begin with a letter designation is maintained by another code development committee in accordance with the following:

[A] = Administrative Code Development Committee;

[F] = International Fire Code Development Committee;

[P] = International Plumbing Code Development Committee;

[BE] = IBC—Egress Code Development Committee; and

[BG] = IBC—General Code Development Committee.

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For the development of the 2021 edition of the I-Codes, there will be two groups of code development committees and they will meet in separate years.

Group A Codes (Heard in 2018, Code Change Proposals Deadline: January 8, 2018)	**Group B Codes (Heard in 2019, Code Change Proposals Deadline: January 7, 2019)**
International Building Code – Egress (Chapters 10, 11, Appendix E) – Fire Safety (Chapters 7, 8, 9, 14, 26) – General (Chapters 2–6, 12, 27–33, Appendices A, B, C, D, K, N)	Administrative Provisions (Chapter 1 of all codes except IECC, IRC and IgCC, administrative updates to currently referenced standards, and designated definitions)
International Fire Code	**International Building Code** – Structural (Chapters 15–25, Appendices F, G, H, I, J, L, M)
International Fuel Gas Code	**International Existing Building Code**
International Mechanical Code	**International Energy Conservation Code—Commercial**
International Plumbing Code	**International Energy Conservation Code—Residential** – IECC—Residential – IRC—Energy (Chapter 11)
International Property Maintenance Code	**International Green Construction Code** (Chapter 1)
International Private Sewage Disposal Code	**International Residential Code** – IRC—Building (Chapters 1–10, Appendices E, F, H, J, K, L, M, O, Q, R, S, T)
International Residential Code – IRC—Mechanical (Chapters 12–23) – IRC—Plumbing (Chapters 25–33, Appendices G, I, N, P)	
International Swimming Pool and Spa Code	
International Wildland-Urban Interface Code	
International Zoning Code	
Note: Proposed changes to the ICC *Performance Code*™ will be heard by the code development committee noted in brackets [ ] in the text of the ICC *Performance Code*™.	

Code change proposals submitted for code sections that have a letter designation in front of them will be heard by the respective committee responsible for such code sections. Because different committees hold Committee Action Hearings in different years, proposals for the IPMC will be heard by committees in both the 2018 (Group A) and the 2019 (Group B) code development cycles.

For instance, every section of Chapter 1 of this code is designated as the responsibility of the Administrative Code Development Committee, which is part of the Group B portion of the hearings. This committee will hold its Committee Action Hearings in 2019 to consider code change proposals for Chapter 1 of all I-Codes except the *International Energy Conservation Code, International Residential Code* and *International Green Construction Code*. Therefore, any proposals received for Chapter 1 of this code will be assigned to the Administrative Code Development Committee for consideration in 2019.

It is very important that anyone submitting code change proposals understand which code development committee is responsible for the section of the code that is the subject of the code change proposal. For further information on the code development committee responsibilities, please visit the ICC website at www.iccsafe.org/scoping.

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Marginal Markings

Solid vertical lines in the margins within the body of the code indicate a technical change from the requirements of the 2015 edition. Deletion indicators in the form of an arrow (➡) are provided in the margin where an entire section, paragraph, exception or table has been deleted or an item in a list of items or a table has been deleted.

Coordination of the International Codes

The coordination of technical provisions is one of the strengths of the ICC family of model codes. The codes can be used as a complete set of complementary documents, which will provide users with full integration and coordination of technical provisions. Individual codes can also be used in subsets or as stand-alone documents. To make sure that each individual code is as complete as possible, some technical provisions that are relevant to more than one subject area are duplicated in some of the model codes. This allows users maximum flexibility in their application of the I-Codes.

Italicized Terms

Words and terms defined in Chapter 2, Definitions, are italicized where they appear in code text and the Chapter 2 definition applies. Where such words and terms are not italicized, common-use definitions apply. The words and terms selected have code-specific definitions that the user should read carefully to facilitate better understanding of the code.

Adoption

The International Code Council maintains a copyright in all of its codes and standards. Maintaining copyright allows the ICC to fund its mission through sales of books, in both print and electronic formats. The ICC welcomes adoption of its codes by jurisdictions that recognize and acknowledge the ICC's copyright in the code, and further acknowledge the substantial shared value of the public/private partnership for code development between jurisdictions and the ICC.

The ICC also recognizes the need for jurisdictions to make laws available to the public. All I-Codes and I-Standards, along with the laws of many jurisdictions, are available for free in a nondownloadable form on the ICC's website. Jurisdictions should contact the ICC at adoptions@iccsafe.org to learn how to adopt and distribute laws based on the *International Property Maintenance Code* in a manner that provides necessary access, while maintaining the ICC's copyright.

To facilitate adoption, several sections of this code contain blanks for fill-in information that needs to be supplied by the adopting jurisdiction as part of the adoption legislation. For this code, please see:

Section 101.1. Insert: [NAME OF JURISDICTION]

Section 103.5. Insert: [APPROPRIATE SCHEDULE]

Section 112.4. Insert: [DOLLAR AMOUNT IN TWO LOCATIONS]

Section 302.4. Insert: [HEIGHT IN INCHES]

Section 304.14. Insert: [DATES IN TWO LOCATIONS]

Section 602.3. Insert: [DATES IN TWO LOCATIONS]

Section 602.4. Insert: [DATES IN TWO LOCATIONS]

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EFFECTIVE USE OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE

The *International Property Maintenance Code* (IPMC) is a model code that regulates the minimum maintenance requirements for existing buildings.

The IPMC is a maintenance document intended to establish minimum maintenance standards for basic equipment, light, ventilation, heating, sanitation and fire safety. Responsibility is fixed among owners, operators and occupants for code compliance. The IPMC provides for the regulation and safe use of existing structures in the interest of the social and economic welfare of the community.

Arrangement and Format of the 2018 IPMC

Before applying the requirements of the IPMC it is beneficial to understand its arrangement and format. The IPMC, like other codes published by ICC, is arranged and organized to follow sequential steps that generally occur during an inspection. The IPMC is divided into eight different parts:

Chapters	Subjects
1	Scope and Administration
2	Definitions
3	General Requirements
4	Light, Ventilation and Occupancy Limitations
5	Plumbing Facilities and Fixture Requirements
6	Mechanical and Electrical Requirements
7	Fire Safety Requirements
8	Referenced Standards

The following is a chapter-by-chapter synopsis of the scope and intent of the provisions of the *International Property Maintenance Code:*

Chapter 1 Scope and Administration. This chapter contains provisions for the application, enforcement and administration of subsequent requirements of the code. In addition to establishing the scope of the code, Chapter 1 identifies which buildings and structures come under its purview. Chapter 1 is largely concerned with maintaining "due process of law" in enforcing the property maintenance criteria contained in the body of the code. Only through careful observation of the administrative provisions can the building official reasonably expect to demonstrate that "equal protection under the law" has been provided.

Chapter 2 Definitions. All terms that are defined in the code are listed alphabetically in Chapter 2. While a defined term may be used in one chapter or another, the meaning provided in Chapter 2 is applicable throughout the code.

Where understanding of a term's definition is especially key to or necessary for understanding of a particular code provision, the term is shown in italics. This is true only for those terms that have a meaning that is unique to the code. In other words, the generally understood meaning of a term or phrase might not be sufficient or consistent with the meaning prescribed by the code; therefore, it is essential that the code-defined meaning be known.

Guidance is provided regarding tense, gender and plurality of defined terms as well as terms not defined in this code.

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Chapter 3 General Requirements. Chapter 3, "General Requirements," is broad in scope. It includes a variety of requirements for the exterior property areas as well as the interior and exterior elements of the structure. This chapter provides requirements that are intended to maintain a minimum level of safety and sanitation for both the general public and the occupants of a structure, and to maintain a building's structural and weather-resistance performance. Chapter 3 provides specific criteria for regulating the installation and maintenance of specific building components; maintenance requirements for vacant structures and land; requirements regulating the safety, sanitation and appearance of the interior and exterior of structures and all exterior property areas; accessory structures; vehicle storage regulations and establishes who is responsible for complying with the chapter's provisions. This chapter also contains the requirements for swimming pools, spas and hot tubs and the requirements for protective barriers and gates in these barriers. Chapter 3 establishes the responsible parties for exterminating insects and rodents, and maintaining sanitary conditions in all types of occupancies.

Chapter 4 Light, Ventilation and Occupancy Limitations. The purposes of Chapter 4 are to set forth these requirements in the code and to establish the minimum environment for occupiable and habitable buildings, by establishing the minimum criteria for light and ventilation and identifying occupancy limitations including minimum room width and area, minimum ceiling height and restrictions to prevent overcrowding. This chapter also provides for alternative arrangements of windows and other devices to comply with the requirements for light and ventilation and prohibits certain room arrangements and occupancy uses.

Chapter 5 Plumbing Facilities and Fixture Requirements. Chapter 5 establishes the minimum criteria for the installation, maintenance and location of plumbing systems and facilities, including the water supply system, water heating appliances, sewage disposal system and related plumbing fixtures.

Sanitary and clean conditions in occupied buildings are dependent upon certain basic plumbing principles, including providing potable water to a building, providing the basic fixtures to effectively utilize that water and properly removing waste from the building. Chapter 5 establishes the minimum criteria to verify that these principles are maintained throughout the life of a building.

Chapter 6 Mechanical and Electrical Requirements. The purpose of Chapter 6 is to establish minimum performance requirements for heating, electrical and mechanical facilities and to establish minimum standards for the safety of these facilities.

This chapter establishes minimum criteria for the installation and maintenance of the following: heating and air-conditioning equipment, appliances and their supporting systems; water heating equipment, appliances and systems; cooking equipment and appliances; ventilation and exhaust equipment; gas and liquid fuel distribution piping and components; fireplaces and solid fuel-burning appliances; chimneys and vents; electrical services; lighting fixtures; electrical receptacle outlets; electrical distribution system equipment, devices and wiring; and elevators, escalators and dumbwaiters.

Chapter 7 Fire Safety Requirements. The purpose of Chapter 7 is to address those fire hazards that arise as the result of a building's occupancy. It also provides minimum requirements for fire safety issues that are most likely to arise in older buildings.

This chapter contains requirements for means of egress in existing buildings, including path of travel, required egress width, means of egress doors and emergency escape openings.

Chapter 7 establishes the minimum requirements for fire safety facilities and fire protection systems, as these are essential fire safety systems.

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Chapter 8 Referenced Standards. The code contains numerous references to standards that are used to regulate materials and methods of construction. Chapter 8 contains a comprehensive list of all standards that are referenced in the code. The standards are part of the code to the extent of the reference to the standard. Compliance with the referenced standard is necessary for compliance with this code. By providing specifically adopted standards, the construction and installation requirements necessary for compliance with the code can be readily determined. The basis for code compliance is, therefore, established and available on an equal basis to the code official, contractor, designer and owner.

Chapter 8 is organized in a manner that makes it easy to locate specific standards. It lists all of the referenced standards, alphabetically, by acronym of the promulgating agency of the standard. Each agency's standards are then listed in either alphabetical or numeric order based upon the standard identification. The list also contains the title of the standard; the edition (date) of the standard referenced; any addenda included as part of the ICC adoption; and the section or sections of this code that reference the standard.

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CHAPTER 1

SCOPE AND ADMINISTRATION

User note:

About this chapter: *Chapter 1 establishes the limits of applicability of the code and describes how the code is to be applied and enforced. Chapter 1 is in two parts: Part 1—Scope and Application (Sections 101 and 102) and Part 2—Administration and Enforcement (Sections 103 – 112). Section 101 identifies which buildings and structures come under its purview and references other I-Codes as applicable.*

This code is intended to be adopted as a legally enforceable document and it cannot be effective without adequate provisions for its administration and enforcement. The provisions of Chapter 1 establish the authority and duties of the code official appointed by the authority having jurisdiction and also establish the rights and privileges of the property owner and building occupants.

PART 1 — SCOPE AND APPLICATION

SECTION 101
GENERAL

[A] 101.1 Title. These regulations shall be known as the *International Property Maintenance Code* of **[NAME OF JURISDICTION]**, hereinafter referred to as "this code."

[A] 101.2 Scope. The provisions of this code shall apply to all existing residential and nonresidential structures and all existing *premises* and constitute minimum requirements and standards for *premises*, structures, equipment and facilities for light, *ventilation*, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; the responsibility of *owners*, an owner's authorized agent, *operator*s and *occupants*; the *occupancy* of existing structures and *premises*, and for administration, enforcement and penalties.

[A] 101.3 Intent. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued *occupancy* and maintenance of structures and *premises*. Existing structures and *premises* that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

[A] 101.4 Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 102
APPLICABILITY

[A] 102.1 General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

102.2 Maintenance. Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or *premises* was constructed, altered or repaired shall be maintained in good working order. An *owner*, owner's authorized agent, *operator* or *occupant* shall not cause any service, facility, equipment or utility that is required under this section to be removed from, shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the *owner* or the *owner's* authorized agent shall be responsible for the maintenance of buildings, structures and *premises*.

[A] 102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of *occupancy*, shall be done in accordance with the procedures and provisions of the *International Building Code, International Existing Building Code, International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, International Plumbing Code* and NFPA 70. Nothing in this code shall be construed to cancel, modify or set aside any provision of the *International Zoning Code*.

[A] 102.4 Existing remedies. The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure that is dangerous, unsafe and insanitary.

[A] 102.5 Workmanship. Repairs, maintenance work, alterations or installations that are caused directly or indirectly by the enforcement of this code shall be executed and installed in a *workmanlike* manner and installed in accordance with the manufacturer's instructions.

[A] 102.6 Historic buildings. The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings where such buildings or structures are judged by the *code official* to be safe and in the public interest of health, safety and welfare.

[A] 102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 8 and considered part of the requirements of this

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code to the prescribed extent of each such reference and as further regulated in Sections 102.7.1 and 102.7.2.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply.

[A] 102.7.1 Conflicts. Where conflicts occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

[A] 102.7.2 Provisions in referenced codes and standards. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

[A] 102.8 Requirements not covered by code. Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the *code official*.

[A] 102.9 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

[A] 102.10 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

PART 2 — ADMINISTRATION AND ENFORCEMENT

SECTION 103
DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION

[A] 103.1 General. The department of property maintenance inspection is hereby created and the executive official in charge thereof shall be known as the *code official*.

[A] 103.2 Appointment. The *code official* shall be appointed by the chief appointing authority of the jurisdiction.

[A] 103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the *code official* shall have the authority to appoint a deputy(s). Such employees shall have powers as delegated by the *code official*.

[A] 103.4 Liability. The *code official,* member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties.

[A] 103.4.1 Legal defense. Any suit or criminal complaint instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

[A] 103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the following schedule.

[JURISDICTION TO INSERT APPROPRIATE SCHEDULE.]

SECTION 104
DUTIES AND POWERS OF THE CODE OFFICIAL

[A] 104.1 General. The *code official* is hereby authorized and directed to enforce the provisions of this code. The *code official* shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

[A] 104.2 Inspections. The *code official* shall make all of the required inspections, or shall accept reports of inspection by *approved* agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such *approved* agency or by the responsible individual. The *code official* is authorized to engage such expert opinion as deemed necessary to report on unusual technical issues that arise, subject to the approval of the appointing authority.

[A] 104.3 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the *code official* has reasonable cause to believe that there exists in a *structure* or upon a *premises* a condition in violation of this code, the *code official* is authorized to enter the structure or *premises* at reasonable times to inspect or perform the duties imposed by this code, provided that if such *structure* or *premises* is occupied the *code official* shall present credentials to the *occupant* and request entry. If such structure or *premises* is unoccupied, the *code official* shall first make a reasonable effort to locate the *owner*, owner's authorized agent or other person having charge or control of the *structure* or *premises* and request entry. If entry is refused, the *code official* shall have recourse to the remedies provided by law to secure entry.

[A] 104.4 Identification. The *code official* shall carry proper identification when inspecting *structures* or *premises* in the performance of duties under this code.

[A] 104.5 Notices and orders. The *code official* shall issue all necessary notices or orders to ensure compliance with this code.

[A] 104.6 Department records. The *code official* shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records for the period required for retention of public records.

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SECTION 105
APPROVAL

[A] 105.1 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the *code official* shall have the authority to grant modifications for individual cases upon application of the *owner* or *owner's* authorized agent, provided that the *code official* shall first find that special individual reason makes the strict letter of this code impractical, the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

[A] 105.2 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. An alternative material, design or method of construction shall be *approved* where the *code official* finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not *approved*, the *code official* shall respond in writing, stating the reasons why the alternative was not *approved*.

[A] 105.3 Required testing. Whenever there is insufficient evidence of compliance with the provisions of this code or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the *code official* shall have the authority to require tests to be made as evidence of compliance without expense to the jurisdiction.

[A] 105.3.1 Test methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the *code official* shall be permitted to approve appropriate testing procedures performed by an *approved* agency.

[A] 105.3.2 Test reports. Reports of tests shall be retained by the *code official* for the period required for retention of public records.

[A] 105.4 Used material and equipment. Materials that are reused shall comply with the requirements of this code for new materials. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested where necessary, placed in good and proper working condition and *approved* by the *code official*.

[A] 105.5 Approved materials and equipment. Materials, equipment and devices *approved* by the *code official* shall be constructed and installed in accordance with such approval.

[A] 105.6 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from *approved* sources.

SECTION 106
VIOLATIONS

[A] 106.1 Unlawful acts. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

[A] 106.2 Notice of violation. The *code official* shall serve a notice of violation or order in accordance with Section 107.

[A] 106.3 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a *strict liability offense*. If the notice of violation is not complied with, the *code official* shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful *occupancy* of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such *premises* shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

[A] 106.4 Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

[A] 106.5 Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal *occupancy* of a building, structure or *premises*, or to stop an illegal act, conduct, business or utilization of the building, structure or *premises*.

SECTION 107
NOTICES AND ORDERS

107.1 Notice to person responsible. Whenever the *code official* determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 107.2 and 107.3 to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall comply with Section 108.3.

107.2 Form. Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the *dwelling unit* or structure into compliance with the provisions of this code.

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5. Inform the property *owner* or owner's authorized agent of the right to appeal.
6. Include a statement of the right to file a lien in accordance with Section 106.3.

107.3 Method of service. Such notice shall be deemed to be properly served if a copy thereof is: delivered personally, or sent by certified or first-class mail addressed to the last known address. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

107.4 Unauthorized tampering. Signs, tags or seals posted or affixed by the *code official* shall not be mutilated, destroyed or tampered with, or removed without authorization from the *code official*.

107.5 Penalties. Penalties for noncompliance with orders and notices shall be as set forth in Section 106.4.

107.6 Transfer of ownership. It shall be unlawful for the *owner* of any *dwelling unit* or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such *dwelling unit* or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such *owner* or the owner's authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the *code official* and shall furnish to the *code official* a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

SECTION 108
UNSAFE STRUCTURES AND EQUIPMENT

108.1 General. When a structure or equipment is found by the *code official* to be unsafe, or when a structure is found unfit for human *occupancy*, or is found unlawful, such structure shall be *condemned* pursuant to the provisions of this code.

108.1.1 Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the *occupants* of the structure by not providing minimum safeguards to protect or warn *occupants* in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

108.1.2 Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the *premises* or within the structure that is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or *occupants* of the *premises* or structure.

108.1.3 Structure unfit for human occupancy. A structure is unfit for human *occupancy* whenever the *code official* finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks *ventilation*, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the *occupants* of the structure or to the public.

108.1.4 Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

108.1.5 Dangerous structure or premises. For the purpose of this code, any structure or *premises* that has any or all of the conditions or defects described as follows shall be considered to be dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the *approved* building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, *deterioration*, *neglect*, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become *detached* or dislodged.
4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so *anchored*, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
5. The building or structure, or part of the building or structure, because of dilapidation, *deterioration*, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
6. The building or structure, or any portion thereof, is clearly unsafe for its use and *occupancy*.
7. The building or structure is *neglected*, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.

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8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the *approved* building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.

9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, *ventilation*, mechanical or plumbing system, or otherwise, is determined by the *code official* to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the *code official* to be a threat to life or health.

11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

108.2 Closing of vacant structures. If the structure is vacant and unfit for human habitation and *occupancy*, and is not in danger of structural collapse, the *code official* is authorized to post a placard of condemnation on the *premises* and order the structure closed up so as not to be an attractive nuisance. Upon failure of the *owner* or owner's authorized agent to close up the *premises* within the time specified in the order, the *code official* shall cause the *premises* to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and shall be collected by any other legal resource.

108.2.1 Authority to disconnect service utilities. The *code official* shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 102.7 in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without approval. The *code official* shall notify the serving utility and, whenever possible, the *owner* or owner's authorized agent and *occupant* of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the *owner*, owner's authorized agent or *occupant* of the building structure or service system shall be notified in writing as soon as practical thereafter.

108.3 Notice. Whenever the *code official* has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the *owner*, owner's authorized agent or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall be placed on the condemned equipment. The notice shall be in the form prescribed in Section 107.2.

108.4 Placarding. Upon failure of the *owner*, owner's authorized agent or person responsible to comply with the notice provisions within the time given, the *code official* shall post on the *premises* or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the *premises*, operating the equipment or removing the placard.

108.4.1 Placard removal. The *code official* shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the *code official* shall be subject to the penalties provided by this code.

108.5 Prohibited occupancy. Any occupied structure condemned and placarded by the *code official* shall be vacated as ordered by the *code official*. Any person who shall occupy a placarded *premises* or shall operate placarded equipment, and any *owner*, owner's authorized agent or person responsible for the *premises* who shall let anyone occupy a placarded *premises* or operate placarded equipment shall be liable for the penalties provided by this code.

108.6 Abatement methods. The *owner*, owner's authorized agent, *operator* or *occupant* of a building, *premises* or equipment deemed unsafe by the *code official* shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other *approved* corrective action.

108.7 Record. The *code official* shall cause a report to be filed on an unsafe condition. The report shall state the *occupancy* of the structure and the nature of the unsafe condition.

SECTION 109
EMERGENCY MEASURES

109.1 Imminent danger. When, in the opinion of the *code official*, there is *imminent danger* of failure or collapse of a building or structure that endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building *occupants* or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the *code official* is hereby authorized and empowered to order and require the *occupants* to vacate the *premises* forthwith. The *code official* shall cause to be posted at each entrance to such structure a notice reading as follows: "This *Structure* Is Unsafe and Its *Occupancy* Has Been Prohibited by the *Code*

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Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

109.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the *code official*, there is *imminent danger* due to an unsafe condition, the *code official* shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the *code official* deems necessary to meet such emergency.

109.3 Closing streets. When necessary for public safety, the *code official* shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, *public ways* and places adjacent to unsafe structures, and prohibit the same from being utilized.

109.4 Emergency repairs. For the purposes of this section, the *code official* shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

109.5 Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the *owner* of the *premises* or owner's authorized agent where the unsafe structure is or was located for the recovery of such costs.

109.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

SECTION 110
DEMOLITION

110.1 General. The *code official* shall order the *owner* or owner's authorized agent of any *premises* upon which is located any structure, which in the *code official's* or owner's authorized agent judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the *owner's* option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the *code official* shall order the *owner* or owner's authorized agent to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless *approved* by the building official.

110.2 Notices and orders. Notices and orders shall comply with Section 107.

110.3 Failure to comply. If the *owner* of a *premises* or owner's authorized agent fails to comply with a demolition order within the time prescribed, the *code official* shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

110.4 Salvage materials. Where any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

SECTION 111
MEANS OF APPEAL

[A] 111.1 Application for appeal. Any person directly affected by a decision of the *code official* or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

[A] 111.2 Membership of board. The board of appeals shall consist of not less than three members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The *code official* shall be an ex-officio member but shall not vote on any matter before the board. The board shall be appointed by the chief appointing authority, and shall serve staggered and overlapping terms.

[A] 111.2.1 Alternate members. The chief appointing authority shall appoint not less than two alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership.

[A] 111.2.2 Chairman. The board shall annually select one of its members to serve as chairman.

[A] 111.2.3 Disqualification of member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.

[A] 111.2.4 Secretary. The chief administrative officer shall designate a qualified person to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

[A] 111.2.5 Compensation of members. Compensation of members shall be determined by law.

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[A] 111.3 Notice of meeting. The board shall meet upon notice from the chairman, within 20 days of the filing of an appeal, or at stated periodic meetings.

[A] 111.4 Open hearing. Hearings before the board shall be open to the public. The appellant, the appellant's representative, the *code official* and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than two-thirds of the board membership.

[A] 111.4.1 Procedure. The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

[A] 111.5 Postponed hearing. When the full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

[A] 111.6 Board decision. The board shall modify or reverse the decision of the *code official* only by a concurring vote of a majority of the total number of appointed board members.

[A] 111.6.1 Records and copies. The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the *code official*.

[A] 111.6.2 Administration. The *code official* shall take immediate action in accordance with the decision of the board.

[A] 111.7 Court review. Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

[A] 111.8 Stays of enforcement. Appeals of notice and orders (other than *Imminent Danger* notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.

SECTION 112
STOP WORK ORDER

[A] 112.1 Authority. Whenever the *code official* finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the *code official* is authorized to issue a stop work order.

[A] 112.2 Issuance. A stop work order shall be in writing and shall be given to the *owner* of the property, to the *owner's* authorized agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

[A] 112.3 Emergencies. Where an emergency exists, the *code official* shall not be required to give a written notice prior to stopping the work.

[A] 112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than **[AMOUNT]** dollars or more than **[AMOUNT]** dollars.

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CHAPTER 2
DEFINITIONS

User note:

About this chapter: *Codes, by their very nature, are technical documents. Every word, term and punctuation mark can add to or change the meaning of a technical requirement. It is necessary to maintain a consensus on the specific meaning of each term contained in the code. Chapter 2 performs this function by stating clearly what specific terms mean for the purpose of the code.*

SECTION 201
GENERAL

201.1 Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

201.2 Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the *International Building Code, International Existing Building Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, International Residential Code, International Zoning Code* or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.

201.4 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

201.5 Parts. Whenever the words "*dwelling unit,*" "dwelling," "*premises,*" "building," "*rooming house,*" "*rooming unit,*" "*housekeeping unit*" or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

SECTION 202
GENERAL DEFINITIONS

ANCHORED. Secured in a manner that provides positive connection.

[A] APPROVED. Acceptable to the *code official*.

BASEMENT. That portion of a building that is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes in either a dwelling or *sleeping unit*.

[A] CODE OFFICIAL. The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

CONDEMN. To adjudge unfit for *occupancy*.

COST OF SUCH DEMOLITION OR EMERGENCY REPAIRS. The costs shall include the actual costs of the demolition or repair of the structure less revenues obtained if salvage was conducted prior to demolition or repair. Costs shall include, but not be limited to, expenses incurred or necessitated related to demolition or emergency repairs, such as asbestos survey and abatement if necessary; costs of inspectors, testing agencies or experts retained relative to the demolition or emergency repairs; costs of testing; surveys for other materials that are controlled or regulated from being dumped in a landfill; title searches; mailing(s); postings; recording; and attorney fees expended for recovering of the cost of emergency repairs or to obtain or enforce an order of demolition made by a *code official*, the governing body or board of appeals.

DETACHED. When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

DETERIORATION. To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

[BG] DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

[Z] EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee *owner*(s) of the property. The *easement* shall be permitted to be for use under, on or above said lot or lots.

EQUIPMENT SUPPORT. Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

EXTERIOR PROPERTY. The open space on the *premises* and on adjoining property under the control of *owners* or *operators* of such *premises*.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

[BE] GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

[BG] HABITABLE SPACE. Space in a structure for living, sleeping, eating or cooking. *Bathrooms*, *toilet rooms*, closets,

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halls, storage or utility spaces, and similar areas are not considered *habitable spaces*.

HISTORIC BUILDING. Any building or structure that is one or more of the following:

1. Listed or certified as eligible for listing, by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, in the National Register of Historic Places.
2. Designated as historic under an applicable state or local law.
3. Certified as a contributing resource within a National Register or state or locally designated historic district.

HOUSEKEEPING UNIT. A room or group of rooms forming a single *habitable space* equipped and intended to be used for living, sleeping, cooking and eating that does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

IMMINENT DANGER. A condition that could cause serious or life-threatening injury or death at any time.

INFESTATION. The presence, within or contiguous to, a structure or *premises* of insects, rodents, vermin or other pests.

INOPERABLE MOTOR VEHICLE. A vehicle that cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

[A] LABELED. Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, *approved* agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-*labeled* items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

LET FOR OCCUPANCY or LET. To permit, provide or offer possession or *occupancy* of a dwelling, *dwelling unit*, *rooming unit*, building, premise or structure by a person who is or is not the legal *owner* of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

NEGLECT. The lack of proper maintenance for a building or *structure*.

[A] OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building, or having possession of a space within a building.

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed *ventilation* and which opens directly to the outdoors.

OPERATOR. Any person who has charge, care or control of a structure or *premises* that is let or offered for *occupancy*.

[A] OWNER. Any person, agent, *operator*, firm or corporation having legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON. An individual, corporation, partnership or any other group acting as a unit.

PEST ELIMINATION. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other *approved pest elimination* methods.

[A] PREMISES. A lot, plot or parcel of land, *easement* or *public way*, including any structures thereon.

[A] PUBLIC WAY. Any street, alley or other parcel of land that: is open to the outside air; leads to a street; has been deeded, dedicated or otherwise permanently appropriated to the public for public use; and has a clear width and height of not less than 10 feet (3048 mm).

ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, *yard* trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

[BG] SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a *dwelling unit* are not *sleeping units*.

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

[A] STRUCTURE. That which is built or constructed.

TENANT. A person, corporation, partnership or group, whether or not the legal *owner* of record, occupying a building or portion thereof as a unit.

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

ULTIMATE DEFORMATION. The deformation at which failure occurs and that shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

[M] VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

[Z] YARD. An open space on the same lot with a structure.

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CHAPTER 3
GENERAL REQUIREMENTS

User note:

About this chapter: *Chapter 3 is broad in scope and includes a variety of requirements for the maintenance of exterior property areas, as well as the interior and exterior elements of the structure, that are intended to maintain a minimum level of safety and sanitation for both the general public and the occupants of a structure, and to maintain a building's structural and weather-resistance performance. Specifically, Chapter 3 contains criteria for the maintenance of building components; vacant structures and land; the safety, sanitation and appearance of the interior and exterior of structures and all exterior property areas; accessory structures; extermination of insects and rodents; access barriers to swimming pools, spas and hot tubs; vehicle storage and owner/occupant responsibilities.*

SECTION 301
GENERAL

301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and *exterior property*.

301.2 Responsibility. The *owner* of the *premises* shall maintain the structures and *exterior property* in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy *premises* that are not in a sanitary and safe condition and that do not comply with the requirements of this chapter. *Occupants* of a *dwelling unit*, *rooming unit* or *housekeeping unit* are responsible for keeping in a clean, sanitary and safe condition that part of the *dwelling unit*, *rooming unit*, *housekeeping unit* or *premises* they occupy and control.

301.3 Vacant structures and land. Vacant structures and *premises* thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION 302
EXTERIOR PROPERTY AREAS

302.1 Sanitation. *Exterior property* and *premises* shall be maintained in a clean, safe and sanitary condition. The *occupant* shall keep that part of the *exterior property* that such *occupant* occupies or controls in a clean and sanitary condition.

302.2 Grading and drainage. *Premises* shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: *Approved* retention areas and reservoirs.

302.3 Sidewalks and driveways. Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

302.4 Weeds. *Premises* and *exterior property* shall be maintained free from weeds or plant growth in excess of **[JURISDICTION TO INSERT HEIGHT IN INCHES]**. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the *owner* or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the *owner* or agent responsible for the property.

302.5 Rodent harborage. Structures and *exterior property* shall be kept free from rodent harborage and *infestation*. Where rodents are found, they shall be promptly exterminated by *approved* processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

302.6 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly on abutting or adjacent public or private property or that of another *tenant*.

302.7 Accessory structures. Accessory structures, including *detached* garages, fences and walls, shall be maintained structurally sound and in good repair.

302.8 Motor vehicles. Except as provided for in other regulations, inoperative or unlicensed motor vehicles shall not be parked, kept or stored on any *premises*, and vehicles shall not at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an *approved* spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and *approved* for such purposes.

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302.9 Defacement of property. A person shall not willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the *owner* to restore said surface to an *approved* state of maintenance and repair.

SECTION 303
SWIMMING POOLS, SPAS AND HOT TUBS

303.1 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

303.2 Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier not less than 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. An existing pool enclosure shall not be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F1346 shall be exempt from the provisions of this section.

SECTION 304
EXTERIOR STRUCTURE

304.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

304.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength.
2. The *anchorage* of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects.
3. Structures or components thereof that have reached their limit state.
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight.
5. Structural members that have evidence of *deterioration* or that are not capable of safely supporting all nominal loads and load effects.
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.
7. Exterior walls that are not *anchored* to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of *deterioration*, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects.
9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of *deterioration* or fatigue, are not properly *anchored* or are incapable of supporting all nominal loads and resisting all load effects.
10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.
12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including *guards* and handrails, are not structurally sound, not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.
13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly *anchored,* or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. Where substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted where *approved* by the *code official.*

304.2 Protective treatment. Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than

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decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

[F] 304.3 Premises identification. Buildings shall have *approved* address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be not less than 4 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm).

304.4 Structural members. Structural members shall be maintained free from *deterioration*, and shall be capable of safely supporting the imposed dead and live loads.

304.5 Foundation walls. Foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

304.6 Exterior walls. Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent *deterioration*.

304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or *deterioration* in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

304.8 Decorative features. Cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

304.9 Overhang extensions. Overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly *anchored* so as to be kept in a sound condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.10 Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

304.11 Chimneys and towers. Chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. Exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.12 Handrails and guards. Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

304.13.1 Glazing. Glazing materials shall be maintained free from cracks and holes.

304.13.2 Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

304.14 Insect screens. During the period from **[DATE]** to **[DATE]**, every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other *approved* means, such as air curtains or insect repellent fans, are employed.

304.15 Doors. Exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

304.16 Basement hatchways. Every *basement* hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

304.17 Guards for basement windows. Every *basement* window that is openable shall be supplied with rodent shields, storm windows or other *approved* protection against the entry of rodents.

304.18 Building security. Doors, windows or hatchways for *dwelling units*, room units or *housekeeping units* shall be provided with devices designed to provide security for the *occupants* and property within.

304.18.1 Doors. Doors providing access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

304.18.2 Windows. Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a

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walking surface below that provide access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with a window sash locking device.

304.18.3 Basement hatchways. *Basement* hatchways that provide access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

304.19 Gates. Exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

SECTION 305
INTERIOR STRUCTURE

305.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. *Occupants* shall keep that part of the structure that they occupy or control in a clean and sanitary condition. Every *owner* of a structure containing a *rooming house*, *housekeeping units*, a hotel, a dormitory, two or more *dwelling units* or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and *exterior property*.

305.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength.
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects.
3. Structures or components thereof that have reached their limit state.
4. Structural members are incapable of supporting nominal loads and load effects.
5. Stairs, landings, balconies and all similar walking surfaces, including *guards* and handrails, are not structurally sound, not properly *anchored* or are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.
6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. Where substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted where *approved* by the *code official*.

305.2 Structural members. Structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

305.3 Interior surfaces. Interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

305.4 Stairs and walking surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

305.5 Handrails and guards. Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

305.6 Interior doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

SECTION 306
COMPONENT SERVICEABILITY

306.1 General. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

306.1.1 Unsafe conditions. Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings:

1. Soils that have been subjected to any of the following conditions:
   - 1.1. Collapse of footing or foundation system.
   - 1.2. Damage to footing, foundation, concrete or other structural element due to soil expansion.
   - 1.3. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil.
   - 1.4. Inadequate soil as determined by a geotechnical investigation.
   - 1.5. Where the allowable bearing capacity of the soil is in doubt.
   - 1.6. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.
2. Concrete that has been subjected to any of the following conditions:
   - 2.1. *Deterioration.*
   - 2.2. *Ultimate deformation.*
   - 2.3. Fractures.

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2.4. Fissures.

2.5. Spalling.

2.6. Exposed reinforcement.

2.7. *Detached*, dislodged or failing connections.

3. Aluminum that has been subjected to any of the following conditions:

3.1. *Deterioration.*

3.2. Corrosion.

3.3. Elastic deformation.

3.4. *Ultimate deformation.*

3.5. Stress or strain cracks.

3.6. Joint fatigue.

3.7. *Detached*, dislodged or failing connections.

4. Masonry that has been subjected to any of the following conditions:

4.1. *Deterioration.*

4.2. *Ultimate deformation.*

4.3. Fractures in masonry or mortar joints.

4.4. Fissures in masonry or mortar joints.

4.5. Spalling.

4.6. Exposed reinforcement.

4.7. *Detached,* dislodged or failing connections.

5. Steel that has been subjected to any of the following conditions:

5.1. *Deterioration.*

5.2. Elastic deformation.

5.3. *Ultimate deformation.*

5.4. Metal fatigue.

5.5. *Detached,* dislodged or failing connections.

6. Wood that has been subjected to any of the following conditions:

6.1. Ultimate deformation.

6.2. Deterioration.

6.3. Damage from insects, rodents and other vermin.

6.4. Fire damage beyond charring.

6.5. Significant splits and checks.

6.6. Horizontal shear cracks.

6.7. Vertical shear cracks.

6.8. Inadequate support.

6.9. Detached, dislodged or failing connections.

6.10. Excessive cutting and notching.

Exceptions:

1. Where substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted where *approved* by the *code official.*

SECTION 307
HANDRAILS AND GUARDRAILS

307.1 General. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface that is more than 30 inches (762 mm) above the floor or grade below shall have *guards.* Handrails shall be not less than 30 inches (762 mm) in height or more than 42 inches (1067 mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. *Guards* shall be not less than 30 inches (762 mm) in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: *Guards* shall not be required where exempted by the adopted building code.

SECTION 308
RUBBISH AND GARBAGE

308.1 Accumulation of rubbish or garbage. *Exterior property* and *premises,* and the interior of every structure, shall be free from any accumulation of *rubbish* or garbage.

308.2 Disposal of rubbish. Every *occupant* of a structure shall dispose of all *rubbish* in a clean and sanitary manner by placing such *rubbish* in *approved* containers.

308.2.1 Rubbish storage facilities. The *owner* of every occupied *premises* shall supply *approved* covered containers for *rubbish,* and the *owner* of the *premises* shall be responsible for the removal of *rubbish.*

308.2.2 Refrigerators. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on *premises* without first removing the doors.

308.3 Disposal of garbage. Every *occupant* of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an *approved* garbage disposal facility or *approved* garbage containers.

308.3.1 Garbage facilities. The *owner* of every dwelling shall supply one of the following: an *approved* mechanical food waste grinder in each *dwelling unit;* an *approved* incinerator unit in the structure available to the *occupants* in each *dwelling unit;* or an *approved* leakproof, covered, outside garbage container.

308.3.2 Containers. The *operator* of every establishment producing garbage shall provide, and at all times cause to be utilized, *approved* leakproof containers provided with close-fitting covers for the storage of such materials until removed from the *premises* for disposal.

SECTION 309
PEST ELIMINATION

309.1 Infestation. Structures shall be kept free from insect and rodent *infestation.* Structures in which insects or rodents are found shall be promptly exterminated by *approved* processes that will not be injurious to human health. After pest

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elimination, proper precautions shall be taken to prevent reinfestation.

309.2 Owner. The *owner* of any structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure.

309.3 Single occupant. The *occupant* of a one-family dwelling or of a single-*tenant* nonresidential structure shall be responsible for pest elimination on the *premises*.

309.4 Multiple occupancy. The *owner* of a structure containing two or more *dwelling units*, a multiple *occupancy*, a *rooming house* or a nonresidential structure shall be responsible for pest elimination in the public or shared areas of the structure and *exterior property*. If *infestation* is caused by failure of an *occupant* to prevent such *infestation* in the area occupied, the *occupant* and *owner* shall be responsible for pest elimination.

309.5 Occupant. The *occupant* of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

Exception: Where the *infestations* are caused by defects in the structure, the *owner* shall be responsible for pest elimination.

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CHAPTER 4
LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

User note:

About this chapter: *Chapter 4 sets forth requirements to establish the minimum environment for occupiable and habitable buildings by establishing the minimum criteria for light and ventilation and identifying occupancy limitations including minimum room width and area, minimum ceiling height and restrictions to prevent overcrowding.*

SECTION 401
GENERAL

401.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for light, *ventilation* and space for occupying a structure.

401.2 Responsibility. The *owner* of the structure shall provide and maintain light, *ventilation* and space conditions in compliance with these requirements. A person shall not occupy as *owner-occupant*, or permit another person to occupy, any *premises* that do not comply with the requirements of this chapter.

401.3 Alternative devices. In lieu of the means for natural light and *ventilation* herein prescribed, artificial light or mechanical *ventilation* complying with the *International Building Code* shall be permitted.

SECTION 402
LIGHT

402.1 Habitable spaces. Every *habitable space* shall have not less than one window of *approved* size facing directly to the outdoors or to a court. The minimum total glazed area for every *habitable space* shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be not less than 8 percent of the floor area of the interior room or space, or not less than 25 square feet (2.33 m^2), whichever is greater. The exterior glazing area shall be based on the total floor area being served.

402.2 Common halls and stairways. Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with not less than a 60-watt standard incandescent light bulb for each 200 square feet (19 m^2) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, interior and exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with not less than 1 footcandle (11 lux) at floors, landings and treads.

402.3 Other spaces. Other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe *occupancy* of the space and utilization of the appliances, equipment and fixtures.

SECTION 403
VENTILATION

403.1 Habitable spaces. Every *habitable space* shall have not less than one openable window. The total openable area of the window in every room shall be equal to not less than 45 percent of the minimum glazed area required in Section 402.1.

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be not less than 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m^2). The *ventilation* openings to the outdoors shall be based on a total floor area being ventilated.

403.2 Bathrooms and toilet rooms. Every *bathroom* and *toilet room* shall comply with the *ventilation* requirements for *habitable spaces* as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical *ventilation* system. Air exhausted by a mechanical *ventilation* system from a *bathroom* or *toilet room* shall discharge to the outdoors and shall not be recirculated.

403.3 Cooking facilities. Unless *approved* through the certificate of *occupancy*, cooking shall not be permitted in any *rooming unit* or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the *rooming unit* or dormitory unit.

Exceptions:

1. Where specifically *approved* in writing by the *code official*.
2. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

403.4 Process ventilation. Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust *ventilation* system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

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403.5 Clothes dryer exhaust. Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted outside the structure in accordance with the manufacturer's instructions.

Exception: Listed and *labeled* condensing (ductless) clothes dryers.

SECTION 404
OCCUPANCY LIMITATIONS

404.1 Privacy. *Dwelling units*, hotel units, *housekeeping units*, *rooming units* and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

404.2 Minimum room widths. A habitable room, other than a kitchen, shall be not less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a minimum clear passageway of 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.

404.3 Minimum ceiling heights. *Habitable spaces*, hallways, corridors, laundry areas, *bathrooms*, *toilet rooms* and habitable *basement* areas shall have a minimum clear ceiling height of 7 feet (2134 mm).

Exceptions:

1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not greater than 6 inches (152 mm) below the required ceiling height.
2. *Basement* rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a minimum ceiling height of 6 feet 8 inches (2033 mm) with a minimum clear height of 6 feet 4 inches (1932 mm) under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a minimum clear ceiling height of 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a minimum clear ceiling height of 5 feet (1524 mm) shall be included.

404.4 Bedroom and living room requirements. Every *bedroom* and living room shall comply with the requirements of Sections 404.4.1 through 404.4.5.

404.4.1 Room area. Every living room shall contain not less than 120 square feet (11.2 m^2) and every bedroom shall contain not less than 70 square feet (6.5 m^2) and every bedroom occupied by more than one person shall contain not less than 50 square feet (4.6 m^2) of floor area for each occupant thereof.

404.4.2 Access from bedrooms. *Bedrooms* shall not constitute the only means of access to other *bedrooms* or *habitable spaces* and shall not serve as the only means of egress from other *habitable spaces*.

Exception: Units that contain fewer than two *bedrooms*.

404.4.3 Water closet accessibility. Every *bedroom* shall have access to not less than one water closet and one lavatory without passing through another *bedroom*. Every *bedroom* in a *dwelling unit* shall have access to not less than one water closet and lavatory located in the same story as the *bedroom* or an adjacent story.

404.4.4 Prohibited occupancy. Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

404.4.5 Other requirements. *Bedrooms* shall comply with the applicable provisions of this code including, but not limited to, the light, *ventilation*, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

404.5 Overcrowding. Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404.5.

TABLE 404.5
MINIMUM AREA REQUIREMENTS

SPACE	MINIMUM AREA IN SQUARE FEET		
	1-2 occupants	3-5 occupants	6 or more occupants
Living room[a, b]	120	120	150
Dining room[a, b]	No requirement	80	100
Bedrooms	Shall comply with Section 404.4.1		

For SI: 1 square foot = 0.0929 m^2.

a. See Section 404.5.2 for combined living room/dining room spaces.

b. See Section 404.5.1 for limitations on determining the minimum occupancy area for sleeping purposes.

404.5.1 Sleeping area. The minimum occupancy area required by Table 404.5 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. Sleeping areas shall comply with Section 404.4.

404.5.2 Combined spaces. Combined living room and dining room spaces shall comply with the requirements of Table 404.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

404.6 Efficiency unit. Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than one occupant shall have a minimum clear floor area of 120 square feet (11.2 m^2). A unit occupied by not more than two *occupants* shall have a minimum clear floor area of 220 square feet (20.4 m^2). A unit occupied by three *occupants* shall have a minimum clear floor area of 320 square feet (29.7 m^2). These required areas shall be exclusive of the areas required by Items 2 and 3.
2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a minimum clear working space of 30 inches (762 mm)

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in front. Light and *ventilation* conforming to this code shall be provided.

3. The unit shall be provided with a separate *bathroom* containing a water closet, lavatory and bathtub or shower.
4. The maximum number of *occupants* shall be three.

404.7 Food preparation. Spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

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CHAPTER 5
PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

User note:

About this chapter: *Chapter 5 establishes minimum sanitary and clean conditions in occupied buildings by containing requirements for the installation, maintenance and location of plumbing systems and facilities, including the water supply system, water heating appliances, sewage disposal systems and related plumbing fixtures. Chapter 5 includes requirements for providing potable water to a building and the basic fixtures to effectively utilize and dispose of that water.*

SECTION 501
GENERAL

501.1 Scope. The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

501.2 Responsibility. The *owner* of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as *owner-occupant* or permit another person to occupy any structure or *premises* that does not comply with the requirements of this chapter.

SECTION 502
REQUIRED FACILITIES

[P] 502.1 Dwelling units. Every *dwelling unit* shall contain its own bathtub or shower, lavatory, water closet and kitchen sink that shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

[P] 502.2 Rooming houses. Not less than one water closet, lavatory and bathtub or shower shall be supplied for each four *rooming units*.

[P] 502.3 Hotels. Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each 10 *occupants*.

[P] 502.4 Employees' facilities. Not less than one water closet, one lavatory and one drinking facility shall be available to employees.

[P] 502.4.1 Drinking facilities. Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in *toilet rooms* or *bathrooms*.

[P] 502.5 Public toilet facilities. Public toilet facilities shall be maintained in a safe, sanitary and working condition in accordance with the *International Plumbing Code*. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during *occupancy* of the *premises*.

SECTION 503
TOILET ROOMS

[P] 503.1 Privacy. *Toilet rooms* and *bathrooms* shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared *bathrooms* and *toilet rooms* in a multiple dwelling.

[P] 503.2 Location. *Toilet rooms* and *bathrooms* serving hotel units, *rooming units* or dormitory units or *housekeeping units*, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

[P] 503.3 Location of employee toilet facilities. Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

[P] 503.4 Floor surface. In other than *dwelling units*, every *toilet room* floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

SECTION 504
PLUMBING SYSTEMS AND FIXTURES

[P] 504.1 General. Plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. Plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

[P] 504.2 Fixture clearances. Plumbing fixtures shall have adequate clearances for usage and cleaning.

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[P] 504.3 Plumbing system hazards. Where it is found that a plumbing system in a structure constitutes a hazard to the *occupants* or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, *deterioration* or damage or for similar reasons, the *code official* shall require the defects to be corrected to eliminate the hazard.

SECTION 505
WATER SYSTEM

[P] 505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an *approved* private water system. Kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the *International Plumbing Code*.

[P] 505.2 Contamination. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

[P] 505.3 Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

[P] 505.4 Water heating facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature not less than 110°F (43°C). A gas-burning water heater shall not be located in any *bathroom*, *toilet room*, *bedroom* or other occupied room normally kept closed, unless adequate combustion air is provided. An *approved* combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

[P] 505.5 Nonpotable water reuse systems. Nonpotable water reuse systems and rainwater collection and conveyance systems shall be maintained in a safe and sanitary condition. Where such systems are not properly maintained, the systems shall be repaired to provide for safe and sanitary conditions, or the system shall be abandoned in accordance with Section 505.5.1.

[P] 505.5.1 Abandonment of systems. Where a nonpotable water reuse system or a rainwater collection and distribution system is not maintained or the owner ceases use of the system, the system shall be abandoned in accordance with Section 1301.10 of the *International Plumbing Code*.

SECTION 506
SANITARY DRAINAGE SYSTEM

[P] 506.1 General. Plumbing fixtures shall be properly connected to either a public sewer system or to an *approved* private sewage disposal system.

[P] 506.2 Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

[P] 506.3 Grease interceptors. Grease interceptors and automatic grease removal devices shall be maintained in accordance with this code and the manufacturer's installation instructions. Grease interceptors and automatic grease removal devices shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewage treatment plant or processes. Records of maintenance, cleaning and repairs shall be available for inspection by the *code official*.

SECTION 507
STORM DRAINAGE

[P] 507.1 General. Drainage of roofs and paved areas, *yards* and courts, and other open areas on the *premises* shall not be discharged in a manner that creates a public nuisance.

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CHAPTER 6
MECHANICAL AND ELECTRICAL REQUIREMENTS

User note:

About this chapter: *Chapter 6 establishes minimum performance requirements for heating, electrical and mechanical facilities serving existing structures, such as heating and air-conditioning equipment, appliances and their supporting systems; water heating equipment, appliances and systems; cooking equipment and appliances; ventilation and exhaust equipment; gas and liquid fuel distribution piping and components; fireplaces and solid fuel-burning appliances; chimneys and vents; electrical services; lighting fixtures; electrical receptacle outlets; electrical distribution system equipment, devices and wiring; and elevators, escalators and dumbwaiters.*

SECTION 601
GENERAL

601.1 Scope. The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

601.2 Responsibility. The *owner* of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as *owner-occupant* or permit another person to occupy any *premises* that does not comply with the requirements of this chapter.

SECTION 602
HEATING FACILITIES

602.1 Facilities required. Heating facilities shall be provided in structures as required by this section.

602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms* based on the winter outdoor design temperature for the locality indicated in Appendix D of the *International Plumbing Code*. Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating.

Exception: In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

602.3 Heat supply. Every *owner* and *operator* of any building who rents, leases or lets one or more *dwelling units* or *sleeping units* on terms, either expressed or implied, to furnish heat to the *occupants* thereof shall supply heat during the period from **[DATE]** to **[DATE]** to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms*.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the *International Plumbing Code*.
2. In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from **[DATE]** to **[DATE]** to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

602.5 Room temperature measurement. The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

SECTION 603
MECHANICAL EQUIPMENT

603.1 Mechanical equipment and appliances. Mechanical equipment, appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

603.2 Removal of combustion products. Fuel-burning equipment and appliances shall be connected to an *approved* chimney or vent.

Exception: Fuel-burning equipment and appliances that are *labeled* for unvented operation.

603.3 Clearances. Required clearances to combustible materials shall be maintained.

603.4 Safety controls. Safety controls for fuel-burning equipment shall be maintained in effective operation.

603.5 Combustion air. A supply of air for complete combustion of the fuel and for *ventilation* of the space containing the

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fuel-burning equipment shall be provided for the fuel-burning equipment.

603.6 Energy conservation devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless *labeled* for such purpose and the installation is specifically *approved*.

SECTION 604
ELECTRICAL FACILITIES

604.1 Facilities required. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70. *Dwelling units* shall be served by a three-wire, 120/240 volt, single-phase electrical service having a minimum rating of 60 amperes.

604.3 Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the *occupants* or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, *deterioration* or damage, or for similar reasons, the *code official* shall require the defects to be corrected to eliminate the hazard.

604.3.1 Abatement of electrical hazards associated with water exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.

604.3.1.1 Electrical equipment. Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the *International Building Code*.

Exception: The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or *approved* manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:

1. Enclosed switches, rated not more than 600 volts or less.
2. Busway, rated not more than 600 volts.
3. Panelboards, rated not more than 600 volts.
4. Switchboards, rated not more than 600 volts.
5. Fire pump controllers, rated not more than 600 volts.
6. Manual and magnetic motor controllers.
7. Motor control centers.
8. Alternating current high-voltage circuit breakers.
9. Low-voltage power circuit breakers.
10. Protective relays, meters and current transformers.
11. Low- and medium-voltage switchgear.
12. Liquid-filled transformers.
13. Cast-resin transformers.
14. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water.
15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water.
16. Luminaires that are listed as submersible.
17. Motors.
18. Electronic control, signaling and communication equipment.

604.3.2 Abatement of electrical hazards associated with fire exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to fire.

604.3.2.1 Electrical equipment. Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the *International Building Code*.

Exception: Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or *approved* manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.

SECTION 605
ELECTRICAL EQUIPMENT

605.1 Installation. Electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and *approved* manner.

605.2 Receptacles. Every *habitable space* in a dwelling shall contain not less than two separate and remote receptacle outlets. Every laundry area shall contain not less than one grounding-type receptacle or a receptacle with a ground fault circuit interrupter. Every *bathroom* shall contain not less than one receptacle. Any new *bathroom* receptacle outlet shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location.

605.3 Luminaires. Every public hall, interior stairway, *toilet room*, kitchen, *bathroom*, laundry room, boiler room and furnace room shall contain not less than one electric luminaire.

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Pool and spa luminaires over 15 V shall have ground fault circuit interrupter protection.

605.4 Wiring. Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings.

SECTION 606
ELEVATORS, ESCALATORS AND DUMBWAITERS

606.1 General. Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, be available for public inspection in the office of the building *operator* or be posted in a publicly conspicuous location *approved* by the *code official*. The inspection and tests shall be performed at not less than the periodic intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.

606.2 Elevators. In buildings equipped with passenger elevators, not less than one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

SECTION 607
DUCT SYSTEMS

607.1 General. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

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CHAPTER 7
FIRE SAFETY REQUIREMENTS

User note:

About this chapter: *Chapter 7 establishes fire safety requirements for existing structures by containing requirements for means of egress, including path of travel, required egress width, means of egress doors and emergency escape openings, and for the maintenance of fire-resistance-rated assemblies, fire protection systems, and carbon monoxide alarm and detection systems.*

SECTION 701
GENERAL

701.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior *premises*, including fire safety facilities and equipment to be provided.

701.2 Responsibility. The *owner* of the *premises* shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as *owner-occupant* or permit another person to occupy any *premises* that do not comply with the requirements of this chapter.

SECTION 702
MEANS OF EGRESS

[F] 702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the *public way*. Means of egress shall comply with the *International Fire Code*.

[F] 702.2 Aisles. The required width of aisles in accordance with the *International Fire Code* shall be unobstructed.

[F] 702.3 Locked doors. Means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the *International Building Code*.

[F] 702.4 Emergency escape openings. Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided that the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

SECTION 703
FIRE-RESISTANCE RATINGS

[F] 703.1 Fire-resistance-rated assemblies. The provisions of this chapter shall govern maintenance of the materials, systems and assemblies used for structural fire resistance and fire-resistance-rated construction separation of adjacent spaces to safeguard against the spread of fire and smoke within a building and the spread of fire to or from buildings.

[F] 703.2 Unsafe conditions. Where any components are not maintained and do not function as intended or do not have the fire resistance required by the code under which the building was constructed or altered, such components or portions thereof shall be deemed unsafe conditions in accordance with Section 111.1.1 of the *International Fire Code*. Components or portions thereof determined to be unsafe shall be repaired or replaced to conform to that code under which the building was constructed or altered. Where the condition of components is such that any building, structure or portion thereof presents an imminent danger to the occupants of the building, structure or portion thereof, the fire code official shall act in accordance with Section 111.2 of the *International Fire Code*.

[F] 703.3 Maintenance. The required fire-resistance rating of fire-resistance-rated construction, including walls, firestops, shaft enclosures, partitions, smoke barriers, floors, fire-resistive coatings and sprayed fire-resistant materials applied to structural members and joint systems, shall be maintained. Such elements shall be visually inspected annually by the owner and repaired, restored or replaced where damaged, altered, breached or penetrated. Records of inspections and repairs shall be maintained. Where concealed, such elements shall not be required to be visually inspected by the owner unless the concealed space is accessible by the removal or movement of a panel, access door, ceiling tile or entry to the space. Openings made therein for the passage of pipes, electrical conduit, wires, ducts, air transfer and any other reason shall be protected with approved methods capable of resisting the passage of smoke and fire. Openings through fire-resistance-rated assemblies shall be protected by self- or automatic-closing doors of approved construction meeting the fire protection requirements for the assembly.

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[F] 703.3.1 Fire blocking and draft stopping. Required fire blocking and draft stopping in combustible concealed spaces shall be maintained to provide continuity and integrity of the construction.

[F] 703.3.2 Smoke barriers and smoke partitions. Required smoke barriers and smoke partitions shall be maintained to prevent the passage of smoke. Openings protected with approved smoke barrier doors or smoke dampers shall be maintained in accordance with NFPA 105.

[F] 703.3.3 Fire walls, fire barriers, and fire partitions. Required fire walls, fire barriers and fire partitions shall be maintained to prevent the passage of fire. Openings protected with approved doors or fire dampers shall be maintained in accordance with NFPA 80.

[F] 703.4 Opening protectives. Opening protectives shall be maintained in an operative condition in accordance with NFPA 80. The application of field-applied labels associated with the maintenance of opening protectives shall follow the requirements of the approved third-party certification organization accredited for listing the opening protective. Fire doors and smoke barrier doors shall not be blocked or obstructed, or otherwise made inoperable. Fusible links shall be replaced whenever fused or damaged. Fire door assemblies shall not be modified.

[F] 703.4.1 Signs. Where required by the code official, a sign shall be permanently displayed on or near each fire door in letters not less than 1 inch (25 mm) high to read as follows:

1. For doors designed to be kept normally open: FIRE DOOR – DO NOT BLOCK.
2. For doors designed to be kept normally closed: FIRE DOOR – KEEP CLOSED.

[F] 703.4.2 Hold-open devices and closers. Hold-open devices and automatic door closers shall be maintained. During the period that such a device is out of service for repairs, the door it operates shall remain in the closed position.

[F] 703.4.3 Door operation. Swinging fire doors shall close from the full-open position and latch automatically. The door closer shall exert enough force to close and latch the door from any partially open position.

[F] 703.5 Ceilings. The hanging and displaying of salable goods and other decorative materials from acoustical ceiling systems that are part of a fire-resistance-rated horizontal assembly shall be prohibited.

[F] 703.6 Testing. Horizontal and vertical sliding and rolling fire doors shall be inspected and tested annually to confirm operation and full closure. Records of inspections and testing shall be maintained.

[F] 703.7 Vertical shafts. Interior vertical shafts, including stairways, elevator hoistways and service and utility shafts, which connect two or more stories of a building shall be enclosed or protected as required in Chapter 11 of the *International Fire Code*. New floor openings in existing buildings shall comply with the *International Building Code*.

[F] 703.8 Opening protective closers. Where openings are required to be protected, opening protectives shall be maintained self-closing or automatic-closing by smoke detection. Existing fusible-link-type automatic door-closing devices shall be replaced if the fusible link rating exceeds 135°F (57°C).

SECTION 704
FIRE PROTECTION SYSTEMS

[F] 704.1 Inspection, testing and maintenance. Fire detection, alarm and extinguishing systems, mechanical smoke exhaust systems, and smoke and heat vents shall be maintained in accordance with the *International Fire Code* in an operative condition at all times, and shall be replaced or repaired where defective.

[F] 704.1.1 Installation. Fire protection systems shall be maintained in accordance with the original installation standards for that system. Required systems shall be extended, altered or augmented as necessary to maintain and continue protection where the building is altered or enlarged. Alterations to fire protection systems shall be done in accordance with applicable standards.

[F] 704.1.2 Required fire protection systems. Fire protection systems required by this code, the *International Fire Code* or the *International Building Code* shall be installed, repaired, operated, tested and maintained in accordance with this code. A fire protection system for which a design option, exception or reduction to the provisions of this code, the *International Fire Code* or the *International Building Code* has been granted shall be considered to be a required system.

[F] 704.1.3 Fire protection systems. Fire protection systems shall be inspected, maintained and tested in accordance with the following *International Fire Code* requirements.

1. Automatic sprinkler systems, see Section 903.5.
2. Automatic fire-extinguishing systems protecting commercial cooking systems, see Section 904.12.5.
3. Automatic water mist extinguishing systems, see Section 904.11.
4. Carbon dioxide extinguishing systems, see Section 904.8.
5. Carbon monoxide alarms and carbon monoxide detection systems, see Section 915.6.
6. Clean-agent extinguishing systems, see Section 904.10.
7. Dry-chemical extinguishing systems, see Section 904.6.
8. Fire alarm and fire detection systems, see Section 907.8.
9. Fire department connections, see Sections 912.4 and 912.7.
10. Fire pumps, see Section 913.5.
11. Foam extinguishing systems, see Section 904.7.
12. Halon extinguishing systems, see Section 904.9.

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13. Single- and multiple-station smoke alarms, see Section 907.10.
14. Smoke and heat vents and mechanical smoke removal systems, see Section 910.5.
15. Smoke control systems, see Section 909.20.
16. Wet-chemical extinguishing systems, see Section 904.5.

[F] 704.2 Standards. Fire protection systems shall be inspected, tested and maintained in accordance with the referenced standards listed in Table 704.2 and as required in this section.

TABLE 704.2
FIRE PROTECTION SYSTEM MAINTENANCE STANDARDS

SYSTEM	STANDARD
Portable fire extinguishers	NFPA 10
Carbon dioxide fire-extinguishing system	NFPA 12
Halon 1301 fire-extinguishing systems	NFPA 12A
Dry-chemical extinguishing systems	NFPA 17
Wet-chemical extinguishing systems	NFPA 17A
Water-based fire protection systems	NFPA 25
Fire alarm systems	NFPA 72
Smoke and heat vents	NFPA 204
Water-mist systems	NFPA 750
Clean-agent extinguishing systems	NFPA 2001

[F] 704.2.1 Records. Records shall be maintained of all system inspections, tests and maintenance required by the referenced standards.

[F] 704.2.2 Records information. Initial records shall include the: name of the installation contractor; type of components installed; manufacturer of the components; location and number of components installed per floor; and manufacturers' operation and maintenance instruction manuals. Such records shall be maintained for the life of the installation.

[F] 704.3 Systems out of service. Where a required fire protection system is out of service, the fire department and the fire code official shall be notified immediately and, where required by the fire code official, either the building shall be evacuated or an approved fire watch shall be provided for all occupants left unprotected by the shutdown until the fire protection system has been returned to service. Where utilized, fire watches shall be provided with not less than one approved means for notification of the fire department and shall not have duties beyond performing constant patrols of the protected premises and keeping watch for fires. Actions shall be taken in accordance with Section 901 of the *International Fire Code* to bring the systems back in service.

[F] 704.3.1 Emergency impairments. Where unplanned impairments of fire protection systems occur, appropriate emergency action shall be taken to minimize potential injury and damage. The impairment coordinator shall implement the steps outlined in Section 901.7.4 of the *International Fire Code*.

[F] 704.4 Removal of or tampering with equipment. It shall be unlawful for any person to remove, tamper with or otherwise disturb any fire hydrant, fire detection and alarm system, fire suppression system or other fire appliance required by this code except for the purposes of extinguishing fire, training, recharging or making necessary repairs.

[F] 704.4.1 Removal of or tampering with appurtenances. Locks, gates, doors, barricades, chains, enclosures, signs, tags and seals that have been installed by or at the direction of the fire code official shall not be removed, unlocked, destroyed or tampered with in any manner.

[F] 704.4.2 Removal of existing occupant-use hose lines. The fire code official is authorized to permit the removal of existing occupant-use hose lines where all of the following apply:

1. The installation is not required by the *International Fire Code* or the *International Building Code*.
2. The hose line would not be utilized by trained personnel or the fire department.
3. The remaining outlets are compatible with local fire department fittings.

[F] 704.4.3 Termination of monitoring service. For fire alarm systems required to be monitored by the *International Fire Code*, notice shall be made to the fire code official whenever alarm monitoring services are terminated. Notice shall be made in writing by the provider of the monitoring service being terminated.

[F] 704.5 Fire department connection. Where the fire department connection is not visible to approaching fire apparatus, the fire department connection shall be indicated by an *approved* sign mounted on the street front or on the side of the building. Such sign shall have the letters "FDC" not less than 6 inches (152 mm) high and words in letters not less than 2 inches (51 mm) high or an arrow to indicate the location. Such signs shall be subject to the approval of the fire code official.

[F] 704.5.1 Fire department connection access. Ready access to fire department connections shall be maintained at all times and without obstruction by fences, bushes, trees, walls or any other fixed or movable object. Access to fire department connections shall be approved by the fire chief.

Exception: Fences, where provided with an access gate equipped with a sign complying with the legend requirements of Section 912.5 of the *International Fire Code* and a means of emergency operation. The gate and the means of emergency operation shall be approved by the fire chief and maintained operational at all times.

[F] 704.5.2 Clear space around connections. A working space of not less than 36 inches (914 mm) in width, 36 inches (914 mm) in depth and 78 inches (1981 mm) in height shall be provided and maintained in front of and to the sides of wall-mounted fire department connections and around the circumference of free-standing fire department connections.

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[F] 704.6 Single- and multiple-station smoke alarms. Single- and multiple-station smoke alarms shall be installed in existing Group I-1 and R occupancies in accordance with Sections 704.6.1 through 704.6.3.

[F] 704.6.1 Where required. Existing Group I-1 and R occupancies shall be provided with single-station smoke alarms in accordance with Sections 704.6.1.1 through 704.6.1.4. Interconnection and power sources shall be in accordance with Sections 704.6.2 and 704.6.3.

Exceptions:

1. Where the code that was in effect at the time of construction required smoke alarms and smoke alarms complying with those requirements are already provided.
2. Where smoke alarms have been installed in occupancies and dwellings that were not required to have them at the time of construction, additional smoke alarms shall not be required provided that the existing smoke alarms comply with requirements that were in effect at the time of installation.
3. Where smoke detectors connected to a fire alarm system have been installed as a substitute for smoke alarms.

[F] 704.6.1.1 Group R-1. Single- or multiple-station smoke alarms shall be installed in all of the following locations in Group R-1:

1. In sleeping areas.
2. In every room in the path of the *means of egress* from the sleeping area to the door leading from the *sleeping unit*.
3. In each story within the *sleeping unit*, including basements. For *sleeping units* with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

[F] 704.6.1.2 Groups R-2, R-3, R-4 and I-1. Single- or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and I-1 regardless of *occupant load* at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
3. In each story within a *dwelling unit*, including *basements* but not including crawl spaces and uninhabitable attics. In *dwellings* or *dwelling units* with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

[F] 704.6.1.3 Installation near cooking appliances. Smoke alarms shall not be installed in the following locations unless this would prevent placement of a smoke alarm in a location required by Section 704.6.1.1 or 704.6.1.2.

1. Ionization smoke alarms shall not be installed less than 20 feet (6096 m) horizontally from a permanently installed cooking appliance.
2. Ionization smoke alarms with an alarm-silencing switch shall not be installed less than 10 feet (3048 mm) horizontally from a permanently installed cooking appliance.
3. Photoelectric smoke alarms shall not be installed less than 6 feet (1829 mm) horizontally from a permanently installed cooking appliance.

[F] 704.6.1.4 Installation near bathrooms. Smoke alarms shall be installed not less than 3 feet (914 mm) horizontally from the door or opening of a bathroom that contains a bathtub or shower unless this would prevent placement of a smoke alarm required by Section 704.6.1.1 or 704.6.1.2.

[F] 704.6.2 Interconnection. Where more than one smoke alarm is required to be installed within an individual *dwelling* or *sleeping unit*, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:

1. Interconnection is not required in buildings that are not undergoing *alterations*, repairs or construction of any kind.
2. Smoke alarms in existing areas are not required to be interconnected where *alterations* or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available that could provide access for interconnection without the removal of interior finishes.

[F] 704.6.3 Power source. Single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms with integral strobes that are not equipped with battery backup shall be connected to an emergency electrical system. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

Exceptions:

1. Smoke alarms are permitted to be solely battery operated in existing buildings where construction is not taking place.
2. Smoke alarms are permitted to be solely battery operated in buildings that are not served from a commercial power source.

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3. Smoke alarms are permitted to be solely battery operated in existing areas of buildings undergoing *alterations* or repairs that do not result in the removal of interior walls or ceiling finishes exposing the structure, unless there is an attic, crawl space or *basement* available that could provide access for building wiring without the removal of interior finishes.

[F] 704.6.4 Smoke detection system. Smoke detectors listed in accordance with UL 268 and provided as part of the building's fire alarm system shall be an acceptable alternative to single- and multiple-station smoke alarms and shall comply with the following:

1. The fire alarm system shall comply with all applicable requirements in Section 907 of the *International Fire Code*.
2. Activation of a smoke detector in a dwelling or sleeping unit shall initiate alarm notification in the *dwelling* or *sleeping unit* in accordance with Section 907.5.2 of the *International Fire Code*.
3. Activation of a smoke detector in a *dwelling* or *sleeping unit* shall not activate alarm notification appliances outside of the *dwelling* or *sleeping unit*, provided that a supervisory signal is generated and monitored in accordance with Section 907.6.6 of the *International Fire Code*.

[F] 704.7 Single- and multiple-station smoke alarms. Single- and multiple-station smoke alarms shall be tested and maintained in accordance with the manufacturer's instructions. Smoke alarms that do not function shall be replaced. Smoke alarms installed in one- and two-family dwellings shall be replaced not more than 10 years from the date of manufacture marked on the unit, or shall be replaced if the date of manufacture cannot be determined.

SECTION 705
CARBON MONOXIDE ALARMS AND DETECTION

[F] 705.1 General. Carbon monoxide alarms shall be installed in dwellings in accordance with Section 1103.9 of the *International Fire Code*, except that alarms in dwellings covered by the *International Residential Code* shall be installed in accordance with Section R315 of that code.

[F] 705.2 Carbon monoxide alarms and detectors. Carbon monoxide alarms and carbon monoxide detection systems shall be maintained in accordance with NFPA 720. Carbon monoxide alarms and carbon monoxide detectors that become inoperable or begin producing end-of-life signals shall be replaced.

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CHAPTER 8
REFERENCED STANDARDS

User note:

About this chapter: *This code contains numerous references to standards promulgated by other organizations that are used to provide requirements for materials and methods of construction. Chapter 8 contains a comprehensive list of all standards that are referenced in this code. These standards, in essence, are part of this code to the extent of the reference to the standard.*

This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in Section 102.7.

ASME

American Society of Mechanical Engineers
Two Park Avenue
New York, NY 10016-5990

ASME A17.1—2016/CSA B44—16: Safety Code for Elevators and Escalators
606.1

ASTM

ASTM International
100 Barr Harbor Drive, P.O. Box C700
West Conshohocken, PA 19428-2959

F1346—91 (2010): Performance Specifications for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs
303.2

ICC

International Code Council
500 New Jersey Avenue, NW
6th Floor
Washington, DC 20001

IBC—18: International Building Code®
102.3, 201.3, 304.1.1, 305.1.1, 306.1.1, 401.3, 604.3.1.1, 604.3.2.1, 702.3, 704.4.2

IECC—18: International Energy Conservation Code®
102.3

IEBC—18: International Existing Building Code®
102.3, 201.3, 304.1.1, 305.1.1, 306.1.1

IFC—18: International Fire Code®
102.3, 201.3, 604.3.1.1, 702.1, 702.2, 704.1, 704.1.2, 704.1.3, 704.3, 704.3.1, 704.4.2, 704.4.3, 704.5.1, 704.6.4, 705.1

IFGC—18: International Fuel Gas Code®
102.3, 201.3

IMC—18: International Mechanical Code®
102.3, 201.3

IPC—18: International Plumbing Code®
102.3, 201.3, 502.5, 505.1, 505.5.1, 602.2, 602.3

IRC—18: International Residential Code®
102.3, 201.3

IZC—18: International Zoning Code®
102.3, 201.3

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NFPA

National Fire Protection Association
1 Batterymarch Park
Quincy, MA 02169-7471

10—17: Standard for Portable Fire Extinguishers
Table 704.2

12—15: Standard on Carbon Dioxide Extinguishing Systems
Table 704.2

12A—15: Standard on Halon 1301 Fire Extinguishing Systems
Table 704.2

17—17: Standard for Dry Chemical Extinguishing Systems
Table 704.2

17A—17: Standard for Wet Chemical Extinguishing Systems
Table 704.2

25—17: Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems
Table 704.2

70—17: National Electrical Code
102.3, 201.3, 604.2

72—16: National Fire Alarm and Signaling Code
Table 704.2

80—16: Standard for Fire Doors and Other Opening Protectives
703.3.3, 703.4

105—16: Standard for Smoke Door Assemblies and Other Opening Protectives
703.3.2

204—15: Standard for Smoke and Heat Venting
Table 704.2

720—15: Standard for the Installation of Carbon Monoxide (CO) Detection and Warning Equipment
[F] 705.2

750—14: Standard on Water Mist Fire Protection Systems
Table 704.2

2001—15: Standard on Clean Agent Fire Extinguishing Systems
Table 704.2

UL

Underwriters Laboratories, LLC
333 Pfingsten Road
Northbrook, IL 60062

268—09: Smoke Detectors for Fire Alarm Systems
704.6.4

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APPENDIX A
BOARDING STANDARD

The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.

User note:

About this appendix: *Appendix A provides minimum specifications for boarding a structure. This can be utilized by a jurisdiction as a set of minimum requirements in order to result in consistent boarding quality. These requirements also provide a reasonable means to eliminate having to approve numerous methods or materials for the boarding and securing of a structure. It is important to note that the provisions of Appendix A are not mandatory unless specifically referenced in the adopting ordinance of the authority having jurisdiction.*

A101
GENERAL

A101.1 General. Windows and doors shall be boarded in an *approved* manner to prevent entry by unauthorized persons and shall be painted to correspond to the color of the existing structure.

A102
MATERIALS

A102.1 Boarding sheet material. Boarding sheet material shall be minimum $^1/_2$-inch-thick (12.7 mm) wood structural panels complying with the *International Building Code*.

A102.2 Boarding framing material. Boarding framing material shall be minimum nominal 2-inch by 4-inch (51 mm by 102 mm) solid sawn lumber complying with the *International Building Code*.

A102.3 Boarding fasteners. Boarding fasteners shall be minimum $^3/_8$-inch-diameter (9.5 mm) carriage bolts of such a length as required to penetrate the assembly and as required to adequately attach the washers and nuts. Washers and nuts shall comply with the *International Building Code*.

A103
INSTALLATION

A103.1 Boarding installation. The boarding installation shall be in accordance with Figures A103.1(1) and A103.1(2) and Sections A103.2 through A103.5.

A103.2 Boarding sheet material. The boarding sheet material shall be cut to fit the door or window opening neatly or shall be cut to provide an equal overlap at the perimeter of the door or window.

A103.3 Windows. The window shall be opened to allow the carriage bolt to pass through or the window sash shall be removed and stored. The 2-inch by 4-inch (51 mm by 102 mm) strong back framing material shall be cut minimum 2 inches (51 mm) wider than the window opening and shall be placed on the inside of the window opening 6 inches (152 mm) minimum above the bottom and below the top of the window opening. The framing and boarding shall be pre-drilled. The assembly shall be aligned and the bolts, washers and nuts shall be installed and secured.

A103.4 Door walls. The door opening shall be framed with minimum 2-inch by 4-inch (51 mm by 102 mm) framing material secured at the entire perimeter and vertical members at a maximum of 24 inches (610 mm) on center. Blocking shall also be secured at a maximum of 48 inches (1219 mm) on center vertically. Boarding sheet material shall be secured with screws and nails alternating every 6 inches (152 mm) on center.

A103.5 Doors. Doors shall be secured by the same method as for windows or door openings. One door to the structure shall be available for authorized entry and shall be secured and locked in an *approved* manner.

A104
REFERENCED STANDARD

IBC—18	International Building Code	A102.1, A102.2, A102.3

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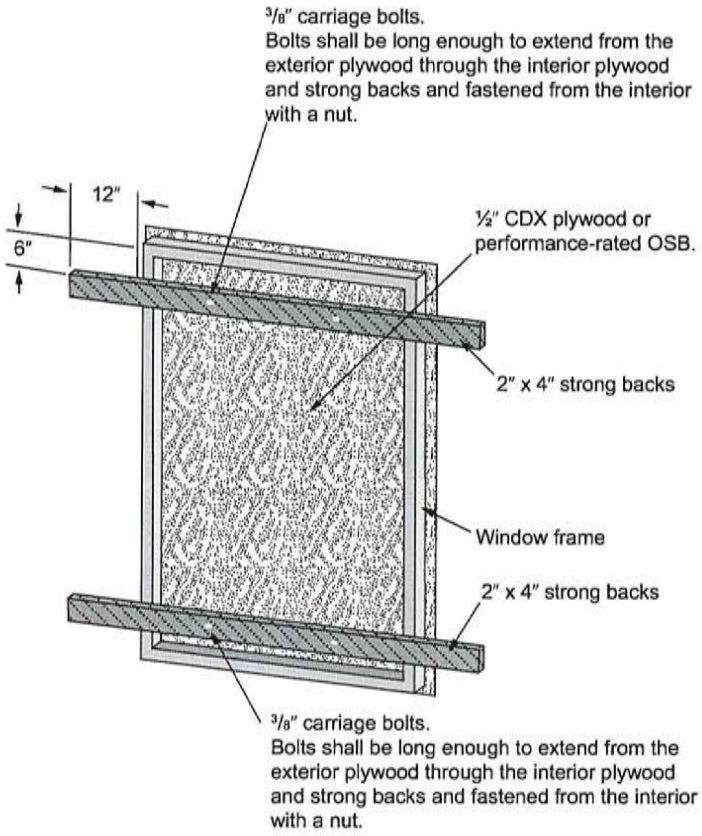
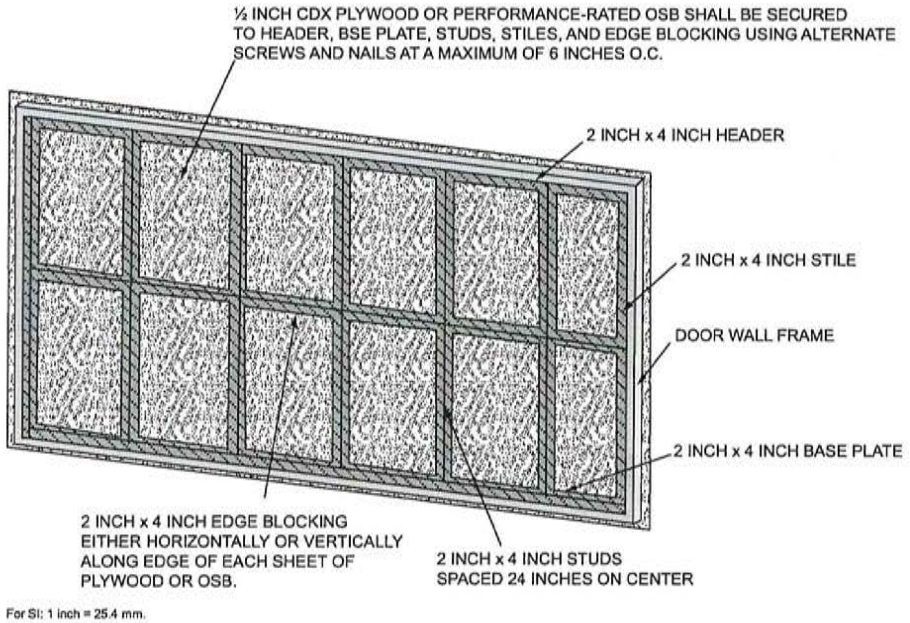


FIGURE A103.1(1)
BOARDING OF DOOR OR WINDOW



For SI: 1 inch = 25.4 mm.

FIGURE A103.1(2)
BOARDING OF DOOR WALL

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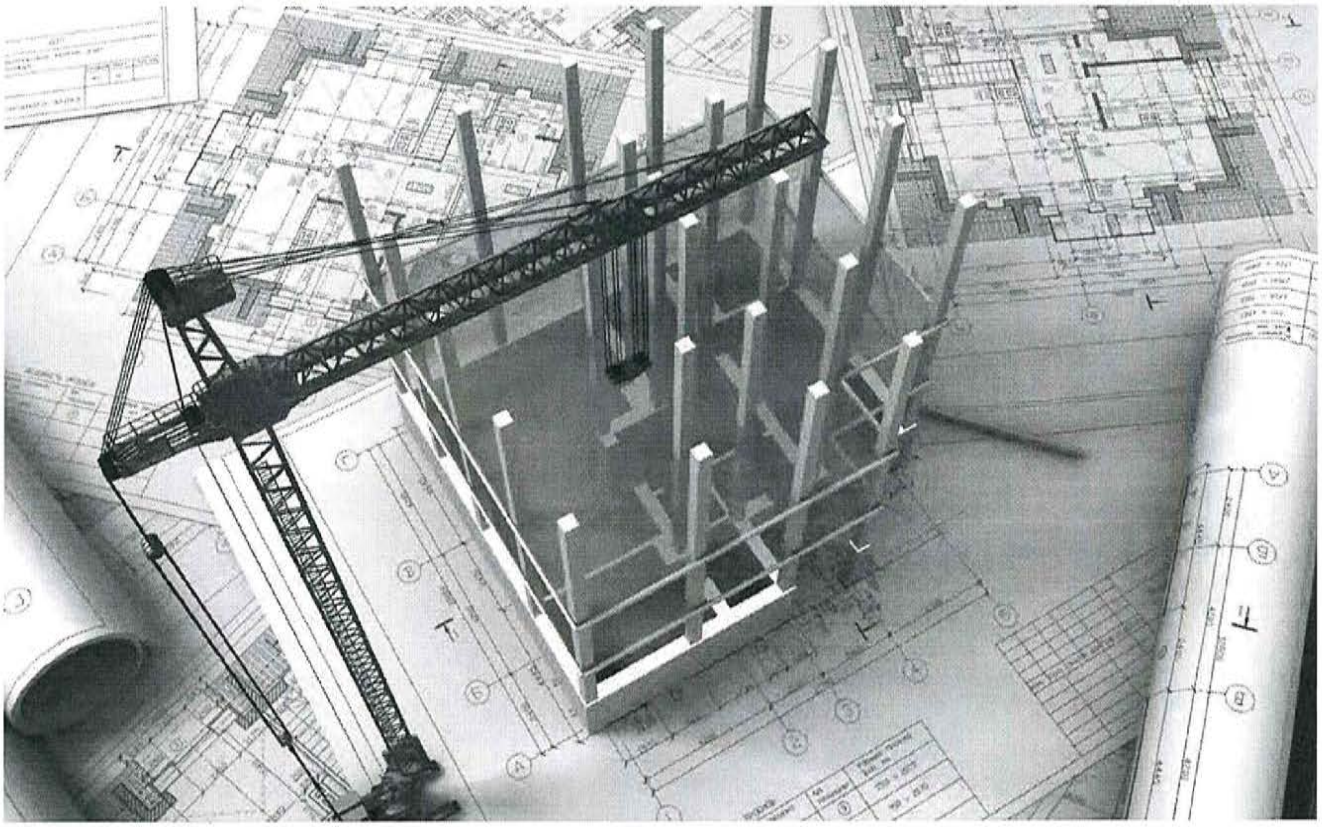
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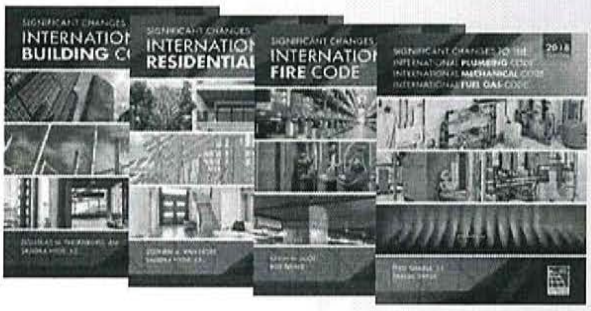
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City of Charlevoix
Code Enforcement Policy for the International Property Maintenance Code (IPMC)
October 2021

Background

The City of Charlevoix and city officials have been challenged over the years to address issues with deteriorating structures that posed threats to the health, safety, and welfare of their residents. The only regulatory remedy for these situations is to wait until a structure became so degraded that the city's Dangerous Building and Structures ordinance could be applied to force demolition. This is a long, difficult, and costly process. The IPMC was developed with the specific purpose to secure public health, safety, and welfare by establishing minimum standards for structures and premises.

Intent

The goal of the city's use of the IPMC is to protect public health, safety, and welfare by providing a means to intervene and improve deteriorating structures prior to them becoming a serious risk to city residents or so dangerous as to require demolition. This goal is the guiding principle for enforcement.

Enforcement

The items addressed by the IPMC are wide ranging and comprehensive, and minor violation will not be considered a threat to public health safety and welfare. As such, city officials or their designees will only utilize the IPMC to investigate and take further action if they find that:

- building(s) and/or property which is blighted and affects the economic well-being of the surrounding properties, and/or is detrimental to the health, safety, and welfare of the residents in the home (if any) and in the surrounding neighborhood, and

- by requiring minimal maintenance standards as prescribed by the IPMC, the building(s) and properties can be rehabilitated and maintained to provide safe and sanitary housing or commercial facilities, and

- such rehabilitation and maintenance would eliminate, remedy, and prevent blight and help reduce or eliminate the deterioration of building(s) and/or properties, to the point where they will not become a serious risk to city residents or so dangerous that they need to be demolished.

If city officials find that the above criteria for enforcement are met, every effort will be made to work with the property owner to establish reasonable timelines and remedy the violations to a standard acceptable under the IPMC. If the property owner makes little or no effort to bring the property into compliance, city officials will pursue enforcement action as prescribed by the IPMC.

CITY OF CHARLEVOIX
ORDINANCE NO. 828 of 2022
PROPERTY MAINTENANCE ORDINANCE

An ordinance adopting by reference the most recent edition of the *International Property Maintenance Code,* except as provided herein; regulating and governing the conditions and maintenance of all property, buildings and structures; by providing standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for human occupation and use; and the condemnation of buildings and structures in the City; providing the issuance of permits and collection of fees therefor; and repealing and all other ordinances and parts of ordinances within.

THE CITY OF CHARLEVOIX ORDAINS:

SECTION 1. Title IX, Chapter 91, Section 91.70 of the City of Charlevoix Code is hereby added to read as follows:

Purpose. The purpose of this ordinance is to adopt a property maintenance code to regulate and govern the conditions and maintenance of all property, buildings and structures, to provide uniform standards for occupation and use to ensure that they are safe, sanitary and fit.

SECTION 2.

Title. This Ordinance shall be known and cited as "The City of Charlevoix Property Maintenance Code."

SECTION 3.

Adoption. Pursuant to MCL 117.3 (k). that certain document marked and designated as The International Property Maintenance Code, most recently adopted edition, as published by the International Code Council, is hereby adopted as the Housing/Property Maintenance Code of the City, and each and all of the provisions of such code are hereby referred to, adopted and made a part hereof as if fully set out in this chapter, save and except such provisions as hereinafter amended or deleted.

SECTION 4.

Definitions. Wherever the term "building official," "administrative authority" or "code official" appears in the International Property Maintenance Code, as adopted in Section 3, it shall be deemed to mean the Authorized City Official (as defined in the City Code of Ordinances, as amended) and also includes the City Planner and City Zoning Administrator, or his or her duly authorized agent. Wherever the term "Municipality," "City" or "local jurisdiction" appears in such Code, it shall be deemed to mean the City of Charlevoix. Wherever the term "Board of Appeals" appears in such Code, it shall be deemed to mean the Zoning Board of Appeals of the City of Charlevoix.

SECTION 5.

Revisions. The following sections of the International Property Maintenance Code, as adopted in Section 3 above, are also hereby revised:

101.1 Insert: City of Charlevoix

103.5 Insert: Insert: Fees shall be as currently established or as hereafter adopted by resolution of the city council from time to time.

106.3 Insert: Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed responsible for a municipal civil infraction and subject to the civil fines set forth in the City of Charlevoix Code. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

106.4. Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be responsible for a municipal civil infraction and subject to the civil fines set forth in the City of Charlevoix Code. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

111.2.4. Secretary: The secretary of the appeals board will be the city clerk.

112.4. Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be responsible for a municipal civil infraction and subject to the civil fines set forth in the City of Charlevoix Code.

302.4 Insert: Ten (10) inches

304.14 Insert: Insect screens are required from April 1 through November 1

602.3 Insert: Heat shall be supplied from January 1 through December 31

602.4 Insert: Heat shall be supplied from January 1 through December 31

602.4. Occupiable Work Spaces. Insert: January 1 through December 31

SECTION 6.

File Copies. Printed copies of the International Property Maintenance Code, as adopted in Section 3, shall be kept in the office of the City Clerk, available for review and inspection by the public at all times.

SECTION 7. Severability.

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

SECTION 8. Inconsistent Ordinances.

Where a provision of the International Property Maintenance Code, as adopted in this Ordinance is found to be in conflict with a provision of any zoning, housing, fire, safety, or health law of the City, the County or the State, the provision which establishes the higher standard or assumes the higher jurisdiction for the promotion and protection of the health, safety and welfare of the City shall prevail.

SECTION 9. Effective Date.

This Ordinance shall become effective thirty (30) days after its enactment pursuant to the City Charter.

Ordinance No. 828 was adopted on the 17th day of January 2022 A.D., by the Charlevoix City Council as follows:
Motion by:
Second by:
Yeas:
Nays:
Absent:

State of Michigan
City of Charlevoix } §

Sarah J. Dvoracek City Clerk

Luther Kurtz Mayor

CHARLEVOIX CITY COUNCIL

Public Hearings and Actions Requiring Public Hearings

TITLE: Amendment to Membership of the Shade Tree and Parks Commission Ordinance

DATE: January 17, 2022

PRESENTED BY: Mark L. Heyldauff, City Manager

BACKGROUND:

This draft amendment to the Shade Tree and Parks Commission ordinance would permit the appointment of up to one non-resident to the five-member board if this person possesses a professional or educational background in the topics covered by the Commission. As is currently the case, the Mayor appoints members of the commission with approval of Council. This change slightly expands the potential membership of the Commission.

The Shade Tree and Parks Commission reviewed this draft change at their meeting on December 8 and is supportive of it.

The public hearing was held on December 20, 2021 however the entire council was not present to vote on the ordinance amendment at that time.

RECOMMENDATION:

Motion to approve the ordinance number 829 of 2022.

ATTACHMENTS:

- Shade Tree & Parks Commission Ordinance Amendment

CITY OF CHARLEVOIX
ORDINANCE NO. 829 of 2022
AN ORDINANCE TO AMEND TITLE III, CHAPTER 32, SECTION 32.055 OF THE CHARLEVOIX CITY CODE

THE CITY OF CHARLEVOIX ORDAINS:

SECTION 1. Title III, Chapter 32, Section 32.055 is hereby repealed and replaced in its entirety as follows:

The Shade Tree and Park Commission of the City shall contain five members. Members shall be appointed by the Mayor with the approval of the Council. At least one member of the board should be appointed on the basis of professional or educational ability in the field of arboriculture, horticulture, invasive species management, landscape architecture, or a related field. Not less than four of the members shall be citizens and residents of the City; a non-resident may be appointed if she or he possesses unique professional knowledge helpful to the board.

SECTION 2. Severability.

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

SECTION 3. Effective Date.

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

Ordinance No. 829 was adopted on the 17th day of January, 2022 A.D., by the Charlevoix City Council as follows:
Motion by:
Seconded by:
Yeas:
Nays:
Absent:

State of Michigan
City of Charlevoix } §

CHARLEVOIX CITY COUNCIL

Public Hearings and Actions Requiring Public Hearings

TITLE: Set Public Hearing: Budget Amendment for FY 2022

DATE: January 17, 2022

PRESENTED BY: Mark L. Heydlauff, City Manager

BACKGROUND:

The proposed budget amendment will keep the City's budget process in compliance with Public Act 202 and update the estimated year end budget for 2021-22 to our best estimate. A copy of the public notice is attached.

RECOMMENDATION:

Motion to set public hearing for the 2021-22 Budget Amendment Ordinance for February 21, 2022 at 6 p.m. in the City Council Chambers, 210 State Street, Charlevoix, MI.

ATTACHMENTS:

- Public Notice 2021-22
- Ordinance 830 of 2022 Budget Amendment

PUBLIC NOTICE

The City Council of the City of Charlevoix will hold a Public Hearing on the Proposed 2021-22 Fiscal Year Budget Amendment #1 on Monday, February 21, 2022 at 6:00 p.m. at City Hall, 210 State State, Charlevoix, Michigan. The following Budget Amendment #1 is proposed for the fiscal year April 1, 2021 to March 31, 2022:

		Original Budget	Amended Budget	Net Change
General Fund	RV Total	3,546,700	3,931,485	384,785
- Legislative	EX Total	59,300	185,793	126,493
- General Government	EX Total	644,750	681,016	36,266
- Public Safety	EX Total	1,175,600	1,072,418	(103,182)
- Public Works	EX Total	333,200	335,037	1,837
- Health and Welfare	EX Total	178,000	256,323	78,323
- Recreation & Culture	EX Total	1,337,150	1,582,524	245,374
- Other	EX Total	17,300	30,106	12,806
- Fund Transfers	EX Total	52,000	72,080	20,080
Major Street Fund	RV Total	439,504	418,009	(21,494)
Major Street Fund	EX Total	477,270	491,599	14,329
Local Street Fund	RV Total	177,181	199,313	22,132
Local Street Fund	EX Total	142,200	146,789	4,589
EMS Fund	RV Total	1,325,500	656,471	(669,029)
EMS Fund	EX Total	1,323,500	386,201	(937,299)
Parking Services Fund	RV Total	89,100	95,814	6,714
Parking Services Fund	EX Total	89,100	91,615	2,515
Housing Initiatives Fund	EX Total	0	5,153	5,153
DDA Fund	RV Total	574,000	646,244	72,244
DDA Fund	EX Total	601,600	652,716	51,116
Public Services Facility Debt Service Fund	RV Total	482,800	487,100	4,300
Public Services Facility Debt Service Fund	EX Total	482,700	487,000	4,300
Airport Fund	RV Total	1,637,254	2,076,991	439,737
Airport Fund	EX Total	1,764,700	2,197,264	432,564
PI#2 - Sewer Capital Fund-Tap ins	RV Total	15,080	26,080	11,000
PI#5 - Sewer Capital Fund - Northside Fund	RV Total	4,500	11,500	7,000
PI#6 - Infrastructure Improvements Fund	RV Total	416,400	437,482	21,082
PI#7 - Street Improvements	RV Total	252,300	254,903	2,603
PI#9 - Industrial Park Fund	EX Total	3,500	6,210	2,710
PI#13 - Ambulance Replacement Fund	EX Total	0	55,750	55,750
PI#14 - Public Services Facility Fund	RV Total	600,000	450,000	(150,000)
PI#14 - Public Services Facility Fund	EX Total	500,000	1,635,200	1,135,200
PI#15 - Trail Development-Improvement Fund	RV Total	1,155,000	350,000	(805,000)
PI#15 - Trail Development-Improvement Fund	EX Total	1,151,500	32,000	(1,119,500)
Electric Fund	RV Total	7,784,405	7,403,901	(380,504)
Electric Fund	EX Total	9,543,300	8,368,773	(1,174,527)
Sewer Fund	RV Total	2,544,180	2,463,705	(80,475)
Sewer Fund	EX Total	3,826,800	3,550,885	(275,915)
Water Fund	RV Total	1,747,500	1,695,000	(52,500)
Water Fund	EX Total	1,731,000	1,813,492	82,492
Marina Fund	RV Total	887,070	914,800	27,730
Marina Fund	EX Total	1,542,600	1,572,607	30,007
DPW Site Fund	RV Total	0	5,400	5,400
DPW Site Fund	EX Total	301,000	586,000	285,000
Employee Fringe Benefit Fund	RV Total	3,012,400	2,931,429	(80,971)
Employee Fringe Benefit Fund	EX Total	3,049,400	3,036,372	(13,028)
Motor Pool Fund	RV Total	1,203,674	1,057,755	(145,919)
Motor Pool Fund	EX Total	1,244,600	1,036,149	(208,451)
Perpetual Care Trust Fund	RV Total	6,000	12,200	6,200

CITY OF CHARLEVOIX
ORDINANCE NO. 830 OF 2022
2020-2021 BUDGET AMENDMENT #1

The Budget for the fiscal year beginning April 1, 2021 shall be amended for operating the City of Charlevoix. Ordinance 825 of 2021 Budget Appropriation Act of 2021-2022, is hereby amended as follows:

		Original Budget	Amended Budget	Net Change
General Fund	RV Total	3,546,700	3,931,485	384,785
- Legislative	EX Total	59,300	185,793	126,493
- General Government	EX Total	644,750	681,016	36,266
- Public Safety	EX Total	1,175,600	1,072,418	(103,182)
- Public Works	EX Total	333,200	335,037	1,837
- Health and Welfare	EX Total	178,000	256,323	78,323
- Recreation & Culture	EX Total	1,337,150	1,582,524	245,374
- Other	EX Total	17,300	30,106	12,806
- Fund Transfers	EX Total	52,000	72,080	20,080
Major Street Fund	RV Total	439,504	418,009	(21,494)
	EX Total	477,270	491,599	14,329
Local Street Fund	RV Total	177,181	199,313	22,132
	EX Total	142,200	146,789	4,589
EMS Fund	RV Total	1,325,500	656,471	(669,029)
	EX Total	1,323,500	386,201	(937,299)
Parking Services Fund	RV Total	89,100	95,814	6,714
	EX Total	89,100	91,615	2,515
Housing Initiatives Fund	EX Total	0	5,153	5,153
DDA Fund	RV Total	574,000	646,244	72,244
	EX Total	601,600	652,716	51,116
Public Services Facility Debt Service Fund	RV Total	482,800	487,100	4,300
	EX Total	482,700	487,000	4,300
Airport Fund	RV Total	1,637,254	2,076,991	439,737
	EX Total	1,764,700	2,197,264	432,564
PI#2 - Sewer Capital Fund-Tap Ins	RV Total	15,080	26,080	11,000
PI#5 - Sewer Capital Fund - Northside Fund	RV Total	4,500	11,500	7,000
PI#6 - Infrastructure Improvements Fund	RV Total	416,400	437,482	21,082
PI#7 - Street Improvements	RV Total	252,300	254,903	2,603
PI#9 - Industrial Park Fund	EX Total	3,500	6,210	2,710
PI#13 - Ambulance Replacement Fund	EX Total	0	55,750	55,750
PI#14 - Public Services Facility Fund	RV Total	600,000	450,000	(150,000)
	EX Total	500,000	1,635,200	1,135,200
PI#15 - Trail Development-Improvement Fund	RV Total	1,155,000	350,000	(805,000)
	EX Total	1,151,500	32,000	(1,119,500)
Electric Fund	RV Total	7,784,405	7,403,901	(380,504)
	EX Total	9,543,300	8,368,773	(1,174,527)
Sewer Fund	RV Total	2,544,180	2,463,705	(80,475)
	EX Total	3,826,800	3,550,885	(275,915)
Water Fund	RV Total	1,747,500	1,695,000	(52,500)
	EX Total	1,731,000	1,813,492	82,492
Marina Fund	RV Total	887,070	914,800	27,730
	EX Total	1,542,600	1,572,607	30,007
DPW Site Fund	RV Total	0	5,400	5,400
	EX Total	301,000	586,000	285,000
Employee Fringe Benefit Fund	RV Total	3,012,400	2,931,429	(80,971)
	EX Total	3,049,400	3,036,372	(13,028)
Motor Pool Fund	RV Total	1,203,674	1,057,755	(145,919)
	EX Total	1,244,600	1,036,149	(208,451)
Perpetual Care Trust Fund	RV Total	6,000	12,200	6,200

Bad Debt Write-Offs	
General Fund/EMS	125,000
Electric Fund	14,674
Water Fund	3,723
Sewer Fund	3,595
2021-2022 TOTAL:	**146,992**

2020-21	$244,662
2019-20	$164,129
2018-19	$40,680
2017-18	$47,070
2016-17	$40,120

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

Ordinance No. 830 was adopted on the 21st day of February, 2022 A.D., by the Charlevoix City Council as follows:
Motion by:
Seconded by:
Yeas:
Nays:

Absent:

State of Michigan
City of Charlevoix } §

Sarah J. Dvoracek Clerk

Luther Kurtz Mayor

CHARLEVOIX CITY COUNCIL

Public Hearings and Actions Requiring Public Hearings

TITLE: Set Public Hearing: Budget Ordinance 2022-23

DATE: January 17, 2022

PRESENTED BY: Mark L. Heydlauff, City Manager

BACKGROUND:

City Council is required to hold a public hearing for the 2022-23 Budget, which also sets the millage rates to support the budget. The public hearing also fulfills the Truth in Taxation hearing required to levy the tax millage each year. The budget needs to be in place prior to the start of our new fiscal year beginning on April 1, 2022. An ordinance takes 30 days to take effect following passage by City Council.

RECOMMENDATION:

Motion to set the Budget Public Hearing for 6 p.m. on February 21, 2022 in the City Hall Council Chambers, 210 State Street, Charlevoix, MI.

ATTACHMENTS:

- Public Notice 2022-23
- Ordinance 831 for 2022-23 Budget

PUBLIC NOTICE

There will be a public hearing on the proposed 2022-23 Annual City Budget at 6:00 pm on Monday, February 21, 2022 in the City Hall Council Chambers, 210 State Street, Charlevoix, MI. The purpose of the hearing is to inform citizens of local budgetary actions and provide the opportunity for participation in the local budget making process. **The proposed property tax millage rate to be levied to support the proposed budget will be a subject of this public hearing.** A copy of the proposed budget is available at City Hall or the Charlevoix Public Library for public inspection.

CITY OF CHARLEVOIX, MICHIGAN
2022-23 Proposed Budget
REVENUE AND EXPENSE SUMMARY - ALL FUNDS
February 21, 2022

	GENERAL FUND	MAJOR STREET	LOCAL STREET	PARKING SERVICES	HOUSING INITIATIVES	AIRPORT	ELECTRIC	SEWER	WATER	MARINA	DDA	PERPETUAL CARE	2022-23 Proposed
REVENUES													
Taxes	2,771,000										493,800		3,264,800
Licenses & Permits	54,400												54,400
State & Federal Grants	285,300	405,139	176,424					0			15,000		881,862
Charges for Services	352,500			96,900		1,808,806	7,511,320	2,477,700	1,700,000	527,110		4,000	14,478,336
Fines & Forfeits	2,100						35,000	8,500	6,000				51,600
Interest & Rents	241,100	300	30			115,001	18,640	6,580	200	600	83,200	2,000	467,652
Other	47,800					59,141	18,500	5,600	18,200	1,730	20,300		171,271
Fund Transfers		345,565	28,500		6,000		112,276			372,100			864,441
Appropriation-Surplus		159,067					1,785,164	1,141,020	563,500	663,360			4,312,110
TOTAL REVENUES:	3,754,200	$910,071	$204,954	$96,900	$6,000	$1,982,949	$9,480,900	$3,639,400	$2,287,900	$1,564,900	612,300	$6,000	24,546,473
EXPENDITURES													
Legislative	57,700												57,700
General Government	709,700												709,700
Public Safety	1,106,900			93,400									1,200,300
Public Works	352,900	910,071	146,800			1,285,800					225,800		2,921,371
Health & Welfare	0												0
Recreation & Culture	1,409,550									342,100			1,751,650
Capital Outlay						2,250	1,602,000	815,000	600,000				3,019,250
Debt Service								606,900		461,600			1,068,500
Electric							7,046,800						7,046,800
Sewer								1,467,600					1,467,600
Water									1,197,400				1,197,400
Fund Transfers	48,300						311,900	159,900	180,500	100,000	336,100		1,136,700
Other	21,000									3,200	30,000		54,200
Depreciation						520,300	520,200	590,000	310,000	658,000			2,598,500
TOTAL EXPENSES:	3,706,050	$910,071	$146,800	$93,400	$0	$1,808,350	$9,480,900	$3,639,400	$2,287,900	$1,564,900	$591,900	$0	24,229,671

CITY OF CHARLEVOIX
ORDINANCE NO. 831 of 2022
BUDGET APPROPRIATION ACT

THE CITY OF CHARLEVOIX ORDAINS:

WHEREAS, the City Council of the City of Charlevoix did give notice of the time and place when a public hearing would be held in conformity with provisions of Section 7.8, Article VII of the City Charter, which Public Hearing was duly held pursuant to said notice and in conformity therewith.

THEREFORE, BE IT RESOLVED, that the revenues and expenditures for the fiscal year commencing on April 1, 2022 and ending March 31, 2023 are hereby appropriated on a fund level basis (a detailed breakdown by activity level can be found in the Budget Details document) as summarized by the following:

GENERAL FUND

TOTAL REVENUES:	$3,754,200
TOTAL EXPENSE:	$3,706,050

BE IT FURTHER RESOLVED, that the City Council of the City of Charlevoix does hereby levy 10.9321 mills (9.2321 mills operating and 1.7000 mills infrastructure) for the period of April 1, 2022 through March 31, 2023 on all real and eligible personal property in the City of Charlevoix according to the valuation of the same. This tax is levied for the purpose of defraying the general expense and liability of the City of Charlevoix and for infrastructure improvements, and is levied pursuant to Section 8.1, Article VIII of the City Charter; and

BE IT FURTHER RESOLVED, that the City Council does hereby levy a tax not to exceed 1.3534 mills for the period April 1, 2022 through March 31, 2023 on all real and eligible personal property in the Downtown Development District, according to the valuation of the same within the district; and

BE IT FURTHER RESOLVED, that the City Council does hereby levy a tax not to exceed 1 mill for the period April 1, 2022 through March 31, 2023 on all real and eligible personal property in the City of Charlevoix, according to the valuation of the same. This tax is levied for the purpose of defraying the cost of rubbish collection and other related services provided citizens allowed by the act, and is levied pursuant to Michigan Public Act 213 of 1969; and

BE IT FURTHER RESOLVED, that the City Council does hereby approve the following budgets for the period April 1, 2022 through March 31, 2023 in the amounts set forth below by fund:

FUND	REVENUE	EXPENSE
Major Street Fund	$ 910,071	$ 910,071
Local Street Fund	204,954	146,800
Parking Services	96,900	93,400
Housing Initiatives	6,000	0
Electric Fund	9,480,900	9,480,900
Sewer Fund	3,639,400	3,639,400
Water Fund	2,287,900	2,287,900
Marina Fund	1,564,900	1,564,900
Airport Fund	1,982,949	1,808,350
Downtown Development Authority	612,300	591,900
Employee Fringe Benefit	2,887,600	2,887,600
Motor Vehicle Fund	1,178,800	1,178,800
Perpetual Care Trust Fund	6,000	0
General Debt Service Fund - Infrastructure	321,500	321,500
General Debt Service Fund – New Services Facility	488,500	488,400
Fire Fund	57,037	0
Sewer Tap-in Fund*	15,080	0
Northside/Southside Sewer Fund*	4,500	0
Infrastructure Improvement	521,200	521,200
Road Improvements	430,000	430,000
Industrial Park Fund	7,570	5,000
Mt. McSauba Recreation Fund	7,020	0

FUND	REVENUE	EXPENSE
Trail Development-Improvement Fund	1,316,500	1,316,500
Public Works Service Facility Fund	0	51,000

* These funds are part of the Sewer Fund.

Ordinance # 831 was enacted on the 21st day of February,2022 A.D., by the Charlevoix City Council as follows:

Motion by:
Second by:

Yeas:
Nays:
Absent:

State of Michigan)
) ss
City of Charlevoix)

Sarah J. Dvoracek Clerk

Luther Kurtz Mayor

CHARLEVOIX CITY COUNCIL

All Other Actions and Requests

TITLE: Mason Street Parking Lot Engineering

DATE: January 17, 2022

PRESENTED BY: Patrick M. Elliott, Public Works Superintendent

BACKGROUND:

As the engineering continues for the infrastructure improvements on Mason Street, staff has been considering adding the engineering for the improvements to the Mason Street parking lot as well. We have also discussed this work with Performance Engineers Inc. and shared with them the Downtown Alley and Corridor Vision that was completed a couple of years ago. Based on this information, Performance has provided the City with an engineering proposal and a construction estimate for the project, which is attached.

The key design elements are outlined in their proposal, but generally include goals as identified in the Downtown Alley and Corridor Vision, best management practices as they relate to stormwater management and creating a looped water main that will allow us to eliminate the over 100 year old service lines coming off of Bridge Street.

By completing the engineering at this time, there are also other benefits. One of these would be having a shovel ready project in the event that grant opportunities arise. There would also be savings on mobilization cost if this is completed with the Mason or Antrim Street infrastructure work.

As you are aware, we have worked with Performance for many years on similar projects and staff if confident with their ability to provide solid construction documents for a successful project.

RECOMMENDATION:

Motion to approve the proposal as submitted by Performance Engineers and authorize the City Manager to sign all needed contracts.

ATTACHMENTS:

- Mason St Parking Lot Engineering Proposal

Performance Engineers Inc.
Civil / Structural Engineering

January 12, 2022

Proposal No. 2021747

Mr. Pat Elliott
City of Charlevoix
210 State Street
Charlevoix, Michigan 49720

Subject: Estimate for Implementation of Alley Enhancement to Mason St. Project

Dear Mr. Elliott;

Performance Engineers, Inc. (PEI) has prepared a cost estimate for implementing the City's Alley and Corridor Vision for the alley and parking lot north of Mason St. and south of Hoopskirt Alley. It is our understanding that this would potentially be integrated into the Mason Street reconstruction project and scheduled for Spring 2023. PEI has based our estimate on the City's Alley and Corridor Implementation of Designs document provided to us, as well as our onsite conservation regarding the project.

Based on the documents provided, PEI has assumed the basic design concept below as the reference point for the estimate:



406 Petoskey Ave. • Charlevoix, MI 49720 • (231) 547-2121 • Fax: (231) 547-0084
www.performanceeng.com

The key design elements would include the following:

- Approximately 200' of watermain;
- Connection of 3 water services;
- Reconstruct approximately 200' of alley, changing to brick pavers;
- Replacement of guardrail with softscape buffer & stormwater infiltration system;
- Install subsurface stormwater infiltration system under Mason parking lot;
- Resurface Mason parking lot;
- Install a City provided parking lot payment kiosk;
- Add electric vehicle charging station to Mason parking lot; and
- Add brick paver crosswalk in Mason Street to connect alley to south side of Mason St.

PEI has prepared the cost estimate to include all of these items, however, it is understood that the City may elect to move forward with only portions of this estimate. Should items be separated out, there may be some loss of overall efficiency, so discussions should be made to clarify what scope items are ultimately desired by the City before finalizing a budget. It should also be noted that PEI has utilized some pricing estimation from the Alley Design Implementation document. Finally, there is discussion in the document about providing a snowmelt system. It appears that the City has worked through these estimates independently and PEI has not provided any cost estimation for installing snowmelt with this project.

As indicated in the attached estimate, approximately $325,000 of this project would be directly correlated to the scope items in the City's Alley Implementation of Design document. For which the construction estimate was about $250,000 and PEI estimates $285,000 at current pricing for 2022 construction. The design, engineering, and construction oversight costs make up the difference. There is also approximately $45,000 in cost associated with implementation of the City's Green Infrastructure Visioning Report into the project. The remaining $262,000 in cost is associated with the additional scope items related to the watermain infrastructure ($73k), electric vehicle charging station ($174k), and Mason St. brick crosswalk ($15k). If the City is interested in pursuing the electric vehicle charging station, there is a grant opportunity available through EGLE, which could provide up to 33% of the cost.

Performance Engineers, Inc. appreciates the opportunity to provide the City of Charlevoix with an estimate for these enhancements and we look forward to hearing back about the feasibility of integrating this into the Mason Street project. Should you have any questions regarding this proposal or the associated costs, please feel free to contact us.

Sincerely,
Performance Engineers, Inc.

Aaron Nordman, P.E.
Principal

City Council Regular Meeting - J

CHARLEVOIX CITY COUNCIL

All Other Actions and Requests

TITLE: Charlevoix County Park Millage Funding Resolution

DATE: January 17, 2022

PRESENTED BY: Kent Knorr, Recreation Director

BACKGROUND:

The Charlevoix County Parks Recreation Millage was started in 2015 and is designed to ensure funding throughout the county. Submitted applications are intended for the funding of appropriate parks/recreation development projects that demonstrate a direct recreational benefit.

The Recreation Department would like to submit an application for the funding of a kayak drop off point and connecting walkway for the Ferry Beach Kayak Launch.

For this project we would create an area 44'X11 for the "pull off/unloading" area adjacent to the existing boat launch parking lot. This would then connect a poured concrete walkway from that point out to the pier, similar to the layout in the attachment. The walkway is approximately 200' long and 6' wide. The estimated cost for this project is $13,600.

This is the final phase of our new accessible kayak launch that opened in the summer of 2021. This will ensure a safe drop off location as well as an accessible walkway to the pier. Funding above the requested $10,000 would be covered under our budget for beaches.

RECOMMENDATION:

Motion to approve Resolutions 2022-01-01, in support of application for the 2022 Charlevoix County Parks Millage Grants.

ATTACHMENTS:

- Map-Ferry Beach Planned Drop Off
- Resolution



In order to completely make the new kayak launch truly accessible to users, we should develop a drop off and accessible walkway to the pier. This is the next phase to the kayak launch project.

The City would create a drop off space 44'x11' adjacent to the parking lot. This would then be connected to a concrete pathway that is 200' x 6'. This pathway and drop off ensure accessibility to the new kayak launch. This improvement will likely also be used by beach goers, pavilion renters, and during special events like Aquapalozia. It should be noted that this will strictly be for drop off and loading only, not parking.

CITY OF CHARLEVOIX
RESOLUTION NO. 2022-01-01
APPLICATION TO CHARLEVOIX COUNTY PARKS MILLAGE FUNDING FOR PARKS AND RECREATION KAYAK DROP OFF AND WALKWAY TO THE FERRY BEACH ACCESSIBLE KAYAK LAUNCH

WHEREAS, the City of Charlevoix wishes to increase access and visibility of parks and recreation assets in the City of Charlevoix; and

WHEREAS, the City of Charlevoix is requesting a $10,000 appropriation from the County Board of Commissioners; and

WHEREAS, the City of Charlevoix will upon appropriation of the County Board of Commissioners County Parks Millage Funding, commit $3,600 towards this project; and

WHEREAS, the City of Charlevoix desires to construct a designated kayak drop-off location and accessible walkway to the Ferry Beach Kayak Launch to meet the needs of recreation users in Charlevoix County.

NOW THEREFORE BE IT RESOLVED, by the City of Charlevoix that pursuant and subject to all of the terms and provisions of the Charlevoix County Parks millage, application be made to the Charlevoix County Board of Commissioners for funding; and

BE IT FURTHER RESOLVED that the City Manager of the City of Charlevoix is hereby authorized and directed to cause the necessary data to be prepared and the application to be signed and filed with the County of Charlevoix.

RESOLVED this 17th day of January, 2022 A.D.
Resolution was adopted by the following yea and nay vote:
Yeas:
Nays:
Absent:

CHARLEVOIX CITY COUNCIL

All Other Actions and Requests

TITLE: 2022 City Council Goals

DATE: January 17, 2022

PRESENTED BY: Mark L. Heydlauff, City Manager

BACKGROUND:

Based on your discussion Tuesday, I've re-drafted your goals accordingly. You can adopt them or modify as you wish.

RECOMMENDATION:

Motion to adopt the 2022 City Council Goals.

ATTACHMENTS:

- Draft 2022 City Council Goals

CITY OF CHARLEVOIX

2022 City Council Goals & Action Steps

Encourage housing development and strong neighborhoods

We believe Charlevoix is defined as a collection of townships, a city, a county, civic groups, neighborhoods, and schools bounded by Lake Charlevoix and Lake Michigan. In order to support the quality of life and local economy we now enjoy, we understand that it is important to look at the long-term picture of prosperity in this area.

Action Steps:

- The City should focus on creating an environment to sustain and encourage year-round occupancy in our neighborhoods and welcome a growing population by enhancing the density of our existing residential neighborhoods along with mixed-use commercial opportunities
- Business recruitment, along with sustaining current businesses, is an important piece of creating a growing job economy in our region
- Redevelopment ready sites should be proactively marketed and developed to encourage job creation and housing growth where appropriate
- Many challenges and opportunities we face occur concurrently with our neighbors and we should work toward collaboration—especially with Charlevoix Township
- Advocate for tax incentives to encourage the creation of more housing and the allowance for Principal Residence Exemptions for long-term rental housing

Ensure Charlevoix is environmentally sustainable while also economically viable

Charlevoix should be a leader in using renewable energy to meet the demands of our electric customers and to protect our natural resources. Our built infrastructure should incorporate design standards that protect our waterways, preserve our trees, and encourage healthy living. Recycling, energy optimization, and water conservation will be encouraged.

Action steps:

- Move forward with the Advanced Metering Infrastructure program and look for opportunities to install electric car charging stations and similar green choices
- Work cooperatively with our neighbors to advance toward curbside recycling and more recycling opportunities downtown
- Organizers of special events should take lead responsibility for trash and increasing the recyclability of event waste
- Complete the northside non-motorized trail extension currently in development, finish the planned walkway along Park Avenue, and look for more opportunities to add non-motorized transportation infrastructure in the community

Develop and maintain long-term infrastructure plans

As a progressive, year-round community, Charlevoix's infrastructure must be reliable in all weather conditions and should deliver the services required by our population.

Action steps:

- Continue development of city-wide Wi-Fi, fiber optic connections, and other technological benefits for our permanent residents, visitors, and seasonal residents
- Improve the snow and ice clearing from sidewalks throughout the community by working with property owners

Include the senior citizen community in all public events and activities

We have a growing senior citizen population and it is important for all members of the community to enjoy the quality of life we offer. Public facilities, especially parks, should have activities available for all ages and ability levels.

Action steps:

- Expand work with the Charlevoix County Transit Authority to provide shuttles during special events to provide remote parking and ease of transit
- Consider adding activities in East Park and Bridge Park like shuffleboard and concrete checker and chess boards

Provide strong stewardship of public resources and promote good governance

We will seek collaboration with other entities around the area and look for ways to efficiently provide the quality services the community expects. Charlevoix government should be organized around gathering public input and effectively giving staff and Council good recommendations for public policy.

Action steps:

- Ensure rates and fees for specific uses are sufficient to support the service provided
- Review surplus City-owned real estate with the goal of redeveloping into year-round housing
- Revise and review policies for internal financial controls and reporting including the Purchasing Policy, Investment Policy, and others

Enhance and showcase the outstanding quality of life in Charlevoix

Charlevoix is well known as one of the premier resort communities on the Great Lakes, but of equal importance is that it is home to our residents. We cannot lose sight of our community being "home." One of our strongest attributes is the many activities and amenities offered; we should support these and build upon them.

Action steps:

- Complete the Downtown Alley and Corridor Implementation of Designs Strategy through existing and future infrastructure projects like the reconstruction of Mason Street, reconstruction of the Mason Street Parking Lot, and future improvements in a consistent and planned approach
- Review, revise and finalize the Special Event Policy by addressing uses, changes in liquor licensing rules, and the implementation of a fee schedule to recover costs from special events

CHARLEVOIX CITY COUNCIL

All Other Actions and Requests

TITLE: Mayoral Appointment

DATE: January 17, 2022

PRESENTED BY: Luther Kurtz, Mayor

BACKGROUND:

Jennifer Fruk has applied for reappointment to the Recreation Advisory Committee. Jennifer has served on the committee since February 2019. The position is for a three-year term. This is a Mayoral appointment with Council's approval.

RECOMMENDATION:

Motion to confirm the mayoral reappointment of Jennifer Fruk to the Recreation Advisory Committee, term expiring December 2024.

ATTACHMENTS:

- Application-Jennifer Fruk

CITY OF CHARLEVOIX

RECEIVED
NOV 30 2021

CITY OF CHARLEVOIX
VOLUNTEER BOARDS AND COMMITTEES APPLICATION

Thank you for your interest in serving on a volunteer board, commission or committee. The purpose of this form is to provide the Mayor and City Council members with some information about residents considered for appointment. Your application will be kept active for six months and you will be contacted if you are chosen to serve.

- [ ] BOARD OF REVIEW
- [ ] COMPENSATION COMMISSION
- [ ] DDA/MAIN STREET BOARD
- [ ] HISTORIC DISTRICT COMMISSION
- [ ] HOUSING COMMISSION
- [ ] PLANNING COMMISSION
- [X] RECREATION ADVISORY COMMITTEE
- [ ] SHADE TREE & PARK COMMISSION
- [ ] ZONING BOARD OF APPEALS
- [ ] OTHER _____
- [ ] NO PREFERENCE

PLEASE PRINT

NAME: Jennifer Fruk

ADDRESS: 14240 Highland Way, Charlevoix, MI 49720

HOME PHONE 906-235-7988 CELL PHONE Office/Work Phone 231-237-7351

EMAIL: jfruk@charlevoixlibrary.org

ARE YOU A REGISTERED VOTER IN THE CITY? Yes– Marion Twp. HOW LONG HAVE YOU LIVED IN THE CITY? Marion Twp. 5 years

NO

EDUCATIONAL BACKGROUND: BA of Science in Outdoor Recreation Leadership Management from Northern Michigan University 2007

PROFESSIONAL QUALIFICATIONS AND/OR WORK EXPERIENCE: Past work experiences in teaching preschool, outdoor and environmental education for NMU, NPS, Clear Education Center, Fresh Air Society and managed Oakland County's Go! Programs and outdoor adventure rec. units and mobile rec. units., and Orion Twp. Recreation programs as a Prgm. Coordinator. Currently work at Chx. Library & serve the public with programs, library materials, & library services.

COMMUNITY ACTIVITIES AND/OR OTHER EXPERIENCE: I enjoy living in Charlevoix and frequenting our many parks, playgrounds, beaches, and hiking trails with my family. My husband and I have 3 children who attend Chx. Public Schools. We have been welcomed into the community since moving her and we are involved with many community activities. We especially, enjoy skiing at Mt. McSauba and Nubs Nob, in addition to participating in summer sports, and hiking the City of Chx. & surrounding trails with our dog.

HAVE YOU SERVED ON A BOARD/COMMITTEE OR HELD A CIVIC POSITION IN THE PAST? IF YES, PLEASE EXPLAIN:

Yes, in college I served on the board for NMU's Organization for Outdoor Recreation Professionals, and I was on the advisory board for the Noquemanon Trail Network in the U.P. where I completed required course field work, in addition to, having participated in many board meetings for the various non profit organizations I have worked within.

DO YOU FORESEE ANY POTENTIAL CONFLICTS OF INTEREST WHILE EXECUTING THE DUTIES OF THIS POSITION? IF YES, PLEASE EXPLAIN:

NO

REASON(S) YOU WISH TO SERVE: I currently work as the Youth Services Supervisor at the Charlevoix Public Library and as a parent in the community volunteering for various activities for my children in their school and extra curricular activities. I know and hear first hand what parents desire from activities they want offered to how they get information and what times and parts of the year are best for participation. I have a great love for education, the outdoors, people, and preserving our recreational spaces and lands. I am a certified trainer of Leave No Trace Center of Outdoor Ethics and I have lived in different communities so I know each place has it's own unique opportunities and quirks. I want to help strengthen our community and collaborate organizations in this town. I ~~care about the local economy of our town/city and the recreation opportunities available to our residents and tourists, as well as,~~ the strengthening of our community due to leisure activities being available.

HAVE YOU REVIEWED THE CURRENT MEETING SCHEDULE OF THE BOARD/COMMITTEE AND CAN COMMIT TO REGULAR MEETING ATTENDANCE? YES

SIGNATURE: Jennifer Fruk DATE: 11/30/2021

RETURN APPLICATION TO THE CITY CLERK'S OFFICE: 210 STATE STREET CHARLEVOIX MI 49720 – EMAIL clerk@charlevoixmi.gov

REV 04.2020

CHARLEVOIX CITY COUNCIL

Reports and Communications

TITLE: City Manager's Comments

DATE: January 17, 2022

PRESENTED BY: Mark L. Heydlauff, City Manager

BACKGROUND:

A. Bridge Lights

At Council's direction last month, I worked with Silver Linings Charlevoix to change the default bridge lighting to a warm white--matching as close as possible to the tree lights through town. This was accomplished this week with the change going into place on the evening of January 12. Interestingly, during this process I learned that all the colors of the lights on the bridge are made by combining three colors: red, green and blue. To create white, the lighting engineers and their programs mix these pixels to create what we see (please don't ask me any science questions about this). Thanks to Silver Linings Charlevoix for working with us on this.

B. Tree Trimming at Golf Course

The Electric Department identified branches on the oak trees at the golf course that are coming in contact with the neutral wires on the overhead electric lines. They will be trimming these trees up shortly to ensure continued reliability of the system; this was reviewed with the Shade Tree and Parks Commission on January 13.

ATTACHMENTS:

- Work Session Minutes December 20 2021
- Appointment List 01.2022
- Planning Commission Minutes
- Planning Commission Work Session Meeting Minutes
- Police Activity Report for December 2021
- Work Session Minutes January 11 2022
- Shade Tree & Parks Commission Minutes

CITY OF CHARLEVOIX
CITY COUNCIL WORK SESSION MINUTES
Monday, December 20, 2021 – 4:30 p.m.
Council Chambers, 210 State Street, Charlevoix, MI

The joint work session with the Planning Commission was called to order at 4:40 p.m. by Mayor Luther Kurtz.

1. Pledge of Allegiance

2. Roll Call

Mayor:	Luther Kurtz
Members Present:	Mark Knapp, Phil Parr, Janet Kalbfell, Richard Spring, Aaron Hagen (arrived late)
Members Absent:	Greg Bryan
City Manager:	Mark L. Heydlauff
Deputy Clerk:	Sarah Dvoracek
City Staff:	Jennifer Neal, Planner; Jonathan Scheel, Zoning Administrator

3. Presentations

A. Housing Update on Zoning and Master Plan Initiatives
Jennifer Neal, Planner and R.J. Waddell, Planning Commission Chair briefly outlined the work and priorities of the Planning Commission relative to housing. The Planning Commission is working on amendments to the accessory dwelling unit ordinance including form-based code as well as the Future Land Use Map.

B. Housing Goals and Challenges
Mayor Kurtz summarized the priorities Council has identified and the deed restriction program.

Council and the Planning Commission had general discussion about the community's housing needs including:

- The need for housing includes all incomes levels
- Education of the public is essential to success
- Continue the conversation with community stakeholders
- Solutions will take many different forms
- Investment of city resources
- Standardize the housing development process
- Celebrate the smaller developments

City Staff, City Council, Planning Commission Members and several members of the public offered comment relative to the above conversation.

4. Adjourn
The Mayor adjourned the meeting at 5:55 p.m.

Sarah J. Dvoracek Deputy City Clerk

CITY OF CHARLEVOIX APPOINTMENT LIST

CITY COUNCIL Elected by the People – 7 members: 2yr term					
MEMBER	**ADDRESS**	**CONTACT**	**EMAIL**	**INCEPTION**	**EXPIRATION**
Mayor Luther Kurtz	102 Chicago Ave.	622-2052	lutherk@charlevoixmi.gov	11/2016	11/2022
Deputy Mayor Ward 1 Aaron Hagen	304 Mason St.	675-0518	aaronh@charlevoixmi.gov	11/2015	11/2023
Ward 1 Janet Kalbfell	133 C and O Club Dr.	675-3420	janetk@charlevoixmi.gov	11/2016	11/2022
Ward 2 Richard Spring	602 Sheridan St.	734-646-2098	richards@charlevoixmi.gov	11/2021	11/2023
Ward 2 Mark Knapp	1007 State St.	675-5551	markk@charlevoixmi.gov	11/2020	11/2022
Ward 3 Greg Bryan	108 Belvedere Ave.	499-7608	gregb@charlevoixmi.gov	11/2017	11/2023
Ward 3 Philip Parr	108 Green St.	517-282-1091	philp@charlevoixmi.gov	11/2020	11/2022

CITY APPOINTMENTS Council Appoint			
NAME & TITLE	**CONTACT**	**EMAIL**	**HIRE DATE**
City Manager Mark Heydlauff	547-3270	markh@charlevoixmi.gov	07/27/2015
City Clerk Sarah Dvoracek	547-3250	sarahd@charlevoixmi.gov	09/01/2021
City Treasurer Kelly McGinn	547-3251	kellym@charlevoixmi.gov	01/26/2015
City Attorney Scott Howard	946-0044	scott@envlaw.com	05/05/2014
Police Chief Gerard Doan	547-3258	gerardd@charlevoixmi.gov	01/16/2006

BOARD OF REVIEW Council Appoint – 5 members (registered electors): 3 members 3yr term+ 2 Council members 1yr term					
MEMBER	**ADDRESS**	**CONTACT**	**EMAIL**	**INCEPTION**	**EXPIRATION**
Chair Bob Timms	303 Clinton St.	547-2918	bats303@att.net	11/2007	12/2024
Council Member Aaron Hagen	304 Mason St.	675-0518	aaronh@charlevoixmi.gov	02/2020	12/2022
Council Member Janet Kalbfell	133 C and O Club Dr.	675-3420	janetk@charlevoixmi.gov	12/2016	11/2022
Brenda Bryan	108 Belvedere Ave.	590-4541	brendabryan4@gmail.com	02/2020	12/2023
Francis (Brownie) Flanders	217 Belvedere Terrace Dr. #26	459-5959	fbflanders@sbcglobal.net	02/2020	12/2022
Joe Lavender, City Assessor – Advisor		547-3614	joel@charlevoixmi.gov		
Sarah Dvoracek, City Clerk – Advisor		547-3250	sarahd@charlevoixmi.gov		

BUILDING AUTHORITY COMMISSION Council Appoint – 3 members: 3yr term				
MEMBER	**CONTACT**	**EMAIL**	**INCEPTION**	**EXPIRATION**
Mark L. Heydlauff, City Manager	547-3270	markh@charlevoixmi.gov	06/2019	06/2022
Sarah Dvoracek, City Clerk	547-3250	sarahd@charlevoixmi.gov	01/2022	06/2024
Kelly McGinn, City Treasurer	547-3251	kellym@charlevoixmi.gov	06/2019	06/2023

COMPENSATION COMMISSION Mayor Appoint/Council Approve – 5 members (city residents): 5yr term (appointment prior to 9/30)					
MEMBER	**ADDRESS**	**CONTACT**	**EMAIL**	**INCEPTION**	**EXPIRATION**
Chair Bud Klooster	1010 St. James Place	620-5536	kloosterbud4@gmail.com	01/2008	12/2022
Dale Meredith	103 Eaton Ct.	547-4705	dm8711@yahoo.com	07/2006	12/2023
Marianne Mast	702 Mercer Blvd.	248-417-4529	mast.marianne@gmail.com	05/2021	12/2025
VACANCY					12/2024
VACANCY					12/2026

Sarah Dvoracek, City Clerk – Advisor	547-3250	sarahd@charlevoixmi.gov	

DISTRICT LIBRARY BOARD Mayor Appoint/Council Approve – 3yr term

MEMBER	ADDRESS	CONTACT	EMAIL	INCEPTION	EXPIRATION
Mary Heid	PO Box 698	734-787-1714	rheid221045mi@comcast.net	06/2016	06/2022

DOWNTOWN DEVELOPMENT AUTHORITY (DDA) / MAIN STREET Mayor Appoint/Council Approve – 8 members: 4yr term + Mayor 2yr term + 1 non-voting student 2yr term

MEMBER	ADDRESS	CONTACT	EMAIL	INCEPTION	EXPIRATION
Mayor Luther Kurtz	102 Chicago Ave.	622-2052	lutherk@charlevoixmi.gov	11/2016	11/2022
Chair Maureen Owens	205 Park Ave. Unit 4	622-3238	maureen-owens@hotmail.com	01/2017	04/2025
Annie Oosthuizen	314 W. Hurlbut St.	622-3068	anne.m.dipert@gmail.com	09/2021	04/2025
Ron Way	05768 Barnard Rd.	675-7764	waystoneycroft@msn.com	11/2020	04/2024
Kirby Dipert	216 W. Hurlbut St.	330-5359	ragmerchant@charter.net	05/2006	04/2022
Sam Bingham	580 N. West Torch Lake Dr. Kewadin 49648	350-0431	sbingham@binghaminsurance.net	04/2019	04/2023
Amanda Wilkin	04670 Six Mile Lake Rd. Ellsworth 49729	248-802-9692	amandawilkin@gmail.com	05/2018	04/2022
Paul Silva	123 Lake Shore Rd. Grosse Pointe Farms 48236	248-705-5969	paul@spmliving.com	11/2018	04/2023
Sean Bradley	14755 Vernida Ave.	675-9622	seanbcharlevoix@gmail.com	05/2019	04/2023
Liam Dreyer (student non-voting)	700 Foxview Dr.	675-9708	liamdreyer@hotmail.com	11/2019	12/2023
Lindsey Dotson, DDA Main Street Director – Advisor		547-3257	lindseyd@charlevoixmi.gov		

HISTORIC DISTRICT COMMISSION Council Appoint – 7 members (city residents, 1 architect if possible (Ord. 706 of 2005): 3yr term

MEMBER	ADDRESS	CONTACT	EMAIL	INCEPTION	EXPIRATION
Chair Carol Kranz	411 Michigan Ave.	616-446-2006	carol.kranz@verizonwirless.com	08/2019	06/2022
Frank Campi	404 Michigan Ave.	843-822-2175	frank_campi@yahoo.com	02/2021	06/2022
Laura Podob	316 Prospect St.	248-736-8985	lpodob@me.com	10/2020	06/2023
David Miles	109 Park Ave.	547-6736	david@chxhistory.com	08/2014	06/2023
Kay Heise	200 Auld St.	547-3565	kayheise@att.net	01/2015	06/2023
Paul Weston	110 Burns St.	409-3389	pjweston@charter.net	07/2018	06/2024
VACANCY					06/2024
Lindsey Dotson, DDA Main Street Director – Advisor		547-3257	lindseyd@charlevoixmi.gov		

HOUSING COMMISSION Mayor Appoint/Council Approve – 5 members (1 tenant public/subsidized housing): 5yr

MEMBER	ADDRESS	CONTACT	EMAIL	INCEPTION	EXPIRATION
Director Annessa Haist		989-773-3784	annessah@mphcstaff.org		
Chair Mitts Lee	12900 Pa-Be-Shan Lane	675-1977	mittslee@gmail.com	12/2017	04/2025
Laurene Crandall (tenant)	210 W. Garfield Ave. #115	237-9511	laurieKC47@yahoo.com	02/2016	04/2023
Lillian Left	407 Prospect St.	547-5412	lillleft@hotmail.com	03/1998	04/2026
Joan Buday	104 St. Marys Dr.	547-2474	chxjoan@sbcglobal.net	09/2007	04/2022
R.J. Waddell	303 Antrim St.	881-4445	1rjwaddell@att.net	06/2019	04/2024

CITY OF CHARLEVOIX APPOINTMENT LIST

LAKE CHARLEVOIX EMS AUTHORITY BOARD Council Appoint (city resident): 3yr term (first appointment one year)					
MEMBER	**ADDRESS**	**CONTACT**	**EMAIL**	**INCEPTION**	**EXPIRATION**
Shane Cole	504 May St.	330-2620	trevor818@yahoo.com	03/2021	03/2022
PLANNING COMMISSION Mayor Appoint/Council Approve – 9 members (city residents): 3yr term					
MEMBER	**ADDRESS**	**CONTACT**	**EMAIL**	**INCEPTION**	**EXPIRATION**
Chair R.J. Waddell	303 Antrim St.	881-4445	1rjwaddell@att.net	05/2013	04/2023
Vice Chair Sherm Chamberlain	210 E. Lincoln St.	547-7046	sherm@fcasurveying.com	03/2011	04/2022
Annemarie Conway	103 E. Lincoln St.	676-0855	aconway@rayder.net	06/2021	04/2023
Jennifer Muladore	1020 Stroud Ct.	350-3614	jennifer.muladore@gmail.com	05/2018	04/2024
David Gray	512 Belvedere Ave.	675-8066	gm@belvedereclub.net	04/2019	04/2022
Toni Felter	116 E. Hurlbut St.	881-5395	tonifelter@chartermi.net	11/2008	04/2023
Maureen Radke	1008 Saint James Pl.	675-0429	maureenaradke75@gmail.com	01/2022	04/2024
Mary Millington	402 Park Ave.	459-5555	rmillington9094@gmail.com	10/2020	04/2024
Reid Beegen	220 W. Upright St.	373-3888	reido25@gmail.com	11/2020	04/2022
Jennifer Neal, Community Planner – Advisor		929-5000	jennifer.neal@networksnorthwest.org		
RECREATION ADVISORY COMMITTEE Mayor Appoint/Council Approve – 7 members (1-3 twp, 2-6 city res): 3yr term + 2 students: 1yr term(senior votes)					
MEMBER	**ADDRESS**	**CONTACT**	**EMAIL**	**INCEPTION**	**EXPIRATION**
VACANCY					12/2024
Cole Oosthuizen	314 W. Hurlbut	630-624-0325	oostdrums@gmail.com	01/2021	12/2023
Sarah Matye	209 Lewis St.	435-729-9534	sarahmatye@gmail.com	12/2017	12/2024
Brenda Bryan	108 Belvedere Ave.	590-4541	brendabryan4@gmail.com	12/2016	12/2022
Scott Kelly (twp)	6123 Old 31 S	881-0810	scott@basesteencenter.org	12/2016	12/2022
Paige Pemble (voting student)	5442 Beech Lane	758-6064	zzpempai@rayder.org	10/2019	12/2022
Claire Scholten (non-voting student)	12549 Clover Lane	881-0890	23schcla@rayder.org	11/2020	12/2022
VACANCY					12/2024
VACANCY					12/2024
Kent Knorr, Recreation Director – Advisor		547-7183	kknorr@charlevoixmi.gov		
RECREATIONAL AUTHORITY BOARD Council Appoint – 1 Council member + 2 city residents: 3yr term					
MEMBER	**ADDRESS**	**CONTACT**	**EMAIL**	**INCEPTION**	**EXPIRATION**
Chair City Manager Mark Heydlauff	210 State St.	547-3270	markh@charlevoixmi.gov	04/2021	03/31/2023
Council Member Janet Kalbfell	133 C and O Club Dr.	675-3420	janetk@charlevoixmi.gov	12/2016	11/2022
Rick Brandi	1008 Saint James Pl.	675-7788	rbrandi@chartermi.net	05/2021	03/31/2024

CITY OF CHARLEVOIX APPOINTMENT LIST

SHADE TREE & PARK COMMISSION Mayor Appoint/Council Approve – 5 members (city residents): 3yr term					
MEMBER	**ADDRESS**	**CONTACT**	**EMAIL**	**INCEPTION**	**EXPIRATION**
Chair Perry Irish Hodgson	303 Chicago Ave.	675-6060	peihodgson@gmail.com	12/2016	12/2022
Jennifer Muladore	1020 Stroud Ct.	350-3614	jennifer.muladore@gmail.com	12/2017	12/2023
David Bertinelli	1001 Saint Johns Drive	435-640-2345	bertinelliott@yahoo.com	12/2021	12/2024
David Levy	107 Bridge St. Apt A	675-5555	davidlevychx@gmail.com	04/2020	12/2022
VACANCY					12/2024
Mark Heydlauff, City Manager – Advisor		547-3270	markh@charlevoixmi.gov		
Pat Elliott, Public Works Superintendent – Advisor		547-3276	pate@charlevoixmi.gov		
John Griffith, Electric Department Director – Advisor		547-3273	johng@charlevoixmi.gov		

SHORT TERM RENTAL APPEALS BOARD Council Appoint – 3 members: no term				
MEMBER	**ADDRESS**	**CONTACT**	**EMAIL**	**INCEPTION**
Timothy Kish	414 Michigan Ave.	313-655-7468	n36281@yahoo.com	07/2021
Shirley Gibson	209 E. Upright St.	547-5463	sjgibson1@live.com	07/2021
Carol Sullivan	203 Ferry Ave.	675-9571	carolrixeysullivan@gmail.com	07/2021

ZONING BOARD OF APPEALS (ZBA) Council Appoint – 5 members + 2 alternates (city residents): 3yr term					
MEMBER	**ADDRESS**	**CONTACT**	**EMAIL**	**INCEPTION**	**EXPIRATION**
Chair Richard Hodgson	303 Chicago Ave.	675-1328	rich@csbchx.com	01/2018	12/2024
Vice Chair Timothy Kish	414 Michigan Ave.	313-655-7468	n36281@yahoo.com	01/2018	12/2024
Patricia Miller	121 Hampton Rd.	437-0924	plorion@gmail.com	11/2011	12/2022
Ann Gorney	116 E. Hurlbut St.	881-5495	gorney10@chartermi.net	03/2012	12/2023
Shirley Gibson	209 E. Upright St.	547-5463	sjgibson1@live.com	08/2019	12/2023
VACANCY - Alternate					12/2023
VACANCY - Alternate					12/2022
Jonathan Scheel, Zoning Administrator – Advisor		547-3265	planner@charlevoixmi.gov		

CITY OF CHARLEVOIX
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS, CITY HALL, 210 STATE STREET
Monday, December 13, 2021 - 6:00 p.m.

A. Call to Order
The meeting was called to order at 6:00 p.m. by Chair Waddell.

B. Roll Call

Chair	R.J. Waddell
Members Present:	Sherm Chamberlain, Toni Felter, David Gray, Mary Millington
Members Absent:	Reid Beegen, Annemarie Conway, Jennifer Muladore
Staff Present:	Jennifer Neal, Planner; Jonathan Scheel, Zoning Administrator

C. Inquiry into Potential Conflicts of Interest

D. Approval of Agenda
Chair Waddell updated the Commission on the status of the Pine River Channel Northside Planting Donation and stated the revised plans had not been provided in advance and the representatives were unable to attend the meeting.

Motion by Member Chamberlain, second by Member Millington to approve the agenda as presented without Item G-2, Pine River Channel Northside Planting Donation. Motion passed by unanimous voice vote.

E. Approval of the Minutes
1. November 8, 2021 Meeting Minutes
2. November 22, 2021 Work Session Minutes
3. November 22, 2021 Special Meeting Minutes

Motion by Member Gray, second by Member Felter to approve the minutes of November 8, 2021, and both sets of minutes from November 22, 2021 as presented. Motion passed by unanimous voice vote.

F. Call for Public Comment Not Related to Agenda Items

G. New Business
1. Public Hearing - 803 State Street Special Land Use Application (SPLU) Proposal

Chair Waddell stated that last month this item was on the agenda, and he mentioned to Zoning Administrator Scheel it appeared there had been some construction on the site. Zoning Administrator Scheel stated there were two outstanding issues: 1) concrete work that was completed over the summer which would need a site plan showing lot coverage for impervious surfaces; and 2) a handicap ramp was added during the fall without zoning or building permits. Chair Waddell stated he was concerned as to why he shouldn't call this out of order as he assumed it would be negligent to proceed. Zoning Administrator Scheel stated this was an enforcement issue and he recommended the Commission continue with the public hearing and condition their approval on ensuring the applicant meets all zoning and building requirements.

Zoning Administrator Scheel stated Joppa House Ministries is proposing a second recovery residence for women suffering with substance abuse disorders. The project location, 803 State Street, is zoned R-1, Low Density Residential. The proposed use for the site is considered a Boarding/Rooming House which requires a Special Land Use Permit.

Daniel Barron, attorney for the applicant, spoke via Zoom and provided a background on Joppa House Ministries' programs, their current facility located at 801 State Street, and the proposed use of the 803 State Street property.

The public hearing was opened.

LaRae Stevens, Assistant Director for Joppa House Ministries, stated they do not limit the timeframe for residents to six (6) to nine (9) months, and she clarified that they purchased the home with the ramp already installed.

The public hearing was closed.

Chair Waddell and Commission proceeded to go through the Findings of Fact as included in the zoning ordinance as found in sections 153.140 through 153.149 and there were no changes.

Motion by Member Felter, second by Member Millington to approve the Special Land Use application {based on specific findings of fact that the application does meet the review criteria in Chapter 153.253} for the site located at 803 State Street for a Boarding/Rooming House with stipulations that the ramp, extension of parking and the fence need to be addressed, researched, and documented properly. Motion passed by unanimous voice vote.

2. Pine River Channel Northside Planting Donation
Item removed from the agenda.

3. 1002 May Street Project Proposal
Zoning Administrator Scheel stated Matt Giuliani requested the opportunity for the Commission to review a proposal for the redevelopment of 1002 May Street. The property is vacant and 6' short of having enough space for three (3) lots. The owner would like to provide multi-family housing on the parcel which is not permitted under the current R-1 designation. The owner was coming to the Commission with a very broad-based question as to whether the Planning Commission was interested in looking at his proposal.

Matt Giuliani, landowner and builder, spoke via Zoom and stated he purchased the property this past summer. He displayed a rendering of the potential project which showed a ranch-style building with five (5) units. Chair Waddell stated they have been looking at expanding different types of housing and this is a project that the board would certainly entertain.

4. Accessory Dwelling Units (ADU) Standards: Draft ADU Ordinance
Zoning Administrator Scheel stated at the request of the Commission he had prepared a draft ordinance amendment regarding accessory dwelling units. He suggested the Commission change the maximum square footage of an ADU from 2,000 sq. ft. to 900 sq. ft. and add that the ADU cannot be larger than the main structure.

Public comment was opened, one was heard.

Motion by Member Chamberlain, second by Member Gray to schedule a public hearing on January 10, 2022 {for the proposed zoning ordinance changes for accessory buildings and accessory dwelling units}. Motion passed by unanimous voice vote.

H. Old Business

1. Master Plan Update: Goals and Objectives
Chair Waddell stated Planner Neal updated the Goals and Objectives in the Master Plan based on feedback received at the November 22nd Special Meeting. He questioned the need for language referencing the Chesapeake Groups' study in the Goals & Objectives. Planner Neal indicated the *Downtown Marketing Assessment & Development Strategy* prepared by the Chesapeake Group was substantial and should be included in the Goals & Objectives.

Member Chamberlain suggested a change to #6 on page 53 regarding Charlevoix schools to include tracking enrollment in the schools and the Commission concurred.

I. Staff Updates

Zoning Administrator Scheel stated he will provide ADU language for the R-1 zoning district for the next meeting.

J. Request for Next Month's Agenda or Research Items

Chair Waddell stated next month they would have the public hearing for the accessory building and accessory dwelling language, ADU language for R-1 for review, and the Futures Map. He stated the Commission has a work session scheduled with the City Council on December 20th at 4:30 p.m. for a single topic of discussion – housing.

K. Adjournment by 8:00 PM unless extended by motion

Meeting adjourned at 7:49 p.m.

Sarah Dvoracek/fgm Deputy City Clerk R.J. Waddell Chair

CITY OF CHARLEVOIX
PLANNING COMMISSION WORK SESSION MINUTES
Monday, December 20, 2021 – 4:30 p.m.
Council Chamber, 210 State Street, Charlevoix, MI

A. Call to Order/Pledge of Allegiance
The joint work session with the City Council was called to order at 4:40 p.m. by Chair Waddell.

B. Roll Call

Chair	R.J. Waddell
Members Present:	Annemarie Conway, Toni Felter, David Gray, Mary Millington, Sherm Chamberlain
Members Absent:	Jennifer Muladore, Reid Beegen
Staff Present:	Mark L. Heydlauff, City Manager; Jennifer Neal, Community Planner; Sarah Dvoracek, Deputy Clerk, Jonathan Scheel, Zoning Administrator

C. New Business

A. Housing Update on Zoning and Master Plan Initiatives
Jennifer Neal, Planner and R.J. Waddell, Planning Commission Chair briefly outlined the work and priorities of the Planning Commission relative to housing. The Planning Commission is working on amendments to the accessory dwelling unit ordinance including form-based code as well as the Future Land Use Map.

B. Housing Goals and Challenges
Mayor Kurtz summarized the priorities Council has identified and the deed restriction program.

Council and the Planning Commission had general discussion about the community's housing needs including:

- The need for housing includes all incomes levels
- Education of the public is essential to success
- Continue the conversation with community stakeholders
- Solutions will take many different forms
- Investment of city resources
- Standardize the housing development process
- Celebrate the smaller developments

City Staff, City Council, Planning Commission Members and several members of the public offered comment relative to the above conversation.

D. Adjourn
The Chair adjourned the meeting at 5:55 p.m.

Sarah J. Dvoracek Deputy City Clerk

CITY OF CHARLEVOIX

Police Activity Report for the Month of December 2021

ITEM	NUMBER THIS MONTH	THIS MONTH LAST YEAR	TOTAL THIS YEAR	TOTAL LAST YEAR
TRAFFIC CITATIONS	10	3	172	77
TRAFFIC WARNINGS	80	13	1286	533
MOTORIST/CITIZEN ASSIST	15	17	288	290
ASSIST OTHER DEPT	20	7	350	252
FELONY ARRESTS	2	0	10	11
MISDEMEANOR ARRESTS	5	2	38	49
TRAFFIC CRASH: 9300-1	11	4	99	42
TRAFFIC CRASH: 9300-2	8	1	42	25
GENERAL ASSISTS	284	55	3223	1893
MEDICAL RESPONSES	5	6	63	92
LIQUOR INSPECTIONS	25	0	124	0
ORIGINAL COMPLAINTS	33	18	344	233
COMPLAINTS CLOSED	25	10	220	166
COMMERICAL/RESIDENTIAL	32	13	648	285
PARKING/SNOW TICKETS	1	3	250	110
METER TICKETS	0	3	1406	179
PATROL MILES	4,500	4,205	55,831	53,873

TOTAL MILEAGE #87-1 1290

TOTAL MILEAGE #87-2 67

TOTAL MILEAGE #17 3143

Gerard Doan
Chief of Police

CITY OF CHARLEVOIX
CITY COUNCIL WORK SESSION MINUTES
Monday, January 11, 2022 – 6:00 p.m.
Council Chambers, 210 State Street, Charlevoix, MI

The meeting was called to order at 6:00 p.m. by Mayor Luther Kurtz.

1. Pledge of Allegiance

2. Roll Call

Mayor:	Luther Kurtz
Members Present:	Greg Bryan, Aaron Hagen, Phil Parr, Janet Kalbfell
Members Absent:	Mark Knapp*, Richard Spring*
City Manager:	Mark L. Heydlauff
City Clerk:	Sarah J. Dvoracek

*Council Member Knapp and Council Member Spring participated in the Work Session via Zoom, however due to the current Open Meeting Act they must be marked absent.

3. Discussion

A. 2022 Council Goals
City Manager Heydlauff provided Council with the current status of each goal and action step for the fiscal year 2020-2021. Council discussed proposed changes to the current goals and action steps as well as new areas of focus. City Manager Heydlauff will provide Council with a revised copy of the 2022 Council Goals at the next meeting.

B. 2022-2023 Budget
City Manager Heydlauff reviewed the proposed 2022/2023 Budget and answered specific questions from Council. He detailed each proposed utility rate increase and explained the future capital improvement projects in several of the funds. Council discussed the possibility of increasing parking fees during the busy summer months and expanding pay to park in some other prime locations.

4. Adjourn
Mayor Kurtz adjourned the meeting at 8:20 p.m.

Sarah J. Dvoracek City Clerk

Shade Tree and Parks Commission
Meeting Minutes
December 9, 2021, 10am
Charlevoix City Hall Conference Room

Members present: Muladore; Levy; Hodgson
Members absent: Polakowski (joined via Zoom)
Also present: Mark L. Heydlauff, City Manager; Pat Elliott, DPW Superintendent

Chair Hodgson called the meeting to order at 10:02am.

The board reviewed the minutes of November 11, 2021.
Motion by Muladore, second by Levy to approve the minutes with an amendment.
Motion carried.

Chair Hodgson asked Mr. Heydlauff to discuss the grant received from the DNR Recreation Passport Program for improvement to Lake Michigan Beach Park along Park Avenue. He indicated the improvements will include a pedestrian trail meandering along the road and an accessible viewing area along the bluff. Edgewater Resources, who drafted the original plan for the park in 2018, will be retained to develop final construction drawings and oversee the project. Mr. Elliott indicated restoration work in the park following this parking area paving will be completed in the spring.

The Commission discussed the purpose of the Commission and favorably reviewed the ordinance amendment before City Council to adjust the membership of the Commission.

Chair Hodgson led a discussion of Commission priorities and goals in 2022. In addition to continued planting of trees in public spaces, the Commission discussed refreshing the landscaping in East Park, specifically in utility pits, the trout stream, and the beds around the submariners monument. The Commission desires to see continued removal of dead and dying trees at Lake Michigan Beach Park, use of goats to maintain the understory, and adding selective view corridors along Park Avenue between Grant and Clinton Streets. At Ferry Beach, the Commission looks forward to continued engagement with Edgewater Resources on assessment of the existing trees, removal where necessary, and added plantings to maintain long-term shade in the park.

Motion by Levy, second by Muladore to target the planting of 40 trees in 2022 with remaining funds allocated toward planning and planting for landscape refreshment in East Park.
Motion carried.

Motion by Muladore, second by Levy to have the Chair and Mr. Elliott identify 2-3 selective view corridors along Park Avenue between Grant and Clinton Streets.
Motion carried.

The board concurred to continue the same meeting schedule for the calendar year 2022, the Commission will meet monthly as needed, and the meetings are the second Thursday at 10:00 AM, held in the City Hall.

The board also discussed the potential of updating the recommended tree species list and collaborating with neighboring communities in procuring and planting similar species to ensure sustainable inventory is grown at regional nurseries.

Chair Hodgson adjourned the meeting at 10:58am.
Meeting adjourned.