

TITLE XV: LAND USAGE

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CHAPTER 150: BUILDINGS

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' 150.001 ADOPTED.

Pursuant to the provisions of the State Construction Code Act (Public Act 230 of 1972, being M.C.L.A. ' ' 125.1501 et seq.) as amended, the National Plumbing Code, 1996 Edition, as published by the Building Officials and Code Administrators International, Inc. (BOCA), is hereby adopted by reference. Notice is hereby given that complete copies of the Code are available for public use and inspection at the office of the City Clerk.
(Ord. 121-1, passed 12-14-1998)

PROPERTY MAINTENANCE CODE**' 150.015 ADOPTED.**

A certain document, three copies of which are on file in the office of the City Clerk, being marked and designated as *The BOCA National Property Maintenance Code, 1996* as published by the Building Officials and Code Administrators International, Inc., is hereby adopted as the Property Maintenance Code of the city; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of the BOCA National Property Maintenance Code are hereby referred to, adopted and made a part hereof, as if fully set out in this subchapter, with the additions, insertions, deletions and changes, if any, prescribed in ' 150.016.

(Ord. 123-1, passed 12-14-1998)

' 150.016 ADDITIONS, INSERTIONS AND CHANGES.

The BOCA National Property Maintenance Code is amended and revised in the following respects:

SECTION PM-101.1 TITLE: These regulations shall be known as the Property Maintenance Code of the City of the Village of Clarkston hereinafter referred to as Athis code@.

SECTION PM-106.2 PENALTY: Any person who shall violate a provision of this code shall, upon conviction thereof, be subject to a fine of not in excess of \$500 or imprisonment for a term not to exceed 90 days, or both, at the discretion of the court. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

SECTION PM-304.12 INSECT SCREENS: During the period from May 1 to November 1, every door, window and other outside opening utilized or required for ventilation purposes serving any structure containing 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 not less than 16 mesh per inch and every swinging door shall have a self-closing device in good working condition.

Exception: Screen doors shall not be required for out-swinging doors or other types of openings which make screening impractical, provided other approved means, such as air curtains or insect repellent fans are employed.

SECTION PM-602.2.1 HEAT SUPPLY: Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either express or implied, to furnish heat to the occupants thereof shall supply sufficient heat during the period from October 31 to April 30 to maintain the room temperatures specified in Section PM-602.2 during the hours between 6:30 a.m. and 10:30 p.m. of each day and not less than 60 degrees F. (16 degrees C.) during other hours.

SECTION PM-602.3 NONRESIDENTIAL STRUCTURES: Every enclosed occupied work space shall be supplied with sufficient heat during the period from October 31 to April 30 to maintain a temperature of not less than 65 degrees F. (18 degrees C.) during all working hours.

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.

(Ord. 123-1, passed 12-14-1998)

NATIONAL MECHANICAL CODE

' 150.030 ADOPTED.

A certain document, three copies of which are on file in the office of the city, being marked and designated as *The BOCA National Mechanical Code, 1996*, as published by Building Officials and Code Administrators International, Inc., is hereby adopted as the Mechanical Code of the city; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of the BOCA National Mechanical Code are hereby referred to, adopted and made a part hereof, as if fully set out in this subchapter, with the additions, insertions, deletions and changes, if any, prescribed in ' 150.031.

(Ord. 124-1, passed 12-14-1998)

' 150.031 ADDITIONS, INSERTIONS AND CHANGES.

The following sections are hereby revised as follows:

SECTION M-101.1 TITLE: These regulations shall be known as the Mechanical Code of the City of the Village of Clarkston hereinafter referred to as Athis code@.

SECTION M-113.2 PERIODIC INSPECTIONS: City Council shall adopt

from time to time a fee schedule.

SECTION M-113.3 FEE SCHEDULE: City Council shall adopt from time to time a fee schedule.

SECTION M-116.4 VIOLATION PENALTIES: Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair mechanical equipment or systems in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of an offense, punishable by a fine of not more than \$500, or by imprisonment not exceeding 90 days, or both such fine and imprisonment. Each day that a violation continues after notice has been served shall be deemed a separate offense.

SECTION M-117.2 UNLAWFUL CONTINUANCE: Any person who shall continue any work in or about the structure 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 more than \$500.

(Ord. 124-1, passed 12-14-1998)

STATE BUILDING CODE

' 150.045 AGENCY DESIGNATED.

Pursuant to ' 8b(6) of the Stille-DeRosset Hale Single State Construction Code Act, 1972 Public Act 230, M.C.L.A. ' ' 125.1508b(6), the city hereby elects to administer and enforce the 1972 Public Act 230 and the Michigan Building Code. the city shall also administer and enforce the respective provisions of Michigan Residential, Rehabilitation and Uniform Energy Codes and all applicable laws and ordinances. A government official registered in accordance with 1986 Public Act 54 shall be appointed to receive all fees, issue permits, plan reviews, notices, orders, and certificates of use and occupancy. All personnel performing plan reviews and inspections shall be registered in accordance with 1986 Public Act 54. (Ord. 132, passed 7-9-2001; Ord. 150, passed - -)

' 150.046 CODE REFERENCED.

All building materials in any buildings, structures and premises covered by this subchapter shall be designed, constructed, installed, altered and maintained in accordance with the provisions of the State Code. This Code provides reasonable safeguards to the public health, safety and welfare as they are affected by the installation and/or maintenance of building materials. (Ord. 132, passed 7-9-2001)

' 150.047 FEES FOR INSPECTION.

When an application is made for a permit, license or registration required under the terms of this subchapter, a fee shall be paid in an amount as prescribed by resolution of the City Council. (Ord. 132, passed 7-9-2001)

' 150.048 RIGHT OF ACCESS TO BUILDINGS.

Subject to the Constitution and the laws of the state, the Building Official and/or his or her deputy shall have the right during reasonable hours to enter any building in this discharge of his or her official duties for the purpose of making any inspection or test of the installation of electrical wiring and building materials contained therein and shall have the authority to cause the turning off of all electrical

supply and to disconnect, in cases of emergency, any wire where the electrical currents are dangerous to life or property or may interfere with the work of the Fire Department.

(Ord. 132, passed 7-9-2001)

' 150.049 PERMITS.

It shall be unlawful for any person, firm or corporation to install, alter, maintain, service or repair building materials in or on any building, structure or part thereof, or on premises or cause or permit therein or thereon the installation, altering, maintaining, servicing or repairing of any building materials without a permit having been obtained therefor as provided herein.

(Ord. 132, passed 7-9-2001) Penalty, see ' 150.999

STATE MECHANICAL CODE

' 150.060 AGENCY DESIGNATED.

Pursuant to the provisions of the State Mechanical Code, in accordance with Public Act 230 of 1972, ' 8b(6), being M.C.L.A. ' ' 125.1501 through 125.1531, as amended, the Building Official of the city is hereby designated as the enforcing agency to discharge responsibility of the city under Public Act 230 of 1972, being M.C.L.A. ' ' 125.1501 through 125.1531, as amended. The city assumes responsibility for the administration and enforcement of this Act throughout its corporate limits. (Ord. 133, passed 7-9-2001)

' 150.061 CODE REFERENCED.

All mechanical equipment in any buildings, structures and premises covered by this subchapter shall be designed, constructed, installed, altered and maintained in accordance with the provisions of the State Code. This Code provides reasonable safeguards to the public health, safety and welfare as they are affected by the installation and/or maintenance of mechanical equipment.

(Ord. 133, passed 7-9-2001)

' 150.062 FEES FOR INSPECTION.

When an application is made for a permit, license or registration required under the terms of this subchapter, a fee shall be paid in an amount as prescribed by resolution of the City Council. (Ord. 133, passed 7-9-2001)

' 150.063 RIGHT OF ACCESS TO BUILDINGS.

Subject to the Constitution and the laws of the state, the Building Official and/or his or her deputy shall have the right during reasonable hours to enter any building in this discharge of his or her official duties for the purpose of making any inspection or test of the installation of electrical wiring and mechanical equipment contained therein and shall have the authority to cause the turning off of all mechanical equipment and to disconnect, in cases of emergency, any mechanical equipment where that is dangerous to life or property or may interfere with the work of the Fire Department. (Ord. 133, passed 7-9-2001)

' 150.064 PERMITS.

It shall be unlawful for any person, firm or corporation to install, alter, maintain, service or repair mechanical equipment in or on any building, structure or part thereof, or on premises or cause or permit therein or thereon the installation, altering, maintaining, servicing or repairing of any mechanical equipment without a permit having been obtained therefor as provided herein. (Ord. 133, passed 7-9-2001) Penalty, see ' 150.999

STATE PLUMBING CODE

' 150.075 AGENCY DESIGNATED.

Pursuant to the provisions of the State Plumbing Code, in accordance with Public Act 230 of 1972, ' 8b(6), being M.C.L.A. ' ' 125.1501 through 125.1531, as amended, the Building Official of the city is hereby designated as the enforcing agency to discharge responsibility of the city under Public Act 230 of 1972, being M.C.L.A. ' ' 125.1501 through 125.1531, as amended. The city assumes responsibility for the administration and enforcement of this Act throughout its corporate limits. (Ord. 134, passed 7-9-2001)

' 150.076 CODE REFERENCED.

All plumbing equipment in any buildings, structures and premises covered by this subchapter shall be designed, constructed, installed, altered and maintained in accordance with the provisions of the State Code. This Code provides reasonable safeguards to the public health, safety and welfare as they are affected by the installation and/or maintenance of plumbing equipment. (Ord. 134, passed 7-9-2001)

' 150.077 FEES FOR INSPECTION.

When an application is made for a permit, license or registration required under the terms of this subchapter, a fee shall be paid in an amount as prescribed by resolution of the City Council. (Ord. 134, passed 7-9-2001)

' 150.078 RIGHT OF ACCESS TO BUILDINGS.

Subject to the Constitution and the laws of the state, the Building Official and/or his or her deputy shall have the right during reasonable hours to enter any building in the discharge of his or her official duties for the purpose of making any inspection or test of the installation of electrical wiring, plumbing devices and/or plumbing materials contained, therein and shall have the authority to cause the turning off of all plumbing supply and to disconnect, in cases of emergency, any plumbing where the plumbing is dangerous to life or property or may interfere with the work of the Fire Department.
(Ord. 134, passed 7-9-2001)

' 150.079 PERMITS.

It shall be unlawful for any person, firm or corporation to install, alter, maintain, service or repair plumbing equipment in or on any building, structure or part thereof, or on premises or cause or permit therein or thereon the installation, altering, maintaining, servicing or repairing of any plumbing equipment without a permit having been obtained therefor as provided herein.
(Ord. 134, passed 7-9-2001) Penalty, see ' 150.999

STATE ELECTRICAL CODE

' 150.090 AGENCY DESIGNATED.

Pursuant to the provisions of the State Electrical Code, in accordance with Public Act 230 of 1972, ' 8b(6), being M.C.L.A. ' ' 125.1501 through 125.1531, as amended, the electrical official of the city is hereby designated as the enforcing agency to discharge the responsibility of the city under Public Act 230 of 1972, being M.C.L.A. ' ' 125.1501 through 125.1531. The city assumes responsibility for the administration and enforcement of this Act throughout its corporate limits.
(Ord. 135, passed 9-24-2001)

' 150.999 PENALTY.

***FLOODPLAIN MANAGEMENT PROVISIONS
OF THE STATE CONSTRUCTION CODE***

' 150.105 AGENCY DESIGNATED.

Pursuant to the provisions of the State Construction Code, in accordance with Public Act 230 of 1972, ' 8b(6), being M.C.L.A. ' ' 125.1501 through 125.1531, as amended, the Building Official of the city is hereby designated as the enforcing agency to discharge the responsibility of the city under Public Act 230 of 1972, being M.C.L.A. ' ' 125.1501 through 125.1531, as amended. The city assumes responsibility for the administration and enforcement of this Act throughout the corporate limits of the community adopting this subchapter.
(Ord. 138, passed 10-23-2006)

' 150.106 CODE APPENDIX ENFORCED.

Pursuant to the provisions of the State Construction Code, in accordance with Public Act 230 of 1972, ' 8b(6), being M.C.L.A. ' ' 125.1501 through 125.1531, as amended, Appendix G of the State Building Code shall be enforced by the enforcing agency within the city.
(Ord. 138, passed 10-23-2006)

**' 150.107 DESIGNATION OF REGULATED
FLOOD PRONE HAZARD AREAS.**

The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) entitled *Oakland County, Michigan (All Jurisdictions)* and dated September 29, 2006 and Flood Insurance Rate Map (FIRMS) panel number of 26125C0331F and dated September 29, 2006, are adopted by reference for the purposes of administration of the State Construction Code, and declared to be a part of ' 1612.3 of the State Building Code, and to provide the content of the AFlood Hazards@ section of Table R301.2(1) of the State Residential Code.
(Ord. 138, passed 10-23-2006)

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of ' 10.99.

(B) Violation of any provisions of ' 150.001 herein adopted shall be a misdemeanor punishable by a fine not in excess of \$500 or by imprisonment for not in excess of 90 days or both a fine and imprisonment in the discretion of the court together with the cost of prosecution. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

(C) Every violation of or failure to comply with ' ' 150.045 through 150.049 shall be punished as a civil infraction. Further, any persons who fail to get a permit before working shall be charged double the building permit fee.

(D) Any persons violating the provisions of ' ' 150.060 through 150.064 shall be guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding \$500 or by imprisonment for not more than 90 days, or both a fine and imprisonment.

(E) Any persons violating the provisions of ' ' 150.075 through 150.079 shall be guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding \$500 or by imprisonment for not more than 90 days, or both a fine and imprisonment. (Ord. 121-1, passed 12-14-1998; Ord. 132, passed 7-9-2001; Ord. 133, passed 7-9-2001; Ord. 134, passed 7-9-2001)

CHAPTER 151: SUBDIVISIONS

Section

Subdivision - Plat Act

- 151.01 Preamble
- 151.02 Short title
- 151.03 Purpose
- 151.04 Filing fees
- 151.05 Inspection fees
- 151.06 Duplicate inspections
- 151.07 Related expense fees

Procedure for Splitting of Recorded Lots

- 151.20 Application
- 151.21 Filing
- 151.22 Agenda
- 151.23 Council approval
- 151.24 Fees
- 151.25 Council consideration

SUBDIVISION - PLAT ACT

' 151.01 PREAMBLE.

This subchapter establishes fees that shall be paid prior to obtaining tentative approval and final approval of preliminary plats and prior to submission of plats for final approval, these fees to be paid in addition to those required under state statute and to establish inspection fees which shall be paid in connection with all plats submitted to the city for approval. (Ord. 85, passed 3-24-1975)

' 151.02 SHORT TITLE.

This subchapter shall be known as the Subdivision Fee Ordinance. (Ord. 85, passed 3-24-1975)

' 151.03 PURPOSE.

This subchapter is hereby enacted in conformance with the provisions of Public Act 288 of 1967, being M.C.L.A. ' ' 560.101 through 560.293, known as the Subdivision Control Act of 1967, in order to establish the fees for examination and inspection of plats and the land proposed to be subdivided and related expenses in connection therewith. (Ord. 85, passed 3-24-1975)

' 151.04 FILING FEES.

(A) The proprietor shall, upon first submission of the preliminary plat for tentative approval, pay to the city the sum of \$3 per lot but in no event shall the fee be less than the sum of \$150.

(B) The proprietor shall, upon submission of the preliminary plat for final approval, pay to the City Clerk the sum of \$3.50 per lot but in no event shall the fee be less than the sum of \$150.

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(C) In the event the preliminary plat, when submitted for final approval of the same, provides for the installation of a community water system, then and in that event, the proprietor shall upon submission of the plat, pay to the Clerk of the city the sum of \$3 per lot, but in no event shall the fee be less than the sum of \$100. The fee required under this division shall be in addition to all other fees required herein.

(D) In the event the preliminary plat, when submitted for final approval of the same, requires the installation of a water pumping station, then and in that event, the proprietor shall upon submission of the plat, pay to the Clerk of the city the following fee, which shall be in addition to all other fees required herein.

Pump house with treatment	\$700
Pump house without treatment	\$500

(E) In the event the preliminary plat, when submitted for final approval of the same, requires connection to municipally owned sanitary sewage facilities, then and in that event, the proprietor shall upon submission of the plat, pay to the Clerk of the city the sum of \$3.50 per lot but in no event shall the fee be less than \$100. The fee required under this division shall be in addition to all other fees required herein.

(F) In the event the preliminary plat, when submitted for final approval of the same, requires checking and approval of off-site improvements, such as water mains and/or sanitary sewer extensions which are necessary to provide service to the land being platted, the cost of approving the same being incapable of predetermination, then and in that event the City Clerk shall request a cost statement from the engineers employed by the city, showing the cost of approving those facilities. The proprietor shall upon submission of the plat, pay to the City Clerk that sum as is disclosed by the engineer=s cost statement, the fee to be paid in addition to all other fees required herein.

(G) In the event the proposed plat is revised subsequent to submission for final approval of the preliminary plat, then and in that event, the Clerk shall request of the engineers employed by the city a statement of the cost of approving and checking the revised changes and the proprietor, upon submitting the revised preliminary plat for final approval, shall pay to the City Clerk that sum as is disclosed by the engineer=s statement. This sum may be less than but under no circumstances shall exceed the fees as set forth in division (F) above. This sum, however, shall be in addition to all sums previously paid by the proprietor as required by the preceding divisions.

(H) In the event the preliminary plat, when submitted for final approval of the same, provides for the installation of sidewalks, then and in that event, the proprietor shall, upon submission of the plat, pay to the Clerk of the city the sum of \$0.50 per lot but in no event shall the fee be less than \$50. The fee required under this division shall be in addition to all other fees required herein.

(I) The proprietor shall, upon submission of the final plat for final approval of the city, pay to the City Clerk the sum of \$4 per lot but in no event shall this fee be less than the sum of \$100.
(Ord. 85, passed 3-24-1975)

151.05 INSPECTION FEES.

(A) The proprietor, prior to construction and upon submission of the preliminary plat for final approval, shall deposit with the City Clerk for payment of the anticipated costs of inspection, these sums in accordance with the following schedule based upon proprietor=s total construction cost:

<i>Construction Contract Amount</i>	<i>Amount of Deposit</i>
To \$5,000	\$500
\$5,000 to \$50,000	8% but not less than \$500
\$50,000 to \$100,000	6% but not less than \$4,000
Over \$100,000	5% but not less than \$6,000

(B) The fees to be paid for inspection from this

sum as is deposited under division (A) above shall be \$75 per inspector; per crew day, per calendar day of inspection. This basis of computing crew days shall be

4 hours or less	1/2 crew day
4-1/2 hours through 8 hours	1 crew day
Over 8 hours	1/4 crew day for each 2 hours or fractional part thereof in excess of 8 hours

(C) (1) In the event the inspection fees under divisions (A) and (B) above exceed the sum deposited to cover those costs, the proprietor shall upon demand of the City Clerk, pay to the City Clerk those additional sums as shall be necessary to cover those costs.

(2) In the event the inspection fees under divisions (A) and (B) above are less than the sum deposited to cover those costs, then the excess of money deposited over cost shall be refunded to the proprietor upon final approval of construction. (Ord. 85, passed 3-24-1975)

' 151.06 DUPLICATE INSPECTIONS.

In the event any inspection called for hereunder shall be completed or undertaken by any other municipality, the proprietor herein shall have the option to petition the city for a waiver of the duplicate inspection and fees incurred in connection therewith. The city shall have full authority and discretion in this matter and not be under any obligation to grant the proprietor=s request in the event the appropriate authorities of the city deem any and all inspections required herein necessary. (Ord. 85, passed 3-24-1975)

' 151.07 RELATED EXPENSE FEES.

The proprietor shall in addition to all fees required under this subchapter, pay to the Clerk of the city 5% of any and all fees required herein, this sum to cover related expenses of the city in connection with the approval, examination and inspection of plats.

as follows:

(Ord. 85, passed 3-24-1975)

PROCEDURE FOR SPLITTING OF RECORDED LOTS

' 151.20 APPLICATION.

(A) Any owner of a lot, outlot or other parcel of land in a recorded plat who desires to partition property into not more than four parts, shall submit an application to the city requesting the partition.

(B) The application shall be submitted in triplicate and shall contain the following:

(1) The name of the recorded subdivision and the lot number or the letter designation of the given outlot proposed to be split;

(2) The legal description of property previously split out of the lot or outlot, if any;

(3) The legal description of each parcel of property which will be created by the partitioning of the land as proposed, prepared by a registered land surveyor or civil engineer;

(4) A diagram, drawn to scale, prepared by the same individual who prepared the legal description referred to in division (B)(3) above showing the division of property being applied for and the resulting parcels thereof;

(5) The zoning designation of the property proposed to be split; and

(6) Attached to the application shall be a copy of all restrictions which are recorded and run with the land.

(Ord. 62, passed - -1971)

' 151.21 FILING.

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The application shall be filed with the city together with the necessary fee as hereinafter provided. Upon receipt of the application and fee, the City Clerk shall send one copy of the application to the City Building Inspector for review. When, in the opinion of the Clerk, it is desirable to seek additional advice, he or she may consult the City Attorney, the City Engineer or engineering consultant and/or the city planner or planning consultant.
(Ord. 62, passed - -1971)

' 151.22 AGENDA.

(A) Proposed lot splits are to be referred to the Planning Commission for a recommendation before going to the City Council.

(B) Subsequent to the review given a lot split application by the City Building Inspector and those others who, from time to time, become involved in the review, the City Clerk shall place consideration of the application on the agenda of the City Council for action.
(Ord. 62, passed - -1971)

' 151.23 COUNCIL APPROVAL.

(A) The City Council shall not approve the partitioning of any lot within a platted subdivision unless the resulting parcels meet the minimum width and area requirements imposed by the applicable provisions of the city zoning ordinance.

(B) Notwithstanding the provisions of division (A) above, the City Council may approve the partition of platted property even if the requirements of division (A) above are not met, when the proposed adjustment reduces the width and area nonconformity, if any, of the resulting parcels.
(Ord. 62, passed - -1971; Ord. 62-1, passed 9-15-1986)

' 151.24 FEES.

(A) Each application shall be accompanied by a fee of \$100 to defray the cost that the city assumes in connection with its review.

(B) This fee is not refundable, in whole or in part, should the application be denied.
(Ord. 62, passed - -1971)

' 151.25 COUNCIL CONSIDERATION.

Before the City Council shall approve the partition of any property as herein provided, it shall determine that the partition will:

(A) Not adversely affect the public interest; and

(B) Generally be compatible with adjacent properties and other property in the vicinity of the partitioned property.
(Ord. 62, passed - -1971)

CHAPTER 152: HISTORIC DISTRICT

Section

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152.07	Work affecting exterior appearance of historic resources; permit, application; certificate of appropriateness or notice; process fee; appeal of Commission=s decision; standards and guidelines; considerations, hearing; delegated authorities		
152.08	Grants and gifts; benefit programs		
152.09	Historic resources; acquisition		
152.10	County Historic District Commission; county jurisdiction, coordination; review of activities		
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152.12	Construction of chapter		
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' 152.01 PREAMBLE.

This chapter is enacted pursuant to the authority conferred by Public Act 169 of 1970, as amended, providing for the establishment of historic districts; the acquisition of certain resources structures for historic preservation purposes; the preservation of historic and nonhistoric resources; the maintenance of public owned resources and structures by local units and the establishment of historic commissions; to provide for certain assessments under certain circumstances; to provide for procedures; and to provide for remedies and penalties.
(Ord. 118, passed 2-26-1996)

' 152.02 SHORT TITLE.

This chapter shall be known and may be cited as the City of the Village of Clarkston Local Historic District Ordinance.
(Ord. 118, passed 2-26-1996)

**' 152.03 HISTORIC PRESERVATION;
PUBLIC PURPOSE; LOCAL ORDINANCES.**

(A) Historic preservation is declared to be a public purpose and the city may by ordinance regulate the construction, addition, alteration, repair, moving, excavation and demolition of resources in historic districts within the limits of the city.

(B) The purpose of the chapter shall be to do one or more of the following:

- (1) Safeguard the heritage of the local unit by preserving one or more historic districts in the city that reflect elements of the city=s history, architecture, archaeology, engineering or culture;
- (2) Stabilize and improve property values in each district and the surrounding areas;
- (3) Foster civic beauty;
- (4) Strengthen the local economy; and
- (5) Promote the use of historic districts for the education, pleasure and welfare of the citizens of the city and of the state.

(Ord. 118, passed 2-26-1996)

' 152.04 DEFINITIONS.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALTERATION. Work that changes the detail of a resource but does not change its basic size or shape.

BUREAU. The Bureau of History of the State Department of State.

CERTIFICATE OF APPROPRIATENESS. The written approval of a permit application for work that is appropriate and that does not adversely affect a resource.

COMMISSION. A Historic District Commission created by the city pursuant to ' 152.06.

COMMITTEE. A Historic District Study Committee appointed by the city pursuant to ' ' 152.05 and 14.01.

DEMOLITION. The razing or destruction, whether entirely or in part, of a resource and includes, but is not limited to, demolition by neglect.

DEMOLITION BY NEGLECT. Neglect in maintaining, repairing or securing a resource that results in deterioration of an exterior feature of the resource or the loss of structural integrity of the resource.

DENIAL. The written rejection of a permit application for work that is inappropriate and that adversely affects a resource.

HISTORIC DISTRICT. An area, or group of areas not necessarily having contiguous boundaries, that contains one resource or a group of resources that are related by history, architecture, archaeology, engineering or culture.

HISTORIC PRESERVATION. The identification, evaluation, establishment and protection of resources significant in history, architecture, archaeology, engineering or culture.

HISTORIC RESOURCE. A publicly or privately owned building, structure, site, object, feature or open space that is significant in the history, architecture, archaeology, engineering or culture of this state or a community within this state or of the United States.

LOCAL UNIT. The City of the Village of Clarkston.

NOTICE TO PROCEED. The written permission to issue a permit for work that is inappropriate and that adversely affects a resource, pursuant to a finding under ' 152.07(E).

OPEN SPACE. Undeveloped land, a naturally landscaped area, or a formal or human-made landscaped area that provides a connective link or a buffer between other resources.

ORDINARY MAINTENANCE. Keeping a resource unimpaired and in good condition through ongoing minor intervention, undertaken from time to time, in its exterior condition. **ORDINARY MAINTENANCE** does not change the external appearance of the resource except through the elimination of the usual and expected effects of weathering. **ORDINARY MAINTENANCE** does not constitute work for purposes of this chapter.

PROPOSED HISTORIC DISTRICT. An area or group of areas not necessarily having contiguous boundaries, that has delineated boundaries and that is under review by a committee or a standing committee for the purpose of making a recommendation as to whether it should be established as a historic district or added to an established historic district.

REPAIR. To restore a decayed or damaged resource to a good or sound condition by any process. A **REPAIR** that changes the external appearance of a resource constitutes work for purposes of this chapter.

RESOURCE. One or more publicly or privately owned historic or nonhistoric buildings, structures, sites, objects, features or open spaces located within a historic district.

STANDING COMMITTEE. A permanent body established by the city pursuant to ' 14.01 to conduct the activities of a Historic District Study Committee on a continuing basis.

WORK. A construction, addition, alteration, repair, moving, excavation or demolition. (Ord. 118, passed 2-26-1996)

' 152.05 HISTORIC DISTRICTS, ESTABLISHMENT; STUDY COMMITTEE, DUTIES; PRELIMINARY REPORTS, CONTENTS; HEARING, NOTICE; FINAL REPORT, RECOMMENDATIONS; ORDINANCES; AVAILABILITY OF WRITINGS TO PUBLIC.

(A) The city having established a historic district, the historic district shall be administered by a Commission established pursuant to ' 152.06. Before establishing a historic district, the city shall appoint a Historic District Study Committee. The Committee shall contain a majority of persons who have a clearly demonstrated interest in or knowledge of historic preservation, and shall contain representation from one or more duly organized local historic preservation organizations.

(B) The Committee shall do all of the following:

(1) Conduct a photographic inventory of resources within each proposed historic district following procedures established or approved by the Bureau;

(2) Conduct basic research of each proposed historic district and the historic resources located within that district;

(3) Determine the total number of historic and nonhistoric resources within a proposed historic district and the percentage of historic resources of that total. In evaluating the significance of historic resources, the Committee shall be guided by the selection criteria for evaluation issued by the United States Secretary of the Interior for inclusion of resources in the National Register of Historic Places, as set forth in 36 C.F.R. part 60, and criteria established or approved by the Bureau, if any;

(4) Prepare a preliminary Historic District Study Committee report that addresses at a minimum all of the following:

(a) The charge of the Committee;

(b) The composition of the Committee membership;

(c) The historic district or districts studied;

(d) The boundaries for each proposed historic district in writing and on maps;

(e) The history of each proposed historic district; and

(f) The significance of each district as a whole, as well as a sufficient number of its individual resources to fully represent the variety of resources found within the district, relative to the evaluation criteria.

(5) Transmit copies of the preliminary report for review and recommendations to the local planning body, to the Bureau, to the State Historical Commission and to the State Historic Preservation Review Board; and

(6) Make copies of the preliminary report available to the public pursuant to division (E) below.

(C) Not less than 60 calendar days after the transmittal of the preliminary report, the Committee shall hold a public hearing in compliance with Public Act 267 of 1976, being M.C.L.A. ' ' 15.261 through 15.275, as amended. Public notice of the time, date and place of the hearing shall be given in the manner required by Public Act 267 of 1976, being M.C.L.A. ' ' 15.261 through 15.275, as amended. Written notice shall be mailed by first-class mail not less than 14 calendar days before the hearing to the owners of properties within the proposed historic district, as listed on the tax rolls of the city.

(D) After the date of the public hearing, the Committee and the city shall have not more than one year, unless otherwise authorized by the city to take

the following actions.

(1) The Committee shall prepare and submit a final report with its recommendations and the recommendations, if any, of the local planning body to the city. If the recommendation is to establish a historic district or districts, the final report shall include a draft of a proposed ordinance or ordinances.

(2) After receiving a final report that recommends the establishment of a historic district or districts, the city, at its discretion, may introduce and pass or reject an ordinance or ordinances. If the city passes an ordinance or ordinances establishing one or more historic districts, the city shall file a copy of that ordinance or those ordinances, including a legal description of the property or properties located within the historic district or districts, with the Register of Deeds. The city shall not pass an ordinance establishing a contiguous historic district less than 60 days after a majority of the property owners within the proposed historic district, as listed on the tax rolls of the city, have approved the establishment of the historic district pursuant to a written petition.

(E) A writing prepared, owned, used, in the possession of or retained by a Committee in the performance of an official function shall be made available to the public in compliance with Public Act 442 of 1976, being M.C.L.A. ' ' 15.231 to 15.246, as amended.
(Ord. 118, passed 2-26-1996)

' 152.06 HISTORIC DISTRICT COMMISSIONS; CREATION; MEMBERS, APPOINTMENT, TERMS, VACANCIES; APPLICABILITY OF SECTION.

The city shall establish a commission to be called the Historic District Commission. Each member of the Commission shall reside within the city. The Commission shall consist of five members. A majority of the members shall have a clearly demonstrated interest in or knowledge of historic preservation. The members shall be appointed by the Mayor. Members shall be appointed for three-year terms except the initial appointments of some of the members shall be for less than three years so that the initial appointments are staggered and that subsequent appointments do not recur at the same time. Members shall be eligible for reappointment. A vacancy on the Commission shall be filled within 60 calendar days by an appointment made by the appointing authority. The Commission shall include as a member, if available, a graduate of an accredited school of architecture who has two years of architectural experience or who is an architect registered in this state.

(Ord. 118, passed 2-26-1996)

' 152.07 WORK AFFECTING EXTERIOR APPEARANCE OF HISTORIC RESOURCES; PERMIT, APPLICATION; CERTIFICATE OF APPROPRIATENESS OR NOTICE; PROCESS FEE; APPEAL OF COMMISSION=S DECISION; STANDARDS AND GUIDELINES; CONSIDERATIONS, HEARING; DELEGATED AUTHORITIES.

(A) A permit shall be obtained before any work affecting the exterior appearance of a resource is performed within a historic district or, if required under division (D) below, work affecting the interior arrangements of a resource is performed within a historic district. The person, individual, partnership, firm, corporation, organization, institution or agency of government proposing to do that work shall file an application for a permit with the inspector of buildings, the Commission or other duly delegated authority. If the inspector of buildings or other authority receives the application, the application shall be immediately referred together with all required supporting materials that make the application complete to the Commission. A permit shall not be issued and proposed work shall not proceed until the Commission has acted on the application by issuing a certificate of appropriateness or a notice to proceed as prescribed in this chapter. The city may charge a

reasonable fee to process a permit application.

(B) An applicant aggrieved by a decision of a Commission concerning a permit application may file an appeal with the State Historic Preservation Review Board of the State Historical Commission within the Department of State. The appeal shall be filed within 60 days after the decision is furnished to the applicant. The appellant may submit all or part of the appellant=s evidence and arguments in written form. The Review Board shall consider an appeal at its first regularly scheduled meeting after receiving the appeal, but may not charge a fee for considering an appeal. The Review Board may affirm, modify or set aside a Commission=s decision and may order a Commission to issue a certificate of appropriateness or a notice to proceed. A permit applicant aggrieved by the decision of the State Historic Preservation Review Board may appeal the decision to the Circuit Court having jurisdiction over the Historic District Commission whose decision was appealed to the State Historic Preservation Review Board.

(C) (1) In reviewing plans, the Commission shall follow the United States Secretary of the Interior=s standards for rehabilitation and guidelines for rehabilitating historic buildings, as set forth in 36 C.F.R. part 67. Design review standards and guidelines that address special design characteristics of historic districts administered by the Commission may be followed if they are equivalent in guidance to the Secretary of Interior=s standards and guidelines and are established or approved by the Bureau.

(2) The Commission shall also consider all of the following:

(a) The historic or architectural value and significance of the resource and its relationship to the historic value of the surrounding area;

(b) The relationship of any architectural features of the resource to the rest of the resource and to the surrounding area;

(c) The general compatibility of the design, arrangement, texture and materials proposed to be used; and

(d) Other factors, such as aesthetic

value, that the Commission finds relevant.

(D) The Commission shall review and act upon only exterior features of a resource and shall not review and act upon interior arrangements unless specifically authorized to do so by the city or unless

(E) If an application is for work that will adversely affect the exterior of a resource the Commission considers valuable to the city, state or nation, and the Commission determines that the alteration or loss of that resource will adversely affect the public purpose of the city, state or nation, the Commission shall attempt to establish with the owner of the resource an economically feasible plan for preservation of the resource.

(F) Work within a historic district shall be permitted through the issuance of a notice to proceed by the Commission if any of the following conditions prevail and if the proposed work can be demonstrated by a finding of the Commission to be necessary to substantially improve or correct any of the following conditions:

(1) The resource constitutes a hazard to the safety of the public or to the structure=s occupants;

(2) The resource is a deterrent to a major improvement program that will be of substantial benefit to the community and the applicant proposing the work has obtained all necessary planning and zoning approvals, financing and environmental clearances;

(3) Retaining the resource will cause undue financial hardship to the owner when a governmental action, an act of God or other events beyond the owner=s control created the hardship, and all feasible alternatives to eliminate the financial hardship, which may include offering the resource for sale at its fair market value or moving the resource to a vacant site within the historic district, have been attempted and exhausted by the owner; and

(4) Retaining the resource is not in the interest of the majority of the community.

(G) When considering signs under this chapter, the Historic District Commission may approve signs which do not comply with the provisions of the city=s

interior work will cause visible change to the exterior of the resource. The Commission shall not disapprove an application due to considerations not prescribed in division (C) above.

zoning ordinance, as adopted by reference in Chapter 155, if:

(1) The applicant establishes by a preponderance of evidence acceptable to the Commission that the design of the existing sign as replicated, repaired, restored or relocated, preserves a historic facade or premises more effectively than a design complying with the city=s zoning ordinance; and

(2) The Commission requires compliance with the city=s zoning ordinance to the greatest extent consistent with the historical preservation of the facade or premises involved.

(H) The business that the Commission may perform shall be conducted at a public meeting of the Commission held in compliance with the Open Meetings Act, Public Act 267 of 1976, being M.C.L.A. ' ' 15.261 to 15.275, as amended. Public notice of the time, date and place of the meeting shall be given in the manner required by Public Act 267 of 1976, being M.C.L.A. ' ' 15.261 to 15.275, as amended. A meeting agenda shall be part of the notice and shall include a listing of each permit application to be reviewed or considered by the Commission.

(I) The Commission shall keep a record of its resolutions, proceedings and actions. A writing prepared, owned, used, in the possession of or retained by the Commission in the performance of an official function shall be made available to the public in compliance with the Freedom of Information Act, Public Act 442 of 1976, being M.C.L.A. ' ' 15.231 to 15.245, as amended.

(J) The Commission may adopt its own rules of procedure and shall adopt design review standards and guidelines for resource treatment to carry out its duties under this chapter.

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(K) The Commission may delegate the issuance of certificates of appropriateness for specified minor classes of work to its staff, to the inspector of buildings or to another delegated authority. The Commission shall provide to the delegated authority specific written standards for issuing certificates of appropriateness under this division, on at least a quarterly basis, the Commission shall review the certificates of appropriateness, if any, issued for work by its staff, the inspector or another authority to determine whether or not the delegated responsibilities should be continued.

(L) Upon a finding by a commission that a historic resource within a historic district or a proposed historic district subject to its review and approval is threatened with demolition by neglect, the Commission may do either of the following:

(1) Require the owner of the resource to repair all conditions contributing to demolition by neglect; or

(2) If the owner does not make repairs within a reasonable time, the Commission or its agents may enter the property and make those repairs as are necessary to prevent demolition by neglect. The costs of the work shall be charged to the owner, and may be levied by the city as a special assessment against the property. The Commission or its agents may enter the property for purposes of this section upon obtaining an order from the Circuit Court.

(M) When work has been done upon a resource without a permit, and the Commission finds that the work does not qualify for a certificate of appropriateness, the Commission may require an owner to restore the resource to the condition the resource was in before the inappropriate work or to modify the work so that it qualifies for a certificate of appropriateness. If the owner does not comply with the restoration or modification requirement within a reasonable time, the Commission may seek an order from the Circuit Court to require the owner to restore the resource to its former condition or to modify the work so that it qualifies for a certificate of appropriateness. If the owner does not comply or cannot comply with the order of the Court, the Commission or its agents may enter the property and conduct work necessary to restore the resource to its former condition or modify the work so that it qualifies for a certificate of appropriateness in accordance with the court's order. The costs of the work shall be charged to the owner, and may be levied by the city as a special assessment against the property, when acting pursuant to an order of the Circuit Court, a Commission or its agents may enter a property for purposes of this section.

(Ord. 118, passed 2-26-1996)

' 152.08 GRANTS AND GIFTS; BENEFIT PROGRAMS.

The city may accept state or federal grants for historic preservation purposes, may participate in state and federal programs that benefit historic preservation, and may accept public or private gifts for historic preservation purposes. The city may make the Historic District Commission a standing committee, or other agency its duly appointed agent to accept and administer grants, gifts and program responsibilities. (Ord. 118, passed 2-26-1996)

' 152.09 HISTORIC RESOURCES; ACQUISITION.

If all efforts by the Historic District Commission to preserve a resource fail, or if it is determined by the city that public ownership is most suitable, the city, if considered to be in the public interest, may acquire the resource using public funds, public or private gifts,

grants or proceeds from the issuance of revenue bonds. The acquisition shall be based upon the recommendation of the Commission or Standing Committee. The Commission or Standing Committee is responsible for maintaining publicly owned resources using its own funds, if not specifically designated for other purposes, or public funds committed for that use by the city. Upon

' 152.10 COUNTY HISTORIC DISTRICT COMMISSION; COUNTY JURISDICTION, COORDINATION; REVIEW OF ACTIVITIES.

The jurisdiction of a county shall be the same as that provided in Public Act 183 of 1943, being M.C.L.A. ' ' 125.201 to 125.232, as amended, or as otherwise provided by contract entered into between the county and the city. If a county historic district commission is in existence, coordination between the county historic district commission and township and municipality historic district commissions shall be maintained. The overall historic preservation plans of the city shall be submitted to the county historic district commission for review.

(Ord. 118, passed 2-26-1996)

' 152.11 FILING OF CERTIFICATES OF APPROPRIATENESS, NOTICES TO PROCEED AND DENIALS OF PERMIT APPLICATIONS; BINDING DECISION APPEALS; RECORDS; UNIFORM ADMINISTRATION OF CHAPTER.

The Commission shall file certificates of appropriateness, notices to proceed and denials of applications for permits with the inspector of buildings or other delegated authority. A permit shall not be issued until the Commission has acted as prescribed by this chapter. If a permit application is denied, the decision shall be binding on the inspector or other authority. A denial shall be accompanied with a written explanation by the Commission of the reasons for denial and, if appropriate, a notice that an application may be resubmitted for Commission review when suggested changes have been made. The denial shall also include notification of the applicant's rights of appeal to the State Historic Preservation Review Board and to the Circuit Court. The failure of the Commission to act within 60 calendar days after the date a complete application is filed with the

recommendation of the Committee or Standing Committee, the city may sell resources acquired under this section with protective easements included in the property transfer documents, if appropriate.

(Ord. 118, passed 2-26-1996)

Commission, unless an extension is agreed upon in writing by the applicant and the Commission, shall be considered to constitute approval.

(Ord. 118, passed 2-26-1996)

' 152.12 CONSTRUCTION OF CHAPTER.

Nothing in this chapter shall be construed to prevent ordinary maintenance or repair of a resource within a historic district, or to prevent work on any resource under a permit issued by the inspector of buildings or other duly delegated authority before the chapter was enacted.

(Ord. 118, passed 2-26-1996)

' 152.13 HISTORIC DISTRICT COMMISSION; DECISIONS, APPEAL, EXCEPTIONS.

Any citizen or duly organized historic preservation organization in the city, as well as resource property owners, jointly or severally aggrieved by a decision of the Historic District Commission may appeal the decision to the Circuit Court, except that a permit applicant aggrieved by a decision rendered under ' 152.07(A) may not appeal to the court without first exhausting the right to appeal to the State Historic Preservation Review Board under ' 152.07(B).

(Ord. 118, passed 2-26-1996)

' 152.14 PROCEDURES FOR ESTABLISHING, MODIFYING OR ELIMINATING HISTORIC DISTRICTS; RESOLUTIONS; EMERGENCY MORATORIUM ON PENDING WORK.

(A) The city may at any time establish by ordinance additional historic districts, including proposed districts previously considered and rejected, may modify boundaries of an existing historic district, or may eliminate an existing historic district. Before establishing, modifying or eliminating a historic district, a Historic District Study Committee appointed by the city shall, except as provided in division (B) below, comply with the procedures set forth in ' 152.05 and shall consider any previously written Committee reports pertinent to the proposed action, to conduct these activities, the city may retain the initial Committee, establish a standing committee or establish a committee to consider only specific proposed districts and then be dissolved.

(B) If considering elimination of a historic district, a committee shall follow the procedures set forth in ' 152.05 for issuing a preliminary report, holding a public hearing, and issuing a final report but with the intent of showing one or more of the following:

(1) The historic district has lost those physical characteristics that enabled establishment of the district;

(2) The historic district was not significant in the way previously defined; and

(3) The historic district was established pursuant to defective procedures.

(C) Upon receipt of substantial evidence showing the presence of historic, architectural, archaeological, engineering or cultural significance of a proposed historic district, the city may, at its discretion, adopt a resolution requiring that all applications for permits within the proposed historic district be referred to the Commission as prescribed in ' ' 152.06 and 152.10. The Commission shall review permit applications with the same powers that would apply if the proposed historic district was an established historic district. The review may continue in the proposed historic district for not more than one year or until a time as the city approves or rejects the establishment of the historic district by ordinance, whichever occurs first.

(D) If the city determines that pending work will cause irreparable harm to resources located within an established historic district or a proposed historic district, the city may by resolution declare an emergency moratorium of all work for a period not to exceed six months. The city may extend the emergency moratorium for an additional period not to exceed six months upon finding that the threat of irreparable harm to resources is still present. Any pending permit application concerning a resource subject to an emergency moratorium may be summarily denied.

(Ord. 118, passed 2-26-1996)

' **152.99 PENALTY.**

(A) A person, individual, partnership, firm, corporation, organization, institution or agency of government that violates this chapter is responsible for a civil violation and may be fined not more than \$5,000.

(B) A person, individual, partnership, firm, corporation, organization, institution or agency of government that violates this chapter may be ordered by the court to pay the costs to restore or replicate a resource unlawfully constructed, added to, altered, repaired, moved, excavated or demolished.

(Ord. 118, passed 2-26-1996)

CHAPTER 153: DEVELOPMENT FEES

Section

- 153.01 Preamble
- 153.02 Short title
- 153.03 Requirements
- 153.04 Fees
- 153.05 Acceptance of construction
- 153.06 Issuance of permits
- 153.07 Duplication
- Appendix A: Fees

Any and all development to be undertaken in the city, other than the construction of single-family residences as covered under the city fee ordinance pertaining to the same shall require review by the city prior to obtaining permits for commencement of construction. Contained within the review requirements of this chapter shall be fees imposed by city for its internal review, as well as fees required to be paid by the city for the purpose of securing professional advice pertaining to the particular project. (Ord. 88, passed 1-26-1976)

' 153.01 PREAMBLE.

This chapter requires site plan and engineering plan review and establishes fees that shall be paid prior to obtaining site plan approval, construction permits and construction review and improvements for all land development projects which may be undertaken in the city.
(Ord. 88, passed 1-26-1976)

' 153.02 SHORT TITLE.

This chapter shall be known as the Development Fee Ordinance.
(Ord. 88, passed 1-26-1976)

' 153.03 REQUIREMENTS.

' 153.04 FEES.

(A) *City fee requirements.* Fees required by the city for any and all meeting of the appropriate city bodies, special hearings of the same and meetings of any and all appeals boards, where applicable, shall be as set forth on Schedule AA@ and is hereby expressly made a part of this chapter as Appendix A.

(B) *Fees for engineering and other professional review.* Fees for engineering and other professional review for the aforescribed development shall be based on the city=s actual cost, plus 10%. Monies to cover the cost of plan review shall be deposited in accordance with the following and these deposits shall be in the form of cash, certified check or cashier=s check. The fees shall be levied in accordance with this chapter only. Any fees collected for related ancillary matters pursuant to other ordinances of this city shall not be credited toward the fees collected herein. The following fees shall be required:

(1) *Plan review.* Deposits for plan review shall be posted upon submittal of plans. Work involved includes review for compliance with city engineering requirements and provides for review of the project as it relates to neighborhood properties and

developments also to determine what adverse environmental impact, if any, might be created and to determine how that impact might be avoided or

(2) *Engineering review of construction plans.* All construction plans submitted for engineering review shall bear the embossed seal of a civil engineer registered in this state. Deposits for engineering review of construction plans shall be posted upon submittal of plans. Work involved includes the detailed review of all utilities which will be maintained by the city and any other construction which may be required, in order to complete the proposed project, such as, but not limited to, those items as set forth on Schedule AB. Deposits for divisions (B)(1) and (B)(2) above shall be as set forth on Schedule AB as made a part of this chapter as Appendix A.

(3) *Construction review (field inspection).* Fees to be paid for the construction review under this chapter shall be as set forth on Schedule AC as made a part of this chapter as Appendix A.

(C) *Excess fees.* In the event the actual fees for outside professional services exceed the sum deposited to cover those costs, the proprietor shall upon demand of the city, pay to the city, or its duly authorized representative, additional sums as shall be necessary to cover the additional costs. In the event the actual fees charged by outside professionals hired by the city are less than the sum deposited to cover the costs, the excess of monies deposited over the cost incurred shall be refunded to the proprietor upon completion of the project.
(Ord. 88, passed 1-26-1976)

' 153.05 ACCEPTANCE OF CONSTRUCTION.

(A) In circumstances where easements and/or deeds and construction are to be accepted by the city, all claims or liens arising out of the project must be satisfied prior to acceptance, and the contractor shall deliver a complete release of any claims or liens arising from the construction, or receipts in full in lieu thereof, and in either case an affidavit that so far as he or she has knowledge or information, the releases and/or receipts include all labor and materials for which a claim or lien could be filed.

lessened.

(B) In addition to the above, the proprietor shall provide the city with an effective bill of sale, a title insurance policy or its equivalent, insuring an unencumbered interest to the city and appropriate dedication deed, where applicable.
(Ord. 88, passed 1-26-1976)

' 153.06 ISSUANCE OF PERMITS.

The City Department of Building and Inspection shall not issue any permits under its jurisdiction unless this chapter has been fully complied with.
(Ord. 88, passed 1-26-1976)

' 153.07 DUPLICATION.

Anything contained in this chapter to the contrary notwithstanding, any person required to pay fees as a result of this chapter shall have the option to petition the City Council for waiver of the inspection and/or fees connected therewith if and only if it appears that there is a duplication of inspection and fees by two or more governmental authorities.
(Ord. 88, passed 1-26-1976)

APPENDIX A: FEES

SCHEDULE AA@ DEVELOPMENT FEE ORDINANCE SCHEDULE

Fees to be charged by the city:

<i>Service</i>	<i>Fee</i>
Meeting of Zoning Board of Appeals	\$10

SCHEDULE aB@ RATE SCHEDULE FOR ENGINEERING REVIEW

<i>Single-Family Subdivision Plans</i>	
<i>Service</i>	<i>Amount of Deposit</i>
Construction plans	
Sanitary sewage facilities	
Sewage pumping station or lift station	\$100 each
Sewer systems	\$5 per lot 200 minimum
Storm drainage facilities	
Detention/retention system	\$5 per acre \$200 minimum
Enclosed sewers and open drains	\$5 per lot \$200 minimum
Storm water pumping system	\$200 each system
Streets	\$4 per lot \$150 minimum
Subdivision grading	\$2.50 per lot \$100 minimum
Water supply facilities	
Distribution systems	\$4 per lot \$150 minimum
Well water supply system	\$900 each system
Final plat	\$3 per lot \$150 minimum
Pre-preliminary plat	\$1.50 per lot \$75 minimum
Preliminary plat - tentative	\$2 per lot \$150 minimum
Preliminary plat - final	\$1 per lot \$75 minimum
<i>Multiple Housing, Commercial and Industrial Plans</i>	
<i>Service</i>	<i>Amount of deposit</i>
Development from 1 acre to 10.0 acres	
Construction plans	
Sanitary sewage facilities	
Sewage pumping station or lift station	\$200
Sewer systems	\$150
Site grading	\$150
Storm drainage facilities	
Detention/retention system	\$100

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Enclosed sewers and open drains	\$150
Storm water pumping station	\$200
Streets	\$100
Water supply facilities	
Distribution systems	\$150
Well water supply system	\$900
Site plan	\$200
Developments larger than 10.0 acres	
Construction plans	
Sanitary sewage facilities	
Sewage pumping station or lift station	\$200 each
Sewer systems	\$15 per acre
Site grading	\$15 per acre
Storm drainage facilities	
Detention/retention system	\$150 each
Enclosed sewers and open drains	\$15 per acre
Storm water pumping station	\$200 each
Streets	\$10 per acre
Water supply facilities	
Distribution systems	\$15 per acre
Well water supply system	\$900 each
Site plan	\$20 per acre
General land alterations	
Landfills and/or land alterations	\$250
Mining (earth removal) operations	\$250
Sanitary landfill operations	\$750

SCHEDULE AC@ RATE SCHEDULE FOR ENGINEERING CONSTRUCTION REVIEW

FIELD INSPECTION

A fee of \$100 per crew day will be charged for each member of the Construction Review Staff assigned to the work. The basis of computing crew days shall be as follows:

4 hours or less	1/2 crew day
4-1/2 hours through 8 hours	1 crew day
Over 8 hours/calendar day	1/4 crew day for each 2 hours or fraction thereof

(Ord. 88, passed 1-26-1976)

CHAPTER 154: TRAILERS AND TRAILER CAMPS

Section

- 154.01 Definitions
- 154.02 Location of house trailers
- 154.03 House trailer camps; licensing of
- 154.04 House trailer camps; facilities required

- 154.99 Penalty

' 154.01 DEFINITIONS.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

HOUSE TRAILER. Any vehicle used, or intended for use, as a conveyance upon the public streets or highways; and shall include self-propelled and non-self-propelled vehicles, so designed, constructed, reconstructed or added to by means of portable accessories in a manner as will permit the occupancy thereof an temporary dwelling or sleeping place for one or more persons and having no foundation other than wheels, jacks or skirtings so arranged as to be integral with or portable by the **HOUSE TRAILER**.

HOUSE TRAILER CAMP. Any site, lot, field or tract of land upon which one or more house trailers are harbored whether or not a charge is made for the harboring, and shall include any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of the **HOUSE TRAILER CAMP**.
(Ord. 32, passed 4-8-1941)

(B) All house trailer camp licenses shall expire

' 154.02 LOCATION OF HOUSE TRAILERS.

(A) Location of occupied house trailers shall be prohibited on any public street, public alley, public property or any site, lot, field or location not specifically authorized.

(B) An occupied housecar may be placed and kept, for a period of time not exceeding two weeks, on a residence lot in conjunction with an occupied permanent residence, provided that the occupant of the housecar be a friend or a relative of the occupant of the permanent residence and be a visiting guest and not a guest for hire, and provided further that written consent be obtained from and signed by the occupant of the main dwelling on the residence lot, giving consent for the use of the sanitary facilities of the main dwelling, and provided further that a permit be secured from the City Clerk to keep the housecar on the premises. Application for the permit shall be made within 24 hours after placing the housecar on the premises on those forms as shall be prescribed by the City Clerk. The permit shall limit the duration of stay to a period of time not to exceed two weeks and the permit shall not be renewed for a period of 12 months after the expiration thereof.

(C) Occupied house trailers may be located in licensed house trailer camps.
(Ord. 32, passed 4-8-1941) Penalty, see ' 154.99

' 154.03 HOUSE TRAILER CAMPS; LICENSING OF.

(A) House trailer camps shall not be operated in the city unless a license for the camp shall first be secured from the City Council.

December of each year.

(C) Application for a house trailer camp shall be filed with the City Clerk on forms as shall be prescribed by him or her. The application shall be accompanied with a plan of the proposed house trailer camp. No application shall be accepted by the City Clerk unless it is accompanied by a petition signed by 80% of the property owners owning property within 1,000 feet of the proposed site of the house trailer camp.

(D) A fee in the amount of \$100 shall be paid before any license shall be issued.

(E) The application shall be approved by the Health Officer and the City Council before any license shall be issued.

(Ord. 32, passed 4-8-1941) Penalty, see ' 154.99

provisions of this chapter shall, upon conviction thereof before any court of competent jurisdiction, be punished by a fine of not to exceed \$100, or by imprisonment in the county jail for a period of not to exceed 90 days, or both a fine and imprisonment within the discretion of the court.

(Ord. 32, passed 4-8-1941)

**' 154.04 HOUSE TRAILER CAMPS;
FACILITIES REQUIRED.**

House trailer camps shall:

(A) Be enclosed within a substantial fence not less than five feet in height;

(B) Provide clearly defined lots for each trailer of not less than 850 square feet in area;

(C) Be served by public water and sewer facilities;

(D) Provide not less than one toilet for each sex for each ten trailers provided for in the camp;

(E) Be operated in a clean and sanitary manner and in accordance with the rules and regulations determined by the Health Officer; and

(F) Be open to inspection by the Health Officer at any reasonable time.

(Ord. 32, passed 4-8-1941)

' 154.99 PENALTY.

Any person or persons violating any of the

CHAPTER 155: ZONING

Section

155.01 Adopted by reference

' 155.01 ADOPTED BY REFERENCE.

The zoning ordinance, copies of which are on file in the office of the City Clerk, is adopted and incorporated as part of this code of ordinances as fully as if set out at length herein.
(Ord. 129, passed 4-19-1999)

