

ISHPEMING CITY COUNCIL
Wednesday, April 6, 2022 at 6:00 p.m.
Ishpeming City Hall Council Chambers, 100 E. Division Street, Ishpeming MI
City Hall Telephone Number: (906) 485-1091

**MEETINGS WILL NOW BE OPEN TO THE PUBLIC; HOWEVER, A ZOOM LINK WILL STILL BE AVAILABLE
ON THE CITY'S WEBSITE @ WWW.ISHPEMINGCITY.ORG**

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Public Comment (*limit 5 minutes per person*)
5. Approval of Agenda
6. Agenda Comment (*limit 3 minutes per person*)
7. Consent Agenda
 - a. Minutes of Previous Meeting (March 9th and March 9th closed session, and March 30th)
 - b. Approval of Disbursements
 - c. Declare library computers, a non-folding table, and 438 books as surplus
8. Monthly Financial Statement Report
9. Public Hearing for proposed sale of property at 52-51-573-028-00 (Pumphouse Property)
10. Update from Lake Superior Community Partnership
11. Request to purchase Police Officer ballistic vests and external carriers
12. Resolution #4-2022, MDOT Performance Resolution for Municipalities
13. First Reading of Amendment to Ordinance 8-400, Sign Ordinance
14. First Reading of Amendment to Ordinance 12-500, Permitting Separate Metering for Water Consumption not entering the Public Sanitary Sewer System
15. First Reading of Amendment to Ordinance 12-100, Water and Sewer Utility Ordinance
16. Old Business
17. New Business
18. Public Comment (*limit 3 minutes per person*)
19. Mayor and Council Reports
20. Manager's Report
21. Attorney's Report
22. Adjournment


Craig M. Cugini,
City Manager



7C

MEMO

To: City Manager
From: Jesse Shirtz, Library Director
Re: Surplus library items

3/28/2022

Craig, the library has the following to be declared surplus:

- 2 Dell Vostros laptops w/ Windows 7
- 1 Dell Inspiron laptop w/Windows 7
- 1 Dell Inspiron 1525 laptop w/Windows Vista
- 1 non-folding table 48" x 30.5" x 27"
- 438 books; an itemized list of titles is attached.

The laptops were used in computer classes more than ten years ago. Only two have cords.

Thank you.

CITY OF ISHPEMING

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the Ishpeming City Council on Wednesday, April 6, 2022 at 6:00 p. m. in the Council Chambers at Ishpeming City Hall, 100 E. Division Street, to consider oral or written comments regarding the proposed sale of the following described public property in the City of Ishpeming:

The parcel is located on Lot 28 as set forth on the Plat entitled "Assessor's Plat of the Frenchtown Location" as recorded in the Marquette County Register of Deeds Office, Liber 12 of Plats on pages 256A/B and 257A/B also known as the "Frenchtown Pumphouse".

Written comments may be submitted to the City Manager's office at 100 E. Division Street prior to the meeting. Questions may be directed to the City Manager's office at the above address or 906/485-1091, Ext. 203.





ISHPEMING POLICE DEPARTMENT
CITY OF ISHPEMING, MICHIGAN
100 EAST DIVISION STREET
ISHPEMING, MICHIGAN 49849
906-486-4416



Steven J. Snowaert
Chief of Police

To: Council Members

From: Chad M. Radabaugh, City of Ishpeming Police Detective Sgt.

Date: 03/23/2022

Re: Funds request for officer ballistic vest and external carriers

Please accept this letter as a request of funds to purchase eleven new ballistic vests (body armor) and external vest carriers for officers of the City of Ishpeming Police Department. As a department we currently wear the Armor Express Razor Level II Ballistic Vest with the Armor Express Hard-Core PT Carrier. These vests are due to expire this year, as the vests have a five-year lifespan. The city last purchased ballistic vests in 2017. Our officers are very impressed with the level of protection and comfort these vests provide. To keep the cost down by not outfitting to a different style and brand of vest, we are requesting to purchase the same ballistic vests and carriers that we currently have.

I contacted the following companies requesting quotes for the Armor Express Razor Level II Ballistics Vest with the Armor Express Hard-Core PT Carrier: CMP Distributors Inc., Nelson Tactical, Michigan Police Equipment Co and Kiesler Police Supply. Each company was given 30 days to present a bid/quote.

CMP Distributors (Lansing, MI):

Armor Express Razor Ballistic Vest: \$615.00 an officer for a total of: \$6,765

Armor Express Carrier: \$325.00 an officer for a total of: \$3,575

Armor Express ID Tags: \$20.00 an officer for a total of: \$220

Shipping and Handling: \$65 for all to be shipped

Combined Grand Total: \$10,625.00

Nelson Tactical (Green Bay, WI):

Armor Express Razor Ballistic Vest: \$712.10 an officer for a total of: \$7,833.10

Armor Express Carrier: \$335.00 an officer for a total of: \$3,685

Armor Express ID Tags: \$23.00 an officer for a total of: \$253

Shipping and Handling: Did not list a price

Combined Grand Total: \$11,771.10

Michigan Police Equipment (Charlotte, MI): Do not carrier Armor Express

Kiesler Police Supply (Jeffersonville, IN): Never responded to the request for the bid

*The City of Ishpeming is an equal opportunity provider/employer.
Auxiliary aids and service are available upon request to individuals with disabilities*



ISHPEMING POLICE DEPARTMENT
CITY OF ISHPEMING, MICHIGAN
100 EAST DIVISION STREET
ISHPEMING, MICHIGAN 49849
906-486-4416



Steven J. Snowaert
Chief of Police

I am requesting that the bid be granted to CMP Distributors. I will also be completing a grant application through the Bureau of Justice Assistance program, to hopefully have a portion of the final cost reimbursed to the city for the purchase of the ballistic vests. When we last purchased ballistic vests in 2017, we were awarded a grant through this program for the amount of \$2,895.06.

Thanks,

Detective Chad Radabaugh
City of Ishpeming Police Department

Resolution 4-2022
**PERFORMANCE RESOLUTION FOR
MUNICIPALITIES**

This Performance Resolution (Resolution) is required by the Michigan Department of Transportation for purposes of issuing to a Municipality an "Individual Permit for Use of State Highway Right of Way", and/or an "Annual Application and Permit for Miscellaneous Operations within State Highway Right of Way".

RESOLVED WHEREAS, the _____ City of Ishpeming, Michigan
(County, City, Village, Township, etc.)

hereinafter referred to as the "MUNICIPALITY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utilities or other facilities, or to conduct other activities, on, over, and under State Highway Right of Way at various locations within and adjacent to its corporate limits;

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the MUNICIPALITY agrees that:

1. Each party to this *Resolution* shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this *Resolution*, as provided by law. This *Resolution* is not intended to increase either party's liability for, or immunity from, tort claims, nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.
2. If any of the work performed for the MUNICIPALITY is performed by a contractor, the MUNICIPALITY shall require its contractor to hold harmless, indemnify and defend in litigation, the State of Michigan, the DEPARTMENT and their agents and employee's, against any claims for damages to public or private property and for injuries to person arising out of the performance of the work, except for claims that result from the sole negligence or willful acts of the DEPARTMENT, until the contractor achieves final acceptance of the MUNICIPALITY Failure of the MUNICIPALITY to require its contractor to indemnify the DEPARTMENT, as set forth above, shall be considered a breach of its duties to the DEPARTMENT.
3. Any work performed for the MUNICIPALITY by a contractor or subcontractor will be solely as a contractor for the MUNICIPALITY and not as a contractor or agent of the DEPARTMENT. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the MUNICIPALITY, or their subcontractors or any other person not a party to the PERMIT without the DEPARTMENT'S specific prior written consent and notwithstanding the issuance of the PERMIT. Any claims by any contractor or subcontractor will be the sole responsibility of the MUNICIPALITY.
4. The MUNICIPALITY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.
5. The MUNICIPALITY will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State Highway Right of Way resulting from the installation construction, operation and/or maintenance of the MUNICIPALITY'S facilities according to a PERMIT issued by the DEPARTMENT.

6. With respect to any activities authorized by a PERMIT, when the MUNICIPALITY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.
7. The incorporation by the DEPARTMENT of this *Resolution* as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.
8. This *Resolution* shall continue in force from this date until cancelled by the MUNICIPALITY or the DEPARTMENT with no less than thirty (30) days prior written notice provided to the other party. It will not be cancelled or otherwise terminated by the MUNICIPALITY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED that the following position(s) are authorized to apply to the DEPARTMENT for the necessary permit to work within State Highway Right of Way on behalf of the MUNICIPALITY.

Title and/or Name:

City Manager

DPW General Foreman

Assistant Foreman Roads & Grounds

DPW Clerk

I HEREBY CERTIFY that the foregoing is a true copy of a resolution adopted by

the _____ City Council
(Name of Board, etc.)

of the _____ City of Ishpeming _____ of _____ Marquette _____
(Name of MUNICIPALITY) (County)

at a _____ Regular Council Meeting _____ meeting held on the _____ 6th _____ day

of _____ April _____ A.D. _____ 2022 _____.

Signed

City Clerk

Title

Cathy Smith

Print Signed Name

BRIDGES AND BRIDGES

ATTORNEYS AT LAW
701 TEAL LAKE AVENUE
NEGAUNEE, MICHIGAN 49866
TELEPHONE (906)475-9971

CAROLINE BRIDGES
Attorney At Law

MEMO TO: PLANNING COMMISSION

FROM: CAROLINE BRIDGES,
CITY ATTORNEY

DATE: 03/03/2022

RE: SIGNS ORDINANCE

I have been reviewing the Signs Ordinance, No. 8-400, in light of some changes in the law. I have attached a draft which has the proposed changes highlighted in yellow, with deletions stricken through and additions typed in, plus a couple of questions for your consideration.

The U. S. Supreme Court has decided that local governments may not regulate signs according to their content, because that would violate the First Amendment right to freedom of speech. The rule of thumb is that, if you have to read the sign in order to determine whether it complies with the Ordinance, it probably means that you are regulating by content and need to change your ordinance. We are still free to regulate signs in other ways, including their size, number, duration, placement, construction, etc.

There have been some issues that have arisen with our existing ordinance, most of which were in relation to political campaign signs. The current ordinance allows one extra "political campaign" sign during election season. This is clearly a content regulation that violates free speech rights. I recommend changing to a content-neutral rule.

I have also indicated changes to the real estate and the construction signs provisions. In general, we also need to avoid discriminating between sign sizes based on their content, so I recommend that you review the sizes specified in Section 9.0 and throughout the ordinance.

Of course, the number, placement, sizes and other attributes of signs in town could be affected by these changes, so you may find that additional changes are in order.

ORDINANCE NO. 8-400

SIGN ORDINANCE

<u>Section</u>	<u>Title</u>	<u>Page</u>
1.0	Short Title	1
2.0	Intent	1
3.0	Definitions	1
4.0	Relationship to Other Laws	4
5.0	Severability	4
6.0	Application of this Ordinance	5
7.0	Vested Rights	5
8.0	Permits Required	5
9.0	Exemptions	6
10.0	Regulations Applicable to All Signs	6
11.0	Regulations Based Upon Sign Type	7
11.1	Pole Signs	7
11.2	Ground Signs	8
11.3	Wall Signs	8
11.4	Projecting Signs	8
11.5	Canopy and Marquis Signs	9
12.0	Signs Permitted by Zoning District	9
12.1	Residential Districts	9
12.2	Industrial and Business Districts	10
12.3	Special Requirements for Industrial and Business Districts	11
12.4	Mining and Deferred Development Districts	13
12.5	Planned Unit Developments	14
13.0	Non-conforming and Abandoned Signs	14
14.0	Maintenance	15

15.0	Sign Removal	15
16.0	Dangerous Signs	15
17.0	Administration	16
18.0	Appeals	16
19.0	Enforcement	16
20.0	Effective Date and Repeal of Prior Ordinance	17

Section 1.0. Short Title. This ordinance shall be known and may be cited as the City of Ishpeming Sign Ordinance.

Section 2.0. Intent. It is the intent of this ordinance to regulate signs in the City of Ishpeming so as to protect the public health and safety and to promote the public welfare. This is accomplished by regulating the size, placement, relationships, construction, illumination, and other aspects of signs in the City. It is determined that such regulation is necessary for several reasons:

1. To enable the public to locate goods, services, and facilities without difficulty and confusion;
2. To prevent competition for attention between ~~advertising signs and~~ traffic control signs and signals ~~and other signs~~;
3. To prevent signs which are potentially dangerous to the public due to structural deficiencies or disrepair;
4. To preserve the mental and physical well being of the public by preventing insistent and distracting demands for attention;
5. To assure the continued attractiveness of the community, showing special concern for the value of its cultural and natural features; and
6. To protect property values within the community.

It is further determined that signs which may lawfully be erected and maintained under the provisions hereof are inconsistent with customary usage and that signs which may not lawfully be erected or maintained under the provisions hereof are inconsistent with customary usage, are an abuse thereof, and are an unwarranted invasion of legitimate business interests and of the rights of the public.

Section 3.0. Definitions. For the purpose of this ordinance, certain terms or words used herein shall be interpreted as follows:

All words used in the present tense shall include the future; all words in the singular number include the plural number and all words in the plural number include the singular number; the word "building" includes "structure"; "dwelling" includes "residence"; the word "person" includes "corporation" and "co-partnership", as well as an "individual"; the word "shall" is mandatory and the word "may" is permissive; the word "lot" includes the word "plot", "parcel", and "site".

Terms not herein defined shall have the meaning customarily assigned to them, or as defined in the Building Code or City Zoning Ordinance.

Alley. Any public right-of-way, whether dedicated or not, affording a secondary means of access to property and not intended for general traffic circulation.

Billboard. ~~See~~ A Standard Outdoor Advertising Structure.

Building Code. The building code as currently enforced in the City pursuant to the laws of the State of Michigan.

Building Frontage. The distance between two parallel lines, drawn perpendicular to the edge of the right-of-way, which intersect with any part of the building. Where the building is located upon a curve, the line shall be drawn perpendicular to a tangent drawn through the nearest point of the right-of-way for a convex curve and the furthest point of the right-of-way for a concave curve.

Canopy. A permanent rooflike structure, usually of metal, wood or glass, extending over an entrance, pedestrian walkway or window as a shelter.

District. Refers to the Zoning District as established under the City Zoning Ordinance.

Electrical Code. The electrical code as currently enforced in the City pursuant to the laws of the State of Michigan.

Erected. Includes built, constructed, altered, reconstructed, moved upon or any physical operations on the premise required for construction. Excavation, fill, drainage, installation of utilities and the like shall be considered a part of erection.

Face. The portion of a sign upon, against, or through which the message is displayed or illustrated.

Flag. A flexible piece of fabric or other material containing the official emblem of any unit of government.

Frontage. A property line shall be said to be a property frontage whenever it is coterminous with the boundary of a public right-of-way. Where two or more frontages exist for the same parcel, one shall be selected by the property owner for the purpose of calculating permitted signage.

Grade. The average level of the finished surface of the ground adjacent to all exterior walls of a building or support structure more than five (5) feet from a right-of-way. For building closer than five feet to a right-of-way, the grade is the curb elevation at the center of the building or support structure. If there is no curb, the City Engineer shall establish the grade.

Height. The maximum vertical distance between a horizontal line drawn through the highest point of a sign or its supporting structures, whichever is higher, and a finished grade at the base of a sign.

Mansard Roof. A roof, or structure on a building imitating a roof, which is at an angle of 60 degrees or greater from the horizontal.

Marquis. See A canopy.

Pennant. A flexible piece of fabric or other material designed to attract attention or convey information by means of lettering, logos, color, or movement.

Plaque, Commemorative. An inscribed tablet of brass or other non-corrosive metal or stone, identifying a place of historical or cultural significance.

Residential Nameplate. A sign identifying a multiple family residential structure or identifying the occupants of one and two family structures.

Shopping Center. A shopping center shall mean a unified commercial development occupied by a group of five or more separate retail businesses occupying substantially separate divisions of a building or buildings fronting on a privately owned common mall or parking lot, rather than on a public street.

Sign. A name, identification, image, description, writing, word, display, or illustration which is affixed to or located on, painted or represented directly or indirectly upon a building, structure, or piece of land, ~~and which directs attention to any goods, services, any institution, organization, or business,~~ and which is visible from any street, right-of-way, sidewalk, alley, park, or other public property. Customary displays or merchandise or objects and material placed behind a store window are not signs or parts of signs.

Sign, Advertising. Any sign which identifies a product or service or brand name offered to the public.

Sign, Area of.

1. The entire area within a circle, triangle, or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or use to differentiate the sign from the background against which it is placed, but excluding the necessary supports or uprights on which the sign is placed. Also sometimes referred to as "display area".
2. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point no more than two feet from one another, the area of the sign shall be taken as if the two faces are of equal size, or as the area of the larger face if the two faces are of unequal size. The spacing between the parallel faces of a ground or pole sign may be increased to three feet where there are only two supports. In no case shall a support have a greater cross sectional width than 36 inches.
3. Where a sign consists solely of lettering or other sign elements printed or mounted on a wall of a building without any distinguishing border, panel or background, any blank rectangular area which is more than ten percent of the area of the sign, as otherwise computed, shall be disregarded. All of the lettering and other sign elements printed or mounted upon a wall of a building without any distinguishing border, panel, or background and pertaining to the same enterprise shall be treated as a single sign for purposes of area computation.

Sign Compliance Statement. Application permit submitted to Sign Official.

Sign, Ground. A sign supported by one or more uprights or a base, the entire

display area of which is more than eight (8) feet from the ground.

Sign, Identification. Any sign which bears the name of a structure, business or proprietor, on the site on which it is located.

Sign, Illuminated. A sign that provides artificial light through transparent or translucent material or is illuminated by a light from an exterior source.

Sign Official. The City Zoning Administrator.

Sign, Off-Premise. A sign which advertises goods, services or attractions not available on the same site as the sign.

Sign, On-Premise. A sign which advertises only goods, services, facilities, events, or attractions available on the premises where located, or identifies the owner or occupants or directs traffic on the premises. All other signs are off-premise signs.

Sign, Pole. A sign supported by one or more uprights or braces in or upon the ground.

Sign, Projecting. A sign which is attached directly to the building wall and which extends more than fifteen (15) inches from the face of the wall.

Sign, Temporary. A sign intended to be displayed for a limited period of time and which is without permanent foundations and is not attached to a permanent building.

Sign, Wall. A sign which is painted or attached directly to a building wall with the face of the sign parallel to and extending not more than fifteen (15) inches from the face of the wall.

Site. One or more lots or parcels under the same ownership or control which are proposed to the Zoning Administrator as a whole for the purpose of compliance with the requirements and regulations of the Zoning Ordinance.

Standard Outdoor Advertising Structure. A 300 square foot sign structure erected for the purpose of display of characters, letters or illustrations produced on paper sheets or painted on the surface of the structure and advertising goods and services not found on the premises.

Streamer. See A Pennant.

Section 4.0. Relationship to Other Laws. Whenever regulations or restrictions imposed by this ordinance are either more or less restrictive than regulations or restrictions imposed by any governmental authority through legislation, rule, or regulation, the regulations, rules or restrictions which are more restrictive or which impose higher standards or requirements shall govern. Regardless of any other provision of this ordinance, no sign shall be erected or maintained in violation of any state or federal law or regulation.

Section 5.0. Severability. This ordinance and the various parts, sections, subsections, and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, subsection, section, or clause is adjudged

unconstitutional or invalid, it is hereby provided that the remainder of the ordinance shall not be affected thereby. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional or invalid as applied to a particular property or other structure, it is hereby provided that the application of such portion of the ordinance to other property, buildings, or structures shall not be affected thereby. Whenever any condition or limitation is included in a variance, it shall be conclusively presumed that the authorized Board of Appeals considered such condition or limitation necessary to carry out the spirit and purpose of this ordinance or the requirement of some provision thereof, and to protect the public health, safety, and welfare, and that the board would not have granted the authorization to which the condition or limitation pertains except in the belief that the condition or limitation was lawful.

Section 6.0. Application of this Ordinance. No sign or part thereof may be constructed, erected, placed, altered or maintained within the City of Ishpeming except as specifically or by necessary implication authorized by this ordinance.

Section 7.0. Vested Rights. Nothing in this ordinance shall be interpreted or constructed to give rise to any permanent vested rights in the continuation of any particular sign, and this ordinance is hereby declared to be subject to subsequent amendment, change or modification as may be necessary to preserve or protect the public health, safety, or welfare.

Section 8.0. Permits Required.

1. It shall be unlawful for any person to install, create, paint, post, erect, relocate, or structurally alter or repair any sign or other advertising structure within the City of Ishpeming without first obtaining a certificate of compliance. All signs shall be subject to the Building Code and the City of Ishpeming Zoning Ordinance, and all illuminated signs shall be subject to the provisions of the State Electrical Code. (See Section 15 for maintenance exceptions which do not require a Certificate of Compliance.)
2. A Certificate of Compliance shall be obtained from the Sign Official prior to the issuance of a building permit to erect or place any sign.
3. Appeals to the Board of Appeals must be accompanied by such fees as established by resolution of the City Council. No activity on an application or appeal shall commence until said fee has been paid.
4. Application for a Certificate of Compliance shall be submitted on a form provided by the Sign Official and shall contain or have attached the following information:
 - A. Name, address, telephone number, and signature of the applicant (person or firm erecting the sign).
 - B. Name, address, telephone number, and signature of the owner of the land on which the sign is to be erected.
 - C. A scale drawing showing the position of the sign in relation to

nearby buildings, signs, structures, and lot lines. All dimensions are to be included.

- D. A copy of the plans, specifications and method of construction and attachment of the sign to the building or in the ground.
 - E. Upon demand of the Sign Official, a copy of stress sheets and calculations showing that the structure is designed for dead load and wind pressure in any direction in the amount required by this and all other applicable laws and ordinances.
 - F. Such additional information as required by the Sign Official to show full compliance with this and all other laws and ordinances of the City.
5. The Sign Official shall review all applications for a Certificate of Compliance as expeditiously as possible. Reasons for any denial shall be set forth in writing and shall include any changes which would make the plan acceptable. The applicant may appeal any denial to the Zoning Board of Appeals. No more than ten **business** days shall be required to review an application.

Section 9.0. Exemptions. The following signs shall be exempt from the Certificate of Compliance requirements of this ordinance:

- 1. Properties for sale or lease: No more than one **real-estate** sign per site, not to exceed **six-(6)-four (4)** square feet in residential districts and thirty-two (32) square feet in all other districts, **which advertise the sale, rental, or lease of the premise upon which the sign is located.** The sign shall be removed within five (5) days of the sale or rental.
- 2. One **political-campaign** sign not to exceed four (4) square feet may be erected up to forty-five (45) days before an election on each site and shall be removed within five (5) days after the election.
- 3. Residential nameplate not to exceed two (2) square feet in area.
- 4. **Temporary signs identifying construction sites for which a building permit has been issued. One sign per premises shall be permitted not to exceed ten (10) square feet for single family and two family structures or sixty-four (64) square feet for all other structures. The sign shall be removed within five (5) days after the occupancy of the structure. This provision should be clarified or just stricken. Para. 6. already allows required signs.**
- 5. Special decorative displays used for holidays, **public demonstrations or promotion of civic, welfare or charitable purposes,** on which there is no commercial advertising. **providing the jurisdiction is held harmless for any damage resulting therefrom.**
- 6. Any sign or notice required by state, federal or local laws.
- 7. On premise signs of a non-advertising, non-identification nature designed exclusively to control access or use, to warn or to direct traffic or

pedestrians when based on the following table:

Site Area	Sq. Ft. of Signage per 1,000 Sq.Ft. Sign Area	Maximum size of any one sign
Sq. Ft. of Signage per 1,000 Sq. Ft. of Site Area	Maximum Size of Any One Sign	Site Area
Under 50,000 sq. ft.	.75 sq. ft./1,000 sq. ft.	4 sq. ft.
50,000 to 100,000 sq. ft.	.50 sq. ft./1,000 sq. ft.	8 sq. ft.
100,000 to 200,000 sq. ft.	.35 sq. ft./1,000 sq. ft.	16 sq. ft.
Over 200,000 sq. ft.	.15 sq. ft./1,000 sq. ft.	20 sq. ft.

8. ~~One official government unit flag~~ A total of two flags or two pennants or one of each may be located on any site. ~~Only one corporate flag or pennant may be displayed per site.~~ Support structures shall meet the requirements of either pole or projecting signs.
9. Commemorative plaques which are firmly attached to a structure.
Size limits?

Section 10.0. Regulations Applicable to All Signs.

1. It shall be unlawful to place a sign or handbill on any property without the approval of the property owner. No signs or handbills shall be posted on any tree or utility pole or on another sign or any supporting or structural member of a sign.
2. No signs shall be located on any street or street corner which would obscure the vision of drivers using said streets or conflict with traffic control signs or signals in any location. No sign shall obstruct the vision of drivers at any driveway, parking lot, or other route providing access to any land.
3. No sign shall be artificially illuminated by other than electrical means. All flood or spot lighting for illumination of signs shall be directed away from and shall be shielded from any residential districts. Illumination shall be so arranged as to not adversely affect driver visibility on adjacent thoroughfares.
4. No signs except time and temperature signs shall have blinking or fluttering lights, exposed bulbs or other illuminating devices which have a changing light intensity or brightness of color, with the exception of electronic message centers which shall be allowed in the Central Business District, General Business District, and Industrial District.
5. Prior to the erection of the sign overhanging a public right-of-way, the person erecting such sign shall receive the approval of the proper governmental agency (City, County, or State) having jurisdiction over such right-of-way.
6. No sign shall be mounted on a roof; a mansard roof shall be considered a wall for the purpose of applying this regulation. (See Section 12 also)

7. No signs in residential zoning districts may be closer to side or rear lot lines than specified in the minimum yard setback requirements of the Schedule of Regulations for the district in which they are located.
8. Swinging movement of signs shall be permitted only under canopy signs designed to a pedestrian scale. The rotation of signs and any form of animation or moving device are prohibited.
9. All signs shall be permanently and securely attached to a structure or to a below-ground footing. Portable or moveable signs are prohibited except for a two week period at the opening of a new business or as a construction sign.
10. Any portion of a sign may be of the changeable copy type provided that all changeable characters are securely attached to the face of the sign.
11. Strings of pennants are prohibited.

Section 11.0. Regulations Based Upon Sign Type.

1. Pole Signs.

- A. It shall be unlawful to erect any portion of a sign to a height greater than 30 feet above the level of the nearest street in the general business district or 60' above the nearest street in industrial districts. The maximum height for a sign in all other zoning districts shall be 20 feet above the level of the nearest street.
- B. There shall be a minimum unobstructed distance of ten (10) feet between the bottom of any sign area and the ground for any sign located at the right-of-way. For every 2.5 feet the sign is set back from the right-of-way, the base of the display area may be lowered by one foot.
- C. Pole signs placed in any business, office or industrial district may not be located within 100 feet of a residential district, measured along the nearest right-of-way.

2. Ground Signs.

- A. No ground sign shall be located closer than twenty-five (25) feet to any intersection of a right-of-way with another right-of-way or with the pavement of any driveway or alley.
- B. No ground sign shall be located closer to a side lot line than the distance specified for side yard setbacks in that district by the Zoning Ordinance.
- C. For every two square feet of ground sign display area, one square foot of planting or lawn must be provided and maintained, at the base of the sign.
- D. No portion of a ground sign may exceed eight (8) feet in height.

- E. For every additional ten feet that a ground sign is set back from the required front yard setback, the area of the ground sign may increase by 10%. The required landscaping at the base of the sign must be provided for the increased sign area. This increase in sign size shall not apply to off-premise signs.
 - F. Ground signs placed in any business, office or industrial district may not be located within 100 feet of a residential district, measured along the nearest right-of-way lines.
3. Wall Signs.
- A. No wall sign shall cover, wholly or partially, any wall opening nor shall the sign project beyond the ends or top of the wall to which it is attached.
 - B. A wall sign shall not project more than 15 inches from the wall to which it is attached.
4. Projecting Signs.
- A. No portion of a projecting sign shall be less than ten feet above grade.
 - B. The distance between a projecting sign and the wall to which it is attached may not be greater than two feet.
 - C. All projecting signs shall be designed, installed, and erected in such a manner that there shall be no visible angle iron or wire support structures above the roofline or parapet.
 - D. A projecting sign may project three inches for each linear foot of distance to the nearest side lot line, provided that in no instance may a sign project more than eight (8) feet from any structure nor be located closer than two (2) feet measured horizontally from an established curb.
 - E. No projecting sign may project within or over an alley or private driveway.
 - F. No projecting sign shall be located closer than ten (10) feet to any intersecting right-of-way.
 - G. A projecting sign may not extend above the top of the wall on which it is attached by more than six feet, but in no case shall more than 20% of the sign area be above the top of the wall.
5. Canopy and Marquis Signs.
- A. Canopy and marquis signs shall not be placed less than ten feet above the sidewalk and shall not be located closer than two feet, measured horizontally from an established curb.

- B. Signs attached to the face of a marquis or canopy parallel to the flow of the traffic shall meet the requirements of wall signs, except that:
 - 1. The sign may not project more than six (6) inches from the face of the canopy, and
 - 2. The sign may not exceed three feet in height.
- C. Signs attached to the sides of a marquis or canopy which are not parallel to the flow of traffic shall meet the requirements of projecting signs.
- D. Where signs are suspended under canopies or marquis, the following limitations shall apply:
 - 1. The sign area shall not be greater than six square feet.
 - 2. There shall not be more than one such sign per business or office.
 - 3. Signs may swing provided that the distance between the top of the sign and the under-side of the canopy or marquis is not greater than four inches.
 - 4. Signs shall be perpendicular to the flow of pedestrian traffic.

Section 12.0. Signs Permitted by Zoning District. District designations shall be determined from the Official Zoning Map.

1. Residential Districts (SR, GR, MR)

- A. For each residential unit in a single family or general residential district, one nameplate not exceeding two square feet shall be permitted.
- B. For all conditional uses in the SR and GR districts, except home occupations, group day care facilities, and duplexes and for all Class A, non-conforming uses which are not residential, there shall be permitted one ground sign and/or one wall sign not to exceed a combined area of 50 square feet. Day care centers in any district shall be permitted to erect a four square foot nameplate.
- C. Multiple Residential District. There shall be permitted one sign not to exceed two (2) square feet for the purpose of identifying an office located on the site, plus:
 - 1. One sign not exceeding two (2) square feet for each development containing four or fewer units.
 - 2. For each development containing more than four (4) but fewer than 50 units, one sign not to exceed ten (10) square feet shall be permitted.

3. For each development containing fifty or more units, one sign not to exceed 20 square feet shall be permitted for each driveway providing access to the site. Said signs must be within 50 feet of the driveway and may not be within 100 feet of another such sign on the same site.
 - D. For any platted subdivision, signs advertising lots for sale may be erected and maintained until 80% of the lots are sold. No sign shall be erected within 100 feet of an occupied residence. The following limitations shall apply:
 1. One sign not exceeding 32 square feet in area shall be permitted for subdivisions with 20 or less total lots.
 2. One or two signs not to exceed 64 square feet total area shall be permitted for subdivisions with more than 20 lots.
 - E. There shall be no off-premise signs in the SR, GR, or MR Zoning Districts; provided, however, that off-premise signs shall be allowed on municipally owned property in the GR Zoning District, but only with the express approval of the Ishpeming City Council on a case-by-case basis. The Ishpeming City Council shall adopt rules and regulations for approved off-premise signs which may be placed or erected on municipally owned property in the GR Zoning District, which rules and regulations shall supercede all other rules and regulations in this Ordinance for such signs.
2. All Industrial, Commercial, and Business Districts.
- A. Total sign area shall be calculated as follows for establishments located in the NC (Neighborhood Commercial), GC (General Commercial), CBD (Central Business), and I (Industrial) districts.
 1. Where one establishment occupies a site, one square foot of sign area shall be allowed per foot of site frontage.
 2. Where two or more establishments occupy the same site, each establishment shall be allocated one square foot of sign area per foot of adjusted site frontage. Adjusted site frontage is the ratio of the floor area occupied by the establishment to the total floor area on the site times the site frontage. In no case, including new establishments being added to previously developed sites, shall the total sign area exceed one square foot per foot of site frontage.
 3. For all establishments there shall be permitted 1/100 of a square foot of additional sign area for each of the first 3,000 square feet of floor area and 1/1,000 of a square foot of additional sign area for each remaining square foot of floor area.
 - B. Only on-premise signs shall be permitted in the NC (Neighborhood Commercial) and CBD (Central Business) districts. Signs in the GC (General Commercial) and I (Industrial) districts may be on-premise

or off-premise, but must meet all requirements of this ordinance.

- C. In no instance shall an establishment occupying all or part of the floor area be restricted to less than 40 square feet of signage, except that no site occupied by more than one tenant shall be allowed more than 80 square feet or the total area of signage allowed for the site, whichever is greater.
- D. Signs allocated to tenants of a shopping center shall be restricted to businesses which have a separate entrance providing public access to their premises. The formula for such businesses shall be the same as found in Section 12.2.A. However, these businesses shall be restricted to wall signs and canopy signs. In addition to the signs permitted above, one free standing shopping center identification sign shall be permitted. The area of the sign shall be 1/1,000th of a square foot of signage for each square foot of gross leasable floor area in the shopping center. This freestanding identification sign shall not exceed 30 feet in height nor shall the sign be restricted to less than 40 square feet.
- E. For each office structure containing more than one tenant, a directory sign containing the names of all offices may be located at each common public entrance to the structure. Said directory signs shall not be larger than two square feet for each establishment, with maximum size of 20 square feet for each directory.

3. Special Requirements for Industrial and Business Districts.

- A. NC - In the Neighborhood Commercial districts, the size and number of signs allowed per site shall be as follows:
 - 1. Height and Area:

Pole Signs - not to exceed 20 feet in height nor 40% of the permitted sign area for the site.

Projecting Signs - not to exceed 24 square feet in area.

Ground Signs - not to exceed 75 square feet.

Wall Signs - no size restriction except as established in Section 12.2.A.
 - 2. In no case shall the total area of all signs on a site exceed that permitted in Section 12.2.A.
 - 3. Number. Not more than one pole, ground or projecting sign per site with no restrictions on the number of wall signs per site.
- B. CBD - In the Central Business District the size and number of allowed signs per site shall be as follows:
 - 1. Height and Area:

Pole Signs - not to exceed 20 feet in height nor 50% of the permitted sign area for that site.

Projecting Signs - not to exceed 20 square feet in area.

Ground Signs - not to exceed 75 square feet.

Wall Signs - no size restrictions except as established in Section 12.2.A.

2. In no case shall the total area of all signs on a site exceed that permitted in Section 12.2.A.

3. Number. Not more than one pole, ground, or projecting sign per site with no restrictions on the number of wall signs per site.

C. GC - In the General Commercial District the size and number of allowed signs shall be as follows:

1. Height and Area:

Pole Signs - not to exceed 30 feet in height or 300 square feet in area, except a business with frontage on U. S. 41 highway sign shall not exceed 60 feet in height.

Projecting Signs - not to exceed 24 square feet in area.

Ground Signs - not to exceed 150 square feet in area except a business with frontage on U. S. 41 highway sign shall not exceed 300 square feet.

Wall Signs - no size restrictions except as established in Section 12.2.A.

2. In no case shall the area of all the signs on a site exceed that permitted in Section 12.2.A.

3. Number. Not more than one ground or pole sign per 300 feet of site frontage with no more than three projecting signs, and with no restrictions on the number of wall signs per site.

D. I - In the Industrial District the size and number of allowed signs shall be as follows:

1. Height and Area:

Pole Signs - not to exceed 60 feet in height or 300 square feet in area.

Projecting Signs - not to exceed 24 square feet in area.

Ground Signs - not to exceed 150 square feet in area.

Wall Signs - no size restrictions except as established in

Section 12.2.A.

2. In no case shall the total area of all on-premise signs on a site exceed that permitted in Section 12.2.A.
3. Number. Not more than one pole or ground sign per 300 feet of frontage with not more than three projecting signs and with no restrictions on the number of wall signs per site.
4. Standard outdoor advertising structures, in addition to the above, which conform to the following regulations.
 - a. No standard outdoor advertising structure may be erected within 100 feet of any public park, recreation ground, lake, stream, school, church, or residential lot located on the same side of the street.
 - b. No standard outdoor advertising structure shall be located within 100 feet of any intersection.
 - c. Standard outdoor advertising structures may have one or two faces. Said faces may be placed back to back if not more than 36 inches apart, or may be placed in a "V" with a maximum angle of 30 degrees and a maximum separation of 30 inches at the vertex.
 - d. No standard outdoor advertising structure shall exceed 300 square feet in area.

4. Mining and Deferred Development Districts (MI & DD)

- A. Business uses in the MI and DD districts shall meet the following sign requirements:
 1. Height and Area:

Pole Signs - not to exceed 30 feet in height or 150 square feet in area.

Projecting Signs - not to exceed 20 square feet in area.

Ground Signs - not to exceed 150 square feet.

Wall Signs - no size restrictions except as established in Section 12.2.A.
 2. In no case shall the area of all advertising signs on a site exceed that permitted in Section 12.2.A.
 3. Number. Not more than one pole, ground or projecting sign per site with no restrictions on the number of wall signs per site.
- B. Signs for residential uses shall meet the requirements for signs in the residential district (see Section 12.1).

- C. For all non-business and non-residential uses in these districts, one of the following shall be permitted per site:
 - 1. Ground signs - not to exceed 20 square feet.
 - 2. Pole signs - not to exceed 20 square feet.
 - 3. Projecting signs - not to exceed 20 square feet.
 - 4. Wall signs - not to exceed 40 square feet.
- D. There shall be no off-premise signs.
- 5. Planned Unit Development District (PUD). Unless the approved site plan for the Planned Unit Development District specifies otherwise, the following regulations shall apply to each site.
 - A. One sign not to exceed 20 square feet shall be permitted for each street providing access to the site. These signs shall be for identification of the development and its components.
 - B. One residential nameplate not to exceed two (2) square feet shall be permitted for each residential structure.
 - C. For each non-residential use, the sign design and size shall be as specified in the approved PUD plan (see Section 20.0 of the Ishpeming City Zoning Ordinance).

Section 13.0. Non-conforming Signs and Abandoned Signs. Non-conforming signs are those which do not comply with size, placement, construction, or other provisions or regulations of this ordinance, but which were lawfully established prior to the adoption of this ordinance. It is the intent of this ordinance to discourage the continuation of non-conforming signs and to encourage their removal by whatever lawful means available.

- 1. The display face of a non-conforming sign may be modified as necessary to renew or update the message.
- 2. Non-conforming signs shall not be structurally altered or repaired so as to prolong life of the sign or so as to change the location, shape, or size of the sign.
- 3. Non-conforming signs requiring structural repair to make them safe shall be removed.
- 4. Abandoned signs shall be removed by the property owner or the City within 30 days after abandonment, determined as follows:
 - A. Any sign which pertains to an event, time or purpose which took place more than 30 days earlier shall be deemed to be abandoned.
 - B. Any sign which is located on property which becomes vacant and unoccupied or is applicable to a business which has been temporarily

suspended because of a change in ownership or management shall not be deemed abandoned unless the property remains vacant or the business remains inactive for a period of six months.

5. Changes or additions shall not be made to any signs on a site so as to increase their total non-conformity.

Section 14.0. Maintenance. Every sign shall be maintained in a safe structural condition at all times, including the replacement of defective parts and peeling, faded or broken display faces and structural members.

1. The repainting of any portion of a sign structure or the periodic changing of a bulletin board or billboard panel or the renewing of copy which has been made unacceptable or unusable by ordinary wear shall be permitted on all signs. No permit shall be required.
2. The replacing or repairing of non-structural portions of a sign shall not require a permit.
3. Structural alterations, repair or replacement shall require a permit.

Section 15.0. Sign Removal.

1. The Sign Official shall order the removal of any sign for which no permit has been issued or any sign erected, maintained or existing in violation of this ordinance.
2. The Sign Official shall notify the property owner by certified mail describing the sign and specifying the violation involved.
3. The property owner shall remove said sign or initiate an appeal within fifteen (15) days of receipt of the letter. An appeal stays all proceedings unless the official from whom the appeal is taken certifies to the Board of Appeals that a stay would cause imminent peril to life or property.
4. If, at the expiration of time limit in said notice, the owner has not complied with the requirements thereof or appealed the decision of the Sign Official, the Sign Official shall carry out the requirements of the notice. The cost of such abatement shall be charged against the premises and the owner thereof and shall constitute a lien against the property, such lien to be of the same character and effect as the lien created by State Law for collection of delinquent City real property taxes and enforced in the same manner.

Section 16.0. Dangerous Signs. If a sign presents imminent danger to life or property, the sign owner or, if the owner cannot be reached, a responsible City official shall take immediate action as is necessary to remove the danger.

Section 17.0. Administration.

1. The City Manager shall appoint a Sign Official. The Sign Official shall be responsible for the administration of this ordinance. He shall have all administrative powers not specifically assigned to some other officer

or body.

2. The Sign Official shall review all permit applications and site plans for compliance with the provisions of this ordinance or any written order from the Board of Appeals or Planning Commission. The Sign Official shall have no power to vary or waive ordinance requirements.
3. The Sign Official shall keep records of all official actions, all of which shall be a public record.
4. The Sign Official shall have the power to make inspections of buildings and premises necessary to carry out all duties in the enforcement of this ordinance.
5. The Sign Official shall collect such permit and inspection fees as determined by the City Council.
6. If the Sign Official shall find that any of the provisions of this ordinance are being violated, the Sign Official shall notify in writing the person responsible for such violation, indicating the nature and location of the violation and ordering the action necessary to correct it.
7. The Sign Official shall forward an analysis of site factors and other information pertaining to any appeal or request to the appropriate body. The analysis may include a recommendation for action.

Section 18.0. Appeals.

1. The Board of Appeals, as provided in the Zoning Ordinance, shall constitute the Board of Appeals to pass on matters pertaining to the terms of this ordinance. The term of office, quorum, meetings, records, and procedures shall be as specified in the Zoning Ordinance.
2. Any person aggrieved or any officer of the City may take an appeal to the Board of Appeals from any decision of the Sign Official.

Section 19.0. Enforcement.

1. False Statements. Any sign compliance statement based on any false statement in the application or supporting documents is absolutely void ab initio and shall be revoked. No sign compliance statement shall remain valid if the use or structure it authorizes becomes non-conforming. The Sign Official shall not refuse to issue a sign compliance statement when conditions imposed by this and other City Ordinances are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permits.
2. Violations and Penalties. Any person who violates any provision of this ordinance, or any amendment thereto, or who fails to perform any act required hereunder, or who commits any act prohibited hereunder, or who fails to comply with any order issued by the Sign Official, is responsible for a municipal civil infraction. A person, firm, or corporation determined to be responsible or responsible "with explanation" for a municipal civil infraction shall be subject to a civil fine of not more

than One Hundred (\$100.00) Dollars plus costs, and if applicable, damages and expenses as provided by law. A municipal civil infraction action brought for any violation of this ordinance shall follow the procedures set forth in Act No. 12, P.A. 1994, as amended, and a Defendant charged with a municipal civil infraction violation shall have all of the rights, duties, responsibilities, and obligations set forth therein. Each and every day on which any violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. Every violation of this ordinance is hereby declared to be a public nuisance per se.

3. Procedures for Reporting Violations. Apparent violations may be reported to the Sign Official by any citizen.

Section 20.0. Effective Date and Repeal of Prior Sign Regulations. This ordinance shall take effect ten days after adoption by the City Council and publication. Section 19.E of the Ishpeming Zoning Ordinance, adopted on December 19, 1987, is hereby repealed as of the effective date of this ordinance. The repeal of the above section does not affect or impair any act done, offense committed, or right occurring, accrued or acquired or liability, penalty, forfeiture or punishment incurred prior to the time of such ~~appeal~~ **repeal**.

Adopted: June 3, 1992
Published: June 8, 1992
Amended: June 8, 1994
Amended: March 11, 2009

ORDINANCE NO. 12-500

AN ORDINANCE PERMITTING SEPARATE METERING FOR WATER CONSUMPTION
NOT ENTERING THE PUBLIC SANITARY SEWER SYSTEM

THE CITY OF ISHPERING ORDAINS:

Section 12-501. Any person may request that the City water utility furnish a separate water meter, with a vacuum breaker, to only be attached to the hose bib or water faucet outside the person's home or business. The purpose of such meter shall be to measure water used for such outdoor purposes as washing cars, watering lawns, and other similar uses, where the water used will not be entering the public sanitary sewer system.

Section 12-502. The only separate water meter permitted to be used shall be a meter, with a vacuum breaker, originally furnished by the City of Ishpeming. However, a person may have installed a new meter, or a used meter. In all cases,

A person requesting permission to use such a meter shall:

- (a) secure approval from the City Manager or Water Department designee; and
- (b) have such meter inspected by the City Water Utility prior to installation.

See the Annual Fee Schedule adopted by the Ishpeming City Council for rates. The fee for the purchase and installation of a new meter shall be \$75.00, and the fee for the inspection and installation of a used meter shall be \$20.00. The fee for the purchase and inspection of a meter, with attached vacuum breaker, shall be stated in the Council approved City Fee Schedule.

The meter shall be the property of the homeowner or person purchasing the meter, and the City shall not be responsible for any repair or maintenance of the meter. A meter owner may request that the City test the meter. The charge for a 2nd water meter to be tested shall be the same as the fee for testing of regular water meters as set forth in the Council approved City Fee Schedule.

Section 12-503. Such separate meter may only be used to record water consumption through the connection where installed during the months of April through October each year. The separate meter shall be removed by the homeowner during the months of November through March of each year, and shall not be used during said period. It shall be the owner's responsibility to remove the meter to prevent it from freezing or being damaged and to reinstall it each year in time for the City to conduct any required inspections.

Section 12-504. Water consumption recorded by the separate meter shall be billed by inclusion in the normal monthly water/sewer bill to the premises, except that there shall be subtracted from the overall bill that portion of the regular sewer charge attributable to the flow through the separate meter. There shall also be added an additional monthly charge to the regular water/sewer bill to cover the additional administrative expense involved in billing such accounts on a special billing format, which additional charge shall be fixed by the City Manager, annually to the premises, except that there shall be subtracted from the overall bill that portion of the regular sewer charge attributable to the flow through the 2nd water meter shall be credited to the user's utility account. For billing purposes, the meter will need to be brought to the Utility Billing Clerk by November 1st for verification. The meter user is required to present the meter to the Utility Billing Clerk by November 1st in each year during which it has been used for any length of time, for the annual

reading.

Section 12-505. It shall be unlawful for any person having a separate meter to suffer, allow or permit any of the water passing through such meter to be used in any fashion whereby the water will be introduced into the sanitary sewer system of the City.

Section 12-506. If any such separate water meter shall become defective, it shall be the responsibility of the homeowner to have the meter repaired. Any and all readings from a defective meter shall result in the homeowner being billed at the regular rate for water/sewer consumption, without any credit for that portion of the sewer charge attributable to the flow through the separate meter.

Section 12-507. Violation of any of the provisions of this ordinance shall constitute a municipal civil infraction. A person, firm or corporation determined to be responsible or responsible "with explanation" for a municipal civil infraction shall be subject to a civil fine of not more than One Hundred (\$100.00) Dollars plus costs, and if applicable, damages and expenses as provided by law. A municipal civil infraction action brought for any violation of this ordinance shall follow the procedures set forth in Act No. 12, P.A. 1994, as amended, and a Defendant charged with a municipal civil infraction violation shall have all of the rights, duties, responsibilities and obligations set forth therein.

Section 12-508. This ordinance shall be effective July 28, 1986.

Adopted: July 23, 1986
Amended: June 14, 1989
Amended: June 8, 1994
Amended: April 6, 2022

15

ORDINANCE NO. 12-100

AN ORDINANCE TO ESTABLISH A WATER AND SEWER UTILITY IN THE CITY OF ISHPEMING

THE CITY OF ISHPEMING ORDAINS:

Section 12-101. There is hereby established a Water and Sewer Utility in the City of Ishpeming. This includes the supplying of water; the maintenance of water pumping station; the construction and maintenance of water mains, control valves, and fire hydrants; the maintenance of the water storage tank; the construction and maintenance of sanitary sewer mains and manholes; and providing sanitary sewage lift stations.

Section 12-102. The Annual Fee Schedule adopted by the Ishpeming City Council shall apply to those benefited by the services provided.

1. (a) For a property connected to the City water utility, which has a meter for registering water consumption, see Annual Fee Schedule adopted by the Ishpeming City Council for rates.

(b) For purposes of subsection (a) above, a property is considered to be connected to the City water utility" if (1) the property is actually using City supplied water, (2) the property is physically connected to the City water distribution system and could receive City supplied water, whether or not the property is actually using any City supplied water, or (3) water service to the property has been discontinued due to non-payment of water or sewer charges or by request.
2. For a user of both water and/or sewer services who is authorized to be without a water meter pursuant to Section 12-103.8 of this Ordinance, a monthly charge shall be established for the use of such services by the Ishpeming City Council based upon the recommendation of the Water and Sewer Utility. The Water and Sewer Utility, in making its recommendation to the City Council, shall consider, at a minimum, the number of persons in the household or structure receiving the services, whether the services are being used for residential or commercial purposes, the number and type of connections within the household or structure, and water consumption of similarly situated and similarly constituted households or structures.
3. (a) See Annual Fee Schedule for the permit fee to install a tap from a City water main.

(b) If the City performs the tap, the tapping fee to connect a 5/8" line or a 1" line or a line greater than 1" to a City water main shall be billed to the permit holder according to the Annual Fee Schedule. All excavation, construction, and restoration work, including road and sidewalk restoration shall be the responsibility of the property owner. All work shall be performed according to City standards.

(c) See Annual Fee Schedule for the tapping fee to connect a 5/8" line or a 1" or larger line to a City water main, if a private contractor does the work.

(d) The charges and fees imposed under this Subsection 3 only apply to water lines installed from the main to the curb stop valve.

4. The consumers of water and/or the users of the sewage disposal facilities shall pay their bills to the City Treasurer within twenty-five (25) days after the billing date shown on their bills. Any bill not paid within twenty-five (25) days after the billing date shall be considered a delinquent bill, and a penalty as stated in the Annual Fee Schedule shall be applied and collected on each delinquent bill per month.
5. Water service may be discontinued whenever a water or sewer account has not been paid in full within twenty-five (25) days after the billing date provided. However, that service shall be discontinued if an account with respect to which an affidavit has been filed under MCL 123.165(5) and MCL 141.121(3) has a delinquency greater than the amount of the tenant's security deposit or if the tenant's account has been delinquent for a period of forty-five (45) days or more. Service shall not be restored until such time as all amounts stated on the bill have been paid in full, in addition to payment of the appropriate charges for issuing the Public Notice of Disconnect, and for closing and opening the street shut-off valve or stop-cock which are stated in the Annual Fee Schedule—, together with the required guarantee deposit.

(a) See Annual Fee Schedule for the charge for opening or closing a street stop cock See Annual Fee Schedule for the charge for removing a water meter serviced by a 5/8" line or less; and the charge for removing a water meter serviced by a line greater than 5/8"; provided, however that the provisions of this sentence shall only apply when the water meter is removed for the convenience of the consumer and not because of any leakage, breakage, or defect in the meter; provided that such fee shall include reinstallation of the meter when removed for the convenience of the customer. See Annual Fee Schedule for the overtime charge for the above services.

(b) In the event that any user or consumer of water experiences a freeze-up of underground water lines or pipes during the winter months, the City Water Utility may provide thawing service from the water main to curb stop valve at no charge to the customer. See Annual Fee Schedule to thaw a water service from the curb stop valve to the water meter.

(c) No consumer, user or service receiving water from the City Water Utility shall be authorized to "let-run" the water in any property during the winter months unless written permission has been issued by the Operator in Charge.

Before the Operator in Charge shall issue such permission to let-run, the user or consumer shall make a request therefor and shall establish to the satisfaction of the Operator in Charge that the water lines in question cannot be prevented from freeze-up by wrapping in insulation, attachment of heat cables, or the application of any other reasonable means which the Operator in Charge may direct in an effort to alleviate a freeze-up problem. The Operator in Charge is specifically authorized to direct that the user or consumer requesting a "let-run" shall insulate the water lines or attach heat cables thereto, or take such other reasonable precautions to prevent freeze-ups, at the expense of the person requesting the "let-run".

In the event that any property, consumer, user or service shall "let-run" water without written permission of the Operator in Charge, such service shall be

billed for all water and sewer service actually consumed at the regular rate for such service.

6. New users of the City of Ishpeming Water and Sewer Utility shall deposit with the City a "guarantee deposit", which shall be continuously held by the City as a guarantee of payment for water used, in an amount determined by the Annual Fee Schedule.

If the user is the owner of the property, this "guarantee deposit" may be credited to the users account two years from the date the deposit is made, providing the user shall have paid all water and sewer bills timely and providing the user has otherwise established credit with the City of Ishpeming to the satisfaction of the City. Established credit for purposes of this Ordinance section, means that the user paid the water and sewer utility bill timely for the prior twelve months and having not received two or more Public Notices of Disconnect in the prior 12 months. The City may apply all or any portion of the guarantee deposit to delinquent water, sewer, or landfill charges.

If the user is a tenant at the property, this "guarantee deposit" will be held for the period of the tenancy and will be applied to the final water bill in part or full payment.

A guarantee deposit may will be required from existing users who have had their water shut off for non-payment. ~~based on a repeated pattern of non payment which would be determined by receiving two or more Public Notices of Disconnect in the prior 12 months. This deposit would be required within one month of the issue of the second Notice of Disconnect.~~

7. No person, firm, or corporation shall be permitted or allowed to install a 5/8" water meter in the City of Ishpeming; all such work shall be done only by City personnel. There shall be no charge for the installation of any water meter serviced by a 5/8" line or less except in cases described in Section 12-103.4 and 12-103.5. For each water meter installed on a line 1" or greater, the owner of the property shall hire a licensed plumber for installation of the meter subject to City review and approval.

Section 12-103. Users of the water and/or sewage disposal system in the City of Ishpeming shall be subject to the following rules and regulations:

1. No person shall tap any water main without first having obtained a permit from the Utility Billing Clerk nor shall any person not duly authorized bore or tap any pipe, open any hydrant or stop-cock or interfere with any part of the water system of the City.
2. All applications for a water tapping permit must be made to the Utility Billing Clerk by the owner of the property or some person duly authorized by the owner, and such application must fully describe the locality where it is desired to tap the main and the various users to which the water is to be supplied.
3. In case of misrepresentation in such application for a permit to tap any main, use of water without permit, willful or needless waste of water by allowing a constant flow from faucet or otherwise, or the failure to comply with any other

term or provision of this ordinance, the service may be shut off.

4. Where the consumer of water is on metered service, the City will supply the meter and outside reader dial owned by the City. The consumer must provide a suitable place for the meter and outside reader dial satisfactory to the City. The consumer shall see that the meter and outside reader dial are protected from damage, accident or frost and shall permit no person other than an authorized employee of the City Water and Sewer Utility to remove, inspect or tamper with the same. Cost of repairs shall be according to the Annual Fee Schedule.
5. The consumer, in case of leakage, breakage, or defect of the meter, shall immediately notify the Water and Sewer Utility. The Water and Sewer Utility will make all repairs to the water meter, and the actual cost of such repairs or replacement will be charged to the property served if the damage is caused by hot water, freezing, or any other neglect on the part of the consumer to safeguard the meter in a reasonable way.
6. The various officers of the Water and Sewer Utility or any person by them delegated shall have free access to all parts of any building where the water meter and the outside reader dial are used to examine pipes and fixtures and to ascertain whether there is an unnecessary waste of water.
7. The Water and Sewer Utility shall have full authority to further restrict and to order the discontinuance of the use of water as above provided, and to make such further regulations, when it finds in its judgment that it is necessary to do so for the protection of the water supply of the City.
8. Any water service in the City shall have a water meter installed.

In the event that the owner, tenant, lessee or agent in charge of any property having water service does not have a water meter installed the City Attorney shall be authorized to commence an appropriate action in the Marquette County Circuit Court to secure a mandatory injunction requiring a meter installation; alternatively, that water to such property may be shut off until a meter is installed.

9. (a) The City shall be responsible for repairing or correcting all leaks in the water distribution system which occur on all mains and on all lateral lines up to and including each curb stop. The owner of each property served by the City Water Utility shall be responsible for repairing or correcting all leaks in the water distribution system which occur between the curb stop and the water meter which records water consumption on the property; provided, however, that in the event that it is determined that any leak or break in a water line on private property originated on or was caused by conditions existing on public property, and through no fault of the owner of the structure being served, the City Council may waive the payment requirement of this Subsection (a) in whole or in part, and in such cases the City Council shall indicate by resolution the grounds for such waiver; provided, however, that under no circumstances shall the City Council grant such waiver where the failure of any water line on private property is due primarily to old age, to ordinary wear and tear, to improper installation or to the use of improper materials or backfill.

(b) Anything to the contrary notwithstanding in Section 12-103.9(a) above, under no circumstances shall the City be responsible for the cost of repairs or maintenance to any water line if it is determined that the condition requiring repair or maintenance was caused by the negligence or wrongful act of another, in which event the person responsible therefor shall be fully liable to the City for the cost of repairs.

(c) If the City learns or has reason to believe that there is a break or a leak in a water line between the curb stop and the customer's water meter or a break or a leak in any water line at any point downstream of the water meter, including a break or a leak anywhere in the house or property being served by the City Water Utility, the City shall send written notice thereof, by certified mail, return receipt requested, to the person in whose name the water meter is registered. The written notice shall identify the problem or suspected problem, and shall require that the leak or break in the water line be repaired within five (5) business days after receipt of the written notice. If the customer or other person responsible for payment of the water bills at the property in question fails or refuses to have the repairs completed within the time specified in the written notice, then a service fee (see Annual Fee Schedule) shall be imposed on the account for each and every day after the fifth (5th) day that the repairs are not made, for the water loss to the system. If the repairs are not completed within the time specified in the written notice, the City may also, at its discretion, discontinue water service to the property until such time the repairs are made. In the event of an emergency, or if the City determines that there is a significant amount of water loss to the system due to the leak, the City shall have the authority to immediately discontinue water service to the property irrespective of whether or not written notice has been given as provided herein.

(d) All water service lines existing on the date of enactment of this Ordinance Amendment deemed substandard by the City designated representative shall be replaced by the owner of the property within one (1) year of the date of discovery of the substandard condition. Written notice shall be sent by the City by certified mail, return receipt requested, to both the property owner and the person in whose name the water meter is registered. If the customer or other person responsible for payment of the water bills at the property in question fails or refuses to have the repairs completed within the time specified in the written notice, then a service fee (see Annual Fee Schedule) shall be imposed on the account. If the repairs are not completed within the time specified in the written notice, the City may also, at its discretion, discontinue water service to the property until such time as the repairs are made.

(e) The City will not reconnect to any water service lines found to contain lead as this is deemed to be an imminent health and safety concern. In the event that lead water service lines are discovered by the City, the property owner shall be notified and informed of the mandatory requirement to replace such service lines with materials acceptable to the City. Lead service lines must be replaced by the property owner as soon as possible for water service to be restored. Written notice shall be sent by the City by certified mail, return receipt requested, to both the property owner and the person in whose name the water meter is registered.

Section 12-104. Violation of any of the provisions of this ordinance shall

constitute a municipal civil infraction. A person, firm or corporation determined to be responsible or responsible "with explanation" for a municipal civil infraction shall be subject to a civil fine, see Annual Fee Schedule. A municipal civil infraction action brought for any violation of this ordinance shall follow the procedures set forth in Act No. 12, P.A. 1994, as amended, and a Defendant charged with a municipal civil infraction violation shall have all of the rights, duties, responsibilities and obligations set forth therein.

Section 12-105. This Ordinance, as amended, shall take effect and be in force from and after the date of most recent amendment.

Adopted: June 21, 1978	Amended: February 5, 1997	Amended: January 7, 2015
Amended: September 6, 1978	Amended: December 17, 1997	Amended: November 9, 2016
Amended: August 8, 1979	Amended: December 9, 1998	Amended: July 11, 2018
Amended: January 7, 1981	Amended: November 8, 2000	Amended:
Amended: May 6, 1981	Amended: October 3, 2001	
Amended August 5, 1981	Amended: November 6, 2002	
Amended: June 9, 1982	Amended: November 9, 2005	
Amended: February 8, 1984	Amended: November 8, 2006	
Amended: April 18, 1984	Amended: October 3, 2007	
Amended: September 19, 1984	Amended; May 6, 2009	
Amended: December 26, 1984	Amended: October 7, 2009	
Amended: January 29, 1986	Amended: December 15, 2010	
Amended: July 9, 1986	Amended: January 4, 2012	
Amended: June 14, 1989	Amended; March 7, 2012	
Amended: December 27, 1990	Amended: May 5, 2012	
Amended: June 9, 1993	Amended: June 6, 2012	
Amended: June 8, 1994	Amended: December 18, 2012	
Amended: June 7, 1995	Amended: November 6, 2013	