

Petersburg, MI

Active Local Ordinances

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ORDINANCE INDEX

NUMBER

TITLE

01

ORDINANCE TO PROVIDE FOR CONNECTION, COLLECTION & ENFORCEMENT FEES FOR SEWAGE DISPOSAL SYSTEM

04 ORDINANCE TO AMEND VILLAGE ORD. #52, TO CHANGE FISCAL YEAR

08

ORDINANCE TO PROHIBIT THE STORAGE OF WRECKED, DISMANTLED, OR INOPERABLE MOTOR VEHICLES

09

ORDINANCE PROHIBITING FURNISHING ALCOHOLIC BEVERAGES TO MINORS

11

ORDINANCE REQUIRING PERMIT FOR CERTAIN HAWKERS, PEDDLERS, ITINERANT VENDORS & DOOR TO DOOR SALES

14

ORDINANCE TO ESTABLISH MIN. STANDARDS GOVERNING THE CONDITIONS, INSPECTIONS OF DWELLINGS

17

ORDINANCE REGULATING CROSS-CONNECTION WITH THE PUBLIC WATER SUPPLY SYSTEM

29

ORDINANCE CREATING THE PETERSBURG PLANNING COMMISSION

30

DISORDERLY PERSONS ORDINANCE

31

ORDINANCE DECLARING TEMPORARY MORATORIUM ON NEW CONSTRUCTION, ETC. IN FLOOD HAZARD AREAS

33

ORDINANCE TO ADOPT BY REFERENCE THE UNIFORM PLUMBING CODE, 1976 EDITION

35

ORDINANCE TO ESTABLISH THE COMPENSATION COMMISSION

36

ORDINANCE TO ADOPT BY REFERENCE THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS

40

ORDINANCE TO REGULATE EXCAVATION IN THE STREETS, ALLEYS AND PUBLIC PLACES AND PROVIDE PUNISHMENT

42

AN ORDINANCE TO ADOPT THE UNIFORM TRAFFIC CODE FOR MICHIGAN CITIES, TOWNSHIPS, & VILLAGES

43

AN ORDINANCE TO AMEND ORDINANCE #42

46

AN ORDINANCE TO PROHIBIT THE MAINTENANCE OF BLIGHTING CONDITIONS

49

ORDINANCE AUTHORIZING COLLECTION OF REFUSE BY CONTRACT OR PERMIT REGULATING HANDLING

57

ORDINANCE TO DEFINE AND REGULATE THE CONTROL OF ANIMALS & APPEAL VILLAGE ORDINANCE #13

59

ORDINANCE TO LICENSE AND REGULATE THE OPERATION OF BILLIARD & POOL ROOMS & ARCADES

65

ORDINANCE TO ESTABLISH THE PROCEDURES FOR THE PURCHASE OF PERSONAL PROPERTY

66

ORDINANCE TO ESTABLISH BUILDING PERMIT FEES (PARTIALLY REPEALED BY ORDINANCE #85)

78

ORDINANCE TO ADOPT REGULATION & PROCEDURES FOR BASIC CABLE TV RATE REGULATION

79

ORDINANCE TO REGULATE & PROHIBIT THE MAKING & CREATION OF EXCESSIVE NOISE

81

ZONING ORDINANCE (See Zoning Ordinance Book)

83

SUBDIVISION CONTROL ORDINANCE (See Zoning Ordinance Book)

85

ORDINANCE TO ADOPT BY REFERENCE THE BOCA NATIONAL CODE 86
ORDINANCE TO ESTABLISH WATER/SEWER UNIT FACTORS & TO BE USED IN COMPUTING CHARGES FOR SERVICES

87

ORDINANCE TO AMEND ORDINANCE #81

89

ORDINANCE TO SET CERTAIN FEES INCIDENT TO THE ENFORCEMENT OF THE ZONING ORDINANCE AND THE SUBDIVISION CONTROL ORDINANCE OF THE CITY OF PETERSBURG

93

ORDINANCE TO ADOPT BY REFERENCE THE BOCA NATIONAL BUILDING CODE, THIRTEENTH EDITION, 1996, TO PROVIDE CERTAIN MODIFICATIONS FOR ITS APPLICATION TO THE CITY OF PETERSBURG, TO ESTABLISH BUILDING PERMIT FEES AND TO REPEAL INCONSISTENT ORDINANCES.

96

ORDINANCE TO ESTABLISH UNIT FACTORS TO BE USED IN COMPUTING CHARGES FOR WATER AND SEWAGE DISPOSAL SERVICES, TO SET WATER AND SEWER TAP AND CONNECTION FEES AND USER FEES, TO ESTABLISH A SYSTEM FOR COLLECTING CHARGES AND OTHER MATTERS RELATING TO THE WATER AND SEWAGE DISPOSAL SERVICE OF THE CITY OF PETERSBURG AND REPEAL ORDINANCE 90 AND 90-1

99

ORDINANCE TO AMEND ORDINANCE 81, THE CITY OF PETERSBURG ZONING ORDINANCE, FOR THE PURPOSE OF CHANGING CERTAIN TEXT AND ZONING MAP AND THE ZONING CLASSIFICATION OF CERTAIN PROPERTY

100

ORDINANCE TO AMEND THE SUBDIVISION CONTROL ORDINANCE, NO. 83, PROVIDING FOR REGULATIONS GOVERNING THE SUBDIVISION OF LAND; PROVIDING FOR THE PROCEDURE FOR THE PREPARATION AND FILING OF PLATS, TENTATIVE APPROVAL OF PRELIMINARY PLATS, SUBMISSION OF RECORD OR FINAL PLATS, THE APPROVAL OF THE PLAT BY THE CITY COUNCIL; PROVIDING FOR PLATTING REGULATIONS AND REQUIREMENTS IN REGARD TO CONFORMITY TO PETERSBURG'S LAND USE PLAN AND TO PROVIDE PENALTIES FOR THE VIOLATIONS.

104

ORDINANCE TO PROHIBIT THE DISPLAY OR DEPICTION OF NUDITY AND SEXUAL ACTS IN ESTABLISHMENTS LICENSED UNDER THE MICHIGAN LIQUOR CONTROL ACT

105

ORDINANCE TO REGULATE ADULT ENTERTAINMENT BUSINESS

106

ORDINANCE TO BAN PUBLIC NUDITY

108

ORDINANCE TO REGULATE THE OPERATION AND USE OF ANY SKATEBOARD OR SCOOTER WITHIN THE CITY OF PETERSBURG, MICHIGAN, AND TO PROVIDE PENALTIES FOR THE VIOLATION OF THE ORDINANCE

110

ORDINANCE TO AMEND ORDINANCE 81, THE CITY OF PETERSBURG ZONING ORDINANCE, TO ADD PROVISIONS AND REGULATIONS THAT WILL PROVIDE FOR RESIDENTIAL PLAN UNIT DEVELOPMENTS (See Zoning Ordinance Book)

111

ORDINANCE TO AMEND ORDINANCE 81, THE CITY OF PETERSBURG ZONING ORDINANCE, TO AMEND THE OFFICIAL ZONING MAP BY DESIGNATING CERTAIN PROPERTY AS "RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT" (See Zoning Ordinance Book)

112

ORDINANCE TO AMEND ORDINANCE 23

113

ORDINANCE TO AMEND ORDINANCE 96

115

ORDINANCE TO ADOPT BY REFERENCE THE UNIFORM TRAFFIC CODE FOR THE CITY OF PETERSBURG

118

TELECOMMUNICATIONS ORDINANCE

122

OF THE 2002 NATIONAL ELECTRICAL CODE ORDINANCE TO AMEND ORDINANCE 63 TO PROVIDE FOR THE ADOPTION

123

ORDINANCE TO DESIGNATE AN ENFORCING AGENCY TO DISCHARGE THE RESPONSIBILITY OF THE CITY OF PETERSBURG LOCATED IN MONROE COUNTY, UNDER THE PROVISIONS OF THE STATE CONSTRUCTION CODE ACT, 1972 PA230

124

ORDINANCE TO AMEND ZONING ORDINANCE 81 TO PERMIT DUPLEX DWELLINGS IN A COMMERCIAL DISTRICT UPON SPECIAL USE APPROVAL

Note: Ordinance numbering at this point changes to the last two digits of the year, followed by the ordinance number

06-125

ORDINANCE ESTABLISHING CURFEWS FOR MINORS WITHIN THE CITY OF PETERSBURG, MICHIGAN, AND PROVIDING ENFORCEMENT AND PENALTIES FOR VIOLATIONS OF THE ORDINANCE

06-126

ORDINANCE TO REGULATE TREES IN THE PUBLIC RIGHTS-OF-WAY AND PUBLIC PLACES

06-127

ORDINANCE TO AMEND THE CITY OF PETERSBURG ZONING ORDINANCE TO PROVIDE FOR THE REGULATION OF CONDOMINIUM PROJECTS

08-131

ORDINANCE TO SET CERTAIN BUILDING PERMIT FEES FOR THE CITY OF PETERSBURG

Note: Ordinance numbering at this point changes to the last two digits of the year, followed by a sequential number that resets each year

09-01

ORDINANCE TO REGULATE VEGETATION

11-001

ORDINANCE TO REPEAL ORDINANCE 08-134 AND PROVIDE FOR REVISED WATER SYSTEM FEES AND CHARGES

13-02

ORDINANCE ADDRESSING FLOODPLAIN MANAGEMENT PROVISIONS OF THE STATE CONSTRUCTION CODE

14-0001

ORDINANCE REGULATING PARKING IN CITY OF PETERSBURG DURING SNOW EMERGENCIES

14-0004

ORDINANCE TO AFFIRM/DESIGNATE AN ENFORCING AGENCY TO DISCHARGE THE RESPONSIBILITY OF THE CITY OF PETERSBURG LOCATED IN MONROE COUNTY, AND TO DESIGNATE REGULATED FLOOD HAZARD AREAS UNDER THE PROVISIONS OF THE STATE CONSTRUCTION CODE ACT, ACT NO. 230 OF THE PUBLIC ACTS OF 1972, AS AMENDED

16-0002

INCONSISTENT WITH THIS ORDINANCE 1949 AS AMENDED, AND REPEALING SECTIONS OF ORDINANCES ORDINANCE ALLOWING, AND ESTABLISHING REGULATIONS FOR, THE OPERATION OF GOLF CARTS AND BICYCLES ON STREETS WITHIN THE CITY AMENDING ORDINANCE 42 AND 43 PURSUANT TO PUBLIC ACT 300 OF OF PETERSBURG, MICHIGAN, PROVIDING PENALTIES FOR VIOLATIONS.

17-0001

ORDINANCE TO REGULATE PARTITIONING OR DIVISION OF PARCELS OR TRACTS OF LAND, ENACTED PURSUANT BUT NOT LIMITED TO MICHIGAN PUBLIC ACT 288 OF 1967, AS AMENDED AND TO PRESCRIBE PENALTIES AND ENFORCEMENT REMEDIES FOR THE VIOLATION OF THIS ORDINANCE

18-0001

ORDINANCE TO REPEAL ORDINANCE 16-0001 AND PROVIDE FOR REVISED WATER SYSTEM FEES AND CHARGES

18-0002

ORDINANCE TO AUTHORIZE AND REGULATE THE ESTABLISHMENT OF MEDICAL MARIHUANA FACILITIES AND TO IMPOSE PENALTIES FOR VIOLATIONS

18-0003

ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF PETERSBURG TO ADD MEDICAL MARIHUANA FACILITIES AS A SPECIAL USE IN A LIGHT INDUSTRIAL DISTRICT

19-0002

ORDINANCE TO AUTHORIZE AND REGULATE MARIHUANA ESTABLISHMENTS AND TO IMPOSE PENALTIES FOR VIOLATIONS

19-0003

ORDINANCE TO AMEND THE ZONING ORDINANCE OF PETERSBURG TO ADD MARIHUANA ESTABLISHMENTS AS A SPECIAL USE IN A LIGHT INDUSTRIAL DISTRICT

20-0001

ORDINANCE TO AMEND ORDINANCE 18-0001 AND PROVIDE FOR REVISION OF WATER SYSTEM FEES AND CHARGES BY RESOLUTION OF CITY COUNCIL
AN ORDINANCE TO PROVIDE FOR THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF IMPROVEMENTS TO THE WATER SUPPLY SYSTEM OF THE CITY OF PETERSBURG; TO PROVIDE FOR THE ISSUANCE AND SALE OF REVENUE BONDS; TO PROVIDE FOR THE COLLECTION OF REVENUES FROM THE SYSTEM SUFFICIENT FOR THE PURPOSE OF PAYING THE COSTS OF OPERATION AND MAINTENANCE OF THE SYSTEM AND TO PAY THE PRINCIPAL OF AND INTEREST ON BONDS OF THE SYSTEM; TO PROVIDE AN ADEQUATE RESERVE ACCOUNT FOR THE BONDS; TO PROVIDE FOR THE SEGREGATION AND DISTRIBUTION OF THE REVENUES OF THE SYSTEM; TO PROVIDE FOR THE RIGHTS OF THE HOLDERS OF THE BONDS IN ENFORCEMENT THEREOF; AND TO PROVIDE FOR OTHER MATTERS RELATING TO THE BONDS AND THE SYSTEM

21-0002

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF PETERSBURG TO REGULATE THE HOURS OF OPERATION OF MARIHUANA ESTABLISHMENTS IN A LIGHT INDUSTRIAL DISTRICT

23-0001

AN ORDINANCE TO SET THE RATE OF COMPENSATION FOR THE POSITIONS OF CLERK AND TREASURER

24-0001

AN ORDINANCE GRANTING TO MICHIGAN GAS UTILITIES CORPORATION AUTHORITY AND PERMISSION TO USE THE HIGHWAYS, STREETS, ALLEYS AND OTHER PUBLIC PLACES OF THE CITY OF PETERSBURG FOR THE PURPOSE OF LAYING AND MAINTAINING GAS PIPES, MAINS, ETC.

24-0002

AN ORDINANCE TO AMEND ORDINANCE NO.96 AND TO PROVIDE FOR REVISION OF SEWER SYSTEM FEES AND CHARGES BY RESOLUTION OF CITY COUNCIL

ORDINANCE NO. 1

AN ORDINANCE TO PROVIDE FOR THE CONNECTION NOW OR HEREAFTER OF PREMISES TO THE MONROE COUNTY SEWAGE DISPOSAL SYSTEM (PETERSBURG SYSTEM NO. 1), MONROE COUNTY, MICHIGAN, TO PROVIDE FOR THE IMPOSITION, COLLECTION AND ENFORCEMENT OF FEES AND CHARGES FOR CONNECTION THERETO AND AVAILABILITY THEREOF AND FOR CHARGES FOR SEWAGE DISPOSAL SERVICES THEREFROM TO REQUIRE SEWERS AND PROVIDE FOR OTHER MATTERS RELATIVE TO SAID SYSTEM AND TO THE USE THEREOF FOR THE PRESERVATION OF THE PUBLIC HEALTH, SAFETY AND CONVENIENCE

The City of Petersburg ordains:

Section 1.01 Whenever used in this ordinance, except when otherwise indicated by the context:

(a) The term "City" shall be construed to mean the City of Petersburg and the term "County" shall be construed to mean the County of Monroe, both in the State of Michigan.

(b) The term "Council" shall be construed to mean the Council of said City of Petersburg, the legislative and governing body thereof.

(c) The term "sewage disposal district" or "district" shall be construed to mean Monroe County Sewage Disposal District (Petersburg System No. 1), as described in the resolution of the Monroe County Board of Supervisors, adopted December 17, 1968, or any amendments thereto.

(d) The term "sewage disposal system" shall be construed to mean the Monroe County Sewage Disposal System (Petersburg System No. 1) established and to be constructed by the County under Contract with the City dated October 1, 1968, and all extensions, enlargements and improvements thereto.

(e) The term "system" shall be deemed to refer to the said sewage disposal system as now or hereafter established and constructed by the County to serve the residents of the City.
Amended by Ord 23

(f) The term "sewage disposal services" shall be deemed to refer to the collection, transportation, treatment and disposal of sanitary sewage emanating from premises now or hereafter established and constructed by the "County of Monroe", to serve residents of the city of Petersburg and it shall be the responsibility of the city for any line extensions and maintenance from the connection in the sewer collecting system to the property line.

(g) The term "unit" or "units" shall be related to the quantity of sanitary sewage ordinarily arising from the occupancy of a residence building by a single family of ordinary size, as shall from time to time be defined by the Council of the City and assigned to premises in the district.

(h) The term "connection fee" shall be deemed to mean the amount charged at the time and in the amount hereinafter provided, to each premises in the City for connection to the system and represents a proportionate part allocable to such premises of the costs of the sewer trunks, pumping and treatment facilities.

(i) The term "charges for sewage disposal services" or "charges" shall be deemed to mean the amount charged to each premises in the City connected to the system for sewage disposal services which shall include a debt service factor.

(j) The term "inspection and approval fee" shall be deemed to mean the amount charged to each applicant by the City at the time an application is made to the City to connect said premises to the system to cover the cost of inspecting and approving the physical connection to the system and the issuance of a connection permit.

(k) The term "premises" shall mean the lands included within the boundaries of a single description as set forth from time to time on the general tax rolls of the City as a single taxable item in the name of a taxpayer or taxpayers at one address but in the case of platted lots shall be limited to a single platted lot unless an existing building or structure is so located on more than one lot as to make the same a single description for purposes of assessment or conveyance now or hereafter.

Section 2.01 The said system shall be used for the collection and transportation of sanitary sewage only. Downspouts, footing drains, weep tile, or any conduit that carries storm water or ground water, alone or in combination with sanitary sewage, shall not be connected to the system, directly or indirectly. Industrial or commercial waste shall be discharged into the system only in compliance with the standards and regulations adopted by the Council of the City.

Section 3.01 Premises within the City on which are not or hereafter located any buildings or structures for which direct connection to any system is available shall not be used or occupied by persons, firms or corporations for the purpose, after the effective date hereof, unless said premises are connected to the sewage disposal system: provided, that premises within the City so improved and used or occupied on the effective date hereof shall be connected to said system within three (3) months after the completion of the system.

Section 3.02 Plats for premises subdivided into three (3) or more lots or parcels and not be approved or issued on behalf of the City and none of said premises shall be improved permits to improve platted or unplatted premises, after the effective date hereof, shall by the erection of a building or structure for human use or occupancy thereon unless lateral sewers to serve all of said premises, as subdivided or to be occupied, and to connect same to the system are available as part of the system or shall be installed at private cost or by special assessment (or a bond furnished or the estimated cost thereof deposited with the City as otherwise provided by law) unless the Council of the City shall determine by specific resolution that compliance with this section will work an un-reasonable hardship on the owner of the premises involved.

Section 4.01 - Repealed by Ordinance #90

Section 5.01 - Repealed by Ordinance #90

Section 6.01 - Repealed by Ordinance #90

Section 7.01 - Repealed by Ordinance #90

Section 8.01 - Repealed by Ordinance #90

Section 9.01 - Repealed by Ordinance #90

Section 10.01 The system shall be operated upon the basis of a fiscal year beginning on July 1st of each year and ending on June 30th of the following year.

Section 11.01 The operation, maintenance and management of the system, which is a county system, shall be under the immediate supervision and control of either the Council or the County, acting through its Drain Commissioner as the agent thereof.

Section 12.01 This ordinance shall be known and may be cited as the "City of Petersburg Sewer and Sewage Disposal Ordinance."

Section 13.01 The provisions of this ordinance shall be enforceable through the bringing of appropriate action for injunction, mandamus, or otherwise, in any Court having jurisdiction. Any violation of this ordinance is deemed to be a nuisance per se.

Section 14.01 - Note: The first paragraph of section 14.01 was repealed by ordinance 90. The second paragraph is as follows:

Three months after construction of the system has been completed and there-after, the use of a septic tank on premises in the city, and/or the failure of any premises in the city upon which are located any buildings or structures to be connected to the system (for which premises direct connection to the system is available) shall constitute a violation of this ordinance. Each act of violation and every day upon which any such violation shall occur shall constitute a separate violation.

Section 15.01 If any section, paragraph, sentence, clause or phrase of this ordinance shall be held invalid, the same shall not affect any other part of this ordinance.

Section 16.01 All ordinances and resolutions or parts thereof, insofar as the same may be in conflict herewith, are hereby repealed. The city specifically reserves the right to amend this ordinance in whole or in part, at one or more times hereafter, or to repeal the same, and by such amendment or repeal to abandon, increase, decrease or otherwise modify any of the fees, charges or rates herein provided, with the understanding however, that the adoption of this ordinance or its subsequent amendment or repeal shall in no wise change, relieve or release the contractual and legal obligation of the City of make the required payments to the County of Monroe under and as set forth in the contract pertaining to the Monroe County Sewage Disposal

System (Petersburg SystemNo. 1) or under applicable law or the contractual and legal obligation pursuant to said contract and applicable law to levy a tax or to use any other means or available funds to make the required payments to said County, and this Ordinance shall not be deemed to be a part of any contractual obligation or bond contract pertaining to said system.

Section 17.01 This ordinance is hereby declared to be an emergency ordinance which is immediately necessary for the preservation of the public peace, health and safety.

Made and passed by the Council of the City of Petersburg this 19th day of January, A.D., 1970.

John H. Fernstrom, Mayor

William E. Perry, City Clerk

This ordinance was placed on its first reading on January 12, 1970, and finally adopted on January 19, 1970, and given immediate effect.

ORDINANCE NO. 4

AN ORDINANCE TO AMEND VILLAGE ORDINANCE NO. 52

The City of Petersburg ordains:

1. Section 11 of Ordinance No. 52 is repealed effective March 31, 1971.
2. The following is adopted at Section 11 of Ordinance No. 52 effective April 1, 1971:
The system shall be operated on an interim accounting and operating basis from April 1, 1971, to June 30, 1971, and thereafter the system shall be operated on an annual fiscal operating year commencing July 1, 1971, and ending June 30, next following.
3. This ordinance shall be effective March 31, 1971.

This is to certify this Ordinance received final reading December 7, 1970 and so noted in the council meeting records.

Signed and recorded this 7th day of December, 1970.

William E. Peery-City Clerk

ORDINANCE NO. 008

AN ORDINANCE TO PROHIBIT THE STORAGE OF WRECKED, DISMANTLED, OR INOPERABLE MOTOR VEHICLES IN RESIDENTIAL AREAS OF THE CITY, TO PROHIBIT THE ACCUMULATION AND STORAGE OF REFUSE IN RESIDENTIAL AREAS OF THE CITY.

The City of Petersburg ordains:

1. No person shall permit a wrecked, dismantled, or inoperable motor vehicle, or any part of a motor vehicle, to be stored or remain in a residential area of the City unless the motor vehicle is inside a fully enclosed building.
2. A motor vehicle shall be deemed inoperable within the provisions of this ordinance and prohibited if the motor vehicle remains stored for more than thirty (30) days without a valid license for use upon the highways of the State of Michigan, and also deemed inoperable, even though licensed, if said motor vehicle in fact is inoperable for any reason for a period in excess of thirty (30) days.
3. No person, whether the landlord or tenant, shall permit refuse, including garbage, rubbish, trash, waste paper, ashes, lumber, timber, boxes, iron or machinery, or any other debris, substance or product to accumulate so as to attract rats, flies, or vermin, or to create offensive odors, or to endanger the safety of others by reason of the likelihood of fire.
4. Any person violating the provisions of this ordinance shall be guilty of a misdemeanor punishable by imprisonment of not more than ninety days or fine of not more than One Hundred (\$100.00) Dollars, or both such fine and imprisonment in the discretion of the Court.

Attest: This ordinance passed and recorded in minutes at a regular meeting held May 15, 1972.

Wm. E. Perry-Clerk

ORDINANCE NO. 009

AN ORDINANCE PROHIBITING FURNISHING ALCOHOLIC BEVERAGES TO MINORS.

The City of Petersburg ordains:

1. Any person who knowingly gives or furnishes any alcoholic beverages to a minor, except upon authority of and pursuant to a prescription of a duly licensed physician, shall be guilty of a misdemeanor.
2. Any person violating the provisions of this ordinance shall be guilty of a misdemeanor punishable by a fine of not to exceed \$100.00 or imprisonment in the Monroe County Jail not to exceed 90 days.

This is to attest that final reading of Ordinance No. 009 was duly recorded in minutes of Council Proceedings dated August 21, 1972.

Attest: Wm. E. Perry, City Clerk

ORDINANCE NO. 011

AN ORDINANCE REQUIRING CERTAIN HAWKERS, PEDDLERS, ITINERANT VENDORS, AND DOOR-TO-DOOR SALESMEN TO OBTAIN A LICENSE BEFORE ENGAGING IN BUSINESS WITHIN THE CITY OF PETERSBURG.

The City of Petersburg ordains:

Section 1. No person shall engage in the business of a hawker, peddler, itinerant vendor or door-to-door salesman within the City of Petersburg without having first obtained a license from the City Clerk.

Section 2. A hawker, peddler, itinerant vendor or door-to-door salesman is defined as one selling or offering to sell any goods, merchandise, or services in the public streets or parks, or through house-to-house solicitation, provided, however, that this ordinance shall not apply to one selling fruits, vegetables or farm products grown by the person offering to sell them.

Section 3: Each hawker, peddler, itinerant vendor or door-to-door salesman, upon making a written application to the City Clerk and the payment of a fee prescribed, shall be licensed to engage in such business for the period of the license.

Section 4: The City Clerk, before issuing any license, shall require a written application from each person proposing to engage in said business, containing the person's name, address, employer and his address, the type of business to be solicited, and the period of time that the person seeks license to conduct the business within the City.

Section 5: A person seeking to engage in said business shall pay the following fee per day in advance for each day that the person proposes to conduct business within the City as follows:

(a) Fifteen Dollars (\$15.00) per day for a permit to solicit for the sales of magazines or other reading periodicals.

(b) Twenty Dollars (\$20.00) per day for the sale of books, appliances, or other merchandise.

(c) Twenty Five Dollars (\$25.00) per day for solicitation of building materials.

Section 6: A permit shall not be granted for the solicitation of business before 10 o'clock A.M. nor after 6 o'clock P.M., nor on Sundays or legal holidays.

Section 7: Non-profit organizations, including religious organizations, shall be exempt from paying a fee.

Section 8: Section 3 of Ordinance No. 43 is hereby rescinded.

Page 2 - **Ordinance No. 11**

Section 9: Any person violating the provisions of this ordinance shall be guilty of a misdemeanor, punishable by a fine of not exceeding \$100.00 or imprisonment in the Monroe County Jail not to exceed 90 days, or both such fine and imprisonment in the discretion of the Court.

This is to attest that final reading of Ordinance No. 011 was duly recorded in minutes of Council proceedings dated December 4, 1972.

Attest: Wm. E. Perry, City Clerk

Ordinance No. 14

AN ORDINANCE TO ESTABLISH MINIMUM STANDARDS GOVERNING THE CONDITIONS OF DWELLINGS, THE INSPECTION OF DWELLINGS, AND THE ISSUANCE OF OCCUPANCY CERTIFICATES

THE CITY OF PETERSBURG ORDAINS:

SECTION I: DEFINITION

The following definition shall apply in the interpretation and enforcement of this Ordinance.

1.1 Basement shall mean a portion of a building located partly underground, but having less than half its clear floor to ceiling height below the average grade of the adjoining ground.

1.2. Cellar shall mean a portion of a building located partly or wholly underground, and having half or more than half of its clear floor to ceiling height below the average grade of the adjoining ground.

1.3 Dwelling shall mean any building which is wholly or partly used or intended to be used for living or sleeping by human occupants: provided that temporary housing as hereinafter defined shall not be regarded as a dwelling.

1.4 Dwelling Unit shall mean any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

1.5 Extermination shall mean the control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other recognized and legal pest elimination methods approved by the health officer.

1.6 Garbage shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

1.7 Habitable Room shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers, or communicating corridors, closets, and storage spaces.

1.8 Health Officer shall mean the legally designated health authority of the City of Petersburg, or his authorized representative, or the Building Inspector of the City of Petersburg.

Page 2 - **Ordinance No. 14**

1.9 Infestation shall mean the presence, within or around a dwelling, of any insects, rodents or other pests.

1.10 Multiple dwelling shall mean any dwelling containing more than two dwelling units.

1.11 Occupant, shall mean any person, over 1 year of age, living, sleeping, cooking, or eating in, or having actual possession of, a dwelling unit or rooming unit.

1.12 Operator shall mean any person who has charge, care, or control of a building, or part thereof in which dwelling units or rooming units are let.

1.13 Ordinary Minimum Winter Conditions shall mean the temperature 15° F above the lowest recorded temperature for the previous 10 year period.

1.14 Owner shall mean any person who, alone or jointly or severally with others:

(a) Shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof, or

(b) Shall have charge, care, or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this ordinance, and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

1.15 Person shall mean and include any individual, firm, corporation, association or partnership.

1.16 Plumbing shall mean and include all of the following supplied facilities and equipments gas pipes, gas burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to approved wells, City Municipal Water system. City Municipal Sewage System or gas lines.

1.17 Rooming Unit shall mean any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

1.18 Rooming House shall mean any dwelling, or that part of any dwelling, containing one or more rooming units, in which space is let by the owner or operator to three or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator.

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

1.20 Supplied shall mean paid for, furnished, or provided by or under the control of, the owner or operator.

1.21 Temporary Housing shall mean any tent, trailer, or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than 30 consecutive days.

1.22 Meaning of Certain Words. Whenever the words "dwelling unit", "rooming house", "rooming unit", "premises", are used in this ordinance, they shall be construed as though they were followed by the words "or any part thereof."

SECTION II: INSPECTION OF DWELLINGS, DWELLING UNITS, ROOMING UNITS AND PREMISES

2.1 The health officer is hereby authorized and directed to make inspections to determine the condition of dwellings, dwelling units, rooming units, and premises located within this City of Petersburg, in order that he may perform his duty of safeguarding the health and the safety of the occupants of dwellings and of the general public. For the purpose of making such inspections, the health officer is hereby authorized to enter, examine, and survey at all reasonable times all dwellings, dwelling units, rooming units, and premises. The owner or occupant of every dwelling, dwelling unit, and rooming unit, or the person in charge thereof, shall give the health officer free access to such dwelling, dwelling unit or rooming unit and its premises, at all reasonable times for the purpose of such inspection, examination, and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee access to any part of such dwelling or dwelling unit, or its premises, at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this ordinance or with any lawful rule or regulation adopted or any lawful order issued pursuant to the provisions of this ordinance.

SECTION III: ENFORCEMENT. SERVICE OF NOTICES AND ORDERS.
HEARINGS.

3.1 Whenever such health officer determines that there are reasonable grounds to believe there has been a violation of any provisions of this ordinance or of any rule or regulation adopted pursuant thereto, he shall give notice of such alleged violation to the person or persons responsible therefor, as hereinafter provided. Such notice shall:

- (a) Be put in writing;
- (b) Include a statement of the reasons why it is being issued;
- (c) Allow a reasonable time for the performance of any act it requires;
- (d) Be served upon the owner or his agent, or the occupant, as the case may require; Provided that such notice shall be deemed to be properly served upon such owner or agent, or upon such occupant, if a copy thereof is served upon him personally; or if a copy thereof is sent by registered mail to his last known address, or if a copy thereof is posted in a conspicuous place in or about the dwelling affected by the notice; or if he is served with such notice by any other method authorized or required under the laws of this state.

Such notice may:

- (e) Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this ordinance and with rules and regulations adopted pursuant thereto

3.2 Any person affected by any Notice which has been issued in connection with the enforcement of this ordinance, may request a hearing before the City Council, provided that such person shall file with the City Clerk a written petition, requesting a hearing, and setting forth a brief statement of the grounds therefor, within ten days after the day the notice was served. The Council shall promptly set a time and place for such hearing, and give the petitioner written notice thereof.

3.3 The Council, in order that the provisions of this Ordinance may be reasonably applied and substantial justice done in instances where practical difficulties are apparent, or necessary hardship would result in carrying out the strict letter of the ordinance, may determine if the matter presented will be in violation of the intent of this Act, and contrary to the public health and safety. The Council may sustain, modify, or withdraw the Notice of the health officer. A Notice shall automatically become an Order of the health officer if a petition has not been filed within ten days with the City Clerk, or within ten days after determination by the City Council.

3.4 The Council may designate a Board, consisting of not less than three members, to hear petitions filed hereunder, or may designate a Board of Health to hear such petitions.

SECTION IV: MINIMUM STANDARDS

No person, unless the owner or occupant of the dwelling on the effective date of this ordinance, shall hereafter occupy or permit any other person to occupy the dwelling, under lease or otherwise, unless the dwelling complies with the following requirements:

4.1 Every dwelling unit shall contain a kitchen sink in good working condition and properly connected to an approved well and Municipal Sewage System, approved by the health officer.

4.2 Every dwelling (except as otherwise permitted under Subsection 4.4 of this Section) shall contain a room which affords privacy to a person within said room and which is equipped with a flush water closet and a lavatory basin in good working condition, and properly connected to the Municipal Water System or an approved well, and the Municipal Sewage System.

4.3 Every dwelling unit (except as otherwise permitted under Section 4.4 of this Section) shall contain, within a room which affords privacy to a person within said room, a bathtub or shower in good working condition, and properly connected to the Municipal Water System or an approved well and Municipal Sewerage system.

4.4 The occupants of not more than two dwelling units may share a single flush water closet, a single lavatory basin, and a single bathtub or shower if:

(a) Neither of the two dwelling units contains more than two rooms: Provided that, for the purposes of this Subsection, a kitchenette or an efficiency kitchen with not more than 60 square feet of floor area shall not be counted as a room; and that

(b) The habitable area of such dwelling units shall equal not more than 250 square feet of floor area, and that

(c) Such water closet, lavatory basin, and bathtub or shower shall be in good working condition and properly connected to an approved well and Municipal Sewage System, Approved by the health officer.

4.5 Every kitchen sink, lavatory basin, and bathtub or shower required under the provisions of Subsections 4.1, 4.2, 4.3, and 4.4 of Section of this ordinance shall be properly connected with both hot and cold water lines.

4.6 Every dwelling shall be supplied with adequate rubbish storage garbage disposal facilities, in compliance with the Petersburg Refuse Disposal Ordinance

4.7 Every dwelling shall have supplied water-heating facilities which are properly installed, are maintained in safe and good working condition, are properly connected with the hot water lines required under the provisions of Subsection 4.5 of Section 4 of this ordinance, and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than 120° F. Such supplied water-heating facilities shall be capable of meeting the requirements of this Subsection when the dwelling or dwelling unit heating facilities required under the provisions of Subsection 4.11 of Section 4 of this ordinance are not in operation.

4.8 Every dwelling unit shall have safe, unobstructed means of egress leading to safe and open space at ground level, as required by the laws of this State and this City.

4.9 Every bathroom and water closet compartment shall be adequately ventilated.

4.10 Where there is electric service available from power lines which are not more than 300 feet away from the dwelling, every habitable room of such dwelling shall contain at least one outlet or supplied ceiling type electric light fixture, and every water closet compartment, bathroom, laundry room, furnace room, and hall shall contain at least one supplied ceiling or wall type electric light fixture. Every such outlet and fixture shall be properly installed, shall be maintained in good and safe working condition, and shall be connected to the source of electric power in a safe manner.

4.11 Every dwelling occupied as a permanent year around dwelling shall have heating facilities which are properly installed, are maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments, under ordinary minimum winter conditions. Every such dwelling shall have a fireproof chimney, as required by the Building Code.

4.12 Every public hall and stairway in every multiple dwelling containing five or more dwelling units shall be adequately lighted at all times. Every public hall and stairway in structures devoted solely to dwelling occupancy and containing not more than four dwelling units may be supplied with conveniently located light switches, controlling an adequate lighting system which may be turned on when needed, instead of full time lighting.

4.13 Every basement, crawl space or cellar window used or intended to be used for ventilation, and every other opening to a basement or crawl space which might provide an entry for rodents, shall be supplied with a screen or such other device that will effectively prevent their entrance.

4.14 Every floor, wall, ceiling and roof shall be reasonably weathertight, watertight and rodentproof; shall be capable of affording privacy, and shall be kept in good repair.

4.15 Every window, exterior door, and basement hatchway shall be reasonably weathertight, and rodentproof; and shall be kept in sound working condition and good repair.

4.16 Every inside and outside stair, and every porch and every appurtenance thereto, shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in sound condition and good repair.

4.17 Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition, free from defects, leaks and obstructions.

4.18 Every water closet compartment, floor surface and bathroom floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floors to be easily kept in a clean and sanitary condition.

4.19 Every supplied facility, piece of equipment, or utility which is required under this ordinance shall be so constructed or installed that it will function safely and effectively, and shall be maintained in satisfactory working condition

4.20 No owner, operator, or occupant shall cause any service, facility equipment or utility which is required under this ordinance to be removed from or shut off from or discontinued for any occupied dwelling let or occupied by him, except for such temporary interruptions as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the health officer.

4.21 No owner shall occupy or let to any other occupant any vacant dwelling unit unless it is clean, sanitary and fit for human occupancy.

SECTION V: RESPONSIBILITIES OF OWNERS AND OCCUPANTS

5.1 Every owner of a dwelling containing two or more dwelling units shall be responsible for maintaining a clean and sanitary condition in the shared or public areas of the dwelling and premises thereof.

5.2 Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, and premises thereof which he occupies and controls.

5.3 Every occupant of a dwelling unit or dwelling shall dispose of all his rubbish in a clean and sanitary manner by placing it in the rubbish containers required by Subsection 4.6 of Section 4 of this ordinance.

5.4 Every occupant of a dwelling or dwelling unit shall dispose of all his garbage and any other organic waste which might provide food for rodents, in a clean and sanitary manner, by placing it in the garbage disposal facilities or garbage storage containers required by Subsection 4.6 of Section 4 of this ordinance. It shall be the responsibility of the owner to supply such facilities or containers for all dwelling units in a dwelling containing more than four dwelling units and for all dwelling units located on premises where more than four dwelling units share the same premises. In all other cases it shall be the responsibility of the occupant to furnish such facilities or containers.

5.5 Every occupant of a dwelling containing a single dwelling shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Notwithstanding the foregoing provisions of this Subsection, whenever such infestation is caused by failure of the owner to maintain a dwelling in a ratproof or reasonably insectproof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.

5.6 Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

SECTION VI: DESIGNATION OF UNFIT DWELLINGS AND LEGAL PROCEDURE OF CONDEMNATION

6.1 Any dwelling or dwelling unit which shall be found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the health officer.

56.1.1 One which is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public.

6.1.2 One which lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants or of the public.

6.1.3 One which, because of its general condition or location, is unsanitary, or otherwise dangerous, to the health or safety of the occupants or of the public

6.2 Any dwelling or dwelling unit condemned as unfit for human habitation and so designated and placarded by the health officer, shall be vacated within a reasonable time as ordered by the health officer.

6.3 No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by, the health officer. The health officer shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.

6.4 No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such, except as provided in Subsection 6.3.

6.5 Any person affected by any notice or order relating to the condemnation and placarding of a dwelling or dwelling unit as unfit for human habitation may request and shall be granted a hearing on the matter before the City Council, under the procedure set forth in Section 3 of this Ordinance.

SECTION VII: HEALTH OFFICER CERTIFICATION

7.1 No person, unless the owner or occupant of the dwelling or dwelling unit on the effective date of this ordinance shall hereafter occupy or permit any other person to occupy the dwelling or dwelling unit unless application is first made to the City of Petersburg Health Officer for inspection to determine if the dwelling or dwelling unit complies with these minimum standards and no such person shall occupy said dwelling or dwelling unit until a certificate of occupancy evidencing that the dwelling or dwelling unit complies with these minimum standards has been issued by the City of Petersburg Health Officer.

SECTION VIII: PENALTIES

8.1 Any person violating the provisions of this ordinance shall be guilty of a misdemeanor, punishable by a fine not to exceed \$100.00, or imprisonment in the Monroe County Jail, not to exceed 90 days, or both such fine and imprisonment, in the discretion of the Court.

SECTION IX: CONFLICT OF ORDINANCES: EFFECT OF PARTIAL INVALIDITY

9.1 In any case where a provision of this ordinance is found to be in conflict with a provision of the zoning code, building code, refuse code, or any other ordinance of the City, the provisions of which establish a higher standard for the promotion and protection of the health and safety of the people, then the higher standard shall prevail.

SECTION X: EFFECTIVE DATE

This ordinance shall be effective on and after the 10th day of Sept. 1974.

I, William Perry, City Clerk of the City of Petersburg, do hereby certify, that the foregoing Ordinance No. 014 was duly adopted and passed as an ordinance at a regularly held meeting of Council on August 5 1974

William E Perry
City Clerk

ORDINANCE N0. 17

AN ORDINANCE REGULATING CROSS-CONNECTIONS WITH THE PUBLIC WATER SUPPLY SYSTEM

The City of Petersburg ordains:

Section 1: The City adopts by reference the Water Supply Cross-Connection Rules of the Michigan Department of Public Health, being R-325.431 to R-325.440 of the Michigan Administrative Code.

Section 2: That it shall be the duty of the City to cause inspections to be made of all properties served by the Public Water Supply where cross connections with the Public Water Supply is deemed possible. The frequencies of inspections and reinspections based on potential health hazards involved shall be as established by the City and as approved by the Michigan Department of Public Health.

Section 3: That the representatives of the City shall have the right to enter at any reasonable time on any property served by a connection to the Public Water Supply System of the City of Petersburg for the purpose of inspecting piping systems or systems thereof for cross-connections. On request, the owner, lessee, or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access when requested shall be deemed evidence of the presence of cross-connections.

Section 4: The City is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this ordinance exists and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply system. Water service to such property shall not be restored until the cross-connection has been eliminated in compliance with the provisions of this ordinance.

Section 5: That the potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified by this ordinance and by the State Plumbing Code. Any water outlet which could be used for potable or domestic purposes, and which is not supplied by the potable system must be labeled in a conspicuous manner as "Water Unsafe for Drinking"

Section 6: This ordinance does not supersede the State Plumbing Code but is supplementary to it.

Section 7: Any person or customer found guilty of violating any of the provisions of this ordinance or any written order of the City of Petersburg Water Department shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not

exceeding \$100.00 or imprisonment for not more than 90 days in the Monroe County Jail, or both such fine and imprisonment in the discretion of the Court. Each day upon which a violation of the provisions of this act shall occur shall be deemed a separate and additional violation for the purposes of this ordinance.

Certified

This is to attest that final reading of Ordinance No. 017 was duly recorded in minutes of Council Proceedings dated April 7, 1975.

Signature
Clerk

ORDINANCE NO. 029

**AN ORDINANCE CREATING THE CITY OF PETERSBURG PLANNING COMMISSION
UNDER THE PROVISIONS OF ACT 285 OF THE PUBLIC ACTS OF 1931, AS AMENDED**

THE CITY OF PETERSBURG ORDAINS:

Section 1: The Petersburg Planning Commission is hereby created in accordance with the provisions of Act 285 of the Public Acts of 1931, as amended.

Section 2: The Planning Commission shall be vested with the powers and duties as set forth in Act Number 285 of the Public Acts of 1931 as amended.

Section 3: The Petersburg Planning Commission shall consist of nine members, six of whom shall be appointed by the Mayor, with the consent of the majority vote of the Council, who shall represent, insofar as possible, different professions or occupations within the City; and remaining three to be selected from a group consisting of the Mayor, Council and/or City officials as approved by the Council.

Section 4: The terms of each appointed member shall be three years or until his successor takes office, except that the terms of office of the first members appointed shall be two for one year, two for two years and two for three years. The terms of ex officio members shall correspond to their respective official tenures, except that the term of the administrative official selected by the Mayor shall terminate with the term of the Mayor selecting him.

Section 5: The Planning Commission shall elect its Chairman from amongst the six appointed members and the term of office of the Chairman shall be one year.

Section 6: The Commission shall hold at least one regular meeting each month.

Section 7: The Commission shall adopt rules for transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which shall be a public record.

Section 8: It shall be the function and duty of the Planning Commission to make and adopt a master plan for the physical development of the municipality, including any areas outside of its boundaries, which, in the Commission's judgement, bears relation to the planning of such municipality. Such plan, with the accompanying maps, plats, charts and descriptive matters shall show the Commission's recommendations for the development of said territory, including among other things, the general location, character and extent of streets, bridges, water ways, water fronts, boulevards, parkways, play grounds and open spaces; the general location of public buildings and other public property and the general location and extent of public utilities and terminals, whether publicly or privately owned or operated for water, lights, sanitation, transportation, communication, power and other purposes; also the removal,

relocation, widening, narrowing, vacating, abandonment, change of use or extension of any of the foregoing ways, grounds, open spaces, buildings, property, utilities or terminals; the general location, character and lay-out of the replanning and redevelopment of blighted districts and slum areas; as well as a zoning plan for the control of the height, area, bulk, location and use of buildings and premises. As the work of making the whole master plan progresses, the Commission may from time to time adopt and publish a part or parts thereof, any such part to cover one or more major sections or divisions of the municipality, or one or more of the aforesaid or other functional matters to be included in the plan.

Section 9: This ordinance shall be in full force and effect within twenty (20) days after its final passage and publication.

Final reading of Ordinance No. 029 and so recorded in minutes of Council meeting
Dated December 27, 1977.

William E. Perry, City Clerk

Ordinance No. 030

DISORDERLY PERSON ORDINANCE

THE CITY OF PETERSBURG ORDAINS:

SECTION 1. Definition.

A person is a disorderly person if the person is any of the following:

- (a) A person who is drunk or intoxicated in a public place or in a private place accessible to the public and who is either endangering directly, the safety of another person or of property or is acting in a manner that causes a public disturbance.
- (b) A person found obstructing, molesting, or interfering with any person lawfully in any place, public or private, or engaged in a lawful pursuit.
- (c) A person found causing, provoking, or engaging in any fight, brawl, or riotous conduct so as to endanger the life, limb, health, or property of another.
- (d) A person found jostling or roughly crowding people unnecessarily in a public place.
- (e) A person making a loud, boisterous, and/or unseemly noise or disturbance.
- (f) A person interfering with the lawful pursuits of another or others by acts of violence.
- (g) A person found congregating with another or others in a public way so as to halt or interfere with the flow of traffic, whether vehicular or pedestrian.
- (h) A person who refuses to promptly clear a public way to permit the passage of vehicular or pedestrian traffic when ordered to do so by a police officer.
- (i) A person who enters on private property open to the public without the expressed permission of the owner or occupant of the property.
- (j) A person who allows as owner, occupant, or manager of property a loud, boisterous, and/or unseemly noise or disturbance to be made.
- (k) A person who violates any of the rules heretofore or hereafter adopted by the City of Petersburg for the use of public parks, parking lots, and play areas, provided said rules are posted in a conspicuous place within the area controlled by said regulations.
- (l) A person who engages in an illegal occupation or business.

(m) A person found begging in a public place or on private property open to the public.

(n) A person found loitering in a house of ill fame or prostitution or place where prostitution or lewdness is practiced, encouraged, or allowed.

SECTION 2. ORDINANCE NO. 12 is hereby repealed and all other ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 3. Penalty.

Any person violating any of the provisions of this Ordinance shall upon conviction thereof be sentenced to pay a fine of not exceeding \$100.00 or to imprisonment for not more than ninety (90) days in the Monroe County Jail, or both such fine and imprisonment in the discretion of the Court.

SECTION 4.

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional such decision or decisions shall not affect the validity of the remaining portions of this Ordinance. The City hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more section, subsection, sentence, clause or phrase be declared unconstitutional.

Final Reading of Ordinance No. 030 duly recorded in minutes of council meeting dated March 20, 1978

Published
MARCH 22.1978
Petersburg Sun

William E. Perry, City Clerk

ORDINANCE NO. 031

AN ORDINANCE DECLARING A TEMPORARY MORATORIUM ON NEW CONSTRUCTION, SUBSTANTIAL IMPROVEMENT, AND OTHER DEVELOPMENT IN AREAS OF SPECIAL FLOOD HAZARD IN THE CITY OF PETERSBURG

THE CITY OF PETERSBURG ORDAINS:

Section 1: That new construction, substantial improvement, and other development in areas of special flood hazard in the City of Petersburg shall not be permitted until such time as the City of Petersburg shall adopt its zoning ordinances which shall make provisions for such construction, improvement or other development in areas of special flood hazard.

Section 2: That the areas of special flood hazard identified by the Federal Insurance Administration on its Flood Hazard Boundary Map (FHBM), No. H-01, dated June 25, 1976, is adopted by reference and declared to be a part of this ordinance. The FHBM is on file at the Municipal Building, 24 East Center Street, Petersburg, Michigan, 49270.

Section 3: That the Building Inspector shall be formally instructed by the City Clerk that no permits for new construction, substantial improvement, and other developments shall be issued within the areas of special flood hazard identified on the FHBM until such time as the City of Petersburg shall adopt its zoning ordinance which shall make provisions for such construction, improvement or other development in areas of special flood hazard.

Section 4: This ordinance shall take effect on JANUARY 15, 1979

Section 5: Penalty

Any person who violates this ordinance shall upon conviction thereof shall be fined not more than \$500.00 or imprisoned for not more than 90 days or both for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City of Petersburg from taking other such lawful action as is necessary to prevent or remedy any violation.

Certification

I hereby certify that the above is a true and complete copy of an ordinance adopted by the City Council of the City of Petersburg, County of Monroe, Michigan at a regular meeting held on JANUARY 2 1979 and said meeting was properly noticed in accordance with Act No. 267, Public Acts of Michigan, 1976; That the meeting at which the ordinance was adopted was conducted in accordance with the requirements of the aforesaid acts and that the requirements of that act relative to the availability of minutes of the aforesaid meeting have been complied with.

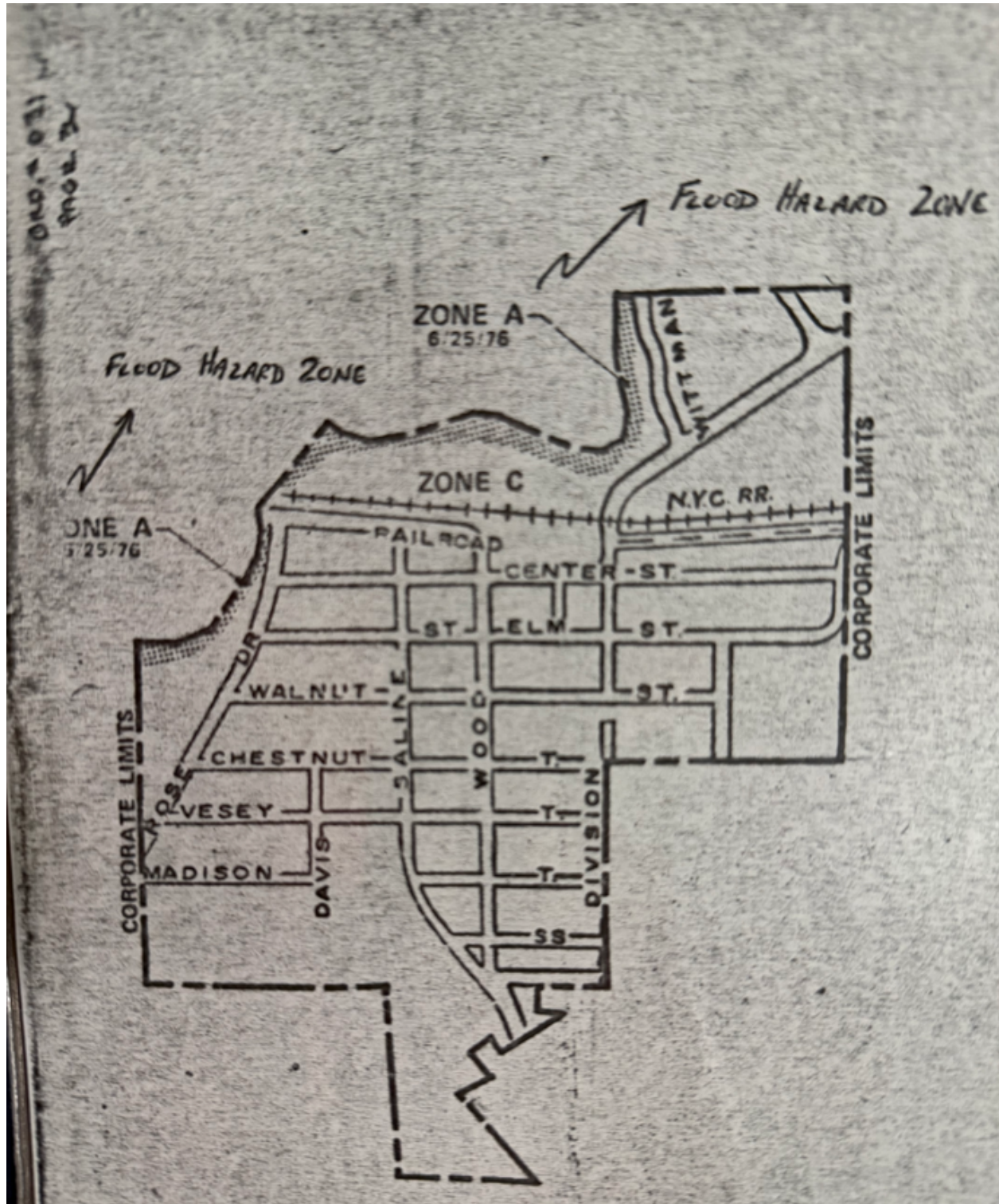
Dated: JANUARY 2. 1979

William E. Perry

City Clerk

Page 2 - **Ordinance No. 031**

Flood Hazard Zone Map



ORDINANCE NO. 033

AN ORDINANCE TO ADOPT BY REFERENCE THE UNIFORM PLUMBING CODE, 1976 EDITION, APPENDIXES THERETO, AND THE 1977 SUPPLEMENT THERETO

The City of Petersburg ordains:

Section 1: Code Adopted

The Uniform Plumbing Code, 1976 Edition, all Appendixes thereon, and the 1977 Supplement thereto, adopted by the International Association of Plumbing and Mechanical Officials at the 43rd Annual Conference, is hereby adopted as the Plumbing Code of the City of Petersburg

Section 2: Scope

The provisions of this Code shall apply to the erection, installation, alteration, addition, repair, relocation, replacement, maintenance or use of any plumbing system except as otherwise provided for in this Code.

Section 3: Home Owner's Constitutional Privilege

Nothing herein contained shall prohibit any bonafide home owner from personally installing plumbing in his own resi-dence provided the owner shall:

1. Certify that the applicant is to be the owner and occupant, or eventual occupant, of the single-family residence; that he or she will personally install the plumbing for which application is made.
2. Apply for and secure a permit in accordance with the provisions of this Code.
3. Pay required fees.
4. Apply for inspections.
5. Receive the approval of the plumbing inspector for all work performed under such permit.

Section 4: Existing Installations

(a) Any plumbing system lawfully installed prior to the effective date of this Code may have its existing use, maintenance or repair continued if the use, maintenance or repair is in accordance with the original design and location and no hazard to the public health, safety or welfare has been created by such system.

(b) The owner or his designated agent shall be responsible for the maintenance of the plumbing system in a safe and sanitary condition.

Section 5: Definitions

The Administrative Authority shall be the Building Inspector, and his duly designated deputies and inspectors, duly appointed to enforce this Code.

Section 6: Violations and Penalties

(a) Any person, firm or corporation violating any provision of this Code shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not to exceed Five Hundred (\$500.00) Dollars or by imprisonment not to exceed ninety (90) days, or both fine and imprisonment.

(b) Each separate day or any portion thereof during which any violation of this Code occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as herein provided.

(c) The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this Code.

(d) No permit presuming to give authority to violate or cancel the provisions of this Code shall be valid, except insofar as the work or use which it authorized is lawful.

(e) The issuance or granting of a permit or approval of plans shall not prevent the Administrative Authority from thereafter requiring the correction of errors in said plans and specifications or from preventing construction operations being carried on thereunder when in violation of this Code or of another ordinance or from revoking any certificate of approval when issued in error.

(f) Every permit issued by the Administrative Authority under the provisions of this Code shall expire by limitation and become null and void, if the work authorized by such permit is not commenced within one hundred twenty (120) days from the date of issuance of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred twenty (120) days. Before such work can be recommenced, a new permit shall be first obtained, and the fee shall be one-half (1/2) the amount required for a new permit for such work, provided no changes have been made, or will be made in the original plans and specifications for such work; and provided, further, that such suspension or abandonment has not exceeded one (1) year.

Section 7: Permit Required

(a) It shall be unlawful for any person to install, remove, alter, repair, or replace or cause to be installed, removed, altered, repaired or replaced any plumbing, gas or drainage piping work or any fixture or water heating or treating equipment in a building or premises except as work defined in Section 8, without first obtaining a permit to do such work from the Administrative Authority (Building Official).

(b) A separate permit shall be obtained for each building or structure.

(c) No person shall allow any other person to do or cause to be done any work under a permit secured by a Permittee except persons in his employ.

Section 8: Work not Requiring a Permit

No permit shall be required in the case of any repair work as follows:

The stopping of leaks in drains, soil, waste or vent pipe, provided, however, that should any drainpipe, soil waste or vent pipe be or become defective and it becomes necessary to remove and replace the same with new material in any part or parts, the same shall be considered as such new work and a permit shall be procured and inspection made as hereinbefore provided. No permit shall be required for the cleaning of stoppages or the repairing of leaks in pipes, valves or fixtures, when such repairs do not involve or require the rearrangement of valves, pipes or fixtures.

Section 9: Application for Permit

Any person legally entitled to apply for and receive a permit shall make such application on forms provided for that purpose. He shall give a description of the character of the work proposed to be done, and the location, ownership, occupancy and use of the premises, in connection therewith. The Administrative Authority may require plans, specifications or drawings and such other information as he may deem necessary.

If the Administrative Authority determines that the plans, specifications, drawings, descriptions or information furnished by the applicant is in compliance with this Code, he shall issue the permit applied for upon payment of the required fee as hereinafter fixed.

Section 10: All formal ordinances or parts thereof conflict-ing or inconsistent with the provisions of this Code or of the Code hereby adopted, are hereby repealed.

Section 11: If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 12: This ordinance shall be in full force and effect thirty (30) days after final passage and publication.

I, Willian B. Perry, City Clerk of the City of Petersburg, do hereby certify, that the foregoing Ordinance No. 033, was duly adopted and passed as an Ordinance at a regularly held meeting of the City Council on June 18, 1979.

Willian B. Perry
City Clerk

ORDINANCE NO. 035

An Ordinance to establish the Compensation Commission of the City of Petersburg, which shall determine the Salaries of each elected official of the City of Petersburg.

The City of Petersburg Ordains:

SECTION 1. Local Offices Compensation Commission; Creation; Membership; Terms; Vacancies.

- (a) A Compensation Commission shall be and is hereby created which shall determine the salaries of each elected official of the City of Petersburg.
- (b) The Commission shall be known as the "Compensation Commission of the City of Petersburg."
- (c) The Commission shall consist of 5 members.
- (d) The members shall be registered electors of the City.
- (e) The Mayor shall appoint the members, subject to confirmation by a majority of the members elected and serving on the City Council.
- (f) The terms of office shall be 5 years, except that of the members first appointed, one (1) each shall be appointed for terms of 1,2,3,4 and 5 years.
- (g) The first members shall be appointed within 30 days after the effective date of this ordinance.
- (h) Members other than the first members shall be appointed before October 1st of the year of appointment.
- (i) Vacancies shall be filled for the remainder of the unexpired terms.
- (j) A member or employee of the legislative, judicial or executive branch of government or a member of the immediate family of a member or employee of the legislative, judicial, or executive branch of government shall not be a member of the Commission.

SECTION 2. DETERMINATION OF SALARIES.

- (a) The Commission shall determine the salary of each elected official of the City of Petersburg.

(b) The Commission shall submit its determination to the City Clerk by 2nd Monday in March in each odd numbered year; except that in the first year, the Commission shall make and file a determination with the City Clerk by January 15, 1980

(c) The determination of the Commission shall be effective 30 days following its filing with the City Clerk unless rejected by the City Council.

(d) The City Clerk shall advise the City Council of the Commission's determination of salaries at the next regularly scheduled council meeting following the filing of the determination with the City Clerk.

(e) The City Council may reject the determination by resolution adopted by 2/3 of its members in which case the existing salary shall prevail.

(f) The Commission may determine and change the salary of an elected official during the term of the elected official and the provision in the Charter with respect to changing salaries during the term shall be inapplicable.

SECTION 3. Meetings; Quorum; Chairperson; Majority Vote; Session Days; Compensation.

(a) The members of the Commission shall not receive compensation, but shall be entitled to actual and necessary expenses incurred in the performance of official duties.

(b) The Commission shall meet for not more than 15 session days and shall make its determination within 45 calendar days after its first meeting.

(c) The Commission shall hold its meeting not before 1st Monday in February but not later than 1st Monday March in each odd numbered year; except that the first meeting shall not be sooner than 60 days but not later than 90 days after the effective date of the ordinance.

(d) A majority of the members of the Commission shall constitute a quorum for conducting the business of the Commission.

(e) The Commission shall not take action or make a determination without a concurrence of a majority of the members appointed and serving on the Commission.

(f) The Commission shall elect a chairperson from among its members.

SECTION 4. OPEN MEETINGS

All meetings of the Commission shall be held in accordance with Act No. 442 of the Public Acts of 1976.

This Ordinance passed final reading at regular Council Meeting held October 1, 1979

Wm. B. Perry
City Clerk

ORDINANCE NO. 036

AN ORDINANCE TO ADOPT BY REFERENCE THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, THE 1976 EDITION, AND THE 1978 ACCUMULATIVE SUPPLEMENT.

THE CITY OF PETERSBURG ORDAINS:

SECTION 1: Code Adopted

The Uniform Code for the Abatement of Dangerous Buildings, 1976 edition, and the 1978 Accumulative Supplement thereto, shall be and is hereby adopted by the City of Petersburg.

SECTION 2: Scope

The provisions of this Code shall apply to all dangerous buildings as herein defined, which are now in existence or which may hereinafter become dangerous in this City.

SECTION 3: References in Code

A. References made in the Code to the Building Official shall mean the Building Inspector for the City of Petersburg.

B. A reference in the Code to the Board of Appeals shall be the members of the Board of Zoning Appeals of the City of Petersburg, excluding the Chairman of the Planning Commission and the representative from the City Council.

SECTION 4:

All other Ordinances inconsistent with the provisions of this Ordinance or with the Uniform Code for the Abatement of Dangerous Buildings, as herein adopted, to the extent of such inconsistency are hereby repealed.

SECTION 5:

If any section, subsection, sentence, clause or phrase of this Ordinance or of the Code adopted herein is for any reason held to be unconstitutional, such decisions shall not affect the validity of the remaining portions of this Ordinance.

SECTION 6:

This Ordinance shall be in full force and effect ten (10) days subsequent to its being published.

This Ordinance passed on second reading at a regular council meeting, dated March 3rd, 1980.
Published in the Petersburg Sun on the 6th day of March, 1980.

Certification By-
William E. Perry
City Clerk

ORDINANCE NO. 40

AN ORDINANCE TO REGULATE EXCAVATION IN THE STREETS, ALLEYS AND PUBLIC PLACES OF THE CITY OF PETERSBURG AND TO PROVIDE PUNISHMENT FOR VIOLATIONS OF THIS ORDINANCE.

THE CITY OF PETERSBURG ORDAINS:

SECTION 1: PERMIT REQUIRED

It shall be unlawful for any person, firm or corporation, public or private, and including the City of Petersburg, to open any trench, ditch or to excavate in anyway whatsoever in any of the streets, alleys or public places of the City of Petersburg for any purpose whatsoever without first obtaining a permit for each separate excavation from the City Building Inspector and/or Water Superintendent.

SECTION 2: APPLICATION

To obtain a permit, the applicant shall file an application therefore in writing with the City Inspector and/or Water Superintendent. Every application shall:

- A. Describe with particularity the location of the excavation.
- B. Describe the dimensions of the excavation.
- C. Set the time within which the excavation shall be made and completed.
- D. Provide any other relevant information reasonably requested by the City Building Inspector.

SECTION 3: PERMITS ISSUANCE

A. Issuance: The City Building Inspector and/or Water Superintendent shall review the application; and if he finds that the work described in the application conforms to the requirements of this ordinance and other pertinent laws and ordinances, he shall issue a permit therefore to the applicant.

B. Expiration: The City Building Inspector and/or Water Superintendent shall set an expiration date and place said date on the permit.

SECTION 4: UNIFORM BUILDING CODE

The Uniform Building Code as adopted by the City of Petersburg from time to time is hereby incorporated by reference and made a part hereof to the extent that it regulated excavations.

SECTION 5: PENALTIES

Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$100.00 and costs of prosecution or in default thereof by imprisonment in the County Jail not exceeding thirty days.

SECTION 6: REPEAL

All ordinances or parts thereof in conflict with this ordinance are hereby repealed.

SECTION 7: SEVERABILITY

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 8: FEES

No permit fee required.

SECTION 9: EFFECTIVE DATE

This ordinance shall take effect on the day of December 1980.

William E. Perry
City Clerk

ORDINANCE NO. 042

**AN ORDINANCE TO ADOPT BY REFERENCE THE UNIFORM TRAFFIC CODE FOR
MICHIGAN CITIES, TOWNSHIPS AND VILLAGES, AS AMENDED.
THE CITY OF PETERSBURG ORDAINS:**

SECTION 1. CODE ADOPTED

The Uniform Traffic Code for cities, townships and villages promulgated by the Director of State Police and published in the 1979 edition of the Michigan Administrative Code and amendments as published in the Quarterly Supplement No. 5 to the 1979 edition of the Michigan Administrative Code, in accordance with Public Act 62 of 1956, State of Michigan, is hereby adopted by reference as in this ordinance modified.

SECTION 2. REFERENCES IN CODE.

References in the Uniform Traffic Code for Michigan Cities, Townships and Villages to "governmental unit" shall mean the City of Petersburg.

SECTION 3. NOTICE TO BE PUBLISHED

The City Clerk shall publish this Ordinance in the manner required by law and shall at the same time publish a supplementary notice setting forth the purpose of the said Uniform Traffic Code and of the fact that a complete copy of the Code is available at the office of the Clerk for inspection by the public at all times.

SECTION 4. CONFLICTING ORDINANCES REPEALED.

Ordinance No. 34 is hereby specifically repealed. All other ordinances inconsistent with the provisions of the Uniform Traffic Code are, to the extent of such inconsistency, hereby repealed.

SECTION 5. WHEN EFFECTIVE.

The Uniform Traffic Code will be in effect in this governmental unit twenty days after the passage of this adopting ordinance, adopted JULY 6th. 1981.

ATTEST: THIS ORDINANCE PASSED AND WAS DULY RECORDED IN THE REGULAR
MINUTES OF THE COUNCIL OF THE CITY OF PETERSBURG FOR DATE OF 6th DAY OF
JULY 1981.

W. E. Perry, City Clerk

Published: Week of 6th. to 11th of JULY 1981

NOTICE OF THE ADOPTION OF THE UNIFORM TRAFFIC CODE BY THE CITY OF PETERSBURG

Notice is hereby given that pursuant to the provisions of Act 62 of the Public Acts of 1956, State of Michigan, the Uniform Traffic Code for cities, townships and villages was adopted by the Council of the City of Petersburg, on the 6th day of JULY 1981.

The purpose of such Code is to regulate the operation of vehicles, to provide for the regulation and use of streets, highways and alleys and other public and semi-public places within the City of Petersburg, and to provide penalties for the violation of said code.

A complete copy of the Uniform Traffic Code is available at the office of the City Clerk for inspection by the public at all times.

No further or additional notice of the Uniform Traffic Code is required or contemplated.

DATED: JULY 6th, 1981

W. E. PERRY,
City Clerk

ORDINANCE NO. 043

An Ordinance to amend Ordinance No. 42 in accordance with Act No. 309, Public Acts of 1982 and Act No. 310 Public Acts of 1982, and to repeal all other ordinances or parts of ordinances inconsistent with this Ordinance or contrary to this Ordinance.

THE CITY OF PETERSBURG ORDAINS:

A. OPERATING UNDER INFLUENCE OF INTOXICATING LIQUOR OR A CONTROLLED SUBSTANCE, PER SE VIOLATION

SECTION 1. Definition of "Operate" or "Operating".

"Operate" or "Operating" means being in actual physical control of a vehicle regardless of whether or not the person is licensed under the Michigan Vehicle Code as an operator or chauffeur.

SECTION 2. A person whether licensed or not, who is under the influence of intoxicating liquor or a controlled substance, or a combination of intoxicating liquor and a controlled substance, shall not operate a vehicle upon a highway or other place open to the general public, including an area designated for the parking of vehicles, within the City. A peace officer may, without a war-rant, arrest a person when the peace officer has reasonable cause to believe that the person was, at the time of an accident, the driver of a vehicle involved in the accident and was operating the vehicle upon a public highway or other place open to the general public, including an area designated for the parking of vehicles, in the City while in violation of this Section or Section 3.

SECTION 3. A person, whether licensed or not, whose blood contains 0.10% or more by weight of alcohol, shall not operate a vehicle upon a highway or other place open to the general public, including an area designated for the parking of vehicles, within the City.

SECTION 4. The owner of a vehicle or a person in charge or in control of a vehicle shall not authorize or knowingly permit the vehicle to be operated upon a highway or other place open to the general public, including an area designated for the parking of motor vehicles, within the City by a person who is under the in-fluence of intoxicating liquor or a controlled substance, or a combina-tion of intoxicating liquor and a controlled substance.

SECTION 5. Except as otherwise provided in this Section, a person who is convicted of a violation of Section 2, 3, or 4 is guilty of a misdemeanor, punishable by imprisonment for not more than ninety (90) days or a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or both, together with costs of the prosecution. As part of the sentence for a violation of Section 2 or 3, the Court shall order the Secretary of State to issue a restricted license to the person permitting the person during all or a specified portion of the period of suspension to drive only to and from the person's residence and work location; in

the course of the person's employment or occupation; to and from an alcohol or drug education program or treatment program as ordered by the Court; to and from the person's residence and an educational institution at which the person is enrolled as a student; or pursuant to a combination of these restrictions. The Court shall not order the Secretary of State to issue a restricted chauffeur's license which would permit a person to operate a truck or truck tractor, including a trailer, which hauls hazardous material. The Court shall not order the Secretary of State to issue a restricted license unless the person states under oath and the Court finds that the person is unable to take public transportation to and from his or her work location, place of alcohol or drug education or treatment or educational institution, and does not have any family members or others able to provide transportation. The Court order and license shall indicate the person's work location and the approved route or routes and permitted times of travel. For purposes of this Section "work location" includes, as applicable, either or both of the following:

(a) The specific place or places of employment.

(b) The territory or territories regularly visited by the person in pursuance of the person's occupation.

SECTION 6. As part of the sentence for a violation of Section 2 or 3, the Court may order the person to perform service to the community, as designated by the Court, without compensation, for a period not to exceed twelve (12) days. The person shall reimburse the City for the cost of insurance incurred by the City as a result of the person's activities under this Section.

SECTION 7. Before imposing sentence for a violation of Section 2 or 3, the Court shall order the person to undergo screening and assessment by a person or agency designated by the office of substance abuse services, to determine whether the person is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs. As part of the sentence, the Court may order the person to participate in and successfully complete one or more appropriate rehabilitative programs. The person shall pay for the costs of the screening, assessment and rehabilitative services.

SECTION 8. Before accepting a plea of guilty under this Section, the Court shall advise the accused of the statutory consequences to suspension possible as the result of a plea of guilty in respect or revocation of an operator's or chauffeur's license, the penalty imposed for violation of this Section, and the limitation on the right of appeal.

SECTION 9. The operator's or chauffeur's license of a person found guilty of violating Section 2 or 3 shall be surrendered to the Court in which the person was convicted, and the Court shall immediately forward the surrendered license and an abstract of conviction to the Secretary of State. The abstract of conviction shall indicate the sentence imposed. Upon receipt of, and pursuant to the abstract of conviction, the Secretary of State shall suspend or revoke the person's license and, if ordered by the Court and the person is otherwise eligible for a license,

issue to the person a restricted license stating the limited driving privileges indicated on the abstract. If the license is not forwarded to the Secretary of State, an explanation of the reason why the license is absent shall be attached. If the conviction is appealed to Circuit Court, that Court may, ex parte, order the Secretary of State to rescind the suspension, revocation or restricted license issued pursuant to this Section.

B. OPERATING WHILE ABILITY VISIBLY IMPAIRED

SECTION 1. A person shall not operate a vehicle upon a highway or other place open to the general public, including an area designated for the parking of vehicles within the City when, due to the consumption of an intoxicating liquor, a controlled substance, or a combination of an intoxicating liquor and a controlled substance the person has visibly impaired his or her ability to operate the vehicle. If a person is charged with violating Paragraph A, Section 2 or 3, a finding of guilty is permissible under this Section.

SECTION 2. Except as otherwise provided in this Section, a person convicted of a violation of this Section is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not more than \$300.00, or both, together with costs of the prosecution. As part of the sentence, the Court shall order the Secretary of State to suspend the operator's or chauffeur's license of the person for a period of not less than 90 days nor more than one year. The Court may order the Secretary of State to issue to the person a restricted license permitting the person during all or a specified portion of the period of suspension to drive only to and from the person's residence and work location, in the course of the person's employment or occupation, to and from an alcohol or drug education program or treatment program as ordered by the Court; to and from the person's residence and an educational institution at which the person is enrolled as a student; or pursuant to a combination of these restrictions. The Court shall not order the Secretary of State to issue a restricted chauffeur's license which would permit a person to operate a truck or truck tractor, including a trailer, which hauls hazardous material. The Court shall not order the Secretary of State to issue a restricted license unless the person states under oath and the Court finds that the person is unable to take public transportation to and from his or her work location, place of alcohol or drug education or treatment, or educational institution and does not have any family members or others able to provide transportation. The Court order and license shall indicate the person's work location and the approved route or routes and permitted times of travel. For purposes of this Section, "work location" includes, as applicable, either or both of the following:

- (a) The specific place or places of employment.
- (b) The territory or territories regularly visited by the person in pursuance of the person's occupation.

SECTION 3. As part of the sentence for a violation of this Section, the Court may order the person to perform service to the Community, as designated by the Court, without compensation, for a period not to exceed twelve days. The person shall reimburse the City for the cost of insurance incurred by the City as a result of the person's activities under this Section.

SECTION 4. Before imposing sentence for a violation of this-Section, the Court shall order the person to undergo screening and assessment by a person or agency designated by the office of substance abuse services to determine whether the person is likely to benefit from rehabilitative service, including alcohol or drug education and alcohol or drug treatment programs. As part of the sentence, the Court may order the person to participate in and successfully complete one or more appropriate rehabilitative programs. The person shall pay the costs of the screening, assessment and rehabilitative services.

SECTION 5. Before accepting a plea of guilty under this Section, the Court shall advise the accused of the statutory consequences possible as a result of a plea of guilty in respect to suspension or revocation of an operator's or chauffeur's license, the penalty imposed for violation of this Section, and the limitation on the right of appeal.

SECTION 6. The operator's or chauffeur's license of a person found guilty of violating this Section shall be surrendered to the Court in which the person was convicted. The Court shall immediately forward the surrendered license and an abstract of conviction to the Secretary of State. The abstract of conviction shall indicate the sentence imposed. Upon receipt of and pursuant to the abstract of conviction, the Secretary of State shall suspend or revoke the person's license and, if ordered by the Court and the person is otherwise eligible for a license, issue to the person a restricted license stating the limited driving privileges indicated on the abstract. If the license is not forwarded to the Secretary of State, an explanation of the reason why the license is absent shall be attached. If the conviction is appealed to Circuit Court, the Court may ex parte, order the Secretary of State to rescind the suspension, revocation or restricted license issued pursuant to this Section.

C. ARREST WITHOUT A WARRANT

SECTION 1. A peace officer may, without a warrant, arrest a person in the following situations:

(a) When a misdemeanor, or ordinance violation is committed in the peace officer's presence.

(b) When the peace officer has reasonable cause to believe that the person was, at the time of an accident, the driver of a vehicle involved in the accident and was operating the vehicle upon a public highway or other place open to the general public, including an area designated for the parking of vehicles in the City while in violation of Paragraph A, Section 2 or 3.

(c) When the peace officer has reasonable cause to believe that the person was, at the time of an accident, the driver of a snowmobile as defined by Act No. 74 of the Public Acts of 1968, as amended, being Sections 257.1518 of the Michigan Compiled Laws, involved in the accident and was driving the snowmobile while under the influence of an intoxicating liquor; a controlled substance as defined in Section 7104 of Act No. 368 of the Public Acts of 1978, as amended, being Section 333.7104 of the Michigan Compiled laws; or a combination of intoxicating liquor and a controlled substance.

(d) When the peace officer has reasonable cause to believe that the person was at the time of an accident, the driver of an ORV as defined in Act No. 319 of the Public Acts of 1975, as amended, being Section 257.1601 to 257.1626 of the Michigan Compiled Laws, involved in the accident and was driving the ORV while under the influence of an intoxicating liquor; a controlled substance as defined in Section 7104 of Act No. 368 of the Public Acts of 1978, as amended, or a combination of intoxicating liquor and a controlled substance.

D. CHEMICAL TESTS, PRESUMPTIONS, ADMISSIBILITY

SECTION 1. The amount of alcohol or presence of a controlled substance or both in the driver's blood at the time alleged as shown by chemical analysis of the person's blood, urine, or breath shall be admissible into evidence in a criminal prosecution for any of the following:

(a) A violation of Paragraph A, Section 2, 3, or 4 or Paragraph B, Section 1.

SECTION 2. If a test is given, the results of the test shall be made available to the person charged or the person's attorney upon written request to the prosecution, with a copy of the request filed with the Court. The prosecution shall furnish the report at least two days before the day of the trial and the results shall be offered as evidence by the prosecution in a criminal proceeding. Failure to comply with the request shall bar the admission of the results into evidence by the prosecution.

SECTION 3. Except in a prosecution relating solely to a violation of Paragraph A, Section 3, the amount of alcohol in the driver's blood at the time alleged as shown by chemical analysis of the person's blood, urine, or breath shall give rise to the following presumptions:

(a) If there was at the time 0.07% or less by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was not under the influence of intoxicating liquor.

(b) If there was at the time in excess of 0.07% but less than 0.10% by weight of alcohol in the defendant's blood it shall be presumed that the defendant's ability to operate a

vehicle was impaired within the provisions of Paragraph B, Section 1, due to the consumption of intoxicating liquor.

(c) If there was at the time 0.10% or more by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was under the influence of intoxicating liquor.

SECTION 4. A sample or specimen of urine or breath shall be taken and collected in a reasonable manner. Only a licensed physician, or a licensed nurse or medical technician under the direction of a licensed physician and qualified to withdraw blood acting in a medical environment, at the request of a peace officer, may withdraw blood for the purpose of determining the amount of alcohol or presence of a controlled substance or both in the person's blood, as provided in this Act. Liability for a crime or civil damages predicated on the act of withdrawing blood and related procedures shall not attach to a qualified person who withdraws blood or assists in the withdrawal in accordance with this Act unless the withdrawal is performed in a negligent manner.

SECTION 5. A person who takes a chemical test administered at the request of a peace officer, as provided in this Section, shall be given a reasonable opportunity to have a person of his or her own choosing administer one of the chemical tests described in this Section within a reasonable time after his or her detention, and the results of the test shall be admissible and shall be considered with other competent evidence in determining the innocence or guilt of the defendant. If the person charged is administered a chemical test by a person of his or her own choosing, the person charged shall be responsible for obtaining a chemical analysis of the test sample. The person charged shall be informed that he or she has the right to demand that a person of his or her choosing administer one of the tests provided for in Subsection 1 that the results of the test shall be admissible and shall be considered with other competent evidence in determining the innocence or obtaining a chemical analysis of the test sample.

SECTION 6. The person charged shall be advised that if the person refuses the request of a peace officer to take a test described in this Section, a test shall not be given without a Court order. The person charged shall also be advised that the person's refusal of the request of a peace officer to take a test described in this Section shall result in the suspension of his or her operator's or chauffeur's license or operating privilege, and in the addition of six (6) points to his or her driving record.

SECTION 7. This Section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether or not the person was impaired by or under the influence of intoxicating liquor or a controlled substance, or a combination of intoxicating liquor and a controlled substance, or whether the person had a blood alcohol content of 0.10% or more by weight of alcohol.

SECTION 8. If a jury instruction regarding a defendant's refusal to submit to a chemical test under this Section is requested by the prosecution or the defendant, the jury instruction shall be given as follows:

"Evidence was admitted in this case, which, if believed by the jury, could prove that the defendant had exercised his or her right to refuse a chemical test. You are instructed that such a refusal is within the statutory rights of the defendant and is not evidence of his guilt. You are not to consider such a refusal in determining the guilt or innocence of the defendant."

SECTION 9. If after a highway accident the driver of a vehicle involved in the accident is deceased, a sample of the decedent's blood shall be withdrawn in a manner directed by the medical examiner for the purpose of determining blood alcohol content or presence of a controlled substance or both.

E. IMPLIED CONSENT

SECTION 1. A person who operates a vehicle upon a public highway or other place open to the general public, including an area designated for the parking of vehicles, in the state is considered to have given consent to chemical tests of his or her blood, breath, or urine for the purpose of determining the amount of alcohol or presence of a controlled substance or both in his or her blood if:

- (a) The person is arrested for a violation of Paragraph A 2, or 3, or Paragraph B.
- (b) A person who is afflicted with hemophilia, diabetes, or a condition requiring the use of an anticoagulant under the direction of a physician shall not be considered to have given consent to the withdrawal of blood.
- (c) The tests shall be administered as provided in Paragraph D.

F. PRELIMINARY BREATH TEST

SECTION 1.

- (a) A police officer who has reasonable cause to believe that a person was operating a vehicle upon a public highway or other place open to the general public, including an area designated for the parking of vehicles, in the City, and that the person by the consumption of intoxicating liquor may have affected his or her ability to operate a vehicle, may require the person to submit to a preliminary chemical breath analysis.

(b) A peace officer may arrest a person based in whole or in part upon the results of a preliminary chemical breath analysis.

(c) The results of a preliminary chemical breath analysis shall be admissible in a criminal prosecution for a crime enumerated in Paragraph A(2) or in administrative hearing under 625r of P.A. No. 310, 1982 solely to assist the Court or hearing officer in determining a challenge to the validity of an arrest. This section does not limit the introduction of other competent evidence offered to establish the validity of an arrest.

(d) A person who submits to a preliminary chemical breath analysis shall remain subject to the requirements of paragraphs D and E for the purposes of chemical tests described in those paragraphs.

(e) A person who refuses to submit to a preliminary chemical breath analysis upon a lawful request by a peace officer is responsible for a civil infraction.

G. SAVINGS CLAUSE

SECTION 1. All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this amendatory ordinance takes effect are saved and may be consummated according to the law in force when they are commenced.

SECTION 2. This amendatory ordinance shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory ordinance or initiated after the effective date of this amendatory ordinance for an offense committed before that effective date.

H. SEVERABILITY

If any subsection, clause or phrase of this Ordinance is for any reason declared to be unconstitutional by a Court of competent jurisdiction such decision shall not affect the validity of the remaining portions of this Ordinance.

I. EFFECTIVE DATE

This Ordinance shall be in full force and effect twenty (20) days after final passage.

I hereby certify that the above Ordinance was passed at a regular meeting of the City Council of the City of Petersburg, Michigan held this 6 day of June 1983.

W.E. PERRY
City Clerk

ORDINANCE NO.046

An ordinance to prohibit the maintenance of blighting conditions and factors and thus safeguard the public health and welfare, and to provide for its enforcement, and penalties for the violation, thereof.

THE CITY OF PETERSBURG ORDAINS:

SECTION 1:

It is the purpose of this ordinance to protect and promote the public health, sanitation, safety and general welfare in the city, to suppress disease and contamination, to lessen the danger to life, health and property of accidents and other hazards, and to prohibit the creation or continuance of public nuisances, by causing the removal, elimination, repair or rehabilitation of such structures, uses and activities which are of a nature to cause blight or blighting conditions.

SECTION 2:

It is hereby determined that the following structures, uses and activities are causes of blight or are blighting factors. On and after the effective date of this ordinance, no person, firm or corporation or any group of any kind may maintain or permit to be maintained any of these blights or blighting conditions upon any land or premises in the City of Petersburg, owned, leased, rented or occupied by such person, firm or corporation or group of any kind.

A. In any area zoned residential by said Zoning Ordinance of the City of Petersburg, Michigan, the existence of any junk motor vehicle, except in a completely enclosed building. For the purpose of this ordinance the term 'junk motor vehicle' shall include any motor vehicle which is not licensed for use upon the highways of the State of Michigan for a period in excess of ten (10) days and also, whether so licensed or not, any motor vehicle which is inoperative for any reason for a period in excess of ten (10) days.

B. In any area zoned residential by said Zoning Ordinance, the out of doors storage upon any premises of building materials unless construction work is being done on said premises and said materials are intended for use in connection with such construction. Building materials shall include but shall not be limited to lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used in constructing any structure. Provided further, that all construction debris shall be removed from any premises within thirty (30) days after occupancy thereof.

C. In any area zoned residential by said Zoning Ordinance, the storage accumulation of junk, trash, rubbish or refuse of any kind, except domestic refuse stored in such a manner as not to create a nuisance for a period not to exceed thirty (30) days. The term "junk" shall include

parts of machinery or motor vehicle parts, construction machinery or parts thereof, unused stoves or other appliances stored in the open, remnants of wood, metal or any other material or other castoff material of any kind whether or not the same could be put to any reasonable use.

D. In any area zoned residential by said Zoning Ordinance, the existence of any vacant dwelling, garage, or other out-building unless the same is kept securely locked, windows kept glazed or neatly boarded up, and otherwise protected to prevent entrance thereto by unauthorized person or persons.

E. In any area zoned other than residential by said Zoning Ordinance, the causes of blight or blighting factors hereinbefore prohibited in any area zoned for residential purposes, unless such uses of property are incidental to and necessary for the carrying on of any business or occupation lawfully being conducted upon the premises involved.

F. In any area the existence of any structure or part of any structure which because of fire, wind or other natural disaster, or physical deterioration is (i) no longer habitable as a dwelling; (ii) an attractive nuisance to children; (iii) a harbor for vagrants, criminals or immoral persons; or (iv) as to enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

G. In any area the existence of any partially completed structure, unless such structure is in the course of construction in accordance with a valid and subsisting building permit issued by the City of Petersburg and unless exterior construction is completed within one year after issuance thereof.

H. In any area the owner, lessee, tenant or occupier of any premises shall keep adjoining public property, including, but not limited to, sidewalks in their entirety and public streets and alleys to their centers, free of any junk motor vehicle, building materials, or accumulation of junk, trash, rubbish or refuse of any kind, at all times.

SECTION 3: Enforcement and Penalties

A. This Ordinance shall be enforced by the Building Official of the City of Petersburg, Michigan, except that Section 2(H) shall be enforced by the Administrator of Public Services.

B. The owner, if possible, and the occupant of any property upon which any of the causes of blight or blighting factors set forth in Section 2 hereof is found to exist shall be notified in writing to remove or eliminate the same from such property within ten days after the service of such notice upon him, except that in the case of violations of Section 2(H) of this Ordinance the owner, if possible, and the occupant shall be notified in writing to remove or eliminate the

blighting factor from such property immediately. (i) Such notice shall be posted upon or on the immediate vicinity of the blighting factor in substantially the following form:

"NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY":

"This property, to-wit: (setting forth a brief description) located at (setting forth a brief description of the location) is being maintained in violation of Section _____ of the City of Petersburg Ordinance 046, in that (setting forth a brief description of the blighting condition). Within ten (10) days, if this condition is not remedied so as to conform with the aforementioned ordinance, or a hearing has not been requested in writing at the City of Petersburg Building Department upon the applicability of the above Ordinance to this property, the City of Petersburg shall order such remedy and assess costs against the premises. Dated (setting forth date of posting of notice). Signed (setting forth name, title, business address and telephone number of the enforcement officer)."

(ii) Such notice shall be sufficiently weatherproof to withstand normal exposure to the elements. In addition to posting, the enforcement officers shall either personally serve or mail by first-class mail a copy of the notice to the owner or owners of the real property upon which the blighting condition exists, as shown by the records of the City Assessor on or before the date of posting or junk, if the owner can reasonably be ascertained and if the owner is different than the owner of the real property.

C. If at the end of ten (10) days after posting such notice the owner or any person interested in the property has not remedied the blighting condition and thus complied with the Ordinance provision cited in the notice or requested a hearing on the applicability of this Ordinance provision to the property in question, the enforcement officer shall inform the Administrator of Public Services, who shall cause the blighting condition to be remedied by any necessary means, including, but not limited to, the removal, destruction or disposal of any junk motor vehicle, building materials, or accumulation of junk, trash, rubbish or refuse, (i) Additional time may be granted by the enforcement officer where bonafide efforts to remove or eliminate such causes of blight or blighting factors are in progress.

D. If a hearing is requested within ten (10) days of the posting of such notice by the owner of the private premises or a person claiming an interest in personal property thereon, the Mayor shall appoint a hearing officer to conduct a public hearing in order for the person requesting the hearing to show cause why he should not remedy the blighting condition in question or why the City of Petersburg should not itself remedy such condition. (i) The hearing procedures shall be those provided for in the Dangerous Buildings Ordinance, No. 74-006, as it now exists and as it may be hereinafter amended.

E. Failure to comply with such notice within the time allowed the Owner and/or occupant or, in the case of violations of Section 2(H), to remove or eliminate the blighting factor immediately, shall constitute a violation of this Ordinance. Each day that there is such failure to comply shall be a separate offense.

F. Violation of this Ordinance shall be a misdemeanor which shall be punishable upon conviction thereof by a fine of not less than Twenty-five Dollars (\$25.00) and not exceeding Five Hundred Dollars (\$500.00), or by imprisonment not to exceed ninety (90) days, or by both such fine and imprisonment in the discretion of the Court.

SECTION 4: Removal of blighting condition by the City and assessment therefor

A. The Administrator of Public Services and his authorized representatives are hereby empowered to enter upon any premises in the City for the purpose of removing, destroying or disposing of any junk motor vehicle, building materials, or accumulation of junk, trash, rubbish or refuse thereon, when the real property owner or persons having any interest in the personal property thereon have not, within the ten (10) day notice period, remedied the blighting condition or requested a hearing, as provided for above. No person shall molest or interfere with the Administrator of Public Services or his authorized representatives while they are engaged in carrying out the provisions of this Ordinance.

B. The Administrator of Public Services may abate any such public nuisance without giving notice if the public health or safety requires immediate attention.

C. The Administrator of Public Services shall keep an accurate account of the expenses incurred by his Department with respect to each parcel of land in carrying out the provisions of the Ordinance and shall make a sworn statement of such account and present the same to the City Controller. The City Controller shall immediately prepare and send an invoice to the last known owner as reflected by the current tax roll for the cost of such work and improvements to said property in accordance with the statement of the Administrator of Public Services. The Controller shall add to the cost as reported by the Administrator of Public Services, the 10% penalty which is provided for by the City Charter, to cover the cost of supervision and billing expenses. In the event that said invoice is not paid forthwith by the owner of record, the cost of such payment shall be charged against the premises, be reported to the City Assessor and be levied by him as a special tax or assessment upon the lot or premises. The special assessment shall be subject to review, after proper notice is given as in all other cases of special assessment provided for by the Charter. When such tax is confirmed it shall be lien upon the premises and the same shall be collected in the same manner as other City taxes, or in the alternative the City may file suit to collect the same.

SECTION 5: Enactment

A. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason declared to be unconstitutional by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

B. Any Ordinance or parts of Ordinance in conflict with this Ordinance are hereby repealed.

C. This Ordinance shall be in full force and effect thirty (30) days after its final passage, which will be September 5 1984.

I, hereby certify that the above ordinance was passed at a regular meeting of the City council of the City of Petersburg, Monroe County, Michigan, held on the above date of September 5, 1984.

W. Edwand Perry, City Clerk

Published 09-13-84

C/R Village Ord. 14-19-45

City Ord. 014-032

ORDINANCE NUMBER 049

AN ORDINANCE AUTHORIZING THE COLLECTION OF REFUSE BY A CONTRACT OR PERMIT AND REGULATION OF THE HANDLING, STORAGE, TRANSPORTATION AND DISPOSAL OF REFUSE.

The City of Petersburg Ordains:

ARTICLE I

TITLE, PURPOSE AND SCOPE

Section 1.1 Title This ordinance shall be known and may be designated as the City of Petersburg Refuse Disposal Ordinance.

Section 1.2 Purpose The purpose of this ordinance is to assist in providing a neat and sanitary condition within the city so that the citizens hereof will find it a safe, healthy, pleasant and desirable place to live and conduct their business.

Section 1.3 Scope The scope of this ordinance shall include the complete control of the handling, storing, transportation and disposing of refuse within the city by providing rules and regulations and establishing certain unlawful acts concerning the handling, storing, transportation and disposing of refuse.

ARTICLE II

DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this ordinance.

Section 2.1 City the term "City" shall mean the City of Petersburg, County of Monroe, State of Michigan.

Section 2.2 Collection Day the term "Collection Day" shall mean the day which has been established by the Council as the regular collection day for refuse in the area involved.

Section 2.3 Council The word "Council" shall mean the City Council of the City of Petersburg.

Section 2.4 Refuse The word "Refuse" shall mean all garbage or rubbish and shall include, without limitation, trash, waste paper, ashes, lumber, timbers, boxes, damaged motor vehicles, scrap material including iron, plastic and wood, machinery or any other debris, substance or product that can create a safety or health hazard for any person.

Section 2.5 Person the word "Person" shall mean individual, partnership, firm, corporation or association.

Section 2.6 Junk - the word "Junk" shall include wrecked, partially wrecked or dismantled motor vehicles or machinery and all other debris and waste commonly known as junk.

ARTICLE III

SUPERVISION AND OPERATION

Section 3.1 Supervision The collection, handling and transportation of all refuse and junk within the city shall be under the supervision of the Council or an appointed official as the Council may designate as Supervisor of Refuse.

Section 3.2 Collection All collections of refuse and junk within the city shall be made by a contractor authorized by the Council, or by city employees, except that the Council may grant special permission for private collection at no cost to the city when, in the Council's opinion, it will best serve the interest of the city.

Section 3.3 Permits the City Council may, in its discretion, issue annual permits in writing for private collection of refuse or junk within the city.

Section 3.4 No personal shall engage in the collection of refuse or junk without a permit issued pursuant to this Ordinance and in accordance with the rules promulgated in accordance with this Ordinance.

Section 3.5 Revocation of Permits the Council may revoke any permits for private collection issued hereunder without notice for any violation of this ordinance.

Section 3.6 Collection Days the City Council shall establish regular collection days in the various sections of the city and shall make known such days when established or changed.

ARTICLE IV

RULES AND REGULATIONS

Section 4.1 Rules the City Council shall have the right to establish rules whenever in its judgment such rules are required and are in the best interest and safety of the public.

Section 4.2 Refuse Receptacles Receptacles for refuse shall be adequate in size and number to hold a one week accumulation. Any receptacle containing garbage shall have a tight fitting cover upon it.

ARTICLE V

Section 5.1 Accumulation of Refuse No person shall permit refuse, junk or any other debris, substance or product to accumulate on any property, whether owned, occupied or leased by any person so as to attract rats, flies or vermin, or create offensive odors or contain dangerous chemical substances or to endanger the safety of others by reason of likelihood of fire or create an attractive nuisance to persons who could receive bodily injury as a result of climbing on and playing on said partially wrecked motor vehicles, iron or machinery.

Section 5.2 Storing Junk in Residential Areas No person shall store junk in any area of the city utilized for residential purposes.

Section 5.3 Storage of Machinery No person shall store Junk, damaged vehicles, machinery or other scrap material including iron, plastic or wood, in any area of the City except in an area surrounded by a fence of not less than six feet in height with an appropriate gate that shall be locked in the absence of an on-site adult responsible for the site; the purpose of this section 15 to protect children from bodily injury resulting from climbing on and playing with the junk, vehicles, machinery or scrap.

Section 5.4 Carless or Overloading No person shall drive a vehicle loaded with rubbish, garbage or earth over the streets or alleys in the city, in such a manner as to permit any portion of its contents to spill upon the streets or alleys.

Section 5.5 Covering Garbage in Transit No person shall for any reason drive a vehicle containing garbage over the streets or alleys of the city unless securely covered with a non-transparent durable material, or in a completely enclosed vehicle.

Section 5.6 Dogs No person shall allow a dog owned, or under his control, to molest garbage or rubbish containers owned by others.

Section 5.7 Dumping No person shall dump refuse any place within the city unless authorized by Council.

Section 5.8 Garbage Storage No person shall permit garbage to be stored upon his premises except in containers as stated hereunder and all containers must be kept leakproof and tightly covered at all times.

Section 5.9 Molesting Containers It shall be unlawful for any person to molest, damage or destroy either garbage or rubbish. containers owned by others.

Section 5.10 Pavement Protection No person shall burn any substance whatsoever upon any streets or alleys of the city which have been surfaced with concrete or asphalt coating.

Section 5.11 Prohibited Collections It shall be unlawful for any person to disturb, collect or in any manner interfere with rubbish, garbage or receptacles provided therefor except as provided herein.

Section 5.12 Safety No person shall deposit, spill or leave any matter or thing whatsoever on either public or private property or cause the same to be done, which may result in injury or damage to person, animal or property, except in receptacles provided therefor.

Section 5.13 Scattering It shall be unlawful for any person to scatter or leave refuse, junk or any manner or thing whatsoever on either public or private property or cause the same to be done, which will contribute toward or result in any hazardous, unhealthy, unsafe or unsightly condition within the city.

Section 5.14 Transportation Prohibited No person shall transport rubbish, junk or earth over streets in the city in any vehicle which is not tightly constructed in a manner so as to prevent dripping or leaking.

Section 5.15 Enforcement Upon complaint of a violation of the provisions of this Ordinance, it shall be the duty of the Supervisor of Refuse of the City of Petersburg to investigate such complaint and the premises complained of, and after such investigation, if he shall determine that the condition of the premises are such as to be in violation of this Ordinance, he shall issue an order directed to the owner, occupant or tenant of the land upon which said violation is committed requiring compliance with the terms and conditions of this Ordinance within five (5) days if the order is served pursuant to paragraph one hereunder or in ten (10) days if served under paragraph two or three hereunder. Such order may be served according to the following:

1. By delivering the notice to the owner, occupant or tenant or by leaving the same at the residence, office or place of business of the owner, occupant or tenant with some person of suitable age and discretion, or
2. By mailing the notice by certified mail to such owner at his last known address as indicated on the latest City tax rolls. Or
3. By mailing said notice 1st class mail to such owner at his last known address as indicated on the latest City tax rolls and by posting said notice in some conspicuous place on the premises for ten (10) days.

Section 5.16 Failure to comply - If the owner, occupant or tenant of any land fails to comply with the order given as provided in this Ordinance within the time limit set forth, the Supervisor of Refuse shall cause such refuse or junk to be removed from said premises. The Supervisor of Refuse shall keep an accurate account of the expenses incurred in doing so with respect to each premises entered upon therefore and he shall make a sworn statement of said account and deliver the same to the City Clerk. The actual cost of such removal plus twenty (20%) percent for supervision, administration and overhead shall become a debt to the City from the owner, occupant or tenant of any such land and the amount assessed together with all charges thereon, shall be on the following thirty-first (31st) day of August become a lien on the City or property assessed of the same character and effect as the lien created by general law for taxes, until paid. In the event the Supervisor of Refuse causes any such refuse or junk to be removed as provided herein, such action shall be in addition to any other remedies provided for in this Ordinance including prosecution of the owner and/or occupant or tenant of said land for violation of any of the provisions of this Ordinance.

ARTICLE VI

MISCELLANEOUS PROVISIONS

Section 6.1 Enforcement This ordinance shall be enforced by the Petersburg Unit of the Monroe County Sheriff's Department or the Supervisor of Refuse Collection, or any other person authorized by Council to do so.

Section 6.2 Any person violating any of the provisions of this ordinance shall be guilty of a misdemeanor and subject to a fine of not more than \$100.00 or confinement in the Monroe County Jail for not more than 90 days or both such fine and imprisonment in the discretion of the court.

This ordinance and the various Section 6.3 Severability parts thereof are hereby declared to be severable and if any part is adjudged unconstitutional or invalid, the same shall not affect the validity of this ordinance as a whole or any part thereof other than the part declared to be unconstitutional or invalid.

This Ordinance No. 49 shall become effective on the 10th day of MA, 1985.

I, W. E. Perry, City Clerk of Petersburg, do hereby certify the foregoing ordinance, was duly adopted by the Council of the City of Petersburg, at a regularly held meeting on April 15, 1985.

SIGNED:

W. E. PERRY
Petersburg City Clerk

ORDINANCE NO. 057

ORDINANCE TO DEFINE AND REGULATE THE CONTROL OF ANIMALS WITHIN THE BOUNDARIES OF THE CITY OF PETERSBURG; TO PRESCRIBE PENALTIES; TO REPEAL VILLAGE ORDINANCE NO. 13

THE CITY OF PETERSBURG ORDAINS:

SECTION 1. Purpose

The City of Petersburg determines that the control of animals within the boundary of the City of Petersburg is in the interest of the public health, safety and welfare and, therefore, defines the duties and responsibilities of owners of animals within the City of Petersburg.

SECTION 2. Definitions

As used in this ordinance.

- a. "Animals" include domestic and wild animals.
- b. "Owner" is any person, partnership or corporation owning, keeping or harboring animals.
- c. "Restraint": An animal shall be deemed to be under restraint if:
 - 1. The animal is on the premises of its owners; or,
 - 2. The animal is accompanied by a responsible person and is under the person's actual control.
- d. "Person": A person is an individual, partnership, a corporation or any other legal entity. a

SECTION 3. Prohibited and Mandatory Acts

- 1. The owner of an animal shall keep the animal under restraint at all times.
- 2. The owner of a dog shall keep the dog on a leash or in an enclosure at all times.
- 3. The owner of an animal shall not permit the animal to destroy property, real or personal, or to trespass on private property.
- 4. The owner of an animal shall prevent the animal from becoming a public nuisance.

5. The owner of an animal shall not permit the barking or howling of any animals that disturb the peace and quiet of the neighborhood, the molesting of passerbys, the chasing of vehicles and the habitual attacking of other domestic animals.

6. The owner of an animal shall not permit an unsanitary condition on the premises where any animal is kept so as to create a health hazard or animal odors.

SECTION 4. Penalties

Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars.

SECTION 5. Repealer

This Ordinance repeals Village Ordinance No. 13 of the Village of Petersburg and all other ordinances inconsistent herewith.

SECTION 6. Severability Clause

If any section, sub-section, sentence, clause or phrase of such this Ordinance is declared unconstitutional or unlawful, decision shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have passed the Ordinance and each section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses any one phrase be declared unconstitutional, or unlawful.

SECTION 7. Effective Date

This Ordinance shall be in full force and effect twenty (20) days after final passage and publication.

Passed final reading at regular council meeting
June 6, 1988.

WE Perry, City Clerk

ORDINANCE NO. 59

AN ORDINANCE TO LICENSE AND REGULATE THE OPERATION OF BILLIARD AND POOL ROOMS AND MECHANICAL AMUSEMENT DEVICES

The City of Petersburg Ordains:

SECTION 1: DEFINITIONS

As used in this Ordinance

(a) "Arcade" means any public place where four or more mechanical amusement devices are played.

(b) "Billiards" means any of the several games included in the definition of "pool".

(c) "Billiards Room" means any public place where the game of billiards is played.

(d) "Licensee" means any person or organization who has applied for and received a license under this ordinance or their agents.

(e) "Manager" means any person who is designated to supervise or be in charge of the billiard room, pool room or arcade room of the mechanical amusement devices.

(f) "Mechanical Amusement Device" means a pinball machine, video game, skeeball machine, motion picture machine, shuffleboard, miniature pool table, or any similar machine, instrument or contrivance which may be operated or set in motion upon insertion of a coin, trade token or slug or which may be used as a game of skill and amusement wherein the player initiates, employs or directs any force generated by the machine.

(g) "Operate" means to open or cause to be opened, maintained, conducted or operated.

(h) "Organization" means any society, club, firm or corporation.

(i) "Pool" means any of the several games played on a table known as a billiard table or pool table, surrounded by an elastic ledge or cushion, with or without pockets, with balls which are impelled by a cue and shall include all forms of the game known as carom billiards, pocket billiards, three cushion billiards, and English billiards and other games played on a billiard or pool table and shall also include the games known as 15-ball pool, 8-ball pool, bottle pool, pea-pool and other games played on a so-called pigeon-hole table.

(j) "Pool Room" means any public place where the game of pool is played.

SECTION 2: LICENSE

No person or organization shall operate any billiards, pool room or arcade room without first obtaining a license from the City Clerk.

SECTION 3: APPLICATION

Each person or organization desiring to operate a billiard, pool room or arcade room shall make an application to the City Clerk for a license.

SECTION 4: INFORMATION FOR APPLICATION

The application shall contain:

- (a) The names and addresses of all applicants and of all parties financially interested.
- (b) The names and addresses of the officers of any organization making application in its name; the name of the State under which the organization is organized if any; the names and addresses of persons who will be designated to act as managers.
- (c) The ages of the applicants in the case of individuals and the ages of the officers and the designated managers in the case of an organization.
- (d) The listing of the places by name and address and the dates of operation of any billiard, pool room or arcade room by any of the persons named in the application within the last five (5) years.
- (e) The address of the premises on which the billiards games, pool games or mechanical amusement devices will be operated.
- (f) The names and addresses of the owners of the premises listed in Subsection (e) of this section.
- (g) The signatures of all the applicants in the case of individuals and of the officers of the organization or its designated managers in the case of an organization.

SECTION 5: INVESTIGATION

When an application is received, the Building Inspector or another person designated by City Council shall investigate the physical condition of the premises as listed in Subsection (e) of Section 4 and the character of all the applicants and of officers of any organization and its

designated managers and shall make a written report to the City Clerk which shall contain all other information required in determining the fitness of any applicant.

SECTION 6: ISSUANCE OF LICENSE

(1) The City Clerk is authorized to issue a license to any person or organization who has filed an application to operate a billiard, pool room or arcade room after the receipt of the investigator's report.

(2) The City Clerk may reject any application for a license if, based upon the Police Report, he finds (a) that any of the persons named in the application are not of good moral character; or (b) that any of them have previously been connected with the operation of any billiard or pool room or mechanical amusement devices where the license has been revoked; or (c) that any of them have violated any provision of this ordinance; or (d) that the premises on which the billiard games, pool games, or mechanical amusement devices will be operated do not comply in every way with the regulations, ordinances and rules applicable to it.

SECTION 7: FEES; EXPIRATION

Each person or organization to whom a license is granted shall pay an annual fee in the sum of \$75.00 Dollars for each licensed premises; each license shall expire one year from date of issue.

SECTION 8: NONTRANSFERABLE

No person shall transfer any license issued under this Ordinance.

SECTION 9: DISPLAY

Every license granted under this Ordinance shall be displayed at all times by the licensee in a conspicuous place on the licensed premises.

SECTION 10: HOURS OF OPERATION

(1) No person or organization shall operate in the City of Petersburg any billiard, pool room or arcade room between the hours of 2 o'clock a.m. and 6 o'clock a.m. on weekdays and from 2 o'clock a.m. until 12 o'clock noon on Sunday.

(2) Nothing herein contained shall prohibit regular employees who are performing necessary work within the premises to be or remain in any billiard, pool room or arcade room during the hours of closing.

SECTION 11: NO GAMES OF CHANCE OR USE OF CHECKS

On any premises licensed or required to be licensed under this Ordinance, no person shall:

- (a) Throw or permit the throwing of dice or use or permit the use of a pea-ball or shakeball or cards; or
- (b) Permit or conduct raffles or other games of chance, or
- (c) Receive or give any check which can be redeemed for merchandise, services or cash.

SECTION 12: UNOBSTRUCTED WINDOW

No person shall cause any window or door to be obstructed on any premises licensed or required to be licensed under this Ordinance which would prevent an unobstructed view into the premises from the street by any citizen.

SECTION 13: LICENSE REVOCATION

(1) The City Council may revoke a license issued under this Ordinance upon a written report submitted to them by any police department or its own investigator for:

- (a) Any violation of the terms of this ordinance; or
- (b) Any disorderly or obscene, indecent, pornographic or immoral conduct on the premises; or violation of
- (c) Any other rules, regulations, ordinances and laws which pertain to the operation of billiards, pool rooms and arcade rooms.

(2) Any license revoked under this section shall not be reinstated or renewed until at least one year has elapsed from its last date of issuance or renewal, without approval from City Council.

SECTION 18: REPEALED

ORDINANCE NO. 25 any other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 19: PENALTY

Any person or organization who shall violate any of the provisions of this Ordinance shall upon conviction thereof be punished by a fine not exceeding \$100.00 or imprisonment not exceeding 90 days or both such fine and imprisonment in the discretion of the Court.

SECTION 20: SEVERABILITY

Should any section, clause or paragraph of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same will not affect the validity of the Ordinance as a whole or part thereof, other than the part declared to be invalid.

SECTION 21: EFFECTIVE DATE

This Ordinance shall take effect 10 days after its final passage which shall be January 29, 1989

12/15/88.

ORDINANCE NO. 065

AN ORDINANCE TO ESTABLISH THE PROCEDURES FOR THE PURCHASE OF PERSONAL PROPERTY AND NON-PROFESSIONAL SERVICES

THE CITY OF PETERSBURG ORDAINS:

SECTION 1 Purchase without competitive bidding

The purchase of personal property and non-professional services may be authorized by the City Council without the necessity of securing competitive bids provided as follows:

- A) Whenever the authorized purchase price is \$5,000.00 or less; or
- B) Even though the authorized purchase price is more than \$5,000.00, the City Council may accept a bid proposal from any bidder who has a any bid submitted bid pursuant to specifications of any other unit of government in the State of Michigan provided that the specifications in the bid proposal of the other unit of government are substantially similar to the specifications required by the City of Petersburg.
- C) If the City Council determines that the financial interest of the City is best served by purchasing used personal property without taking bids, the City Council may authorize the purchase of used personal property without taking competitive bids up to an amount not to exceed \$25,000.00 If the purchase price of the used personal property exceeds this amount, a specific ordinance authorizing the purchase shall be adopted if the City Council determines that the purchase is in the best financial interest of the City.

SECTION 2 Conflicting ordinances repealed

Ordinance number 51 is repealed and all other ordinances inconsistent in whole or in part with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3 Effective date

This Ordinance will take effect ten (10) days after its final passage which shall be on October 28, 1990.

I hereby certify that the foregoing Ordinance was duly adopted at a regular meeting of the Petersburg City Council on October 15, 1990.

Michael C. Goodin, City Clerk

ORDINANCE NO. 078

AN ORDINANCE TO ADOPT REGULATIONS AND PROCEDURES FOR BASIC CABLE TV RATE REGULATION

THE CITY OF PETERSBURG ORDAINS:

Section 1. Definitions. For purposes of this Ordinance, "Act" shall mean the Communications Act of 1934, as amended (and specifically as amended by the Cable Television Consumer Protection and Competition Act of 1992, Pub. L. 102-385), and as may be amended from time to time; "FCC" shall mean the Federal Communications Commission; "FCC Rules" shall mean all rules of the FCC promulgated from time to time pursuant to the Act; "basic cable service" shall mean "basic service" as defined in the FCC Rules, and any other cable television service which is subject to rate regulation by the City pursuant to the Act and the FCC Rules; "associated equipment" shall mean all equipment and services subject to regulation pursuant to 47 CFR § 76.923; and an "increase" in rates shall mean an increase in rates or a decrease in programming or customer services as provided in the FCC Rules. All other words and phrases used in this Ordinance shall have the same meaning as defined in the Act and FCC Rules.

Section 2. Purpose; Interpretation. The purpose of this Ordinance is to: 1) adopt regulations consistent with the Act and the FCC Rules with respect to basic cable service rate regulation, and 2) prescribe procedures to provide a reasonable opportunity for consideration of the views of interested parties in connection with basic cable service rate regulation by the City. This Ordinance shall be implemented and interpreted consistent with the Act and FCC Rules.

Section 3. Rate Regulations Promulgated by FCC. In connection with the regulation of rates for basic cable service and associated equipment, the City of Petersburg shall follow all FCC Rules.

Section 4. Filing; Additional Information; Burden of Proof.

(a) A cable operator shall submit its schedule of rates for the basic service tier and associated equipment or a proposed increase in such rates in accordance with the Act and the FCC Rules. The cable operator shall include as part of its submission such information as is necessary to show that its schedule of rates or its proposed increase in rates complies with the Act and the FCC Rules. The cable operator shall file ten (10) copies of the schedule or proposed increase with the City Clerk. For purposes of this Ordinance, the filing of the cable operator shall be deemed to have been made when at least ten (10) copies have been received by the City Clerk. The City Council may, by resolution or otherwise, adopt rules and regulations as allowed by law prescribing the information, data and calculations which must be included as part of the cable operator's filing of the schedule of rates or a proposed increase.

(b) In addition to information and data required by rules and regulations of the City pursuant to Section 4(a) above, a cable operator shall provide all information requested by the Mayor that is related and helpful in connection with the City's review and regulation of existing rates for the basic service tier and associated equipment or a proposed increase in these rates.

The Mayor may establish reasonable deadlines for submission of the requested information and the cable operator shall comply with such deadlines.

(c) A cable operator has the burden of proving that its schedule of rates for the basic service tier and associated equipment or a proposed increase in such rates complies with the Act and the FCC Rules including, without limitation, 47 USC § 543 and 47 CFR §§ 76.922 and 76.923.

Section 5. Proprietary Information.

(a) If this Ordinance, any rules or regulations adopted by the City pursuant to Section 4(a), or any request for information pursuant to Section 4(b) requires the production of proprietary information, the cable operator shall produce the information. However, at the time the allegedly proprietary information is submitted, a cable operator may request that specific, identified portions of its response be treated as confidential and withheld from public disclosure. The request must state the reason why the information should be treated as proprietary and the facts that support those reasons. The request for confidentiality will be granted if the City determines that the preponderance of the evidence shows that non-disclosure is consistent with the provisions of the Freedom of Information Act, 5 U.S.C. § 552. The City shall place in a public file for inspection any decision that results in information being withheld. If the cable operator requests confidentiality and the request is denied, (1) where the cable operator is proposing a rate increase, it may withdraw the proposal, in which case the allegedly proprietary information will be returned to it; or (2) the cable operator may seek review within five working days of the denial in any appropriate forum. Release of the information will be stayed pending review.

(b) Any interested party may file a request to inspect material withheld as proprietary with the City. The City shall weigh the policy considerations favoring non-disclosure against the reasons cited for permitting inspection in light of the facts of the particular case. It will then promptly notify the requesting entity and the cable operator that submitted the information as to the disposition of the request. It may grant, deny or condition a request. The requesting party or the cable operator may seek review of the decision by filing an appeal with any appropriate forum. Disclosure will be stayed pending resolution of any appeal.

(c) The procedures set forth in this section shall be construed as analogous to and consistent with the rules of the FCC regarding requests for confidentiality including, without limitation, 47 CFR § 0.459.

Section 6. Public Notice: Initial Review of Rates. Upon the filing of ten (10) copies of the schedule of rates or the proposed increase in rates pursuant to Section 4(a) above, the City Clerk shall publish a public notice in a newspaper of general circulation in the City which shall state that: 1) the filing has been received by the City Clerk and (except those parts which may be withheld as proprietary) is available for public inspection and copying, and 2) interested parties are encouraged to submit written comments on the filing to the City Clerk not later than seven (7) days after the public notice is published. The City Clerk shall give notice to the cable operator of the date, time, and place of the meeting at which the City Council shall first consider the schedule of rates or the proposed increase. This notice shall be mailed by first-class mail at

least three (3) days before the meeting. In addition, if a written staff or consultant's report on the schedule of rates or the proposed increase is prepared for consideration of the City Council, then the City Clerk shall mail a copy of the report by first-class mail to the cable operator at least three (3) days before the meeting at which the City Council shall first consider the schedule of rates or the proposed increase.

Section 7. Tolling Order. After a cable operator has filed its existing schedule of rates or a proposed increase in these rates, the existing schedule of rates will remain in effect or the proposed increase in rates will become effective after thirty (30) days from the date of filing under Section 4(a) above unless the City Council (or other properly authorized body or official) tolls the thirty (30) day deadline pursuant to 47 CFR § 76.933 by issuing a brief written order, by resolution or otherwise, within thirty (30) days of the date of filing. The City Council may toll the thirty (30) day deadline for an additional 90 days in cases not involving cost-of-service showings and for an additional 150 days in cases involving cost-of-service showings.

Section 8. Public Notice: Hearing on Basic Cable Service Rates Following Tolling of 30-Day Deadline. If a written order has been issued pursuant to Section 7 and 47 CFR § 76.933 to toll the effective date of existing rates for the basic service tier and associated equipment or a proposed increase in these rates, the cable operator shall submit to the City any additional information required or requested pursuant to Section 4 of this Ordinance. In addition, the City Council shall hold a public hearing to consider the comments of interested parties within the additional 90 day or 150 day period, as the case may be. The City Clerk shall publish a public notice of the public hearing in a newspaper of general circulation within the City which shall state: 1) the date, time, and place at which the hearing shall be held, 2) interested parties may appear in person, by agent, or by letter at such hearing to submit comments on or objections to the existing rates or the proposed increase in rates, and 3) copies of the schedule of rates or the proposed increase in rates and related information (except those parts which may be withheld as proprietary) are available for inspection or copying from the office of the Clerk. The public notice shall be published not less than fifteen (15) days before the hearing. In addition, the City Clerk shall mail by first-class mail a copy of the public notice to the cable operator not less than fifteen (15) days before the hearing.

Section 9. Staff or Consultant Report: Written Response. Following the public hearing, the Mayor shall cause a report to be prepared for the City Council which shall (based on the filing of the cable operator, the comments or objections of interested parties, information requested from the cable operator and its response, staff or consultant's review, and other appropriate information) include a recommendation for the decision of the City Council pursuant to Section 10. The City Clerk shall mail a copy of the report to the cable operator by first-class mail not less than twenty (20) days before the City Council acts under Section 10. The cable operator may file a written response to the report with the City Clerk. If at least ten (10) copies of the response are filed by the cable operator with the City Clerk within ten

(10) days after the report is mailed to the cable operator, the City Clerk shall forward it to the City Council.

Section 10. Rate Decisions and Orders. The City Council shall issue a written order, by resolution or otherwise, which in whole or in part, approves the existing rates for basic cable service and associated equipment or a proposed increase in such rates, denies the existing rates or proposed increase, orders a rate reduction, prescribes a reasonable rate, allows the existing rates or proposed increase to become effective subject to refund, or orders other appropriate relief, in accordance with the FCC Rules. If the City Council issues an order allowing the existing rates or proposed increase to become effective subject to refund, it shall also direct the cable operator to maintain an accounting pursuant to 47 CFR § 76.933. The order specified in this Section shall be issued within 90 days of the tolling order under Section 7 in all cases not involving a cost-of-service showing. The order shall be issued within 150 days after the tolling order under Section 7 in all cases involving a cost-of-service showing.

Section 11. Refunds; Notice. The City Council may order a refund to subscribers as provided in 47 CFR § 76.942. Before the City Council orders any refund to subscribers, the City Clerk shall give at least seven (7) days written notice to the cable operator by first-class mail of the date, time, and place at which the City Council shall consider issuing a refund order and shall provide an opportunity for the cable operator to comment. The cable operator may appear in person, by agent, or by letter at such time for the purpose of submitting comments to the City Council.

Section 12. Written Decisions; Public Notice. Any order of the City Council pursuant to Section 10 or Section 11 shall be in writing, shall be effective upon adoption by the City Council, and shall be deemed released to the public upon adoption. The Clerk shall publish a public notice of any such written order in a newspaper of general circulation within the City which shall: 1) summarize the written decision, and 2) state that copies of the text of the written decision are available for inspection or copying from the office of the Clerk. In addition, the City Clerk shall mail a copy of the text of the written decision to the cable operator by first-class mail.

Section 13. Rules and Regulations. In addition to rules promulgated pursuant to Section 4, the City Council may, by resolution or otherwise, adopt rules and regulations for basic cable service rate regulation proceedings (including, without limitation, the conduct of hearings), consistent with the Act and the FCC Rules.

Section 14. Failure to Give Notice. The failure of the City Clerk to give the notices or to mail copies of reports as required by this Ordinance shall not invalidate the decisions or proceedings of the City Council so long as there is substantial compliance with this Ordinance.

Section 15. Additional Hearings. In addition to the requirements of this Ordinance, the City Council may, in its sole discretion, hold additional public hearings upon such reasonable notice as the City Council shall prescribe.

Section 16. Additional Powers. The City shall possess all powers conferred by the Act, the FCC Rules, the cable operator's franchise, and all other applicable law. The powers exercised pursuant to the Act, the FCC Rules, and this Ordinance shall be in addition to powers conferred by law or otherwise. The City may take any action not prohibited by the Act and the FCC Rules to protect the public interest in connection with basic cable service rate regulation.

Section 17. Failure to Comply; Remedies. The City may pursue any and all legal and equitable remedies against the cable operator (including, without limitation, all remedies provided under a cable operator's franchise with the City) for failure to comply with the Act, the FCC Rules, any orders or determinations of the City pursuant to this Ordinance, any requirements of this Ordinance, or any rules or regulations promulgated hereunder. Subject to applicable law, failure to comply with the Act, the FCC Rules, any orders or determinations of the City pursuant to this Ordinance, any requirements of this Ordinance, or any rules and regulations promulgated hereunder, shall also be sufficient grounds for revocation or denial of renewal of a cable operator's franchise.

Section 18. Severability. The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 19. Conflicting Provisions. In the event of any conflict between this Ordinance and the provisions of any prior ordinance or any franchise, permit, consent agreement or other agreement with a cable operator, then the provisions of this Ordinance shall control.

Section 20. Effective Date. This ordinance shall become effective on October 6, 1993

I, Jean A. Schankin, Deputy City Clerk of the City of Petersburg, do hereby certify that the foregoing Ordinance was duly adopted and passed as an ordinance at a special meeting of the City Council on October 6, 1993.

Jean A. Schankin
Deputy Clerk for the City of Petersburg

ORDINANCE NO. 79

An Ordinance to regulate and prohibit the making and creation of excessive or unusually loud noises in the City of Petersburg, to establish maximum allowable noise levels, to provide for the enforcement of these levels, to exempt certain activities and to provide for penalties for the violation of this Ordinance.

THE CITY OF PETERSBURG ORDAINS:

1 FINDINGS AND DECLARATIONS OF FACT, PURPOSE

The City of Petersburg hereby declares that at certain levels, noise is detrimental to public health, comfort, convenience, safety and welfare of the citizens of the City of Petersburg. This ordinance is enacted to protect, preserve and promote the health, welfare, peace and quiet of the citizens of Petersburg through the reduction, prohibition and regulation of noise. By this Ordinance, the City of Petersburg intends to establish and provide for sound levels that will eliminate unnecessary and excessive noise, reduce traffic and community noise, and establish noise standards and sound levels that will promote a comfortable enjoyment of life, property and conduct of business, and prevent sound levels which are physically harmful and detrimental to individuals and the community.

2 DEFINITIONS

As used in this Ordinance, unless the context requires a different meaning, the following terms shall mean:

2.1 **Ambient Sound Level.** The surrounding, ambient, background or composite sounds from all sources, excluding the sound source whose level is being measured, which is measurable at any given location in an environment by using an "A" weighted decibel sound meter, when the noise level is averaged over a period of fifteen (15) minutes at a specific time and location.

2.2 **"A" Weighted Sound Level.** The total sound level stated in decibels as measured with a sound level meter with a reference pressure of 20 micropascals using the "A" weighted network, the unit of measurement of which is the dB(A).

2.3 **dB(A).** The sound pressure level in decibels measured on the "A" scale of a standard sound level meter having characteristics defined by the American National Standards Institute, Publication ANSI S1. 4-1971, for a Type 2 Instrument.

2.4 **Decibel (db).** A unit of measure, on a logarithmic scale to the base ten, of the ratio of the magnitude of a particular sound pressure to a standard reference pressure, which for the purposes of this Ordinance, shall be twenty (20) micropascals per square meter.

2.5 Emergency Work. Work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from an imminent exposure to danger.

2.6 Equivalent "A"-Weighted Sound Level (L_{eq}). The "A" weighted energy mean of a sound level averaged over a specified time period, which is equivalent to the continuous sound level which would have the same total "A" weighted energy as the real fluctuating sound measured over the same period of time.

2.7 Fixed Sound Source. A stationary device which creates sounds while fixed or motionless, including but not limited to, residential, agricultural, industrial and commercial machinery and equipment, pumps, fans, compressors, air conditioners and refrigeration equipment.

2.8 Frequency. A function periodic in time which is the reciprocal of the primitive period. Frequency is the rate at which a complete sound wave passes a given point in a specified unit of time.

2.9 Harmonic Or Pure Tones. Sounds which have a specific frequency or pitch associated with them.

2.10 Impulsive Sound. Noise or sound of short duration, of less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, and the discharge of firearms.

2.11 Intrusive Sound. That sound which intrudes over and above the existing ambient sound at a given location. The relative intrusiveness of a sound depends upon its amplitude, duration, frequency, and time of occurrence, and tonal or informational content as well as the prevailing ambient sound level.

2.12 Lawn Maintenance Equipment. Any equipment customarily used or useful for ordinary and usual domestic residential lawn and home maintenance purposes such as a lawn mower, rototiller, chain saw or other similar implement or device.

2.13 Noise. Synonymous with the term "sound" and shall refer to the physical manifestation resulting from an oscillation in pressure in air.

2.14 Person. Any individual, association, partnership or corporation, or other legal entity.

2.15 Public Right-Of-Way. Any street, avenue, boulevard, highway, sidewalk or alley or similar place which is owned or controlled by a governmental entity.

2.16 Parcel of Real Property. A piece of land that is legally described by an imaginary line along the ground surface, and its vertical extension which separates the real property owned by one person from that owned by another person.

2.17 Receiving Land Use. The actual use of the land or the zoning district (commercial, industrial, or residential) of the land on or at which a sound is received, as defined in the Zoning Ordinance of the City of Petersburg.

2.18 Sound Amplification Device. Any device for the amplification of the human voice, music, or any other sound, excluding standard automobile radios when used and heard only by the occupants of the vehicle in which the radio is installed and warning devices on any vehicle used for traffic safety purposes.

2.19 Sound Level Meter. An instrument, including a microphone, an amplifier, an output meter, and frequency weighing networks for the measurement of sound levels, which meets applicable requirements of the American National Standards Institute.

3 GENERAL PROHIBITION OF NOISE AND SOUND

3.1 It shall be unlawful for any person to make or cause to be made any noise or sound, whether measured or not, which either creates a disturbance of the public peace or which is of such character as to be of actual physical discomfort to persons of ordinary sensibilities, taking into consideration the following factors:

3.1.1 The volume of sound;

3.1.2 The intensity and frequency of the sound;

3.1.3 Whether the nature of the sound is usual or unusual;

3.1.4 Whether the origin of the sound is natural or unnatural;

3.1.5 The volume and intensity of the ambient sound, if any;

3.1.6 The proximity of the sound to residential sleeping facilities;

3.1.7 The nature and zoning of the area within which the sound emanates or is received;

3.1.8 The density of inhabitation of the area within which the sound emanates or is received;

3.1.9 The time of the day or night the sound occurs;

3.1.10 The duration of the sound;

3.1.11 Whether the sound is recurrent, intermittent or constant;

3.1.12 Whether the sound is produced by a noncommercial or a commercial type of activity; and

3.1.13 Other pertinent and applicable factors.

3.2 Use Or Operation Of Radios, Phonographs and Similar Devices. No person shall use, operate or permit to be played, any radio receiving set, musical instrument, television set, phonograph or other machine or device for the production or reproduction of sound, in such manner as to disturb the quiet, comfort or repose of any person. This section also applies to such machines or devices for the production or reproduction of sound when located in any motor vehicle. The operation of any such set, instrument, phonograph, machine or device in such a manner as to be in violation of Section 4.5 shall be prima facie evidence of a violation of this Section.

3.3 Use of Loudspeaker Or Sound Amplification Device For Commercial Purposes. The installing, using or operating, within the City, of a loudspeaker or sound amplifying device or equipment for commercial purposes, in such a manner as to disturb the quiet, comfort or repose of any person, is prohibited. The operation of any such equipment or device in such a manner as to be in violation of Section 4.5 shall be prima facie evidence of a violation of this Section.

3.4 Use of Sound Trucks. No sound truck or other vehicle equipped with amplifier or loudspeaker shall be driven upon any street for the purposes of selling, offering for sale, or advertising in any fashion.

3.5 Selling By Outcry In Residential District. The selling of anything by outcry within any area of the City zones primarily for residential uses, is prohibited.

3.6 Use Of Drum Or Other Devices To Attract Attention To Show, Sale or No person shall use any drum, bell, buzzer, or other instrument or device for the purpose of attracting attention, by the creation of noise, to any the like performance, show, auction or other sale, or for any other commercial purpose.

3.7 Handling Of Boxes, Crates, Containers or the like. The loading, unloading, opening or otherwise handling of boxes, crates, containers, garbage containers or other objects, in such a manner as to disturb the quiet, comfort or repose of any person, is prohibited.

3.8 Noisy Animals And Fowl. No person shall own, keep, harbor or have possession of any animal or fowl which, by frequent or habitual howling, barking, meowing, squawking, or other noise, shall disturb the quiet, comfort or repose of any person.

3.9 Noise From Vehicles Generally. The use of any truck, automobile, motorcycles, or other vehicles so out of repair, so loaded, or in such a manner as to create loud and unnecessary grating, grinding, rattling or other noise, is prohibited.

3.10 Repairing, Rebuilding Or Testing Vehicles. The repairing, rebuilding, or testing of any truck, automobile, motorcycle or other motor vehicle within the City, in such a manner as to disturb the quiet, comfort or repose of any person, is prohibited.

3.11 Unmuffled Exhaust From Engine Or Motor; Modifying Noise-Abatement Device On Engine Or Motor. The discharge into the open air, of the exhaust of any steam engine, stationary internal combustion engine, motorboat or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom, is prohibited. Modifying any noise-abatement device on any motor vehicle or engine in a manner so that the noise emitted by such vehicle or engine as originally manufactured, shall be a violation of this Section.

3.12 Construction Noises. Except as hereinafter provided, the performing of any construction or repair work on buildings, structures or projects, or the operation of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or other construction-type device, in such a manner as to disturb the quiet, comfort or repose of any person, is prohibited. In such cases, a permit shall be obtained in accordance with this Ordinance.

No 3.13 Noise Near School, Church, Court, Hospital Or Nursing Home. person shall create any excessive noise within the vicinity of any school, institution of learning, church or court while the same is in use, or within the vicinity of any of such hospital or institution or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed on streets within the vicinity indicating the presence of a school, hospital, court, church or nursing home.

4 NOISE LEVEL STANDARDS

4.1 Projection Of Sound; Decibel And Prohibited Noise Level Standards. It shall be unlawful for any person to allow any sound, or to cause any sound under the direction and control of such person, to project from one parcel of real property onto or into another parcel of real property, if such sound exceeds any of the following:

4.1.1 The equivalent "A"-weighted sound level spectra established in Section 4.5, Table I below, measured over a one (1) minute period of time.

4.1.2 The equivalent "A"-weighted ambient sound level measured over a fifteen (15) minute period of time by more than ten (10) db(A).

4.1.3 Any db(A) level, measured on the "fast response" side of an "A"-weighted sound level meter, that exceeds the equivalent "A"-weighted sound level spectra allowed in the district by twenty (20) db(A) for more than three (3) times in a one (1) hour period of time.

4.2 It shall also be unlawful for any person to project any sound from one use district into another use district with a different sound level, which exceeds the sound level limitations of the district into which the sound is projected in violation of the limitations hereinbefore established.

4.3 A measurement of sound shall be made with an "A"-weighted sound level meter. The instrument shall be maintained in proper calibration and good working order in compliance with the manufacturer's or supplier's recommendations or requirements. A calibration test shall be made at the time of any such measurement to insure that the instrument is in proper working order. Measurements shall be taken so as to provide an accurate determination of the sound level being measured, and the microphone shall be positioned so as to avoid any enhancement or diminution of the sound being measured. A wind speed is in excess of twenty-five (25) miles per hour.

4.4 The measurement shall be made at any point on a property line of the parcel of real property which is the receiving land use. The microphone shall be placed at a height of five (5) feet just above the surface of the point at which the measurement is being made, except where the sound source is elevated or situated so that a different elevation for the sound level meter will provide a more actuated measurement.

4.5 The equivalent "A"-weighted sound level spectra referred to in Section 4.1 hereof is as follows:

TABLE 1: LIMITING SOUND LEVELS FOR ZONING DISTRICTS			
(As Measured in the District Receiving the Sound)			
	<u>Residential</u>	<u>Commercial</u>	<u>Industrial</u>
Nov. 1 to April 30			
9:00 P.M. to 7:00 A.M.	65	72	80
Nov. 1 to April 30			
7:00 A.M. to 9:00 P.M.	75	77	85
May 1 to October 30			
9:00 P.M. to 7:00 A.M.	65	72	80
May 1 to October 30			
7:00 A.M. to 9:00 P.M.	75	77	80

5 LIMITED EXEMPTIONS

5.1 General Exemptions. The following uses or activities shall be exempt from sound level regulations.

5.1.1 Sound of safety signals and warning devices;

5.1.2 Sounds resulting from any authorized vehicle, when responding to an emergency;

5.1.3 Sounds resulting from the provision of municipal services;

5.1.4 Any sound resulting from activities of a temporary duration that are permitted by law;

5.1.5 The unamplified human voice, except as specified above in Section 4.5;

5.1.6 Parades and public gatherings for which a permit has been issued under other sections of the Code of Ordinances;

5.1.7 Bells, chimes, carillons, while being used for religious purposes or in conjunction with religious services or for national celebrations of public holidays, as well as those bells, chimes, carillons that are presently installed and in use for any purpose; and

5.1.8 Sounds resulting from emergency work.

5.2 Restricted Use Exemptions. The following uses and activities shall be exempt from noise level regulations:

5.2.1 Lawn maintenance equipment when it functions within manufacturer's specifications and with all mufflers and noise reducing equipment in use and in properly operating condition between the hours of 7:00 A.M. and 9:00 P.M.; and

5.2.2 Non-amplified crowd noises resulting from activities such as those planned by community agencies, governmental groups, schools, and day care centers.

5.2.3 Construction noises, when done pursuant to a valid building permit issued by the City, between the hours of 7:00 A.M. and 8:00 P.M., excluding Sundays and legal holidays and subject to Section 3.12 of this Ordinance.

5.2.4 Construction noises resulting from the performance of a contract with the City of Petersburg.

5.3 Aircraft. Any aircraft operated in conformity with, or pursuant to, federal law, federal air regulation, and air traffic control instruction used pursuant to and within the duly-adopted federal air regulations shall be exempt from the provisions of this Ordinance. Any aircraft operating under technical difficulties, in any kind of distress, under emergency orders of air traffic control, or being operated pursuant to and subsequent to the declaration of an emergency under federal air regulations, shall also be exempt from the provisions of this Ordinance.

5.4 Interstate Rail Carrier Operations and Motor Carriers Engaged in Interstate Commerce. All rail cars, locomotives and all motor carriers engaged in interstate commerce shall, while engaged in such operations in the City of Petersburg, conform to the noise emission levels established by the Environmental Protection Agency under the Federal Noise Control Act of 1972, being Public law 92-574, 86 Statutes 1234, as amended. Measurement of such sounds shall be in accordance with the requirements of applicable federal regulations.

6 VEHICULAR NOISE

6.1 Vehicular Noise. Definitions as used in this Article.

6.1.1 Fast Meter Response. Means the meter ballistics of meter dynamic characteristics as specified by American National Standard S 1.4-1971.

6.1.2 Maximum Noise. Means the noise emitted from a vehicle during that manner of operation which causes the highest dB(A) level possible from that vehicle.

6.1.3 Muffler. Means a device for abating the sound of escaping gases of an internal combustion engine.

6.1.4 Exhaust System. Means the system comprised of a combination of components which provides for enclosed flow of exhaust gas from engine parts to the atmosphere.

6.1.5 Total Noise. Means noises radiating from a vehicle but does not include noise emitted from a horn, siren, bell, or other similar device of an authorized emergency vehicle.

6.1.6 Gross Vehicle Weight Rating. Means the value specified by the manufacturer as the loaded weight of a vehicle.

6.1.7 Combination Vehicle. Means any combination of truck, truck tractor, trailer, semi-trailer or pole trailer used upon the highways or streets in the transportation of passengers or property.

6.1.8 Moped. Means a two or three wheeled vehicle which is equipped with a motor that does not exceed fifty (50) cubic centimeters piston displacement, produces 2.0 brake horse power or less, and cannot propel the vehicle at a speed greater than thirty (30) miles per hour (mph) on a level surface. The power drive system shall not require the operator to shift gears.

6.2 Noise.

6.2.1 A motor vehicle, including every motorcycle and moped while being operated on a highway, street, or other public right-of-way, shall be equipped with an exhaust system in good working order and in constant operation to prevent excessive or unusual noise and shall be equipped to prevent noise in excess of the limits established in this Section. Evidence that a motor vehicle was operated at a noise level in excess of the limits in this Section shall be prima facie evidence that the motor vehicle was producing excessive noise.

6.2.2 For purposes of this Section, a motor vehicle does not include special mobile equipment, as defined in Section 1.032(a) UTC.

6.3 Lawful Noise Limits

A motor vehicle shall not be operated or driven on a highway or street if the motor vehicle produces total noise exceeding one of the following limits at a distance of fifty (50) feet except as provided in subdivision 6.3.2.3 and 6.3.3.3:

6.3.1 A motor vehicle with a gross weight or gross vehicle weight rating of 8,500 pounds or more, combination vehicle with gross weight or gross vehicle weight rating of 8,500 pounds or more:

6.3.1.1 90 dB(A) if the maximum lawful speed on the highway or street is greater than 35 miles per hour;

6.3.1.2 86 dB(A) if the maximum lawful speed on the highway or street is not more than 35 miles per hour; and

6.3.1.3 88 dB(A) under stationary run-up test.

6.3.2 A motorcycle or moped:

6.3.2.1 86 dB(A) if the maximum lawful speed on the highway or street is greater than 35 miles per hour;

6.3.2.2 82 dB(A) if the maximum lawful speed on the highway or street is not more than 35 miles per hour;

6.3.2.3 95 dB(A) under stationary run-up test at 75 inches.

6.3.3 A motor vehicle or a combination of vehicles towed by a motor vehicle not covered in paragraphs A or B:

6.3.3.1 83 dB(A) if the maximum lawful speed on the highway or street is greater than 35 miles per hour; or

6.3.3.2 76 dB(A) if the maximum lawful speed on the highway street is not more than 35 miles per hour; or

6.3.3.3 95 dB(A) under stationary run-up test 20 inches from the end of the tail pipe.

6.3.4 This Section applies to the total sound of a motor vehicle or a combination of vehicles towed by such motor vehicle and shall include any sound from such machines or devices for the production or reproduction of sound which is a part of the motor vehicle in any way and shall not be construed as limiting or precluding the enforcement of any other ordinances of the City of Petersburg relating to motor vehicle noise.

6.3.5 Test procedures under this Section shall comply with those established pursuant to MCLA 257.707 - 257.707e.

6.4 Exhaust System.

A person shall not operate a vehicle, including a motorcycle or moped on a highway or street if the vehicle has a defect in the exhaust system which affects sound reduction, is not equipped with a muffler or other noise dissipative device, or is equipped with a cut-out, bypass, amplifier or a similar device.

6.5 Exhaust System Not to Exceed Noise Limits.

A person, acting either for himself or as the agent or employee of another, shall not sell, install, or replace a muffler or exhaust part that causes the motor vehicle to which the muffler or exhaust part is attached, to exceed the noise limits established by this Section.

6.6 Unlawful Modifications.

A person shall not modify, repair, replace, or remove a part of an exhaust system causing the motor vehicle to which the system is attached to produce noise in excess of the limits established by this Ordinance or operate a motor vehicle so altered on a street or highway, nor shall any person knowingly install a muffler or exhaust system which, at the time of installation, exceeds the decibel limits of this Article.

6.7 Interference With Sound Monitoring Device.

It shall be unlawful for any person to remove or render inaccurate or inoperative any sound monitoring instrument or device for the purpose of enforcing the provisions of this Ordinance.

6.8 Measurement Standards And Test Instrumentation; Sound Level Meter.

6.8.1 A sound level meter shall be used which has the capacity to give measurement of sound using the "A" weighted network and measurements recorded in terms of dB(A). The sound level meter shall meet or exceed the requirements for a Type 2 sound level meter as specified in American National Standard Specifications for Sound Level Meters (ANSI S 1.1-1971), approved April 27, 1971, issued by the American National Standards Institute.

6.8.2 Test instrumentation and procedures used for implementation and enforcement of this Article shall substantially conform with applicable standards and recommended practices established by the Society of Automotive Engineers and the American National Standards Institute for the measurement of the motor vehicle sound levels. The rules may provide for measurement at other than the distance specified herein, provided that the decibel limits applied at the other distances are adjusted accordingly.

7 PENALTIES AND ENFORCEMENT

7.1 Violations A Misdemeanor.

Any violation of this Ordinance is a misdemeanor, and any person convicted of a violation by a court of competent jurisdiction shall be fined an amount not to exceed Five Hundred Dollars (\$500.00) or imprisoned for not more than ninety (90) days, or both, except as hereinafter provided. A violation of Section 6.3 and Section 5.4 shall be a civil infraction, punishable as provided by law. Further, no fine shall be imposed for any violation based upon defective vehicular equipment upon receipt of certification by a law enforcement agency that repair was made within fifteen (15) days of the date of issuance of a citation.

7.2 Enforcement.

7.2.1 Violations of this Ordinance shall be prosecuted in the same manner as other misdemeanor violations of the City's Code, provided that violations based solely on Section 4.1 shall be enforced by the Building Inspector who shall give a written notice of intention to prosecute the alleged violator not less than five (5) days prior to the issuance of a misdemeanor complaint by posting a copy thereof on the premises and by mailing, by registered or certified mail, a copy to the alleged violator. No complaint shall be issued in the event the cause of the violation is removed, the condition abated, fully corrected within such five (5) day period. In the event the alleged violator cannot be located in order to serve the notice of intention to prosecute, the notice as required herein shall be deemed to be given upon mailing such notice by registered or certified mail to the alleged violator at his last known address or at the place where the violation occurred, in which event the five (5) day period shall commence at the date of the day following the mailing of such notice. All other provisions of this Ordinance shall be enforced by the Building Inspector or the contract unit of the Monroe County Sheriff's Department.

7.2.2 Other Enforcement. In addition to any personnel designated herein for the enforcement of this Ordinance, the City Mayor may employ any other person who is technically qualified for noise measurement, or trained in noise control techniques and procedures, and may further authorize the use of any sound level measuring instruments and procedures as may be necessary to accurately determine the level of the sound being measured.

7.2.3 Rules and Regulations. The City Council may promulgate and adopt rules and regulations deemed necessary for the proper and effective implementation and enforcement of this Ordinance, provided such rules and regulations shall be consistent with the provisions of this Ordinance and the standards established herein.

7.3 Injunctive Relief.

As an additional remedy, any violation of this Ordinance is declared to be a public nuisance, subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction. Any person having standing may enforce the provisions of this Ordinance, including an application for injunctive relief.

7.4 Severability.

If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, declared to be unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

7.5 Repeal.

Any part of an ordinance inconsistent with this Ordinance is hereby repealed.

7.6 Effective Date.

This Ordinance shall be in full force and effect TEN (10) days after a summary has been published as required by law.

I hereby attest that the foregoing Ordinance was adopted by the City Council of the City of Petersburg, County of Monroe, State of Michigan at a regular meeting held on the 20th day of December, 1993.

I further certify that the foregoing Ordinance was published in the Dundee Independent Newspaper on January 13, 1994.

Patricia A. Hurst, City Clerk

ORDINANCE NUMBER 81

ZONING ORDINANCE of the CITY OF PETERSBURG

Adopted May 29th, 1994 and last amended August 8th, 2022

Please see the Zoning Ordinance book, which contains the current zoning ordinances

<https://petersburgmi.gov/mt-content/uploads/2024/04/final-petersburg-zoning-ordinance.pdf>

ORDINANCE NUMBER 83

SUBDIVISION CONTROL ORDINANCE CITY OF PETERSBURG, MICHIGAN

An Ordinance establishing regulations governing the subdivision of land; providing for the procedure for the preparation and filing of plats, tentative approval of preliminary plats, submission of record or final plats, the approval of the plat by the City Council; providing for platting regulations and requirements in regard to conformity to Petersburg's Land Use Plan and to provide penalties for the violations.

Please see separate document, “Zoning Ordinance 2022”

<https://petersburgmi.gov/mt-content/uploads/2024/04/final-petersburg-zoning-ordinance.pdf>

ORDINANCE 89

AN ORDINANCE TO SET CERTAIN FEES INCIDENT TO THE ENFORCEMENT OF THE ZONING ORDINANCE AND THE SUBDIVISION CONTROL ORDINANCE OF THE CITY OF PETERSBURG

The City of Petersburg Ordains:

- 1 **Purpose** The purpose of this Ordinance is to establish a fee schedule and an escrow fund for review and enforcement procedures under the Petersburg Zoning Ordinance and the Subdivision Control Ordinance.
- 2 **Special Approval Use** The fee to accompany an application for a special approval use shall be \$325.00.
- 3 **Site Plan Review** The fee to accompany an application for site plan approval shall be \$325.00.
- 4 **Changes and Amendments to the Zoning Ordinance** The fee to accompany an application or petition for amendment of the zoning ordinance shall be \$325.00.
- 5 **Appeal to the Board of Zoning Appeals** The fee to accompany an application for an appeal to the Board of Zoning Appeals shall be \$325.00.
- 6 **Escrow Fee** Any application that involves the review and approval of any type of a site plan under the Zoning Ordinance or the Subdivision Control Ordinance shall be accompanied by an escrow fee as may be determined by the City Council or by the City Clerk after consultation with the City Building Inspector. Such fee may be utilized by the City to obtain the services of one (1) or more expert consultants qualified to advise as to whether the proposed development will conform to the applicable City ordinances, policies and standards, and for investigation and report of any objectionable elements which are a concern of the City Council or Planning Commission. The initial escrow fee shall be not less than \$1,000.00 unless a lesser amount is set by the City Council based upon the size of the proposed development. The City Council or the City Clerk after consultation with the City Building Inspector may direct the applicant to pay additional escrow fees as a condition of proceeding with the application if either of them determines that additional funds may be necessary for additional consulting services. After the proposed development application has been finally approved or disapproved, the balance of the fee which is left shall be returned to the applicant.
- 7 **Repeal** Ordinance No. 037-002 is hereby repealed.

8 This Ordinance shall be effective ten (10) days after publication.

9 I, Patricia A. Hurst, Clerk for the City of Petersburg, do hereby certify that the foregoing Ordinance was duly adopted at a special meeting of the City Council on July 31, 1995.

Patricia A. Hurst, City Clerk

ORDINANCE NUMBER 93

An Ordinance to Adopt By Reference The BOCA National Building Code, Thirteenth Edition, 1996, To Provide Certain Modifications For Its Application to the City of Petersburg, To Establish Building Permit Fees and To Repeal Inconsistent Ordinances.

THE CITY OF PETERSBURG ORDAINS:

1 Adoption of Building Code

In accordance with Section 8 of the State Construction Code Act, P.A. 1972, No. 230, Compiled Laws 1948, MCL 125.1501 and following, as amended, The BOCA National Building Code, Thirteenth Edition, 1996, as published by The Building Officials and Code Administrators International, Inc. is hereby adopted by reference, subject to the modifications set forth in this Ordinance.

2. Additions, Insertions and Changes

2.1 Section 101.1

Insert: City of Petersburg, County of Monroe, State of Michigan

2.2 Section 112.3.1

Insert: The fee for each plan examination, building permit and inspection shall be established by separate ordinance by the City Council of the City of Petersburg and may be amended from time to time.

2.3 Section 116.4

Insert: 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 a building or structure in violation of an approved plan or directive of the code officials, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$500.00, or by imprisonment not to exceed 90 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

2.4 Section 117.2

Deleted.

2.5 Section 3408.2

Insert: Structures existing prior to November 7, 1974 in which there is work involving additions, alterations or changes in occupancy, shall be made to conform to the requirements of this section or the provisions of Sections 3403.0 through 3407.0

The provisions of Sections 3408.2.1 through 3408.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be in Use Groups A, B, E, F, M, R and S. These provisions shall not apply to buildings with occupancies In Use Group H or I.

3 Building Permit Fees

Building permit fees are hereby established as follows:

<u>Total Valuation</u>	<u>Fee</u>
Demolition	\$15.00
\$500.00 to \$1,000.00	None
\$1,001.00 to \$2,000.00	\$17.50
\$2,001.00 and up	\$2.50 for each additional \$1,000.00 over the first \$2,000.00 or fraction thereof.

4 Repeal

Ordinances 66 and 85 any sections of Ordinances inconsistent with the Provisions of this Ordinance and the adopted Code, to the extent of such inconsistency, are hereby repealed.

5 Savings Clause

Nothing in this Ordinance or in the adopted Code shall be construed to affect any suit or proceeding impending any court, or any rights acquired, or liability incurred, or any cause or causes as cited in Section 4 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

6 Date of Effect

The effective date of this Ordinance shall be 90 days from the date a summary has been published in a newspaper of general circulation within the City and 90 days after a certified copy of this Ordinance is delivered to the State Construction Code Commission.

Attest: This Ordinance was adopted and recorded in the Minutes of a Regular Meeting of the City Council held on the 4th day of November 1996, and was published in the Independent Newspaper on the 21st day of November 1996. A certified copy of this Ordinance was delivered to the State Construction Commission Code on the 20th day of November 1996.

Patricia A. Hurst, City Clerk

ORDINANCE NO. 94

AN ORDINANCE TO CREATE THE CONSTRUCTION BOARD OF APPEALS

THE CITY OF PETERSBURG ORDAINS:

1 The City of Petersburg Construction Board of Appeals shall be and is hereby created in accordance with P.A.1972, No. 230, being MCL 125.1514, the State Construction Code of 1972.

2 The City of Petersburg Construction Board of Appeals (Board) shall consist of 5 members to be appointed by the Mayor subject to the approval of the City Council.

3 Of the initial members appointed, 2 shall be appointed for one (1) year and 3 shall be appointed for two (2) years. A member shall hold office until the member's successor is appointed and qualified. Thereafter, each member shall serve for a term of 2 years.

4 The Board may, by rules, establish its own procedures except as otherwise provided by the State Construction Code Act, or by other laws or ordinances.

5 Members of the Board shall be qualified by experience or training to perform the duties of members of the Board.

6 If an enforcing agency refuses to grant an application for a building permit, or if the enforcing agency makes any other decision pursuant or related to this act, or the code, an interested person, or the person's authorized agent, may appeal in writing to the Board.

7 A person may serve on the Board of more than 1 governmental subdivision.

8 Any sections of the City Ordinances inconsistent with the amendments set forth above are hereby repealed to the extent of such inconsistency.

9 If any section, paragraph, clause, phrase or part of this Ordinance is for any reason held Invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of these Controls; and the application of those provisions to any persons or circumstances shall not be affected thereby.

10 This Ordinance shall be effective after a summary is published as provided by law.

Ordinance declared adopted.

Patricia A. Hurst, City Clerk
5-5-97

ORDINANCE NO. 96 (Amended BY Ordinance 113)

AN ORDINANCE TO ESTABLISH UNIT FACTORS TO BE USED IN COMPUTING CHARGES FOR WATER SERVICE AND SEWAGE DISPOSAL SERVICES, TO SET WATER AND SEWER TAP AND CONNECTION FEES AND USER FEES, TO ESTABLISH A SYSTEM FOR COLLECTING CHARGES AND OTHER MATTERS RELATING TO THE WATER AND SEWAGE DISPOSAL SERVICE OF THE CITY OF PETERSBURG AND REPEAL ORDINANCE 90.

The City of Petersburg ordains:

1 Factors:

1.1 Unit Factors:

The unit factors for water and sewer service are established as follows:

1.00 unit	Single-family residence within the City
3.00 units	Single-family residence outside the City
0.30 per room	Sleeping rooms for rent
0.60 per apartment	One-bedroom apartments
0.80 per apartment	Two bedroom apartments
1.00 per apartment	Three bedroom apartments
2.00 units	Auto agencies exclusive of car wash
3.00 units	Auto agencies with car wash
1.00 unit	Barbershop
1.00 units	Bars
0.25 per booth	Beauty Shop
0.30 per room	Boarding houses
0.30 per person	Boarding schools
0.20 per alley	Bowling alleys
1.50 units	Car Care Center
2.50 for each stall	Car Wash - coin operated
1.0 per church	Churches
1.25 per press	Cleaners - Pressing facilities
0.65 per doctor	Clinics
0.30 per bed	Convalescent homes
0.25 per person	Convents
0.10 per member	Country Clubs
1.00 unit	Drug Store without fountain service
2.00 units	Drug Store with fountain service
0.50 per 1,200 sq. ft.	Factories
1.20 per hall	Fraternal Organizations - members only
2.50 per hall	Fraternal Organizations - members & rentals
1.00 unit	Grocery stores without meat or vegetable preparation

Page 2 - **Ordinance No. 96**

2.00 units	Grocery stores with meat or vegetable preparation
1.40 per bed	Hospitals
0.25 per bed	Hotels
0.25 for each washer	Laundries
2.00 units	Meat market w/ occasional groceries and w/o produce
0.25 per bed	Motels
0.60 per 1,000 sq. ft.	Office buildings
0.40 per employee	Public institutions (except hospitals)
2.00 units	Restaurants- full service
0.05 per student and 1.50 per teacher station obtain unit)	Schools (compute total of both factors & divide by two to obtain unit)
1.00	Service stations
2.00 units	Snack bars/Drive-ins
1.00 per business	Store (other than specifically listed)
3.50 per 1,000 sq. ft.	Swimming Pool (commercial or school)
0.10 per car space	Theaters (drive-ins)
0.0001 x weekly hours and seats	Theaters
0.25 per cubical	Tourist Courts
0.35 per trailer	Trailer Parks (central bath house)
1.00 per unit	Trailer Parks (individual baths)
0.50 per unit	Trailer Parks (individual baths - seasonal only)
0.10 per 2,000 sq. ft.	Warehouses

1.2 Minimum Factor:

The minimum factor for services to any building, store, business or profession one (1) unit. A separate rate shall be determined upon application for industrial sewer service.

2 Changes In Unit Classification:

Changes in classification shall be made by written application to the Water Department and approved by the City Council. Changes in classification shall become effective at the beginning of the next succeeding quarter after approval of Council. Any user may at any time be required to submit a written renewal application to the Water Department.

3 Application:

3.1 Application

A new water tap shall be requested by written application on a blank prepared by the Water Department signed by the user, or his authorized agent. Such application shall contain such information as the Water Department shall deem necessary to classify the user. The connection fee for water shall be paid at the time the building permit is issued by the City.

4 Water Service Tap Fees:

4.1 Water Service Tap Fees For Property Inside the City:

Tap fee shall be paid at time of application, or, if an occupancy permit shall be required, at the time the occupancy permit is issued, based on the following charges:

- | | | |
|----|----------------|----------|
| 1. | 3/4 inch tap | \$432.00 |
| 2. | 1 inch tap | 480.00 |
| 3. | 1 1/4 inch tap | 540.00 |
| 4. | 1 1/2 inch tap | 612.00 |
| 4. | 1 3/4 inch tap | 696.00 |
| 5. | 2 inch tap | 792.00 |

4.2 Water Service Tap Fees For Property Outside the City:

4.2.1 Tap fee shall be paid at time of application, or, if an occupancy permit shall be required, at the time the occupancy permit is issued, based on the following charges:

- | | | |
|----|----------------|-----------|
| 1. | 3/4 inch tap | \$1296.00 |
| 2. | 1inch tap | 1440.00 |
| 3. | 1 1/4 inch tap | 1620.00 |
| 4. | 1 1/2 inch tap | 1836.00 |
| 4. | 1 3/4 inch tap | 2088.00 |
| 5. | 2 inch tap | 2376.00 |

4.2.2 The City of Petersburg shall not sell water outside the City limits except for service now in existence unless approved on a case by case basis by City Council in accordance with approved fee schedules, engineering plans and specifications.

5. Sewer Service Connection Fee for Property Inside the City:

The connection fee shall be paid at the time the building permit is issued by the City based on the following charges:

5.1 Connection Fee:

The connection fee is \$2,160.00 per unit.

5.2 Sewer Service Outside the City:

The City of Petersburg shall not provide sewage disposal service outside the City limits except for service now in existence unless approved on a case by case basis by City Council in accordance with approved fee schedules, engineering plans and specifications.

6 Water and Sewer Rates:

6.1 Water Rate Per Unit Inside the City:

The charge per water unit inside the City is hereby established at \$62.00 per unit per quarter. Units in excess of the minimum of one unit shall be charged to the nearest tenth. No free service shall be furnished by the City to the City nor to any other person, firm or corporation, public or private nor to any public agency or instrumentality. Fire protection or the use of water through fire hydrants and for the availability of such water shall be paid by the City at the rate of \$50.00 per hydrant per year.

6.2 Water Rate Per Unit Outside the City:

Any premises outside the City limits that are authorized to be connected to the Water System shall be three (3) times the rate of premises located within the City.

6.3 Sewer Rate Per Unit Inside the City:

The charge per unit for sewage disposal services inside the City is established at \$90.00 per quarter. Units in excess of the minimum of one unit will be charged to the nearest tenth.

6.4 Sewer Rate Per Unit for Summerfield High School:

The charge for a unit for sewage disposal services to Summerfield High School which is outside the City is established as being the same as inside the City.

7 Debt Service Charge:

The debt service charge for sewage disposal services previously required in Section 7.01 of Ordinance 1 and in Section 6 of Ordinance 5 and discontinued in Section 3 of Ordinance 38 remains discontinued.

8 Billing Cycle:

On July 1, 1971, and on the first day of each succeeding quarter thereafter, there shall be due the City for water service, sewage disposal service and sewage disposal debt service as follows:

8.1 Water service for the preceding three months.

8.2 Sewage disposal service for the succeeding three months.

8.3 Sewage disposal debt service for the succeeding three months.

9 Late Charges and Procedures for Delinquent Bills:

9.1 Late Fee:

If any portion of the charges for water services, sewage disposal, connection fees, inspection fees or debt service charges is not paid on or before the due date, then a late fee of 10% shall be added to the unpaid charges.

9.2 Shut-off Penalty:

If any portion of the charges or late fee is not paid within forty-five (45) days from the due date, a shut-off penalty of \$15.00 shall be added, and shall be payable whether or not any service is shut-off.

9.3 Interest:

If any portion of the charges, late fee or penalty is unpaid on the first day of the following quarter, then the unpaid portion shall bear interest at the rate of 1 1/2% per month or 18% per year.

9.4 Security Deposit:

If any portion of the charges, penalty or interest is not paid within 45 days after the due date, a deposit of a sum of money equal to the charges for one quarter may be required by the City, whose deposit shall be held as security and may be applied to any unpaid balance when due.

9.5 Termination of Service:

In the event any portion of the charges, penalty or interest have not been paid within 45 days after the due date, then the City may shut-off and discontinue the supply of water and/or sewage disposal services until the balance is paid.

9.6 Property Lien:

Any unpaid charges, late fee, penalty or interest shall become a lien against the premises; and if they remain delinquent for two quarters or more, the City Treasurer shall certify them to the City Assessor who shall enter them upon the next tax roles against the premises to which they apply, and they shall be collected and the lien shall be enforced and the City shall provide for the collection of taxes assessed upon the role and for the enforcement of the lien.

9.7 Owner Liability:

The owner of any property shall be responsible for the payment of the charges, late fee, penalty and interest if they do not become a lien against the property to which they apply.

10 Shut-Off Valves:

The City Municipal Water Department shall be responsible to furnish and maintain a line from the water main to and including the shut off valve at the property line of the owner requesting water service.

11 Regulation of Water Sprinkling:

It shall be unlawful to sprinkle water purchased through the City Water System, other than on the following schedule:

11.1 Homes or business with even street numbers shall sprinkle water only on even-numbered calendar days;

11.2 Homes or businesses with odd-numbered street numbers shall sprinkle only on odd-numbered calendar days.

11.3 The Mayor, upon written proclamation determining that the supply of water is inadequate, may suspend these sprinkling provisions.

12 Right To Inspection:

County agents and other duly authorized employees of the Monroe County Sewage Disposal System or City employees bearing proper credentials and identification shall be permitted to inspect all properties for the purpose of inspection, observation, measurement, sampling and testing the sewage disposal system and/or the water distribution system.

13 Requested Disconnection:

Disconnection from the water system, requested by the consumer at the consumer's property line by way of a shut off box, shall be made without charge.

14 Re-Connection Fee:

A re-connection charge of \$15.00 Dollars shall be made for all re-connections to the water system at the property line by way of the shut off box.

15 Non-Waiver of Liability:

The City of Petersburg shall not be responsible to any consumer for any damage caused through the department's inability or refusal to furnish water.

16 Savings Clause:

If any section, paragraph, sentence, clause or phrase of this ordinance shall be held invalid, the same shall not affect any other part of this ordinance.

17 Penalties:

Any person violating any of the provisions of this ordinance shall upon conviction thereof be sentenced to pay a fine of not exceeding \$100.00 or to imprisonment for not more than ninety (90) days in the Monroe County Jail, or both such fine and imprisonment in the discretion of the Court.

18 Conflicting Ordinances Repealed:

Ordinance Number 90 and all ordinances and resolutions or parts thereof, insofar as the same may be in conflict herewith, if not already repealed, are hereby repealed. The City specifically reserves the right to amend this ordinance in whole or part, at one or more times hereafter, or to repeal the same, and by such amendment or repeal to abandon, increase, decrease or otherwise modify any of the fees, charges or rates herein provided, with the understanding, however, that the adoption of this ordinance or its subsequent amendment or repeal shall in no wise change, relieve or release the contractual and legal obligations of the City to make the required payment to the Monroe County Sewage Disposal System (Petersburg System No. 1) or under applicable law or the contractual and legal obligation pursuant to said contract and applicable law to levy a tax or to use any other means or available funds to make the required payments to the County, and this Ordinance shall not be deemed to be a part of any contractual obligation or bond contract pertaining to the water or sewer systems.

19 Effective Date:

This Ordinance will take effect October 1, 1997.

Attest: This Ordinance was adopted and recorded in the Minutes of the regular meeting of the City Council held on the 15th day of September, 1997 and was published in a newspaper of general circulation in the City on the 18th day of September 1997.

Patricia A. Hurst, City Clerk

ORDINANCE NUMBER 99

CITY OF PETERSBURG MONROE COUNTY, MICHIGAN

AN ORDINANCE TO AMEND ORDINANCE 81. THE CITY OF PETERSBURG ZONING ORDINANCE, FOR THE PURPOSE OF CHANGING CERTAIN TEXT AND ZONING MAP AND THE ZONING CLASSIFICATION OF CERTAIN PROPERTY.

THE CITY OF PETERSBURG ORDAINS:

1. SECTION 3.12 ACCESS TO STREETS is amended as follows:

SECTION 3.12 ACCESS TO STREETS

1 In any residential, commercial, or industrial districts, every use, building, or structure established after the date of this Ordinance shall be on a lot or parcel which adjoins a public street, such street right of way to be at least sixty-six (66) feet in width unless a lesser width has been established and recorded prior to the effective date of this Ordinance.

2 Every building and structure constructed or relocated after the effective date of adoption or amendment of this Ordinance shall be so located on lots as to provide safe and convenient access for fire protection vehicles and required off-street parking and loading areas.

3 Private streets or alleys shall not be permitted. All streets and alleys shall be dedicated as public right of way.

2. ARTICLE IX - SCHEDULE OF REGULATIONS - FOOTNOTES FOR SCHEDULE OF REGULATIONS - FOOTNOTE A is amended as follows:

A. In determining required yard spaces and lot area for all land uses in any zoning district, the determination of such yard spaces shall be the distance from the building or structure on the lot to the nearest lot line. For those lots adjacent to a major or secondary thoroughfare or collector street, identified on the city's master plan for thoroughfare as a federal, state, county, or city road, the yard spaces shall be measured from the proposed future right-of-way lines for such thoroughfare to the building or structure on a lot or parcel of land. Until such times as the city's master Plan of thoroughfare shall have been adopted, the

following right-of-way shall be observed for the purpose of determination of lot area and yard spaces in the City of Petersburg.

Rights-of-way for all other public roads or streets within a platted subdivision shall be at least sixty-six (66) feet.

3. ARTICLE 12- SUPPLEMENTARY DISTRICT REGULATIONS is amended to include SECTION 12.14 as follows:

SECTION 12.14 REGULATING COMMUNICATION TOWERS, ANTENNAE AND TOWER AND ANTENNA SUPPORT STRUCTURES

1 Definitions. For purposes of this Section, the following definitions shall apply:

1.1 **Antenna:** An exterior apparatus capable of radiating or receiving communications for radio or television purposes including satellite dishes and other satellite reception antennae but excluding facilities considered to be essential public services or those preempted from city regulation by applicable state or federal laws or regulations, including the Federal Communications Commission (FCC).

1.2 **Antenna Support Structure:** A structure that supports one or more antennas such as an open face fabricated metal tower, tubular metal mast, a wooden pole, a poured concrete base, or another fixture that affixes an antenna to a roof or wall. An Antenna structure may be on the ground, attached to a roof or otherwise attached to a building.

1.3 **Antenna Facilities:** Antenna Facilities include Antenna and Antenna Support Structure.

2 Commercial Television, Cable Television and Radio Towers and Public Utility Micro-Waves, and Public T.V. Transmitting Towers: The construction, use and maintenance of Antennae Facilities, which include but are not limited to, satellite dishes or other satellite reception antennae, radio and television towers, public utility micro-waves and public utility T.V. transmitting towers, and their

attendant facilities may be permitted by the city council under the conditions specified herein and after a public hearing is held relative thereto, providing that, before approving and authorizing a use permit, there shall be submitted to the City of Petersburg an application which shall contain the names, addresses and ownership interest of parties of interest in the premises together with a plot plan, and description of the premises wherein operations are proposed and such other information as may be reasonably required by the building inspector upon which to base an opinion as to whether a permit should be issued.

3 Intent and exception: The intent of this section is to provide reasonable regulations for Antennae Facilities to achieve the objectives listed below:

- 3.1 Promote safety and prevent hazards to persons and property resulting from accidents involving Antennae Facilities which could fall from building or structural mountings due to wind load, snow load, or other factors.
- 3.2 Promote utilization of ground mounting for Antennae Facilities where reasonably feasible.
- 3.3 Require screening of ground-mounted Antennae Facilities and minimize visibility to roof or structure mounted facilities to maintain architectural integrity and aesthetic quality of property improvements and preserve property values.
- 3.4 Exclude from these provisions antennae with an essential service provided by or for the city, or other governmental agencies.
- 3.5 Exclude from provisions of this section, conventional VHF and UHF television antennae, FM broadcast antennae and guy wires, and up to three (3) antennae support structures on any lot used by amateur radio operators, licensed by the FCC under Part 97 of FCC rules, when such antenna meet the standards below. This exclusion is based upon the following findings: there is relatively minor concern for wind, ice and snow

load Issues because of their established safety record; there has been historical acceptance of such facilities from architectural and aesthetic standpoints; the amateur radio operators have historically provided a valuable public service to the community during emergencies, and the cost of complying with the procedure for application and review would be unreasonable in relation to the cost of purchasing and installing the facility.

3.5.1 In a residential district, Antennae Facilities shall not be more than fifty (50) feet above the mean grade.

3.5.2 In non-residential districts, when the Antennae Facilities shall not be more than one hundred (100) feet above mean grade.

3.5.3 All electrical antennae and satellite dishes wiring shall be placed underground, where applicable.

3.5.4 The Antennae Facilities shall be located and designed to meet the manufacturer specifications to withstand a wind force of seventy-five (75) miles per hour.

3.5.5 All Antennae Facilities shall meet the standards set forth in this Section and in the building code of the City of Petersburg.

3.6 Balance the regulations relating to the placement and construction of Antennae Facilities with what is needed minimally to achieve the objectives herein.

3.7 Promote and protect the public health, safety and welfare by the exercise of city police powers in relation to a property owner's right to construct and use antennae to receive signals without reasonable restriction.

4 Standards. Except for exemption stated herein, Antennae Facilities erected or installed in any zoning district shall comply with the following requirements.

4.1 Not more than two (2) Antennae Facilities shall be constructed per parcel.

4.2 Antennae Facilities shall be located only in a side or rear yard, except such a facility may be permitted on the roof in the C-2 zoning district when placed toward the rear of the building and located or screened to minimize negative views from nearby dwellings. A front yard location may be considered by variance only upon demonstration by the applicant that reasonable reception is not possible in a side or rear yard location. If a ground-mounted regulated antenna support structure is to be permitted in the front yard, It shall not exceed a height of fourteen (14) feet or seventeen (17) feet if placed on a structure and shall be obscured from view of adjacent properties by a screening wall or fence, evergreen plantings, or a combination thereof.

4.3 No portion of Antennae Facilities excluding guy wires or a pipe anchored in concrete shall be located closer than six (6) feet, measured on a horizontal plane, from any side or rear lot line. No portion of any Antennae Facilities shall be placed on any easement.

4.4 Antennae Facilities in any yard fronting on a public street shall be screened from such street by landscaping or a wall. The applicant shall submit a sketch plan to the building official for approval.

4.5 The diameter of dish type regulated antennae shall not exceed eight (8) feet to minimize negative impacts on neighborhood appearance and property values.

4.6 No advertising or identifying display other than the name and logo of the manufacturer and serial number shall be placed on any portion of any Antennae Facilities.

4.7 If a roof-mounted antenna support structure is required for reasonable reception, it shall be anchored in compliance with the building

code of the City of Petersburg, and shall not be mounted on the front of the structure.

4.8 Security fencing may be required about the property or the Antennae Facilities.

5 Requirement for sketch plan. Installation of an Antennae Facilities shall require that a sketch plan be submitted to and approved by the building official. The sketch plan shall include the following: height, width, and location of antenna; location of related buildings, paved areas, and other site features within fifty (50) feet of the proposed antenna location.

6 Variance: The zoning board of appeals may grant a variance from these standards upon determining compliance with the standards of this section would not provide reasonable good reception, that the variance requested is minimum necessary to provide reasonable good reception, and that adjacent properties shall not be negatively impacted.

7 Permitted use. Commercial radio, television, microwave, mobile phone, cellular telephone, public utility, and other transmitting or relay antenna towers shall be permitted by right in the commercial and industrial district. Such commercial towers shall have access to a major thoroughfare.

8 Additional Conditions. All Antennae Facilities shall meet the following conditions:

8.1 The setbacks for Antennae Facilities from all abutting streets or adjacent property, shall be a distance equal to the height of such Antennae Facilities. The setback shall be the total of the height of the Antennae Facilities and shall remain clear of any building or structure except an accessory utility building for the Antennae Facilities itself.

8.2 Any lighting on the Antennae Facilities shall be subject to approval by the planning commission.

8.3 No signs or logo visible from off-site shall be permitted on the Antennae Facilities.

8.4 The planning commission may require a security fence to prevent access to the tower.

8.5 The applicant shall demonstrate to the satisfaction of the planning commission that there are no existing Antennae Facilities that can practically accommodate, or be modified to accommodate, the communication equipment planned for the proposed Antennae Facilities.

8.6 The Antennae Facilities shall be constructed to accommodate the maximum number of foreseeable users technically practicable. The applicant shall provide the city with a letter of intent to lease excess space on the Antennae Facilities and commit the Antennae Facilities owner and successors to:

8.6.1 Respond to any requests for information from other potential shared use applicants.

8.6.2 Negotiate in good faith and allow for leased shared use if an applicant demonstrates that it is technically practicable.

8.6.3 Make no more than a reasonable charge for a shared use lease.

8.7 The structural plans must be approved by the engineer of the City of Petersburg.

9 Antennae Facilities for cellular telephone communications may be permitted in all other zoning districts subject to special approval of the planning commission and the following conditions.

9.1 All requirements stated above.

9.2 The maximum permitted height of cellular Antennae Facilities shall be 100 feet. The planning commission may permit a greater height based upon a finding and a demonstration by the applicant that taller Antennae Facilities are necessary.

4. The Official Zoning Map of the City of Petersburg and the district boundaries are hereby revised and amended in accordance with the Official Zoning Map attached hereto and made a part hereof.

5. This Ordinance shall become effective 10 days after the Ordinance or a summary of the Ordinance has been published as required by law.

6. All ordinances inconsistent herewith are hereby repealed.

7. A copy of the Zoning Ordinance as amended may be purchased or inspected during regular business hours at the Municipal Building, 24 E Center Street, Petersburg, MI 49270 (734-279-1210).

I, Patricia A. Hurst, City Clerk, do hereby certify that the foregoing ordinance was adopted and passed at a regularly held Council meeting on the the 17th day of MAY, 1999.

The effective date is June 6, 1999.

Patricia A. Hurst, City Clerk

ORDINANCE NUMBER 100

CITY OF PETERSBURG MONROE COUNTY, MICHIGAN

An Ordinance to amend the Subdivision Control Ordinance, No. 83, providing for regulations governing the subdivision of land; providing for the procedure for the preparation and filing of plats, tentative approval of preliminary plats, submission of record or final plats, the approval of the plat by the City Council; providing for platting regulations and requirements in regard to conformity to Petersburg's Land Use Plan and to provide penalties for the violations.

Please see separate document, "Zoning Ordinance 2022"

<https://petersburgmi.gov/mt-content/uploads/2024/04/final-petersburg-zoning-ordinance.pdf>

CITY OF PETERSBURG ORDINANCE #102

An Ordinance to adopt by reference the Michigan Vehicle Code.

THE CITY OF PETERSBURG ORDAINS:

Section 1. Title.

This ordinance shall be referred to as the "Petersburg Motor Vehicle Code."

Section 2. Code Adopted.

The City of Petersburg adopts by reference all provisions of the State Motor Vehicle Code, 1949 PA 300, being Chapter 257 of Michigan Compiled Laws and incorporates by reference the appropriate rules and regulations and amendments promulgated by the Michigan Department of State pursuant to the Michigan Motor Carrier Safety Act for enforcement within the City of Petersburg as amended from time to time.

Section 3 Designation of Local Authority.

The local authority designated in this Ordinance shall be the Monroe County Sheriff Department Officers pursuant to contract with the City of Petersburg or their designees.

Section 4. Enforcement.

The City of Petersburg shall enforce the requirements of this Ordinance.

Section 5. Penalties.

The penalties provided by the Michigan Motor Vehicle Code are adopted by reference except as limited by the charter of the City of Petersburg, provided, however, that the City may not enforce any provision of the Michigan Vehicle Code for which the maximum period of imprisonment is greater than 93 days.

Section 6. Notice To Be Published.

The clerk for the City of Petersburg shall publish this ordinance in the manner required by law and shall publish, at the same time, a notice stating the purpose of the Michigan Vehicle Code and the fact that a complete copy of the Code is available to the public at the office of the clerk for inspection.

Section 7. Severability.

If any section, subsection, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court or competent jurisdiction, such portion shall be deemed a separate, distinct, and independent portion of this Ordinance, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 8. Savings.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they are commenced.

Section 9. Repealer.

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 10. Fines and Costs.

The City of Petersburg does not, by adoption of this Ordinance, incorporate any of the provisions of the Motor Vehicle Code calling for the disposition of criminal and civil fines for the benefit of any other agency and directs that any and all fines and costs be collected and paid to the general funds of the City of Petersburg.

Section 11. Effective Date.

This Ordinance shall become effective ten (10) days after final passage and publication.
I hereby certify that this ordinance was passed at a regular meeting of the City Council of the City of Petersburg, Petersburg, Michigan held on the 1st day of May, 2000.

P Hurst
City Clerk

Published: May 4, 2000

ORDINANCE NO. 104

AN ORDINANCE TO PROHIBIT THE DISPLAY OR DEPICTION OF NUDITY AND SEXUAL ACTS IN ESTABLISHMENTS LICENSED UNDER THE MICHIGAN LIQUOR CONTROL ACT.

CITY OF PETERSBURG MONROE COUNTY, MICHIGAN

THE CITY OF PETERSBURG ORDAINS:

Section 1. Title.

This Ordinance shall be referred to and may be cited as the Petersburg Entertainment, Nudity And Sexual Acts Prohibition Ordinance and shall hereinafter be referred to as "this Ordinance."

Section 2. Purpose and Intent.

The Petersburg City Council hereby determines that the display or depiction of nudity and sexual acts in establishments licensed under the Michigan Liquor Control Act deteriorates the residential, business and commercial environment of the City and that establishments which permit these activities negatively effect the safety, health and welfare of the public and property values. The prohibitions contained in this Ordinance are the minimum amount necessary to protect these important public interests.

Section 3. Nudity Defined

Nudity is defined as the exposure to view of persons, of any of the following body parts, either directly or indirectly, including but not limited to by exposure, by see-through clothing articles, or by body stockings:

- (1) The whole or part of the pubic region;
- (2) The whole or part of the anus;
- (3) The whole or part of the buttocks;
- (4) The whole or part of the genitals;
- (5) The breast area including nipple, or more than one-half of the area of the breast.

Section 4. Nudity Prohibited.

No person holding a license pursuant to the Michigan Liquor Control Act, no person in charge of a licensed premises, no employee of the licensee, no employee of the person in charge of the licensed premises or any other person shall permit a display of nudity at any time in any establishment licensed or subject to licensing by the Michigan Liquor Control Commission.

Section 5. Explicit Sexual Activity Prohibited.

No person holding a license pursuant to the Michigan Liquor Control Act, no person in charge of a licensed premises, no employee of the licensee, no employee of the person in charge of the licensed premises or any other person shall permit or engage in any of the following described conduct or activity on the licensed premises:

(a) Acts or displays, whether live, on film, video tape, broadcast or by any other means, which constitute or simulate:

(1) Sexual intercourse, fellatio, cunnilingus, masturbation, sodomy, bestiality, flagellation or any other act involving the touching or contacting of the genitals or any sexual acts which are prohibited by law; or

(2) The touching, caressing or fondling of the breast, buttocks, pubic region or genitals or the stimulation thereof by any device, tool, implement or object; or

(3) Uncovered human genitals, pubic hair, pubic region, anus, or vulva or covered human male genitals in a discernibly turgid state; or

(4) Scenes wherein artificial devices or inanimate objects depict any of the prohibited activities described above.

(b) Dancing by employees, contractors, patrons or others on the premises where dancers touch or are touched by persons and dancers are compensated directly or indirectly including but not limited to wages, tips or voluntary gratuities.

(c) Lingerie fashion shows involving nudity as described in Section 3 of the Ordinance.

Section 6. Enforcement

Officers, employees and representatives of the Monroe County Sheriff's Department and the Michigan State Police, the City of Petersburg Building Official and his designated agents are hereby authorized to issue citations to any person violating the provisions of this Ordinance. Any article or articles of clothing worn by the offender or utilized during the commission of a violation of this Ordinance may be seized and held as evidence pending final disposition of any civil or criminal proceedings brought pursuant to this Ordinance.

Section 7. Criminal Penalty.

Any person, corporation, and the owner or occupant of any establishment, their shareholders, directors and officers who knowingly violates any provision of this ordinance shall be guilty of a misdemeanor and subject to a fine of not more than Five Hundred Dollars (\$500.00), incarceration for a period not to exceed 93 days, or both a fine and incarceration within the discretion of a court of competent jurisdiction. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance.

Section 8. Revocation and Non-renewal of Liquor License and Civil Penalties.

The Petersburg City Council from time to time, shall review the activities of all licensed liquor establishments in the City. The City Council, upon finding that any violation of law or ordinance including but not limited to this Ordinance, its amendments or successors, or violation of the covenant executed in connection herewith or violation of the Rules and Regulations of the Liquor Control Commission, may recommend sanctions as provided by law up to and including non-renewal or revocation of said liquor licenses and permit applied for or issued.

Any violation of the terms of this Ordinance, its amendments or successors shall serve as a basis for revocation of any occupancy permit.

Section 9. Nuisance Per Se.

The owner or operator of any establishment or business upon which a violation of the ordinance is allowed to occur shall be deemed to be permitting the existence of a nuisance per se injurious to the public health, safety and welfare of the citizens of the City of Petersburg, which shall be subject to abatement, including but not limited to a permanent injunction in the discretion of a court of competent jurisdiction.

Section 10. Repeal.

Ordinance No. 73 is repealed. All other ordinances or parts of other ordinances in conflict herewith are repealed only to the extent necessary to give this Ordinance full force and effect.

Section 11. Severability.

If any section, paragraph, sentence, clause or phrase of this Ordinance shall be held invalid, the same shall not affect any other part of this Ordinance.

Section 12. Effective Date.

This Ordinance will take effect ten (10) days after publication.

This Ordinance was adopted at and recorded in the Minutes of the City Council Held on the 2nd day of October, 2000, and was published in the Dundee Independent Newspaper on the 12th day of October, 2000.

Patricia A. Hurst, City Clerk

ORDINANCE #105

AN ORDINANCE TO REGULATE ADULT ENTERTAINMENT BUSINESSES

CITY OF PETERSBURG MONROE COUNTY, MICHIGAN

THE CITY OF PETERSBURG ORDAINS:

Section 1. Title.

This Ordinance shall be referred to and may be cited as the Petersburg Adult Entertainment Ordinance and shall hereinafter be referred to as "this Ordinance."

Section 2. Purpose and Intent.

The Petersburg City Council hereby determines that the activity of adult entertainment, because of its nature, is known to have serious, objectionable characteristics which deteriorate the residential, business and commercial environment of the City and, unless properly regulated, would result in the reduction of neighboring property values and pose a threat to the safety, health and welfare of the residents of the City of Petersburg. Therefore, the purpose of this Ordinance is to require licensing of all adult entertainment businesses, to provide for licensing procedures and grounds for denial of said licenses, to provide operation requirements, to provide for nuisance actions for violations of this Ordinance, and to provide penalty provisions for violations of this Ordinance, all deemed necessary to protect these important public interests.

Section 3. Definitions.

As used in this Ordinance:

A. "Adult entertainment business" means a business which is required to and/or does exclude minors by virtue of age and is further defined as follows:

- (1) "Adult book or supply store" means an establishment having ten percent or more of all usable interior, retail, wholesale or warehouse space devoted to the distribution, display or storage of books, magazines and other periodicals and/or photographs, drawings, slides, films, video tapes, recording tapes and/or novelty items which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas, or an establishment with a segment or section devoted to the sale or display of such material.
- (2) "Adult model studio" means any place where models who display specified anatomical areas are present to be observed, sketched, drawn, painted, sculpted, photographed or similarly depicted by persons who pay some form of consideration or gratuity. This definition shall not apply to any accredited art school or similar educational institution.

(3) "Adult motion picture arcade" or "mini motion picture theater" means any place where motion picture machines, projectors or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images displayed depict, describe or relate to specified sexual activities or specified anatomical areas.

(4) "Adult motion picture theater" or "adult live stage performing theater" means an enclosed building with a capacity of fifty or more persons wherein still or motion pictures, video tapes or similar material is presented or viewed which is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

(5) "Adult nude or partially nude dancing" means a business having as its principal activity the live presentation or display of nude or partially nude male or female impersonator(s), dancer(s), entertainer(s), waiter(s), waitress(s) or employee(s) and which may or may not feature the service of food or beverages. For the purpose of this chapter, nude or partially nude shall mean having any or all of the specified anatomical areas exposed.

(6) "Adult outdoor motion picture theater" means a drive-in theater used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons of the theater.

(7) "Cabaret" means an establishment where live entertainment is provided, presented, permitted or performed, which performances are distinguished or characterized by an emphasis on or relationship to specified sexual activities or specified anatomical areas for observation by or participation of patrons therein. "Cabaret" also means an establishment which features any of the following: topless dancers and/or bottomless dancers, go-go dancers, strip strippers, male and/or female impersonators or similar entertainers, topless and/or bottomless waiters, waitresses and/or employees.

(8) "Specified anatomical areas" means portions of the human body defined as follows:

- (1) Less than completely and opaquely covered human genitals, the pubic region, buttocks or a female breast below the point immediately above the top of the areola; and
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(9) "Specified sexual activities" means the explicit display of one or more of the following:

- (1) Human genitals in a state of sexual stimulation or arousal;
- (2) Acts of human masturbation, sexual intercourse or sodomy;
- (3) Fondling or other erotic touching of human genitals, the pubic region, buttocks or a female breast.

Section 4. License Required

No person shall engage in or carry out the business of adult entertainment without first obtaining a license to operate such business from the City Clerk.

Section 5. Responsibilities Of Owners or Possessors Of Real Estate.

No person shall knowingly allow or permit any building or land owned or possessed by him, her or it to be used for a purpose set forth in Section 4, unless a copy of a license to operate such a business has been provided to such owner or possessor.

Section 6. Procedure For Issuance Of License.

(a) Application.

(1) **Filing; fee.** Every applicant for a license to maintain, operate or conduct an adult entertainment business shall file an application therefore under oath with the Clerk upon a form provided by the Clerk and shall pay a nonrefundable annual license fee of two hundred fifty dollars (\$250.00).

(2) **Inspection of premises.** Copies of the application shall, within five days, also be referred to the Chief Building Official and appropriate City departments, including, but not limited to, fire, plumbing, electrical and sanitation. The departments shall inspect the premises proposed to be operated as an adult entertainment establishment within thirty days and shall make written verification to the Clerk concerning compliance with the codes of the City.

(3) **Contents.** Each application shall contain the following information:

- A. A definition of service to be provided;
- B. The location, mailing address and all telephone numbers where the business is to be conducted;
- C. The name and residence address of the applicant:
 - 1. If the applicant is a corporation, the names and residence addresses of each of the officers and directors of the corporation and of each stockholder owning more than ten percent of the stock of the corporation, and the address of the corporation itself, if different from the address of the adult entertainment business.
 - 2. If the applicant is a partnership, the names and residence addresses of each of the partners, including limited partners, and the address of the partnership itself, if different from the address of the adult entertainment business.
- D. The two addresses immediately prior to the present address of the applicant;
- E. Proof that the applicant is at least eighteen years of age;

- F. An individual or partnership applicant's height, weight, color of eyes and hair, and sex;
- G. A copy of identification such as a driver' license and a Social Security card;
- H. One portrait photograph of the applicant at least two inches by two inches and a complete set of the applicant's fingerprints which shall be taken by the Police Department. If the applicant is a corporation, one photograph at least two inches by two inches of all officers and managing agents of the corporation and a complete set of the same officers' and agents' fingerprints which shall be taken by the Police Department. If the applicant is a partnership, one front-face photograph at least two inches by two inches in size of each partner or limited partner and a complete set of each partner's and limited partner's fingerprints which shall be taken by the Police Department;
- I. The business, occupation or employment of the applicant for the three years immediately preceding the date of application;
- J. The adult entertainment or similar business license history of the applicant, whether such person, in previously operating in this or another city or state, has had a business license revoked or suspended, the reason thereof, and any business activity or occupation subsequent to such action of suspension or revocation;
- K. All criminal convictions other than misdemeanor traffic violations, including the dates of convictions, the nature of the crimes and the places convicted;
- L. The name and address of each individual who is or will be employed in the establishment;
- M. A description of any other business to be operated on the same premises or on adjoining premises owned or controlled by the applicant;
- N. Authorization for the City, its agents and employees to seek information and to conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the license;
- O. Such other identification and information necessary to discover the truth of the matters specified in this section as required to be set forth in the application; and
- P. The names, current addresses and written statements of at least three bona fide permanent residents of the United States stating that the applicant is of good moral character and touching upon the applicant's honesty, fairness and respect for the laws of the State and the United States. If the applicant is able, the statement must first be furnished from residents of the City, then the County, then the State and lastly from the rest of the United States. These references must be persons other than relatives and business associates.

Upon completion of the above provided form and the furnishing of all information required by this section, the Clerk shall accept the application for the necessary investigations. The holder of an adult entertainment business license shall notify the Clerk of each change in any of the data required by this section to be furnished within ten days after such change occurs.

(b) Liability Insurance.

The application shall be accompanied by the following:

- (1) Evidence that the applicant has obtained public liability insurance with limits of not less than five hundred thousand/one million dollars (\$500,000/\$1,000,000) and property damage insurance with a limit of not less than five hundred thousand dollars (\$500,000) with a company or companies approved by the Commissioner of Insurance of the State, which insurance shall insure the applicant or his or her employees and agents against liability for death or injury to persons or damage to property which may result from the conduct of such licensed business, which policy or policies shall remain in full force and effect for the specified amounts during the term of the license. The evidence of insurance shall include an endorsement to the effect that the insurance company shall notify the Clerk in writing, at least ten days before the expiration or cancellation of said policy or policies
- (2) A corporate surety bond in the amount of one hundred thousand dollars (\$100,000) in a form to be approved by the City Attorney, conditioned upon the applicant's faithful compliance with all of the terms and provisions of this chapter and all applicable provisions of other Municipal Ordinances, County Ordinances and State statutes.

(c) Facilities Required.

No license to conduct an adult entertainment business shall be issued, unless an inspection by the City and/or State, as required, reveals that the business complies with all State and local codes. Nothing contained in this chapter shall be construed to eliminate other requirements of statutes or Ordinances concerning the maintenance of premises, nor to preclude authorized inspection thereof, whenever such inspection is deemed necessary by the Police Department, the Fire Department, the Department of Building, Zoning and Environmental Compliance and the Board of Health.

Section 7. Grounds For Denial Of License.

The Clerk shall issue a license for an adult entertainment business after determination by the City that requirements for an adult entertainment business described in Section 6 have been satisfied, unless it finds:

- (a) The correct license fee has not been tendered to the City and, in the case of a check or bank draft, honored with payment upon presentation;
- (b) The operation, as proposed by the applicant, if licensed, would not comply with all applicable laws, including, but not limited to, the City's building, zoning and health regulations;
- (c) The applicant, if an individual, or any of the stockholders holding more than ten percent of the stock of the corporation, or any of the partners, including limited partners, if the applicant is a partnership, or the holder of any lien of any

nature upon the business and/or the equipment used herein, and the manager or other person principally in charge of the operation of the business, have been convicted of any of the following offenses or convicted of an offense outside the State that would have constituted any of the following offenses in committed within the State:

- (1) An offense involving the use of force and violence upon the person of another that amounts to a felony;
- (2) An offense involving sexual misconduct;
- (3) An offense involving narcotics, dangerous drugs or dangerous weapons that amounts to a felony. The City may issue a license to any person convicted of any of the crimes described in this subsection if it finds that such conviction occurred at least five years prior to the date of the application, and the applicant has had not no subsequent felony convictions of any nature and no subsequent misdemeanor convictions of crime mentioned in this section;
- (4) The applicant has knowingly made any false, misleading or fraudulent statement of fact in the license application or in any document required by the City in conjunction therewith;
- (5) The applicant has had an adult entertainment business or other similar permit or license denied, revoked or suspended by the City or any state or local agency within the five years prior to the date of the application; and
- (6) The applicant, if an individual, any of the officers and directors if the applicant is a corporation, any of the partners, including limited partners, if the applicant is a partnership, the manager or other person principally in charge of the operation of the business, is not over the age of eighteen years.

Section 8. Requirements For Operation.

After issuance of the license, the licensee shall meet the following requirements:

- (a) The insurance and bond required by Section 6 (b) shall continue in full force and effect until expiration or termination of the license.
- (b) The licensee shall permit City, County and State officials to enter upon the licensed premises at all reasonable times to determine compliance with the requirements of this chapter and other applicable City Ordinance, County Ordinances and State statutes.
- (c) The licensee shall not knowingly permit violations of any City Ordinance, County Ordinance or State statute by any of his or her patrons.

- (d) The licensee shall provide off-street parking facilities sufficient to accommodate all persons to be admitted to his or her place of business based on the maximum capacity specified in the application.
- (e) The licensee shall provide sufficient fences or barriers or shall patrol the boundaries of his or her business premises to efficiently prevent his or her patrons from directly trespassing on neighboring premises.
- (f) The licensee shall conduct his or her business that it shall not give rise to a nuisance by reason of noise, vibration, smoke, odor or dust.
- (g) The licensee shall limit his or her business activities to the hours specified in his or her license.
- (h) The licensee shall post a copy of this chapter and a copy of his or her license in his or her place of business in a location where they can be read easily by his or her patrons.

Section 9. Expiration And Renewal Of License.

Each license granted under the provisions of this chapter shall expire one year from the date of issuance. Any application to renew a license previously issued under this chapter shall be accompanied by a renewal fee of one hundred fifty dollars (\$150.00) to defray the cost of administering this chapter during the renewal phase of licensing.

Section 10. Transferability Of License.

A license issued under this chapter shall not be transferable to any other firm or person.

Section 11. Suspension And Revocation Of License.

A license required by this chapter may be suspended or the renewal thereof refused by the Clerk for misrepresentation of any material fact in the application for such license. Any license may be suspended or revoked by the City for good cause. The term "good cause" shall mean any act or omission or the permitting of a condition to exist with respect to the licensee in question which is contrary to the safety or welfare of the public, unlawful or fraudulent in nature, a violation of any provision or provisions of this chapter under which the license was granted, is beyond the scope of the license issued, or a fact, circumstance or condition which, had it existed or been known by the City at the time the license was granted, would have been sufficient grounds for the refusal thereof. Revocation of a license may take place only after a hearing upon not less than seven days written notice to the licensee at the address stated in the application of the licensee, stating the time and place of such hearing and the reasons for revocation. A hearing officer may be designated by Council by resolution and shall not be a City employee. The hearing officer may make findings and recommendations and submit the same to Council.

Section 12. Nuisance.

Any violation of any provision of this chapter is hereby declared to be a nuisance per se and enjoined by appropriate legal action.

Section 13. Penalty.

Any person or persons, firm or corporation who shall violate any of the provisions of this Ordinance shall, upon conviction thereof before a court of competent jurisdiction, be guilty of a criminal misdemeanor and subject to a fine of not more than Five Hundred Dollars (\$500.00) or imprisonment for a period not to exceed 93 days, or to both a fine and imprisonment. Each day a violation continues shall be deemed a separate offense.

The imposition of sentence shall not exempt the offender from compliance with the requirements of this Ordinance.

Section 14. Severability.

If any section, subsection, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court or competent jurisdiction, such portion shall be deemed a separate, distinct, and independent portion of this Ordinance, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 15. Savings.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they are commenced.

Section 16. Repealer.

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 17. Effective Date.

This Ordinance shall become effective ten (10) days after publication.

I hereby certify that this Ordinance was passed at a regular meeting of the City Council of the City of Petersburg, Petersburg, Michigan held on the 2nd day of October, 2000 and was published in the Dundee Independent Newspaper on the 12th day of October, 2000.

Patricia A. Hurst, City Clerk

ORDINANCE NO. 106

AN ORDINANCE TO BAN PUBLIC NUDITY

CITY OF PETERSBURG MONROE COUNTY, MICHIGAN

THE CITY OF PETERSBURG ORDAINS:

Section 1. Title.

This Ordinance shall be referred to and may be cited as the Petersburg Public Nudity Prohibition Ordinance and shall hereinafter be referred to as "this Ordinance."

Section 2. Purpose and Intent.

The Petersburg City Council hereby determines that public nudity within the city adversely impacts the health, safety, and welfare of the public by providing an atmosphere conducive to violence, sexual harassment, public intoxication, prostitution, the spread of sexually transmitted diseases and other deleterious effects. The prohibitions contained in this Ordinance are the minimum amount necessary to protect these important public interests.

Section 3. Public Nudity Prohibited.

No person shall appear in public in a "state of nudity."

Section 4. Nudity Defined.

As used in this Ordinance:

(a) A "state of nudity" is defined as follows:

(1) A male will be considered in a "state of nudity" if he is not wearing a G-string over his groin region.

(2) A female will be considered in a "state of nudity" if she is not wearing pasties over the nipples of her breasts and a G-string over her groin region.

Section 5. Enforcement.

Officers, employees and representatives of the Monroe County Sheriff's Department and the Michigan State Police, the City of Petersburg Building Official and his designated agents are hereby authorized to issue citations to any person violating the provisions of this Ordinance. Any article or articles of clothing worn by the offender or utilized during the commission of a violation

of this Ordinance may be seized and held as evidence pending final disposition of any civil or criminal proceedings brought pursuant to this Ordinance.

Section 6. Criminal Penalty.

Any person, corporation, and the owner or occupant of any establishment, their shareholders, directors and officers who knowingly violates any provision of this ordinance shall be guilty of a misdemeanor and subject to a fine of not more than Five Hundred Dollars (\$500.00), incarceration for a period not to exceed 93 days, or both a fine and incarceration within the discretion of a court of competent jurisdiction. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance.

Section 7. Any violation of the terms of this Ordinance, its amendments or successors shall serve as a basis for revocation of any occupancy permit.

Section 8. Nuisance Per Se.

The owner or operator of any establishment or business upon which a violation of the ordinance is allowed to occur shall be deemed to be permitting the existence of a nuisance per se injurious to the public health, safety and welfare of the citizens of the City of Petersburg, which shall be subject to abatement, including but not limited to a permanent injunction in the discretion of a court of competent jurisdiction.

Section 9. Repeal.

All other ordinances or parts of other ordinances in conflict herewith are repealed only to the extent necessary to give this Ordinance full force and effect.

Section 10. Severability.

If any section, paragraph, sentence, clause or phrase of this Ordinance shall be held invalid, the same shall not affect any other part of this Ordinance.

Section 11. Effective Date.

This Ordinance will take effect ten (10) days after publication.

This Ordinance was adopted at and recorded in the Minutes of the City Council

CITY OF PETERSBURG ORDINANCE NO. 108

AN ORDINANCE TO REGULATE THE OPERATION AND USE OF ANY SKATEBOARD OR SCOOTER WITHIN THE CITY OF PETERSBURG, MICHIGAN, AND TO PROVIDE PENALTIES FOR THE VIOLATION OF THE ORDINANCE.

THE CITY OF PETERSBURG ORDAINS:

Section 1. Title.

This Ordinance shall be known, referred to and cited as the Petersburg Skateboard and Scooter Ordinance.

Section 2. Purpose and Intent

The Petersburg City Council hereby determines that the operation and use of skateboards and scooters may pose a risk to the safety and welfare of pedestrians lawfully traversing sidewalks and other areas designated for pedestrian travel in the City and may also damage public and private property within the City. The prohibitions contained in this Ordinance are the minimum necessary to protect these important interests.

Section 3. Definitions.

For the purpose of this Ordinance, the following words and phrases are hereby defined:

- (a) "Skateboard" means a board or similar item with small wheels mounted thereon which is intended for riding on a hard surface such as a floor, sidewalk or similar surface.
- (b) "Scooter" means any non-motorized vehicle consisting of a foot board attached to wheels and controlled by an upright steering handle or other similar steering device which is attached to the foot board or wheel(s).

Section 4. Skate Boarding and Operating a Scooter Prohibited in Designated Areas.

- (a) No person shall ride or otherwise operate a scooter or skateboard on any sidewalk, steps, stairs or other paved surface intended for vehicular or pedestrian use within the City of Petersburg.
- (b) No person shall ride or otherwise operate a scooter or skateboard on any street located within the City of Petersburg.

(c) No person shall jump or step on or off any ramp, lift or other home-built structure located on public property or private property open to the public in the process of using or operating a scooter or skateboard within the City of Petersburg.

(d) No person shall ride on, jump upon or otherwise operate a scooter or skateboard on any public bench, park bench, table or other structure intended for public seating within the City of Petersburg.

Section 5. Skate Boarding and Operating a Scooter on Private Property Open to the Public Without Permission Prohibited.

No person shall ride or otherwise operate a scooter or skateboard on private property open to the public without first obtaining and carrying on his or her person the express written permission of the owner of said private property.

Failure of a person who has been skate boarding or scooter riding to produce such written permission, upon the request of a police officer or other duly designated enforcement officer, shall constitute prima facie evidence that said person is in violation of this ordinance.

Section 6. Reckless or Dangerous Skate Boarding or Scooter Riding Prohibited.

No person shall skate board or operate a scooter on any surface in a reckless or careless manner, or in a manner which is likely to result in injury or harm to any person or property.

Section 7. No Towing.

No person shall be towed or pulled in any fashion by a motor vehicle within the City of Petersburg while said person is using or riding on a skate board, scooter or any similar contrivance. Said conduct shall constitute a violation for both the person who operates the motor vehicle with intent to tow another person and the person who intentionally allows himself to be towed by a motor vehicle.

Section 8. Penalty Provision.

Any person who violates any provision of this Ordinance shall be guilty of a misdemeanor and shall be subject to a penalty of no more than 93 days in jail or a fine of not more than \$500 or both.

Section 9. Severability Clause.

If any section, subsection, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed

a separate, distinct, and independent portion of this Ordinance, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 10. Savings.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they are commenced.

Section 11. Repealer.

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 12. Effective Date.

This Ordinance shall become effective ten (10) days after final passage and publication.
I hereby certify that this Ordinance was passed at a regular meeting of the City Council of the City of Petersburg, Petersburg, Michigan held on Monday, the 3rd day of December, 2001.

Patricia A. Hurst, City Clerk
Published: December 6, 2001.

ORDINANCE NO. 110

AN ORDINANCE TO AMEND ORDINANCE 81, THE CITY OF PETERSBURG ZONING ORDINANCE, TO ADD PROVISIONS AND REGULATIONS THAT WILL PROVIDE FOR RESIDENTIAL PLAN UNIT DEVELOPMENTS

CITY OF PETERSBURG MONROE COUNTY, MICHIGAN

Please see the Zoning Ordinance book, which contains the current zoning ordinances

<https://petersburgmi.gov/mt-content/uploads/2024/04/final-petersburg-zoning-ordinance.pdf>

ORDINANCE NO. 111

AN ORDINANCE TO AMEND ORDINANCE 81, THE CITY OF PETERSBURG ZONING ORDINANCE, TO AMEND THE OFFICIAL ZONING MAP BY DESIGNATING CERTAIN PROPERTY AS "RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT"

CITY OF PETERSBURG MONROE COUNTY, MICHIGAN
THE CITY OF PETERSBURG ORDAINS:

Section 1 ORDINANCE 81, THE CITY OF PETERSBURG ZONING ORDINANCE, is hereby amended by redesignating land on the OFFICIAL ZONING MAP from "I-1, Light Industrial" to "Residential Planned Unit Development (RPUD)".

The land affected by the ordinance is shown on the attached map.

Section 2 Savings

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they are commenced.

Section 3 Severability

If any section, clause or provision of this ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any court of competent jurisdiction, such section, clause or provision declared to be unconstitutional, void, illegal shall thereby cease to be part of this ordinance; but the remainder of this ordinance shall stand and be in full force and effect.

Section 4 Effective Date

This Ordinance shall become effective ten (10) days following its enactment and upon its publication as provided by the Charter of the City of Petersburg.

Section 5 Adoption

This ordinance is hereby declared to have been adopted by the City Council of the City of Petersburg at a meeting thereof duly called and held on the 21st day of April, 2003 and ordered to be given publication in the manner duly prescribed by the Charter of the City of Petersburg.

Date: April 22, 2003
Patricia A. Hurst, City Clerk

ORDINANCE NUMBER 112

An Ordinance to Amend Ordinance No. 23

CITY OF PETERSBURG MONROE COUNTY, MICHIGAN

THE CITY OF PETERSBURG ORDAINS:

1. Ordinance No. 23 is hereby amended to read as follows:

The terms "Sewage Disposal Services" shall be deemed to refer to the collection, transportation, treatment and disposal of sanitary sewage, by the City of Petersburg, emanating from premises within the City of Petersburg or such other premises that has been approved by the Petersburg City Council; and it shall be the responsibility of the property owner of said premises for any line extensions and maintenance from the connection in the sewer collecting system to the property line of said property owner, from the effective date of this amended ordinance.

2. All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

3. This Ordinance shall become effective ten (10) days after publication.

I hereby certify that this Ordinance was passed at a regular meeting of the City Council of the City of Petersburg, Petersburg, Michigan, held on the 21st day of July 2003.

Patricia A. Hurst, City Clerk

CITY OF PETERSBURG MONROE COUNTY, MICHIGAN

ORDINANCE NUMBER 113

An Ordinance to Amend Ordinance No. 96

THE CITY OF PETERSBURG ORDAINS:

1. Section 1 of Ordinance No. 96 is amended as follows:

1 Factors:

1.1 Unit Factors:

The unit factors for water and sewer service are established as follows:

1.00 unit	Single-family residence within the City
3.00 units	Single-family residence outside the City
0.30 per room	Sleeping rooms for rent
0.60 per apartment	One-bedroom apartments
0.80 per apartment	Two bedroom apartments
1.00 per apartment	Three bedroom apartments
2.00 units	Auto agencies exclusive of car wash
3.00 units	Auto agencies with car wash
1.00 unit	Barbershop
1.00 units	Bars
0.25 per booth	Beauty Shop
0.30 per room	Boarding houses
0.30 per person	Boarding schools
0.20 per alley	Bowling alleys
1.50 units	Car Care Center
2.50 for each stall	Car Wash - coin operated
1.0 per church	Churches
1.25 per press	Cleaners - Pressing facilities
0.65 per doctor	Clinics
0.30 per bed	Convalescent homes
0.25 per person	Convents
0.10 per member	Country Clubs
1.00 unit	Drug Store without fountain service
2.00 units	Drug Store with fountain service
0.50 per 1,200 sq. ft.	Factories
1.20 per hall	Fraternal Organizations - members only
2.50 per hall	Fraternal Organizations - members & rentals
1.00 unit	Grocery stores without meat or vegetable preparation
2.00 units	Grocery stores with meat or vegetable preparation
1.40 per bed	Hospitals

Page 2 - **Ordinance No. 113**

0.25 per bed	Hotels
0.25 for each washer	Laundries
2.00 units	Meat market w/ occasional groceries and w/o produce
0.25 per bed	Motels
0.60 per 1,000 sq. ft.	Office buildings
0.40 per employee	Public institutions (except hospitals)
2.00 units	Restaurants- full service
0.05 per student and 1.50 per teacher station obtain unit)	Schools (compute total of both factors & divide by two to obtain unit)
1.00	Service stations
2.00 units	Snack bars/Drive-ins
1.00 per business	Store (other than specifically listed)
3.50 per 1,000 sq. ft.	Swimming Pool (commercial or school)
0.10 per car space	Theaters (drive-ins)
0.0001 x weekly hours and seats	Theaters
0.25 per cubical	Tourist Courts
0.35 per trailer	Trailer Parks (central bath house)
1.00 per unit	Trailer Parks (individual baths)
0.50 per unit	Trailer Parks (individual baths - seasonal only)
0.10 per 2,000 sq. ft.	Warehouses

1.2 Minimum Factor:

The minimum factor for services to any building, store, business or profession one (1) unit. A separate rate shall be determined upon application for industrial sewer service.

2. All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

3. This Ordinance shall become effective ten (10) days after publication.

I hereby certify that this Ordinance was passed at a regular meeting of the City Council of the City of Petersburg, Petersburg, Michigan, held on the 4th day of August, 2003.

Patricia A. Hurst, City Clerk

CITY OF PETERSBURG ORDINANCE 115

AN ORDINANCE TO ADOPT BY REFERENCE THE UNIFORM TRAFFIC CODE FOR THE CITY OF PETERSBURG

The City of Petersburg ordains:

Section 1 Title.

This ordinance shall be referred to as the "Petersburg Uniform Traffic Code."

Section 2 Code and Amendments and Revisions adopted.

The City of Petersburg adopts and incorporates by reference the Uniform Traffic Code for Cities, Townships and Villages as promulgated by the director of the Michigan Department of State Police pursuant to the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.201 to 24.328 and made effective October 30, 2002, and all future amendments and revisions to the Uniform Traffic Code when they are promulgated and effective in this state.

Section 3 References in Code.

References in the Uniform Traffic Code for Cities, Townships and Villages to a "governmental unit" shall mean the City of Petersburg.

Section 4 Penalties.

The penalties provided by the Uniform Traffic Code for Cities, Townships and Villages are adopted by reference.

Section 5 Notice to be Published.

The City of Petersburg clerk shall publish this ordinance in the manner required by law and shall publish, at the same time, a notice stating the purpose of the Uniform Traffic Code for Cities, Townships and Villages and the fact that a complete copy of the code is available to the public at the office of the clerk for inspection.

Section 6 Severability.

If any section, subsection, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court or competent jurisdiction, such portion shall be deemed a separate, distinct, and independent portion of this Ordinance, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 7 Savings.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they are commenced.

Section 8 Repealer.

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 9 Effective Date.

This Ordinance shall become effective twenty (10) days after final passage and publication. I hereby certify that this ordinance was passed at a regular meeting of the City Council of the City of Petersburg, Michigan held on Monday, the 18th day of Au August 2003.

Patricia A. Hurst, City Clerk
Published: August 21, 2003
Effective Date: August 31,2003

ORDINANCE NO. 118

CITY OF PETERSBURG, MONROE COUNTY, MICHIGAN TELECOMMUNICATIONS ORDINANCE

Sec. 1 Purpose.

The purposes of this ordinance are to regulate access to and ongoing use of public rights-of-way by telecommunications providers for their telecommunications facilities while protecting the public health, safety, and welfare and exercising reasonable control of the public rights-of-way in compliance with the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (Act No. 48 of the Public Acts of 2002) ("Act") and other applicable law, and to ensure that the City qualifies for distributions under the Act by modifying the fees charged to providers and complying with the Act.

Sec. 2 Conflict.

Nothing in this ordinance shall be construed in such a manner as to conflict with the Act or other applicable law.

Sec. 3 Terms Defined.

The terms used in this ordinance shall have the following meanings:

Act means the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (Act No. 48 of the Public Acts of 2002), as amended from time to time.

City means the City of Petersburg, Michigan.

City Council means the City Council of the City of Petersburg, Michigan or its designee. This Section does not authorize delegation of any decision or function that is required by law to be made by the City Council.

Permit means a non-exclusive permit issued pursuant to the Act and this ordinance to a telecommunications provider to use the public rights-of-way in the City for its telecommunications facilities.

All other terms used in this ordinance shall have the same meaning as defined or as provided in the Act, including without limitation the following:

Authority means the Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority created pursuant to Section 3 of the Act.

1 A copy of the Act can be obtained on the internet at
<http://www.cis.state.mi.us/mpsc/comm/rightofway/rightofway.htm>.

MPSC means the Michigan Public Service Commission in the Department of Consumer and Industry Services, and shall have the same meaning as the term "Commission" in the Act.

Person means an individual, corporation, partnership, association, governmental entity, or any other legal entity.

Public Right-of-Way means the area on, below, or above a public roadway, highway, street, alley, easement or waterway. Public right-of-way does not include a federal, state, or private right-of-way.

Telecommunication Facilities or Facilities means the equipment or personal property, such as copper and fiber cables, lines, wires, switches, conduits, pipes, and sheaths, which are used to or can generate, receive, transmit, carry, amplify, or provide telecommunication services or signals. Telecommunication facilities or facilities do not include antennas, supporting structures for antennas, equipment shelters or houses, and any ancillary equipment and miscellaneous hardware used to provide federally licensed commercial mobile service as defined in section 332(d) of part I of title III of the communications act of 1934, chapter 652, 48 Stat. 1064, 47 U.S.C. 332 and further defined as commercial mobile radio service in 47 CFR 20.3, and service provided by any wireless, two-way communication device.

Telecommunications Provider, Provider and Telecommunications Services mean those terms as defined in Section 102 of the Michigan telecommunications act, 1991 PA 179, MCL 484.2102. Telecommunication provider does not include a person or an affiliate of that person when providing a federally licensed commercial mobile radio service as defined in Section 332(d) of part I of the communications act of 1934, chapter 652, 48 Stat. 1064, 47 U.S.C. 332 and further defined as commercial mobile radio service in 47 CFR 20.3, or service provided by any wireless, two-way communication device. For the purpose of the Act and this ordinance only, a provider also includes all of the following:

- (a) A cable television operator that provides a telecommunications service.
- (b) Except as otherwise provided by the Act, a person who owns telecommunication facilities located within a public right-of-way.
- (c) A person providing broadband internet transport access service.

Sec. 4 Permit Required.

- (a) Permit Required. Except as otherwise provided in the Act, a telecommunications provider using or seeking to use public rights-of-way in the City for its telecommunications facilities shall apply for and obtain a permit pursuant to this ordinance.
- (b) Application. Telecommunications providers shall apply for a permit on an application form approved by the MPSC in accordance with Section 6(1) of the Act. A telecommunications provider shall file one copy of the application with the City Clerk, and one copy with the City Attorney. Upon receipt, the City Clerk shall make seven copies of the application and distribute a copy to the City Council. Applications shall be complete and include all information required by the Act, including without limitation a route map showing the location of the provider's existing and proposed facilities in accordance with Section 6(5) of the Act. 2
- (c) Confidential Information. If a telecommunications provider claims that any portion of the route maps submitted by it as part of its application contain trade secret, proprietary, or confidential information, which is exempt from the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246, pursuant to Section 6(5) of the Act, the telecommunications provider shall prominently so indicate on the face of each map.
- (d) Application Fee. Except as otherwise provided by the Act, the application shall be accompanied by a one-time non-refundable application fee in the amount of \$500.00.
- (e) Additional Information. The City Council may request an applicant to submit such additional information which the City Council deems reasonably necessary or relevant. The applicant shall comply with all such requests in compliance with reasonable deadlines for such additional information established by the City Council. If the City and the applicant cannot agree on the requirement of additional information requested by the City, the City or the applicant shall notify the MPSC as provided in Section 6(2) of the Act.
- (f) Previously Issued Permits. Pursuant to Section 5(1) of the Act, authorizations or permits previously issued by the City under Section 251 of the Michigan telecommunications act, 1991 PA 179, MCL 484.2251 and authorizations or permits issued by the City to telecommunications providers prior to the 1995 enactment of Section 251 of the Michigan telecommunications act but after 1985 shall satisfy the permit requirements of this ordinance.
- (g) Existing Providers. Pursuant to Section 5(3) of the Act, within 180 days from November 1, 2002, the effective date of the Act, a telecommunications provider with facilities located in a public right-of-way in the City as of such date, that has not previously obtained authorization or a permit under Section 251 of the Michigan telecommunications act, 1991 PA 179, MCL 484.2251, shall submit to the City an application for a permit in accordance with the requirements of this ordinance. Pursuant to Section 5(3) of the Act, a telecommunications provider submitting an application under this subsection is not required to pay the \$500.00

application fee required under subsection (d) above. A provider under this subsection shall be given up to an additional 180 days to submit the permit application if allowed by the Authority, as provided in Section 5(4) of the Act.

Sec. 5 Issuance of Permit.

(a) Approval or Denial. The authority to approve or deny an application for a permit is hereby delegated to the City Council. Pursuant to Section 15(3) of the Act, the City Council shall approve or deny an application for a permit within forty-five (45) days from the date a telecommunications provider files an application for a permit under Section 4(b) of this ordinance for access to a public right-of-way within the City. Pursuant to Section 6(6) of the Act, the City Council shall notify the MPSC when the City Council has granted or denied a permit, including information regarding the date on which the application was filed and the date on which permit was granted or denied. The City Council shall not unreasonably deny an application for a permit.

(b) Form of Permit. If an application for permit is approved, the City Council shall issue the permit in the form approved by the MPSC, with or without additional or different permit terms, in accordance with Sections 6(1), 6(2) and 15 of the Act.³

(C) Conditions. Pursuant to Section 15(4) of the Act, the City Council may impose conditions on the issuance of a permit, which conditions shall be limited to the telecommunications provider's access and usage of the public right-of-way.

(d) Bond Requirement. Pursuant to Section 15(3) of the Act, and without limitation on subsection (c) above, the City Council may require that a bond be posted by the telecommunications provider as a condition of the permit. If a bond is required, it shall not exceed the reasonable cost to ensure that the public right-of-way is returned to its original condition during and after the telecommunications provider's access and use.

Sec. 6 Construction/Engineering Permit.

A telecommunications provider shall not commence construction upon, over, across, or under the public rights-of-way in the City without first obtaining a construction or engineering permit as required under Ordinance No. 40 of the City Code, as amended, for construction within the public rights-of-way. No fee shall be charged for such a construction or engineering permit.

Sec. 7 Conduit or Utility Poles.

Pursuant to Section 4(3) of the Act, obtaining a permit or paying the fees required under the Act or under this ordinance does not give a telecommunications provider a right to use conduit or utility poles.

Sec. 8 Route Maps.

Pursuant to Section 6(7) of the Act, a telecommunications provider shall, within 90 days after the substantial completion of construction of new telecommunications facilities in the City, submit route maps showing the location of the telecommunications facilities to both the MPSC and to the City. The route maps should be in [paper or electronic] format unless and until the MPSC determines otherwise, in accordance with Section 6(8) of the Act.

Sec. 9 Repair of Damage.

Pursuant to Section 15(5) of the Act, a telecommunications provider undertaking an excavation or construction or installing telecommunications facilities within a public right-of-way or temporarily obstructing a public right-of-way in the City, as authorized by a permit, shall promptly repair all damage done to the street surface and all installations under, over, below, or within the public right-of-way and shall promptly restore the public right-of-way to its preexisting condition.

Sec. 10 Establishment and Payment of Maintenance Fee.

In addition to the non-refundable application fee paid to the City set forth in subsection 4(d) above, a telecommunications provider with telecommunications facilities in the City's public rights-of-way shall pay an annual maintenance fee to the Authority pursuant to Section 8 of the Act.

Sec. 11 Modification of Existing Fees.

In compliance with the requirements of Section 13(1) of the Act, the City hereby modifies, to the extent necessary, any fees charged to telecommunications providers after November 1, 2002, the effective date of the Act, relating to access and usage of the public rights-of-way, to an amount not exceeding the amounts of fees and charges required under the Act, which shall be paid to the Authority. In compliance with the requirements of Section 13(4) of the Act, the City also hereby approves modification of the fees of providers with telecommunication facilities in public rights-of-way within the City's boundaries, so that those providers pay only those fees required under Section 8 of the Act. The City shall provide each telecommunications provider affected by the fee with a copy of this ordinance, in compliance with the requirement of Section 13(4) of the Act. To the extent any fees are charged

telecommunications providers in excess of the amounts permitted under the Act, or which are otherwise inconsistent with the Act, such imposition is hereby declared to be contrary to the City's policy and intent, and upon application by a provider or discovery by the City, shall be promptly refunded as having been charged in error.

Sec. 12 Savings Clause.

Pursuant to Section 13(5) of the Act, if Section 8 of the Act is found to be invalid or unconstitutional, the modification of fees under Section 11 above shall be void from the date the modification was made.

Sec. 13 Use of Funds.

Pursuant to Section 10(4) of the Act, all amounts received by the City from the Authority shall be used by the City solely for rights-of-way related purposes. In conformance with that requirement, all funds received by the City from the Authority shall be deposited into the Major Street Fund and/or the Local Street Fund maintained by the City under Act No. 51 of the Public Acts of 1951.

Sec. 14 Annual Report.

Pursuant to Section 10(5) of the Act, the City Council shall file an annual report with the Authority on the use and disposition of funds annually distributed by the Authority.

Sec. 15 Cable Television Operators.

Pursuant to Section 13(6) of the Act, the City shall not hold a cable television operator in default or seek any remedy for its failure to satisfy an obligation, if any, to pay after November 1, 2002, the effective date of this Act, a franchise fee or similar fee on that portion of gross revenues from charges the cable operator received for cable modem services provided through broadband internet transport access services.

Sec. 16 Existing Rights.

Pursuant to Section 4(2) of the Act, except as expressly provided herein with respect to fees, this ordinance shall not affect any existing rights that a telecommunications provider or the City may have under a permit issued by the City or under a contract between the City and a telecommunications provider related to the use of the public rights-of-way.

Sec. 17 Compliance.

The City hereby declares that its policy and intent in adopting this ordinance is to fully comply with the requirements of the Act, and the provisions hereof should be construed in such a

manner as to achieve that purpose. The City shall comply in all respects with the requirements of the Act, including but not limited to the following:

- (a) Exempting certain route maps from the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246, as provided in Section 4(c) of this ordinance;
- (b) Allowing certain previously issued permits to satisfy the permit requirements hereof, in accordance with Section 4(f) of this ordinance;
- (c) Allowing existing providers additional time in which to submit an application for a permit, and excusing such providers from the \$500 application fee, in accordance with Section 4(g) of this ordinance;
- (d) Approving or denying an application for a permit within forty-five (45) days from the date a telecommunications provider files an application for a permit for access to and usage of a public right-of-way within the City, in accordance with Section 5(a) of this ordinance;
- (e) Notifying the MPSC when the City has granted or denied a permit, in accordance with Section 5(a) of this ordinance;
- (f) Not unreasonably denying an application for a permit, in accordance with Section 5(a) of this ordinance;
- (g) Issuing a permit in the form approved by the MPSC, with or without additional or different permit terms, as provided in Section 5(b) of this ordinance;
- (h) Limiting the conditions imposed on the issuance of a permit to the telecommunications provider's access and usage of the public right-of-way, in accordance with Section 5(c) of this ordinance;
- (i) Not requiring a bond of a telecommunications provider which exceeds the reasonable cost to ensure that the public right-of-way is returned to its original condition during and after the telecommunication provider's access and use, in accordance with Section 5(d) of this ordinance;
- (j) Not charging any telecommunications providers any additional fees for construction or engineering permits, in accordance with Section 6 of this ordinance;
- (k) fees with a copy of this ordinance, in accordance with Section 11 of this ordinance; Providing each telecommunications provider affected by the City's right-of-way
- (l) Submitting an annual report to the Authority, in accordance with Section 14 of this ordinance; and

(m) Not holding a cable television operator in default for a failure to pay certain franchise fees, in accordance with Section 15 of this ordinance.

Sec. 18 Reservation of Police Powers.

Pursuant to Section 15(2) of the Act, this ordinance shall not limit the City's right to review and approve a telecommunication provider's access to and ongoing use of a public right-of-way or limit the City's authority to ensure and protect the health, safety, and welfare of the public.

Sec. 19 Severability.

The various parts, sentences, paragraphs, sections, and clauses of this ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause of this ordinance is adjudged unconstitutional or invalid by a court or administrative agency of competent jurisdiction, the unconstitutionality or invalidity shall not affect the constitutionality or validity of any remaining provisions of this ordinance.

Sec. 20 Authorized City Officials.

The City Council or his or her designee is hereby designated as the authorized City official to issue municipal civil infraction citations (directing alleged violators to appear in court) or municipal civil infraction violation notices (directing alleged violators to appear at the municipal chapter violations bureau) for violations under this ordinance as provided by the City Code.

Sec. 21 Municipal Civil Infraction.

A person who violates any provision of this ordinance or the terms or conditions of a permit is in violation of the City Code and shall be subject to fines as set forth therein.

Sec. 22 Repealer and Effective Date.

(a) All ordinances and portions of ordinances inconsistent with this ordinance are hereby repealed.

(b) This ordinance shall become effective ten (10) days after publication.

I hereby certify that this ordinance was passed at a special meeting of the City Council for the City of Petersburg, Petersburg, Michigan, held on the 16th day of December, 2003 and was published in a local paper of general circulation on the 18th day of December, 2003.

Patricia A. Hurst, City Clerk

ORDINANCE NO. 122

AN ORDINANCE TO AMEND ORDINANCE NO. 063 TO PROVIDE FOR THE ADOPTION OF THE 2002 NATIONAL ELECTRICAL CODE

The City of Petersburg Ordains:

SECTION 1.

The Michigan Electrical Code consisting of the 2002 edition of the National Electrical Code is hereby adopted and shall be administered and enforced by the City of Petersburg.

SECTION 2.

Ordinance No. 063, An Ordinance to Transfer Responsibility for Administration and Enforcement of the Electrical Code to the State of Michigan is hereby repealed.

SECTION 3.

This ordinance shall take effect on the 20 day of November 2005.

FINAL READING AND SO RECORDED IN THE MINUTES OF COUNCIL MEETING DATED
November 7 2005

LORI L. GOSS, CITY CLERK

Ordinance Number 123

An ordinance to designate an enforcing agency to discharge the responsibility of the City of Petersburg located in Monroe County, under the provisions of the State Construction Code Act, 1972 PA 230.

The City of Petersburg ordains:

Section 1. AGENCY DESIGNATED. Pursuant to the provisions of the Michigan Electrical Code, in accordance with Section 8b(6) of 1972 PA 230, the Electrical Code Official of the City of Petersburg is hereby designated as the enforcing agency to discharge the responsibility of the City of Petersburg under 1972 PA 230, State of Michigan. The City of Petersburg assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.

Section 2. REPEALS. All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Section 3. PUBLICATION. This ordinance shall be effective after legal publication and in accordance with provisions of the Act governing the same.

Adopted this 16th day of January, 2006.

This ordinance duly adopted on January 16, 2006 at a regular meeting of the Petersburg City Council and will become effective January 31, 2006

Date: January 16, 2006.

Signed: Lori L. Goss, Clerk of the City of Petersburg

Attested: Leroy Burguard, Mayor of the City of Petersburg

CITY OF PETERSBURG ORDINANCE 06-124

AN ORDINANCE TO AMEND ZONING ORDINANCE 81 TO PERMIT DUPLEX DWELLINGS IN A COMMERCIAL DISTRICT UPON SPECIAL USE APPROVAL

THE CITY OF PETERSBURG ORDAINS:

Section 1. Section 6.02 USES PERMITTED ON SPECIAL APPROVAL related to Commercial Districts shall be and is hereby amended as follows:

Section 6.02 USES PERMITTED ON SPECIAL APPROVAL

Under such conditions as the Planning Commission after hearing finds the use as not being injurious to the C-1 district and environs and not contrary to the spirit and purposes of the Ordinance, subject further to the considerations imposed herein, the following may be permitted.

1. Theaters.
2. Drive-in businesses including banks, dry cleaning pick-up stations, or similar personal services.
3. Vehicle service stations and automobile repair establishments, with or without body shops.
4. Commercial schools, including art, music, dance, business, and trade.
5. Repair and service establishments including but not limited to lawn mower repair, snow mobile repair, boat repair, or air conditioner repair shops that are operated in conjunction with a retail business.
6. Clinics.
7. Mortuaries and funeral homes.
8. Public utility and service buildings not requiring a storage yard.
9. Assembly buildings including dance pavilions, auditoriums, churches, and private clubs.
10. Drive-in restaurants.
11. New and used motor vehicle sales and service establishments.
12. Manufacture and assembly of arts and crafts supplies and related supplies.
13. Multiple-Family Dwelling designed for not more than three families living independently of each other provided that the structure had been converted to a duplex or multiple-family dwelling and used as a duplex or multiple-family dwelling before being used as a principal permitted use or a use permitted on special approval in a commercial district.

Section 2. Repealer

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. Effective Date

This Ordinance shall become effective twenty (20) days after final passage and publication.
I hereby certify that this Ordinance was passed at a regular meeting of the City of Petersburg
City Council, Petersburg, Michigan held on Monday the 14th day of May, 2006.

Lori L. Goss
City Clerk

ORDINANCE NO. 06-125

AN ORDINANCE ESTABLISHING CURFEWS FOR MINORS WITHIN THE CITY OF PETERSBURG, MICHIGAN, AND PROVIDING ENFORCEMENT AND PENALTIES FOR VIOLATIONS OF THE ORDINANCE

The City of Petersburg ordains:

Section 1 Title.

This ordinance shall be referred to as the "Petersburg Curfew Ordinance."

Section 2 Curfews.

(a) It shall be unlawful for any minor under the age of 16 years to loiter, idle, congregate or travel on any public street, alley or other place open to the general public at any time between 10:30 p.m. and 6:00 a.m. unless the minor is accompanied by a parent or guardian, or some adult delegated by the parent or guardian to accompany the child.

(b) It shall be unlawful for any person of the ages of 16 and 17 years to be on the streets, alleys or public places in the City at any time between 12:00 midnight and 6:00 a.m. from May 1 to Labor Day, and after 10:30 p.m. from Labor Day to April 30, unless such person is accompanied by a parent, adult chaperon, guardian or other person having legal custody of such minor person;

provided, that it shall not be deemed a violation of this ordinance for a person under the age of 18 years to be on the streets, alleys and public places while engaged in, traveling to or promptly returning from legal employment, an organized school function, an errand for his parent, guardian or legal custodian, or religious, assembly or speech activity protected by the First Amendment of the United States Constitution.

(c) It shall be unlawful for any parent, guardian or legal custodian of a minor to allow such young person to be in the streets, alleys or other public places in the City of Petersburg within the times prohibited in subsections (a) and (b) of this section, unless there exists a reasonable necessity therefor.

Section 3 Enforcement.

(a) Each member of the police force, while on duty, is hereby authorized to take into custody any young person found violating any provision of this ordinance.

(b) It shall be the duty of the investigating officer to inquire on the young person's reason for being in public after curfew. If the officer reasonably believes that the young person is engaged in, traveling to, or promptly returning from legal employment, an organized school function, or a religious, assembly or speech activity protected by the First Amendment to the United States Constitution, the officer shall not take the person into custody solely for the curfew violation.

(c) It shall be the duty of the officer taking any young person into custody to investigate whether such person was in the streets, alleys and public places by the parent's, guardian's or legal custodian's orders, and whether there was reasonable necessity therefore. If after investigation the officer finds that the parents, guardian or legal custodian had allowed a curfew violation that was not reasonably necessary, the officer shall make out a complaint and warrant for the arrest of such parents, guardian or legal custodian for violating the provisions of this ordinance.

(d) If the investigating officer reasonably finds that the child is incorrigible or willfully absents himself from home and that the parents are unable to control such child, then a complaint in that case shall be made to the proper authorities under the juvenile laws of the state.

Section 4 Penalties.

Any minor, parent, guardian or legal custodian violating any of the provisions of this section is guilty of a misdemeanor, and shall be subject to punishment by a fine of up to Five Hundred Dollars (\$500.00), or imprisonment for not more than ninety (90) days, or both.

Section 5 Severability.

If any section, subsection, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional, such portion shall be deemed separate, and the same shall not affect the validity of the remainder of this Ordinance.

Section 6 Effective Date.

This Ordinance will take effect ten days after final passage and publication.
I hereby certify that this Ordinance was passed at a regular meeting of the City of Petersburg City Council, Petersburg, Michigan held on Monday, the 21st of August, 2006.

Trudy L. Goodin
Deputy City Clerk

ORDINANCE NO.06-126

AN ORDINANCE TO REGULATE TREES IN THE PUBLIC RIGHTS-OF-WAY AND PUBLIC PLACES

The City of Petersburg ordains:

1. DEFINITIONS. As used in this chapter:

1.1. "Highway" means all the land lying between the property lines on either side of all public streets, boulevards and alleys.

1.2. "Park" means each public park having an individual name.

1.3. "Public place" means all other grounds owned by the City.

"Trees and shrubs" means all woody vegetation. 1.4.

2. The Petersburg City Council or its designee, under the direction of the Mayor, shall direct, regulate and control the planting, care and removal of all trees and shrubs growing in any public place or public highway.

3. The Mayor shall cause the provisions of this chapter to be enforced.

4. The City shall assume complete responsibility for the planting, maintenance and removal of all trees and shrubs growing now or hereafter in any highway, park or public place of the City.

5. LOCATION OF TREES.

5.1. No tree shall be planted nearer to the intersection of two or more streets than fifteen feet from the nearest street line bounding such intersection. Nor shall any tree be planted nearer to any driveway than five feet from either side of said driveway. All shrubs planted within this area shall be trimmed to a height of not more than three feet above the curb.

5.2. No trees shall be planted between the sidewalk and the curb less than three feet from the curb or sidewalk lines. However, where the distance between the sidewalk and curb is less than six feet, but not less than four feet, in width, a tree may be planted midway between the curb and the sidewalk.

6. SIZE OF TREES.

6.1. No tree shall be planted which is less than one inch in diameter one foot above the ground, unless approved by the City Council for specific reasons related to the area where the planting is proposed.

7. AUTHORIZATION REQUIRED FOR WORK ON TREES.

7.1. No person shall hereafter plant, move, spray, brace, trim, do surgery work on, cut above or below ground, cut any branch or root from, or otherwise disturb, any tree or shrub in any highway, park or public place of the City, nor cause such acts to be done by others unless authorized by the City Council.

7.2. Watering, fertilizing and the placing of mulch around trees by private citizens shall be permitted and encouraged, unless the City Council for good reason declares that such activities in any given area within the city shall be performed exclusively by the City.

8. FASTENING MATERIALS TO TREES.

8.1. No person shall fasten any sign, wire, rope or other material to the ground or run any wire or rope through any tree or shrub in any highway, park or public place of the City, except by written permit granted by the Director of Public Services.

9. INTERFERING WITH WATER, AIR AND FERTILIZER.

9.1. No person shall deposit, place, store or maintain upon any highway, park or public place of the City, any stone, brick, sand, concrete or other material which will impede the free passage of water, air and fertilizer to the roots of any tree or shrub growing therein.

10. NOTICE TO PROTECT ELECTRICAL WIRES.

10.1. Whenever the City Council or its designee determines it to be necessary, in order to prune or remove any tree or shrub in any highway, park or public place of the City, or for any other reason, to temporarily protect, move or cut off the electricity from any service wire, he or she shall serve written notice on the owner of such wire to protect, move or cut off the electricity from such wire, and the owner shall comply with such order within twenty-four hours after service of the notice.

11. DAMAGING OR ENDANGERING TREES AND SHRUBS.

11.1. No person shall break, injure, mutilate, kill or destroy any tree or shrub, or set a fire or permit any fire to burn where such fire or the heat thereof will injure a portion of any tree or shrub, in any highway, park or public place of the City.

11.2. No person shall knowingly permit any leak to exist in any gas pipe or main within the root zone of any tree or shrub.

11.3. No person shall permit any toxic chemical, either solid or liquid, to seep, drain or be emptied on or about any tree or shrub.

11.4. No person shall knowingly permit any wire designed to carry electric current to come in contact with any tree or shrub unless the wire and/or the tree is protected by approved methods.

11.5. No person shall attach any electric insulation to any tree, or excavate any ditch, tunnel or trench, or lay any drive, within a radius of five feet from any tree or shrub, without first obtaining a written permit from the City Council or its designee.

12. DAMAGING SHADE OR ORNAMENTAL TREES.

12.1. No person shall destroy, cut, mar or in any manner injure or deface any shade or ornamental tree standing in any street, alley, lane or public place in the City, or standing upon any premises owned by or in the charge of the City. Nothing herein contained shall be construed to prevent or prohibit any person from properly trimming any shade trees standing in the street in front of or adjacent to any premises owned or occupied by such person.

13. NUISANCE. PRIVATE TREES INTERFERING WITH PUBLIC USES; DECLARATION OF NUISANCE.

13.1. Any tree or shrub or part thereof growing upon private property, but overhanging or interfering with the use of any highway, park or public place of the City, that, in the opinion of the City Council or its designee, endangers the life, health, safety or property of the public, shall be declared a public nuisance.

13.2. The owner shall be notified, in writing or by publication in a local newspaper, of the existence of the nuisance and shall be given a reasonable time for its correction or removal. If such nuisance is not corrected or removed within the time allotted, the City Council or its designee shall cause the nuisance to be corrected or removed, and the cost shall be assessed to the property as provided by law.

13.3. Any tree that falls into the River from private property shall be declared a nuisance. Notice shall be given, as provided in subsection (b) hereof, and the tree shall be removed by the property owner. If such tree is not removed by the property owner, such removal may be done by the City, with the right of entry to perform the necessary work. The cost of such work by the City shall constitute a lien on the property, after the requirements of the Charter and ordinances, as to liens, are fulfilled.

13.4. As used herein, "reasonable time" shall be construed to mean not more than fifteen days.

14. ACTIVITIES OF UTILITIES AFFECTING TREES.

14.1. When a permit is given by the City Council or its designee to a telephone, telegraph, electric power or other public service corporation or utility to trim trees, or to perform other operations affecting public trees or shrubs, the amount of such trimming,

or the extent of the other operations, shall be limited by the actual necessities of the service of the company, and such work shall be done in a neat and workmanlike manner and according to specifications established by City Council or its designee.

14.2. The City Council or its designee may assign an inspector to supervise the provisions of the permit, and the cost of such service shall be charged to the public corporation or utility, at cost.

15. PENALTY

15.1. Any person, corporation, or limited liability company who violates the provisions of this ordinance may be fined up to a sum of \$500 or imprisonment for ninety days, or both, at the discretion of the court.

16. REPEAL

16.1. All ordinances or sections of ordinances inconsistent with the provisions of this ordinance shall be and are hereby repealed.

17. EFFECTIVE DATE

17.1. This ordinance shall become effective 10 days after a copy of this ordinance or a summary of this ordinance has been published in the Monroe Evening News or other local newspaper.

I hereby certify that this ordinance was passed at a regular Michigan held on Monday, the 6th of November, 2006

Lori L. Goss
City Clerk

ORDINANCE NUMBER 06-127

AN ORDINANCE TO AMEND THE CITY OF PETERSBURG ZONING ORDINANCE TO PROVIDE FOR THE REGULATION OF CONDOMINIUM PROJECTS

THE CITY OF PETERSBURG ORDAINS:

1. This Article 17 is incorporated in and made a part of the City of Petersburg (City) Zoning Ordinance and shall be known as "Article 17 Condominium Projects."

2. **Regulatory Intent:** All new condominium projects including but not limited to attached condominium units projects, single unattached site condominium unit projects also known as site condominiums and conversion condominium projects shall conform to the requirements of this Article and all other ordinances, rules and regulations of the City, including but not limited to the City's Zoning Ordinance and the Michigan Condominium Act, MCL 559.101 et seq.

3. **Definitions:** In addition to the definitions set forth in Article 2 and 17 of the City's Zoning Ordinance, the definitions set forth below and in the Michigan Condominium Act are incorporated herein and made a part hereof.

3.1. Unattached Condominium Project or Site Condominium Project means a division of land based upon condominium ownership which provides for a single unattached condominium unit on each Condominium Lot.

3.2. Condominium Lot means the area of land dedicated to the use of a structure that is either a single unattached condominium unit or a structure that contains 2 or more attached condominium units together with the limited common area dedicated to the respective unit or units.

3.3. Condominium Structure or Building means the principal building or structure constructed upon a lot intended for a single unattached condominium unit or 2 or more attached condominium units.

3.4. Setback - Front, Side and Rear Yard mean the distance measured from the respective front, side and rear yard lines associated with the Condominium Structure to the respective front, side and rear of the Condominium Lot.

4. **General Regulations:** The following regulations shall apply to all condominium projects permitted in any zoning district.

4.1. Attached Condominium Units on a Condominium Lot: Attached condominium units will be considered as one structure being constructed on a single lot for the purpose of determining dimensional requirements under this Zoning Ordinance and shall comply with all applicable regulations of the zoning district in which it is located.

4.2. Unattached Single Condominium Unit on a Condominium Lot: An unattached single condominium unit shall be considered as one structure being constructed on a single lot for the

purposes of determining dimensional requirements under this Zoning Ordinance and shall comply with all applicable regulations of the zoning district in which it is located.

4.3. Computation of Minimum Lot Area: The area within public and private street rights-of-way shall not be included in the computation of minimum lot area.

4.4. One Unattached Condominium Unit per Condominium Lot: Not more than one unattached condominium unit shall be located on a condominium lot, nor shall an unattached condominium unit be located on a condominium lot with any other principal use. This requirement shall be incorporated into the condominium documents.

4.5. Yard Requirements: Yard requirements shall be measured from the boundaries of the condominium lot and shall comply with all applicable regulations of the zoning district in which it is located.

4.6. Utility Connections: Each condominium unit shall be separately connected to all utilities including water, sanitary sewer, electrical, gas, telecommunications, and any other utility. Condominium units shall be wired for cable and Internet connections using standard connections as approved by the City Engineer.

4.7. Relocation of Lot Boundaries: Relocation of condominium lot boundaries, if allowed in the condominium documents as permitted in Section 48 of the Condominium Act, shall comply with all regulations of the zoning district in which they are located and shall be approved by the City Planning Commission in consultation with the City Engineer. This requirement shall be included as part of the condominium documents.

4.8. Resulting Lots: Each condominium lot which results from a division of another condominium lot as permitted by Section 49 of the Condominium Act shall comply with all regulations of the zoning district within which it is located and shall be approved by the City Planning Commission in consultation with the City Engineer. This requirement shall be included as a part of the condominium documents.

4.9. Land Division Requirements: The condominium project shall comply with the requirements of the Land Division Act (MCL 560.101 et seq.) and the land division regulations and engineering standards of the City as may be amended from time to time. Attached condominium units and an unattached condominium unit may abut and have frontage on a private street provided that the condominium project complies with the requirements of this Zoning Ordinance and other ordinances, rules, and regulations of the City.

4.10. Design Standards The design standards as approved by the City Council by resolution for water, sanitary sewer, storm sewer, roads, sidewalks, streets, and other utilities shall apply, subject to such reasonable modifications as made be authorized by the City Engineer based upon the location, topography, size, layout and other site conditions of the proposed condominium project.

5. Specific Regulations: Condominium projects shall be subject to the following regulations:

5.1. Unattached Condominiums: Unattached condominiums, also known as site condominiums, shall be subject to all requirements and standards of the underlying zoning district including but not limited to density, lot size, minimum floor area requirements, regulations governing the distance between buildings and the attachment of buildings, and other requirements as set forth

in this Zoning Ordinance, including but not limited to Article 9, Schedule of Regulations, and other regulations of the Zoning Ordinance. All proper information and dimensions shall be depicted on the site plan so that the Planning Commission in consultation with the City Engineer can determine that all applicable minimum requirements are met. These regulations shall be applied by requiring the condominium unit and a surrounding limited common element to be equal in area to the minimum lot area and lot width requirements for the district in which the project is located. The site condominium unit shall be equivalent to the area of the lot where a principal building can be constructed and there shall be a limited common element associated with each site condominium unit, which shall be at least equivalent to the minimum yard area requirements for the district in which the project is located.

5.2. Street and Road Requirements in any Condominium Project: All streets and sidewalks in a residential condominium project shall conform at a minimum to the standards and specifications as determined by the City for a typical street in a single-family residential subdivision. All streets and sidewalks in a non-residential condominium project shall conform to reasonable requirements for such commercial or industrial uses as determined by the City Engineer in light of the proposed land use.

5.3. Commercial, Office or Industrial Condominiums: Commercial, office, or industrial unattached condominium projects shall be subject to all requirements applicable to the appropriate underlying zoning district which exists for the property on which a commercial, office, or industrial site condominium may be proposed, including minimum lot requirements and all other applicable requirements set forth in the Zoning Ordinance. The regulations shall be applied by requiring the condominium unit and a surrounding limited common element to be equal in area to the minimum lot area and lot width requirements for the district in which the project is located. The commercial, office, or industrial condominium project must be appropriate to the underlying zoning for the project site.

5.4. Conversion Condominiums: All conversion condominiums shall be subject to the provisions of this Zoning Ordinance and shall require final site plan approval by the Planning Commission prior to the occupancy of any converted condominium unit. The site plan shall include all existing conditions and clearly identify all proposed site modifications. The Planning Commission shall consider the site plan for a condominium conversion as a new site plan and may revise any requirements of previous site plan approvals.

6. Preliminary and Final Review for Condominium Projects:

6.1. Prior to the preparation of a preliminary site plan for a condominium project, the owner or the developer as the prospective applicant may request a meeting with the Planning Commission or the City Council or both and with the City Engineer, City Planner, City Attorney, or City Building Official to discuss the applicant's condominium project. The applicant is encouraged to submit a sketch to scale indicating the general location and configuration of the property to be divided; the alignment of streets and lots; and the relationship of the proposed site condominium to adjacent streets and neighboring properties. The prospective applicant should submit a written narrative that discusses how the project will be served by water and

sanitary sewer, storm drainage and other utilities and that includes any additional information that will assist the City in evaluating the condominium project.

6.2. Prior to recording the Master Deed required by the Condominium Act, the condominium project shall undergo a two-step review and approval process involving preliminary and final review of the site plan and the condominium documents. Prior to the expansion or conversion of a condominium project to include additional land, site plan review and approval shall be required pursuant to the requirements of this Zoning Ordinance.

7. Additional Site Plan Requirements: In addition to the requirements of Article 11 of this Zoning Ordinance, the following information shall be included on or attached to the site plan and submitted to the Building Official at least twenty-one (21) days prior to a meeting for preliminary site plan review, concurrently with the notice required to be given to the City pursuant to Section 71 of the Condominium Act. The site plan and the condominium documents with exhibits shall be reviewed by the City Engineer and the City Attorney.

7.1. The name, address and telephone number of:

7.1.1. All persons with an ownership interest in the land on which the condominium project will be located together with a description of the nature of each entity's interest in the land, including, for example, fee owner, optionee, lessee, or purchaser pursuant to a binding purchase agreement land contract vendee.

7.1.2. All engineers, attorneys, architects, land surveyors, planners, or landscape architects associated with the condominium project.

7.1.3. The developer or proprietor of the condominium project.

7.2. The tax identification numbers and legal descriptions of the parcels of property under consideration and a boundary survey and legal description of the assembled parcels, if applicable.

7.3. The purpose of the project such as, for example, residential, commercial, industrial, or unattached site condominiums.

Commission shall grant preliminary approval, or preliminary approval subject to conditions, or deny the proposed condominium project and site plan.

7.4. Approximate number of condominium units to be developed on the subject parcel.

7.5. A preliminary site plan, drawn to a reasonable scale, which shows the following information:

7.5.1. The vehicular circulation system planned for the proposed development, including a designation of each street as to whether it is proposed to be private or dedicated to the public.

7.5.2. The location of existing private and public streets adjacent to the proposed development with an indication how they will connect with the proposed circulation system for the new development.

7.5.3. The type and location of street signs.

7.5.4. The proposed layout of the condominium units, utility easements, parking, open space and recreation and park areas.

7.5.5. Proposed water and sanitary sewer service.

7.5.6. Proposed storm water and drainage system.

7.5.7. Proposed utility plans including electricity, gas, and telecommunications.

7.5.8. Preliminary indication of the regulations proposed to be included in the condominium documents in the nature of restrictive covenants which regulate the use and maintenance of public areas, accessory structures, payment of assessments, and enforcement of condominium regulations.

7.5.9. The applicant shall provide updated information to the City until a Certificate of Occupancy has been issued pursuant to this Zoning Ordinance.

7.6. Plans for the following:

7.6.1. Cross sections of roads, drive aisles and paved areas.

7.6.2. Site drainage showing topography and flow directions, including retention and detention areas, if any.

7.7. site features such as tree stands, unusual slopes, streams and water drainage areas. If deemed necessary because of site or soil conditions or because of the scope of the project being proposed, a detailed hydrology study may be required, subject to review by the City Engineer. Specific locations and dimensions of wetland areas and significant

7.8. Preliminary approval by the City Engineer that sufficient capacity for water service and sanitary sewer service and storm drainage is available in the City to serve the condominium project.

7.9. Drafts of the condominium documents including the Master Deed, Condominium bylaws and Condominium Subdivision Plan as required by the Condominium Act.

7.10. The site condominium site plan shall identify all necessary public easements proposed to be granted to the City for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing, or removing public pipelines, mains, conduits and other installations of a similar character for the purpose of providing public utilities, including conveyance of sewage, water and storm water run-off across, through and under the property subject to said easements, and excavating and refilling ditches and trenches necessary for the location of such public structures.

7.11. All information required to be furnished under the subsection above shall be kept updated until a Certificate of Occupancy has been issued as required by this Zoning Ordinance.

8. Preliminary Approval by the Planning Commission

8.1. The Planning Commission shall consider whether to grant preliminary approval of the site plan and condominium documents for the proposed condominium project. Based upon the standards and requirements set forth in the Zoning Ordinance and other applicable local, state, and federal rules, regulations and statutes, the Planning

8.2. A denial shall mean that the proposed project and site plan does not meet the requirements of this Zoning Ordinance. Any denial shall specify the reasons for the denial and those requirements that have not been met.

8.3. A preliminary approval shall mean that the condominium project and site plan meet the requirements as set forth in this Zoning Ordinance.

Subject to any conditions imposed by the Planning Commission as part of its motion, preliminary approval assures that applicant that the project and site plan will receive final approval if all state and county approvals are obtained, no negative comments are received

from any governmental agency or public utility, and all local, state and federal laws have been met.

9. State and County Approval

9.1. All site condominium projects shall require the review and approval of the following agencies prior to final site plan approval:

9.1.1. The Monroe County Road Commission or the Michigan Department of Transportation if any part of the project includes or abuts a county road or a state highway or includes streets or roads that connect with or lie within the right-of-way of such county or state highway.

9.1.2. The Monroe County Drain Commission; and

9.1.3. The Michigan Department of Health shall approve the extensions of the water supply system and the waste water system, with Michigan Department of Environmental Quality reviews as required.

9.2. In addition to the specific required approvals, all site condominiums project site plans shall be submitted, to the extent required by law, to the Michigan Department of Environmental Quality, the Monroe County Plat Board, each of the public utilities serving the site, and any other state agency designated by the Planning Commission, for informational purposes. The Planning Commission shall consider any comments made by these agencies prior to final site plan approval. Names of streets shall comply with the Monroe County Ordinance regulating the designation of street names for the purposes of the 911 emergency communication program.

10. Final Approval Final approval shall be granted by the Planning Commission upon the receipt and approval of all the following:

10.1. A revised, dated site plan incorporating all of the changes, if any, required for preliminary approval or required by any state or local agencies.

10.2. Revised condominium documents required by the Condominium Act or by this Zoning Ordinance.

11. Master Deed, Restrictive Covenants, "As Built" Survey, and Mylar Copy

12. The Condominium project developer or proprietor shall furnish the Building Official and the City Engineer with the following:

12.1. One (1) copy of the recorded Master Deed with exhibits and two (2) copies of an "as built" survey.

12.2. One (1) copy of the site plan on a Mylar sheet of at least thirteen by sixteen (13 x 16) inches with an image not to exceed ten and one-half by fourteen (10½ x 14) inches.

12.3. The "as built" survey shall be reviewed by the City Engineer for compliance with City Ordinances.

13. Fees The applicant shall deposit with the City a reasonable sum of money in escrow from which the reasonable fees of the City's consultants shall be paid for the reviews required by this Zoning Ordinance. The amount of the deposit shall be established by the City Building Official in

consultation with the City Engineer based upon the size and complexity of the proposed condominium project. From the escrow funds the City shall retain an amount to pay for its reasonable administrative expenses related to the review of the condominium project. Such an amount shall be established and revised from time to time by resolution of the City Council following a recommendation from the City Planning Commission.

14. Monuments Required All condominium projects shall be marked with monuments as follows:

14.1. Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium project if the angle points can be readily reestablished by reference to monuments along the sidelines of the streets.

14.2. All monuments used shall be made of solid iron or steel bars at least one-half (1/2) inch in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.

14.3. Monuments shall be located in the ground at all angles in the boundaries of the condominium project; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium project; at all points in the sidelines of streets and alleys; at all angles of an intermediate traverse line and at the intersection of all limited common elements and all common elements.

14.4. If the required location of a monument is an inaccessible place, or where the locating of a monument would be clearly impractical, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.

14.5. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half (1/2) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.

14.6. All required monuments shall be placed flush with the ground where practicable.

14.7. All unit corners shall be monumented in the field by iron or steel bars or iron pipes at least eighteen (18) inches long and one-half (1/2) inch in diameter, or other approved markers.

14.8. The City Council may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, on the condition that the proprietor deposits with the City Clerk cash or a certified check, or irrevocable bank letter of credit running to the City, whichever the proprietor selects, in an amount approved by the City as sufficient to accomplish said placing of the required monuments and markers. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

15. Temporary Occupancy The City Council, upon recommendation from the Planning Commission, may allow occupancy of the condominium project before all improvements required by this Ordinance are installed, provided that a bond or other suitable guarantee is

submitted sufficient in amount and type to provide for the installation of improvements before the expiration of the Temporary Occupancy Permit without expense to the City.

16. Condominium Plan Revision If the Condominium subdivision plan is revised, the final site plan shall be revised accordingly and submitted for the review by the Planning Commission before any building permit may be issued.

Lori Goss

Approved 2nd reading Dec. 20, 2006

ORDINANCE 08-131

AN ORDINANCE TO SET CERTAIN BUILDING PERMIT FEES FOR THE CITY OF PETERSBURG

The City of Petersburg Ordains:

1. Purpose.

The purpose of this Ordinance is to establish a building permit fee schedule.

2. Building permit fees are hereby established as follows:

A base fee of \$35.00, up to \$100.00 in value of the work, plus \$4.00 for each \$100.00 up to and including \$2,000.00

\$111.00 for \$2,000.01 plus \$10.00 each \$1,000.00 or part of, including \$25,000.00

\$341.00 for \$25,000.01 plus \$9.00 each \$1,000.00 or part of, and after up to \$100,000.00

\$946.00 for \$100,000.00 plus \$8.00 each \$1,000.00 or part of, thereafter.

\$50.00 Demolition fee.

\$35.00 Reinspection fee.

Commercial Building

Check Plans 65% of Building Permit Fee

3. Repeal.

Ordinance 98 and parts of other ordinances inconsistent herewith are hereby repealed.

4. Saving Clauses.

If any section, paragraph, sentence, clause or phrase of this ordinance shall be held invalid, the same shall not affect any other part of this ordinance.

5. Conflicting Ordinances Repealed.

All ordinances and resolutions or parts thereof, insofar as the same may be in conflict herewith, if not already repealed, are hereby repealed.

6. Effective Date.

This ordinance will take effect ten (10) days after its publication.

Attest: This Ordinance adopted at and recorded in the Minutes of the regular meeting of City Council held on the 5TH day of MAY, 2008, and a summary was published in the newspaper with local circulation on the 15TH day of MAY, 2008

Lori L. Goss, City Clerk

ORDINANCE NO. 2009-01

AN ORDINANCE TO REGULATE VEGETATION

THE CITY OF PETERSBURG ORDAINS:

Section 1 The maintenance of any property in the city shall be as follows:

- (a) Turf grass of up to six inches in height shall be maintained with-in the developed areas of the City of Petersburg.
- (b) A public nuisance shall be declared if the vegetation exceeds the noted height, noxious weeds permeate the property, or diseased, dying or dead trees or shrubs exist on the property.
- (c) Public nuisance is defined as an annoyance, causes injury, or endangers the safety, health, comfort, or repose of the public.

Section 2 Noxious weeds are defined to include the following:

Canada Thistle (Cirsium Arvense) Dodders(any species of Cuscuta), Mustards (Charlock, BlackMustard, Indian Mustard, Brassica, Sinapis) Wild Carrot (Daucus Carota) Bindweed (Convolvulus Arvensis) Perennial Sowthistle (Sonchus Arvensis) Hoary alyssum (Berteroa Incana) Ragweed (Ambrosia Elatior 1.) and Poison Ivy (Rhus Toxicodendron) Poison Sumac (Toxicodendron Vernix) and any other plants as determined by the City Administration.

Section 3 Duty of Owner or Occupier of land to cut:

It shall be the duty of every owner, possessor or occupier of land and every person having charge of any land in the City to remove, destroy or cut or cause to be removed, destroyed or cut any vegetation which constitutes a public nuisance as noted in section 1b

Section 4 Publication of Notice:

During each calendar year, the City Clerk shall publish a notice in a newspaper of general circulation stating that May 1st is the date by which owners, occupiers, and possessors of land in the City shall have complied with the provisions of this article regarding the removal, destruction or cutting of the above noted vegetation.

Section 5 Failure to abate: Authority of Public Works Superintendent to remove, recovery of costs from owner, occupier and possessor:

- (a) If any person shall fail to comply with the provisions of this article by the date specified in Section 4 the Superintendent of Public works shall cause all such vegetation to be removed, destroyed, or cut from the lands of the person not complying with the

provisions of this article. The Superintendent of Public Works or his authorized representative shall have the authority to remove, destroy, or cut the above noted vegetation as often as is necessary to effect compliance with the provisions of this article.

(b) The Superintendent of Public Works and his authorized representatives are hereby empowered to enter upon any premises in the city for the purpose of removing, destroying or cutting vegetation under the provisions of this article and no person shall molest or interfere with superintendent of public works or his authorized representative while they are engaged in carrying out the provisions of this article.

(c) The Superintendent of Public Works or his authorized representative shall keep an accurate account of the expenses incurred by the city with respect to each parcel of land in carrying out the provisions of this article and shall prepare and sign an invoice for the City Clerk and Treasurer. The City Treasurer shall add twenty (20) percent to the amount of the prepared invoice to reflect the cost of supervision and billing and add the total cost to the tax bill of the property owner.

Section 6 Violations of Article; Penalty:

(a) If during any calendar year the Superintendent of Public Works or his authorized representative shall be required to remove, destroy, or cut the above noted vegetation on any property three or more times, then the owner of the property shall be deemed guilty of a misdemeanor and, upon conviction there of, shall be punished by a fine not to exceed Five hundred and 00/1.00 (\$500.00) dollars or imprisonment for not more than ninety (90) days or both such fine and imprisonment in the discretion of the court. Each day that a violation is permitted to exist shall constitute a separate violation.

(b) Any person who shall molest or interfere with the Superintendent of Public Works or his authorized representative while they are engaged in carrying out the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as set forth in Section 6a.

Section 7 Repeals:

Ordinance 48 and all other ordinances inconsistent with this amendment shall be and are hereby repealed.

Section 8 Effective Date:

This ordinance shall become effective thirty (30) days after final passage and publication of a summary in a newspaper of local general circulation.

Page 3 - **Ordinance No. 2009-01**

I hereby certify that this Ordinance was duly adopted by the Petersburg Council on the 16th day of March, 2009.

Lori L. Goss, Petersburg City Clerk

Date 3-16-09

Published: 3-19-09

ORDINANCE NUMBER 2013-02

ORDINANCE ADDRESSING FLOODPLAIN MANAGEMENT PROVISIONS OF THE STATE CONSTRUCTION CODE

Community Name: City of Petersburg. County: Monroe

An Ordinance to affirm/designate an enforcing agency to discharge the responsibility of the City of Petersburg located in Monroe County, and to designate regulated flood hazard areas under the provisions of the State Construction Code Act, Act No. 230 of the Public Acts of 1972, as amended.

The City of Petersburg ordains:

Section 1. AGENCY DESIGNATED. Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, the Building Official of the City of Petersburg is hereby designated as the enforcing agency to discharge the responsibility of the City of Petersburg under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The City of Petersburg assumes responsibility for the administration and enforcement of said Act throughout the corporate limits of the community adopting this ordinance.

Section 2. CODE APPENDIX ENFORCED. Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, Appendix G of the Michigan Building Code shall be enforced by the enforcing agency within the City of Petersburg.

Section 3. DESIGNATION OF REGULATED FLOOD PRONE HAZARD AREAS. The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) Entitled 26115CV001B and dated 02/08/2013 and the Flood Insurance Rate Map (s) (FIRMS) panel number (s) of 190 and dated 02/08/2013 are adopted by reference for the purposes of administration of the Michigan Construction Code, and declared to be a part of Section 1612.3 of the Michigan Building Code, and to provide the content of the "FLOOD HAZZARDS" section of the Table R301.2 (1) of the Michigan Residential Code.

Section 4. REPEALS. All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Section 5. PUBLICATION. This ordinance shall be effective after legal publication and in accordance with the provisions of the Act governing the same.

Page 2 - **Ordinance No. 2013-02**

Adopted this 16th day of September, 2013

This ordinance duly adopted on September 16, 2013 at a regular meeting of the City of Petersburg and will become effective 10 days after publication.

Signed on 9/14/13 by Lori Goss Clerk of the City of Petersburg.

Attested on 9-16-13 James Holman, Mayor of the City of Petersburg.

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Ordinance 2014-0001

REGULATION OF PARKING ON CITY OF PETERSBURG DURING SNOW EMERGENCIES

Adopted: 2-17-2014

Authorization of snow emergency.

The City Mayor, the City Street Administrator, the City Council and the City Department of Public Works Supervisor are all hereby authorized individually and/or jointly to declare a snow emergency in the City of Petersburg to effectuate the removal of snow from the streets of the City of Petersburg.

Declaration of snow emergency.

Upon declaration of a snow emergency the official declaring shall notify, print and broadcast media providing service to the City of Petersburg of the declaration of the snow emergency including the beginning time and the ending time of the snow emergency. A copy of said notice shall also be posted at the City of Petersburg Municipal Building.

Removal of all vehicles.

Following said declaration all motor vehicles, trailers, and movable objects shall be removed from the City of Petersburg streets until the expiration of the snow emergency.

Removal by police department.

Any motor vehicle, trailer or movable object not removed from the City of Petersburg streets during a snow emergency may be removed by the Monroe County Sheriff's Office. Provided, however; that prior to the removal by the Monroe County Sheriff's Office, the Monroe County Sheriff's Office and/or the City of Petersburg Department of Public Works shall first attempt to verbally notify the registered owner/the person having charge of said motor vehicle, trailer or movable object of the need to remove said motor vehicle, trailer or movable object. In the event the Monroe County Sheriff's Office or the City of Petersburg of Public Works are unable to locate the registered owner/the person in charge of the motor vehicle, trailer or movable object or said registered owner/person in charge refuses to remove said motor vehicle, trailer or movable object by proper means.

Refusal to remove vehicles.

The failure/refusal to remove a motor vehicle, trailer or movable object from the streets of the City of Petersburg during a snow emergency shall constitute a civil infraction punishable by a fine of not more than One Hundred (\$100.00) Dollars plus the cost of prosecution.

Cost of removal borne by the owner.

The cost of removal and storage of a motor vehicle, trailer or movable object shall be borne by the registered owner and/or the person having charge of the motor vehicle, trailer, or movable object. Adopted by City Council 2-17-14

This Ordinance Regulating Parking on City of Petersburg Street During Snow Emergencies takes effect

March 16, 2014

Lori L. Goss, City Clerk

THE CITY OF PETERSBURG ORDINANCE NO. 16-0002

AN ORDINANCE ALLOWING, AND ESTABLISHING REGULATIONS FOR, THE OPERATION OF GOLF CARTS AND BICYCLES ON STREETS WITHIN THE CITY OF PETERSBURG, MICHIGAN, PROVIDING PENALTIES FOR VIOLATIONS, AMENDING ORDINANCES 42 AND 43 PURSUANT TO PUBLIC ACT 300 OF 1949 AS AMENDED, AND REPEALING SECTIONS OF ORDINANCES INCONSISTENT WITH THIS ORDINANCE

The City of Petersburg ordains:

Section 1 Title

This ordinance shall be referred to as the "Petersburg Golf Cart and Bicycle Ordinance."

Section 2 Golf Carts

(a) The City of Petersburg allows a person who is at least 16 years old with a valid driver's license to operate a golf cart on City streets only in accordance with this ordinance.

(b) The operator of a golf cart upon a street shall drive as near to the right side of the roadway as possible, exercising due caution when passing a standing vehicle or slower vehicle proceeding in the same direction.

(c) A golf cart shall be operated at a speed not exceeding 15 miles per hour.

(d) A golf cart shall not be operated on a street that has a speed limit of more than 30 miles per hour, except to cross the street, using the most direct line to cross.

(e) A golf cart shall not be operated on a street that the City has designated, by resolution or by signs, shall not be used by golf carts, except to cross the street, using the most direct line to cross.

(f) An operator of a golf cart shall comply with the signal requirements of MCL 257.648 that apply to the operator of a vehicle.

(g) A golf cart shall not be operated on a sidewalk designed for pedestrian traffic.

(h) Where a designated path for golf carts is provided adjacent to a street, a person operating a golf cart shall use the path and not the street.

(i) A golf cart shall not be operated in any careless or imprudent manner so as to endanger any person or property.

(j) A person shall not operate a golf cart on a street during the time period from one half hour before sunset to one half hour after sunrise.

(k) A golf cart shall not be operated with more passengers than it is designed to carry.

Section 3 Bicycles

(a) The operator of a bicycle upon a street, road or alley, before stopping or turning, shall first determine that the stopping or turning can be made in safety and shall give a signal as required by this section.

(b) A signal required under this section shall be given either by means of the hand and arm in the manner specified in this section, or by a mechanical or electrical signal device that conveys an intelligent signal or warning to other traffic.

(c) The operator of a bicycle using a hand and arm signal shall signal as follows:

- 1) For a left turn, the operator shall extend his or her left hand and arm horizontally.
- 2) For a right turn, the operator shall extend his or her left arm upward.
- 3) To stop or slow down, the operator shall extend his or her left hand and arm downward.

Section 4 Penalties

Any person or entity responsible for a violation of this Ordinance, whether as an operator, passenger, owner or other person who allows a violation, is responsible for a civil infraction and shall be punished by a civil fine determined in accordance with the following schedule:

	Civil fine
First offense	\$100.00
Second offense within one year	\$200.00
Third offense within one year	\$300.00

Section 5 Severability

If any section, subsection, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional, such portion shall be deemed separate, and the same shall not affect the validity of the remainder of this Ordinance.

Section 6 Repeal

Any sections of Ordinances 42, 43 and any other sections or ordinances inconsistent with this ordinance shall be and are hereby repealed.

Section 7 Publication

The City Clerk is directed to cause a summary of this ordinance to be published in a newspaper of general circulation in the City as soon as practical.

Section 8 Effective Date

This Ordinance will take effect twenty days after final passage and publication.

I hereby certify that this Ordinance was duly adopted by the Petersburg Council on the 10th day of JUNE 2016.

Leanne Goodin Petersburg City Clerk

Date 6/6/16

THE CITY OF PETERSBURG ORDINANCE NO. 17-0001

AN ORDINANCE TO REGULATE PARTITIONING OR DIVISION OF PARCELS OR TRACTS OF LAND, ENACTED PURSUANT BUT NOT LIMITED TO MICHIGAN PUBLIC ACT 288 OF 1967, AS AMENDED AND TO PRESCRIBE PENALTIES AND ENFORCEMENT REMEDIES FOR THE VIOLATION OF THIS ORDINANCE.

THE CITY OF PETERSBURG ORDAINS:

Section 1. Title

This ordinance shall be referred to as the "The City of Petersburg Land Division Ordinance."

Section 2. Purpose

The purpose of this Ordinance is to carry out the provisions of the State Land Division Act (1967 PA 288, as amended, formerly known as the Subdivision Control Act), to prevent the creation of parcels of property which do not comply with applicable ordinances and said Act, to minimize potential boundary disputes, to provide for the combination of parcels or tracts, to maintain orderly development of the community, and otherwise provide for establishing reasonable standards for prior review and approval of land divisions within the municipality.

Section 3. Definitions

For purposes of this Ordinance certain terms and words used herein shall have the following meaning:

"Applicant" - a person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not.

"Divided" or "Division" - the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his/her heirs, executors, administrators, legal representatives, successors or assignors, for the purpose of sale or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of Sections 108 and 109 of the State Land Division Act.

"Exempt split" or "Exempt division" - the partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his/her heirs, executors, administrators, legal representatives, successors or assignors, that does not result in one or more parcels of less than 40 acres or the equivalent; provided all resulting parcels are accessible for vehicular travel and utilities from existing public roads through existing adequate roads or easements, or through areas owned by the owner of the parcel that can provide such access.

"Forty acres or the equivalent coherences quarter-quarter section containing not less than 30 acres, or a government lot containing less than 30 acres.

"City Council" - the Council of the City of Petersburg.

Section 4. Prior Approval Requirement for Land Divisions

Land in the City shall not be divided without the prior review and approval of the City Building Inspector and City Council in accordance with this Ordinance and the State Land Division Act. The following shall be exempted from this requirement:

A parcel proposed for subdivision through a recorded plat pursuant to the City's Subdivision Control Ordinance and the State Land Division Act.

An exempt split as defined in the Ordinance.

Section 5. Application for Land Division Approval

An applicant shall file all of the following with the City Building Inspector for review and approval of the proposed land division before making any division either by deed, land contract, lease for more than one year, or for building development:

A completed application with all required attachments on the application form provided by the City.

Proof of ownership of the land proposed to be divided.

A survey map of the land proposed to be divided, prepared pursuant to the survey map requirements of 1970 Public Act 132, as amended, (MCL54.211) by a land surveyor licensed by the State of Michigan and showing the dimensions and legal descriptions of the existing parcels and parcels proposed to be created by the division(s), the location of all existing structures and other improvements, and the accessibility of the parcels for the vehicular traffic and utilities from existing public roads.

In lieu of such survey map, at the applicant's option, the applicant may waive the 30 day statutory requirement for a decision on the application until such survey map and legal description are filed with the City Building Inspector, and submit a tentative preliminary parcel map drawn to scale of not less than 200 feet per one inch including an accurate legal description of each proposed division, and showing the boundary lines, dimensions, and the accessibility of each division from existing or proposed public roads for vehicular traffic and public utilities, for preliminary review, approval, and/or denial by the designated official prior to a final application under Section 5.

Notwithstanding the requirements of 5(C), at the discretion of the City Building Inspector, the survey requirement may be waived in writing when considering a division of a lot in a recorded plat proposed to be divided in accordance with the City's Subdivision Control Ordinance, when enacted, and the State Land Division Act.

Proof that all standards of the State Land Division Act and this Ordinance have been met. (See application.)

The history and specifications of any previous divisions of land of which the proposed division was a part sufficient to establish the parcel to be divided was lawfully in existence as of March 31, 1997, the effective date of the State Land Division Act.

Proof that all due and payable taxes or installments of special assessments pertaining to the land proposed to be divided are paid in full.

If transfer of division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.

Unless a division creates a parcel which is acknowledged and declared to be 'not buildable' under Section 8 of this Ordinance, all divisions shall result in 'buildable' parcels containing sufficient 'buildable' area outside of unbuildable wetlands, flood plains and other areas where buildings are prohibited therefrom, and with sufficient area to comply with all required setback provisions, minimum floor areas, off-street parking space, and maximum allowed area coverage of buildings and structures on the site.

Section 6. Procedure for Review of Applications for Land Division Approval

A land division application package shall be submitted to the City Assessor, City Building Inspector and City Council for review and decision. The City Assessor and/or Building Inspector and Council shall approve, approve with reasonable conditions to assure compliance with applicable ordinances, or disapprove the land division applied for within 30 days after receipt of the application package conforming to this Ordinance's requirements, and shall promptly notify the applicant of the decision and the reason(s) for any denial. If the application package does not conform to this Ordinance's requirements and the State Land Division Act, the Assessor, Building Inspector or Council or its designee shall return the same to the applicant for completion and refile in accordance with this Ordinance and the State Land Division Act.

Any person or entity aggrieved by the decision of the Assessor, Building Inspector or Council may, within 30 days of said decision, appeal the decision or request any variation in the Ordinance to such other board or person designated by the City Council which shall consider and resolve such appeal by a majority vote of said Council at its next regular meeting or session

affording sufficient time for a 20 day written notice to the applicant (and appellant where other than the applicant) of the time and date of said meeting and appellate hearing.

A decision approving a land division is effective for 90 days, after which it shall be considered revoked unless within such period a document is recorded with the Monroe County Register of Deeds office and filed with the City Assessor accomplishing the approved land division or transfer.

The City Assessor shall maintain an official record of all approved and accomplished land divisions or transfers.

Section 7. Standards for Approval of Land Divisions

A proposed land division shall be approved if the following criteria are met:

All the parcels to be created by the proposed land division(s) fully comply with the applicable lot (parcel), yard and area requirements of the City of Petersburg Zoning Ordinance, including, but not limited to, minimum lot (parcel) frontage/width, minimum road frontage, minimum lot (parcel) area, minimum lot width to depth ratio, and maximum lot (parcel) coverage and minimum setbacks for existing buildings/structures.

The proposed land division(s) comply with all requirements of the State Land Division Act and this Ordinance.

All parcels created and remaining have existing adequate accessibility, or an area available therefore, to a public road for public utilities and emergency and other vehicles not less than the requirements of the City Zoning Ordinance, major thoroughfare plan, or this Ordinance. In determining adequacy of accessibility, any ordinance standards applicable to plats shall also apply as minimum standards applicable to plats shall also apply as minimum standards whenever a parcel or tract is proposed to be divided to create four (4) or more parcels.

The ratio of depth to width of any parcel created by the division does not exceed a four to one ratio exclusive of access roads, easements, or non-buildable parcels created under Section B of this Ordinance and parcels added to contiguous parcels that result in all involved parcels complying with said ratio. The four to one depth to width ratio shall not apply to any parcel created which is 10 acres or larger.

The permissible depth of a parcel created by a land division shall be measured within the boundaries of each parcel from the abutting road right-of-way to the most remote boundary line point of the parcel from the point of commencement of the measurement.

The permissible minimum width shall be defined in the City Zoning Ordinance.

Section 8. Allowance for Approval of Other Land Divisions

Notwithstanding disqualification from approval pursuant to this Ordinance, a proposed land division which does not fully comply with the applicable yard, accessibility and area requirements of the applicable zoning ordinance of the Ordinance may be approved in any of the following circumstances:

Where the applicant executes and records an affidavit or deed restriction with the County Register of Deeds, in a form acceptable to the municipality designating the parcel as 'not buildable'. Any such parcel shall also be designated as 'not buildable' in the City records and shall not thereafter be the subject of a request to the Zoning Board of Appeals for variance relief from the applicable lot and/or area requirements, and shall not be developed with any building or above ground structure exceeding four feet in height.

Where, in circumstances not covered by paragraph A above, the Zoning Board of Appeals has, previous to this Ordinance, granted a variance from the lot, yard, frontage and/or area requirements with which the parcel failed to comply.

Where the proposed land division involves only the minor adjustment of a common boundary line or involves a conveyance between adjoining properties which does not result in either parcel violating this Ordinance, any applicable zoning ordinance, or the State Land Division Act.

Section 9. Land Combination

Applications for the combination of land located in the City of Petersburg shall be made on applications provided by the City. No combination of any lot(s) or parcels of land shall be made or approved until all information requested in the application has been furnished to the City Building Inspector as well as with any additional information required by this Ordinance.

All applications for the combination of any lot or parcel of land located in the City of Petersburg shall have attached a survey containing the following:

Existing lot(s) or parcels of land prior to combination.
Lot or parcel after combination.

All existing structures on all lots or parcels and other physical features which would influence layout or description of lots or parcels to be combined.

Legal descriptions of parcels described in 9B above.

All such surveys shall bear the seal of a licensed surveyor and said surveys shall comply with Public Act 132 of 1970 as amended.

Notwithstanding the requirements of 9, combinations of residentially zoned and used parcels and agriculturally zoned and used parcels may be exempt from the survey requirements of this section at the discretion of the City Building Inspector provided that the applicant signs a waiver concerning the accuracy of the legal description.

Section 10. Consequences of Non-Compliance with Land Division Approval Requirement

Any parcel created in non-compliance with this Ordinance shall not be eligible for any building permits or zoning approvals, such as special land use approval or site plan approval, and shall not be recognized as a separate parcel on the assessment roll. In addition, violation of this Ordinance shall subject the violator to the penalties and enforcement actions set forth in Section 11 of this Ordinance, and as may otherwise be provided by law.

Section 11. Penalties and Enforcement

Any person, firm or corporation who violates any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine in an amount determined by City Council.

Any person who violates any of the provisions of the Ordinance shall also be subject to a civil action seeking invalidation of the land division and appropriate injunctive or other relief.

Section 12. Severability

The provisions of the Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of the Ordinance other than said part or portion thereof.

Section 13. Repeal

except that this Ordinance shall not be construed to repeal any provision in the applicable Zoning Ordinances or Building Codes.

Section 14. Effective Date

This Ordinance shall take effect immediately after publication in a newspaper having general circulation in the City of Petersburg, Monroe County, Michigan.

I hereby certify that this Ordinance was duly adopted by the Petersburg Council on the 17th day of April 2017.

Leanne G. Goodin, Petersburg City Clerk

Date 4/17/17

ORDINANCE NO. 18-0001

AN ORDINANCE TO REPEAL ORDINANCE 16-0001 AND PROVIDE FOR REVISED WATER SYSTEM FEES AND CHARGES

THE CITY OF PETERSBURG ORDAINS:

1. The provisions of Ordinance 18-0001 of the City of Petersburg shall be and are hereby replaced as follows:

Sec. 1. Water system fees and charges.

(a) City premises-water.

(1) City connection fees-water. (See Sec 4 below for changes)

a. New structure or substantially renovated structure-Tap in fee: For a service line one inch or less, the applicant shall pay the city to install the service line from the main line to the curb stop as follows:

1. For a three-fourths-inch service line, the sum of \$2,800 per unit factor, or for a one-inch service line, the sum of \$3,200 per unit factor.
2. For inspection of the service line from the curb stop to the water meter, an inspection fee of \$50.00 per unit factor, payable in advance.

b. New structure or substantially renovated structure-Tap-in fee: For a service line larger than one inch:

1. The applicant shall employ and pay all costs of a private licensed and insured contractor to install the service connection to the water main in accordance with city water department regulations, as amended, and shall purchase from the city an approved meter and plumbing connections; plus
2. Pay an inspection fee of \$50.00 per unit factor, payable in advance.

c. New construction of commercial buildings or multi-family structures - Tap-in fee: New construction of commercial buildings or multi-family structures that exceed six units per building will pay \$10,000 per building and an additional \$15,000 for every floor above the second floor.

d. Connection fee for existing and new construction of any structures on property that is transferred to the jurisdiction of the City by any means permitted by law shall be established at the time of such transfer either as part of a negotiated agreement or by an amendment to this ordinance.

(2) City user charges-water operations, maintenance and repairs: A base charge per Residential Equivalent Unit (REU) per quarter of \$9.11 and a flow rate per 1,000 gallons of \$6.00.

(3) City debt service charges-water: \$51.50 per REU per quarter for city property owners and current water customers located outside of the City as of October 1, 2003. Units in excess of the minimum of one unit shall be charged to the nearest tenth. This debt service charge became effective on October 1, 2003 pursuant to the previously adopted Ordinance 116 and shall continue until changed by the City Council by an ordinance amendment. For newly constructed premises within the city, during the quarter of initial connection, debt service charges shall be prorated from the date the valve at the curb stop is turned on until the end of the quarter of initial connection at the rate of \$0.57 per day.

(b) Township premises-water.

(1) Township connection fees-water.

- a. Tap-in fee: Same as city premises
- b. Inspection fee: Same as a city premises.
- c. Buy-in fee: \$9,500 per unit factor for anyone applying for water service on and after September 1, 2007.

(2) Township user charges-water operation, maintenance and repairs: A base charge per REU per quarter of \$18.22 and a flow rate per 1,000 gallons of \$10.79.

(3) Township premises debt service charges-water: \$51.50 per REU per quarter for water customers located outside of the City who are not customers as of October 1, 2003. Units in excess of the minimum of one unit shall be charged to the nearest tenth. For an existing premises or a newly constructed premise located outside of the city that is eligible pursuant to a certain agreement between the city and the relevant township, during the quarter of initial connection, debt service charges shall be prorated from the date the valve at the curb stop is turned on until the end of the quarter of initial connection at the rate of \$0.57 per day.

(c) Fire hydrant charge.

The charge for each hydrant connected to the water system shall be \$50.00 per year to be paid by the city for those hydrants located in the public right-of-way within the incorporated area of the city. No hydrant charge shall be made for the hydrants in the townships until the city council has reviewed the costs associated with the maintenance of such hydrants and made a determination of a fair amount to be charged at such time. When such a charge is determined to be appropriate, each township premises water user shall pay a quarterly hydrant charge calculated by multiplying the number of hydrants in the townships outside of the city by the amount to be determined and divided by the number of township premises water users.

Sec. 2. Ordinance 16-0001 and all other ordinances inconsistent with this amendment shall be and are hereby repealed.

Sec. 3. The Clerk is directed to cause a summary of this ordinance to be published in a newspaper of general circulation in the City as soon as practical.

Sec. 4. (added by Ordinance 20-0001) The water system fees and charges provided by Section 1 of this Ordinance may be increased or decreased from time to time based upon changes in the cost of water or other expenses of the water system, by the passage of a Resolution by the City Council of the City of Petersburg, Michigan. City Council may also revise or waive late fees and interest by Resolution, for reasons stated in such Resolutions. **(end of addition from 20-0001)**

I hereby certify that this Ordinance was duly adopted by the Petersburg Council on the 2nd day of July 2018.

Leanne Goodin
Petersburg City Clerk

Date: July 2, 2018

CITY OF PETERSBURG ORDINANCE NUMBER 18-0002

AN ORDINANCE TO AUTHORIZE AND REGULATE THE ESTABLISHMENT OF MEDICAL MARIHUANA FACILITIES AND TO IMPOSE PENALTIES FOR VIOLATIONS.

The City of Petersburg ordains:

Section 1. Title.

This Ordinance shall be known as the City of Petersburg Medical Marijuana Facilities Ordinance.

Section 2 Purpose.

A. It is the intent of this Ordinance to authorize the establishment of certain types of medical marihuana facilities in the City of Petersburg and provide for the adoption of reasonable restrictions to protect the public health, safety, and general welfare of the community at large; retain the character of neighborhoods; and mitigate potential impacts on surrounding properties and persons. It is also the intent of this Ordinance to help defray administrative and enforcement costs associated with the operation of a marihuana facility in the City of Petersburg through imposition of an annual, nonrefundable fee of not more than \$5,000.00 on each medical marihuana facility licensee. Authority for the enactment of these provisions is set forth in the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.

B. Nothing in this Ordinance is intended to grant immunity from criminal or civil prosecution, penalty, or sanction for the cultivation, manufacture, possession, use, sale, or distribution of marihuana, in any form, that is not in compliance with the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; the Marihuana Tracking Act, MCL 333.27901 et seq.; and all other applicable rules promulgated by the State of Michigan. This ordinance permits authorizations for activity based on the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq. Nothing in this Ordinance shall be construed as allowing persons to engage in conduct that endangers others or causes a public nuisance, or to allow marihuana uses and activities not in strict accordance with the express authorizations of the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.

C. As of the effective date of this Ordinance, marihuana remains classified as a Schedule 1 controlled substance under the Federal Controlled Substances

Act, 21 U.S.C. Sec. 801 et seq., which makes it unlawful to manufacture, distribute, or dispense marihuana, or possess marihuana with intent to manufacture, distribute, or dispense marihuana. Nothing in this Ordinance is intended to grant immunity from any criminal prosecution under state or federal laws as they may be enforced by either the federal or state governments relative to such uses and activities. Thus, the authorization of activity and the approval of a license under this Ordinance shall not have the effect of superseding or nullifying federal or state law applicable to the cultivation, manufacture, possession, use, sale, or distribution of marihuana, in any form, and all applicants and grantees of licenses are on notice that they may be subject to prosecution and civil penalty, including forfeiture of property.

Section 3 Definitions.

For the purposes of this ordinance:

A. Any term defined by the Michigan Medical Marihuana Act, MCL 333.26421 et seq., shall have the definition given in the Michigan Medical Marihuana Act. ("MMMA")

B. Any term defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., shall have the definition given in the Medical Marihuana Facilities Licensing Act. ("MMFLA")

C. Any term defined by the Marihuana Tracking Act, MCL 333.27901 et seq., shall have the definition given in the Marihuana Tracking Act. ("MTA")

D. "Grower" means a licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.

E. "Licensee" means a person holding a State operating license issued under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.

F. "Marijuana" or "marihuana" means that term as defined in the Public Health Code, MCL 333.1101 et seq.; the Michigan Medical Marihuana Act, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracking Act, MCL 333.27901 et seq.

G. "Marihuana facility" or "MMF" means an enterprise at a specific location at which a licensee is licensed to operate under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., including a marihuana grower, marihuana processor, marihuana provisioning center, marihuana secure transporter, or marihuana safety compliance facility. The term does not include or apply to a "primary caregiver" or "caregiver" as that term is defined in the Michigan Medical Marihuana Act, MCL 333.26421 et seq.

H. "Person" means an individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.

I. "Processor" means a licensee that is a commercial entity located in Michigan that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center.

J. "Provisioning center" means a licensee that is a commercial entity located in Michigan that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers.

Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver in accordance with the Michigan Medical Marihuana Act, MCL 333.26421 et seq., is not a provisioning center for purposes of this ordinance.

K. "Safety compliance facility" means a licensee that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.

L. "Secure transporter" means a licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.

Section 4 Authorization of Facilities and Fee.

A. The following Medical Marihuana Facilities may be authorized to operate in the City of Petersburg by the holder of a state operating license, subject to compliance with PA 281 of 2016, as may be amended, the Rules promulgated thereunder, the City of Petersburg Zoning Ordinance, as amended, and this Ordinance:

<u>Facility</u>	<u>Number</u>
Provisioning Center	2
Grower	2
Processor	2
Safety Compliance Facility	2
Secure Transporter	2

The City reserves the right to review and amend the number of MMF's from time to time by motion recorded in the minutes of the City Council.

B. An annual nonrefundable fee shall be paid by each marihuana facility licensed under this Ordinance in an annual amount of not more than \$5,000.00 as set by resolution of the City Council. This \$5,000.00 fee shall be paid for each separate, stacked Class-C grower facility license issued by the City.

Section 5 Requirements and Procedures for Issuing Licenses.

A. No person shall operate a marihuana facility in the City of Petersburg without a valid marihuana facility license issued by the City pursuant to the provisions of this Ordinance as authorized by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.

B. A marihuana facility license issued under this Ordinance is valid for one year and transfers of the license require approval by the City Council.

C. The procedure in processing a request for a marihuana facility license will involve three steps, application, provisional license and city marihuana facility license as follows:

1) Application.

a) An application is to be filed with the City Clerk upon a form provided by the City of Petersburg along with the annual nonrefundable fee.

b) The City Clerk will review the application for completeness and will promptly notify the applicant of any additional required information and documentation. The City Clerk will only accept a complete application.

c) The City Clerk's office shall refer the application to the Building Official to verify that the proposed facility is located in a zoning district that allows such use. The Building Official shall respond to the City Clerk within ten (10) business days.

d) The City Clerk shall act to approve or deny an application not later than fifteen (15) business days from the date the fully completed application was accepted.

e) If approved, the City Clerk's office shall issue the applicant a provisional license.

2) Standards for Issuance of Provisional License.

The Clerk shall issue a Provisional License under this Ordinance when, from a consideration of the application and from such other information as may otherwise be obtained, the Clerk determines that:

a) The application (including any required attachments and submissions) is complete and signed by the applicant;

b) The Applicant has paid the nonrefundable application fee and any other fees required;

- c) The application does not contain a material falsehood or misrepresentation;
- d) The proposed location of the Facility is allowed by the City's zoning and other ordinances.

3) Provisional License.

- a) A provisional license means only that the application satisfies sub-paragraph C 2) above.
- b) A provisional license will lapse and be void if all other permits and approvals are not diligently pursued as follows:

Existing structure with no site changes	90 days
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Existing structure with minimal site changes approved by the Planning Commission and substantially completed within	180 days
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Proposed construction of a structure requiring site plan approval by the Planning Commission substantially complete within	1 year
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4) Marihuana Facility License.

A Provisional License issued pursuant to this Ordinance does not authorize the operation of a Medical Marihuana Facility. The Applicant is required to obtain all other necessary licenses and permits related to the operation of the facility(ies) sought to be approved hereunder, including, without limitation, any and all necessary business registration and licenses, building permits, mechanical permits, plumbing permits, or electrical permits. Before a Marihuana Facility License can be issued, the applicant must:

- (a) Submit a photocopy of the applicant's valid and current license issued by the State of Michigan in accordance with the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., along with a government-issued photographed identification.
- (b) Obtain site plan approval and any other necessary zoning approval or permits under the Ordinance.
- (c) Obtain the approvals of the following:
 - 1) The Fire Chief or his or her designee, and
 - 2) City Engineering Consultant (site plan reviews only).

(d) Submit a notarized statement acknowledging that the Applicant and the employees of the Facility(ies) may be subject to prosecution under federal marijuana laws.

(e) Submit a notarized statement acknowledging that the City of Petersburg accepts no legal liability in connection with the approval and subsequent operation of the Facility.

A provisional license shall be replaced by a City Marihuana Facility License upon completion of all requirements of this Ordinance and the issuance of a MMFLA license by the State of Michigan.

Section 6 Denial or Revocation of License and Appeal Process.

A. Denial. An application may be denied by the City Clerk in writing setting forth the grounds for such denial for one or more of the following criteria:

1) A failure to meet the conditions or maintain compliance with the standards and requirements established by this ordinance in reference to the operation of a licensed facility; or

2) One or more violations of the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., or any city ordinance on the premises; or

3) Maintenance of a nuisance on the premises; or

4) Nonpayment of real and/or personal property taxes, fines, liens, income tax, hydrant and sprinkler fees or any fees owed to the City; or

5) A demonstrated history of excessive calls for public safety (police, fire and ambulance); or

6) Applicant has made or provided false information in the application or has otherwise become disqualified for the issuance of a marihuana facility license.

B. Revocation. A Marihuana Facility License may be revoked by the City Clerk based on the following:

1) Violation of the standards for approval in Section 5 of this ordinance.

2) Denial, suspension, revocation or restriction of MMFLA license by the State of Michigan.

- 3) A violation of the MMFLA, MMMA, MTA, any state or local regulations, the provisions of this ordinance or the provisions of a license.
- 4) Operations have ceased at the Facility for more than 90 days.
- 5) Ownership of the Facility has been transferred without the new owner obtaining a Marihuana Facility License pursuant this Ordinance.
- 6) The existence of any of the criteria listed in paragraph A above.

C. Notice of Decision.

The Clerk shall notify the Applicant of the decision to deny or revoke a Marihuana Facility License within ten (10) business days of rendering the decision. Notice shall be given by mailing a copy of the Clerk's decision to the Applicant or License holder by certified mail and/or personal service postage prepaid, at the address shown in the application. Notice is deemed to have been properly given upon mailing by certified mail and/or personal service.

D. Appeal Process.

An Applicant or Licensee has the right to appeal the Clerk's denial of an application for or the revocation of a Marihuana Facility License to the Petersburg City Council.

- 1) Any person whose application or license has been denied, suspended, revoked or restricted by the State of Michigan has no recourse through the appeal process with the City of Petersburg.
- 2) Any person whose application or license has been denied or revoked under Section 4 or Section 5 by the City of Petersburg will have thirty (30) days from the date of the notice to file a written appeal to the City of Petersburg.
- 3) The Applicant or Licensee shall be provided with not less than ten (10) days' prior written notice of the appeal hearing to be held by the City Council.
- 4) The burden of proof in an appeal filed under this section shall be on the Applicant or Licensee.
- 5) If the Petersburg City Council finds by a preponderance of the evidence that the decision of the Clerk was correct, the City Council shall uphold the decision of the Clerk. If the City Council finds by a preponderance of the evidence that the decision of the Clerk was incorrect, the Clerk's decision shall be set aside and the Provisional License or MMF License issued (if it was previously denied) or reinstated (if it was previously revoked).

6) Any decision made by the Petersburg City Council pursuant to this section shall be a final decision and may be appealed to a court of competent jurisdiction by any person within thirty (30) days of the date of the City Council decision. The Applicant's or Licensee's failure to timely appeal the decision is a waiver of the Applicant's or Licensee's right to contest the denial of the application or the revocation of the Marihuana Facility License. The burden of proof is an abuse of discretion.

7) Any person whose license has been denied or revoked shall not be able to reapply for any type of license allowed under this Ordinance for one year from the date a denial or revocation became effective.

Section 7 License Renewal.

- A. A marihuana facility license shall be valid for one year from the date of issuance, unless revoked as provided by law.
- B. A valid marihuana facility license may be renewed on an annual basis by submitting a renewal application upon a form provided by the City of Petersburg and payment of the annual license fee. Application to renew a marihuana facility license shall be filed at least thirty (30) days prior to the date of its expiration.
- C. Renewal may be denied for any of the reasons listed in Section 6, Paragraphs A or B.

Section 8 Applicability.

The provisions of this Ordinance shall be applicable to all persons and facilities described herein, regardless of whether the operations or activities associated with a marihuana facility were established without authorization before the effective date of this Ordinance.

Section 9 Penalties and Enforcement

- A. Any person who violates any of the provisions of this Ordinance shall be responsible for a municipal civil infraction and subject to the payment of a civil fine in accordance with a fee and fine schedule duly adopted by City Council and added to this or the Building Fee Ordinance schedule. A violator of this Ordinance shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan law.
- B. A violation of this Ordinance is deemed to be a nuisance per se. In addition to any other remedy available at law, the City of Petersburg may bring an action for

an injunction or other process against a person to restrain, prevent, or abate any violation of this Ordinance.

- C. This Ordinance shall be enforced and administered by the City of Petersburg, Monroe County Sheriff Department contract officers, or such other City of Petersburg officials as may be designated from time to time by resolution of the Petersburg City Council.

Section 10 Severability

In the event that any one or more sections, provisions, phrases or words of this Ordinance shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases or words of this Ordinance.

Section 11 Effective Date

This Ordinance shall become effective twenty (20) days after final passage and publication.

I hereby certify that this ordinance was passed at a regular meeting of the City Council of the City of Petersburg, Michigan, held Tuesday, the 4th day of September 2018.

Leanne Goodin, City Clerk

Published: 9-11-18

Effective Date: 10-1-18

CITY OF PETERSBURG ORDINANCE NUMBER 18-0003

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF PETERSBURG TO ADD MEDICAL MARIHUANA FACILITIES AS A SPECIAL USE IN A LIGHT INDUSTRIAL DISTRICT.

The City of Petersburg ordains:

Section 1. Title.

This Ordinance shall be known as the Zoning Ordinance Amendment for Medical Marijuana Facilities.

Section 2 Addition of Special Use.

Article VII and Article XII of the Zoning Ordinance of the City of Petersburg are hereby amended to add Medical Marihuana Facilities as a permitted use subject to special approval only in zoning district 1-1 Light Industrial and subject to Planning Commission Approval.

Section 3 Addition to Section 702.

Paragraph 7 is hereby added to Article VII, Section 702:

(7) Medical Marihuana Facilities, subject to the regulations stated in Article XII, Section 12.17.

Section 4 Addition of Section 12.17 Medical Marihuana Facilities.

The following Section 12.17 is hereby added to Article XII, Supplementary District Regulations:

Section 12.17 Medical Marihuana Facilities.

Medical Marihuana Facilities must comply with the following regulations.

A. Facilities must comply with the Michigan Medical Marihuana Facilities Licensing Act, Michigan Compiled Laws Section 333.27101 et seq.

B. Co-located facilities and stacked grower licenses may be permitted, subject to regulations of this section and the State of Michigan.

C. Facilities shall have sufficient setbacks, landscape screens or buffers to minimize light, odor and noise affecting adjacent properties.

D. Special use applications must provide a plan for secure storage and disposal of marihuana and chemicals, to minimize risk of theft or exposure.

E. Provisioning centers may not be open to customers between the hours of 9:00 p.m. and 9:00 a.m.

F. Facilities must be constructed with opaque facades so that marihuana plants and products are not visible from exterior areas.

G. The roof of facilities must be constructed of rigid materials, not thin films.

Section 5. Definitions

The terms "Marihuana," and "Medical Marihuana Facilities" in this ordinance shall have the same meaning as in the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.

Section 6. Effective Date.

This Ordinance shall become effective twenty (20) days after final passage and publication.

I hereby certify that this ordinance was passed at a regular meeting of the City Council of the City of Petersburg, Michigan held on Monday, the 15th day of October 2018.

Leanne S Leanne Goodin, City Clerk

Published: 10-23-18

Effective Date: 11-12-18

CITY OF PETERSBURG ORDINANCE NUMBER 19-0002

AN ORDINANCE TO AUTHORIZE AND REGULATE ESTABLISHMENTS AND TO IMPOSE PENALTIES FOR VIOLATIONS. MARIHUANA

The City of Petersburg ordains:

Section 1. Title.

This Ordinance shall be known as the City of Petersburg Ordinance on Marihuana Establishments.

Section 2 Purpose.

It is the intent of this Ordinance to authorize certain Establishments for Adult Use of Marihuana in the City of Petersburg and to provide for the adoption of reasonable restrictions to protect the public health, safety, and general welfare of the community at large; retain the character of neighborhoods; and mitigate potential impacts on surrounding properties and persons. It is also the intent of this Ordinance to help defray administrative and enforcement costs associated with the operation of Marihuana Establishments in the City of Petersburg through imposition of an annual, nonrefundable fee of \$5,000.00 on each Marihuana Establishment. Authority for the enactment of these provisions is set forth in Michigan Regulation and Taxation of Marihuana Act, Initiative Act 1 of 2018.

A. Nothing in this Ordinance is intended to grant immunity from criminal or civil prosecution, penalty, or sanction for the cultivation, manufacture, possession, use, sale, or distribution of marihuana, in any form, that is not in compliance with the Michigan Regulation and Taxation of Marihuana Act, Initiative Act 1 of 2018, the Michigan Medical Marihuana Act, MCL 333.26421 et seq, the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq, the Marihuana Tracking Act, MCL 333.27901 et seq and all other applicable rules promulgated by the State of Michigan. This Ordinance does permit authorizations for activity based on the Michigan Regulation and Taxation of Marihuana Act, Initiative Law 1 of 2018.

B. As of the effective date of this Ordinance, marihuana remains classified as a Schedule 1 controlled substance under the Federal Controlled Substances Act, 21 U.S.C. Sec. 801 et seq., which makes it unlawful to manufacture, distribute, or dispense marihuana, or possess marihuana with intent to manufacture, distribute, or dispense marihuana. Nothing in this Ordinance is intended to grant immunity from any criminal prosecution under state or federal laws as they may be enforced by either the federal or state governments relative to such uses and activities. Thus, the authorization of activity and the approval of a license under this Ordinance shall not have the effect of

superseding or nullifying federal or state law applicable to the cultivation, manufacture, possession, use, sale, or distribution of marihuana, in any form, and all applicants and grantees of licenses are on notice that they may be subject to prosecution and civil penalty, including forfeiture of property.

Section 3 Definitions.

For the purposes of this ordinance:

A. As used herein, "Marihuana Establishment" and "Establishment for Adult Use of Marihuana" and "Establishment" means "Marihuana Establishment" as defined in Section 3 of the Michigan Regulation and Taxation of Marihuana Act, Initiative Act 1 of 2018.

B. Any term defined by the Michigan Regulation and Taxation of Marihuana Act, Initiative Act 1 of 2018, shall have the definition given by that Act.

C. Any term defined by the Marihuana Tracking Act, MCL 333.27901 et seq., shall have the definition given in the Marihuana Tracking Act. ("MTA")

D. "Grower" means a licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or marihuana retailer.

E. "Licensee" means a person holding a State operating license issued under the Michigan Regulation and Taxation of Marihuana Act, Initiative Act 1 of 2018.

F. "Marijuana" or "marihuana" means that term as defined in the Public Health Code, MCL 333.1101 et seq.; the Michigan Regulation and Taxation of Marihuana Act, Initiative Act 1 of 2018, the Michigan Medical Marihuana Act, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracking Act, MCL 333.27901 et seq.

Section 4 Authorization of Marihuana Establishments and Fees.

A. The City of Petersburg may authorize the following types of Establishments for Adult Use of Marihuana, in the following numbers, to be operated in the City, subject to compliance with Initiative Act 1 of 2018, the Rules promulgated thereunder, the City of Petersburg Zoning Ordinance, as such may be amended, and this Ordinance:

<u>Establishments</u>	<u>Total Number</u>
Marihuana Retailer	2
Grower	2
Processor	2
Safety Compliance Facility	2
Secure Transporter	2

The City reserves the right to review and amend the number of establishments and facilities from time to time by motion recorded in the minutes of the City Council.

B. An annual nonrefundable fee shall be paid by each marihuana establishment or facility licensed in an annual amount of not more than \$5,000.00 as set by resolution of the City Council.

Section 5 Requirements and Procedures for Issuing Licenses.

A. No person shall operate a Marihuana Establishment in the City of Petersburg without a valid Establishment license issued by the City pursuant to the provisions of this Ordinance as authorized by the Michigan Regulation and Taxation of Marihuana Act, Initiative Act 1 of 2018.

B. An Establishment license issued under this Ordinance is valid for one year and is not transferable without written approval by the City Council.

C. The procedure in processing a request for a license for a Marihuana Establishment will involve three steps, application, provisional license and annual license for a Marihuana Establishment, as follows:

1) Application.

a) An application is to be filed with the City Clerk upon a form provided by the City of Petersburg along with the annual nonrefundable fee of \$5,000.00.

b) The City Clerk will review the application for completeness and will promptly notify the applicant of any additional required information and documentation. The City Clerk will only accept a complete application.

c) The City Clerk's office shall refer the application to the Building Official to verify that the proposed Establishment is located in a zoning district that allows such use. The Building Official shall respond to the City Clerk within ten (10) business days.

d) The City Clerk shall act to approve or deny an application not later than forty-five (45) business days from the date the fully completed application was accepted.

e) If approved, the City Clerk's office shall issue the applicant a provisional license.

2) Standards for Issuance of Provisional License.

The Clerk shall issue a Provisional License under this Ordinance when, from a consideration of the application and from such other information as may otherwise be obtained, the Clerk determines that:

a) The application (including any required attachments and submissions) is complete and signed by the applicant;

b) The Applicant has paid the nonrefundable application fee and any other fees required;

c) The application does not contain a material falsehood or misrepresentation;

d) The proposed location of the Establishment is allowed by the City's zoning and other ordinances.

3) Provisional License.

a) A provisional license means only that the application satisfies sub-paragraph C 2) above.

b) A provisional license will lapse and be void if all other permits and approvals are not diligently pursued as follows:

Existing structure with no site changes	90 days
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Existing structure with minimal site changes approved by the Planning Commission and substantially completed within	180 days
---	----------

Proposed construction of a structure requiring site plan approval by the Planning Commission substantially complete within	1 Year
--	--------

c) A Provisional License issued pursuant to this Ordinance does not authorize the operation of a Marihuana Establishment.

4) Annual License for Marihuana Establishments.

The Applicant is required to obtain all other necessary licenses and permits related to the operation of the Establishment(s) sought to be approved hereunder, including, without limitation, any and all necessary business registration and licenses, building permits, mechanical permits, plumbing permits, or electrical permits. Before a License for an Establishment for Adult Use of Marihuana can be issued, the Applicant must:

- (a) Submit a photocopy of the Applicant's valid and current license for a Marihuana Establishment issued by the State of Michigan
- (b) Submit a government-issued photographed identification.
- (c) Obtain site plan approval and any other necessary zoning approval or permits under the City ordinances.
- (d) Obtain the approvals of the following:
 - 1) The Fire Chief or his or her designee, and
 - 2) City Engineering Consultant (site plan reviews only).
- (e) Submit a notarized statement acknowledging that the Applicant and the employees of the Establishment(s) may be subject to prosecution under federal marijuana laws.
- (f) Submit a notarized statement acknowledging that the City of Petersburg accepts no legal liability in connection with the approval and subsequent operation of the Establishment(s).

A provisional license shall be replaced by an Annual City License for a Marihuana Establishment upon completion of all requirements of this Ordinance and the issuance of a license by the State of Michigan pursuant to the Michigan Regulation and Taxation of Marihuana Act, Initiative Act 1 of 2018.

Section 6 Denial or Revocation of License and Appeal Process.

A. Denial. An application may be denied by the City Clerk in writing setting forth the grounds for such denial for one or more of the following criteria:

- 1) A failure to meet the conditions of or to maintain compliance with the standards and requirements of this ordinance; or

- 2) One or more violations of the Michigan Regulation and Taxation of Marihuana Act, Initiative Act 1 of 2018, or any city ordinance on the premises; or
- 3) Maintenance of a nuisance on the premises; or
- 4) Nonpayment of real and/or personal property taxes, fines, liens, water or sewer bills, income tax, hydrant and sprinkler fees or any fees owed to the City; or
- 5) A demonstrated history of excessive calls for public safety (police, fire and ambulance); or
- 6) Applicant has made or provided false information in the application or has otherwise become disqualified for the issuance of a license for a marihuana facility or establishment.

B. Revocation. A license for a Marihuana Establishment may be revoked by the City Clerk based on the following:

- 1) Violation of the standards for approval in Section 5 of this ordinance.
- 2) Denial, suspension, revocation or restriction of a license issued by the State of Michigan under the Michigan Regulation and Taxation of Marihuana Act, Initiative Act 1 of 2018.
- 3) A violation of the Michigan Regulation and Taxation of Marihuana Act, MMFLA, MMMA, MTA, any state or local regulations, the provisions of this ordinance, ordinance #18-0002 or the provisions of a license.
- 4) Operations have ceased at the Establishment for more than 90 days.
- 5) Ownership of the Establishment has been transferred without the new owner(s) obtaining a license pursuant this Ordinance.
- 6) The existence of any of the criteria listed in paragraph A above.

C. Notice of Decision.

The Clerk shall notify the Applicant of the decision to deny or revoke a license for a Marihuana Establishment within ten (10) business days of rendering the decision. Notice shall be given by mailing a copy of the Clerk's decision to the Applicant or License holder by certified mail and/or personal service postage prepaid, at the address shown in the application. Notice is deemed to have been properly given upon mailing by certified mail and/or personal service.

D. Appeal Process.

An Applicant or Licensee has the right to appeal the Clerk's denial of an application for or the revocation of a license for a Marihuana Establishment to the Petersburg City Council.

1) Any person whose application or license has been denied, suspended, revoked or restricted by the State of Michigan has no recourse through the appeal process with the City of Petersburg.

2) Any person whose application or license has been denied or revoked by the City Clerk under Section 4 or Section 5 of this ordinance will have thirty (30) days from the date of the notice to file a written appeal to the City of Petersburg.

3) The Applicant or Licensee shall be provided with not less than ten (10) days prior written notice of the appeal hearing to be held by the City Council.

4) The burden of proof in an appeal filed under this section shall be on the Applicant or Licensee.

5) If the Petersburg City Council finds by a preponderance of the evidence that the decision of the Clerk was correct, the City Council shall uphold the decision of the Clerk. If the City Council finds by a preponderance of the evidence that the decision of the Clerk was incorrect, the Clerk's decision shall be set aside and the Provisional License or Annual License issued (if it was previously denied) or reinstated (if it was previously revoked).

6) Any decision made by the Petersburg City Council pursuant to this section shall be a final decision and may be appealed to a court of competent jurisdiction by any person within thirty (30) days of the date of the City Council decision. The Applicant's or Licensee's burden of proof will be to establish an abuse of discretion. The Applicant's or Licensee's failure to timely appeal the decision is a waiver of the Applicant's or Licensee's right to contest the denial of the application or the revocation of the license for a Marihuana Establishment.

7) Any person whose license has been denied or revoked shall not be able to reapply for any type of license allowed under this Ordinance for one year from the date a denial or revocation became effective.

Section 7 License Renewal.

A. An annual license for a Marihuana Establishment shall be valid for one year from the date of issuance, unless revoked as provided by law.

B. A valid license for an Establishment may be renewed on an annual basis by submitting a renewal application upon a form provided by the City of Petersburg and payment of the nonrefundable annual license fee of \$5,000.00. Application to renew a license for an Establishment shall be filed at least thirty (30) days prior to the date of its expiration.

C. Renewal may be denied for any of the reasons listed in Section 6, Paragraphs A or B of this Ordinance.

Section 8 Applicability.

The provisions of this Ordinance shall be applicable to all persons, facilities and establishments described herein, regardless of whether the operations or activities associated with a marihuana facility or establishment were conducted without authorization before the effective date of this Ordinance.

Section 9 Penalties and Enforcement

A. Any person who violates any of the provisions of this Ordinance shall be responsible for a civil infraction and subject to the payment of a civil fine in the amount of \$500.00. A violator of this Ordinance shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan law.

B. A violation of this Ordinance is deemed to be a nuisance per se. In addition to any other remedy available at law, the City of Petersburg may bring an action for an injunction or other process against a person to restrain, prevent, or abate any violation of this Ordinance.

C. This Ordinance shall be enforced and administered by the City of Petersburg, Monroe County Sheriff Department contract officers, or such other City of Petersburg officials as may be designated from time to time by resolution of the Petersburg City Council.

Section 10 Severability

In the event that any one or more sections, provisions, phrases or words of this Ordinance shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases or words of this Ordinance.

Section 11 Effective Date.

This Ordinance shall become effective twenty (20) days after final passage and publication.

I hereby certify that this ordinance was passed at a regular meeting of the City Council of the City of Petersburg, Michigan held on Monday, the 7th day of OCTOBER 2019.

Leanne Goodin, City Clerk

Published: 10/15/19

Effective Date: 11/4/19

ORDINANCE NUMBER 19-0003

CITY OF PETERSBURG

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF PETERSBURG TO ADD MARIHUANA ESTABLISHMENTS AS A SPECIAL USE IN A LIGHT INDUSTRIAL DISTRICT.

The City of Petersburg ordains:

Section 1. Title.

This Ordinance shall be known as the Zoning Ordinance Amendment for Marihuana Establishments.

Section 2 Addition of Special Use.

Article VII and Article XII of the Zoning Ordinance of the City of Petersburg are hereby amended to add Marihuana Establishments as a permitted use subject to special approval only in zoning district I-1 Light Industrial and subject to Planning Commission Approval.

Section 3 Addition to Section 702.

Paragraph 8 is hereby added to Article VII, Section 702:

- (8) Marihuana Establishments, subject to the regulations stated in Article XII, Section 12.18.

Section 4 Addition of Section 12.18 Marihuana Establishments.

The following Section 12.18 is hereby added to Article XII, Supplementary District Regulations:

Section 12.18 Marihuana Establishments.

Marihuana Establishments must comply with the following regulations:

- A. Establishments must comply with the Michigan Regulation and Taxation of Marihuana Act, Initiative Law 1 of 2018 and rules and regulations promulgated under the Act.

B. Co-located establishments and stacked grower licenses may be permitted, subject to laws, rules and regulations of this section and of the State of Michigan.

C. Establishments shall have sufficient setbacks, landscape screens or buffers to minimize light, odor and noise affecting adjacent properties.

D. Special use applications must provide a plan for secure storage and disposal of marihuana and chemicals, to minimize risk of theft or exposure.

E. A Marihuana retailer may not be open to customers between the hours of 10:00 p.m. and 9:00 a.m. **(Amended by Ordinance 21-0002)**

F. Establishments must be constructed with opaque facades so that marihuana plants and products are not visible from exterior areas.

G. The roofs of facilities must be constructed of rigid materials, not thin films.

Section 5. Definition

The term "Marihuana Establishment" in this ordinance shall have the same meaning as in Section 3 (h) of the Michigan Regulation and Taxation of Marihuana Act, Initiative Law 1 of 2018.

Section 6. Severability

In the event that any one or more sections, provisions, phrases or words of this Ordinance shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases or words of this Ordinance.

Section 7. Effective Date.

This Ordinance shall become effective twenty (20) days after final passage and publication.

I hereby certify that this ordinance was passed at a regular meeting of the City Council of the City of Petersburg, Michigan, held on Monday, the 21st day of October, 2019.

Leanne Goodin, City Clerk

Published: 10/29/19

Effective Date: 11/18/19

ORDINANCE NO. 20-0001

AN ORDINANCE TO AMEND ORDINANCE 18-0001 AND PROVIDE FOR REVISION OF WATER SYSTEM FEES AND CHARGES BY RESOLUTION OF CITY COUNCIL

THE CITY OF PETERSBURG ORDAINS:

1. The provisions of Ordinance 18-0001 of the City of Petersburg shall be and are hereby amended by the addition of Section 4 to such Ordinance, as follows:

Section 4. The water system fees and charges provided by Section 1 of this Ordinance may be increased or decreased from time to time based upon changes in the cost of water or other expenses of the water system, by the passage of a Resolution by the City Council of the City of Petersburg, Michigan. City Council may also revise or waive late fees and interest by Resolution, for reasons stated in such Resolutions.

2. The remaining provisions of Ordinance 18-0001 remain in full force and effect, subject to this Ordinance and any resolutions approved pursuant to this amendment.

3. The Clerk is directed to cause a summary of this Ordinance to be published in a newspaper of general circulation in the City as soon as practical.

I hereby certify that this Ordinance No. 20-0001 was duly adopted by the Petersburg Council on the 1st day of JUNE, 2020.

Leanne Goodin
Petersburg City Clerk

Date: 6/29/20
Effective Date: June 29, 2020

ORDINANCE NO. 20-0002

AN ORDINANCE TO PROVIDE FOR THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF IMPROVEMENTS TO THE WATER SUPPLY SYSTEM OF THE CITY OF PETERSBURG; TO PROVIDE FOR THE ISSUANCE AND SALE OF REVENUE BONDS TO PAY THE COST THEREOF; TO PRESCRIBE THE FORM OF THE BONDS; TO PROVIDE FOR THE COLLECTION OF REVENUES FROM THE SYSTEM SUFFICIENT FOR THE PURPOSE OF PAYING THE COSTS OF OPERATION AND MAINTENANCE OF THE SYSTEM AND TO PAY THE PRINCIPAL OF AND INTEREST ON BONDS OF THE SYSTEM; TO PROVIDE AN ADEQUATE RESERVE ACCOUNT FOR THE BONDS; TO PROVIDE FOR THE SEGREGATION AND DISTRIBUTION OF THE REVENUES OF THE SYSTEM; TO PROVIDE FOR THE RIGHTS OF THE HOLDERS OF THE BONDS IN ENFORCEMENT THEREOF; AND TO PROVIDE FOR OTHER MATTERS RELATING TO THE BONDS AND THE SYSTEM.

THE CITY OF PETERSBURG ORDAINS:

Section 1. Definitions. In addition to the words and terms defined elsewhere in this Ordinance, the following words and terms as used in this Ordinance shall have the meanings assigned in this Section, unless the context or use clearly indicates another or different meaning or Intent.

The word "acquired," as used in this Ordinance, shall be construed to include acquisition by purchase, construction or by any other method.

"Act 94" shall mean Act 94, Public Acts of Michigan, 1933, as amended.

"Additional Bonds" shall mean additional bonds issued pursuant to Section 17 of this Ordinance.

"Bond Reserve Account" shall mean the subaccount in the Bond and Interest Redemption Account established in accordance with Section 12 of this Ordinance.

"Depository Bank" shall mean First Merchants Bank in Petersburg, Michigan, a member of the Federal Deposit Insurance Corporation, or other financial institution qualified to serve as depository bank and designated by the Issuer.

"Engineer" shall mean David Arthur Consultants, Inc. Dundee, Michigan.

"Fiscal Year" shall mean the fiscal year of the Issuer and the operating year of the System, commencing July 1 and ending June 30 of the subsequent year, as such year may be changed from time to time.

"Government" shall mean the government of the United States of America or any agency thereof.

"Issuer" shall mean the City of Petersburg, County of Monroe, State of Michigan.

"Ordinance" shall mean this Ordinance and any ordinance or resolution of the Issuer amendatory or supplemental to this Ordinance.

"Project" shall mean the acquisition, construction, furnishing and equipping of improvements to the System, including water mains, valve and hydrant replacements, water meter replacements, together with all related site improvements, appurtenances and attachments, all as described in the plans and specifications prepared by the Engineer.

"Reserve Amount" shall mean, with respect to the Series 2020 Bond, the lesser of (1) the maximum annual debt service due on the Series 2020 Bond in the current or any future year, (2) 125% of the average annual debt service on the Series 2020 Bond, or (3) 10% of the principal amount of the Series 2020 Bond on the date of issuance of the Series 2020 Bond.

"Revenues" and "Net Revenues" shall mean the revenues and net revenues of the Issuer derived from the operation of the System and shall be construed as defined in Section 3 of Act 94, including with respect to "Revenues," the earnings derived from the investment of moneys in the various funds and accounts established by this Ordinance.

"Series 2020 Bond" shall mean the Issuer's Water Supply System Revenue Bond, Series 2020 (Taxable), in the original principal amount of \$4,706,000, authorized to be issued pursuant to this Ordinance.

"System" shall mean the Issuer's water supply system, including such facilities thereof as are now existing, are acquired and constructed as the Project, and all enlargements, extensions, repairs and improvements thereto hereafter made.

"Transfer Agent" shall mean the transfer agent and bond registrar for the Series 2020 Bond as appointed from time to time by the Issuer as provided in Section 6 of this Ordinance and who or which shall carry out the duties and responsibilities as set forth in Sections 6 and 7 of this Ordinance.

Section 2. Establishment of System: Necessity; Approval of Plans and Specifications.

The Issuer hereby reconfirms the establishment of the System as a "public improvement" under and as defined in Act 94. It is hereby determined to be a necessary public purpose of the Issuer to acquire and construct the Project in accordance with the plans and specifications prepared by the Engineer and on file with the Issuer, which plans and specifications are hereby approved.

Section 3. Costs; Useful Life.

The total cost of the Project, including the payment of incidental expenses as specified in Section 4 of this Ordinance, is estimated to be \$4,706,000, which estimate of cost is hereby approved and confirmed, and the estimated period of usefulness of the Project is determined to be not less than forty (40) years.

Section 4. Payment of Costs: Series 2020 Bond Authorized.

To pay the cost of acquiring and constructing the Project, and legal, engineering, financial and other expenses incident to said acquisition and construction, and expenses incident to the issuance and sale of the Series 2020 Bond, it is hereby determined that the Issuer borrow the aggregate principal sum of not to exceed Four Million Seven Hundred Six Thousand Dollars (\$4,706,000) and issue the Series 2020 Bond therefor pursuant to the provisions of Act 94. The remaining costs of the Project will be paid from Issuer funds on hand and legally available for such use.

Section 5. Series 2020 Bond Details.

The Series 2020 Bond shall be designated "WATER SUPPLY SYSTEM REVENUE BOND, SERIES 2020 (TAXABLE)," shall be dated as of the date of delivery of the first delivery installment (hereinafter defined), shall consist of one fully-registered nonconvertible bond of the denomination of \$4,706,000, and shall be payable in principal installments serially on December 1 of each year, as follows:

<u>December 1</u>	<u>Amount</u>	<u>December 1</u>	<u>Amount</u>
2021	\$82,000	2041	\$116,000
2022	84,000	2042	118,000
2023	85,000	2043	120,000
2024	87,000	2044	123,000
2025	88,000	2045	125,000
2026	90,000	2046	127,000
2027	91,000	2047	129,000
2028	93,000	2048	131,000
2029	94,000	2049	134,000
2030	96,000	2050	136,000
2031	98,000	2051	138,000
2032	100,000	2052	141,000

2033	101,000	2053	143,000
2034	103,000	2054	146,000
2035	105,000	2055	148,000
2036	107,000	2056	151,000
2037	109,000	2057	154,000
2038	110,000	2058	156,000
2039	112,000	2059	159,000
2040	114,000	2060	162,000

The Mayor of the Issuer is authorized to decrease the aggregate principal amount of the Series 2020 Bond and/or change the payment dates and the amounts of any of the foregoing installments if determined by the Mayor to be in the best interests of the Issuer; provided, however, that the final principal payment of the Series 2020 Bond shall be due and payable within forty (40) years of the date of issuance of the Series 2020 Bond.

The Series 2020 Bond is expected to be delivered to the Government as initial purchaser thereof in installments (the "delivery installments") and each delivery installment shall be noted on the registration grid set forth on the Series 2020 Bond. The delivery installments shall be deemed to correspond to the serial principal installments of the Series 2020 Bond in direct chronological order of said serial principal installments.

The serial principal installments of the Series 2020 Bond will each bear interest from the date of delivery of the corresponding delivery installment to the registered holder thereof as shown on the registration grid set forth on the Series 2020 Bond at the rate of not to exceed 2.375% per annum, or such lower rate as the Government agrees to provide to the Issuer, payable on the first December 1 or June 1 following the date of delivery of said delivery installment, and semiannually thereafter on December 1 and June 1 of each year until maturity or earlier prepayment of said installment, or such other dates as may be determined by the Mayor of the Issuer at the time the first delivery installment of the Series 2020 Bond is delivered to the Government. Acceptance of the interest rate on the Series 2020 Bond shall be made by execution of the Series 2020 Bond which so designates the rate specified by the Government and accepted in writing by the Issuer.

The Series 2020 Bond shall be issued in fully-registered form and shall not be convertible or exchangeable into more than one fully-registered bond. The Series 2020 Bond or installments thereof will be subject to prepayment prior to maturity on any date on or after the date that the first principal installment of the Series 2020 Bond is due, in the manner specified in the form of the Series 2020 Bond set forth in Section 9 of this Ordinance.

Section 6. Bond Registration and Transfer.

The Transfer Agent shall keep or cause to be kept at its principal office sufficient books for the registration and transfer of the Series 2020 Bond, which shall at all times be open to inspection by the Issuer. The Transfer Agent shall transfer or cause to be transferred on said books the Series 2020 Bond if presented for transfer, as hereinafter provided and subject to such reasonable regulations as it may prescribe.

The Series 2020 Bond may be transferred upon the books required to be kept by the Transfer Agent pursuant to this Section, by the person in whose name it is registered, in person or by his duly authorized attorney, upon surrender of the Series 2020 Bond for transfer, accompanied by delivery of a duly executed written instrument of transfer in a form approved by the Transfer Agent. Whenever the Series 2020 Bond shall be surrendered for transfer, the Transfer Agent shall record such transfer on the registration books and shall register such transfer on the registration grid attached to the Series 2020 Bond. At the time of such transfer the Transfer Agent shall note on the Series 2020 Bond the outstanding principal amount thereof at the time of such transfer. The Transfer Agent shall require the payment by the bondholder requesting the transfer of any tax or other governmental charge required to be paid with respect to the transfer. The Issuer shall not be required (i) to issue, register the transfer of, or exchange the Series 2020 Bond during a period beginning at the opening of business fifteen days before the day of the mailing of a notice of prepayment of the Series 2020 Bond or installments thereof selected for redemption and ending at the close of business on the day of that mailing, or (ii) to register the transfer of or exchange the Series 2020 Bond or portion thereof so selected for prepayment. In the event that the Series 2020 Bond is called for prepayment in part, the Transfer Agent, upon surrender of the Series 2020 Bond, shall note on the Series 2020 Bond the principal amount prepaid and shall return the Series 2020 Bond to the registered owner thereof together with the prepayment amount on the prepayment date.

The Treasurer of the Issuer is hereby appointed to act as Transfer Agent with respect to the Series 2020 Bond. If and at such time as the Series 2020 Bond is transferred to or held by any registered owner other than the Government, the Issuer by resolution may appoint a bank or trust company qualified under Michigan law to act as transfer agent and bond registrar with respect to the Series 2020 Bond, and the Issuer may thereafter appoint a successor Transfer Agent upon sixty (60) days' notice to the registered owner of the Series 2020 Bond.

Section 7. Payment of the Series 2020 Bond.

Principal of and interest on the Series 2020 Bond shall be payable in lawful money of the United States of America by check or draft mailed by the Transfer Agent to the registered owner at the address of the registered owner as shown on the registration books of the Issuer kept by the Transfer Agent. If the Government shall no longer be the registered owner of the Series 2020 Bond, then the principal of and interest on the Series 2020 Bond shall be payable to the registered owner of record as of the fifteenth day of the month preceding the payment date by

check or draft mailed to the registered owner at the registered address. Such date of determination of the registered owner for purposes of payment of principal or interest may be changed by the Issuer to conform to future market practice. The Treasurer of the Issuer is hereby authorized to execute an agreement with any successor Transfer Agent.

The Transfer Agent shall record on the registration books the payment by the Issuer of each installment of principal or interest or both on the Series 2020 Bond when made and the canceled checks or drafts representing such payments shall be returned to and retained by the Treasurer of the Issuer, which canceled checks or drafts shall be conclusive evidence of such payments and the obligation of the Issuer with respect to such payments shall be discharged to the extent of such payments.

Upon payment by the Issuer of all outstanding principal of and interest on the Series 2020 Bond, the registered owner thereof shall deliver the Series 2020 Bond to the Issuer for cancellation.

Section 8. Execution and Delivery of the Series 2020 Bond.

The Series 2020 Bond shall be manually signed by the Mayor and countersigned by the Clerk of the Issuer and shall have the corporate seal of the Issuer impressed thereon. After execution, the Series 2020 Bond shall be held by the Treasurer of the Issuer for delivery to the Government. Neither the Series 2020 Bond nor any installment thereof shall be valid until registered by the Treasurer of the Issuer or by another person designated in writing by the Treasurer to act as bond registrar, or upon transfer by the Government and thereafter, by an authorized representative of the Transfer Agent.

Section 9. Series 2020 Bond Form.

The Series 2020 Bond shall be in substantially the following form, with such completions or other changes as are necessary to conform the Series 2020 Bond to the terms established at the time of sale of the Series 2020 Bond to the Government, as determined by the Mayor of the Issuer.

Section 10. Security for Series 2020 Bond.

The Series 2020 Bond and the interest thereon shall be payable solely from the Net Revenues, and to secure such payment, there is hereby created a statutory lien upon the whole of the Net Revenues of the System, which shall be a first lien, to continue until payment in full of the principal of and interest on the Series 2020 Bond.

Section 11. Budget.

Immediately upon the effective date of this Ordinance for the remainder of the current Fiscal Year, and thereafter prior to the beginning of each Fiscal Year, the Issuer shall prepare an annual budget for the System for the ensuing Fiscal Year itemized on the basis of monthly

requirements. A copy of such budget shall be mailed to the Government without request from the Government for review prior to adoption (as long as the Government is the registered owner of the Series 2020 Bond).

Section 12. Custodian of Funds; Funds.

The Treasurer of the Issuer shall be the custodian of all funds belonging to or associated with the System and such funds shall be deposited in the Depository Bank. The Treasurer of the Issuer shall execute a fidelity bond with a surety company in an amount at least equal to the minimum amount required by the Government.

The Treasurer of the Issuer is hereby directed to maintain a WATER SUPPLY SYSTEM FUND, with the following accounts, into which the proceeds of the Series 2020 Bond and the Revenues from the System shall be deposited in the manner and at the times provided in this Ordinance, which accounts shall be established and maintained, except as otherwise provided, so long as the Series 2020 Bond herein authorized remains unpaid.

(A) CONSTRUCTION ACCOUNT. The proceeds of the Series 2020 Bond, and no other funds, shall be deposited with the Depository Bank in a separate deposit account to be designated the 2020 WATER SUPPLY SYSTEM CONSTRUCTION ACCOUNT (the "Construction Account"). Moneys in the Construction Account shall be transferred, expended and used only for the following purposes:

- (1) To pay all legal, engineering, financial and other expenses incident to the acquisition and construction of the Project, and incident to the issuance, sale and delivery of the Series 2020 Bond.
- (2) To pay the costs of the acquisition, construction, furnishing and equipping of the Project, or to reimburse the Issuer for funds expended in connection with the foregoing.

Any unexpended balance of the proceeds of sale of the Series 2020 Bond remaining after completion of the Project herein authorized may in the discretion of the Issuer be used for further improvements, enlargements or extensions to the System, provided that at the time of such expenditure such use be approved by the Department of Treasury (if such approval is then required by law). Any remaining balance after such expenditures shall be paid into the Bond and Interest Redemption Account and used as soon as is practical for the prepayment of installments of the Series 2020 Bond.

After completion of the Project and disposition of remaining proceeds, if any, of the Series 2020 Bond pursuant to the provisions of this Section, the Construction Account shall be closed.

(B) WATER SUPPLY SYSTEM RECEIVING ACCOUNT. Upon and after the effective date of this Ordinance, the Revenues of the System shall be set aside into a separate

account to be maintained and designated as the WATER SUPPLY SYSTEM RECEIVING ACCOUNT (the "Receiving Account"), and moneys so deposited therein shall be transferred, expended and used only in the manner and order as follows:

(1) Operation and Maintenance Account. There is hereby established and there shall be maintained a separate account to be designated the OPERATION AND MAINTENANCE ACCOUNT (the "Operation and Maintenance Account"). Revenues shall be transferred each quarter of the Fiscal Year, commencing upon the effective date of this Ordinance, from the Receiving Account to the Operation and Maintenance Account to pay the reasonable and necessary current expenses of administration and operating and maintaining the System for the ensuing quarter.

(2) Water Supply System Bond and Interest Redemption Account. There is hereby established and there shall be maintained a separate deposit account to be held by the Depository Bank and designated as the WATER SUPPLY SYSTEM BOND AND INTEREST REDEMPTION ACCOUNT (the "Bond and Interest Redemption Account"). After the transfer required in (1) above, Revenues shall be transferred each quarter of the Fiscal Year from the Receiving Account, before any other expenditures or transfer therefrom, and deposited in the Bond and Interest Redemption Account for payment of principal of and interest on the Series 2020 Bond and to fund the Bond Reserve Account, in the amounts and at the times specified below.

Upon any delivery of an installment of the Series 2020 Bond, there shall be set aside at the time of delivery and on the first day of each quarter of the Fiscal Year thereafter to the next interest payment date an amount equal to that fraction of the amount of interest due on the next interest payment date on said installment so delivered, the numerator of which is 1 and the denominator of which is the number of full and partial Fiscal Year quarters from the date of said delivery to the next interest payment date. There also shall be set aside on the first day of each Fiscal Year quarter after the delivery of the first principal installment an amount not less than $\frac{1}{2}$ of the amount of interest due on the next interest payment date on all outstanding installments of the Series 2020 Bond not delivered during the then current interest payment period.

Commencing upon the delivery of the first delivery installment of the Bond, there shall be set aside on the first day of each quarter of the Fiscal Year thereafter to the next principal payment date, an amount not less than $\frac{1}{4}$ of the amount of principal due on the Series 2020 Bond on the next principal payment date. Except as hereinafter provided, no further deposits shall be made into the Bond and Interest Redemption Account (excluding the Bond Reserve Account) for the Series 2020 Bond once the aforesaid sums have been deposited therein. Any amount on deposit in the Bond and Interest Redemption Account (excluding the Bond Reserve Account) in excess of (a) the amount needed for payment of principal installments of the Series 2020 Bond for the then current principal payment period, plus (b) interest on the Series 2020 Bond for the then current interest payment period, shall be used by the Issuer for redemption of

principal installments of the Series 2020 Bond or, in the alternative, shall be deposited in or credited to the Receiving Account.

If for any reason there is a failure to make such quarterly deposit in the amounts required, then the entire amount of the deficiency shall be set aside and deposited in the Bond and Interest Redemption Account out of the Revenues first received thereafter which are not required by this Ordinance to be deposited in the Operation and Maintenance Account or the Bond and Interest Redemption Account, which amount shall be in addition to the regular quarterly deposit required during such succeeding quarter or quarters.

There is hereby recognized in the Bond and Interest Redemption Account a separate account designated as the BOND RESERVE ACCOUNT (the "Bond Reserve Account"). Commencing with the Fiscal Year quarter beginning on January 1, 2021, there shall be withdrawn from the Receiving Account on the first day of each Fiscal Year quarter and set aside in and transferred to the Bond Reserve Account, after provision has been made for the Operation and Maintenance Account and the current requirements of the Bond and Interest Redemption Account, the sum of at least \$4,702.50 per quarter (\$18,810 annually) until there is accumulated in such account the lesser of the sum of \$188,810 or the Reserve Amount for the Series 2020 Bond. Except as hereinafter provided, no further deposits shall be made into the Bond Reserve Account pursuant to the requirements of this Ordinance once the lesser of the sum of \$188,810 or the Reserve Amount for the Series 2020 Bond has been deposited therein. The moneys in the Bond Reserve Account shall be used solely for the payment of the principal installments of and interest on the Series 2020 Bond as to which there would otherwise be default; provided, however, that in the event the amount on deposit in the Bond Reserve Account exceeds the amount then required to be on deposit therein pursuant to the requirements of this Ordinance, the moneys in excess of such requirements shall be used to pay principal installments of and interest on the Series 2020 Bond on the next payment date.

If at any time it shall be necessary to use moneys in the Bond Reserve Account for such payment, then the monies so used shall be replaced from the Net Revenues first received thereafter which are not required by this Ordinance to be deposited to the Operation and Maintenance Account or to the Bond and Interest Redemption Account for current principal and interest requirements for the Series 2020 Bond.

No further payments need be made into the Bond and Interest Redemption Account for the Series 2020 Bond after enough of the principal installments of the Series 2020 Bond have been retired so that the amount then held in the Bond and Interest Redemption Account (including the Bond Reserve Account) is equal to the entire amount of principal and interest which will be payable at the time of maturity of all the principal installments of the Series 2020 Bond then remaining outstanding.

The monies in the Bond and Interest Redemption Account and the Bond Reserve Account shall be invested in accordance with Section 13 of this Ordinance, and profit realized or income earned on such investment shall be used or transferred as provided in Section 13 of this Ordinance.

(3) Repair, Replacement and Improvement Account. There is hereby established and there shall be maintained a separate account designated REPAIR, REPLACEMENT AND IMPROVEMENT ACCOUNT (the "RRI Account"). After the transfers required in (1) and (2) above, and so long as any principal installments of the Series 2020 Bond remain outstanding, commencing January 1, 2021, Revenues shall be transferred on the first day of each Fiscal Year quarter from the Receiving Account and deposited in the RRI Account in an amount not less than \$8,624 (\$34,496 annually). Moneys in the RRI Account shall be used and disbursed only for the purpose of paying the cost of (a) repairing any damage to and emergency maintenance of the System, (b) repairing or replacing obsolete, deteriorating, deteriorated or worn out portions of the System, (c) acquiring and constructing extensions and improvements to the System and (d) when necessary, for the purpose of making payment of principal and interest on the Series 2020 Bond. If the amount in the Bond and Interest Redemption Account and the Bond Reserve Account is not sufficient to pay the principal of an interest on the Series 2020 Bond when due, the money in the RRI Account shall be transferred to the Bond and Interest Redemption Account and used for that purpose. Moneys in the RRI Account may be invested in accordance with Section 13 of this Ordinance.

(4) General Obligation Debt Account. After the transfers required in (1), (2) and (3) above, Revenues may be transferred from the Receiving Account to a General Obligation Debt Account established by the Issuer (the "G.O. Account") and utilized by the Issuer to pay debt service on presently existing or future general obligation bond issues of the Issuer or general obligations or contractual obligations of the Issuer incurred or to be incurred for System purposes.

(5) Reverse Flow of Funds; Surplus Money. In the event the moneys in the Receiving Account are insufficient to provide for the current requirements of the Operation and Maintenance Account or the Bond and Interest Redemption Account (including the Bond Reserve Account), any moneys and/or securities in the accounts of the System described by this Ordinance shall be transferred, first, to the Operation and Maintenance Account, second, to the Bond and Interest Redemption Account, and third, to the RRI Account.

All moneys remaining in the Receiving Account at the end of any Fiscal Year after satisfying the above requirements for the deposit of moneys into the Operation and maintenance Account, the Bond and Interest Redemption Account (including the Bond Reserve Account) and the RRI Account may be transferred to the Bond and Interest Redemption Account and used to call the Series 2020 Bond or portions thereof for redemption, or at the

option of the Issuer, transferred to the G.O. Account or the RRI Account and used for the purpose for which such accounts were established; provided, however, that if there should be a deficit in the Operation and Maintenance Account, the Bond and Interest Redemption Account (including the Bond Reserve Account) or the RRI Account, on account of defaults in setting aside therein the amounts hereinbefore required, then transfers shall be made from such moneys remaining in the Receiving Account to such accounts in the priority and order named in this Section, to the extent of such deficits.

Section 13. Investments. Moneys in the funds and accounts established herein and moneys derived from the proceeds of sale of the Series 2020 Bond may be invested by the Issuer in the obligations and instruments permitted for investment by Section 24 of Act 94, as the same may be amended from time to time; provided, however, that as long as the Series 2020 Bond is held by the Government, then the investment may be limited to the obligations and instruments authorized by the Government. Investment of money in the Bond and Interest Redemption Account being accumulated for payment on the next maturing principal or interest payment on the Series 2020 Bond shall be limited to obligations and instruments bearing maturity dates prior to the date of the next maturing principal or interest payment on the Series 2020 Bond. Investment of moneys in the Bond Reserve Account shall be limited to direct obligations of the United States of America or obligations the timely payment of which are fully guaranteed by the United States of America and bearing maturity dates or subject to redemption, at the option of the holder thereof, not later than five (5) years from the date of the investment. In the event investments are made, any securities representing the same shall be kept on deposit with the Depository Bank. Interest income earned on investment of funds in the Receiving Account, the Operation and Maintenance Account and the Bond and Interest Redemption Account (except the Bond Reserve Account) shall be deposited in or credited to the Receiving Account. Interest income earned on the investment of funds in the Bond Reserve Account shall be deposited in the Bond and Interest Redemption Account.

Section 14. Rates and Charges. Rates and charges for the services of the System have been established by the Issuer in an amount sufficient to pay the costs of operating, maintaining and administering the System, to pay the principal of and interest on the Series 2020 Bond and to meet the requirements for repair, replacement, reconstruction and improvement of the System and all other requirements provided herein, and otherwise comply with the covenants herein provided. The Issuer hereby covenants and agrees to fix and maintain at all times while the Series 2020 Bond shall be outstanding such rates for service furnished by the System as shall be sufficient to provide for the foregoing expenses, requirements and covenants, and to create a Bond and Interest Redemption Account (including a Bond Reserve Account) for the Series 2020 Bond. The rates and charges for all services and facilities rendered by the System shall be reasonable and just, taking into consideration the cost and value of the System and the cost of maintaining, repairing, and operating the same and the amounts necessary for the retirement of the Series 2020 Bond, and accruing interest on the

Series 2020 Bond, and there shall be charged such rates and charges as shall be adequate to meet the requirements of this Section and Section 12 of this Ordinance.

Section 15. No Free Service. No free service shall be furnished by the System to any individual, firm or corporation, public or private or to any public agency or instrumentality.

Section 16. Covenants. The Issuer covenants and agrees, so long as the Series 2020 Bond herein authorized remain unpaid, as follows:

- (a) It will comply with applicable laws and regulations of the State of Michigan and continually operate and maintain the System in good condition.
- (b) (i) It will maintain complete books and records relating to the operation and financial affairs of the System. If the Government is the holder of the Series 2020 Bond, the Government shall have the right to inspect the System and the records, accounts, and data relating thereto at all reasonable times.

(ii) It will cause an annual audit of such books of record and account for the preceding Fiscal Year to be made each year by a recognized independent certified public accountant, and will cause such accountant to mail a copy of such audit to the Government, without request of the Government. Such audit shall be completed and so made available not later than one hundred eighty (180) days after the close of each Fiscal Year.
- (c) It will maintain and carry, for the benefit of the holder of the Series 2020 Bond, insurance on all physical properties of the System, of the kinds and in the amounts normally carried by municipalities engaged in the operation of similar systems. The amount of said insurance shall be acceptable to the Government. All monies received for losses under any such insurance policies shall be applied solely to the replacement and restoration of the property damaged or destroyed, and to the extent not so used, shall be used for the purpose of calling principal installments of the Series 2020 Bond.
- (d) It will not voluntarily dispose of or transfer its title to the System or any part thereof, including lands and interest in land, sale, mortgage, lease or other encumbrances, without obtaining the prior written consent of the Government.
- (e) Any extensions to or improvements of the System shall be made according to sound engineering principles, and plans and specifications shall be submitted to the Government for prior review.

Section 17. Additional Bonds. The Issuer may issue additional bonds payable from the Net Revenues of the System and secured by a statutory first lien on the Net Revenues (the "Additional Bonds"), which shall be of equal standing and priority of lien as to the Net Revenues with the Series 2020 Bond and any Additional Bonds then outstanding, for the following purposes and on the following conditions:

(a) To complete construction of the Project according to the plans referred to in Section 2 of this Ordinance, Additional Bonds may be issued in the amount necessary therefor; or

(b) For the purpose of making extensions, enlargements or improvements to the System or refunding in whole or in part the Series 2020 Bond or any Additional Bonds then outstanding if:

(i) The augmented net revenues (hereinafter defined) of the System for the Fiscal Year preceding the year in which such Additional Bonds are to be issued were equal to at least one hundred percent (100%) of the average annual debt service requirements on the Series 2020 Bond and any Additional Bonds then outstanding and the Additional Bonds proposed to be issued, net of any bonds to be refunded by the Additional Bonds proposed to be issued; or

(ii) The holders representing not less than seventy-five percent (75%) of the aggregate principal amount of the Series 2020 Bond and the Additional Bonds then outstanding consent to such issue in writing.

For purposes of this Section, the term "augmented net revenues" shall mean the Net Revenues of the System for a year, adjusted to reflect the effect of any rate increase placed in effect during that year (but not in effect for the whole year), placed in effect subsequent to the year or scheduled, at the time the Additional Bonds are authorized, to be placed in effect before principal of and interest on the Additional Bonds become payable from Revenues of the System, and augmented by any increase in Revenues or decrease in expenses estimated to accrue from the improvements to be acquired from the Additional Bonds. The adjustments and augmentations provided for in the preceding sentence shall be established by certificate of an independent consulting engineer filed with the Clerk of the Issuer. If Additional Bonds are issued within 4 months of the end of a Fiscal Year, the determination made in subsection (b)(i) of this Section may be based upon the results of a Fiscal Year ending within 16 months of the date of issuance of the Additional Bonds.

The funds herein established shall be applied to all Additional Bonds issued pursuant to this Section as if said bonds were part of the original bond issue and all

Revenues from any such extension, enlargement, improvement or replacement constructed by the proceeds of any Additional Bonds shall be paid to the Receiving Account established pursuant to this Ordinance.

Except for the issuance of Additional Bonds as provided in this Section 17, so long as the Series 2020 Bond herein authorized is outstanding, no bonds or other obligations pledging any portion of the Revenues of the System shall be incurred or issued by the Issuer unless the same shall be junior and subordinate in all respects to the Series 2020 Bond herein authorized. The Issuer reserves the right to issue, without limit, bonds of junior and subordinate standing and priority of lien as to the Net Revenues with the Series 2020 Bond and any Additional Bonds then outstanding.

Section 18. Ordinance Shall Constitute Contract. The provisions of this Ordinance shall constitute a contract between the Issuer and the holder of the Series 2020 Bond and after the issuance of the Series 2020 Bond this Ordinance shall not be repealed or amended in any respect which will adversely affect the rights and interests of the holder of the Series 2020 Bond without the consent of such holder, nor, except as specifically provided herein, shall the Issuer adopt any law, ordinance or resolution in any way adversely affecting the rights of the holder so long as the Series 2020 Bond or interest thereon remains unpaid.

Section 19. Refunding of Series 2020 Bond. If at any time it shall appear to the Government that the Issuer is able to refund upon call for redemption or with consent of the Government the then outstanding Series 2020 Bond by obtaining a loan for such purposes from responsible cooperative or private credit sources at reasonable rates and terms for loans for similar purposes and periods of time, the Issuer will, upon request of the Government, apply for and accept such loan in sufficient amount to repay the Government, and will take all such actions as may be required in connection with such loans.

Section 20. Default of Issuer. The holder of the Series 2020 Bond may, by proper suit, action, mandamus or other proceeding, protect and enforce the statutory lien upon the Net Revenues of the System, and may, by proper suit, action, mandamus or other proceeding, enforce and compel performance of all duties of the officers of the Issuer, including the fixing of sufficient rates, the collection of Revenues, the proper segregation of the Revenues of the System and the proper application thereof. The statutory lien upon the Net Revenues, however, shall not be construed as to compel the sale of the System or any part thereof. If there shall be any default in the payment of the principal of or interest on the Series 2020 Bond, any court having jurisdiction in any proper action may appoint a receiver to administer and operate the System on behalf of the Issuer, under the direction of the court, and by and with the approval of the court, to

perform the duties of the officers of the Issuer more particularly set forth herein and in Act 94. The Issuer hereby agrees to transfer to any bona fide receiver or other subsequent operator of the System, pursuant to any valid court order in a proceeding brought to enforce collection or payment of the Issuer's obligations, all contracts and other rights of the Issuer, conditionally, for such time only as such receiver or operator shall operate by authority of the court.

Section 21. Ordinance Subject to Michigan Law and Government Regulations. The provisions of this Ordinance are subject to the laws of the State of Michigan and to the present and future regulations of the Government not inconsistent with the express provisions hereof and Michigan law.

Section 22. Fiscal Year of System. The fiscal year for operating the System shall be the Fiscal Year.

Section 23. Issuer Subject to Loan Resolution. So long as the Government is holder of the Series 2020 Bond, the Issuer shall be subject to the loan resolution (RUS Bulletin 1780-27) and shall comply with all provisions thereof.

Section 24. Covenant Not to Defeas. So long as the Government is the holder of the Series 2020 Bond, the Issuer covenants that it will not defeas the Series 2020 Bond or any portion thereof.

Section 25. Certain Determinations. The Mayor and the Clerk of the Issuer are each hereby individually authorized to adjust the final bond details set forth herein to the extent necessary or convenient to complete the transactions authorized herein, and in pursuance of the foregoing each is authorized to exercise the authority and make the determinations authorized pursuant to Section 7a(1)(c) of Act 94, including, but not limited to, determinations regarding interest rates, prices, discounts, maturities, principal amounts, denominations, dates of issuance, interest payment dates, redemption rights, the place of delivery and payment, series designation and other matters necessary to effectuate the sale and issuance of the Series 2020 Bond authorized hereby, all within the parameters established by this Ordinance. The Mayor and the Clerk are each hereby authorized to confirm the final terms and details of the Series 2020 Bond by execution of the Series 2020 Bond.

Section 26. Negotiated Sale to the Government. The Issuer has considered the option of selling the Series 2020 Bond through a competitive sale and a negotiated sale and determines to sell the Series 2020 Bond to the Government in a negotiated sale in order to obtain interest rates and other terms not generally available from conventional municipal bond market sources and for the opportunities provided by a

negotiated sale to the Government to select and adjust the terms of the Series 2020 Bond, including the prepayment of the principal of the Series 2020 Bond at any time without premium.

The Mayor and the Clerk of the Issuer are each hereby authorized and directed to negotiate the sale of the Series 2020 Bond to the Government at an interest rate not to exceed 2.375% per annum. The sale of the Series 2020 Bond to the Government at an interest rate of not to exceed 2.375% per annum and at the par value thereof is hereby approved. The Treasurer of the Issuer is hereby authorized to deliver the Series 2020 Bond in accordance with the delivery instructions of the Government.

Section 27. Authorization of Other Actions. The Mayor, the Clerk and the Treasurer of the Issuer are each authorized and directed to execute and deliver all other agreements, documents and certificates and to take all other actions necessary to complete the issuance and delivery of the Series 2020 Bond in accordance with this Ordinance.

Section 28. Conflict and Severability. All ordinances, resolutions and orders or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed, and each section of this Ordinance and each subdivision of any section hereof is hereby declared to be independent, and the finding or holding of any section or subdivision thereof to be invalid or void shall not be deemed or held to affect the validity of any other section or subdivision of this Ordinance.

Section 29. Paragraph Headings. The paragraph headings in this Ordinance are furnished for convenience of reference only and shall not be considered to be a part of this Ordinance.

Section 30. Publication and Recordation. This Ordinance shall be published in full in a newspaper of general circulation in the Issuer qualified under State law to publish legal notices promptly after its adoption, and the same shall be recorded in the Ordinance Book of the Issuer and such recording authenticated by the signatures of the Mayor and the City Clerk.

Section 31. Effective Date. This Ordinance is hereby determined by the City Council to be immediately necessary for the preservation of the peace, health and safety of the Issuer and shall be in full force and effect from and after its passage and publication as required by law.

Passed and adopted by the City Council of the City of Petersburg, County of Monroe, State of Michigan, on November 23, 2020.

Leanne Goodin - City Clerk

James w Holman - Mayor

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the City Council of the City of Petersburg, County of Monroe, State of Michigan, at a regular meeting held on the 23rd day of November, 2020, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act

I further certify that the following Members were present at said meeting: Terri Bauer, Charles Bruckner, Dawn Cilley, Kevin Richards, Lawrence Schadewald, Joanne Tollison, and that the following Members were absent: _____.

I further certify that Member Bruckner moved adoption of said Ordinance, and that said motion was supported by Member Richards.

I further certify that the following Members voted for adoption of said Ordinance: Terri Bauer, Charles Bruckner, Dawn Cilley, Kevin Richards, Lawrence Schadewald, and that the following Members voted against adoption of said Ordinance: _____.

I further certify that said Ordinance has been recorded in the Ordinance Book and that such recording has been authenticated by the signatures of the Mayor and the City Clerk.

Leanne G. Goodin
City Clerk

ORDINANCE NUMBER 21-0002

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF PETERSBURG TO REGULATE THE HOURS OF OPERATION OF MARIHUANA ESTABLISHMENTS IN A LIGHT INDUSTRIAL DISTRICT.

The City of Petersburg ordains:

Section 1. Title.

This Ordinance shall be known as the Zoning Ordinance Amendment for Hours of Operation of Marihuana Establishments.

Section 2 Amendment of Section 12.18 Marihuana Establishments.

Marihuana Establishments must comply with the following regulations:

C. Amended: A Marihuana retailer may not be open to customers between the hours of 10:00 p.m. and 9:00 a.m.

Section 3 Addition to Section 702.

Paragraph 8 is hereby added to Article VII, Section 702:

(8) Marihuana Establishments, subject to the regulations stated in Article XII, Section 12.18.

Section 4 Effective Date.

This Ordinance shall become effective ten (10) days after final passage and publication.

I hereby certify that this ordinance was passed at a regular meeting of the City Council of the City of Petersburg, Michigan held on MONDAY, the 19th day of APRIL, 2021.

Leanne Goodin, City Clerk
Published: 4/20/2021
Effective Date: 4/30/2021

ORDINANCE NO. 23-0001

AN ORDINANCE TO SET THE RATE OF COMPENSATION FOR THE POSITIONS OF CLERK AND TREASURER

THE CITY OF PETERSBURG ORDAINS:

SECTION 1: The compensation of the Clerk shall be based upon an annualized salary of Twenty four thousand six hundred thirty six and .89/100 (\$24,636.89) Dollars
The clerk also to be compensated at the Deputy Clerk's rate of pay per hour for hours worked to run an election over regular scheduled hours.

The compensation of the Treasurer shall be based upon an annualized salary of Twenty three thousand four hundred sixty three and .70/100 (\$23,463.70) Dollars.

SECTION 2: The compensation rates shall be deemed effective December 28, 2022.

SECTION 3: Ordinance No. 21-0001 is repealed and all other ordinances inconsistent in whole or in part with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4: This Ordinance shall take effect ten (10) days after publication.

I, Leanne G. Goodin, City Clerk of the City of Petersburg, do hereby certify that the foregoing Ordinance was duly adopted and passed as an ordinance at a regularly held meeting of the City Council on 1-3-23.

Leanne G. Goodin
Petersburg City Clerk

ORDINANCE NO. 24-0001

FRANCHISE

MICHIGAN GAS UTILITIES CORPORATION

AN ORDINANCE GRANTING TO MICHIGAN GAS UTILITIES CORPORATION, A DELAWARE CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE RIGHT, POWER, AUTHORITY, AND PERMISSION TO USE THE HIGHWAYS, STREETS, ALLEYS AND OTHER PUBLIC PLACES IN THE CITY OF PETERSBURG, COUNTY OF MONROE, STATE OF MICHIGAN, FOR THE PURPOSE OF LAYING AND MAINTAINING GAS PIPES, MAINS, CONDUITS, VALVES, DRIPS, AND ALL NECESSARY APPURTANCES IN, UNDER AND ALONG THE HIGHWAYS, STREETS, ALLEYS AND OTHER PUBLIC PLACES, OF SAID CITY, AND THE RIGHT, POWER AND PERMISSION TO CONDUCT AND OPERATE A GENERAL GAS BUSINESS AND DISTRIBUTION SYSTEM IN SAID CITY OF PETERSBURG, COUNTY OF MONROE, STATE OF MICHIGAN FOR A PERIOD OF THIRTY (30) YEARS.

THE CITY COUNCIL OF THE CITY OF PETERSBURG, COUNTY OF MONROE, STATE OF MICHIGAN HERBY ORDAINS:

Section 1. Granting of Franchise to Use Highways, Streets, Alleys and Public Places. The City of Petersburg, County of Monroe, State of Michigan, (hereinafter called "city"), hereby grants to Michigan Gas Utilities Corporation, a Delaware corporation (hereinafter called "Grantee"), its successors and assigns, a franchise to use the highways, streets, alleys and public places of the City of Petersburg, County of Monroe, State of Michigan, for the purpose of constructing, maintaining, and operating a gas distribution system in said city with full right, power and authority to establish, construct, maintain, extend and operate a plant, stations, mains, pipes, conduits, valves, drips and all other appurtenances, apparatus and appliances within the corporate limits of the City of Petersburg, County of Monroe, State of Michigan, for the purpose of supplying and distributing to said city and its inhabitants gas for heating and other purposes and, for

such purposes, to enter upon and use the highways, streets, alleys and public lands of said city and lay, maintain, operate, repair and extend therein, through and thereunder such mains, pipes, conduits, valves, drips, apparatus, appliances and other appurtenances as may be necessary and proper for the distribution of gas throughout and beyond said City and for the purpose of conducting and operating a gas business in said City subject to the terms and conditions hereinafter provided.

Section 2. Non-Disturbance of Public Travel; Restoration; Construction Maintenance. In laying its pipes, mains and other appurtenances and repairing and maintaining the same, Grantee shall interfere as little as possible with public travel. After opening any portion of the highways, streets, alleys or other public place, Grantee shall within a reasonable time restore the same as nearly as possible to the same condition as prevailed before opening. While any portion of the highways, streets, alleys or other public place is open, Grantee shall maintain reasonable barriers and lights at night and other warnings to the users of said highways, streets, alleys or other public places.

Section 3. Hold Harmless. Grantee shall at all times hold City harmless from any loss, damage and expense of any kind on account of the laying, constructing, maintenance, and use of said mains, pipes, conduits and other appurtenances. However, Grantee need not save City harmless from claims, losses and expenses arising out of the negligence of the City, its employees, contractors or agents.

Section 4. Rates Established by Michigan Public Service Commission. The rates to be charged by Grantee and all rules of service shall be those which are established from time to time by the Michigan Public Service Commission or such other body which shall succeed to the jurisdiction, rights, powers and authority of said Commission.

Section 5. Term: Effective Date. The rights granted in this franchise shall continue in full force and effect for a period of thirty (30) years from the effective date thereof. The effective date of this franchise shall be the latter of the date of the acceptance of the

franchise by Grantee, which acceptance shall be filed by the Grantee, in writing, within sixty (60) days after the enactment of this ordinance or the day following the date of publication of the ordinance.

Section 6. Franchise Revocable; Irrevocability Upon Approval of Electors. The franchise herein granted shall be revocable at the will of the governing body of this City, PROVIDED, however, that the same shall become irrevocable if and when confirmed by a majority of the electors voting upon the question at the next general election or at any special election called for that purpose. Such special election shall be held at the request of said Grantee.

Section 7. Expenses of Election Paid by Grantee. In the event of a special election, the expenses thereof shall be deposited with the Clerk of this City by the Grantee.

Section 8. Repeal of Prior Ordinance. Franchise Ordinance No. 80 adopted by City on March 7, 1994, and all amendments thereto, are hereby repealed. The repeal of the above Ordinance and its amendments does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture, or punishment incurred prior to the time enforced, prosecuted, or inflicted.

Section 9. Publication. The City Clerk is hereby directed to cause a true copy of this ordinance to be published in the Independent, a newspaper circulating within the City within thirty (30) days hereof.

Section 10. Recording of Ordinance. Within one (1) week after the publication of this ordinance, the City Clerk shall record the ordinance in the Book of Ordinances kept by the Clerk for such purpose. Such record shall include the date of passage hereof, the names of the members voting hereon and how each member voted.

Presented by: Dawn Cilley

Seconded by: Ron Stumpmier

Voting in Favor:

Laura Antoszewski

Kevin Richards

Rita Rousseau

Joanne Tollison

James Holeman

Dawn Cilley

Ron Stumpmier

Voting Against:

I hereby attest that the foregoing Ordinance was adopted by the City Council of the City of Petersburg, County of Monroe, State of Michigan at a regular meeting held on the 5th day of February, 2024.

Dated: February 6, 2024

Leanne G. Goodin

Petersburg City Clerk

I further attest that the foregoing Ordinance was published and filed as follows:

Published in: The Independent

Date of Publication: February 13, 2024

ORDINANCE NO. 24-0002

AN ORDINANCE TO AMEND ORDINANCE NO. 96 AND TO PROVIDE FOR REVISION OF SEWER SYSTEM FEES AND CHARGES BY RESOLUTION OF CITY COUNCIL

THE CITY OF PETERSBURG ORDAINS:

1. The provisions of Ordinance Number 96 of the City of Petersburg, Michigan, shall be and are hereby amended by repealing the previous provisions of Paragraph 6.3 and replacement of such terms as follows:

6.3 Sewer Rate Per Unit Inside the City:

The charge per unit for sewage disposal services inside the City is established at \$110.00 per quarter. Units in excess of the minimum of one unit will be charged at the nearest tenth.

The sewer system fees and charges may be increased or decreased from time to time based upon changes in the costs and expenses of the sewer system, by the passage of a Resolution by the City Council of the City of Petersburg, Michigan. The City Council may also revise or waive late fees and interest by Resolution for the reasons stated in such Resolution.

2. The remaining provisions of Ordinance Number 96 remain in full force and effect, subject to this Ordinance and any resolution approved pursuant to this amendment.

3. This Ordinance takes effect on January 1, 2025.

4. The Clerk is directed to cause a summary of this Ordinance to be published in a newspaper of general circulation in the City as soon as practical.

I hereby certify that this Ordinance No. 24-0002 was duly adopted by the City Council of the City of Petersburg on the 18th day of November, 2024.

Leanne G. Goodin Petersburg City Clerk
11/18/2024

Ordinance Repeal History

01

ORDINANCE TO PROVIDE FOR CONNECTION, COLLECTION & ENFORCEMENT FEES FOR SEWAGE DISPOSAL SYSTEM

02

REPEALED BY ORDINANCE #35

03

REPEALED BY ORDINANCE #86.

04 ORDINANCE TO AMEND VILLAGE ORD. #52, TO CHANGE FISCAL YEAR

05

REPEALED BY ORDINANCE #86

06

REPEALED BY ORDINANCE #86

07

REPEALED BY ORDINANCE #30

08

ORDINANCE TO PROHIBIT THE STORAGE OF WRECKED, DISMANTLED, OR INOPERABLE MOTOR VEHICLES

09

ORDINANCE PROHIBITING FURNISHING ALCOHOLIC BEVERAGES TO MINORS

10

REPEALED BY ORDINANCE #86

11

ORDINANCE REQUIRING PERMIT FOR CERTAIN HAWKERS, PEDDLERS, ITINERANT VENDORS & DOOR TO DOOR SALES

12

REPEALED BY ORDINANCE # 30

13

REPEALED BY ORDINANCE #057

14

ORDINANCE TO ESTABLISH MIN. STANDARDS GOVERNING THE CONDITIONS,
INSPECTIONS OF DWELLINGS

15

REPEALED BY ORDINANCE #86

16

REPEALED BY ORDINANCE # 66

17

ORDINANCE REGULATING CROSS-CONNECTION WITH THE PUBLIC WATER
SUPPLY SYSTEM

18 REPEALED BY ORDINANCE #86

19

REPEALED BY ORDINANCE # 86

20

ORDINANCE TO AMEND ORD. #14, SECTION 1.8

21

REPEALED BY ORDINANCE # 33

21-002

REPEALED BY ORDINANCE #33

22

REPEALED BY ORDINANCE #66

23

ORDINANCE TO AMEND ORDINANCE #1, SECTION 1.10

24

REPEALED BY ORDINANCE #86

25

REPEALED BY ORDINANCE #59

26

REPEALED BY ORDINANCE #42

27

REPEALED BY ORDINANCE 27-002

27-001

REPEALED BY ORDINANCE #27-002

27-002

REPEALED BY ORDINANCE #63

28

REPEALED BY ORDINANCE #72

29

ORDINANCE CREATING THE PETERSBURG PLANNING COMMISSION

30

DISORDERLY PERSONS ORDINANCE

31

ORDINANCE DECLARING TEMPORARY MORATORIUM ON NEW CONSTRUCTION,
ETC. IN FLOOD HAZARD AREAS

32

REPEALED BY ORDINANCE 81

33

ORDINANCE TO ADOPT BY REFERENCE THE UNIFORM PLUMBING CODE, 1976
EDITION

34

REPEALED BY ORDINANCE #42

35

ORDINANCE TO ESTABLISH THE COMPENSATION COMMISSION

36

ORDINANCE TO ADOPT BY REFERENCE THE UNIFORM CODE FOR THE
ABATEMENT OF DANGEROUS BUILDINGS

37

REPEALED BY ORDINANCE #81

37-002

REPEALED BY ORDINANCE #89

38

REPEALED BY ORDINANCE #86

39

REPEALED BY ORDINANCE #85

40

ORDINANCE TO REGULATE EXCAVATION IN THE STREETS, ALLEYS AND PUBLIC
PLACES AND PROVIDE PUNISHMENT

41

REPEALED BY ORDINANCE #50

42

AN ORDINANCE TO ADOPT THE UNIFORM TRAFFIC CODE FOR MICHIGAN
CITIES, TOWNSHIPS, & VILLAGES

43

AN ORDINANCE TO AMEND ORDINANCE #42

44

REPEALED BY ORDINANCE #88

44-001

REPEALED BY ORDINANCE #88

44-002

REPEALED BY ORDINANCE #88

44-003

REPEALED BY ORDINANCE #88

45-32-1

REPEALED BY ORDINANCE #81

46

AN ORDINANCE TO PROHIBIT THE MAINTENANCE OF BLIGHTING CONDITIONS

47

REPEALED BY ORDINANCE #72

48

REPEALED BY #2009-01

49

ORDINANCE AUTHORIZING COLLECTION OF REFUSE BY CONTRACT OR
PERMIT REGULATING HANDLING

50

REPEALED BY ORDINANCE # 65

51

REPEALED BY ORDINANCE #65

52-32-2

REPEALED BY ORDINANCE #81

53

REPEALED BY ORDINANCE #72

54

REPEALED BY ORDINANCE #86

54-A

REPEALED BY ORDINANCE #88

55-32-3

REPEALED BY ORDINANCE #81

56 REPEALED BY ORDINANCE #86

57

ORDINANCE TO DEFINE AND REGULATE THE CONTROL OF ANIMALS & APPEAL
VILLAGE ORDINANCE #13

58

REPEALED BY ORDINANCE #86

59

ORDINANCE TO LICENSE AND REGULATE THE OPERATION OF BILLIARD & POOL
ROOMS & ARCADES

60

REPEALED BY ORDINANCE #85

61

REPEALED BY ORDINANCE #86

62-32-4

REPEALED BY ORDINANCE #81

63

REPEALED BY ORDINANCE #122

64

REPEALED BY ORDINANCE #86

65

ORDINANCE TO ESTABLISH THE PROCEDURES FOR THE PURCHASE OF
PERSONAL PROPERTY

66

ORDINANCE TO ESTABLISH BUILDING PERMIT FEES (PARTIALLY REPEALED BY
ORDINANCE #85)

67

REPEALED BY ORDINANCE #86

68-32-4A
REPEALED BY ORDINANCE #81

69
REPEALED BY ORDINANCE #88

70
REPEALED BY ORDINANCE #86

71-32-4B
REPEALED BY ORDINANCE #81

72
REPEALED BY ORDINANCE #86

73
REPEALED BY ORDINANCE #105

74
REPEALED BY ORDINANCE #88

75-32-5
REPEALED BY ORDINANCE #81

76
REPEALED BY ORDINANCE #88

77
ORDINANCE NUMBER PASSED OVER.

78
ORDINANCE TO ADOPT REGULATION & PROCEDURES FOR BASIC CABLE TV
RATE REGULATION

79
ORDINANCE TO REGULATE & PROHIBIT THE MAKING & CREATION OF
EXCESSIVE NOISE

80

REPEALED BY ORDINANCE 24-0001

81

ZONING ORDINANCE

82

ORDINANCE NEVER APPROVED

83

SUBDIVISION CONTROL ORDINANCE

84

REPEALED BY ORDINANCE #88

85 ORDINANCE TO ADOPT BY REFERENCE THE BOCA NATIONAL CODE 86
ORDINANCE TO ESTABLISH WATER/SEWER UNIT FACTORS & TO BE USED IN
COMPUTING CHARGES FOR SERVICES

87 ORDINANCE TO AMEND ORDINANCE #81

89 ORDINANCE TO SET CERTAIN FEES INCIDENT TO THE ENFORCEMENT OF
THE ZONING ORDINANCE AND THE SUBDIVISION CONTROL ORDINANCE OF
THE CITY OF PETERSBURG

90-1

ORDINANCE TO AMEND ORDINANCE 90 TO PROVIDE FOR A BULK WATER RATE
93 ORDINANCE TO ADOPT BY REFERENCE THE BOCA NATIONAL BUILDING
CODE, THIRTEENTH EDITION, 1996, TO PROVIDE CERTAIN MODIFICATIONS FOR
ITS APPLICATION TO THE CITY OF PETERSBURG, TO ESTABLISH BUILDING
PERMIT FEES AND TO REPEAL INCONSISTENT ORDINANCES.

96 ORDINANCE TO ESTABLISH UNIT FACTORS TO BE USED IN COMPUTING
CHARGES FOR WATER AND SEWAGE DISPOSAL SERVICES, TO SET WATER
AND SEWER TAP AND CONNECTION FEES AND USER FEES, TO ESTABLISH A
SYSTEM FOR COLLECTING CHARGES AND OTHER MATTERS RELATING TO THE
WATER AND SEWAGE DISPOSAL SERVICE OF THE CITY OF PETERSBURG AND
REPEAL ORDINANCE 90

98

REPEALED BY #08-131

99

ORDINANCE TO AMEND ORDINANCE 81, THE CITY OF PETERSBURG ZONING ORDINANCE, FOR THE PURPOSE OF CHANGING CERTAIN TEXT AND ZONING MAP AND THE ZONING CLASSIFICATION OF CERTAIN PROPERTY

100

ORDINANCE TO AMEND THE SUBDIVISION CONTROL ORDINANCE, NO. 83, PROVIDING FOR REGULATIONS GOVERNING THE SUBDIVISION OF LAND; PROVIDING FOR THE PROCEDURE FOR THE PREPARATION AND FILING OF PLATS, TENTATIVE APPROVAL OF PRELIMINARY PLATS, SUBMISSION OF RECORD OR FINAL PLATS, THE APPROVAL OF THE PLAT BY THE CITY COUNCIL; PROVIDING FOR PLATTING REGULATIONS AND REQUIREMENTS IN REGARD TO CONFORMITY TO PETERSBURG'S LAND USE PLAN AND TO PROVIDE PENALTIES FOR THE VIOLATIONS.

103

ORDINANCE TO SET THE RATE OF COMPENSATION FOR THE POSITIONS OF CLERK AND TREASURER

104

ORDINANCE TO PROHIBIT THE DISPLAY OR DEPICTION OF NUDITY AND SEXUAL ACTS IN ESTABLISHMENTS LICENSED UNDER THE MICHIGAN LIQUOR CONTROL ACT

105

ORDINANCE TO REGULATE ADULT ENTERTAINMENT BUSINESS

106

ORDINANCE TO BAN PUBLIC NUDITY

108

ORDINANCE TO REGULATE THE OPERATION AND USE OF ANY SKATEBOARD OR SCOOTER WITHIN THE CITY OF PETERSBURG, MICHIGAN, AND TO PROVIDE PENALTIES FOR THE VIOLATION OF THE ORDINANCE

110

ORDINANCE TO AMEND ORDINANCE 81, THE CITY OF PETERSBURG ZONING ORDINANCE, TO ADD PROVISIONS AND REGULATIONS THAT WILL PROVIDE FOR RESIDENTIAL PLAN UNIT DEVELOPMENTS

111

ORDINANCE TO AMEND ORDINANCE 81, THE CITY OF PETERSBURG ZONING ORDINANCE, TO AMEND THE OFFICIAL ZONING MAP BY DESIGNATING CERTAIN PROPERTY AS "RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT"

112

ORDINANCE TO AMEND ORDINANCE 23

113

ORDINANCE TO AMEND ORDINANCE 96

114

ORDINANCE TO SET THE RATE OF COMPENSATION FOR THE POSITIONS OF CLERK AND TREASURER

115

ORDINANCE TO ADOPT BY REFERENCE THE UNIFORM TRAFFIC CODE FOR THE CITY OF PETERSBURG

118

TELECOMMUNICATIONS ORDINANCE

119

Repealed by #06-130

120

ORDINANCE TO SET THE RATE OF COMPENSATION FOR THE POSITIONS OF CLERK AND TREASURER

121

ORDINANCE TO SET THE RATE OF COMPENSATION FOR THE POSITIONS OF CLERK AND TREASURER

122

OF THE 2002 NATIONAL ELECTRICAL CODE ORDINANCE TO AMEND ORDINANCE 63 TO PROVIDE FOR THE ADOPTION

123

ORDINANCE TO DESIGNATE AN ENFORCING AGENCY TO DISCHARGE THE RESPONSIBILITY OF THE CITY OF PETERSBURG LOCATED IN MONROE COUNTY, UNDER THE PROVISIONS OF THE STATE CONSTRUCTION CODE ACT, 1972 PA230

124

ORDINANCE TO AMEND ZONING ORDINANCE 81 TO PERMIT DUPLEX DWELLINGS IN A COMMERCIAL DISTRICT UPON SPECIAL USE APPROVAL

06-125

ORDINANCE ESTABLISHING CURFEWS FOR MINORS WITHIN THE CITY OF PETERSBURG, MICHIGAN, AND PROVIDING ENFORCEMENT AND PENALTIES FOR VIOLATIONS OF THE ORDINANCE

06-126

ORDINANCE TO REGULATE TREES IN THE PUBLIC RIGHTS-OF-WAY AND PUBLIC PLACES

06-127

ORDINANCE TO AMEND THE CITY OF PETERSBURG ZONING ORDINANCE TO PROVIDE FOR THE REGULATION OF CONDOMINIUM PROJECTS

06-128

ORDINANCE TO SET THE RATE OF COMPENSATION FOR THE POSITIONS OF CLERK AND TREASURER

07-129

ORDINANCE TO SET THE RATE OF COMPENSATION FOR THE POSITIONS OF CLERK AND TREASURER

07-130

Repealed by #08-133

08-131

ORDINANCE TO SET CERTAIN BUILDING PERMIT FEES FOR THE CITY OF PETERSBURG

08-132

ORDINANCE TO SET THE RATE OF COMPENSATION FOR THE POSITIONS OF
CLERK AND TREASURER

08-133

Repealed by #08-134

08-134

Repealed by #11-001

09-01

ORDINANCE TO REGULATE VEGETATION

09-02

Repealed by #10-01

10-01

Repealed by #11-02

11-001

ORDINANCE TO REPEAL ORDINANCE 08-134 AND PROVIDE FOR REVISED
WATER SYSTEM FEES AND CHARGES

11-02

Repealed by #13-01

13-01

Repealed by #14-003

13-02

ORDINANCE ADDRESSING FLOODPLAIN MANAGEMENT PROVISIONS OF THE
STATE CONSTRUCTION CODE

14-0001

ORDINANCE REGULATING PARKING IN CITY OF PETERSBURG DURING SNOW
EMERGENCIES

14-0002

Repealed by #16-0001

14-0003

Repealed by #16-0001

14-0004

ORDINANCE TO AFFIRM/DESIGNATE AN ENFORCING AGENCY TO DISCHARGE THE RESPONSIBILITY OF THE CITY OF PETERSBURG LOCATED IN MONROE COUNTY, AND TO DESIGNATE REGULATED FLOOD HAZARD AREAS UNDER THE PROVISIONS OF THE STATE CONSTRUCTION CODE ACT, ACT NO. 230 OF THE PUBLIC ACTS OF 1972, AS AMENDED

16-0001

Repealed by #18-0001

16-0002

INCONSISTENT WITH THIS ORDINANCE 1949 AS AMENDED, AND REPEALING SECTIONS OF ORDINANCES ORDINANCE ALLOWING, AND ESTABLISHING REGULATIONS FOR, THE OPERATION OF GOLF CARTS AND BICYCLES ON STREETS WITHIN THE CITY AMENDING ORDINANCE 42 AND 43 PURSUANT TO PUBLIC ACT 300 OF OF PETERSBURG, MICHIGAN, PROVIDING PENALTIES FOR VIOLATIONS.

17-0001

ORDINANCE TO REGULATE PARTITIONING OR DIVISION OF PARCELS OR TRACTS OF LAND, ENACTED PURSUANT BUT NOT LIMITED TO MICHIGAN PUBLIC ACT 288 OF 1967, AS AMENDED AND TO PRESCRIBE PENALTIES AND ENFORCEMENT REMEDIES FOR THE VIOLATION OF THIS ORDINANCE

17-0002

Repealed by #19-0001

18-0001

ORDINANCE TO REPEAL ORDINANCE 16-0001 AND PROVIDE FOR REVISED WATER SYSTEM FEES AND CHARGES

18-0002

ORDINANCE TO AUTHORIZE AND REGULATE THE ESTABLISHMENT OF MEDICAL MARIHUANA FACILITIES AND TO IMPOSE PENALTIES FOR VIOLATIONS

18-0003

ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF PETERSBURG TO ADD MEDICAL MARIHUANA FACILITIES AS A SPECIAL USE IN A LIGHT INDUSTRIAL DISTRICT

19-0001

Repealed by #21-0001

19-0002

ORDINANCE TO AUTHORIZE AND REGULATE MARIHUANA ESTABLISHMENTS AND TO IMPOSE PENALTIES FOR VIOLATIONS

19-0003

ORDINANCE TO AMEND THE ZONING ORDINANCE OF PETERSBURG TO ADD MARIHUANA ESTABLISHMENTS AS A SPECIAL USE IN A LIGHT INDUSTRIAL DISTRICT

20-0001

ORDINANCE TO AMEND ORDINANCE 18-0001 AND PROVIDE FOR REVISION OF WATER SYSTEM FEES AND CHARGES BY RESOLUTION OF CITY COUNCIL AN ORDINANCE TO PROVIDE FOR THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF IMPROVEMENTS TO THE WATER SUPPLY SYSTEM OF THE CITY OF PETERSBURG; TO PROVIDE FOR THE ISSUANCE AND SALE OF REVENUE BONDS; TO PROVIDE FOR THE COLLECTION OF REVENUES FROM THE SYSTEM SUFFICIENT FOR THE PURPOSE OF PAYING THE COSTS OF OPERATION AND MAINTENANCE OF THE SYSTEM AND TO PAY THE PRINCIPAL OF AND INTEREST ON BONDS OF THE SYSTEM; TO PROVIDE AN ADEQUATE RESERVE ACCOUNT FOR THE BONDS; TO PROVIDE FOR THE SEGREGATION AND DISTRIBUTION OF THE REVENUES OF THE SYSTEM; TO PROVIDE FOR THE RIGHTS OF THE HOLDERS OF THE BONDS IN ENFORCEMENT THEREOF; AND TO PROVIDE FOR OTHER MATTERS RELATING TO THE BONDS AND THE SYSTEM

21-0001

Repealed by #21-0003

21-0002

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF PETERSBURG TO REGULATE THE HOURS OF OPERATION OF MARIHUANA ESTABLISHMENTS IN A LIGHT INDUSTRIAL DISTRICT

21-0003

Repealed by #23-0001

23-0001

AN ORDINANCE TO SET THE RATE OF COMPENSATION FOR THE POSITIONS OF CLERK AND TREASURER

24-0001

AN ORDINANCE GRANTING TO MICHIGAN GAS UTILITIES CORPORATION AUTHORITY AND PERMISSION TO USE THE HIGHWAYS, STREETS, ALLEYS AND OTHER PUBLIC PLACES OF THE CITY OF PETERSBURG FOR THE PURPOSE OF LAYING AND MAINTAINING GAS PIPES, MAINS, ETC.

24-0002

AN ORDINANCE TO AMEND ORDINANCE NO.96 AND TO PROVIDE FOR REVISION OF SEWER SYSTEM FEES AND CHARGES BY RESOLUTION OF CITY COUNCIL