



**CITY OF GARDEN CITY  
REGULAR COUNCIL MEETING MINUTES  
February 8 , 2021**

The Mayor and Council of the City of Garden City met in Regular Session **Monday, February 8, 2021**, at 7:00p.m. viz a Zoom Teleconference

**REGULAR MEETING**

Present were Mayor Pro-Tem Kerwin (remotely from Garden City), Councilmembers Squires (remotely from Garden City), DiMichele (remotely from Garden City), Earle (remotely from Garden City), and Jacobs (remotely from Garden City).

Mayor Walker and Councilmember Lynch were absent and excused

Also present were City Manager Dougherty, City Clerk Miller, City Treasurer Marciniak, DPS Director Ohman, and Fire Chief Harman

❖ **Item #21-02-013 - Moved by Squires ; supported by Earle:**

RESOLVED: To approve the meeting agenda as presented

The agenda consisted of the following:

1. City Ordinance Amendments: Phase 2
2. 2021 Poverty Exemption Guidelines – Revised
3. Request For Re-zoning: 6121 Merriman Road & 31430 Block Street
4. Zoning Text Amendments
5. Transient Merchant Permit Application Moratorium
6. Approve PEG/Communications Budget Amendment
7. Approve 21<sup>st</sup> District Court Budget Amendment
8. Neptune 360 Advanced AMR Software Upgrade
9. Police Station Evaporative Fluid Cooler Replacement
10. By-Pass Pressure Reducing Valve Replacement
11. Resolution to Support AFG Applications

AYES: Unanimous

ABSENT: Walker, Lynch

**Motion Passes**

**Recognition, Presentations, Community Announcements, Comments from State & County Officials, and Petitions & Communications**

- None

**Mayor Pro-Tem Kerwin announced it was time to hear public comment on the proposed Updates to City Ordinances - Phase Two**

Hearing no public comment the public hearing was closed by Mayor Pro-Tem Kerwin.

❖ **Item #21-02-014 - Moved by Squires ; supported by DiMichele :**

RESOLVED: To approve the consent agenda as presented.  
1. Approve Council Meeting Minutes of 1/25/21  
2. Receive, Note, & File Invoices Paid: January 2021

AYES: Unanimous  
ABSENT: Walker, Lynch

**Motion Passes**

❖ **Item #21-02-015 - Moved by Earle; supported by Jacobs:**

RESOLVED: Motion to approve the proposed changes to Garden City Ordinances as attached with the removal of Section 94.35 Sidewalks (D)(4).

ORDINANCE NO: 21-002

ORDINANCE

AN ORDINANCE OF THE CITY OF GARDEN CITY PROVIDING FOR AMENDMENTS TO CHAPTER 91: FIRE PREVENTION; CHAPTER 93: PARKS AND RECREATION; CHAPTER 94: STREETS AND SIDEWALKS; CHAPTER 95: TREES; CHAPTER 96: PARKING LOTS; CHAPTER 110: GENERAL PROVISIONS; CHAPTER 112: TEMPORARY BUSINESSES AND SALES & CHAPTER 116: AMUSEMENTS; PROVIDING FOR REPEAL OR SEVERABILITY; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

THE CITY OF GARDEN CITY ORDAINS: THE FOLLOWING SECTIONS OF THE CITY OF GARDEN CITY CODE OF ORDINANCES BE AMENDED AS FOLLOWS TO READ:

**CHAPTER 91: FIRE PREVENTION**

**ADOPTION OF FIRE CODES**

**§ 91.01 NFPA NATIONAL FIRE CODE ADOPTED BY REFERENCE.**

The most current versions of the National Fire Codes and Standards, as published by the National Fire Protection Association, are adopted by reference by the City. In the event of conflict between the provisions of the International Fire Code and provisions of this chapter, the more stringent of the two shall govern. Complete copies of the Fire Codes shall be available for public use and inspection at the office of the City Clerk.

('83 Code, § 91.11) (Ord. 72-025, passed 9-18-72; Am. Ord. 85-002, passed 4-9-85; Am. Ord. 92-01, passed 12-21-92; Am. Ord. 98-018, passed 9-21-98)

**~~§ 91.02 AMENDMENTS IN NATIONAL FIRE CODE.~~**

**~~(Section shall be removed in its entirety)~~**

**GENERAL PROVISIONS**

**§ 91.15 FALSE ALARM.**

No person within the city shall knowingly and willfully raise a false alarm of fire at any gathering or in any public place, or ring any bell or operate any public or private fire alarm apparatus for the purpose of creating a false alarm of fire, or raise a false alarm of fire orally, by telephone or in person.

('83 Code, § 91.01) (Ord. 75-005, passed 4-14-75) Penalty, see § 10.99

**§ 91.16 INTERFERENCE WITH FIRE FIGHTERS.**

No person within the city shall knowingly and willfully hinder, obstruct, or interfere with any firefighter/paramedic in the performance of his duties. No person shall, while in the vicinity of any fire or emergency scene, willfully disobey and/or disregard any reasonable order, rule, or regulation of the officer commanding any Fire Department response.

('83 Code, § 91.02) Penalty, see § 10.99

**§ 91.17 FIRE INSPECTION.**

The Fire Marshal is empowered to enter at any and all reasonable times upon and into any premises, building, or structure for the purpose of examining and inspecting the same, to ascertain the conditions with regard to fire hazards, and the condition, size, arrangement, and efficiency of any and all appliances for detection, notification, or fire suppression. The Fire Marshal is empowered to appoint members of the regular personnel of the Fire Department to make the inspection, who shall report in writing to the Fire Marshal the results of the inspection, and who are empowered to make any written orders for the correction of any hazard or deficiency in detection, notification, or fire suppression appliances as the Fire Marshal is authorized to make. Every order made by the Fire Marshal or by authorized members of the Fire Department shall be promptly complied with.

('83 Code, § 91.03) Penalty, see § 10.99

**§ 91.22 ALARM SYSTEM STANDARDS.**

(A) *Purpose.*

(2) Response to false alarms consumes many hours of valuable law enforcement and fire responder time and resources, reduces mental preparedness of officers responding to alarms if an actual emergency exists, and presents significant health, safety and welfare hazards to the citizens of Garden City. Those who utilize faulty alarm systems or errantly operate alarm systems which repeatedly generate false alarms that necessitate public safety (police and fire) response are impacting valuable public safety resources and it is deemed that the adoption of a false alarm ordinance is in the best interest of the public health, safety and welfare of the citizens of the city.

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) **ALARM BUSINESS.** The business, by an individual, partnership, corporation, or other entity, of selling, leasing, servicing, repairing, altering, replacing, moving, installing or monitoring an alarm system.

(2) **ALARM DISPATCH.** A notification to the Emergency Dispatch Center by the alarm business that an alarm, either manual or automatic, has been activated at an alarm site and police and/or fire responders have been dispatched to the alarm site.

(3) **ALARM SITE.** A single premises or location served by an alarm system or systems. Each tenancy, if served by a separate alarm system in a multi-tenant building or complex shall be considered a separate alarm site.

(4) **ALARM SYSTEM.** Any device or assembly of equipment designed for the detection of fire, medical emergency, unauthorized entry on or into any building, place or premises, or for the alerting of others on or off premises of the commission of an unlawful act, or both, and when activated causes an audible and/or visual signal or transmits a signal or message to which law enforcement officers and/or fire responders are expected to respond or which would imply to a reasonable person that public safety personnel (police or fire) are needed at the alarm source to investigate a criminal activity or emergency. The following devices shall not constitute an alarm system:

- (a) Alarm devices affixed to motor vehicles; and
- (b) Handheld portable personal safety devices.

(E) *Exceptions.* The following circumstances shall not constitute a false alarm, and no fee shall be assessed:

- (1) Alarms activated by a person working on the alarm system with prior notification to the Emergency Dispatch Center;
- (2) Alarms which can be substantiated as being activated by disruption or disturbance of utility company facilities or motor vehicle-utility pole accidents; and
- (3) Alarms indicating an actual intrusion or other illegal activity, i.e. not false alarms:

#### **§ 91.51 REMOVAL OF HAZARDOUS OR TOXIC WASTES.**

(A) It shall be the duty of any person or any other entity which causes or controls leakage, spillage, or any other dissemination of dangerous or hazardous/toxic substances or materials to immediately remove the substances or materials and clean up the area of spillage or leakage in such a manner that the area involved is fully restored to its condition prior to the event or occurrence. The Fire Department and the Building Department will inspect the site to make sure the cleanup follows local, county, state, and federal guidelines. ('83 Code, § 91.26)

(B) Any person or entity which fails to comply with the provisions of division (A) of this section shall be liable to and shall pay the city for its costs and expenses, including the costs incurred by the city of any contractor which it may engage for the complete abatement, clean up, restoration and inspections of the affected area. The costs shall include, but are not limited to, those costs associated with the incident abatement, mitigation, cleanup, stand by, restoration, inspections, and any related third-party costs. ('83 Code, § 91.27)

(C) The removal, clean up or payment of any costs under divisions (A) and (B) of this section does not constitute an admission of liability or negligence by the party, person or entity taking the action or paying the expenses. ('83 Code, § 91.28)

(Ord. 93-012, passed 4-19-93) Penalty, see [§ 10.99](#)

### **FIREWORKS**

#### **§ 91.65 SALE OR USE OF FIREWORKS PROHIBITED.**

(A) *Definitions.* The following words, terms and phrases when used in this section shall have the meanings ascribed to them in this section, except when context clearly indicates a different meaning:

(2) **APA STANDARD 87-1.** 2001 APA standard for construction and approval for transportation of fireworks, novelties, and theatrical pyrotechnics, published by the American Pyrotechnics Association of Bethesda, Maryland, and any amendments to the standard which may, from time to time, be adopted.

(6) **FIREWORKS.** Any composition or device, except for a starting pistol, a flare gun, or a flare, designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation. **FIREWORKS** consist of consumer fireworks, low-impact fireworks, articles pyrotechnic, display fireworks, and special effects.

(8) **MINOR.** An individual who is less than 17 years of age.

(9) **PERMITTED DAYS.** In accordance with the Michigan Fireworks Safety Act 256 of 2011.

- (a) December 31, 11:00 a.m. until 1:00 a.m. on January 1
- (b) The Saturday and Sunday before Memorial Day, 11:00 a.m. until 11:45 p.m.
- (c) June 29 to July 4, 11:00 a.m. until 11:45 p.m.
- (d) July 5, if it falls on a Friday or Saturday, 11:00 a.m. until 11:45 p.m.
- (e) The Saturday and Sunday before Labor Day, 11:00 a.m. until 11:45 p.m.

(15) VISIBLY INTOXICATED. An individual shall not discharge, ignite, or use consumer fireworks or low-impact fireworks while under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance. A person that violates this subsection is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than \$1,000.00. As used in this subsection:

(a) "Alcoholic liquor" means that term as defined in section 1d of the Michigan vehicle code, 1949 PA 300, MCL 257.1d.

(b) "Controlled substance" means that term as defined in section 8b of the Michigan vehicle code, 1949 PA 300, MCL 257.8b.

(B) *Fireworks; prohibitions.*

(1) *Consumer fireworks.* A person shall not ignite, discharge or use consumer fireworks (such as roman candles, bottle rockets, firecrackers, aerials, etc.), except on permitted days and times, provided that a person shall not ignite, discharge or use consumer fireworks in violation of the Act and/or this section.

(2) *Low impact and novelty fireworks.* A person shall not use, ignite or discharge low impact or novelty fireworks (such as sparklers, snakes, smoke devices, snaps, poppers, etc.) between the hours 10:00 p.m. and 7:00 a.m.

(3) *Illegal fireworks.* A person shall not use, possess, or discharge fireworks in violation of the Act.

(C) *Minors.*

(1) A minor shall not possess, use, discharge or ignite any consumer fireworks, at any time, nor on any day, including permitted days and times.

(2) A minor shall not use, discharge, or ignite any low impact fireworks or novelty fireworks, unless under the supervision of a parent or guardian, and the use, discharge and/or ignition is within permitted hours, and does not violate the provisions of this section and/or the Act.

(D) *General restrictions.*

(1) Unless specifically authorized, no person shall use, discharge or ignite fireworks, including consumer fireworks on public property and that of public use (including streets and sidewalks), school property, another person's business or property without their express permission, and property defined above.

**§ 91.99 PENALTY.**

(C) (1) A violation of § 91.65 is a civil infraction, punishable by a fine of up to \$1,000, plus the costs of prosecution. \$500.00 of a fine collected under this ordinance shall be remitted to the local law enforcement agency responsible for enforcing the ordinance.

(2) Following final disposition of a finding of responsibility for violating § 91.65, the City may dispose of or destroy any fireworks retained as evidence in that prosecution.

(3) In addition to any other penalty, a person that is found responsible for a violation of § 91.65 shall be required to reimburse the city for the costs of storing, disposing of, or destroying consumer fireworks that were confiscated by the City in accordance with this § 91.65.

**CHAPTER 93: PARKS AND RECREATION**

**§ 93.06 VEHICLES IN PARKS.**

No person shall drive or park any vehicle in any park or playground except in spaces set aside and designated as parking areas by the Department of Parks and Recreation. Recreational vehicles such as ATVs, side by sides, dirt bikes, minibikes, or snowmobiles are also prohibited in parks unless permitted and/or operated by Parks and Recreation staff. Driving and parking on all streets and public ways within any park, or bordering on the same, shall be subject to all the provisions of Chapter 70 of this code regulating traffic generally, and to such additional rules and regulations as the city shall adopt pursuant to this chapter.

('83 Code, § 93.06) Penalty, see § 10.99

**§ 93.13 SPECIAL EVENTS AND RENTAL POLICIES.**

- (A) *Definitions.* The following words, terms and phrases when used in this section shall have the meanings ascribed to them in this section, except when context clearly indicates a different meaning:
- (1) Special Event. The term special event shall include, but not be limited to, pavilion rentals; festivals; parties; meetings; functions; walks; marches; parades; street closures; rallies; gatherings; assemblies; park events; carnivals; ceremonies; concerts; performances; sporting events; tournaments; amateur and professional filming, and similar activities that would normally be considered a special event.
- (B) No person, entity, corporation, or organization shall hold and/or conduct a special event within the city without first obtaining a special event permit from the City.
- (C) The requirements for a special event application and requisite fee shall be set forth in a policy approved by City Council. The City Council may update and/or approve new special event policies at any time.
- (D) Any special event request beyond a traditional pavilion rental may need to be submitted and approved by the Garden City Police Department, Fire Department, and the Code Compliance Department, as well receive final approval by the City Council.
- (E) All costs incurred by the city relative to a special event, including but not limited to staff costs and equipment costs, shall be the responsibility of the permit holder. An estimate of the total costs shall be computed by the City and be provided to the permit holder. Payment of the estimated costs is due prior to the special event, with any balance due within ten calendar days after the conclusion of the special event. Any damage incurred during the special event is the responsibility of the permit holder.

Penalty, see § 10.99

**§ 93.14 CAMPING IN PARKS.**

No individual or groups is permitted to camp during the day and/or sleep in any City park or City property, unless specifically permitted by the Parks and Recreation Director.

Penalty, see § 10.99

**CHAPTER 94: STREETS AND SIDEWALKS**

**GENERAL PROVISIONS**

**§ 94.01 DEFINITIONS.**

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

**DEPARTMENT.** The Department of Public Works of the city.

**DIRECTOR.** The Director of Public Works or designated representative.

**STREETS**

**§ 94.10 AUTHORITY OF CITY COUNCIL.**

Subject to existing legal grants, and the provisions of the general laws of this state, the City Council shall have the supervision and control of all public highways, sewers, drains, culverts, water courses, lanes, streets, avenues,

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boulevards, alleys, easements, and public grounds within the city. The City Council shall have the power to lay out, establish, open, make, widen, extend, straighten, alter, close, vacate, or abolish any highway, bridge, sewer, drain, culvert, watercourse, lane, street, avenue, boulevard, alley, easement, or public ground within the city, or change the name or grade of any above mentioned item. If in doing the aforementioned work, it shall be necessary to take or use private property, the same shall be taken and paid for in the manner provided by law. Whenever the City Council shall deem it advisable to vacate, discontinue or abolish any highway, street, easement, or alley or any part thereof, it shall by resolution so declare, and in the same resolution appoint a time and place of public hearing, at which time the City Council shall meet to hear complaint. The City Clerk shall give notice in advance of the public hearing by notice in a newspaper of general circulation within the city.

('83 Code, § 94.02)

#### **§ 94.11 STREET NAMES; NUMBERS.**

(A) All streets shall be known and designated by the names applied thereto on the map of the city known as the Street Plan, on file with the City Clerk. ('83 Code, § 94.03)

(B) All premises shall bear a distinctive street number on the front of the premises in accordance with and as designated upon the Street Plan on file with the City Clerk. ('83 Code, § 94.05)

(C) The owners and occupants of all buildings in the city shall cause the correct numbers to be placed thereon in accordance with the Street Plan. Numbers shall be not less than four inches in height and shall be plainly visible from the street adjacent to the principal entrance. ('83 Code, § 94.05)

Penalty, see § 10.99

#### **§ 94.16 DRIVEWAY APPROACH.**

(A) It shall be the duty of the owner of the premises in front of which new paving is constructed to pave the driveway approach to the premises within one year of the completion of the new paving.

(B) Any person who violates this section shall be responsible for a municipal civil infraction and subject to the civil fines set forth in § [41.06](#).

(C) If the owner of any lot or premises shall fail to construct, rebuild or repair driveway approach within one year of the completion of the new roadway, the City Manager is authorized, immediately after the time limited for construction, rebuilding, or repair of the driveway approach by the owner, to cause the driveway approach to be constructed, rebuilt or repaired in accordance with the city's specifications, and that the expense thereof plus 20% administrative costs shall be assessed and charged to the premises and the owner thereof, and collected as provided for in § 94.39 of this Code.

('83 Code, § 94.11) (Ord. 72-023, passed 9-18-72; Am. Ord. 18-012, passed 3-19-18) Penalty, see § [10.99](#)

### **SIDEWALKS**

#### **§ 94.35 CONSTRUCTION; PERMIT.**

(A) No person shall construct, rebuild, or repair any sidewalk except in accordance with line, grade, slope, and specifications established by the Director of Public Services or designated representative, nor without first obtaining a written permit from the Director or designated representative for an area larger than 25 square feet. The written permit shall be prominently displayed on the construction site. The fee for a permit shall be charged in accordance with the Comprehensive Fee Schedule in Chapter 12 of this Code. ('83 Code, § 94.30)

(B) The contractor shall furnish all line and grade stakes as may be necessary for proper control of the work, but this does not relieve the owner of the responsibility for making careful and accurate measurements in constructing the work. ('83 Code, § 94.31)

(C) The City Council may, by resolution, require the owners of lots and premises to construct, rebuild or repair sidewalks in the public streets adjacent to and abutting upon the lots and premises. When such a resolution shall be adopted, the City Clerk shall give notice thereof, in accordance with § 40.04(A) of this Code, to the owners of the lots or premises, requiring them to construct, rebuild or repair the sidewalks within 30 days from the date of the notice. ('83 Code, § 94.35)

(D) The owner of any lot or property in the City must install sidewalks in front of and along the side of any property, along any roadway, which is currently vacant of sidewalks, in the following circumstances:

- (1) A new home is being built on an empty lot.
- (2) The lot or property is being sold.
- (3) The lot or property is currently being used as a rental or is being permitted as a rental property.

No Certificate of Occupancy will be issued to the homeowner or renter until the sidewalk is installed.

(E) If the owner of any lot or premises shall fail to construct, rebuild or repair any particular sidewalk as described in the notice as provided by the City Clerk or the Director or designated representative and within the time and manner required thereby, the City Manager is authorized, immediately after the time limited for construction, rebuilding, or repair of the sidewalk by the owner, to cause the sidewalk to be constructed, rebuilt or repaired in accordance with the city's specifications, and that the expense thereof plus 20% administrative costs shall be assessed and charged to the premises and the owner thereof, and collected as provided for in § 94.39 of this Code. ('83 Code, § 94.36)

(F) The Director or designated representative may revoke any permit issued under the terms of this chapter for incompetency or failure to comply with the terms of this chapter, or the rules and regulations, plans and specifications established by the Director or designated representative for the construction, reconstruction, or repair of any sidewalk. It shall be unlawful for any person to construct, rebuild, or repair any sidewalk on a site where the sidewalk permit has been revoked until a new permit has been secured. ('83 Code, § 94.34)

(G) No certificate of occupancy shall be issued by the Building Division for new construction unless the owner of the lot shall construct, in accordance with the provisions of this chapter, a sidewalk or apron for driveway deemed necessary in the opinion of the Building Inspector, or unless the owner of the lot places in escrow with the City Clerk a sum of money deemed sufficient for the construction of a sidewalk or apron driveway, and orders the construction of the same. ('83 Code, § 94.38)

(Ord. 72-008, passed 5-15-72; Am. Ord. 88-018, passed 6-6-88; Am. Ord. 91-005, passed 6-3-91) Penalty, see [§ 10.99](#)

#### **§ 94.36 SIDEWALK SPECIFICATIONS.**

~~(B) (Subsection B shall be deleted in its entirety)~~

### **CHAPTER 95: TREES**

#### **§ 95.01 DEFINITIONS.**

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

**DEPARTMENT.** The Department of Public Works of the city.

**DIRECTOR.** The Director of Public Works or his authorized designee.

**PARK.** All public parks, and all areas owned by the city, or to which the public has free access as a park.



**PROHIBITED SPECIES.** Any tree of the species of poplar (*Populus Sp.*), willow (*Salix Sp.*), and box elder (*Acer Negundo*), Black Locust (*Robina pseudoacacia*) and Tree of Heaven (*Ailanthus altissima*)

**§ 95.03 ENFORCEMENT.**

The Director of Public Works shall be charged with the duty of enforcing the provisions of this chapter.

('83 Code, § 95.02)

**CHAPTER 96: PARKING LOTS**

**§ 96.02 REGULATIONS OF PARKING LOTS.**

Automobile parking lots shall not need a license for their operation and maintenance but shall be subject to the following regulations. The failure to observe these regulations shall subject violators to the provisions of § 10.99.

(A) A permit will be required and shall be applied for on forms to be furnished by the Department of Public Works or designated representative. A plot plan shall be submitted with the application which shall show size of lot, property lines, street and alley lines, adjacent building lines, location and size of entrances and exits and drainage facilities, and any other information pertinent to the construction.

**CHAPTER 110: GENERAL PROVISIONS**

**§ 110.05 QUALIFICATIONS OF APPLICANTS.**

The general standards herein as to the qualifications of every applicant for a city license shall be considered and applied by the City License Officer. In making such a determination, the City License Officer shall consider the following.

(B) *Non-default.* The applicant shall not be in default under the provisions of this chapter or indebted or obligated in any manner to the city except for current taxes. Such debt includes the late payment of City property taxes, personal property taxes, water bills, code enforcement tickets, Building Department permits, and other such debts.

**§ 110.06 ISSUANCE.**

(C) *Renewal license procedure.* The applicant for the renewal of a license shall submit an application for a license to the City License Officer. Any inspections subsequent to the initial licensing shall be in accordance with the ordinances, policies and procedures of the fire, police departments of the city. The applicant shall furnish proof that compliance with all county and state regulations relevant to the business have been met. All outstanding debts such as the late payment of City property taxes, personal property taxes, water bills, code enforcement tickets, Building Department permits, and other such debts must be fully paid before a renewal license can be issued.

**CHAPTER 112: TEMPORARY BUSINESSES AND SALES**

**PEDDLERS**

**§ 112.20 PEDDLER DEFINED.**

The word **PEDDLER**, as used in this subchapter shall include any person traveling by foot, wagon, automotive vehicle, or other conveyance, from place to place, from house to house, or from street to street; carrying, conveying, or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products, or provisions; offering and exposing the same for sale, or making sales and delivering articles to purchasers, or without traveling from place to place, selling or offering the same for sale from a wagon, automotive vehicle, or other vehicle or conveyance. Any person who solicits orders and as a separate transaction makes deliveries to purchasers as part of a scheme or design to evade the provisions of this subchapter shall be deemed a peddler. The word **PEDDLER** shall include the words **STREET VENDOR and FOOD TRUCK.**

('83 Code, § 112.15)

**CHAPTER 116: AMUSEMENTS**

**CARNIVALS, OUTDOOR FESTIVALS AND AMUSEMENT RIDES**

**§ 116.090 LICENSE REQUIRED.**

No person, association, firm, corporation, or organization shall establish, maintain, or operate in the city, any carnival, outdoor festival, amusement rides, or games, as they are commonly defined, unless a license has been obtained therefor from the Parks and Recreation Department, upon approval of the City Council and in accordance with Chapter 110 and payment of a license fee charged in accordance with the Comprehensive Fee Schedule in Chapter 12 of this Code.

('83 Code, § 116.80) (Ord. 79-019, passed 9-4-79) Penalty, see § 10.99

**§ 116.091 REGULATIONS.**

(C) A bond in the amount of \$1,000 is required to guarantee that the site used by the carnival, outdoor festival, amusement rides, or games be left in a clean and sanitary condition, and that the equipment necessary in the operation of the carnival, outdoor festival, amusement rides, or games be removed within 48 hours after termination of the license. The bond may be forfeited upon noncompliance with this section.

**§ 116.092 REVOCATION OF LICENSE.**

- (A) The City Council and the Parks and Recreation Department shall have the authority to revoke or suspend a license issued hereunder, or to refuse to renew a license when it finds that any of the following apply.

**SECTION II. SEVERABILITY**

If any clause, sentence, section, paragraph or part of this Ordinance, or the application thereof to any person, firm, corporation, legal entity or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this Ordinance. It is hereby declared to the legislative intent of this body that the Ordinance is severable, and that the Ordinance would have been adopted had such invalid or unconstitutional provision not have been included in this Ordinance.

**SECTION III. REPEAL.**

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 IV. SAVINGS CLAUSE.**

All rights and duties which have matured, penalties which have been incurred, proceedings which have begun and prosecution for violations of law occurring before the effective date of this Ordinance are not affected or abated by this Ordinance.

**SECTION V. PUBLICATION.**

The Clerk for the City of Garden City shall cause this Ordinance to be published in the manner required by law.

**SECTION VI. EFFECTIVE DATE.**

This Ordinance, as amended, shall take full force and effect upon publication as required by law.

AYES: Unanimous  
ABSENT: Walker, Lynch

**Motion Passes**

❖ **Item #21-02-016 - Moved by DiMichele ; supported by Squires :**

RESOLVED: Motion to review and adopt the 2021 Poverty Guidelines for property tax appeals in accordance with PA 253 of 2020 with a 50% reduction of taxable value for qualified applicants.

AYES: Unanimous  
ABSENT: Walker, Lynch

**Motion Passes**

❖ **Item #21-02-017 - Moved by Jacobs; supported by Squires:**

RESOLVED: Motion to approve the Zoning Ordinance amendment to rezone the lots at 6121 Merriman Road and 31430 Block Street from R-3 Multiple Family Residential and R-1 Single Family Residential to HS, Historic Structures and Sites District.

**ORDINANCE #21-003**

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF GARDEN CITY. THE ORDINANCE INVOLVES A REZONING FROM R-3, MULTIPLE FAMILY RESIDENTIAL AND R-1, SINGLE FAMILY RESIDENTIAL TO HS, HISTORIC STRUCTURES AND SITES DISTRICT FOR PROPERTY IDENTIFIED AS PARCELS 35-004-01-2911--000, 35-004-01-2910-000, 35-004-01-2909-000, 35-004-01-2908-000, 35-004-01-2907-000, 35-004-01-2906-000, 35-004-01-2905-000, 35-004-01-2904-000, 35-004-01-2903-000, 35-004-01-2902-000, & 35-004-01-2901-000, MORE COMMONLY KNOWN AS 6121 MERRIMAN ROAD & PARCEL 35-004-01-2913-000, MORE COMMONLY KNOWN AS 31430 BLOCK STREET.**

**WHEREAS**, the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, authorizes a City Council to adopt and amend zoning ordinances that regulate the public health, safety and general welfare of persons and property; and

**WHEREAS**, the Planning Commission of Garden City held a public hearing on January 14, 2021 to consider an amendment to the Zoning Map of Garden City; and

**WHEREAS**, on January 14, 2021, the Planning Commission adopted a motion recommending approval of rezoning the subject properties from R-3 & R-1 to HS; and

**WHEREAS**, the Planning Commission transmitted a summary of the comments received at the public hearing and its recommendation of approval to the City Council; and

**WHEREAS**, the City Council has determined at its meeting of February 8, 2021 that enacting said Zoning Ordinance map amendment is in the best interests of the public health, safety and welfare of the City residents:

**THE CITY OF GARDEN CITY HEREBY ORDAINS:**

**THAT THE ZONING ORDINANCE FOR THE CITY OF GARDEN CITY, SPECIFICALLY THE ZONING MAP OF THE CITY WITH RESPECT TO THE ZONING CLASSIFICATION OF THE PROPERTY IDENTIFIED AS PARCELS 35-004-01-2911--000, 35-004-01-2910-000, 35-004-01-2909-000, 35-004-01-2908-000, 35-004-01-2907-000, 35-004-01-2906-000, 35-004-01-2905-000, 35-004-01-2904-000, 35-004-01-2903-000, 35-004-01-2902-000, & 35-004-01-2901-000, MORE COMMONLY KNOWN AS 6121 MERRIMAN ROAD & PARCEL 35-004-01-2913-000, MORE COMMONLY KNOWN AS 31430 BLOCK STREET BE RE AMENDED TO REZONE THE PROPERTIES FROM R-3, MULTIPLE FAMILY RESIDENTIAL & R-1, SINGLE FAMILY RESIDENTIAL TO HS, HISTORIC STRUCTURES AND SITES.**

**SEVERABILITY:**

This Ordinance and the various parts, sentences, paragraphs, sections, and clauses it contains are hereby declared to be severable. Should any part, sentence, paragraph, section or clause be adjudged unconstitutional or invalid by any court for any reason such judgment shall not affect the validity of this Ordinance in whole or in part thereof, other than the part so declared to be unconstitutional or invalid.

Furthermore, should the application of any provision of this Ordinance to a particular property, building, or structure be adjudged invalid by any court of competent jurisdiction shall not affect the application of said provision to any other property, building, or structure in the City, unless otherwise stated in the judgment.

**PUBLICATION:**

The Clerk for the City of Garden City shall cause this Ordinance to be published in the manner required by law

**EFFECTIVE DATE:**

This Ordinance shall be in full force and effect from and after its passage and publication according to law.

**AYES:** Unanimous  
**ABSENT:** Walker, Lynch

**Motion Passes**

❖ **Item #21-02-018 - Moved by Squires; supported by DiMichele:**

**RESOLVED:** Motion to approve the adoption of amendments to Zoning Ordinance Section 154.024, regarding residential design standards for single family homes; Section 154.005 and Section 154.159 regarding mobile home park terminology and Section 154.466 regarding certificate of occupancy compliance standards.

ORDINANCE NO: 21-004

ORDINANCE

AN ORDINANCE OF THE CITY OF GARDEN CITY PROVIDING FOR ZONING TEXT AMENDMENTS TO §154.005 (DEFINITIONS), §154.024 (RESIDENTIAL DESIGN STANDARDS), §154.159 (MANUFACTURED HOME PARK REQUIREMENTS), AND §154.466 (CERTIFICATE OF OCCUPANCY); PROVIDING FOR REPEAL OR SEVERABILITY; AND PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

THE CITY OF GARDEN CITY ORDAINS: THE FOLLOWING SECTIONS OF CHAPTER 154 ZONING BE AMENDED TO READ AS FOLLOWS:

**CHAPTER 154: ZONING**

**Sec. 154.005 - Definitions.**

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

**DWELLING.** Any building, or part thereof, containing sleeping, kitchen, and bathroom facilities designed for and occupied by one family. In no case shall a travel trailer, motor home, automobile, tent or other portable building not defined as a recreational vehicle be considered a dwelling. In the case of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purposes of this chapter.

(1) **DWELLING, ACCESSORY APARTMENT.** A dwelling unit that is accessory to and typically contained within a conventional single-family dwelling, and which is occupied by persons related to the occupant of the principal residence by blood, marriage or legal adoption, or domestic servants or gratuitous guests. An accessory apartment commonly has its own kitchen, bath, living area, sleeping area, and usually a separate entrance. May also be referred to as an in-law apartment or granny flat.

(2) **DWELLING, MANUFACTURED HOME.** A structure, built in a factory to HUD Title 6 standards and transportable in one or more sections, which is built upon a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained in the structure as defined and regulated in the Mobile Home Commission Act, PA 96 of 1987, as amended. Recreational vehicles as described and regulated in this section shall not be considered **MANUFACTURED HOME DWELLINGS** for the purpose of this chapter.

(3) **DWELLING, MODULAR.** A building or portion of a building designed and constructed for long-term residential use as a dwelling which is secured permanently to a foundation on land owned by the same owner of the modular dwelling and not located in a Manufactured Home Park. The modular dwelling shall also be characterized by all of the following.

(a) The structure is produced and substantially assembled in a factory in accordance with City of Garden City building code standards.

(b) The structure is designed to be transported to the site in a nearly complete form, where it is placed on a foundation and

permanently connected to utilities.

- (c) The structure is designed to be used as either an independent building or as a module to be combined with other elements to form a complete building on the site.
- (4) **DWELLING, MULTIPLE-FAMILY.** A building designed for and occupied by three or more families living independently, with separate housekeeping, cooking, and bathroom facilities for each. Examples of multiple-family dwellings units include those commonly known as apartments, which are defined as follows.
- (a) **APARTMENT.** An attached dwelling unit with party walls, contained in a building with other apartment units which are commonly reached off of a common stair, landing or walkway. Apartments are typically rented by the occupants. Apartment buildings often may have a central heating system and other central utility connections. Apartments typically do not have their own yard space. Apartments are also commonly known as garden apartments or flats.
- (b) **EFFICIENCY UNIT or STUDIO APARTMENT.** A type of multiple-family or apartment unit consisting of one principal room, plus bathroom and kitchen facilities, hallways, closets, and/or a dining alcove located directly off the principal room.
- (5) **DWELLING, ONE-FAMILY OR SINGLE-FAMILY.** An independent, detached residential dwelling designed for and used or held ready for use by one family only.
- (6) **DWELLING, SINGLE-FAMILY ATTACHED or TOWNHOUSE.** An attached single-family dwelling unit with party walls, designed as part of a series of three or more dwellings, with its own front door which opens to the outdoors at ground level, its own basement, and typically, with its own utility connections and front and rear yards. Townhouses are sometimes known as row houses.
- (7) **DWELLING, SITE BUILT:** A dwelling unit which is substantially built, constructed, assembled, and finished on the premises which are intended to serve as its final location. Site built dwelling units shall include dwelling units constructed of pre-cut materials and panelized wall, roof and floor section when such sections require substantial assembly and finishing on the premises which are intended to serve as its final location.
- (8) **DWELLING, TWO-FAMILY or DUPLEX.** A detached building, designed exclusively for and occupied by two families living independently of each other, with separate housekeeping, cooking, and bathroom facilities for each. Also known as a duplex dwelling.
- (9) **DWELLING UNIT.** One or more rooms, along with bathroom and kitchen facilities, designed as a self-contained unit for occupancy by one family for living, cooking, and sleeping purposes.

**MANUFACTURED HOME.** See **DWELLING, MANUFACTURED HOME**, as defined in this section.

**MANUFACTURED HOME PARK.** A parcel or tract of land under the control of a person upon which three or more manufactured homes are located on a continual non-recreational basis, and which is offered to the public for that purpose, regardless of whether a charge is made thereof, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home, subject to conditions set forth in the Manufactured Home Commission rules and Public Act 419 of 1976, being M.C.L.A. Sec. 125.2301 *et seq.*, as amended.

**MANUFACTURED HOME LOT.** An area within a manufactured home park which is designated for the exclusive use of a specific manufactured home.

**Sec. 154.024 - Residential Design Standards.**

- (A) *Compliance with design standards.* All dwellings, including modular dwellings and manufactured homes dwellings, shall be erected or constructed only if in compliance with the following residential design standards. The Zoning Administrator shall have the authority to determine if the following requirements are being complied with.
- (B) *General requirements.*
- (1) *Area and bulk regulations.* All dwellings shall comply with the minimum floor area requirements specified for the zoning district where the structure is located.
- (2) *Foundation.* All dwellings shall be placed on a permanent foundation to form a complete enclosure under the exterior walls. The foundation shall be constructed in accordance with the adopted Building Code of the city. A manufactured home shall be securely anchored to its foundation in order to prevent displacement during windstorms. The wheels, tongue and hitch assembly, and other towing appurtenances, shall be removed before attaching a manufactured home to its permanent foundation.
- (3) *Other regulations.* Residential structures shall be constructed in compliance with applicable state, federal, or local laws or ordinances. Manufactured homes shall comply with the most recent regulations specified by the United States Department of Housing and Urban Development, Mobile Home Construction and Safety Standards, 24 CFR 3280, as amended and with the Mobile Home Commission Act, PA 96 of 1987, as amended.
- (4) *Use.* All dwellings shall be used only for the purposes permitted in the zoning district in which they are located.
- (5) *Attachments.* Any exterior attachments or extensions onto a dwelling unit, such as entry steps and storage buildings, shall comply with the adopted Building Code of the city.

- (6) *Utility connections.* All dwellings shall be connected to the public sewer and water systems.
- (7) *Compatibility with other residences.* New dwellings, shall be aesthetically compatible in design and appearance with other residences in the vicinity. To assess compatibility, the Zoning Administrator shall evaluate the dwelling's architectural design and character which shall include, but not be limited to, the position of windows, exterior wall colors and color combinations, type of materials, architectural design elements, architectural style, variety and percentage of materials, and other features of the new structure in relation to existing structures within 1,000 feet.
- (8) *Roof pitch.* The pitch of the main roof shall have a minimum vertical rise of one foot for each four feet of horizontal run, and the minimum distance from the eaves to the ridge shall be ten feet, except where the specific housing design dictates otherwise (i.e., French provincial, Italianate, and the like). The roof shall be finished with a type of shingle or other material that is commonly used in standard on-site residential construction.
- (9) *Exterior materials.* The exterior siding shall consist of materials that are generally acceptable for site-built housing in the vicinity, provided that the reflection from the exterior surface shall be no greater than from white semi-gloss exterior enamel and provided further that any exterior is comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction. A minimum of two different types of materials shall be used on all dwellings.
- (10) *Elevation Widths.* All single-family dwellings shall have a minimum width across front, side, and rear elevations of twenty-four (24) feet and comply in all respects with the building code.
- (11) *Roof overhang.* All dwellings shall be designed with a roof overhang of not less than six inches on all sides, with window sills and roof drainage systems to concentrate roof drainage at collection points along the sides of the dwelling.
- (12) *Exterior doors.* All dwellings shall have not less than two exterior doors which shall not be located on the same side of the building.
- (13) *Storage Area.* All single-family, attached single-family and two-family dwellings shall contain a storage area in a basement located under the dwelling, in an attic area, in closet areas, or in a separately constructed building of equal or of better quality than the principal dwelling. The required storage area shall be equal to ten (10) percent of the square footage of the dwelling or two hundred (200) square feet, whichever shall be less.
- (14) *Garage.* All single-family dwellings shall provide an attached or detached garage for the parking of two (2) vehicles.
- (15) *Front Porch.* All single-family dwellings shall provide a porch on the front elevation. The front porch shall have a width equal to no less than 20 percent of the dwelling's front elevation and a depth of no less than five (5) feet. The base, skirt or apron of all porches and stairs must be fully enclosed with a solid material. Lattice or balusters which are framed may be used only in combination with columns or piers.
- (16) *Landscaping.* All dwellings shall provide a minimum of one (1) tree in the front yard and one (1) shrub for every six (6) feet of front elevation width planted along the front foundation. All areas disturbed during construction on a single-family dwelling lot shall be fully graded and planted with grass, ground cover, shrubbery or other suitable live plant material extending to any abutting street pavement edge. Grass areas in the front yard of all single-family dwellings shall be planted with sod.
- (17) *Manufactured Home Dwelling Regulations.* Manufactured home dwellings shall only be located in a Manufactured Home Park. The foregoing standards shall not apply to a manufactured home dwelling located in a licensed manufactured home park except to the extent allowed by State or Federal law, or otherwise specifically required in the City Zoning Ordinance pertaining to such parks.

**Sec. 154.159 - Manufactured Home Park Requirements.**

Manufactured home parks shall comply with the requirements of Public Act 419 of 1976, being M.C.L.A. Sec. 125.2301 *et seq.*, as amended. Further, manufactured home parks shall comply with the city zoning regulations, Michigan Manufactured Home Commission Rules, and any other lawfully adopted regulations of the city. Should any conflict in regulatory provisions occur, the provision that imposes the more restrictive or higher standard shall prevail.

- (A) *Location.* Manufactured homes shall be located only in those zoning districts in which manufactured home land use is permitted by these regulations. Emergency or temporary parking of a manufactured home on any street, alley, or highway may be permitted by the Building Official for a period not to exceed 12 consecutive hours, subject to any other limitations imposed by traffic or parking regulations or ordinances for a particular street, alley or highway.
- (B) *Manufactured home standards.* Each manufactured home shall be of contemporary design and shall contain sanitary waste disposal facilities, sleeping accommodations, a tub or shower bath, kitchen facilities, and plumbing and electrical connections designed for attachment to appropriate external system as commonly found in modern manufactured homes. Each manufactured home shall comply with the zoning regulations for the district in which it is located, regulations of the U.S. Department of Housing and Urban Development as adopted on June 15, 1976, and all subsequent amendments to such standards and regulations. Manufactured homes constructed prior to June 15, 1976 shall be in full compliance with NFPA 501B-1974/ANSI 119.1-1975 standards.
- (C) *Setbacks.*
  - (1) Manufactured homes shall comply with the minimum distances specified in R125.1941, Rule 941 of the Michigan

Administrative Code.

- (2) No manufactured home unit shall be located within 50 feet of the right-of-way of a public thoroughfare, or within 35 feet of any other manufactured home park property line.
  - (3) No manufactured home unit exterior wall shall be located within 20 feet of any other manufactured home unit's exterior wall surface.
- (D) *Permit.* It shall be unlawful for any person to operate a manufactured home park unless that individual obtains a license for operation in compliance with the requirements of Public Act 419 of 1976, being M.C.L.A. Sec. 125.2301 *et seq.*, as amended. The Zoning Administrator shall communicate recommendations regarding the issuance of any license to the Director of the Manufactured Housing Division, Corporation and Securities Bureau, Michigan Department of Commerce.
- (E) *Violations.* Whenever, upon inspection of any manufactured home park, the Zoning Administrator finds that conditions or practices exist that violate provisions of these zoning regulations or other regulations referenced herein, the Zoning Administrator shall give notice in writing by certified mail to the Director of the Michigan Manufactured Housing Home Commission, including the specific nature of the alleged violations and a description of possible remedial action necessary to comply with this chapter or other regulations. The notification shall include such other information as is appropriate in order to fully describe the violations and potential hazards to the public health, safety and welfare resulting from the violation. A copy of the notification shall be sent by certified mail to the last known address of the park owner or agent.
- (F) *Inspections.* The Zoning Administrator, or any delegated individual, is granted the authority, as specified in Public Act 419 of 1976, being M.C.L.A. Sec. 125.2301 *et seq.* as amended, to enter upon the premises of any manufactured home park for the purpose of determining compliance with the provisions of these or other applicable city regulations.
- (G) *Park site development standards.*
- (1) *Park area.* A manufactured home park shall be at least ten contiguous acres in size.
  - (2) *Access.* All manufactured home parks shall have direct access to a major thoroughfare.
  - (3) *Interior roadways.*
    - (a) All interior roadways and driveways shall be hard-surfaced and provided with curbs and gutters. Roadway drainage shall be appropriately assigned such that storm water from the roadway will not drain onto the manufactured home lots.
    - (b) Main access drives shall be no less than 32 feet wide. Secondary access drives shall be no less than 26 feet in width. No parking shall be permitted on any main or secondary access drives.
  - (4) *Sidewalks.* Concrete sidewalks shall be constructed on the street side of each manufactured home lot in accordance with established engineering standards for the city. Sidewalks shall be placed not less than three feet from the edge of the curb of a main access drive, but may be placed contiguous to the curb of a secondary access drive. The areas between the sidewalk and curb shall be seeded or sodded with grass, although shade or street trees may be planted in the area.
  - (5) *Water and sewer service.* All manufactured home parks shall be connected to the city water supply system and city sanitary sewer system and shall meet the requirements of the Wayne County Health Department and the Michigan Department of Health. Water shall be continuously supplied to each manufactured home lot with a minimum available pressure of 20 pounds per square inch. The plumbing connections to each manufactured home site shall be constructed so that all lines are protected from freezing, accidental bumping, or from creating any nuisance or health hazard.
  - (6) *Storm drainage.* All developed portions of the manufactured home park shall be served by adequate storm drainage facilities, designed and constructed in accordance with applicable city, county, and state regulations, and shall be subject to review and approval by the City DPS Director.
  - (7) *Telephone and electric service.* All electric, telephone, and other lines within the manufactured park shall be underground.
  - (8) *Television antennas; satellite dishes.* Individual exterior television antennas or satellite dishes shall not be placed on any manufactured home unit or lot. The manufactured home park may provide a master exterior television antenna or dish for connection to individual manufactured home units, or an underground cable television system may be installed.
- (H) *Skirting.* Each manufactured home must be skirted within 90 days after establishment in a manufactured home park. In the event that skirting cannot be installed in a timely manner due to inclement weather, the Zoning Administrator may permit extension of the time period. All skirting shall conform to the installation and materials standards specified in the Michigan Administrative Code, R125.1604 Rule 604.
- (I) *Canopies and awnings.*
- (1) Canopies and awning may be attached to any manufactured home, provided they are in compliance with the Michigan Administrative Code, R125.1941, Rule 941(1)(b)(ii), and provided further that they shall not exceed 12 feet in width or exceed the length or the height of the manufactured home.

- (2) A building permit shall be required for construction or erection of canopies or awnings, or for construction of any area enclosed by glass, screens, or other material, such that the enclosed area will be used for more than casual warm weather leisure.
- (J) *Landscaping.* Manufactured home parks shall be landscaped in accordance with Sec. 154.080 through 154.086.
- (K) *Open space.* Each manufactured home park shall provide a minimum of 15,000 square feet of open space area. The open space area shall be increased by 250 square feet for each manufactured home site in excess of 50 manufactured home park sites.
- (L) *Accessory storage areas.*
  - (1) A parking area surrounded by an obscuring wall, in accordance with Sec. 154.100 and 154.101, shall be located within each manufactured home park for the storage of residents' carrying trailers, boats, snowmobiles, motorized recreational vehicles, and other similar equipment. This equipment shall not be stored elsewhere in the park.
  - (2) Each manufactured home shall be provided with an accessory storage building having at least 80 square feet of floor area for the storage of household items, lawn equipment, and similar possessions.
- (M) *Garbage and refuse collection.* Garbage and refuse collection areas shall be screened and maintained in accordance with the provisions of this chapter and other city regulations.

**Sec. 154.466 - Certificate of Occupancy.**

A certificate of occupancy shall be required prior to occupancy or re-occupancy of any use of land, building or structure. It shall be unlawful for any person, firm or corporation to hereafter occupy or re-occupy, or for any owner or agent to permit the occupation or re-occupation of any building or addition thereto, or part thereof, for any use until a certificate of occupancy has been issued by the Department of Building and Engineering. The following guidelines shall apply to certificate of occupancy.

- (A) General requirements.
  - (1) Purpose. The purpose of a certificate of occupancy is to permit the occupancy or use of land, buildings, or structures. The certificate of occupancy can be issued only upon the determination by the Zoning Administrator and the Building Official that the site is in compliance with the provisions of these regulations, the requirements of the adopted city Building and Construction Codes, adopted city engineering standards, and that all outstanding city fees or other charges have been paid.
  - (2) Certificates for new and existing buildings. Certificates of occupancy shall be issued for new or existing buildings or structures, or parts thereof, or for existing or new uses of land if, after inspection, the Building Official finds that any alterations, extensions, repairs, or new construction have been completed in conformity with the provisions of these regulations and other regulations of the city, and provided further that the proposed use is fully in compliance with these regulations. Failure to obtain a certificate of occupancy prior to commencing the use of property shall constitute a violation of these regulations.
  - (3) Temporary certificates. A temporary certificate of occupancy may be issued by the Building Official, upon approval of the Zoning Administrator, for a portion of a building, structure or premises prior to occupancy of the entire building or structure, provided that such portion of the building, structure or premises is in conformity with the provisions of these regulations and other applicable regulations of the city, and provided further that no threat to public safety exists. A performance guarantee may be required by an Enforcement Official in accordance with Sec. 154.036 as a condition of obtaining a temporary certificate. No temporary certificate of occupancy shall be granted for a period in excess of six months. The date of expiration shall be indicated on the temporary certificate; failure to obtain a final certificate of occupancy within the specified time shall constitute a violation of these regulations.
  - (4) Certificates for accessory buildings to dwellings. Buildings and structures that are accessory to a dwelling shall not require a separate certificate of occupancy, but may be included in the certificate of occupancy for the principal use on the same parcel, provided the accessory buildings or uses are shown on the plot plan and are completed at the same time as the principal use.
- (B) Period of validity. A final certificate of occupancy shall remain in affect for the life of the building or structure, or part thereof, as long as the specific operation conducted within the building or structure or use of the land continues. A certificate of occupancy shall be required of any new occupant upon a change in occupancy of the building, structure, or land.
- (C) Records of certificates. A record of all certificates of occupancy shall be kept in the office of the Building Official. Copies of certificates shall be furnished upon request to a person or persons having a propriety or tenancy interest in the property.
- (D) Application requirements. An application for a certificate of occupancy shall be made on forms supplied by the Building Official, and must be accompanied by the fees specified. A certificate of occupancy may be processed concurrently with an application for a building permit, if a building permit is required. The Zoning Administrator shall determine if a nonresidential occupancy change requires site plan review and approval by the Planning Commission pursuant to Sec. 154.400 through 154.405.
- (E) Issuance of certificate. The Enforcement Official shall inspect a building or structure within 15 working days after notification by an applicant of the completion of a building or structure or other improvements. The Building Official and Zoning Administrator shall issue a certificate of occupancy upon finding that the building or structure, or part thereof, or the use of land, conforms with an approved site plan and the provisions of these regulations. If the request for a certificate of occupancy is denied, the applicant shall be notified in writing of the denial and the reasons for denial.



- (F) Failure to comply with an issued certificate. Failure to maintain and comply with the specifically permitted use and any associated conditions of an issued certificate of occupancy shall constitute a violation of these regulations and shall revoke the permission to occupy or use the land, buildings and/or structures. Such revocation shall allow the City to require the immediate evacuation from the land, buildings, and structures of all occupants and for all use of the land, buildings and structures to cease and desist once the property owner and/or occupants have received written notice of a failure to comply with the issued certificate of occupancy.

**SECTION II. SEVERABILITY**

If any clause, sentence, section, paragraph or part of this Ordinance, or the application thereof to any person, firm, corporation, legal entity or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this Ordinance. It is hereby declared to be the legislative intent of this body that the Ordinance is severable, and that the Ordinance would have been adopted had such invalid or unconstitutional provision not have been included in this Ordinance.

**SECTION III. REPEAL.**

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 IV. SAVINGS CLAUSE.**

All rights and duties which have matured, penalties which have been incurred, proceedings which have begun and prosecution for violations of law occurring before the effective date of this Ordinance are not affected or abated by this Ordinance.

**SECTION V. PUBLICATION.**

The Clerk for the City of Garden City shall cause this Ordinance to be published in the manner required by law.

**SECTION VI. EFFECTIVE DATE.**

This Ordinance, as amended, shall take full force and effect upon publication as required by law.

AYES: Unanimous  
ABSENT: Walker, Lynch  
**Motion Passes**

❖ **Item #21-02-019 - Moved by Jacobs ; supported by Squires :**

RESOLVED: Motion to establish a moratorium on the City of Garden City accepting any transient merchant applications for a period of two (2) months, beginning 2/9/21 and to direct the administration to draft an amendment to the existing relevant ordinances to regulate food trucks, mobile service trucks and other transient merchants.

AYES: Unanimous  
ABSENT: Walker, Lynch

**Motion Passes**

❖ **Item #21-02-020 - Moved by Squires ; supported by DiMichele :**

RESOLVED: Motion to approve the attached PEG/Communications Budget Amendment as part of the increase in PEG Fee revenue from Xfinity.

**AN ORDINANCE TO PROVIDE FOR A MID-YEAR BUDGET AMENDMENT FOR THE CITY OF GARDEN CITY, WAYNE COUNTY, MICHIGAN, FOR THE FISCAL YEAR COMMENCING ON JULY 1, 2020, AND ENDING ON JUNE 30, 2021.**

**THE CITY OF GARDEN CITY ORDAINS:**

**SECTION 1: PEG/COMMUNICATIONS DEPARTMENT AMENDMENT.**

The following adjustments, representing various budgetary centers of the Fiscal Year 2020/2021 Budget as defined by Public Act 621 of 1978, as amended, are hereby adopted for the City of Garden City, Wayne County, Michigan, for the Fiscal Year 2020/2021 as shown below in the budget amendment document:

City of Garden City Fiscal Year 2020-2021 PEG/Communications Budget Amendment	Current Amended Budget	Proposed Budget Amendment	Proposed Amended Budget
<b>Revenue: Positive/ (Negative) Change</b>			
Dept 235 - PEG/COMMUNICATIONS		90,000	
<b>Total Revenues</b>	<b>21,331,178</b>	<b>90,000</b>	<b>21,421,178</b>
<b>Expenditures: (Positive)/ Negative Change</b>			
Dept 235 - PEG/COMMUNICATIONS		20,000	
Dept 292 - GENERAL GOVERNMENT SERVICES		50,000	
<b>Total Expenditures</b>	<b>21,907,121</b>	<b>70,000</b>	<b>21,977,121</b>
<b>Net Revenues and Expenditures</b>	<b>(575,943)</b>	<b>20,000</b>	<b>(555,943)</b>
<b>Combined General Fund:</b>			
<b>Beginning Unassigned Fund Balance at July 1, 2020 - AUDITED</b>	7,184,543		7,184,543
<b>Projected Ending Unassigned Fund Balance at June 30, 2021</b>	6,608,600		6,628,600
<b>Fund 401 – Capital Projects</b>			
<b>Revenue: Positive/ (Negative) Change</b>			
Dept 235 - PEG/COMMUNICATIONS		50,000	
<b>Total Revenues</b>	<b>153,000</b>	<b>50,000</b>	<b>203,000</b>
<b>Expenditures: (Positive)/ Negative Change</b>			
Dept 235 – PEG/COMMUNICATIONS		50,000	
<b>Total Expenditures</b>	<b>153,000</b>	<b>50,000</b>	<b>203,000</b>

AYES: Unanimous  
ABSENT: Walker, Lynch

**Motion Passes**

- ❖ **Item #21-02-021 - Moved by DiMichele ; supported by Squires :**  
RESOLVED: Motion to approve the attached 21<sup>st</sup> District Court Budget Amendment as part of the CESF grant revenue from Michigan State Police.  
**Ordinance No. A21-002**

WHEREAS, the City Manager has certified that there is available for appropriation, monies in excess of those in the current budget, and

WHEREAS, additional monies are needed in various accounts, and

WHEREAS, Section 5.03 of the City Charter exempts ordinances dealing with the budget, appropriations, and the levy of taxes from the requirements of other legislative enactments, and

WHEREAS, these specific enactments under Section 6.09(A) are not permanent in nature and need not be compiled in the City Code:

NOW, THEREFORE BE IT ORDAINED, that the City Council of the City of Garden City hereby adopts the following form for this supplemental appropriation and also for the passage of those ordinances exempt from the requirements of Section 5.03 of the City Charter:

THE CITY COUNCIL OF GARDEN CITY HEREBY ORDAINS:

The FY20/21 budget is hereby supplemented by appropriating the amount of **\$15,411** and authorizing the expenditure of that money in the following departments, office and agencies listed:

<u>ACCOUNT#</u>	<u>ACCOUNT NAME</u>	<u>AMOUNT</u>
Revenue:		
<b>101-587-595.200</b>	<b>Court Grant - Restricted</b>	<b>\$ 15,114</b>
Expenditures:		
<b>101-136-726.100</b>	<b>Office Supplies</b>	<b>\$ 1,414</b>
<b>101-136-801.000</b>	<b>Contractual Services</b>	<b>900</b>
<b>101-136-977.100</b>	<b>Capital Outlay</b>	<b>12,000</b>
<b>101-136-956.000</b>	<b>Miscellaneous</b>	<b>800</b>
		<b>\$15,114</b>

AYES: Unanimous  
ABSENT: Walker, Lynch

#### Motion Passes

❖ **Item #21-02-022 - Moved by Earle ; supported by Jacobs:**

RESOLVED: Motion to approve the purchase of the Neptune 360 Advanced AMR Software upgrade for the Utility Billing remote radio reading devices from **Ferguson Waterworks** with a 3-year purchase contract totaling approximately **\$27,682.80** .

AYES: Unanimous  
ABSENT: Walker, Lynch

#### Motion Passes

❖ **Item #21-02-023 - Moved by Jacobs; supported by DiMichele:**

RESOLVED: Motion to approve the purchase and installation of an Evaporative Fluid Cooler for the Police Station from **Rolls Mechanical** of Fenton Michigan in an amount not to exceed **\$77,680.00** .

AYES: Unanimous  
ABSENT: Walker, Lynch

#### Motion Passes

❖ **Item #21-02-024 - Moved by Earle; supported by Squires:**

RESOLVED: Motion to approve the purchase and Installation of Four (4) By-Pass Pressure Reducing Valves from **Kerr Pump & Supply** of Oak Park, MI.; in an amount not to exceed **\$32,962.00** .

AYES: Unanimous  
ABSENT: Walker, Lynch

**Motion Passes**

❖ **Item #21-02-025 - Moved by Earle; supported by Jacobs:**

RESOLVED: Motion to approve and support the Assistance to Firefighters Grant applications in the approximate amount of \$1,047,809.20 which will require a 10% match by the city in the event the grants are awarded and accepted.

AYES: Unanimous  
ABSENT: Walker, Lynch

**Motion Passes**

**Mayor Pro-Tem Kerwin announced it was time for public comment.**

- Gary Rickett, Garden City, asked a question about retiree insurance benefits.

There being no further business before Council, the meeting was then adjourned at 8:10 p.m.

Matthew K. Miller  
City Clerk