

CODIFIED ORDINANCES OF GRAND BLANC

PART TEN - STREETS, UTILITIES AND PUBLIC SERVICES CODE

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2009 Replacement

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Chap. 1020. Improvements and Special Assessments.

Chap. 1022. Sidewalk Construction and Repair.

Chap. 1024. Obstructions of Public Rights of Way.

Chap. 1026. Trees.

CHAPTER 1020

Improvements and Special Assessments

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CROSS REFERENCES

Special assessments - see Mich. Const. Art. 9, Sec. 6; CHTR.

Ch. 21; M.C.L.A. Secs. 104.8, 211.741 et seq.

Curbs and gutters - see M.C.L.A. Secs. 91.1, 102.8

Excavations generally - see M.C.L.A. Secs. 554.251 et seq.

Special assessments for sidewalks, curbs and trees - see CHTR.

Ch. 14, Sec. 2

1020.01 DEFINITIONS.

As used in this chapter:

(a) "Cost" means and includes the expense of survey, spreading of roll, notice, advertising, printing, financing, legal services, engineering, construction, condemnation and all other costs incidental to the making of an improvement.

(b) "Engineer" means the City Engineer unless an outside engineer is specifically employed for the work on the improvement, in which case, "Engineer" means the person so employed.

(c) "Improvement" means any public betterment.

(d) "Lot or parcel of land" means any subdivision lot or portion thereof as officially platted, or any unplatted parcel of land as may be described upon any official records.

(e) "Owner" means the last recorded title holder of any lot or parcel of land, or the person whose name is last listed upon the City tax roll as owner of a certain piece or parcel of land.

(Ord. 24. Passed 12-8-54.)

1020.02 ADVISORY PETITIONS.

(a) Initiation. Council, in order to ascertain whether or not a reasonable number of property owners to be assessed desires any particular improvement to be made, may request and receive a petition therefor, or may receive such a petition voluntarily presented, but in either event, such petition shall be advisory only and shall not be jurisdictional.

(b) Contents. An advisory petition shall be addressed to Council and contain a brief description of the improvement sought to be made or the nuisance or hazard sought to be abated, and shall be signed by property owners only, whose signatures shall be followed by a brief description of the property owned by them. The signatures on such petition shall be verified by the oath of one or more of the circulators of such petition before filing.

(c) Filing. Advisory petitions shall be filed with the City Clerk who shall check them for signatures and correctness. If they are found to be in order he or she shall refer them to the Mayor who shall present them to Council at its next regular or special meeting called for that purpose, together with his or her recommendations.

(Ord. 24. Passed 12-8-54.)

1020.03 IMPROVEMENT PROCEDURES.

(a) Initiatory Resolution. When, by the provisions of the City Charter and the laws of the State, Council has the power to make a public improvement by special assessment, it shall, by resolution, set forth the improvement intended to be made and direct the Mayor to prepare a report, with the assistance of the Engineer, containing any information it may request concerning such improvement.

(b) Plans and Specifications. The Mayor shall request the Engineer to prepare, or cause to be

prepared, plans and specifications of the improvement to be made, an estimate of the life of the improvement and of the cost thereof, plats of the lands affected thereby and such other information as Council may have requested.

(c) Report of Mayor. The Mayor shall prepare his or her report which shall include a schedule of all property affected by the proposed improvement, listing the assessed valuation, tax delinquencies, whether land is vacant or improved, pertinent information on such parcels as are owned by public authorities and such other information as Council may have requested, and shall present it to Council along with the plans and specifications of the Engineer, together with his or her recommendation as to what proportion of the cost should be paid by special assessment and who part, if any, should be a general obligation of the City, the number of installments in which the assessment should be spread and the lands which should be included in the special assessment district.

(d) Notice of Hearing. After filing of the report and plans and specifications referred to in subsection (c) hereof, Council shall, by resolution, order the same filed with the City Clerk and provide for a public hearing before Council on the improvement to be made, which hearing shall be not less than one week after notice thereof has been given by publication at least once in a newspaper of general circulation in the City, to be designated by Council, or by posting notices thereof for the same length of time in three public places in the City.

(e) Public Hearing, Objections and Changes. At the time and place specified in such notice for the public hearing, Council shall meet and hear any person to be affected by the proposed public improvement. The hearing may be adjourned from time to time by Council, and Council may make any changes in the proposed work or assessment which seems reasonable or proper in view of any objections, or for any other reason which may appear to be for the best interests of the City, provided that if the improvements intended to be made are enlarged upon or if additions are made to the district to be assessed, the same shall not be done until after another hearing is held pursuant to notice as required for an original hearing.

(f) Resolution of Determination. After public hearing, Council may, by resolution, determine to make the improvement and defray the whole or any part of the cost of the improvement by special assessment upon the property especially benefited in proportion to the benefits derived, or to be derived, and designate whether it is to be assessed according to frontage or other basis. By such resolution, Council shall approve the plans and specifications for the improvement, determine the number of installments, not to exceed six percent per year, designate the district or land and premises upon which special assessments shall be levied, direct the City Assessor to prepare a special assessment roll in accordance with Council's determination and designate the name by which such assessment roll shall be known and referred to.

(g) Special Assessment Roll. The City Assessor shall thereupon prepare a special assessment roll, including all lots and parcels of land within the special assessment district designated by Council, and shall assess to each lot or parcel of land such relative portion of the whole sum to be levied against all the lands in the special assessment district as the benefit to such lot or parcel of land bears to the total benefits to all lands in such district. There shall also be entered upon such roll the amount which has been assessed to the City at large.

(h) Certificate of Assessor. When the City Assessor has completed such assessment roll, he or she shall attach thereto, or endorse thereon, his or her certificate to the effect that such roll has been made by him or her pursuant to a resolution of Council (giving the date of adoption of the same) and that in making the assessments therein he or she has, as near as may be, according to his or her best judgment, conformed in all respects to the directions contained in such resolution, the City Charter and this chapter. Thereupon, he or she shall file such special assessment roll with the City Clerk who shall present the same to Council.

(i) Notice of Hearing on Roll. Upon receipt of such special assessment roll, Council shall order it filed in the office of the City Clerk for public examination and shall, by resolution, fix the time and place when Council will meet and review such roll, which meeting shall be held not less than one week after notice thereof, specifying the purpose, time and place, has been published by the City Clerk at least once in a newspaper of general circulation in the City, to be designated by Council, or by posting notice thereof for the same length of time in three public places in the City.

(j) Written Objections. Any person deeming himself or herself aggrieved by the special assessment roll may file his or her objections thereto, in writing, with the City Clerk prior to the close of such hearing, which written objections shall specify in what respect he or she deems himself or herself aggrieved.

(k) Hearing on Objections. Council shall meet and review the special assessment roll at the time and place appointed or at an adjourned date therefor and shall consider any written objections thereto.

(l) Objection to Improvement. If, at or prior to final confirmation of any special assessment, more than fifty percent of the number of owners of privately owned real property to be assessed for any improvement, or in case of paving or similar improvements, more than fifty percent of the number of owners of frontage to be assessed for any such improvement, object, in writing, to the proposed improvement,

the improvement shall not be made by proceedings authorized by this chapter without a four-fifths vote of the members of Council, provided that this section shall not apply to sidewalk construction.

(m) Corrections and Changes. Council may correct such roll as to any assessment or description of any lot or parcel of land or other errors appearing therein. Any changes made in such roll shall be noted in the Council Minutes.

(n) Confirmation or Rejection of Roll. After such hearing and review, Council may confirm such special assessment roll with such corrections as may have been made, if any, may refer it back to the City Assessor for revision or may annul it and any proceedings in connection therewith.

(o) Certificate of Confirmation. The City Clerk shall endorse the date of confirmation upon each special assessment roll, and upon confirmation such roll shall be final and conclusive.

(p) Contractual Provision. If all persons or property owners to be affected by any proposed improvement agree that such proposed improvement be made and that a special assessment be levied in connection therewith, the City may, in lieu of the procedure set forth in this section, enter into a written contract with all of the persons or property owners affected thereby, which contract, when properly approved and executed, shall operate as a complete special assessment procedure, and the assessment shall be made in accordance with such contract. (Ord. 24. Passed 12-8-54.)

1020.04 HAZARD REMOVAL OR NUISANCE ABATEMENT.

(a) Resolution and Notice. When any lot, building or structure in the City, because of an accumulation of refuse or debris, the uncontrolled growing of noxious weeds, age, dilapidation or any other condition or happening, becomes, in the opinion of Council, a public hazard or nuisance which is dangerous to the health, safety or welfare of the inhabitants of the City or to those residing or habitually going near such lot, building or structure, Council may, by resolution, after investigation, determine that a hazard or nuisance exists, prescribe a form of notice and direct the City Clerk to give such notice by publication or by registered mail, addressed to the last known address of the owner of the land upon which such nuisance exists or to the owner of the building or structure itself, to abate such nuisance or remove such hazard.

(b) Contents of Notice. The notice to abate or remove the hazard or nuisance shall specify the nature of the hazard or nuisance, shall describe the property on which the same is located, shall require the owner to abate or remove the hazard or nuisance promptly and shall designate a time within which the same shall be abated or removed, which time shall be commensurate with the nature of the hazard or nuisance.

(c) Removal by City. If, at the expiration of the time limit specified in the notice to remove or abate a hazard or nuisance, the owner has not complied with the requirements thereof, or in any case where the owner of the land or of the building or structure itself is not known, Council may, by resolution, order such hazard removed or nuisance abated under the direction of the Mayor by the proper department or agency of the City, or may do the work by contract or by hire.

(d) Mayor's Duties. The Mayor shall take all steps necessary to carry out the directions of Council in removing a hazard or abating a nuisance, shall keep or cause to be kept an accurate record of all expenses in connection therewith and, upon completion of the work to be performed, shall submit to Council a report of the work done and of all expenses in connection therewith.

(e) Assessment of Costs. Council shall, by resolution, after examination of the Mayor's report, determine what amount or part of each such expense shall be charged and the person, if known, against whom, and the premises upon which, the same shall be levied as a special assessment. By such resolution, Council shall determine the number of installments in which the assessment may be paid, determine the rate of interest to be charged on installments, not to exceed six percent per year, designate the district or land and premises upon which special assessments shall be levied, direct the City Assessor to prepare a special assessment roll in accordance with Council's determination, designate the name by which the assessment roll shall be known and referred to, and, as often as Council deems it expedient, require notice of all of the several amounts so reported and determined to be given by the City Clerk, either by registered mail sent to the last known address of the owner as shown on the assessment roll of the City or by publication.

(f) Special Assessment Roll. The City Assessor shall prepare a special assessment roll, including all lots and parcels of land within the special assessment district designated by Council, and shall assess to each such lot or parcel of land such sums as may have been directed by Council.

(g) Certificate of Assessor. When the City Assessor has completed such assessment roll, he or she shall attach thereto and endorse thereon his or her certificate to the effect that the roll has been made by him or her pursuant to a resolution of Council (giving the date of adoption of the same) and that in making the assessments therein he or she has, as near as may be, according to his or her best judgment, conformed in all respects to the directions contained in such resolution, the City Charter and this chapter. Thereupon, he or she shall file such special assessment roll with the City Clerk who shall forthwith give notice as required by Council.

(h) Notice of Hearing on Roll. Upon receipt of such special assessment roll, the City Clerk shall give notice as directed by Council, which notice shall state the basis of the assessment and the amount thereof, describe the property affected thereby and give a reasonable time, which shall not be less than thirty days, in which a hearing may be had thereon or payment made.

(i) Hearing on Objections. If payment is not made within the time specified in the resolution and notice, Council shall meet at the time and place provided and hear any objections to the roll as prepared.

(j) Corrections and Changes. Council may correct the roll as to any assessment or description of any lot or parcel of land or other errors appearing therein. Any changes made in the roll shall be noted in the Council Minutes.

(k) Confirmation of Roll. After the hearing, Council shall confirm such special assessment roll with such corrections as may have been made, and the City Clerk shall endorse the date of confirmation thereon, and upon confirmation such roll shall be final and conclusive.

(Ord. 24. Passed 12-8-54.)

1020.05 CONSTRUCTION OR REPAIR OF SIDEWALKS.

(a) Initiatory Resolution. When, in the opinion of Council, any sidewalk needs to be constructed, rebuilt or repaired, it shall, by resolution, direct the Mayor to prepare a report, with the assistance of the Engineer, containing any information it may request concerning such work.

(b) Plans and Specifications. The Mayor shall request the Engineer to prepare, or cause to be prepared, plans and specifications of the work to be done, a schedule of the lands affected and such other information as Council may have requested.

(c) Report of Mayor. The Mayor shall prepare his or her report and shall include in it a schedule of all property affected by the work proposed to be done, pertinent information on such parcels as are owned by public authorities and such other information as Council may have requested. He or she shall present it to Council along with the plans and specifications of the Engineer, together with his or her recommendation as to what part, if any, should be a general obligation of the City, the number of installments in which the assessment should be spread and the lands which should be included in the special assessment district.

(d) Alternative Procedure. When, in the opinion of the Mayor, any sidewalk needs to be constructed, rebuilt or repaired, he or she may request the Engineer to prepare, or cause to be prepared, plans and specifications of the work needed to be done and a schedule of the lands affected. The Mayor shall submit such information, along with his or her report and recommendations, to Council, in the same manner as though Council had requested it.

(e) Resolution of Determination. After reviewing the plans and specifications and the report of the Mayor, Council shall, if it so desires, determine, by resolution, that the work be done, setting forth the details concerning it, prescribing a form of notice and directing the City Clerk to give such notice by publication or by registered mail addressed to the last known address of the owner of the land to be assessed.

(f) Contents of Notice. The notice shall specify the extent of the work to be done, describe the property affected by the work, require the owner to perform the work promptly, in accordance with the plans and specifications of the Engineer, and designate a time within which the same shall be done.

(g) Work Done by City. If, at the expiration of the time limit specified in the notice, within which the work must be done, the owner has not complied with the requirements thereof, Council shall, by resolution, order such sidewalk to be constructed, rebuilt or repaired under the direction of the Mayor by the proper department or agency of the City, or may do the work by contract or by hire.

(h) Mayor's Duties. The Mayor shall take all steps necessary to carry out the direction of Council in performing the work ordered, shall keep or cause to be kept an accurate record of all expenses in connection therewith, and, upon completion of the work to be performed, shall submit to Council a report of the work done and of all expenses in connection therewith.

(i) Assessment of Costs. Council shall, by resolution, after examination of the Mayor's report, determine what amount or part of each such expense shall be charged and the person, if known, against whom, and the premises upon which, the same shall be levied as a special assessment. By such resolution, Council shall determine the number of installments in which the assessment may be paid, determine the rate of interest to be charged on installments, not to exceed six percent per year, designate the district or land and premises upon which the special assessments shall be levied, direct the City Assessor to prepare a special assessment roll in accordance with Council's determination, designate the name by which such assessment roll shall be known and referred to, and, as often as Council deems

it expedient, require notice of the several amounts so reported and determined to be given by the City Clerk, either

by registered mail sent to the last known address of the owner as shown on the assessment roll of the City or by publication.

(j) Special Assessment Roll. The City Assessor shall thereupon prepare a special assessment roll, including all lots and parcels of land within the special assessment district designated by Council, and shall assess to each such lot or parcel of land such sums as may have been directed by Council.

(k) Certificate of Assessor. When the City Assessor has completed such assessment roll, he or she shall attach thereto and endorse thereon his or her certificate to the effect that such roll has been made by him or her pursuant to a resolution of Council (giving the date of adoption of the same) and that in making the assessments therein, he or she has, as near as may be, according to his or her best judgment, conformed in all respects to the directions contained in such resolution, the City Charter and this chapter. Thereupon, he or she shall file such special assessment roll with the City Clerk who shall forthwith give notice as required by Council.

(l) Notice of Hearing on Roll. Upon receipt of such special assessment roll, the City Clerk shall give notice as directed by Council, which notice shall state the basis of the assessment and the amount thereof, describe the property affected thereby and give a reasonable time, which shall not be less than thirty days, in which a hearing may be had thereon or payment made.

(m) Hearing on Objections. If payment is not made within the time specified in the resolution and notice, the Council shall meet at the time and place provided and hear any objections to the roll as prepared.

(n) Corrections and Changes. Council may correct the roll as to any assessment or description of any lot or parcel of land or other errors appearing therein. Any changes made in the roll shall be noted in the Council Minutes.

(o) Confirmation of Roll. After such hearing, Council shall confirm such special assessment roll, with such corrections as may have been made, and the City Clerk shall endorse the date of confirmation thereon, and upon confirmation such roll shall be final and conclusive.

(p) Alternate Proceedings. Council may, if it so desires, disregard the proceedings under this section and proceed entirely under the improvement procedure provided in this chapter, either as an

individual improvement program or in conjunction with any other improvement program.

(Ord. 24. Passed 12-8-54.)

1020.06 SINGLE LOT PROCEDURE.

(a) Report of Mayor. When any expense has been incurred by the City upon or with respect to any single lot or parcel of land, which expense is chargeable against such lot or parcel of land and the owner thereof under authority of the City Charter, any City ordinance or State law, and which expense is not of that class required to be prorated among several lots or parcels of land in a special assessment district, the amount of labor and material or any other expense or service for which such expense was incurred, with a description of the lot or parcel of land upon or with respect to which the expense was incurred, and the name of the owner, if known, shall be reported by the Mayor to Council.

(b) Resolution of Determination. After reviewing the report of the Mayor, Council may, if it so desires, determine, by resolution, what amount or part of each such expense shall be charged, and the person, if known, against whom, and the premises upon which, the same shall be levied as a special assessment. By such resolution, Council shall determine the number of installments in which the assessment may be paid, determine the rate of interest to be charged on installments, not to exceed six percent per year, designate the land and premises upon which the special assessment shall be levied, direct the City Assessor to prepare a special assessment roll in accordance with Council's determination, designate the name by which the assessment roll shall be known and referred to, and, as often as Council deems it expedient, require notice of the several amounts so reported and determined to be given by the City Clerk, either by registered mail sent to the last known address of the owner as shown on the assessment roll of the City or by publication.

(c) Special Assessment Roll. The City Assessor shall thereupon prepare a special assessment roll, including all lots and parcels of land within the special assessment district designated by Council, and shall assess to each such lot or parcel of land such sums as may have been directed by Council.

(d) Certificate of Assessor. When the City Assessor has completed such assessment roll, he or she shall attach thereto and endorse thereon his or her certificate to the effect that such roll has been made by him or her pursuant to a resolution of Council (giving the date of adoption of the same) and that in making the assessments therein, he or she has, as near as may be, according to his or her best judgment, conformed in all respects to the directions contained in such resolution, the City Charter and this chapter. Thereupon, he or she shall file the special assessment roll with the City Clerk who shall forthwith give notice as required by Council.

(e) Notice of Hearing on Roll. Upon receipt of such special assessment roll, the City Clerk shall give notice as directed by Council, which notice shall state the basis of the assessment and the amount thereof, describe the property affected thereby and give a reasonable time, which shall not be less than thirty days, in which a hearing may be had thereon or payment made.

(f) Hearing on Objections. If payment is not made within the time specified in the resolution and notice, Council shall meet at the time and place provided and hear any objections to the roll as prepared.

(g) Corrections and Changes. Council may correct the roll as to any assessment or description of any lot or parcel of land or other errors appearing therein. Any changes made in the roll shall be noted in the Council Minutes.

(h) Confirmation of Roll. After such hearing, Council shall confirm such special assessment roll, with such corrections as may have been made, and the City Clerk shall endorse the date of confirmation thereon, and upon confirmation such roll shall be final and conclusive.

(Ord. 24. Passed 12-8-54.)

1020.07 LIENS ON PROPERTY.

(a) Establishment. Special assessments and all interest and charges thereon, from the date of confirmation of a special assessment roll, shall be and remain a lien upon the property assessed of the same character and effect as the lien created by general law for State and County taxes or by the City Charter for City taxes, until paid.

(b) Character and Effect. All such liens shall be of the same character and effect as liens created by the City Charter for taxes and shall include accrued interest and penalties.

(c) Destruction or Impairment. No judgment or decree, nor any action of Council vacating a special assessment, shall destroy or impair the lien of the City upon the premises assessed for such amount of the assessment as may be equitably charged against the same, or as by regular mode of proceeding might have been lawfully assessed thereon.

(d) Failure to Receive Notice. Failure of any owner to receive any notice required to be sent under the provisions of the City Charter and this chapter shall not invalidate any special assessment or special assessment roll.

(e) Personal Liability of Owner. In addition to the property tax lien created herein, any special assessment levied by the City shall constitute a debt owed to the City from the owner of the lot or parcel of land assessed and may be collected in the same manner as any contracted debt

or in the same manner as provided by law for the collection of personal property taxes.

(Ord. 24. Passed 12-8-54.)

1020.08 INSTALLMENT PAYMENTS.

(a) Number; Minimum Amount. Annual installments shall not exceed ten in number, as Council may determine at the time of confirmation of a special assessment roll, and if a division of the assessment operates to make any installment less than ten dollars (\$10.00), the City Assessor shall reduce the number of installments so that each installment shall be above and as near to ten dollars (\$10.00) as possible.

(b) Due Date. All special assessments levied under this chapter shall become due upon confirmation of the special assessment roll, and if they are to be paid in annual installments, Council shall determine the first installment to be due upon confirmation of the roll. Deferred installments shall be due annually thereafter, or, at the discretion of Council, they may be spread upon and made a part of each annual City tax roll thereafter until all are paid.

(c) First Installment Spread. The first installment of any special assessment shall be spread upon a special City tax roll in a column headed "Special Assessment," or upon the next annual City tax roll, at the direction of Council. If such first installment is spread on a special tax roll, it may be paid at any time within three months from the date of confirmation without penalties, and if unpaid on or before such three month period, it shall be added to and made a part of the following July tax roll, together with interest as provided thereon.

(d) Annual Installment Spread. Annual installments shall be spread thereafter either on a special assessment roll or on the annual City tax roll, as directed by Council, in the same manner and subject to the same provisions as provided for first installments.

(e) Publication of Notice to Pay. The assessment roll shall be transmitted by the Clerk to the City Treasurer for collection immediately after confirmation. If it is not a part of the annual tax roll, the City Treasurer shall give notice by publication at least once in a newspaper of general circulation that such special assessment roll (describing it) has been filed in the City Treasurer's office and specifying when and where payments may be made thereon.

(f) Notice by Mail. The City Treasurer may mail statements of the several assessments to the

respective owners, as indicated by the records of the City Assessor, of the several lots or parcels of land assessed, stating the amount of the assessment and the manner in which it may be paid. However, failure to mail any such statement shall not invalidate the assessment or entitle the owner to an extension of time within which to pay the assessment.

(g) Collection Fees and Penalties. After the confirmation of any special assessment roll, the same collection fees shall be collected on delinquent special assessments and upon delinquent installments of such special assessments beginning on the first day of the fourth month following the due date, as provided by the City Charter for the collection of delinquent City taxes.

(h) Contested Assessments. Except and unless written notice is given to Council of an intention to contest or enjoin the collection of any special assessment for the construction of any pavement, sewer, other public improvement or sidewalk, or for the removal or abatement of any public hazard or nuisance, within thirty days after the date of the meeting of Council at which it is finally determined to proceed with the making of the improvement in question, which notice shall state the grounds on which the proceedings are to be contested, no suit or action of any kind shall be instituted or maintained for the purpose of contesting or enjoining the collection of such special assessment. Regardless of whether or not any public improvement is completed in any special assessment district, no owner of real property located in such district shall be entitled to commence any suit or action for the purpose of contesting or enjoining the collection of any such special assessment after he or she has received the benefits from the substantial completion of that portion of such public improvement for which he or she is assessed.

(Ord. 24. Passed 12-8-54.)

1020.09 REBATES, REASSESSMENTS AND ADDITIONAL
ASSESSMENTS.

(a) Certification. The Mayor shall, within sixty days after the completion of each local or special public improvement, compile the actual cost thereof and certify the same to the City Assessor who shall adjust the special assessment roll to correspond therewith.

(b) Additional Assessments. When any special assessment roll proves insufficient to pay the cost of the improvement for which it was made, Council may make an additional pro rata assessment, but the total amount assessed against any one lot or parcel of land shall not exceed the value of the benefits received by such lot or parcel of land.

(c) Assessment Refunds. If the assessment proves larger than necessary by five percent or less, such information shall be reported to Council which may place the excess in the City Treasury or make a refund thereof pro rata according to the assessment. If the assessment exceeds the amount necessary by more than five percent, the entire excess shall be refunded to the owners of the property upon which payments have been made in full, pro rata according to the assessment.

(d) Refund Procedure on Installments. Any excess refund, where payment in full has not been received, shall be made a credit against future unpaid installments in the inverse order in which they are payable to the extent that such installments exist, and the balance of such refund shall be made in cash.

(e) Restriction Against Refund. No refunds of special assessments may be made which impair or contravene the provisions of any outstanding obligation or bond secured in whole or in part by such special assessment.

(f) Illegal or Invalid Assessments. Whenever Council determines that a special assessment is invalid or defective for any reason whatsoever, or if any court of competent jurisdiction has adjudged such an assessment to be illegal for any reason whatsoever, in whole or in part, Council may cause a new assessment to be made for the same purpose for which the former assessment was made, whether the improvement or any part thereof has been completed or not, and whether any part of the assessment has been collected or not.

(g) Proceedings on Reassessment. All proceedings on reassessments and for the collection thereof shall be made in the same manner as provided for an original assessment. If any portion of the original assessment has been collected and not refunded, it shall be applied upon the reassessment, and the reassessment shall, to that extent, be deemed satisfied. If more than the amount reassessed has been collected, the balance shall be refunded to the person making such payments.

(Ord. 24. Passed 12-8-54.)

1020.10 RESTRICTIONS.

(a) Assessment Limited to Value of Benefits. The total amount assessed against any lot or parcel of land shall not exceed the value of the benefits received from the improvement.

(b) Special Fund. Except as otherwise provided in the City Charter and this chapter, moneys raised by special assessment to pay the cost of any local improvement shall be held in a special fund to pay such cost or to repay any moneys borrowed therefor.

(c) Restricted Use of Funds. Each special assessment account shall be used only for the improvement project for which the assessment was levied, except as otherwise provided in the City Charter.

(Ord. 24. Passed 12-8-54.)

1020.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

CHAPTER 1022

Sidewalk Construction and Repair

- 1022.01 Duties of owners and occupants.
- 1022.02 Construction standards.
- 1022.03 Dangerous sidewalks and crosswalks.
- 1022.04 Authority of Council to order repairs; notice.
- 1022.05 Noncompliance; remedy to City.
- 1022.06 Conformity to standards required.
- 1022.99 Penalty.

CROSS REFERENCES

Failure of property owner to keep sidewalks free of
obstructions - see M.C.L.A. Sec. 103.4

Sidewalks generally - see M.C.L.A. Secs. 691.1401 et seq.

Authority of Council re sidewalks - see CHTR. Ch. 14,
Secs. 1, 2

Special assessments for construction and repair of
sidewalks - see S.U. & P.S. 1020.05

1022.01 DUTIES OF OWNERS AND OCCUPANTS.

It shall be the duty of every owner, agent or occupant of any lot or parcel of land situated within the City to keep and maintain good and sufficient sidewalks along all the streets and avenues in front of or adjacent to such lots or parcels of land.

(Ord. 20. Passed 5-25-49.)

1022.02 CONSTRUCTION STANDARDS.

All sidewalks, crosswalks and approaches hereafter constructed or repaired in streets within the City shall be constructed or repaired according to the following specifications:

(a) Location, Grades, Widths. Sidewalks to be constructed shall be located one foot from the property line, unless special permission is granted by Council to locate sidewalks at any other location. All sidewalks shall be upon such grade as Council may direct and shall not be less than four feet in width.

(b) Filling, Depth and Grade. All necessary filling shall be made with earth free from vegetable material or refuse of any kind. It shall be deposited in layers not exceeding six inches thick and each layer shall be tamped by a hand tamper or packed by other means which will produce the same results to the established grade, allowing for the thickness of the walk to be built upon it. The fill on the top shall extend one foot in width on each side beyond the walk to be built upon it. Its sides shall be constructed with a slope of not less than one and one-half feet horizontal to one foot vertical. No walk shall be constructed upon the fill until the earth is sufficiently compact to prevent settlement.

(c) Unsuitable Filling. Any soft material subject to shrinkage or decay, trees under six inches in diameter, or other unsuitable material designated by the Director of Public Works, shall be removed and the space backfilled with well-tamped earth.

(d) Tree Removal. All trees which are on the line of the sidewalk work, or which interfere with the proper placing of the sidewalk, and which require moving, will be removed by the City at the expense of the person adjacent to whose property the sidewalk is to be constructed.

(e) Cuts. When cuts are necessary, the earth or other material shall be excavated to such width that the bottom of the excavation shall be at least one foot wider on each side than the width of the walk to be built upon it, and the sides shall, where possible, slope two feet horizontal to one foot vertical. Excavated material shall be removed from the site of the work, and any excess of excavation over fill shall be disposed of by the builder. The bottom of the cut shall be tamped, provided it is not sufficiently firm.

(f) Material Required. Walks shall be constructed of cement concrete.

(g) Forms. The forms for the concrete shall be smooth, free from warp, of sufficient strength to resist springing out of shape and of a depth to conform to the thickness of the proposed walk. The divider plates shall be removed from forms that have been previously used.

The forms shall preferably be of steel and must be well staked and set to the established lines, their upper edges conforming to the grade of the finished walk, which walk shall have a fall towards the gutter of one-quarter of an inch to one foot.

The base shall be blocked out in sections which will not measure more than four feet in any dimension, and in any given walk such sections are to be uniformly spaced.

The divider plates shall be made of steel not less than one-eighth of an inch in thickness of a depth to correspond to the thickness of the proposed walk, shall extend the full width of the walk and shall be set at right angles to the side forms. They shall be left in place until the surface coat is floated.

(h) Expansion Joints. On concrete walks, three-quarter inch expansion joints composed of some asphaltic composition satisfactory to Council shall be placed between curbs and walks at all points where they meet and in intermediate joints at distances not to exceed eighty feet. These joints are to be flush with the wearing surface and are to extend for the full depth of the walk.

(i) **Mixing and Placing Concrete.** All concrete shall be mixed with a batch mixer of an approved type except where the Director of Public Works may deem it necessary or expedient to mix by hand methods. In the event hand mixing is resorted to, it shall be done only as directed by the Director, in writing.

Water shall be used in sufficient quantities to obtain concrete which will hold its shape when struck off with a template. In no case shall such concrete be wet enough to cause a separation of materials.

Concrete shall be placed in such manner as to produce a dense homogeneous mass. It shall be puddled, sliced or tamped with proper tools for such purpose while being deposited.

Special care must be exercised in reinforced concrete work not to distort or displace any reinforcing steel during concreting.

No used concrete or retempering of concrete which has partially set will be allowed either by the addition of water or by mixing it with other materials.

Concrete shall not be mixed or deposited when the temperature is below forty degrees Fahrenheit, unless special precautions, subject to the approval of the Director, are taken to avoid the use of materials containing frost and to keep the work protected until thoroughly hardened.

In warm weather, walks shall be protected from the sun by a covering and shall be kept moist by sprinkling for at least four days. At least once on small areas, and at least every fifty feet on long stretches, suitable nameplates or dies shall be used to mark the name of the builder employed on the work and the date the work was done.

(j) **Quantities of Cement Required.** For a one course walk, the minimum amount of cement required for the concrete is one barrel of cement for each sixty square feet of four-inch sidewalk.

For two course walks, the minimum amount of cement required for the concrete is one barrel for each 100 square feet of base course, and one barrel for each 100 square feet of top. In no case shall the builders use less than these amounts of cement in sidewalk construction. In the event that less cement than the above requirement is used in any walk constructed, the builder may be required to tear out the walk and replace it with a walk containing the proper amount of cement as required herein. Due allowance will be made for any waste in mixing and placing concrete in forms.

(k) **Gravel.** Clean, hard, washed gravel, free from soft, porous particles, clay, silt or vegetable matter, may be used which may be finished to leave a reasonably smooth and nonporous surface.

(l) **Base Course.** A two course concrete sidewalk shall consist of a bottom course three inches thick under a wearing or top course of cement mortar one inch thick.

The base shall be mixed in a batch mixer in the proportion of one part by volume of cement to six parts by volume of well graded bank-run gravel, free from clay, loam or vegetable matter as herein specified. In preparing concrete for the base, cement and gravel shall be measured separately and then mixed thoroughly while dry.

After being mixed dry, sufficient water shall be added to obtain the desired consistency and the mixing shall be continued until the materials are uniformly distributed and each particle of the same is thoroughly coated with cement. All concrete shall be mixed for not less than fifty seconds after the addition of water.

The consistency of the mixture shall be such that the mortar, composed of cement and the fine material, adheres to the pebbles, and such that under heavy tamping, a small amount of water will flush to the surface.

The concrete shall be deposited in such quantities that after being thoroughly rammed into place, it will be three inches in thickness and the upper surface shall be true, uniform, parallel to and one inch below the surface of the finished work.

Concrete must be conveyed from the place of mixing and placed in such manner and so handled after depositing it that the concrete will be of uniform composition throughout, showing no lack or excess of mortar in any place.

(m) Wearing Surface. The wearing surface shall be composed of one part by volume of cement to two parts by volume of clean sand screened through a one-quarter inch screen, not more than five percent of which shall pass a number 100 sieve. The sand and cement shall be mixed thoroughly while dry and then sufficient water added while the mixing is continued to produce a mortar of a consistency which can be easily spread into position with a straight edge. The mortar shall be spread on the base immediately after mixing and before the base has obtained its initial set.

After the wearing surface has been worked to an approximately true plane, the slab marking shall be made directly over the joints in the base. Such marking shall be made with a tool which will cut entirely through and completely separate the surface of adjacent slabs.

The slabs shall be rounded on all surface edges to a radius of about one-half of an inch.

The surface shall be troweled smooth and shall then be lightly brushed with a stiff brush or broom. The application of neat cement in the surface in order to hasten hardening is prohibited.

(n) Faulty Materials. No materials of any sort not approved by Council are to be used in any part of the work.

All cement used shall be some recognized brand of cement that has proven satisfactory and shall comply with the latest specifications of the American Society for Testing Materials.

The right is hereby reserved to inspect and test cement at any time that Council deems it advisable to make such tests. If, in the short period tests, it appears that a certain shipment of cement is not up to the desired standard, no cement from this lot shall be used until the time necessary to complete the tests requiring more time has elapsed. If, after these tests have been made, it still appears that the cement is not satisfactory, then any part of this cement on the job shall be hauled away and disposed of in some manner which will insure its not being used in any part of the work. Lumps of cement are to be thrown out in all cases. They shall not be used either as lumps or by attempting to pulverize them.

(o) Walks Across Driveways. All sidewalks constructed, reconstructed or repaired which cross existing or proposed driveways shall be built six inches in thickness and the concrete used shall be of the same mixture as specified for other walks.

(p) Grades; Permits Required. All sidewalks, crosswalks and approaches hereafter constructed or repaired in streets within the City shall be upon such grade and line as shall be established by Council.

All joints and edges shall be finished with tools for that purpose. In the case of walks on slopes greater than one-half inch per foot, grooving or brooming or checking the top surface shall be done as directed by the Director of Public Works.

No such construction, reconstruction or repair work shall be commenced until after a permit has been obtained from Council.

(q) Approaches. For the purpose of this chapter, "approaches" shall be taken to mean either driveways or sidewalks built on the street property between the gutter line and the sidewalk line, or other miscellaneous construction of a similar nature within the limits of the public streets and highways.

(r) Crosswalks. All crosswalks shall be built and kept in repair by the City under the direction of Council and shall be not less than four feet wide and of such material as heretofore specified. The expense of building and repairing crosswalks shall be paid out of the General Highway or Street Fund.

(s) Permitted Contractors. All sidewalks shall be built:

- (1) By the City by the direct employment of labor and the purchase of materials;
- (2) By private contract under the supervision of, and with an inspection by, the City; or
- (3) By bonded sidewalk contractors as hereinafter noted, under the direction of Council.

The construction of walks through the City may be undertaken by the employment of labor and purchase of materials by the owner, provided that a full-time City inspector is employed on the job to check, supervise and inspect the work and provided that all expense of employing such inspector is paid by the owner.

(Ord. 20. Passed 5-25-49.)

1022.03 DANGEROUS SIDEWALKS AND CROSSWALKS.

Whenever any sidewalk, crosswalk or approach, or any portion of the same, by reason of defects or for want of repair, becomes dangerous to persons passing along and upon the same, it shall be the duty of the City to tear up and remove the dangerous portions, or cause such removal to be done, and replace the sidewalk, crosswalk or approach with earth or gravel, if required, so as to make it safe for persons passing along and upon the space from which the sidewalk, crosswalk or approach has been removed.

(Ord. 20. Passed 5-25-49.)

1022.04 AUTHORITY OF COUNCIL TO ORDER REPAIRS; NOTICE.

Council shall have the power, by resolution, to order any sidewalk, crosswalk or approach constructed, reconstructed or repaired, and it shall be the duty of the City to give to the owner, agent or occupant of any parcel or lot of land in front of or adjacent to which a sidewalk, crosswalk or approach is ordered to be constructed, reconstructed or repaired, notice to construct, reconstruct or repair the same within thirty days from personal service upon such owner, agent or occupant of such parcel or lot of land. Such notice shall be served by any member of the police force of the City by delivering to the owner, agent or occupant of such lot or parcel of land, a true copy of such notice, inscribed "copy," and at the same time informing him or her of its contents, if such owner, agent or occupant is found within the City.

If the officer is unable to serve such notice personally, as herein required, within three days from the date of receiving the notice, he or she shall serve the same by posting one copy thereof on the lot or parcel of land in front of which, or adjacent to which, the sidewalk, crosswalk or approach is to be constructed, reconstructed or repaired, and also by posting one copy of such notice at each of three public places in the ward in which the lot or parcel of land is situated.

The officer serving the notice shall retain the original notice, shall endorse thereon his or her certificate and return, showing the time, place and manner of the service, and shall file the same with the City Clerk. Service by posting copies of such notice as herein required shall be equivalent to personal service. The notice shall be in the following form, as nearly as possible:

STATE OF MICHIGAN

County of Genesee, City of
Grand Blanc

To

You are hereby notified to construct, reconstruct or repair a sidewalk, crosswalk or approach along the _____ side of _____ Street in front of (or adjacent to) the following described lot or parcel of land situated in the City of Grand Blanc, to-wit: _____ pursuant to a resolution duly adopted by the City Council of the City of Grand Blanc on the _____ day of 19 _____ in accordance with plans and specifications prescribed therefor and now on file in the office of the City Clerk, within thirty days from the date of the service upon you of this notice.

WITNESS

Mayor of the City of Grand Blanc, this _____ day of _____ 19 _____ .

City Clerk

(Ord. 20. Passed 5-25-49.)

1022.05 NONCOMPLIANCE; REMEDY OF CITY.

If the owner, agent or occupant of any parcel or lot of land neglects to construct, reconstruct or repair a sidewalk, crosswalk or approach within the time specified in the notice required to be given by Section 1022.04, it shall be the duty of the City to construct, reconstruct or repair the same, or cause it to be done, and in such case the cost and expense of constructing, reconstructing or repairing such sidewalk, crosswalk or approach, in which cost shall be included all of the items of cost of such construction, shall, when ordered by Council, be assessed by the City Clerk on each description of land, which cost shall be a lien thereon until collected and paid as provided in this chapter.

The cost of constructing, reconstructing or repairing any such sidewalk, crosswalk or approach shall be divided as follows: The owner, agent or occupant shall be required to pay seventy-five percent of the total cost and expense and the City shall pay twenty-five percent, unless payment in full is made within thirty days from the date of billing, in which event the owner, agent or occupant shall receive a thirty-three and one third percent discount, thereby dividing the cost equally between the City and the owner, agent or occupant.

Immediately after the construction, reconstruction or repair of such sidewalk, crosswalk or approach, Council shall make a certificate setting forth the names of the owner, agent or occupant, with a description of the premises, the amount of walk constructed, reconstructed or repaired, and the cost and expense of the same, and shall file such certificate with the City Clerk. (Ord. 20. Passed 5-25-49.)

1022.06 CONFORMITY TO STANDARDS REQUIRED.

No person shall construct, reconstruct or repair, or cause or permit to be constructed, reconstructed or repaired, in front of or adjacent to any lot or parcel of land owned or occupied by him or her, any sidewalk, crosswalk or approach of different material or of different width or to a different line or grade than specified in this chapter.

(Ord. 20. Passed 5-25-49.)

1022.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code Penalty if no specific penalty is provided.)

CHAPTER 1024

Obstructions of Public Rights of Way

- 1024.01 Council permission required.
- 1024.02 Barricades and warning lights; excavations.
- 1024.03 Storage or display of merchandise on streets and sidewalks.
- 1024.04 Awnings and advertising devices. (Repealed)
- 1024.05 Moving of buildings.
- 1024.99 Penalty.

CROSS REFERENCES

- Authority of Council re streets - see CHTR. Ch. 14, Secs. 4 et seq., Ch. 27, Sec. 4
- Parking on streets - see TRAF. 450.02
- Obstruction by railroad trains - see GEN. OFF. 672.01
- Games on streets - see GEN. OFF. 676.06
- Street obstructions - see F.P. 1612.13

1024.01 COUNCIL PERMISSION REQUIRED.

(a) No person shall place or cause to be placed any stone, brick, timber, lumber, rubbish, material or other obstruction in or upon any street, lane or alley in the City, or permit any such encumbrance or

obstruction to remain in any of the streets, lanes or alleys, without the permission of Council.

(b) No person shall, without having first obtained permission from Council, obstruct or cause to be obstructed any street, lane, alley, sidewalk or gutter, or more than one-quarter of a street or other highway opposite the lot owned by such person or corporation building.

(Ord. 14. Passed 7-30-40.)

1024.02 BARRICADES AND WARNING LIGHTS; EXCAVATIONS.

(a) Every person who obstructs or encumbers any street, lane or alley in the City with stone, brick, timber, lumber, rubbish or other material, or who makes any excavation or embankment in any street, lane or alley in the City, shall erect and maintain a good and sufficient fence, railing or barrier around such obstruction, excavation or embankment to prevent an accident. In addition, such person shall place and keep in a conspicuous place on such fence, railing or barrier, suitable and sufficient red or amber lights during the whole of any night that such obstruction, excavation or embankment continues.

1024.03 STREETS, UTILITIES AND PUBLIC SERVICES CODE 26B

No person shall willfully remove, displace or destroy any such fence, railing, barrier or red or amber lights placed around any obstruction, excavation or embankment within any street, lane, alley or public place in the City.

(b) Every person, who excavates for the erection of any wall or building, or for any other purpose, near to any street, lane or alley in the City, shall put up a good and sufficient protecting rail or barrier along the line of such street, lane or alley opposite such excavation and shall maintain the same as long as may be necessary to prevent danger to any person traveling along such street, lane or alley.
(Ord. 14. Passed 7-30-40.)

1024.03 STORAGE OR DISPLAY OF MERCHANDISE ON STREETS AND SIDEWALKS.

No person shall use any sidewalk, street or alley in the City for the storage, keeping or displaying thereon of any goods, wares, merchandise, used cars, implements, produce, provisions, vegetables, boxes, barrels or showcases without first obtaining the permission of Council to do so. The storing, keeping or displaying of any of such articles on any public sidewalk, street or alley is hereby declared to be a public nuisance, and in addition to the penalties provided for in this chapter, proceedings may be instituted in the County Circuit Court for the abatement of such nuisance.
(Ord. 14. Passed 7-30-40.)

1024.04 AWNINGS AND ADVERTISING DEVICES. (REPEALED)

(EDITOR'S NOTE: Section 1024.04 was repealed by Ordinance 213, passed April 11, 1990.)

1024.05 MOVING OF BUILDINGS.

No person shall move or assist in moving any building into, along or across any street, lane or alley in the City without having first obtained permission of Council to do so, and then only by the route and under the direction of the Building Inspector, who shall make such orders and directions as the safety and convenience of the public may require.
(Ord. 14. Passed 7-30-40.)

1024.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

CHAPTER 1026

Trees

- 1026.01 Purpose.
- 1026.02 Authority of Public Works Director; authority to enact chapter.
- 1026.03 Application of chapter.
- 1026.04 Definitions.
- 1026.05 Review of landscaping plans.
- 1026.06 Tree planting, maintenance and removal.
- 1026.07 Removing or damaging public trees.
- 1026.08 Private trees.
- 1026.09 Enforcement.
- 1026.10 Appeals.
- 1026.99 Penalty.

CROSS REFERENCES

Authority of Council re trees - see CHTR. Ch. 14, Secs. 1, 2, 8

Box elder trees, female, as nuisance - see M.C.L.A. Sec. 124.151

Cutting or destroying trees - see M.C.L.A. Secs. 247.235, 247.241, 752.751 et seq.

Malicious destruction of trees - see M.C.L.A. Sec. 750.382

1026.01 PURPOSE.

It is the purpose of this chapter to promote and protect the public health, safety and general welfare, as well as to enhance the quality of life, by providing for the regulation of planting, maintenance, and removal of trees, shrubs and other plants within the City of Grand Blanc.

(Ord. 216. Passed 10-10-90.)

1026.02 AUTHORITY OF PUBLIC WORKS DIRECTOR; AUTHORITY
TO ENACT CHAPTER.

The Director of Public Works or his or her designee shall have the authority to plant, maintain, protect or remove trees, shrubs and other plants within the City of Grand Blanc. The authority to enact this chapter is derived from the Home Rule Act, Act. 279 of the Public Acts of 1909, as amended (M.S.A. 5.2083).

(Ord. 216. Passed 10-10-90.)

1026.03 APPLICATION OF CHAPTER.

This chapter provides full power and authority over all trees, shrubs and plants located within the street rights-of-way, parks, and public places of the City, and over trees, shrubs and plants, public or private, which constitute a hazard, prohibited tree, public nuisance, or diseased or infected tree as described herein.

(Ord. 216. Passed 10-10-90.)

1026.04 DEFINITIONS.

As used in this chapter:

(a) "Tree" means a woody perennial plant with one main stem or trunk, ordinarily growing to considerable height and usually developing many branches at some distance from the ground.

(b) "Shrub" means a woody plant smaller than a tree, usually having multiple permanent stems that branch from or near the ground.

(c) "Plant" means a young tree, shrub, vine or herb.

(d) "Designee" means a person or firm contracted for by the City for evaluating, planting, maintaining, or removing trees, shrubs or plants within the City of Grand Blanc.

(e) "Park" means any area owned by the City and to which the public has access for the purpose of passive or active recreation.

(f) "Public tree" means any tree, shrub, or plant located within the street rights-of-way, parks or public places of the City.

(g) "Private tree" means any tree, shrub, or plant located within the City on the property of a resident or business owner.

(h) "Right-of-way" means that area controlled, developed and/or maintained by the City.

(i) "Prohibited tree" means any tree specifically listed as not permitted as per Sec. 1708, Paragraph 5(e), of the Zoning Ordinance of the City of Grand Blanc.

(j) "Nuisance" means any public or private tree which has been evaluated by the Director of the Department of Public Works or his or her designee to be diseased, infested or a public hazard.

(k) "Diseased or infested tree" means any tree with a fatal or communicable disease or infestation.

(l) "Hazard" means any public or private tree or part thereof which has been evaluated by the Director of the Department of Public Works or his or her designee to be a danger to the life, health or property of the public.

(m) "Topping" means the severe cutting back of tree limbs or the crown, removing the normal canopy of the tree.

(n) "Private property" means all property within the City not owned or controlled by the City. (Ord. 216. Passed 10-10-90.)

In new subdivisions or when the development of commercial property occurs, the Planning Commission will review landscaping plans and may require trees to be planted as per Sec. 1708 of the Zoning Ordinance. (Ord. 216. Passed 10-10-90.)

1026.06 TREE PLANTING, MAINTENANCE AND REMOVAL.

(a) Planting Public Trees.

(1) Only the Director of Public Works or his or her designee shall have the authority to plant trees within the street rights-of-way, parks, and public places of the City.

(2) Trees may be planted within the street rights-of-way, parks, and public places of the City by private citizens or businesses after first obtaining written permission from the Director of Public Works or his or her designee.

(3) No prohibited trees may be planted within the street rights-of-way, parks, or public places of the City.

(b) Planting Private Trees. Citizens are encouraged to plant and nurture trees, shrubs and plants on their private or commercial property to further beautify the City and enhance the environment.

(c) Spacing.

(1) The location and spacing of public and private trees and other plantings shall be appropriate to the species planted and shall be determined by the Director of the Department of Public Works or his or her designee.

(2) No public or private tree shall be planted that will interfere with overhead utility wires or underground water, sewage or utility lines.

(d) Signs and Fastenings. No person shall fasten any sign, card or poster, wire, rope or other material to, around, or through any tree except in emergencies such as storms or accidents. Signs must be removed after the abatement of emergencies by the persons who placed the same.

(e) Topping or Removal. It shall be unlawful for any person, firm or business to top or remove any public tree without the express written approval of the Director of the Department of Public Works or his or her designee.

(Ord. 216. Passed 10-10-90.)

1026.07 REMOVING OR DAMAGING PUBLIC TREES.

The removal, cutting, maiming, breaking, or altering of a public tree, in such a way as to cause harm to such public tree, by any person other than the Director of the Department of Public Works or his or her designee, is prohibited and shall be considered a violation of this chapter.

(Ord. 216. Passed 10-10-90.)

1026.08 PRIVATE TREES.

(a) When the Director of the Department of Public Works or his or her designee suspects a tree, shrub or plant on private property to be diseased, infested or a public nuisance, he or she shall cause written notice to be served upon the owner of the property specifying his or her authority and intent to enter onto the private property for the specific purpose of evaluating the tree, shrub or plant which is suspected to be diseased, infested or a public nuisance. A reasonable response time shall be delineated at the time of notification.

1026.09 STREETS, UTILITIES AND PUBLIC SERVICES CODE 26D

(b) Upon discovery of any communicable disease, pestilence or infestation which endangers the growth or health of trees, or upon the discovery of any hazard, the Director of Public Works or his or her designee shall cause written notice to be served to the owner of the property, describing the tree, its location and the nature of the infestation, disease or public nuisance. This notice shall specify the steps deemed necessary by the Director of the Department of Public Works or his or her designee to remedy the situation. Such steps may include pruning, spraying or removal of the diseased or infested tree to eradicate or control the infestation, disease or hazard. A reasonable response or compliance time shall be delineated at the time of notification in accordance with the nature and severity of the infestation, disease or hazard.

(c) Failure to comply with the written notice shall result in one or more of the following:

(1) The City or its designee shall prune, spray or remove the tree in question at the owner's expense.

(2) The bill for pruning, spraying or removal, if not paid within sixty days, shall be added to the tax bill of the owner.

(Ord. 216. Passed 10-10-90.)

1026.09 ENFORCEMENT.

(a) Public Trees. The Director of the Department of Public Works shall have the power to promulgate and enforce rules, regulations and specifics concerning the planting, removal, trimming, spraying and treatment of all trees, shrubs, and plants on any street right-of-way, park or other public place in the City.

(b) Private Trees. The Director of the Department of Public Works shall have the power to promulgate and enforce rules, regulations and specifics concerning the planting, removal, trimming, spraying and treatment of only such private trees as are deemed a public nuisance.

(Ord. 216. Passed 10-10-90.)

1026.10 APPEALS.

All appeals of penalties shall be heard and decided upon by the City Council. Such appeals must be noticed before the next City Council meeting after written notice has been given, pursuant to this

chapter.

(Ord. 216. Passed 10-10-90.)

1026.99 PENALTY.

Any person violating any provision of this chapter, or who fails to comply with any notice issued pursuant to this chapter, shall be subject to a fine not to exceed five hundred dollars (\$500.00) and, if replacement of public trees, shrubs or plants is necessary because of the violation, the replacement value shall be determined by the latest revision of A Guide to the Professional Evaluation of Landscape Trees, Specimen Shrubs, and Evergreens, as published by the International Society of Arboriculture, or updates or amendments thereafter. (Ord. 216. Passed 10-10-90.)

TITLE FOUR - Utilities

Chap. 1040. Sewers. (Repealed)

Chap. 1042. Water.

Chap. 1044. Wells.

CHAPTER 1040

Sewers

EDITOR'S NOTE: Ordinance No. 08-06, passed March 12, 2008, repealed in its entirety Ordinance No. 40, passed January 13, 1968, codified as Chapter 1040, Sewers, and adopts a new Genesee County Sewer Use Ordinance for the City of Grand Blanc (hereinafter referred to as the "Ordinance").

The Ordinance establishes uniform requirements for discharges by users located within the City to Genesee County POTW, and to enable the City and the County Agency to comply with applicable State and Federal laws as required by the Federal Water Pollution Control Act (also known as the "Clean Water Act"), as amended, 33 U.S.C. ' ' 1251, et seq.; the General Pretreatment Regulations (40 CFR part 403); Part 31 of Act 451 of the Public Acts of Michigan of 1994, MCL 324.3101 et seq., as amended ("Water Resources Protection"); and the rules, Michigan Administrative Code, R 323.2301 et seq., as amended, promulgated pursuant to Sections 3103, 3106, and 3109 of Part 31 of Act 451 of Public Acts of Michigan of 1994, as amended.

The Ordinance prohibits the discharge of pollutants from within the City into the Genesee County POTW that do not meet applicable pretreatment standards and requirements; that would interfere with the operation of the POTW; that would pass through the POTW into receiving waters or the atmosphere, the environment, or otherwise be incompatible with the POTW; that would inhibit or disrupt the POTW's processing, use or disposal of sludge; that would cause health or safety problems for POTW workers; or that would result in a violation of the POTW's NPDES Permit or of other applicable laws and regulations.

The Ordinance is intended to improve the opportunity to recycle and reclaim wastewaters and sludge from the Genesee County POTW, as required by law.

The Ordinance regulates the discharge of wastewater and/or pollutants to the POTW and provides the authority to enforce the requirements of the Ordinance through the issuance of permits and through other means as provided by the Ordinance.

The Ordinance authorizes and requires all inspection, monitoring, reporting and enforcement activities as necessary to insure compliance with applicable pretreatment standards and requirements and other applicable laws and regulations.

2009 Replacement

The Ordinance provides for the equitable distribution and recovery of costs from users of the Genesee County POTW sufficient to administer regulatory activities and to meet the costs of the operation, maintenance, improvement, and replacement of the POTW.

The Ordinance applies to any person that discharges to the Genesee County POTW from within the City. The Ordinance also applies to any person owning, using, constructing or maintaining any private system or facility intended or used for the disposal of sewage or wastewater within the City.

The Ordinance designates, empowers and authorizes the Genesee County POTW to act as the agent and representative of the City for the purposes of administering and enforcing the Ordinance within the City. This includes, but is not limited to, the power and authority of the POTW, as deemed necessary by the POTW, to immediately and independently investigate, enforce, and prosecute (administratively or judicially, and civilly or criminally) any violation of the Ordinance or of any notice, order, permit, decision or determination promulgated, issued or made by the POTW under the Ordinance, and to otherwise implement the requirements of the Ordinance.

The Ordinance makes it unlawful for any person to discharge any wastewater or pollutant to the POTW or to any storm sewer or natural outlet within the City or in any area under the jurisdiction of the City, except in accordance with the provisions of the Ordinance and other applicable laws and regulations. If any user discharges or proposes to discharge wastewaters or pollutants that are prohibited or limited by the Ordinance, the POTW may take any action as provided by the Ordinance or other applicable laws or regulations to assure and require compliance with the provisions of the Ordinance.

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CHAPTER 1042

Water

1042.01 Administration.	1042.08 Collection of delinquent charges.
1042.02 Water mains.	1042.09 Criteria for establishment of rates.
1042.03 Service pipes; connections.	1042.10 Accidents or repairs; notice of shut-offs.
1042.04 Meters.	1042.11 Cross connections.
1042.05 Use of water; inspections; fire hydrants.	1042.12 Fluoridation.
1042.06 Rates and charges.	1042.13 Table of unit factors.
1042.07 Free service prohibited; bimonthly billing; payment.	1042.99 Penalty.

CROSS REFERENCES

Water quality - see Mich. Const. Art. 4, Secs. 22, 52; M.C.L.A. Secs. 67.38, 323.1 et seq.

Water supply generally - see Mich. Const. Art. 7, Sec. 24; M.C.L.A. Secs. 46.171 et seq., 123.111 et seq., 325.201 et seq., 486.51 et seq., 486.101 et seq.

Water supply in home rule cities - see M.C.L.A. Secs. 117.4b, 117.4e, 117.4f, 117.35, 123.115

Acquisition and operation of water works by City - see CHTR. Ch. 22, Secs. 1 et seq.

Department of Public Works - see ADM. Ch. 246

Water wells - see S.U. & P.S. Ch. 1044

1042.01 ADMINISTRATION.

(a) The operation, maintenance and management of the waterworks system shall be under the

immediate supervision and control of Council. Council may, however, delegate the authority to regulate day-to-day operations of the system to the Director of Public Works or to any other person of its choosing, provided that such authority shall always be subordinate to the authority of Council.

(Ord. 34. Passed 3-1-67.)

(b) The Director of Public Works shall have charge of the maintenance and operation of the water supply and treatment plant, pumping equipment, distribution system, fire hydrants, meters and all other appurtenances of the waterworks system. The Director shall supervise all extensions and alterations of the waterworks system as Council may direct. He or she shall also be responsible for reading all water meters.

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(c) The City Clerk shall be responsible for the collection of water bills. All revenues shall be accounted for in a manner satisfactory to Council. The City Clerk shall prepare and present a bimonthly statement of the receipts and expenditures of the Water Department to Council.

(d) The City Treasurer shall deposit water revenues in a manner approved for other Municipal deposits, but shall keep water revenues in a separate and distinct account.

(e) The Director shall report monthly to Council in such detail as Council may direct. (Ord. 11. Passed 4-13-38.)

(f) The system shall be operated upon the basis of a fiscal year beginning on June 1 of each year and ending on May 31 of the following year.

(Ord. 34. Passed 3-1-67.)

1042.02 WATER MAINS.

(a) The water mains of the City shall be under the exclusive control of the Director of Public Works. No person, other than an agent or employee of the Water Department, shall tap, change, obstruct, interfere with or in any way disturb the system of water mains.

(b) All extensions and alterations to the system of water mains shall be made under the supervision of the Director who shall act only upon authorization of Council. Petitions for the extension of water mains shall be addressed to Council, which will thereupon consider the same and advise the petitioners of its decision.

(c) Any person installing water mains at his or her own expense shall first submit plans and specifications for such work to Council for its approval. After such plans and specifications have been approved by Council, the work shall be done under the supervision of the Director who shall require that such tests be made as he or she may consider necessary, and no water shall be admitted into such mains until he or she accepts the installation on behalf of Council. This subsection shall also apply to any installation of water mains outside the City where permission has first been granted by Council to connect such mains to the existing distribution system.

(Ord. 11. Passed 4-13-38.)

(d) All future privately-funded water distribution mains, which are at least six inches in diameter, shall become the property of the City upon their proper completion and connection to the Municipal water supply system. In addition, and concurrent with or prior to connection of such mains, all necessary easements shall be dedicated to the City and all such easements shall have a minimum width of fifteen feet.

1042.03 STREETS, UTILITIES AND PUBLIC SERVICES CODE 42

(e) The City shall be responsible for the maintenance and repair of all water mains dedicated to it under this section, and maintenance and repairs shall be accomplished only by the City or by a private or public entity selected by the City under contract with it to perform such duties. All expenses of maintaining and repairing such mains, whether incurred by the City directly or by contract, shall be charged to the owner of the property upon which the water main is located. For purposes of this section, the City's responsibility for maintenance and repair shall be limited to the water mains and necessary excavating and backfilling. All other expenses, such as, but not limited to, landscaping and repaving of parking lots, are the responsibility of the landowner.

(f) All expenses incurred by the City in maintaining and repairing water mains shall be reimbursed within thirty days from the date of issuance of the City's statement. If such reimbursement is not made within thirty days, the expenses shall become a lien against the land, and payment shall be required in the same manner and with the same penalties and interest charges as for City taxes.

(Ord. 164. Passed 11-13-85.)

1042.03 SERVICE PIPES; CONNECTIONS.

(a) All service pipe on either public or private property shall be laid on solid ground not less than four feet below the established grade of the street. Service pipe laid in the same trench with a sewer shall be at least eighteen inches distant from the sewer horizontally, and if the sewer is laid at a greater depth, service pipe shall be shelved into the bank to a solid bottom. In no case shall a service pipe be laid on a fill.

(b) From the main to the water meter, all service pipe shall be of copper, not less than three-fourths inch in diameter, approved by the Director of Public Works. Service cocks shall be at least three-fourths inch, extra heavy round way stop and waste type, placed twelve inches inside the sidewalk line. The stop box shall be set so that the cover is one inch above the grade and shall be set on a brick or concrete foundation to prevent settlement.

(c) A separate stop and waste cock shall be placed on the service pipe just inside the building wall on the influent side of the water meter. Such stops shall be equal in quality to the service cock.

(d) The corporation cock, service pipe from main to meter, service cock and stop box, stop and waste cock and meter will be provided in place by the Water Department after payment of the water permit fee as provided in this section. The service pipe from the service cock to the building on private property shall be properly maintained by the owner. The owner shall keep the stop box free from dirt, stones or other substances that will prevent access to the service cock.

(e) Plumbers shall not interfere in any way with the service pipes installed by the Water Department and shall not be permitted to turn water on or off at the service cock except for the purpose of testing their work, in which case the service cock shall be left in the same condition and position as they found it. Any plumber called upon to shut off water and drain pipes in any premises shall do so inside the building only.

(Ord. 11. Passed 4-13-38.)

(f) Before any connection is made to any water main, an application for a permit shall be made, in writing, by the owner of the premises to be served, or by his or her authorized representative, at the office of the City Clerk. Such application shall be made on forms provided by the Water Department, and shall contain such information as Council may require.

When such application is made, the applicant shall pay to the Department, in addition to the fee provided in subsection (g) hereof, a tap-in service fee, per unit, as determined from time to time by Council.

A unit, for the purpose of computing water tap-in fees, shall be determined in accordance with the Table of Unit Factors set forth in Section 1042.13, with the exception that there shall be a minimum of one full unit for each connection.

(Ord. 170. Passed 3-12-86; Ord. 172. Passed 3-12-86.)

(g) After the permit for a service connection has been granted, and before the connection is made, the owner shall pay a fee for tapping the main and installing the service pipe to the building on private property, which will include the corporation cock, service cock and stop box, stop and waste cock and meter. This fee will be a charge per foot from the center of the road to the meter for ditch and copper pipe, plus the cost of the corporation cock and stop and waste cocks, which charges will be based on current material and labor costs.

(h) When a permit is requested for service to a building under construction, the owner shall pay to the Water Department, in addition to the fee provided in subsection (g) hereof, a fee for water used during construction as set forth in Section 1042.06(h).

(Ord. 11. Passed 4-13-38.)

1042.04 METERS.

(a) All premises using water shall be metered and payment shall be made for water at rates as herein set forth. In no case will water be supplied at fixture or flat rates, except for temporary supplies as provided in this chapter, or in special cases reviewed and approved by formal resolution of Council.

(b) Meters will be furnished by the Water Department. Meters shall remain the property of the Department and will, at all times, be under its control.

(c) For ordinary domestic consumption of water, a five-eighths inch or five-eighths inch by three-fourths inch meter will be furnished. Where application is made for a meter larger than five-eighths inch or five-eighths inch by three-fourths inch, the Director of Public Works shall determine whether a meter of such size is required. The Water Department will furnish meters in sizes up to and including two inches. Where a meter larger than two inches is required, special arrangements shall be made between the Department and the customer. All such special arrangements shall be approved by Council before becoming effective.

(d) Meters shall be set in an accessible location and in a manner satisfactory to the Director. Where the premises contain no basement or cellar, the meter shall be installed in a location which shall be approved by the Director. Where it is necessary to set the meter in a pit, such pit shall be built at the expense of the owner as directed by the Director and to his or her entire satisfaction.

(e) Meters will be sealed by the Department. No person, except an authorized employee of the Department, shall break or injure such seals. No person, other than an authorized employee of the Department, shall change the location of, alter or interfere in any way with the meter.

(f) The expense of installing, replacing and maintaining meters, after the purchase of the initial meter at the owner's expense, will be borne by the Department with the exception of irrigation meters, which costs shall be borne by the owner. However, where replacements, repairs or adjustments of a meter installed by the Department are made necessary by the act, negligence or carelessness of the owner or occupant of the premises, the expense to the Department caused thereby shall be charged and collected from the owner of the premises.

(g) The owner or occupant of the premises where a meter is installed will be held responsible for its care and protection from freezing and from injury or interference by any person. In case of injury to the meter or in case of its stoppage or imperfect operation, the owner or occupant of the premises shall give immediate notice to the Water Department. All water furnished by the City and used on any premises

must pass through the meter. No by-pass or connection around the meter will be permitted. If any meter becomes defective or fails to register, the consumer will be charged at the average bimonthly consumption rate as shown by the meter over the period of the preceding four bimonthly periods when the meter was accurately registering.

(h) The accuracy of the meter on any premises will be tested by the Department upon written request of the owner, who shall pay, in advance, a fee determined from time to time by Council, to cover the cost of the test. If, on such test, the meter is found to register over five percent more water than actually passes through it, another meter will be substituted therefor,

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such fee will be refunded to the owner and the water bill may be adjusted in such a manner as may be fair and just.

(Ord. 11. Passed 4-13-38; Ord. 10-04. Passed 9-8-10.)

1042.05 USE OF WATER; INSPECTIONS; FIRE HYDRANTS.

(a) When new service pipes are put into any premises, the service cock shall be left closed and shall thereafter be opened only by an authorized employee of the Water Department and only upon the request of the owner or his or her agent. However, a plumber may open and close a service cock to test his or her work, as provided in Section 1042.03(e).

(b) If a permit is issued as provided in Section 1042.03(h) and a water meter has been installed for the temporary use of water, the owner shall notify the Department upon the completion of his or her work so that the water meter may be read and the connection shut off.

(c) Where a building originally built as a single dwelling and fitted with one service pipe is thereafter subdivided by sale or otherwise, each subdivision as created shall be connected to the water system by a separate meter within thirty days after such division, or special arrangements shall be made to cover such subdivision.

(d) No person shall take or use City water from premises other than his or her own, and no person shall sell or give away water from his or her own premises for any purpose. No connection through which water may pass from one property to another shall be constructed, although the ownership of both properties may be the same.

(e) Where the water has been turned off by the Department for any reason, no person, except an authorized employee or agent of the Department, shall turn it on again. Whenever this rule is violated, the Department may shut the water off at the corporation cock at the main and the owner shall pay, in advance, double the established rate for water used in violation of this subsection, in addition to the entire expense incurred by the Department for doing this work, before the water may be turned on again.

(f) No steam boiler shall be directly connected to the service pipe. The owner of the premises

involved shall make such provisions as may be required by the Department before the water may be supplied to such an installation.

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(g) The Director of Public Works or his or her authorized agents shall have free access at all reasonable hours to inspect any premises supplied with water. No person shall refuse to admit authorized agents of the Department to any premises for such purpose. If an authorized agent is refused admittance, or is in any way hindered in making the necessary inspection or examination, the water may be turned off from such premises after giving twenty-four hours notice to the owner or occupant thereof.

(h) Where pipes are provided for fire protection on any premises, or where hose connections for fire apparatus are provided, each such connection or opening of the service pipes shall have not less than twenty-five feet of fire hose constantly attached thereto, and no water shall be taken through such opening or hose for any purpose other than for extinguishing fires, except for the purpose of testing such fire equipment. No such test of fire equipment shall be conducted unless a special permit is first obtained therefor from the Department.

(i) Fire hydrants may be opened and used only by the Water Department and Fire Department of the City or by such persons as may be specifically authorized by the Water Department. No person shall in any manner, obstruct or prevent free access to any fire hydrant by placing or storing, temporarily or otherwise, any object or material of any kind within twenty feet of the same.

(Ord. 11. Passed 4-13-38.)

1042.06 RATES AND CHARGES.

(a) Generally. Except as otherwise provided in this chapter, water furnished by the waterworks system to each premises shall be measured by a meter installed and controlled by the City. Charges for water service to each premises in the City connected to the waterworks system shall be as determined from time to time by Council.

(b) Nonmetered Premises. If water service to any premises is not metered, the charge thereto shall be at a flat rate as determined from time to time by Council, per month, subject to an increase if it appears that consumption exceeds the quantity of water which such amount would purchase at the consumption rates.

(c) Premises Outside City. Charges for water service to premises outside the City, including water

rates, meter charges, tap-in fees, interconnection charges and all other charges for units specified herein, shall be 150 percent of the rates and charges applicable to premises in the City.

(d) Charges to City. The City shall pay for all water used by it at the rates determined according to this section, except that for fire hydrant service, the charge shall be as determined from time to time by Council, per hydrant, per year. Charges to the City shall be payable in

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quarterly installments from the current funds of the City or from the proceeds of taxes which the City, within constitutional limitations, is hereby authorized and required to levy in an amount sufficient for such purpose.

(e) Payment. The cost of water service connections from City water mains to private premises shall not be paid from proceeds of authorized bonds or from the revenues of the system.

(Ord. 170. Passed 3-12-86.)

(f) Deposits. Deposits for water service may be required by resolutions, from time to time, by the City Council.

(Ord. 76. Passed 5-10-72.)

(g) Charges During Construction. For structures under construction and prior to any use of the water system, a meter shall be installed and charges for the use of water during the period of construction shall be chargeable to the party responsible for the construction. Before an occupancy permit is issued, such charges shall be paid in full. A new meter shall be installed thereafter and the cost of the use of water shall be paid as set forth in this section. (Ord. 170. Passed 3-12-86.)

(h) Bulk Water Sales. The charge for bulk water sales shall be determined from time to time by Council. Bulk water sales include, but are not limited to, tanker trucks, hydroseeding, equipment and pool fills.

(Ord. Unno. Passed 7-14-99.)

(i) Vacant Structures. Residents who are not residing in a particular structure, or who do not have a user of the structure during any particular time period, will be required to continue to pay the ready to service fee for that structure.

(Ord. 170. Passed 3-12-86; Ord. 10-04. Passed 9-8-10.)

1042.07 FREE SERVICE PROHIBITED; BIMONTHLY BILLING; PAYMENT.

(a) Free service shall not be furnished by the waterworks system to the City, to any person, public or private, or to any public agency or instrumentality, except the City Council may authorize subdivision entrances receive 1,000 cubic fee of water without charge. Charges for service furnished by the system

shall be billed bimonthly on the twenty-first day of the month. Such charges shall become due on the tenth day of the following month. If such charges are not paid on or before such due date, then a penalty of ten percent shall be added thereto.

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(b) If the charges for such services furnished to any premises in any bimonthly period are not paid within the next succeeding bimonthly period, then the City water supply to such premises shall be discontinued. Services so discontinued shall not be restored until all sums then due and owing for water services, including penalties, are paid, and until a turn-off charge and a turn-on charge as determined by Council are paid.

(Ord. 177. Passed 8-13-86: Ord. 10-04. Passed 9-8-10.)

1042.08 COLLECTION OF DELINQUENT CHARGES.

Charges for services furnished by the waterworks system to any premises shall be a lien thereon, and on May 1 of each year, the Director of Public Works shall certify any charges which have been delinquent six months or more to the City Assessor, who shall enter the same upon the next tax roll against the premises to which such services have been rendered. Said charges shall be collected and such lien shall be enforced in the same manner as provided for taxes assessed upon such roll. However, when a tenant is responsible for the payment of such charges and Council is so notified in writing, with a true copy of the lease of the affected premises (if there is one) attached, then no such charges shall become a lien against such premises from and after the date of such notice. However, in the event of the filing of such notice, no further service shall be rendered by the system to such premises until a cash deposit equal to twice the average quarterly charge to such premises has been made as security for the payment of charges thereto.

(Ord. 34. Passed 3-1-67.)

1042.09 CRITERIA FOR ESTABLISHMENT OF RATES.

The rates established by Council pursuant to this chapter shall be sufficient to provide for payment of the expenses of administration and operation of the waterworks system and of such maintenance thereof as may be necessary to preserve the same in good repair and working order; to provide for payment of the interest upon and the principal of all bonds payable therefrom, as and when the same become due and payable, and for the creation of a reserve for the payment of principal and interest as required; and to provide for such other expenditures and funds for the system as are required. Rates shall be fixed and revised from time to time by Council so as to produce the foregoing amounts, and the City covenants and agrees to maintain at all times such rates and services furnished by the system as are sufficient to provide for the foregoing. (Ord. 34. Passed 3-1-67.)

1042.10 ACCIDENTS OR REPAIRS; NOTICE OF SHUT-OFFS.

If it becomes necessary to shut off the water from any section of the City because of any accident or for the purpose of making repairs or extensions, the Water Department will endeavor to give timely notice to the consumers affected thereby and will, so far as practical, use its best efforts to prevent inconvenience and damage arising from any such causes. However, failure to give such notice shall not render the Department

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responsible or liable in damages for any inconvenience, injury or loss which may result therefrom.
(Ord. 11. Passed 4-13-38.)

1042.11 CROSS CONNECTIONS.

(a) The City hereby adopts by reference the Water Supply Cross-Connection Rules of the Michigan Department of Public Health, being R 325.341 to R 325.440 of the Michigan Administrative Code.

(b) Council shall cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply are deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by Council and as approved by the Michigan Department of Public Health.

(c) A representative of the City may enter at any reasonable time any property served by a connection to the public water supply system of the City for the purpose of inspecting the piping system thereof for cross connections. On request, the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections.

(d) Council shall discontinue water service after reasonable notice to any property wherein any connection in violation of this section exists, and shall 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 this section.

(e) 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 section 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.

(f) This section does not supersede the State Plumbing Code but is supplementary thereto.

(Ord. 78. Passed 5-9-73.)

1042.12 FLUORIDATION.

The addition of fluoride to the public water supply system of the City is hereby prohibited.

(Ord. 79. Passed 6-13-73.)

1042.08 TABLE OF UNIT FACTORS.

The following Table of Unit Factors, used to determine tap-in fees, rates and charges, as set forth in this chapter, is hereby established:

TABLE OF UNIT FACTORS

Usage	Unit Factor
Auto dealers .40 per 1,000	sq. ft.
Barber shops .08 per chair	
Bars .06 per seat	
Beauty shops .30 per booth	
Boarding houses .20 per person	
Boarding schools .35 per person	
Bowling alleys (no bars, lunch facilities) .20 per alley	
Car washes 10.00 single production line	
Churches .01 per seat	
Cleaners (pick-up only) .06 per employee	
Cleaners (pressing facilities) 1.25 per press	
Clinics (minimum assignment 1.00 unit per profession) .65 per doctor	
Convalescent homes.30 per bed	
Convents .25 per person	
Country clubs .10 per member	
Drug stores (with fountain service) .10 per seat	
Factories (exclusive of excessive industrial use) .50 per 1,000	sq. ft.
Fraternal organizations (members only) 1.25 per hall	
Fraternal organizations (members and	

rentals)	2.50 per hall		
Grocery stores and supermarkets	1.10 per 1,000		sq. ft.
Hospitals	1.40 per bed		
Hotels (private baths, two persons per room)	.25 per bed		
Laundries (self-service)	.50 per washer		
Multifamily residences	1.00 per unit		
Motels	.25 per bed		
Office buildings	.60 per 1,000	sq. ft.	
Public institutes other than hospitals		.40 per	employee
Restaurants (dinner and/or drinks)		.16 per seat	
Rooming houses (no meals)	.167 per person		
Schools (cafeteria without showers and/or pool)	1.50 per classroom		
Schools (showers and/or pool)	2.00 per		classroom

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TABLE OF UNIT FACTORS (Cont.)

Usage Unit Factor

Schools (showers, gym, cafeteria) 2.50 per
classroom

Service stations .30 per pump

Snack bars, drive-ins .10 per seat and/or
stall

Stores (other than specifically
listed) .20 per
employee

Swimming pools 3.50 per 1,000 sq. ft.

Theaters (drive-in) .10 per car
space

Theaters .0001 x weekly hours of
(inside with air conditioning) operation
x seats

Tourists courts (individual
bath units) .27 per cubical

Trailer parks (central bath houses) .35 per trailer

Trailer parks (individual baths) 1.00 per unit

Trailer parks (individual baths -
seasonal only) .50 per unit

Warehouses .10 per 1,000 sq. ft.

(Ord. 206. Passed 4-12-89.)

1042.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

CHAPTER 1044

Wells

- | | | | |
|---------|-------------------------------------------------------------|---------|--------------------------------|
| 1044.01 | Private well defined. | 1044.07 | Meters. |
| 1044.02 | Intent; violations as nuisances. | 1044.08 | Discharges to sewerage system. |
| 1044.03 | Digging, drilling, extending or enlarging; permit required. | 1044.09 | Sewage treatment charges. |
| 1044.04 | Permit application; fee. | 1044.10 | Sale or use of water. |
| 1044.05 | Conditions of permit issuance. | 1044.11 | Permit revocation. |
| 1044.06 | Compliance required; inspections by Water Department. | 1044.12 | Appeals. |
| | | 1044.99 | Penalty. |

CROSS REFERENCES

Water quality - see Mich. Const. Art. 4, Secs. 22, 52;

M.C.L.A. Secs. 67.38, 323.1 et seq.

Water supply generally - see Mich. Const. Art. 7, Sec. 24;

M.C.L.A. Secs. 46.171 et seq., 123.111 et seq., 325.201 et seq., 486.51 et seq., 486.101 et seq.

Water supply in home rule cities - see M.C.L.A. Secs. 117.4b,

117.4e, 117.4f, 117.35, 123.115

Acquisition and operation of water works by City - see CHTR.

Ch. 22, Secs. 1 et seq.

Department of Public Works - see ADM. Ch. 246

As used in this chapter, "private well" means any well or excavation, drilled or dug to a depth of more than twelve feet on privately owned lands for purposes of taking artesian water. (Ord. 182. Passed 6-10-87.)

1044.02 INTENT; VIOLATIONS AS NUISANCES.

(a) The regulation of private wells is intended to prevent waste of water from artesian wells or any use which may in any way cause depletion or lowering of the head or reservoir, to the detriment or damage of other wells in the City, or harm to the public health and welfare.

(b) Any private well that is dug, drilled, operated or maintained in violation of any provision of this chapter, or of the permit issued for the well, shall be a public nuisance and shall be abated immediately. (Ord. 182. Passed 6-10-87.)

1044.03 DIGGING, DRILLING, EXTENDING OR ENLARGING; PERMIT
REQUIRED.

No person shall dig, drill, extend or enlarge a private well upon any land in the City without first obtaining a permit therefor from the City official designated by Council.

(Ord. 182. Passed 6-10-87.)

1044.04 PERMIT APPLICATION; FEE.

Any person desiring to dig, drill, extend or enlarge a private well shall make application to the City for a permit therefor. The application shall be in writing and shall contain all pertinent information concerning the size and location of the proposed well or its extension, with a statement of the purposes for which the water will be used. The application shall be accompanied by a permit fee of two hundred dollars (\$200.00), which fee shall be returned if the permit is not granted.

(Ord. 182. Passed 6-10-87.)

1044.05 CONDITIONS OF PERMIT ISSUANCE.

The City official designated by Council may grant or deny the issuance of a permit required by this chapter. If such a permit is granted, it shall contain such reasonable terms and conditions as are deemed necessary relative to the depth or size of the well, the maximum horsepower of the pump motor and/or the gallonage per hour, and the use and disposal of water taken from the well.

(Ord. 182. Passed 6-10-87.)

1044.06 COMPLIANCE REQUIRED; INSPECTIONS BY WATER
DEPARTMENT.

Whenever a permit is granted for a private well, the well shall be dug, drilled, extended or enlarged in strict conformity and compliance with regulations contained in the permit. Such well, both at the time of digging, drilling, extension or enlargement and subsequently, shall be subject to inspection at all reasonable times by the Water Department.

(Ord. 182. Passed 6-10-87.)

1044.07 METERS.

The City official designated by Council may, as a condition precedent to the granting of a permit

required by this chapter, require the installation of a meter measuring the amount of water taken from the well. The meter, if required, shall be installed by the Water Department, and all costs in connection with its installation shall be borne by the owner of the premises upon which the well is located and shall be additional charges over and above the permit fee.

(Ord. 182. Passed 6-10-87.)

1044.08 DISCHARGES TO SEWERAGE SYSTEM.

No water from a private well in the City shall be permitted to enter the sewerage system of the City unless the water first passes through a meter as provided for in Section 1044.07.

(Ord. 182. Passed 6-10-87.)

1044.09 SEWAGE TREATMENT CHARGES.

Water obtained from private wells and deposited in the sewerage system of the City shall be subject to the same charges for sewage treatment as water from the City water system.

(Ord. 182. Passed 6-10-87.)

1044.10 SALE OR USE OF WATER.

No person shall, except by express permission of Council, sell water from any private well or use the water for any purpose other than as specifically authorized in the permit issued in accordance with this chapter.

(Ord. 182. Passed 6-10-87.)

1044.11 PERMIT REVOCATION.

Any permit granted under this chapter shall be revocable at the will of Council, provided that Council, prior to revoking the permit, gives the owner or operator of the well at least ninety days written notice of its intent to revoke the permit. The notice shall be deemed sufficient if served on the owner personally, or by registered or regular mail, and by posting a copy of the notice on the premises where the well is located. Use of water from the well shall be discontinued immediately on revocation of the permit, and the well shall be capped or otherwise treated as required by order of Council.

(Ord. 182. Passed 6-10-87.)

1044.12 APPEALS.

The applicant for a well permit may appeal to Council from a decision of the City official designated by Council refusing to grant a permit. Application for appeal may be made when it is claimed that the true intent of this chapter or its provisions have been incorrectly interpreted.

(Ord. 182. Passed 6-10-87.)

1044.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

TITLE SIX - Other Public Services

Chap. 1060. Garbage and Rubbish Collection and Disposal.

Chap. 1062. Parks.

CHAPTER 1060

Garbage and Rubbish Collection and Disposal

- 1060.01 Definitions.
- 1060.02 Collection regulations; containers.
- 1060.03 Rates.
- 1060.04 Billing; payment; delinquency.
- 1060.05 Collection of unpaid charges.
- 1060.06 Vacant dwellings.
- 1060.07 Receptacles; use and specifications.
- 1060.08 Burning, incineration and burial.
- 1060.09 Scavenging of recyclable materials from curbside.
- 1060.99 Penalty.

CROSS REFERENCES

Garbage and refuse generally - see M.C.L.A. Secs. 46.171
et seq., 123.241 et seq., 123.361 et seq.

Municipal authority - see M.C.L.A. 123.301 et seq.

Littering - see GEN. OFF. 676.04

Undesirable accumulations of garbage and rubbish - see
GEN. OFF. 676.04

Garbage and rubbish in drive-in restaurants - see B.R. & T.
810.02

1060.01 DEFINITIONS.

As used in this chapter:

(a) "Contractor" means the person who has the contract with the City for the removal of garbage and refuse.

(b) "Garbage" means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

(Ord. 174. Passed 6-11-86.)

(c) "Noxious waste" means any rubbish or other matter, except garbage, which, because of deterioration, decay, burning, incineration or otherwise, is likely to produce dangerous noxious or unpleasant odors or fumes or attract flies, insects, vermin, rodents or disease carrying animals.

(Ord. 29. Passed 8-10-60.)

(d) "Person" means the property owner and/or occupant requiring garbage and rubbish curbside pick-up services.

(e) "Premises" means a single-family dwelling unit.

(f) "Rubbish" means all ashes, magazines, newspapers, tin cans, glassware, bottles, small automobile parts and other like substances ordinarily discarded by householders.

(g) "Unit" means a single-family dwelling unit and includes each condominium unit and multifamily unit desiring curbside garbage and rubbish pick-up.

(Ord. 174. Passed 6-11-86.)

1060.02 COLLECTION REGULATIONS; CONTAINERS.

Persons who use the Municipal refuse collection service are subject to the following regulations:

(a) The property owner and/or occupant of any single-family dwelling unit in the City in which garbage and/or rubbish is accumulated shall maintain all garbage and/or rubbish in watertight containers or garbage bags and shall place such receptacles at the curb or at the edge of the nearest public street abutting the dwelling unit, immediately in front of the residence, not sooner than twenty-four hours prior to the prescribed day for pick-up of such garbage and/or rubbish.

(b) No garbage and/or rubbish container shall exceed fifty pounds.

(c) Containers shall be stored on private property at all times except on the regularly scheduled day of pick-up.

(d) Newspapers and magazines shall be tied securely in bundles or placed in covered containers.

(e) Garden trimmings and lawn clippings shall be placed in garbage bags. Tree limbs shall be bundled in four-foot or less tied bundles.

(f) Building, construction or demolition materials, rocks, bricks, stones, dirt, stumps and any material not suitable for loading into a packer-type truck shall not be collected.

(Ord. 174. Passed 6-11-86.)

1060.03 RATES.

(a) Rates for the collection of garbage and/or rubbish from single-family dwelling units shall be established from time to time by Council.

(Adopting Ordinance)

(b) Those multifamily dwelling units not desiring curbside pick-up shall provide for their own garbage and/or rubbish collection on at least a weekly basis.

(Ord. 197. Passed 6-8-88.)

1060.04 BILLING; PAYMENT; DELINQUENCY.

The charges for garbage and/or rubbish collection shall be billed bimonthly on the tenth day of the month and shall be due on the fifth day of the following month. A ten percent penalty shall be charged if such charges are not fully paid by the due date. (Ord. 174. Passed 6-11-86.)

1060.05 COLLECTION OF UNPAID CHARGES.

The payment of the garbage and/or rubbish collection charges shall be enforced by an action of assumpsit against an owner or occupant, and such charges shall be a lien on the premises receiving the service. The City Clerk shall report annually, at the regular April Council meeting, all unpaid charges for such service furnished to any premises which, on April 5 preceding, have remained unpaid for six months. Council shall thereupon, after due notice to the owners of the premises so served, assess the amount so found to be due as a tax against the premises, and the same shall be certified to the City Assessor, who shall place the same on the next tax roll of the City. Such charges so assessed shall be collected in the same manner as City taxes.

(Ord. 174. Passed 6-11-86.)

1060.06 VACANT DWELLINGS.

(a) The owner of a dwelling unit shall notify the City seven days in advance if such dwelling unit is to be vacant for two months or longer.

(b) The owner shall file an affidavit of vacancy with the City Clerk giving the City the starting and ending times of the vacancy so that garbage and/or rubbish collection can be reinstated at the end of the vacancy period.

(c) If the proper affidavit has been filed, garbage and/or rubbish collection charges will not be made with respect to the owner of the premises during such vacancy. (Ord. 174. Passed 6-11-86.)

1060.07 RECEPTACLES; USE AND SPECIFICATIONS.

Except as otherwise provided in this chapter for single-family dwelling units, no person shall deposit or place or permit the accumulation of any garbage or noxious wastes in any street, alley or public place, or upon any private property, regardless of whether or not such property is owned by such person, in the City, unless the same is contained in metal containers or equivalent containers equipped with a cover and equipped with handles so that they may be lifted and carried by one man. No such container shall have a capacity of less than ten gallons or more than twenty gallons. Additional garbage and rubbish may be placed at the curb in plastic bags securely tied. All cardboard boxes or containers having any dimension greater than four feet shall be broken down and dismantled. All magazines and newspapers not in containers shall be securely tied in bundles weighing not more than fifty pounds each. No branches, limbs or other items of a similar nature shall be longer than four feet in length.

(Ord. 29. Passed 8-10-60; Ord. 54. Passed 12-10-69.)

1060.08 BURNING, INCINERATION AND BURIAL.

No person shall burn, incinerate or bury garbage or noxious wastes in the City. However, the incineration of garbage and noxious wastes may be done on a limited and small scale with written permission from the Building Inspector. Such permission shall be granted only if the facilities for such incineration are such that complete reduction of the garbage and noxious wastes can be accomplished; that no dangerous, noxious or unpleasant odors or fumes will result therefrom; that no flies, insects, vermin, rodents or disease-carrying animals will be attracted; and that no nuisance will be created thereby. Such permission from the Building Inspector is subject to revocation at any time by him or her or by Council. (Ord. 29. Passed 8-10-60.)

1060.09 SCAVENGING OF RECYCLABLE MATERIALS FROM CURBSIDE.

(a) This section shall be known and may be cited as the Anti-Scavenging Ordinance of the City of Grand Blanc.

(b) Recyclable materials, including, but not limited to, glass (clear, green and brown), ferrous and nonferrous metals, plastic, aluminum, cardboard, newspaper and other designated recyclable materials agreed to between the City and its authorized recycler, placed appropriately at curbside for recycling, shall become the property of the City or its authorized recycler.

(c) No person, other than a representative of the City or its authorized recycler, shall collect, remove or pick up, or cause to be collected, removed or picked up, any recyclable material after it is placed at curbside.

(Ord. 233. Passed 1-10-96.)

1060.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

CHAPTER 1062

Parks

1062.01	Property destruction.	1062.06	Miscellaneous
1062.02	Garbage and rubbish.		regulations.
1062.03	Motor vehicles; traffic regulations.	1062.99	Penalty.
1062.04	Supervision by Council.		
1062.05	Alcoholic beverages; public intoxication; drugs.		

CROSS REFERENCES

Parks generally - see Mich. Const. Art. 7, Sec. 23

Parks in home rule cities - see M.C.L.A. Secs. 117.4e, 117.5

Misapplication of funds - see M.C.L.A. Sec. 123.67

Littering - see M.C.L.A. Sec. 752.901 et seq.;

GEN. OFF. 676.04

1062.01 PROPERTY DESTRUCTION.

No person in a public park of the City shall:

- (a) Willfully mark, deface, disfigure, injure, tamper with, displace or remove any buildings, bridges, tables, benches, paving or paving material, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers, recreational or sporting equipment, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal; or
- (b) Dig, remove any earth, rock, stones, trees, shrubs or plants, or make any excavation, except

with a written permit issued by the City Manager. (Ord. 118. Passed 7-12-78.)

1062.02 GARBAGE AND RUBBISH.

No person in a public park of the City shall dump, deposit or leave therein any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in proper receptacles where these are provided. Where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere.

(Ord. 118. Passed 7-12-78.)

1062.03 MOTOR VEHICLES; TRAFFIC REGULATIONS.

No person in a public park of the City shall:

- (a) Fail to comply with all applicable provisions of the Uniform Traffic Code as adopted by the City, and as amended from time to time, in regard to equipment and operation of vehicles, together with such regulations as are contained in this chapter and other City ordinances;
- (b) Fail to obey all traffic officers and park employees. Such persons are hereby authorized and instructed to direct traffic whenever and wherever needed in the parks and on the highways, streets or roads immediately adjacent thereto in accordance with this chapter and such supplementary regulations as may be issued subsequently by the Chief of Police.
- (c) Fail to obey all traffic signs indicating speed, direction, caution, stopping or parking, and all other signs posted for proper traffic control pursuant to orders of the Chief of Police;
- (d) Drive any motor vehicle, motorcycle or other motorized conveyance on any area, except park roads or parking areas or such other areas as may, on occasion, be specifically designated by the Chief of Police.
- (e) Operate any motor vehicle, motorcycle or other motorized conveyance in or through any of the City parks, other than to drive into the park and to park such vehicle or conveyance therein, unless specifically permitted by the Chief of Police.

(Ord. 118. Passed 7-12-78.)

1062.04 SUPERVISION BY COUNCIL.

All recreational activities taking place in City parks, whether scheduled or unscheduled, shall be under the supervision of Council and its Park and Greenspace Committee or the Parks and Recreation Commission. The operation of all activities and use of the parks shall be subject to regulations issued from time to time by Council.

(Ord. 118. Passed 7-12-78.)

1062.05 ALCOHOLIC BEVERAGES; PUBLIC INTOXICATION; DRUGS.

No person in a City park shall:

- (a) Possess, use or sell any alcoholic or intoxicating beverage, unless special permission has been obtained from the Chief of Police for the possession and consumption of alcoholic or intoxicating beverages in the park; or

(b) Appear in any park while under the influence of intoxicants, drugs or narcotics, or possess, use, sell or distribute any drugs or narcotics while in the park.

(Ord. 118. Passed 7-12-78.)

1062.06 MISCELLANEOUS REGULATIONS.

(a) Hours. Parks shall be open to the public during reasonable hours, except under unusual circumstances and emergencies. The opening and closing hours for each individual park shall be established by Council, except that in unusual circumstances and emergencies, the City Manager or his or her designee may regulate the same. The hours during which each park shall be open for public use shall be posted in a conspicuous place in each such park.

(b) Closed areas. Any section or part of any park may be declared closed to the public by the City Manager or his or her designee as is reasonably necessary.

(c) Fund Raising Activities. No activities shall be carried on for profit or other fund raising purposes, except upon a special written permit issued by the City Manager.

(d) Ejection. The Chief of Police or his or her designee may eject from a park any person violating any of the provisions of this chapter.

(Ord. 118. Passed 7-12-78.)

1062.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

CHAPTER 1064

Trees

CROSS REFERENCES

1064.01 PURPOSE AND INTENT.

It is the purpose of this ordinance to promote and protect the public health, safety, and general welfare, as well as enhancing the quality of life, by providing for the regulation of planting, maintenance, and removal of trees, shrubs and other plants within the City of Grand Blanc.

(Ord. 216. Passed 10-10-90.)

1064.02 AUTHORITY AND POWER.

The authority to plant, maintain, protect or remove trees, shrubs and other plants within the City of Grand Blanc is designated to the Director of Public Works or his or her designee. The authority to pass this Tree Ordinance is derived from the Home Rule Act, Act. No. 279, P.A. of 1909 as amended CL 117, M.S.A. 5.2083.

(Ord. 216. Passed 10-10-90.)

1064.03 APPLICABILITY.

This ordinance provides full power and authority over all trees, shrubs and plants located within the

street rights-of-way, parks, and public places of the City; and to trees, shrubs and plants, public or private, which constitutes a hazard, prohibited tree, public nuisance, or diseased or infected tree as described herein.

(Ord. 216. Passed 10-10-90.)

1064.04 DEFINITIONS.

(a) "Tree" means a woody perennial plant with one main stem or trunk. ordinarily growing to considerable height and usually developing many branches at some distance from the ground.

(b) "Shrub" means a woody plant smaller than a tree usually having multiple permanent stems that branch from or near the ground.

(c) "Plant" means a young tree, shrub, vine or herb.

(d) "Designee" means a persons or firms contracted by the City for evaluating, planting, maintaining, or removing trees, shrubs or plants within the City of Grand Blanc.

(e) "Park" means any area owned by the City and to which the public has access for the purposes of passive or active recreation.

(f) "Public tree" means any tree, shrub, or plant located within the street rights-of-way, parks or public places of the City.

(g) "Private tree" means any tree, shrub, or plant located within the City on the property of a resident or business owner.

(h) "Right-of-way" means that area controlled, developed and/or maintained by the City.

(i) "Prohibited tree" means any tree specifically listed as not permitted as per Sec. 1708, Paragraph 5 (e) of the Zoning Ordinance of the City of Grand Blanc.

(j) "Nuisance" means any public or private tree which has been evaluated by the Director of the Department of Public Works or his or her designee to be diseased, infested or a public hazard.

(k) "Diseased or infested tree" means any tree with a fatal or communicable disease or infestation.

(l) "Hazard" means any public or private tree or parts thereof which have been evaluated by the Director of the Department of Public Works or his or her designee to be an endangerment of the life, health or property of the public.

(m) "Topping" means the severe cutting back of removing the normal canopy of the tree.

(n) "Private property" means all property with or controlled by the City.

(Ord. 216. Passed 10-10-90.)

1064.05 LANDSCAPING.

In new subdivisions or when the development of commercial property occurs, the Planning

Commission will review landscaping plans and may require trees to be planted as per the zoning ordinance Sec. 1708.

(Ord. 216. Passed 10-10-90.)

1064.06 TREE PLANTING, MAINTENANCE AND REMOVAL.

(a) Planting Public Trees.

(1) Director of Public Works or his or her designee only shall have the authority to plant trees within the street rights-of-way, parks, and public places of the City.

(2) Trees may be planted within the street rights-of-way, parks, and public places of the City by private citizens or businesses after first obtaining written permission from the Director of Public Works or his or her designee.

(3) No prohibited trees may be planted within the street rights-of-way, parks, or public places of the City.

(b) Planting Private Trees. Citizens are encouraged to plant and nurture trees, shrubs and plants on their private or commercial property to further beautify the City and enhance the environment.

(c) Spacing.

(1) The location and spacing of public and private trees and other plantings shall be appropriate to the species planted and shall be determined by the Director of Department of Public Works or his or her designee.

(2) No public or private tree shall be planted that will interfere with overhead utility wires or underground water, sewage or utility lines.

(d) Signs and Fastenings. No person shall fasten any sign, card or poster, wire, rope or other material to, around, or through any tree except in emergencies such as storms or accidents. Signs must be removed after the abatement of emergencies by the persons who placed same.

(e) Topping or Removal. It shall be unlawful for any person, firm or business to top or remove any public tree without the express written approval of the Director of Department of Public Works or his or her designee.

(Ord. 216. Passed 10-10-90.)

1064.07 TREE PROTECTION.

The removal, cutting, maiming, breaking, or altering in such a way as to cause harm to any public tree by any person other than the Director of Department of Public Works or his designee is prohibited and shall be considered a violation of this Ordinance. (Ord. 216. Passed 10-10-90.)

1064.08 PRIVATE TREES.

(a) When the Director of the Department of Public Works or his or her designee suspects a tree, shrub or plant on private property to be diseased, infested or a public nuisance, he shall cause written notice to be served upon the owner of the property specifying his authority and intent to enter onto the private property for the specific purpose of evaluating the tree, shrub or plant which is suspected to be diseased, infested or a public nuisance. A reasonable response time shall be delineated at the time of notification.

(b) Upon discovery of any communicable disease, pestilence or infestation which endangers the growth or health of trees, or upon the discovery of any hazard, the Director of the Department of Public Works or his or her designee shall cause written notice to be served to the owner of the property describing the tree, its location and the nature of the infestation, disease or public nuisance. This notice shall specify the steps deemed necessary by the Director of the Department of Public Works or his designee to remedy the situation. Such steps may include pruning, spraying or removal of the diseased or infested tree to eradicate or control the infestation, disease or hazard. A reasonable response or compliance time shall be delineated at the time of notification in accordance with the nature and severity of the infestation, disease or hazard.

(c) Failure to comply with the written notice shall result one or more of the following:

(1) The City or its designee shall prune, spray or remove the tree in question at the owner's expense.

(2) The bill for pruning, spraying or removal, if not paid within sixty (60) days, shall be added to the tax bill of the owner.

(Ord. 216. Passed 10-10-90.)

1064.08 ENFORCEMENT.

(a) Public Trees. The Director of the Department of Public Works shall have the power to promulgate and enforce rules, regulations and specifics concerning the planting, removal, trimming, spraying and treatment of all trees, shrubs, and plants on any street right-of-way, park or other public places of the City.

(b) Private Trees. The Director of the Department of Public Works shall have the power to promulgate and enforce rules, regulations and specifics concerning the planting, removal, trimming, spraying and treatment of only such private trees which are deemed public nuisance.

(Ord. 216. Passed 10-10-90.)

1064.09 APPEALS.

All appeals of penalties shall be heard and decided upon by the City Council. Such appeals must be noticed before the next City Council Meeting/after \written notice has been given, pursuant to this Ordinance.

(Ord. 216. Passed 10-10-90.)

1064.99 PENALTY.

Any person violating any provisions of this ordinance or who fails to comply with any notice issued pursuant to this ordinance shall be subject to a fine not to exceed five hundred dollars (\$500.00) and, if replacement of public trees, shrubs or plants is necessary because of the violation, the replacement value shall be determined by the latest revision of A Guide to the Professional Evaluation of Landscape Trees, Specimen Shrubs, and Evergreens, as published by the International Society of Arboriculture, or updates or amendments thereafter.

(Ord. 216. Passed 10-10-90.)

CHAPTER 1066
Cost Recovery of Emergency Services

1066.01 Purpose.	1066.04 Hazardous materials.
1066.02 Definitions.	1066.05 False alarms.
1066.03 Emergency services for non-residents.	1066.06 Open fires.

1066.01 PURPOSE.

The purposes of this chapter are to assess costs to non-residents who require emergency services from the City, to assess costs to residents and non-residents who cause false alarms to be responded to by the City, to assess costs to residents and non-residents who cause open fires to be set, and to assess costs to residents and non-residents who use hazardous materials in the City.

(Ord. 03-21. Passed 2-11-04.)

1066.02 DEFINITIONS.

The terms used in this chapter shall have the following meanings:

- (a) ACity@ means the City of Grand Blanc.
- (b) ACity Council@ means the City Council of the City of Grand Blanc or its designee. This definition does not authorize delegation of any decision or function that is required by law to be made by the City Council.
- (c) ACity Manager@ means the City Manager or his or her designee.
- (d) AEmergency services@ means any emergency service which is provided by the City of Grand Blanc for its residents and non-residents alike, by the Fire Department.
- (e) AFalse alarm@ means any alarm condition which is registered at or reported to the Police Department, Fire Department or elsewhere through mechanical failure, malfunction, improper installation, or negligence or mistake of the owner or user/ subscriber or their agent or

employee. Also included is any alarm condition registered at or reported to the Police Department, Fire Department or elsewhere not resulting from criminal activity or for which the alarm was intended, or in the case of a fire alarm, any alarm condition not resulting from a fire or potential fire condition, or for the need of medical attention.

False alarms should not include the following: Severe storm conditions, utility pole accidents, testing of the alarm system when prior notification has been received by the Police and/or Fire Department; false alarms activated by disruption or disturbance of Michigan Bell lines or facilities; or documented extenuating circumstances beyond the reasonable control of user provided no prior similar circumstances applied to that user.

- (f) Hazardous materials means a chemical that is a combustible liquid, a flammable gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable reactive, water reactive, or radio active.

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- (g) "Open fires" means any fire intentionally or unintentionally set or caused to be set which has not received approval from the City for such a fire.
- (h) "Person" means an individual, corporation, partnership, association, governmental entity, or any other legal entity.
- (Ord. 03-21. Passed 2-11-04.)

1066.03 EMERGENCY SERVICES FOR NON-RESIDENTS.

The Fire Department shall be entitled to recover all expenses incurred in the provision of emergency services to non-residents of the City who are neither guests or employees of Grand Blanc residents or businesses. Council shall, by resolution, establish a schedule of fees to be charged for each emergency service, which may be amended from time to time.

(Ord. 03-21. Passed 2-11-04.)

1066.04 HAZARDOUS MATERIALS.

(a) The Fire Department shall be entitled to recover all expenses incurred in conjunction with emergency incidents involving hazardous/toxic materials or hazardous conditions. Such expenses shall include, but not be limited to, those associated with incident abatement, cleanup and mitigation, including any related third party costs, which were necessary to ensure the safety of City and its populace.

(b) Such expenses shall be the joint and several responsibility of the owner(s) and/or operator(s) of the property, equipment, vehicle or container causing or contributing to any emergency incident or hazardous condition. All such expenses shall be paid within thirty days of demand by the Fire Department unless otherwise approved by City Council.

(c) The City shall have a lien for all unpaid expenses incurred by the Fire Department as above-described and may enforce such lien in the manner prescribed by the general laws of the State providing for the enforcement of tax liens.

(Ord. 03-21. Passed 2-11-04.)

1066.05 FALSE ALARMS.

(a) The Fire Department shall be entitled to recovery expenses as a result of responding to a false

alarm occasioned by the mechanical failure, malfunction, improper installation of any alarm system or the negligent or intentional acts of an owner, lessee, and/or occupant of the property involved. The expenses shall be based upon a schedule established by the City Council which may be amended from time to time.

(b) Such expenses shall be the joint and several responsibility of the person(s) responsible. All such expenses shall be paid within thirty days of demand by the Fire Department.

(c) The City shall have a lien for all unpaid expenses incurred by the Fire Department as above-described and may enforce such lien in the manner prescribed by the general laws of the State providing for the enforcement of tax liens.

(Ord. 03-21. Passed 2-11-04.)

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1066.06 OPEN FIRES.

Any person who sets or causes to be set, whether intentionally or negligently, or tends to any open fire shall be liable to the City for any and all costs incurred by the City in fighting such fire as such costs shall be determined annually by the City. Such costs may include but are not limited to the actual costs incurred for fighting the fire, damages to third parties, attorney fees, court actions, or other related costs or damages.

(Ord. 03-21. Passed 2-11-04.)

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