

October 24, 2022

A regular meeting of the City Council was held on Monday, October 24, 2022, at 7:00 p.m. in the Council Chambers of City Hall. Mayor Pro Tem Wazbinski presided. The Pledge of Allegiance to the Flag was recited in unison.

Councilmen present: Steve Arnosky, Diane Brown Wilhelm, Pamela Hall, Marty Wazbinski

Councilmen absent: Maureen Donker

MINUTES

Approval of the minutes of the regular meeting of October 10, 2022 was offered by Councilman Arnosky and seconded by Councilman Hall. (Motion ADOPTED)

CONDITIONAL USE PERMIT NO. 78

Director of Planning and Community Development Jacob Kain presented information on Conditional Use Permit No. 78. A public hearing opened at 7:08 p.m., Tom Provoast 6009 Foxboro Ct and Elaine Zielinski 4215 Stonegate Dr commented on the Conditional Use Permit, the public hearing closed at 7:12 p.m. The following resolution was then offered by Councilman Arnosky and seconded by Councilman Brown Wilhelm.

WHEREAS, Thomas and Corinne Provoast submitted a request for a conditional land use to permit a single family dwelling located at 4310 and 4314 Stonegate Drive; and
WHEREAS, City Planning Department staff notified property owners and occupants within three hundred (300) feet of the subject property by transmitting notice on August 26, 2022 and publishing said notice on August 27, 2022 of the public hearing on September 13, 2022; and
WHEREAS, the City Planning Commission has conducted a public hearing in accord with Section 28.02(A) of the Zoning Ordinance of the City of Midland on said conditional use; and
WHEREAS, the Planning Commission has submitted its recommendation to approve the permit, in accord with Section 28.02(B) of the Zoning Ordinance of the City of Midland; now therefore
RESOLVED, that the City Council finds the request for the conditional use to be in accord with Section 28.03 of the Zoning Ordinance of the City of Midland, and hereby approves Conditional Use Permit No. 78, in accord with documents provided and submitted at the meeting of October 24, 2022. (Motion ADOPTED.)

VACATION OF KEITH STREET

Director of Planning and Community Development Jacob Kain presented information on the proposed vacation of Keith Street. A public hearing opened at 7:29 p.m., hearing no public comments, the public hearing closed at 7:30 p.m. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Hall.

WHEREAS, the Midland City Council, acting upon the request of Kris Remington and Wayne Hall for vacation of Keith Street, referred the matter to the Midland City Planning Commission and affected departments for report and recommendation; and
WHEREAS, a report has been received from the Midland City Planning Commission recommending vacation of Keith Street; and
WHEREAS, responses from each of the affected City Departments have been received indicating no objection to the vacation request; now therefore
RESOLVED, that the Midland City Council does hereby vacate Keith Street; and

RESOLVED FURTHER, that the Mayor and City Clerk are hereby authorized to execute documents prepared and approved by the City Attorney to convey the vacation portions of Keith Street to adjoining property owners; and

RESOLVED FURTHER, that within thirty (30) days thereof, the City Clerk shall record a certified copy of this resolution with the Midland County Register of Deeds and send a copy to the state Treasurer. (Motion ADOPTED. YEAS: Brown Wilhelm, Hall, Wazbinski NAYS: Arnosky ABSENT: Donker.)

OBSOLETE PROPERTY REHABILITATION DISTRICT

Director of Planning and Community Development Jacob Kain presented information on the proposed establishment of an Obsolete Property Rehabilitation District. A public hearing opened at 7:47 p.m., Mitzi Dimitroff of Monarch Associates, LLC the petitioner, and Selina Harris, Director of the Downtown Development Authority commented on the Obsolete Property Rehabilitation District, the public hearing closed at 7:53 p.m. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Hall.

WHEREAS, pursuant to PA 146 of 2000, the City of Midland has the authority to establish "Obsolete Property Rehabilitation Districts" within the City of Midland; and

WHEREAS, a written request has been made with the clerk of the City of Midland requesting the establishment of the Obsolete Property Rehabilitation District for a property located at 116 Rodd Street located in the City of Midland hereinafter described; and

WHEREAS, the City of Midland determined that the district meets the requirements set forth in section 3(1) of PA 146 of 2000; and

WHEREAS, written notice has been given by mail to all owners of real property located within the proposed district and to the public by public posting of the hearing on the establishment of the proposed district; and

WHEREAS, on October 24, 2022, a public hearing was held and all residents and taxpayers of the City of Midland were afforded an opportunity to be heard thereon; and

WHEREAS, the City of Midland deems it to be in the public interest of the City of Midland to establish the Obsolete Property Rehabilitation District as proposed; now therefore

RESOLVED by the City of Midland that the following described parcel of land situated in the City of Midland, Midland County, and State of Michigan, to wit:

NW 40 FT OF LOT 5 BLK 25 ORIGINAL PLAT OF MIDLAND

be and hereby is established as an Obsolete Property Rehabilitation District pursuant to the provisions of PA 146 of 2000. (Motion ADOPTED.)

ZONING PETITION NO. 641

Director of Planning and Community Development Jacob Kain presented information on Zoning Petition No. 641. A public hearing opened at 8:15 p.m., hearing no public comments, the public hearing closed at 8:16 p.m. The following ordinance amendment was then offered by Councilman Brown Wilhelm and seconded by Councilman Hall.

ORDINANCE NO. 1866

AN ORDINANCE TO AMEND ORDINANCE NO. 1585, BEING AN ORDINANCE TO REGULATE AND RESTRICT THE LOCATION OF TRADES AND INDUSTRIES AND THE LOCATION OF BUILDINGS DESIGNED FOR SPECIFIC USES, TO REGULATE AND LIMIT THE HEIGHT AND BULK OF BUILDINGS HEREAFTER ERECTED OR ALTERED, TO REGULATE AND DETERMINE THE AREA OF YARDS, COURTS, AND OTHER OPEN SPACES SURROUNDING BUILDINGS, TO REGULATE AND LIMIT THE DENSITY OF POPULATION, AND FOR SAID PURPOSES, TO DIVIDE THE CITY INTO DISTRICTS AND PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS BY AMENDING THE

ZONING MAP TO PROVIDE RC – REGIONAL COMMERCIAL WHERE OS – OFFICE SERVICE PRESENTLY EXIST.

The City of Midland Ordains:

Section 1. That the Zoning Map of Ordinance No. 1585, being the Zoning Ordinance of the City of Midland, is hereby amended as follows:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 7, T14N-R2E; THENCE N 87°55'19"W, 1334.83 FEET ALONG THE NORTH LINE OF SAID SECTION TO THE EAST 1/8 LINE OF SAID SECTION; THENCE S03°07'17"W 75.00 FEET ALONG SAID EAST 1/8TH LINE TO THE SOUTH LINE OF NORTH SAGINAW ROAD (FORMERLY US-10) AND THE POINT OF BEGINNING; THENCE CONTINUING S03°07'17"W 235.00 FEET ALONG SAID 1/8 LINE; THENCE N87°55'19"W 130.00 FEET, PARALLEL WITH THE NORTH SECTION LINE; THENCE N35°56'40"W 95.19 FEET; THENCE N03°07'17"E 160.00 FEET, PARALLEL WITH THE EAST 1/8 LINE, TO THE SOUTH LINE OF NORTH SAGINAW ROAD (FORMERLY US-10); THENCE S87°55'19"E 190.00 FEET, ALONG THE SOUTH LINE OF NORTH SAGINAW ROAD (FORMERLY US-10) TO THE POINT OF BEGINNING. CONTAINING 0.75 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY AND ALL EASEMENTS AND/OR RIGHTS-OF-WAY, WHETHER USED, IMPLIED, OR OF RECORD.

Section 2. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. This Ordinance shall take effect upon publication. (Motion ADOPTED. YEAS: Brown Wilhelm, Hall, Wazbinski NAYS: Arnosky ABSENT: Donker.)

ZONING PETITION NO. 642

Director of Planning and Community Development Jacob Kain presented information on Zoning Petition No. 642. A public hearing opened at 8:32 p.m., Ben Rybicki of MLR Engineering spoke on behalf of the petitioner, the public hearing closed at 8:33 p.m. The following ordinance amendment was then offered by Councilman Hall and seconded by Councilman Brown Wilhelm.

ORDINANCE NO. 1867

AN ORDINANCE TO AMEND ORDINANCE NO. 1585, BEING AN ORDINANCE TO REGULATE AND RESTRICT THE LOCATION OF TRADES AND INDUSTRIES AND THE LOCATION OF BUILDINGS DESIGNED FOR SPECIFIC USES, TO REGULATE AND LIMIT THE HEIGHT AND BULK OF BUILDINGS HEREAFTER ERECTED OR ALTERED, TO REGULATE AND DETERMINE THE AREA OF YARDS, COURTS, AND OTHER OPEN SPACES SURROUNDING BUILDINGS, TO REGULATE AND LIMIT THE DENSITY OF POPULATION, AND FOR SAID PURPOSES, TO DIVIDE THE CITY INTO DISTRICTS AND PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS BY AMENDING THE ZONING MAP TO PROVIDE RC – REGIONAL COMMERCIAL WHERE TOWNSHIP ZONING PRESENTLY EXIST.

The City of Midland Ordains:

Section 1. That the Zoning Map of Ordinance No. 1585, being the Zoning Ordinance of the City of Midland, is hereby amended as follows:

PART OF THE SOUTHEAST 1/4, FRACTIONAL SECTION 1, T14N - R01E, CITY OF MIDLAND, MIDLAND COUNTY, MICHIGAN. BEING FURTHER DESCRIBED AS COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION; THENCE N00°29'13"E ALONG THE NORTH-SOUTH 1/4 LINE OF SAID SECTION, 1490.44' TO THE NORTHEASTERLY RIGHT-OF-WAY LINE OF NORTH SAGINAW ROAD AND POINT OF BEGINNING; THENCE CONTINUING N00°29'13"E, 593.70'; THENCE S55°45'51"E, 1295.66' TO THE PERPETUATED SOUTH 1/8 LINE OF SAID SECTION; THENCE N89°55'17"W ALONG SAID PERPETUATED SOUTH 1/8 LINE, 871.81' TO

SAID NORTHEASTERLY RIGHT-OF-WAY; THENCE N56°44'22"W ALONG SAID NORTHEASTERLY RIGHT-OF-WAY, 244.45' TO THE POINT OF BEGINNING. CONTAINING 8.68 ACRES, MORE OR LESS AND IS SUBJECT TO ANY AND ALL EASEMENTS AND/OR RIGHTS OF WAY WHETHER USED, IMPLIED OR OF RECORD.

AND

PART OF THE SOUTHEAST 1/4, FRACTIONAL SECTION 1, T14N - R01E, CITY OF MIDLAND, MIDLAND COUNTY, MICHIGAN. BEING FURTHER DESCRIBED AS COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION; THENCE N00°29'13"E ALONG THE NORTH-SOUTH 1/4 LINE OF SAID SECTION, 1356.65' TO THE PERPETUATED SOUTH 1/8 LINE; THENCE ALONG SAID PERPETUATED SOUTH 1/8 LINE, S89°55'17"E, 202.60' TO THE POINT OF BEGINNING; THENCE CONTINUING S89°55'17"E, 623.37'; THENCE S34°31'34"W, 341.88'; THENCE N56°40'11"W, 514.17' TO THE POINT OF BEGINNING. CONTAINING 2.02 ACRES, MORE OR LESS AND IS SUBJECT TO ANY AND ALL EASEMENTS AND/OR RIGHTS OF WAY WHETHER USED, IMPLIED OR OF RECORD.

Section 2. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. This Ordinance shall take effect upon publication. (Motion ADOPTED. YEAS: Brown Wilhelm, Hall, Wazbinski NAYS: Arnosky ABSENT: Donker.)

ZONING PETITION NO. 643

Director of Planning and Community Development Jacob Kain presented information on Zoning Petition No. 643. A public hearing opened at 8:48 p.m., hearing no public comments, the public hearing closed at 8:49 p.m. The following ordinance amendment was then offered by Councilman Brown Wilhelm and seconded by Councilman Hall.

ORDINANCE NO. 1868

AN ORDINANCE TO AMEND ORDINANCE NO. 1585, BEING AN ORDINANCE TO REGULATE AND RESTRICT THE LOCATION OF TRADES AND INDUSTRIES AND THE LOCATION OF BUILDINGS DESIGNED FOR SPECIFIC USES, TO REGULATE AND LIMIT THE HEIGHT AND BULK OF BUILDINGS HEREAFTER ERECTED OR ALTERED, TO REGULATE AND DETERMINE THE AREA OF YARDS, COURTS, AND OTHER OPEN SPACES SURROUNDING BUILDINGS, TO REGULATE AND LIMIT THE DENSITY OF POPULATION, AND FOR SAID PURPOSES, TO DIVIDE THE CITY INTO DISTRICTS AND PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS BY AMENDING THE ZONING MAP TO PROVIDE RA-4 SINGLE FAMILY AND TWO FAMILY RESIDENTIAL WHERE TOWNSHIP ZONING PRESENTLY EXIST.

The City of Midland Ordains:

Section 1. That the Zoning Map of Ordinance No. 1585, being the Zoning Ordinance of the City of Midland, is hereby amended as follows:

SEC 31 T15N R2E COM 105 FT N OF CEN OF SEC, TH N 105 FT, E 220 FT, S 105 FT, W 220 FT. CONTAINING 0.530 ACRES, MORE OR LESS, AND BEING SUBJECT TO RESTRICTIONS, RESERVATIONS, EASEMENTS, RIGHT-OF-WAYS, ZONING, GOVERNMENT REGULATIONS, AND MATTERS VISIBLE, IF ANY, UPON AFFECTING SAID LANDS.

AND

SEC 31 T15N R2E COM 210 FT N OF CEN OF SECTION, TH N 156 FT, E 220 FT, S 156 FT, W 220 FT. CONTAINING 0.530 ACRES, MORE OR LESS, AND BEING SUBJECT TO RESTRICTIONS, RESERVATIONS, EASEMENTS, RIGHT-OF-WAYS,

ZONING, GOVERNMENT REGULATIONS, AND MATTERS VISIBLE, IF ANY, UPON AFFECTING SAID LANDS.

Section 2. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. This Ordinance shall take effect upon publication. (Motion ADOPTED. YEAS: Brown Wilhelm, Hall, Wazbinski NAYS: Arnosky ABSENT: Donker.)

PUBLIC COMMENT

No public comments were made.

RATES, CHARGES, AND FEES FOR SERVICES ORDINANCE

Director of Planning and Community Development Jacob Kain presented information on an ordinance to amend Chapter 21 of the Code of Ordinances to update rates, charges, and fees for services provided by the Building, Engineering, Fire, and Planning & Community Development Departments. The following ordinance amendment was then offered by Councilman Hall and seconded by Councilman Brown Wilhelm.

ORDINANCE NO. 1869

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF MIDLAND, MICHIGAN, BY AMENDING ARTICLE I, ARTICLE IX AND ARTICLE XIII OF CHAPTER 21 THEREOF.

The City of Midland Ordains:

Section 1. Article I of Chapter 21 is hereby amended to read as follows:

ARTICLE I. IN GENERAL

Sec. 21-1. Short title.

This chapter shall be known and may be cited as the "General Rate Code of the City of Midland."

Sec. 21-2. Scope; intent; conflicting provisions.

It is the purpose of this chapter to establish certain rates required for various licenses, permits and fees in the city. It is not intended to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this chapter. Where this chapter imposes rates other than are imposed or required by existing provisions of law, ordinance, resolution, contract or deed, the provisions of this chapter shall control.

Sec. 21-3. Refuse collection fees repealed.

Sec. 21-4. Yard waste collection fees.

(a) Roll-out container. An annual total fee of forty dollars (\$40.00) shall be charged to the owners or occupants of each premises requesting city collection of yard waste contained in the owners' or occupants' roll-out yard waste container(s).

An annual fee shall be charged to the owners or occupants of each premises requesting city collection of yard waste contained in the owners' or occupants' roll-out yard waste container(s) as follows:

(1) Forty dollars (\$40.00) for the first roll-out container;

(2) Seventeen dollars (\$17.00) for each additional roll-out container.

This fee must be paid to the city prior to the beginning of the city's collection service.

(b) Kraft paper yard waste bag collection sticker. A yard waste collection sticker must be affixed to each individual kraft paper yard waste bag that is placed at the curb for collection by the city. The fee for each yard waste collection sticker shall be forty cents (\$0.40).

(c) If residents with a roll-out container choose to set additional yard waste

out in kraft paper bags, they must also affix a \$0.40 collection sticker to each bag.

(d) Waiver. Yard waste collection fees (whether for containers or yard waste bags) shall be waived during the three-week spring and fall cleanup periods, as such periods are designated by the director of public services. Notwithstanding the foregoing, yard waste collection fees may be waived during the fall leaf collection program upon approval by the city manager.

Secs. 21-5, 21-6. Reserved.

Sec. 21-7. Subdivision fees required.

As authorized under Section 241 and 246 of Act No. 288 or the Public Acts of 1967 and as provided in the subdivision chapter of this Code a proprietor submitting a plat for approval shall be required to deposit the following nonrefundable fees with the city. Until such fees are paid, the plat shall not be considered or reviewed.

Sec. 21-8. Preliminary plat examination, inspection fee.

When the preliminary plat is submitted to the city clerk, the proprietor shall deposit a fee which shall be in addition to the filing and recording fee. Such fee shall be for the examination and inspection of the plat of the land proposed to be subdivided, and related expenses, and shall be five hundred dollars (\$500.00).

Sec. 21-9. Final plat fees.

When the final plat is submitted to the city clerk, the proprietor shall deposit with the plat a fee of five hundred dollars (\$500.00) which shall be in addition to any other fee required.

Sec. 21-10. Public property vacation fee.

The fee required to accompany a petition seeking vacation of public grounds pursuant to the subdivision chapter shall be six hundred dollars (\$600.00).

Sec. 21-11. Pool hall license fee.

The annual fee for a pool or billiard license shall be twenty-five dollars (\$25.00).

Sec. 21-12. Bowling alley license fee.

The annual fee for a public bowling alley license shall be five dollars (\$5.00).

Sec. 21-13. Amusement ride, circus, carnival, show or exhibition license application fee.

At the time of filing an application for a permit under division 2 of article 2 of chapter 15, a nonrefundable fee of two hundred fifty dollars (\$250.00) shall be paid.

Sec. 21-14. Amusement ride, circus, carnival, show or exhibition license fee.

The fee for any amusement ride, circus, carnival, show or exhibition license, either outdoors or under canvas, shall be one hundred dollars (\$100.00) per day, paid in advance.

Sec. 21-15 – 21-17. Reserved.

Sec. 21-18. Electrical permit fee schedule.

The fees required under Chapter 7 of this Code for the inspection of all installations of electrical wiring apparatus or equipment shall be as set forth herein:

Permit Issuance Fee:

For issuing each permit \$50.00

For each annual permit 1200.00

System Fee Schedule (Note: The following are in addition to the permit issuing fees):

New Residential Buildings:

For new single- and two-family residential buildings including the area of basements, garages, carports and other minor accessory buildings constructed at the same time, per square foot
. 0.05

Note: For other types of residential occupancies and alterations, additions and modifications to existing residential buildings, use the Unit Fee Schedule.

Power Apparatus:

For motors, generators, transformers, rectifiers, synchronous converters, capacitors, industrial heating air conditioners and heat pumps, cooking or baking equipment and other apparatus, as follows: (rating in horsepower (hp), kilowatts (kw), kilovolt-amperes (kva), or kilovolt-amperes-

reactive (kvar):

Up to and including 1, each 5.00
Over 1 and not over 10, each 7.00
Over 10 and not over 50, each 12.00
Over 50 and not over 100, each 25.00
Over 100, each 35.00

Notes:

(1) For equipment or appliances having more than one motor, transformer, heater, etc., the sum of the combined ratings may be used.

(2) These fees include all switches, circuit breakers, contractors, thermostats, relays and other directly related control equipment.

Services:

For services of 600 volts or less and 600 amperes or less in rating, each 30.00
For services over 600 volts or over 600 to 800 amperes in rating, each 50.00
For services over 600 volts or 800 amperes in rating, each 100.00

Miscellaneous Apparatus, Conduits and Conductors:

For electrical apparatus, conduits and conductors for which a permit is required but for which no fee is herein set forth 10.00

For service move or repair 10.00

Note: This fee is not applicable when a fee is paid for one or more services, outlets, fixtures, appliances, power apparatus, busways, signs or other equipment.

Fire alarm systems 50.00

Other Inspections and Fees:

(1) Inspections outside of normal business hours (minimum charge--two (2) hours) per hour 100.00

(2) Inspections for which no fee is specifically indicated (minimum charge--one-half (1/2) hour), per hour 50.00

(3) Additional plan review required by changes, additions or revisions to approved plans (minimum charge--one-half (1/2) hour), per hour 50.00

Carnivals and Circuses:

Carnivals, circuses, or other traveling shows or exhibitions utilizing transportable-type rides, booths, displays and attractions:

For electric generators and electrically driven rides, each 20.00

For mechanically driven rides and walk through attractions or displays having electric lighting, each 10.00

For a system of area and booth lighting, each 10.00

Note: For permanently installed rides, booths, displays and attractions, use Unit Fee Schedule.

Temporary Power Service:

For a temporary service power pole or pedestal including all pole or pedestal-mounted receptacle outlets and appurtenances, each 20.00

For a temporary distribution system and temporary lighting and receptacle outlets for construction sites, decorative light, Christmas trees sales lots, firework stands, etc., each 20.00

Unit Fee Schedule (Note: The following are in addition to the permit issuing fee):

Receptacle, Switch and Lighting Outlets:

For receptacle, switch, lighting or other outlets at which current is used or controlled, except services, feeders and meters:

First 20, each 15.00

Additional fixtures, each 0.75

Other Fees:

Annual registration fee of a Class I electrical contractor's license 15.00

Sec. 21-19. Building permit fees.

Residential--One- and two-family dwellings:

Valuation shall be based upon the following formula:

Living area ... \$95.34 per square foot

Unfinished basement ... 19.07 per square foot

Finished basement ... 47.67 per square foot

Accessory building ... 35.85 per square foot

Re-roofing and re-siding ... 300.00 per square foot

The building permit fees required by the building code shall be determined in accordance with the following schedule:

Total Valuation of Project	Fee
\$1.00 to \$1,000.00	\$75.00
1,001.00 to 25,000.00	\$75.00 for the first \$1,000.00, plus \$9.50 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00
25,000.01 to 100,000.00	\$303.00 for the first \$25,000.00, plus \$5.00 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00
100,000.01 to 500,000.00	\$678.00 for the first \$1,000.00, plus \$4.00 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00
500,000.01 to 1,000,000.00	\$2,278.00 for the first \$500,000.00, plus \$3.00 for each additional \$1,000.00 or fraction thereof
1,000,000.01 and above	\$3,778.00 for the first \$1,000,000.00 plus \$2.50 for each \$1,000.00 or fraction thereof

Building permit fees--Commercial, including multifamily:

Valuation shall be based upon actual project costs.

The building permit fees required by the building code shall be determined in accordance with the following schedule:

Total Valuation of Project	Fee
\$1.00 to \$1,000.00	\$75.00
\$1,000.00 to \$25,000.00	\$75.00 for the first \$1,000.00 plus \$9.50 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00
\$25,000.01 to \$100,000.00	\$303.00 for the first \$25,000.00 plus \$5.00 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00
\$100,000.01 to \$500,000.00	\$678.00 for the first \$100,000.00 plus \$4.00 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00
\$500,000.01 to \$1,000,000.00	\$2,278.00 for the first \$500,000.00 plus \$3.00 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00
\$1,000,000.01 and up	\$3,778.00 for the first \$1,000,000.00 plus \$2.50 for each additional \$1,000.00 or fraction thereof

Other Inspections and Fees:

- A. Inspections outside of normal business hours (minimum charge: two (2) hours), per hour* \$100.00

- B. Inspections for which no fee is specifically indicated (minimum charge: one-half (1/2) hour), per half-hour* 50.00
- C. Plan review including changes, additions or revisions to approved plans (minimum charge: one-half (1/2) hour), per half-hour* 50.00
- D. Complex plan review as determined by building official Actual city cost incurred
- E. Construction Board of Appeals...125.00
- F. Annual registration fee of building contractor license, per year 15.00

*or the total hourly cost to the jurisdiction whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

Secs. 21-20--21-25. Reserved.

Sec. 21-26. Plumbing permit fees.

The plumbing permit fees required by the plumbing code shall be as follows:

Permit Issuance:

- (1) For issuing each permit \$50.00

Unit Fee Schedule (in addition to (1) or (2) above):

- (1) For each plumbing fixture and piping or trap or set of fixtures on one trap (including water, drainage piping, and backflow protection therefor) 24.00
- (2) Rainwater systems, per drain (inside building) 10.00
- (3) For each private sewage disposal system 80.00
- (4) For each new water heater and/or vent 20.00
- (5) For each replacement of an existing water heater 0.00
- (6) For each additional code regulated plumbing fixture not otherwise listed 12.00
- (7) For each waste interceptor (commercial), including its trap and vent 16.00
- (8) For each lawn sprinkler system on any one meter, including backflow protection devices therefor 14.00
- (9) For each vacuum breaker...14.00
- (10) For each backflow protective device other than atmospheric-type vacuum breakers:
2 inches and smaller 14.00
Over 2 inches 30.00
- (11) Annual permits as authorized by Section 18-10 1,200.00

Other Inspections and Fees:

- (1) Inspections outside of normal business hours (minimum charge--two hours), per hour 100.00
- (2) Inspections for which no fee is specifically indicated (minimum charge--one-half hour), per hour 100.00
- (3) Additional plan review required by changes, additions or revisions to approved plans (minimum charge--one-half hour), per hour 50.00
- (4) Annual registration fee of plumbing contractor's license 15.00

Sec. 21-27. Street and right-of-way work permit fees.

The fee for each permit required by this article for performing work in the street shall be as follows:

Street opening permit \$250.00

This shall include curb cuts for residential driveways, curb cuts for commercial driveways, and any paved driveway approaches.

Right-of-way permit:

General or miscellaneous activity ...100.00

This shall include any sidewalk work on city's right-of-way
Right-of-way deposit \$2,500.00 refundable upon completion of work and
satisfactory repair of right-of-way

Annual public utility permit 3,000.00

Public utilities performing major construction or repairs of utility services must secure a street opening permit for each project that requires street openings or right-of-way disturbance pursuant to Section 22-38 of this Code regardless of acquisition of an annual permit.

Sec. 21-28. Reserved.

Sec. 21-29. Zoning fees.

- (a) Site plan review fee. The fee required to be paid pursuant to the provisions of Section 27.07 of Ordinance No. 1595 for site plan review and approval shall be four hundred dollars (\$400.00) for applications reviewed and approved by the Planning Commission and two hundred and fifty dollars (\$250.00) for applications reviewed and approved administratively.
- (b) Planned unit development fee. The fee required pursuant to the provisions of Section 31.02 of Ordinance No. 1585 for a planned unit development application shall be seven hundred and fifty dollars (\$750.00).
- (c) Zoning board of appeals application fee. The fee required pursuant to the provisions of Section 29.05 of Ordinance No. 1585 for a zoning board of appeals application shall be four hundred dollars (\$400.00).
- (d) Zoning amendment fee. The fee required pursuant to the provisions of Section 30.04 of Ordinance No. 1585 for the purposes of obtaining a zoning text or map amendment shall be six hundred dollars (\$600.00).
- (e) Conditional use permit fee. The fee required pursuant to the provisions of Section 28.04 of Ordinance No. 1585 for the purposes of obtaining a conditional use permit shall be five hundred dollars (\$500.00).
- (f) Sign permit fee. The fee required pursuant to the provisions of Section 31.02 of Ordinance No. 1585 for the purposes of obtaining a sign permit shall be:
For each wall, roof, or projecting sign fifty dollars (\$50.00).
For each ground sign fifty dollars (\$50.00).
For each temporary sign, requiring a sign permit fifty dollars (\$50.00).
- (g) Land division fee. The fee required pursuant to provisions of Section 23.37 of Ordinance No. 1603 for a land division application shall be two hundred fifty dollars (\$250.00).
- (h) Temporary use permit. The fee required pursuant to the provisions of Section 3.07 of Ordinance No. 1585 for a temporary use permit shall be fifty dollars (\$50.00).
- (i) Zoning compliance permit. The fee required pursuant to the provisions of Section 31.06 of Ordinance No. 1585 for a zoning compliance permit shall be seventy-five dollars (\$75.00).
- (j) Zoning ordinance fee. The fee required to obtain a written black and white copy of the zoning ordinance book shall be fifty dollars (\$50.00).
- (k) Zoning map fee. The fee required to obtain a 36 inch by 52 inch color zoning map shall be ten dollars (\$10.00).

Sec. 21-30. Reserved.

Sec. 21-31. Moving building, oversize or overweight vehicle permit fee.

The fee for a permit to move a building, oversize or overweight vehicle as specified in the City Engineer's Single Move and Extended Transportation Permit Applications shall be:

- (1) Per round trip occurring within five (5) business days \$50.00
- (2) For multiple trips occurring within five (5) business days \$100.00
- (3) Annual, per power unit/vehicle \$250.00

Sec. 21-32. Swimming pool permit fees.

The permit fees for securing a swimming pool construction permit shall be as follows:

- (1) *In-ground swimming pools.* The fees for in-ground swimming pools shall be computed as provided for in sections 5-30 and 5-32 of this Code.
- (2) *Aboveground swimming pools.* The fees for aboveground, portable pools, not exempted from permit requirements in section 5-29 of this Code, shall be seventy-five dollars (\$75.00) for the initial installation.

Sec. 21-33. Mechanical permit fees.

The permit fees required under the mechanical code (section 5-95 of this Code) shall be as follows:

Permit Issuance:

- (1) For the issuance of each permit 50.00

Unit Fee Schedule:

- (1) Boiler, compressor, absorption system:
 - Over 3 – 15 HP / 100,000 – 500,000 BTU \$30.00
 - Over 15 – 30 HP / 500,000 – 1,000,000 BTU 40.00
 - Over 30 – 50 HP / 1,000,000 – 1,750,000 BTU 50.00
 - Up to 3 HP / Less than 1,000,000 BTU 18.00
 - AHU < 10,000 cu ft per minute 12.00
 - AHU > 10,000 cu ft per minute 10.00
- (2) Appliance vent, chimney or vent damper 30.00
- (3) Evaporative cooler, other than portable 12.00
- (4) Exhaust fan ducts 10.00
- (5) Fire suppression 12.00
- (6) Furnace < 100,000 BTU 20.00
- (7) Furnace > 100,000 BTU 22.00
- (8) Gas water heater 10.00
- (9) Gas piping, up to 5 outlets 12.00
- (10) Gas log fireplace/ log lighter 12.00
- (11) Mechanical other (any code regulated item not listed) 12.00
- (12) Air conditioning 18.00
- (13) Solid fuel burning appliance 18.00
- (14) Suspended, wall, floor – heater 18.00
- (15) Residential heating system including duct, vent, and gas piping (including one furnace) 108.00
- (16) Annual permit (as authorized by section 5-95) 1200.00

Other Inspections and Fees:

- (1) Inspections outside of normal business hours (minimum charge--2 hours), per hour 100.00
- (2) Inspections for which no fee is specifically indicated (minimum charge—one-half hour), per hour 100.00
- (3) Additional plan review required by changes, additions or revisions to approved plans (minimum charge—one-half hour), per hour 100.00
- (4) Annual registration fee of mechanical contractor's license 15.00

Sec. 21-34. Sanitary landfill disposal fees.

- (a) Landfill disposal fees. Before being permitted to dispose of refuse, all vehicles seeking to discharge refuse at the city's sanitary landfill shall present the proper identification to the landfill gatehouse attendant indicating that the refuse was generated within the City of Midland or Midland County and pay the attendant a fee as follows:

Type of Refuse

Disposal Fee

(1)	Refuse (except tires) – Self-haul from personal residence. Residential only. *Midland County residents hauling from their personal residence get one load per month per address of three cubic yards or less of household rubbish, demolition debris (excludes renters), tires if cut in half, and yard waste may be disposed at no charge to the resident, which shall be compensated by the city's general fund. One Freon appliance and one approved sharps container may be included as part of the three free yards. Additional loads and refuse in excess of three yards, and whole tires, shall be charged according to the disposal fee schedule.	No Charge	
(2)	Midland County residence self-haul material after first monthly visit and/or above three cubic yards; added fee for each tire, Freon appliance and sharps container	\$ 12.00	per cubic yard
(3)	Construction and Demolition material	\$ 12.00	per cubic yard
(4)	Compacted waste – residential/commercial	\$ 9.75	per cubic yard
(5)	Tires		
	Passenger vehicle tire	\$ 10.00	per each
	Heavy equipment/commercial tire	\$ 30.00	per each
(6)	Yard waste	\$ 4.00	per cubic yard
(7)	Freon Appliances	\$ 15.00	per each
(8)	Contaminated soil	\$ 16.00	per cubic yard
(9)	Asbestos	\$ 18.00	per cubic yard
(10)	Foundry sand	\$ 13.00	per cubic yard
(11)	Grit and rags	\$ 13.00	per cubic yard
(12)	Industrial waste – includes compacted	\$ 13.00	per cubic yard
(13)	Main break soils	\$ 11.00	per cubic yard
(14)	Sanitary sewer debris	\$ 13.00	per cubic yard
(15)	Stormwater catch basin debris	\$ 13.00	per cubic yard
(16)	Street dirt	\$ 11.00	per cubic yard
(17)	Medical waste sharps container	\$ 10.00	per each
(18)	Wastewater and Water plant sludge	\$ 13.00	per cubic yard
(19)	Bulk medical waste - includes compacted	\$ 12.00	per cubic yard
(20)	Scrap metal - excludes Freon appliances	\$ 3.00	per cubic yard
(21)	Service Fees		
	Dependent on availability of staff and equipment. Requires signed waiver of liability form.		
	Battery pack service	\$ 20.00	
	Pull off service	\$ 30.00	
	Scrape out service	\$ 40.00	
	Minimum fee for asbestos, contaminated soils, industrial waste	2.0	Cubic yards
	Minimum fee for demolition, commercial waste	1.0	Cubic yards

No minimum fee for self-haul Midland County residents

- (b) The disposal fees above shall be doubled for refuse collected outside Midland County, but authorized by the city manager to be disposed at the city's landfill, or for local units of government in Midland County not having a solid waste disposal agreement with the city.
- (c) Landfill disposal fee calculation. The landfill disposal fee is based upon the generating location of the refuse, the type of material and the size of the load, as determined by landfill personnel.
- (d) Construction and Demolition material. Construction and demolition material are hereby defined as broken concrete, brick, masonry, pavement, roofing, drywall, wood, paneling, used building materials, carpet/pad, furniture and other materials designated by the director of public services or his/her agent.
- (e) Yard waste. Yard waste is hereby defined as grass clippings, leaves, brush, garden waste, trees and branches smaller than 12 inches in diameter and 8 feet long.
- (f) Special handling fees for bulky item disposal: landfill superintendent or his/her agent shall determine fee to accept RV trailer, boat, or mobile home based on volume of unit and number of tires based on demolition disposal rate. Must call ahead to schedule drop off and to determine pricing. Proof of ownership, title or registration is required if applicable.
- (g) Landfill disposal fee billing administration. Regular landfill users with an account in good standing may be issued a charge account and shall be billed monthly for their disposal fees. A penalty of two (2) percent of the bill, with a minimum of five dollars (\$5.00), shall be added to bills not paid to the city treasurer within thirty (30) days of the date of the billing. Access to the landfill for disposal shall be prohibited if the bill remains unpaid for more than sixty (60) days of the date of billing. To regain access to the landfill all outstanding invoices (including those less than 60 days old) shall be paid in full. Customers with an account not in good standing shall pay cash, certified check, credit card or money order for each load.

Sec. 21-35. Repealed.

Sec. 21-35.1. Reserved.

Sec. 21-36. Food service establishment license fee.

The fee for a food service establishment license, or for any food related business defined in section 9-16, shall be five dollars (\$5.00) per year.

Sec. 21-37. Milk and milk products delivery vehicle license fee.

The milk and milk products delivery vehicle license fee shall be seven dollars (\$7.00) per vehicle.

Sec. 21-38. Secondhand, junk dealer license fee.

The fee for each secondhand and junk dealer's license shall be twenty-five dollars (\$25.00) per year.

Sec. 21-39. Dismantled motor vehicles permit fee.

A fee of one dollar (\$1.00) shall be charged for each permit required by section 13-25 of this Code to keep a dismantled or partially dismantled motor vehicle on any premises.

Sec. 21-40. Reserved.

Sec. 21-41. Sidewalk builder's license fee.

Each applicant for a sidewalk builder's license shall pay an annual fee of five dollars (\$5.00).

Sec. 21-42. Sewer connector's license fee.

Each applicant for a sewer connector builder's license shall pay an annual fee of five

dollars (\$5 00).

Sec. 21-43. Sewer connection fees.

(a) There are hereby established two (2) separate classifications of sewer connection permits:

- (1) For the discharge of domestic wastes, not including intercepted groundwaters or stormwaters from roofs, building drains, window well drains, patio drains, truck docks or parking lots, into designated sanitary sewers.
- (2) For the discharge of intercepted groundwaters or stormwaters from roofs, yards, building drains, window well drains, patio drains, truck docks or parking lots into designated storm sewers.

(b) A sewer connection permit shall be issued upon payment of the following applicable fee:

- (1) For the discharge of domestic wastes into designated sanitary sewers, a sewer connection permit shall not be granted until the applicant has paid the proper fee established in accordance with the following schedule of fees and classification of property:

- a. For property which has previously paid a special assessment, the permit fee shall be two hundred dollars (\$200.00) for a residential location and four hundred dollars (\$400.00) for a commercial location.
- b. For property which has previously constructed at private expense a sewer accepted and used by the city as a public sewer, the permit fee shall be one two hundred dollars (\$200.00) for a residential location and four hundred dollars (\$400.00) for a commercial location.
- c. For property which has, previous to the adoption of this chapter, made a connection to any existing city sewer, the permit fee shall be two hundred dollars (\$200.00) for a residential location and four hundred dollars (\$400.00) for a commercial location.
- d. For each property which has not borne the expense of the construction of sewer mains, a permit shall not be granted until a permit fee, the sum of which is equal to one-half (1/2) of the per-foot cost of a ten-inch sewer indexed to the year of connection using *The Engineering News Record*, "The Construction Cost Index," and calculated by the city engineer on a front foot basis, is paid. An additional charge shall be made for a six-inch connection line from the sewer main to the property line of the property to be served, if the sewer has or will be constructed by the city. Said additional charges shall be the city's actual construction or contract costs. The property owner may choose to pay this fee in five (5) installments, the first installment being due at the time of connection, and the deferred installments being due annually thereafter, with interest accumulating at the rate of the most recent rate established by the city council for annual payments of special assessments. In such event, this charge shall constitute a lien on the premises subject thereto, and that amount shall also be a debt to the person to whom assessed until paid.

Annually, the city engineer shall notify the director of fiscal services of any such charges due. The director of fiscal services shall forward a statement of the total charges assessed on each parcel of property to the owner, as shown by the last current assessment or tax roll, and said assessment shall be payable to the city treasurer within thirty (30) days from the date said statement was forwarded. If not paid within the prescribed thirty-day period, such statement shall be filed by the director of fiscal services with the city assessor and shall thereupon be assessed

against the land in question and become a lien on such property, in accordance with the City of Midland charter. The amount so charged may be discharged at any time by the payment of the amount specified in the statement, together with the accrued interest compiled from the time of filing said statement with the city assessor.

- (2) For the discharge of intercepted groundwaters or stormwaters into designated storm sewers, a storm sewer connection permit shall not be granted until the applicant has paid the proposed fee established in accordance with the following schedule of fees and classification of property:
 - a. For property for which the connection of a downspout, weep tile, footing drain, sump pump discharge or any other conduit that carries the discharge of stormwater or intercepted groundwater to a designated storm sewer was completed after October 26, 1987, the permit fee shall be two hundred dollars (\$200.00) for a residential location and four hundred dollars (\$400.00) for a commercial location.
 - b. For property with downspout, weep tile, footing drain, sump pump discharge or any other conduit that carries the discharge of stormwater or intercepted groundwater connected to a sanitary sewer prior to October 27, 1987, and for which the connection was eliminated and a subsequent connection to a designated storm sewer is requested, a permit fee shall not be levied.
- (3) The combined permit fee for each property for which a sanitary sewer connection permit and a storm water connection permit is obtained at the same time and for which the inspection of both connections are to be completed at the same time shall be three hundred dollars (\$300.00) for a residential location and seven hundred dollars (\$700.00) for a commercial location.

Sec. 21-44. Reserved.

Sec. 21-45. Trailer coach parking permit fee.

A fee for a trailer coach parking, use and occupancy permit shall be seventy-five dollars (\$75.00).

Sec. 21-46. Taxicab driver's certificate of fitness fee.

The fee for a taxicab driver's certificate of fitness shall be the sum of one dollar (\$1.00).

Sec. 21-47. Taxicab license fee.

A fee of five dollars (\$5.00) per year shall be collected for each taxicab licensed under this Code.

Sec. 21-48. Reserved.

Sec. 21-49. Solicitor's fee.

The fee for a solicitor's license shall be twenty dollars (\$20.00) per year.

Sec. 21-50. Erosion and sedimentation control permit fees.

At the time of filing an application for a permit under Article V of Chapter 5, the following nonrefundable fee shall be charged for plan review and site inspections:

- (1) 1-2 family residential up to 1 acre 150.00 for first acre, 75.00 for each additional acre or fraction thereof
- (2) All other uses up to 1 acre 250.00 for first acre, 75.00 for each additional acre or fraction thereof
- (3) Permit extension beyond one year, for each additional year or fraction thereof, shall be half the base fee described above

Failure to secure a permit prior to commencement of earth disturbance shall result in an additional fee equal to base permit fee described above.

Failure to remove temporary soil erosion and sedimentation control measures within thirty (30) days of site stabilization shall result in an additional fee of one-half (0.5) times the base fee described above, plus the actual city costs to remove the control measures.

Sec. 21-51. Rental dwelling certification fees and penalties.

The fees for certification, inspection, reinspection, delinquencies and housing board of appeals shall be as follows:

For certifying each rental dwelling

Rooming houses \$100.00

All other rental units 75.00 for the first unit and \$35.00 for each additional unit

For the first reinspection per unit as provided in section 12-31(a) no charge

For each additional reinspection per unit as provided in section 12-31(a) 75.00 for the first unit and 35.00 for each additional unit, or 100.00 for rooming houses

For each delinquent certification, per unit 35.00

For each delinquency over thirty (30) days, per unit 75.00 for the first unit and 35.00 for each additional unit

For each delinquency over sixty (60) days, per unit 35.00 for each additional unit

Note: fees for delinquencies are in addition to the fees for certifying.

For reinstating a suspended certificate

Rooming houses 100.00

All other rental units 75.00 for the first unit and 35.00 for each additional unit

Housing board of appeals 125.00

Secs. 21-52--21-59. Reserved.

Sec. 21-60. Penalty for failure to renew on time.

Any annual occupation or business license required by this Code, except those relating to construction, not renewed by the expiration date, shall be renewed upon payment of a fee double the established fee in addition to meeting the other established conditions of a license renewal.

Secs. 21-61--21-69. Reserved.

Section 2. Article IX of Chapter 21 is hereby amended to read as follows:

**ARTICLE IX.
STORMWATER FEES**

Sec. 21-150. Stormwater permit.

(1) The fee for the issuance of a stormwater permit, as required pursuant to section 29-3 of this Code, shall be as follows:

(a) Developments less than or equal to five acres in size \$250.00

(b) Developments greater than five acres in size, per acre 250.00 plus an additional 50.00 per acre above five (5) acres.

Services performed by the city engineer, or his or her designee, that are included in processing the permit and for which no additional charges shall be assessed include a pre-design meeting, if necessary, an initial review of the plans and specifications required to be submitted pursuant to chapter 29, a review of any changes requested by the city engineer during the initial review, an inspection of the development upon completion of construction and the issuance of the initial stormwater certificate.

(2) The fee for an additional review of plans and specifications shall be the greater of

one hundred dollars (\$100.00) or the total cost incurred to complete the review. The total cost shall be determined by multiplying the hourly wage and fringe benefits paid to the employee who performs the review by the actual number of hours required to complete the review.

(3) The fee for an additional inspection shall be the greater of fifty dollars (\$50.00) or the total cost incurred to complete the review. The total cost shall be determined by multiplying the hourly wage and fringe benefits paid to the employee who performs the review by the actual number of hours required to complete the review.

Sec. 21-151. Stormwater certificate.

The fee for issuance of a stormwater certificate, as required pursuant to section 29-3.1 of this Code, shall be as follows:

- (1) Developments less than or equal to five acres in size \$100.00
- (2) Developments greater than five acres in size 100.00 plus 25.00 for each additional acre

Sec. 21-152. Penalty for failure to obtain stormwater certificate.

(1) In the event that a stormwater certificate is not renewed during the calendar month of its expiration date, but is renewed during the calendar month following the expiration date, a penalty, equal to the amount of the certification fee, shall be assessed in addition to the certification fee.

(2) In the event that a stormwater certificate is not renewed during the calendar month of its expiration date, but is renewed during the second calendar month following the expiration date, a penalty equal to fifty dollars (\$50.00) shall be assessed in addition to that penalty specified in subsection 21-152(1).

(3) In the event that a stormwater certificate is not renewed during the calendar month of its expiration date, but is renewed more than two calendar months following the expiration date, a penalty equal to one hundred dollars (\$100.00) shall be assessed in addition to that penalty specified in subsection 21-152(1).

Section 3. Article XIII of Chapter 21 is hereby amended to read as follows:

ARTICLE XIII.

FIRE DEPARTMENT SERVICE FEES

Sec. 21-165. Fire department service fees.

Fees for services provided by the City of Midland Fire Department in accordance with Chapter 8 of the Code Ordinances shall be as outlined in Article XIII. For purposes of this section, "after hours" shall be defined as hours outside of normal Fire Prevention Division hours of operation.

Sec. 21-166. Third party inspections.

Third party inspections by NFPA or State of Michigan certified inspectors may be accepted at the discretion of the Midland Fire Department.

Sec. 21-167. Fire safety and inspections.

Certificate of Occupancy and Change of Occupancy inspections which include temporary certificates of occupancy as well as one (1) re-inspection.

Fire safety inspections:

- (1) Fire safety inspection, one hour minimum, per hour 75.00
- (2) Certificate of occupancy inspection, one hour minimum, per hour 75.00
- (3) Change of occupancy inspection, one hour minimum, per hour 75.00
- (4) All subsequent reinspections, one hour minimum, per hour 75.00
- (5) After normal business hours inspection, one hour minimum, per hour 125.00
- (6) Food truck annual inspection 75.00

Sec. 21-168. Acceptance testing & temporary use permits.

(a) Acceptance testing of fire safety systems.

- (1) Sprinkler system testing \$175 per test plus 100.00 per additional floor

- (2) Fire pump testing \$175.00 per test
- (3) Fire alarm testing \$175.00 per test plus 100.00 per additional floor
- (4) Commercial range hood \$125.00 per test
- (5) Clean agent system, carbon dioxide or similar system \$125.00 per unit and per test
- (6) Smoke control systems \$150.00 per system and per test
- (b) Temporary operational permits
 Temporary operational permits shall include one (1) inspection. Re-inspections shall be charged at the rate of a fire safety inspection as noted in Sec. 21-167. Temporary permits shall expire at the end of the event.
 - (1) Tents or inflatable temporary membrane structures over 400 square feet, including permit, per structure 125.00
 - (2) Fireworks; aerial displays, per event 150.00
 - (3) Fireworks; indoor pyrotechnics/displays, per event 150.00
 - (4) Exhibit and trade shows, per show 100.00
- (c) Annual operational permits
 Annual operational permits shall include one (1) inspection. Re-inspections shall be charged at the rate of a fire safety inspection as noted in Sec. 21-167. Annual operational permits shall be valid from April 1st to March 31st of the following year.
 - (1) Food truck permit 25.00
 - (2) Carnival or fair – includes tents, rides, and vendors, per event. 250.00
 - (3) Kiosk displays, booths, and concessions stands, per inspection 50.00

Sec. 21-169. Plan review fees.

- A. Sprinkler systems (including foam systems) \$275.00 up to 100 heads; 1.00 per head over 100
- B. Fire pumps, per pump \$225.00 (not included in sprinkler plan review fee)
- C. Stand pipe systems \$100.00 plus 25.00 per outlet
- D. Commercial range hood systems \$175.00 per system; additional systems reviewed at the same time and for the same building \$125.00
- E. Clean agent, carbon dioxide or other similar systems, per system \$175.00
- F. Fire alarm/detection systems \$100.00 up to 20 initiating devices; 1.00 per additional device over 20
- G. New construction or remodel fire code review per square foot of building area 0.01 (\$100.00 minimum)
- H. Flammable, combustible liquids and compressed gas storage \$100.00 per hour, one (1) hour minimum
- I. Spectator seating review 1 to 1,000 seats \$225.00; over 1,000 seats shall be \$225.00 plus \$20.00 for each additional 20 seats

Sec. 21-170. Cost recovery operating costs.

Recovery of expenses for certain emergency responses or requested stand-by. Stand-by costs are calculated using the appropriate amount of firefighters needed to properly staff the vehicle:

- (a) Special event services:
 - (1) Medical crew standby for events, one hour minimum, per hour 100.00
 - (2) Fire crew standby for events, one hour minimum, per hour 400.00
- (b) Fire service fees

- (1) Hazardous material response, one hour minimum, per hour 400.00
- (2) Wire(s) down, per hour, when response exceeds one hour 400.00
- (3) Specialized professional services for emergency response needs as deemed required by the fire chief or their designee, one hour minimum, per hour 400.00
- (c) Automatic fire alarms
 - (1) Contractor, service, or maintenance generated250.00
 - (2) During construction, demolition, or renovation250.00

Secs. 21-171—21-174. Reserved.

Section 4. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 5. This Ordinance shall take effect January 1, 2023. (Ordinance ADOPTED.)

CONCEPT 5 CONTINGENCY ALLOWANCES

The following resolution was offered by Councilman Arnosky and seconded by Councilman Hall.

WHEREAS, City Council previously approved and awarded contracts for Concept 5 projects; and

WHEREAS, SRF funding allows for a contingency amount of up to 6% for eligible work within the Concept 5 project scope; and

WHEREAS, the resolutions for each project did not establish contingency amounts or contain language authorizing the City Manager change order approval; and

WHEREAS, it is deemed advisable to establish contingency amounts and provide change order authorization to the City Manager to allow projects to continue towards completion without undue interruption; now therefore

RESOLVED, that City Council authorizes the City Manager to approve aggregate change orders not to exceed \$100,000 for Sylvan Offline Storage Basin Project, \$125,000 for Sylvan/Wanetah Sewer Upsizing Project, \$250,000 for Perrine to Sugnet Upsizing project, \$100,000 for Whitewood Subdivision, \$200,000 for Moorland Subdivision, and \$225,000 for Sanitary Sewer Lining project. (Motion ADOPTED.)

BUDGET TRANSFER - LANDFILL

The following resolution was offered by Councilman Arnosky and seconded by Councilman Hall.

WHEREAS, the Landfill has been working short staffed since March due to two full-time employees being on extended leaves of absence resulting in a backlog of work that needs to be completed and while one employee returned to service in mid-August, the other employee remains off on an indefinite leave; and

WHEREAS, one Heavy Equipment Operator has submitted his letter of retirement effective in February 2023; and

WHEREAS, the Landfill Superintendent would like to hire a replacement for the retiring employee now to bring the Landfill back to full staffing so progress can be made on the backlog of work; and

WHEREAS, the Landfill has adequate funds in the FY2022/23 Reserve for Contingencies budget to cover the cost of the new hire until the retiring employee departs City service; now therefore

RESOLVED, that City Council authorizes the transfer of \$40,000 from the FY2022/23 Landfill Reserve for Contingency budget to the appropriate labor and benefit expense accounts to allow for the hiring of a new Heavy Equipment Operator now as an early replacement for the employee who will retire in February 2023. (Motion ADOPTED.)

DIAL-A-RIDE ADVISORY COMMISSION APPOINTMENT

The following resolution was offered by Councilman Arnosky and seconded by Councilman Hall.

RESOLVED, that Mark Wesson is hereby appointed to the Dial-A-Ride Advisory Commission for a term expiring on June 30, 2025. (Motion ADOPTED.)

2023 MIDLAND CITY COUNCIL MEETING DATES

The following resolution was offered by Councilman Arnosky and seconded by Councilman Hall.

RESOLVED, that regular meetings of the Midland City Council for the calendar year 2023 shall be held in the Council Chambers at the Midland City Hall, 333 W. Ellsworth Street, Midland, Michigan, telephone number 837-3300, at 7:00 p.m., on the following dates:

January 9 and 23	February 13 and 27
March 13 and 20	April 10 and 24
May 8 and 22	June 12 and 26
July 10 and 24	August 14 and 28
September 11 and 25	October 9 and 23
November 13 and 20	December 4 and 18

; and

RESOLVED FURTHER, that the City Clerk be and is hereby directed to cause a public notice of the foregoing regular dates and times for meetings and the place at which meetings are to be held by publishing a notice in the Midland Daily News, a newspaper of general circulation in the City of Midland; and

RESOLVED FURTHER, that public notice of each special meeting or each rescheduled regular or special meeting listed the date, time and place of each meeting shall be given by prominently posting a copy of the notice at the Midland City Hall at least twenty-four (24) hours prior to the time of such special or rescheduled meeting; and

RESOLVED FURTHER, that proposed minutes of a meeting will be available for public inspection during regular business hours, at the office of the City Clerk in the City Hall, 333 W. Ellsworth Street, Midland, Michigan, not more than eight (8) business days after said meeting and approved minutes of said meeting will be available for public inspection during regular business hours at the same location not more than five (5) business days after the meeting at which they are approved. (Motion ADOPTED.)

SURETY BONDS FOR LANDFILL

The following resolution was offered by Councilman Arnosky and seconded by Councilman Hall.

WHEREAS, the Michigan Department of Environment, Great Lakes, and Energy (EGLE) requires the City of Midland Sanitary Landfill to maintain bonding for 30 years following the closure of its pre-existing waste disposal unit to meet post-closure care expenses associated with the oldest portion of the Landfill; and

WHEREAS, the current Letter of Credit expires December 31, 2022 and will not be extended by The Huntington National Bank (Huntington); and

WHEREAS, Huntington is willing to offer a replacement Surety Bond to satisfy the EGLE requirement at the necessary face value of \$642,000; and

WHEREAS, there are adequate funds in the FY2022/23 Landfill Operating Budget to cover the current annual cost of 1% of the bond's face value which equates to \$6,420; and

WHEREAS, the City Attorney has reviewed and approved the contract documents required to execute the bond; now therefore

RESOLVED, that the Surety Bond Agreement by and between the Huntington National Bank and the City Of Midland, Michigan is hereby approved and the Mayor and City Clerk are authorized to execute same, as approved by the City Attorney. (Motion ADOPTED.)

SET PUBLIC HEARING TO APPROVE ZONING PETITION NO. 645

The following resolution was offered by Councilman Arnosky and seconded by Councilman Hall.

WHEREAS, a public hearing was held by the Planning Commission on Tuesday, October 11, 2022, for property located at 124 and 128 McDonald Street and 100 Ashman Street for the purpose of considering the advisability of amending the Zoning Map of Ordinance No. 1585, the Zoning Ordinance of the City of Midland, to apply D Downtown zoning where D Downtown and D-O Downtown Overlay zoning presently exists; now therefore

RESOLVED, that notice is hereby given that a public hearing will be held by the City Council on Monday, November 14, 2022, at 7:00 p.m. in the Council Chambers, City Hall for the purpose of considering the advisability of amending the Zoning Map of Ordinance No. 1585, the Zoning Ordinance of the City of Midland, as set forth in the following proposed Ordinance, which is hereby introduced and given first reading; and

RESOLVED FURTHER, that the City Clerk is hereby directed to notify property owners within three hundred (300) feet of the area proposed to be rezoned by transmitting notice on or before October 28, 2022, and to publish said notice on October 28, 2022.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ORDINANCE NO. 1585, BEING AN ORDINANCE TO REGULATE AND RESTRICT THE LOCATION OF TRADES AND INDUSTRIES AND THE LOCATION OF BUILDINGS DESIGNED FOR SPECIFIC USES, TO REGULATE AND LIMIT THE HEIGHT AND BULK OF BUILDINGS HEREAFTER ERECTED OR ALTERED, TO REGULATE AND DETERMINE THE AREA OF YARDS, COURTS, AND OTHER OPEN SPACES SURROUNDING BUILDINGS, TO REGULATE AND LIMIT THE DENSITY OF POPULATION, AND FOR SAID PURPOSES, TO DIVIDE THE CITY INTO DISTRICTS AND PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS BY AMENDING THE ZONING MAP TO PROVIDE D DOWNTOWN ZONING WHERE D DOWNTOWN AND D-O DOWNTOWN OVERLAY ZONING PRESENTLY EXIST.

The City of Midland Ordains:

Section 1. That the Zoning Map of Ordinance No. 1585, being the Zoning Ordinance of the City of Midland, is hereby amended as follows:

LOTS 7,8, SW 5 FT OF LOT 1, SW 5 FT OF SE 40 FT OF LOT 2, LOTS 5 & 6 EXC NE 21 FT & EXC BEG AT W COR OF LOT 5, NE 46.6 FT, SE 62.65 FT, SW TO SW LN OF BLK 12 NW TO BEG, ALL IN BLK 12 ORIGINAL PLAT OF MIDLAND & 1/2 VAC ANN ST ADJ & NW 4FT OF MCDONALD ST ADJ, EXC BEG 10 FT NW OF INT OF CL OF VAC ANN ST & NW LN OF MCDONALD ST, SE 14 FT, NE 1.5 FT, NW TO BEG.

AND

BEG AT W COR OF LOT 5 BLK 12 ORIGINAL PLAT OF MIDLAND NE 46.6 FT, SE 62.65 FT, SW TO SW LN OF BLK 12 NW TO BEG, & 1/2 VAC ANN ST ADJ.

AND

SWLY 1/2 OF VAC ANN ST BETWEEN ASHMAN ST & MCDONALD.

Section 2. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. This Ordinance shall take effect upon publication. (Motion ADOPTED.)

Being no further business the meeting adjourned at 9:01 p.m.

Lacey Todd, City Clerk