

**WORK SESSION AGENDA  
WYOMING CITY COUNCIL MEETING  
CITY COUNCIL CHAMBERS**

**Monday, March 9, 2020, 5:30 P.M.**

- 1) Call to Order**
- 2) Student Recognition**
- 3) Public Comment on Agenda Items (3 minute limit per person)**
- 4) Review of Police Shift Schedule**
- 5) Amend Business Licensing Ordinance**
- 6) Amend Fire Code Ordinance**
- 7) Budget Presentation**
  - a. Utility and Street Fund Review**
  - b. Budget and Retreat Follow-Up**
- 8) Any Other Matters**
- 9) Acknowledgement of Visitors/Public Comment (3 minute limit per person)**

ORDINANCE NO. 11-20

Formatted: Underline

ORDINANCE TO AMEND THE CITY-CODE OF ORDINANCES BY AMENDING SECTION 1-2 ENTITLED "DEFINITIONS AND RULES OF CONSTRUCTION," CHAPTER 14 ENTITLED "BUSINESS," AND CHAPTER 70, ARTICLE IV, DIVISION 2 ENTITLED "SNOW PLOWING," AND BY REPEALING SECTION 1-20 OF THE CITY CODE, ENTITLED, "REFERENCE TO OFFICES" AND CHAPTER 70, ARTICLE III, DIVISION 2 ENTITLED "LICENSES," TO UPDATE PROVISIONS FOR LICENSING AND REGULATING BUSINESSES IN THE CITY AND PROVIDING PENALTIES FOR VIOLATION OF THOSE PROVISIONS.

THE CITY OF WYOMING ORDAINS:

Section 1. That section 1-2 of the Code of Ordinances, City of Wyoming, Michigan is amended to read as follows:

**Sec. 1-2. - Definitions and rules of construction.**

Commented [S1]: Definitions & rules of construction were separated.  
Most definitions were updated & revised.

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

- (1) *Charter* means the City Charter of the city, including all amendments.
- (2) *City* means the City of Wyoming, Michigan.
- (3) *Clerk* means the duly appointed and serving city clerk of the city.
- (4) *Code* means the Code of Ordinances, City of Wyoming, Michigan including all amendments.
- (5) *Council or city council* means the city council of the city.
- (6) *County* means the County of Kent, Michigan.
- (7) *MCL* means the Michigan Compiled Laws including all amendments.
- (8) *Month* means a calendar month.
- (9) *Oath* includes affirmation.
- (10) *Owner* means anyone having an ownership interest in land, building or personal property.
- (11) *Person* means an individual, partnership, association, for-profit or non-profit corporation, ecclesiastical corporation, limited liability company, limited partnership, trust, estate or any other recognized legal entity.
- (12) *Personal property* means any money, goods, chattels, things in action and evidence of debt.
- (13) *Property* means both real and personal property.
- (14) *Public place*. The term "public place" means any public way, park, trails or pathways, sidewalk, street, cemetery, schoolyard or open space adjacent thereto; any public lake or stream; and any place or business open to the use of the public in general, open to public view or to which the public has access.
- (15) *Real estate and real property* mean lands and all legal and equitable interests in lands and all buildings, other structures and other improvements to, on, over or under that land.
- (16) *Sidewalk* means any paved area between the curb-line, or the lateral lines of a roadway, and the adjacent property line, intended for the use of pedestrians, bicycles (used by children or when otherwise allowed), or other non-motorized transportation devices.
- (17) *State*. means the state of Michigan.
- (18) *Street* means and includes any public way, road, highway, street, avenue, boulevard, parkway, alley, lane, viaduct, bridge and the approaches thereto within the city including all parkways, curb lawns, sidewalks, linear pathways or trails, and other areas within any right-of-way resulting from a deed, easement, dedication, adverse possession, plat, eminent domain, prescription, operation of state law (such as, for example and not for limitation, section line roads, highway by user or other statute), or other means.

Commented [S2]: Added.

(19) **Whoever** means any person.

**Commented [S3]:** Added.

(20) **Year** means a calendar year, unless otherwise expressed.

(b) The following rules of construction shall apply to this Code except when the context clearly indicates otherwise.

**Commented [S4]:** Added.

(1) Computation of time shall be as provided by applicable state law or as state statutes are construed.

(2) Whenever a city officer, employee, office, department, board, commission or other agency, when referred to by title only it shall be construed as if followed by the words "of the City of Wyoming, Michigan" and to include any authorized designee and any successor of that officer, employee, office, department, board, commission or other agency.

(3) The use of the masculine gender includes the feminine and neuter genders and use of the feminine gender includes the masculine and neuter genders.

(4) This Code shall be interpreted and applied to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where a provision of the Code imposes greater restrictions upon the subject matter than the general provisions imposed by the Code, the provision imposing the greater restriction or regulation shall govern.

(5) Provisions giving joint authority to three or more public officers or other persons shall be construed as giving such authority to a majority of such officers or other persons unless otherwise expressly stated.

(6) Singular words include the plural, and plural words include the singular.

(7) The words "shall" and "will" are mandatory and not directory. The word "may" is permissive.

(8) Words used in the present or past tense include the future as well as the present and past.

Section 2. That Chapter 14 of the Code of Ordinances, City of Wyoming, Michigan, is amended to read as follows:

#### CHAPTER 14 - BUSINESS

##### ARTICLE I. – GENERAL PROVISIONS APPLICABLE TO CHAPTER

###### **Sec. 14-1. – Purpose of chapter.**

**Commented [S5]:** This was modified from the former §14-31. Purpose provisions express the legislative intent for ordinances & can be helpful when addressing challenges to their validity or their interpretation.

The City Council finds that certain business regulations protect, advance or are otherwise in the general interest of the public health, safety and general welfare for many reasons among which are the following:

(1) Business licensing provides information about businesses in the city, such as, for example and not for limitation, names and contact information for responsible persons, information about the type of business, hours of operation, and materials used or sold in the business, that is necessary for the law enforcement and fire personnel who seek to protect the interests of the businesses, security of business property, the safety of business employees and patrons, and the safety of city personnel and the general public.

(2) Some types of businesses may have, may be perceived to have, or may historically have (i) a greater likelihood to be associated with criminal activity, (ii) posed a greater threat to public health or safety, (iii) been more risky for employees, (iv) been a more frequent focus of citizen complaints, (v) used or sold possibly hazardous materials, (vi) attracted less scrupulous patrons, (vii) resulted in more complaints to governmental officials and bodies, or (viii) required more scrutiny by or the resources of governmental entities.

(3) Some businesses are operated in a manner that requires disproportionate city services and resources.

(4) Some state laws require compatible local ordinances to effectuate their provisions.

(5) Some state laws require local ordinances to either allow or preclude certain businesses.

(6) Sometimes business regulations are an effective means for preventing undesirable business practices or less desirable effects of some businesses.

**Sec. 14-2. – Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) *Adult business* means a commercial establishment that a significant or substantial portion of its inventory is in, that obtains a significant or substantial portion of its revenues from, or that a significant or substantial section of its sales and display space is devoted to, to the sale or rental, for any form of consideration, of adult material or adult novelties and includes, for example and not for limitation, one or a combination of adult bookstores, adult personal service businesses, adult cabarets, adult novelty businesses, nude body painting, escort services, nude body dancing or display. For purposes of this definition, "significant or substantial portion" means 30 percent or more of the term which is modified by that phrase.

(b) *Adult cabaret* means an establishment that may or may not serve food or beverages and has the presentation or display of (i) dancers, entertainers, wait staff or employees who display specified anatomical areas or who engage in specified sexual activity, or (ii) videos, films or other adult material.

(c) *Adult material* means any tangible thing characterized by emphasis on specified sexual activities or specified anatomical areas, through reading, observation, sound or in any other manner, including, but not limited to, anything printed or written, pictures, drawings, pictorial representations, photo, videos, films, transparencies, slides, audio recording, electronic images, CGI, holographic images, any other electronically produced or reproduced images, or any mechanical, chemical or electronic reproduction. This definition includes material produced by any current or future technology.

(d) *Adult novelties* means objects, items and/or devices offered for sale which are designed for sexual stimulation or which stimulate human genitals.

(e) *Adult personal service business* means a business that, as its principal activity, has one or more individuals who, while nude or while displaying specified anatomical areas, provide personal services for another person including, but not limited to, modeling studios, body painting studios, wrestling studios, and conversation parlors.

(f) *Alcoholic liquor* means that term as defined in the Michigan liquor control act, 1998 PA 58, MCL 436.1101 *et seq.*

(g) *Applicant* means an applicant for a license under this chapter.

(h) *Building official* means the registered building official, building inspector or plan reviewer who the city has designated as its lead building official or that individual's designee.

(i) *Business personnel* means the directors, members, partners, officers, employees, volunteers, agents and representatives of an applicant, licensee or other business, including any independent contractor performing services for an applicant, licensee or other business.

(j) *Buttock* means an individual's perineum and anus.

(k) *Goods* means all goods, wares, merchandise and other personal property, excepting chooses in action and money. It includes prepared and unprepared foods.

(l) *IHRA* means the Industrial Hemp Research Act, 2014 PA 547, MCL 286.841 *et seq.*

(m) *Licensee* means a person to whom a license has been issued under this chapter.

(n) *Liquor control requirements* means requirements in or rules promulgated under the Michigan liquor control act, 1998 PA 58, MCL 436.1101 *et seq.*

(o) *Massage establishment* means a building, room, place or establishment, where body massage is regularly practiced on the human body, for other than cosmetic or beautifying purposes, with or without the use of nonpowered mechanical or bathing devices but does not include (i) hospitals, nursing homes, medical clinics, or offices of a physician, surgeon, osteopath or chiropractor, (ii) exercise clubs, exclusively for members without massage in any form, and (iii) barber shops or beauty parlors without massage in any form.

(p) *Marihuana establishment* means that term as defined in the MRTMA.

**Commented [S56]:** All chapter definitions are now in this section. Some definitions are taken from state laws. Others are derived from court decisions.

- (q) *Marihuana facility* means that term as defined in the MMFLA.
- (r) *MMFLA* means the Medical Marihuana Facilities Licensing Act, 2016 PA 281, MCL 333.27101 et seq.
- (s) *MMMA* means the Michigan Medical Marihuana Act, 2008 IL 1, MCL 333.26421 et seq.
- (t) *Motor vehicle* means any motor vehicle as defined by the Michigan Vehicle Code, 1949 PA 300, MCL 257.1 et seq.
- (u) *MRTMA* means the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, MCL 333.27951 et seq.
- (v) *Nudity or nude* means the knowing or intentional live display of a human genital organ or anus with less than fully opaque covering or a female's breast with less than a fully opaque covering of the nipple and areola. Nudity does not include a woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
- (w) *Nude modeling studio* means a place which offers as its principal activity the providing of models to display specified anatomical areas for artists and photographers for a fee. Offered for sale means offered in exchange for money, a membership fee or any other valuable consideration.

(x) *Nuisance business* means a business that meets any of the following criteria:

- (1) Within any-60-consecutive day period police have been dispatched to the business location two or more separate times due to any one or combination of:
  - (A) Alleged criminal acts involving minor in possession of alcoholic liquor,
  - (B) Sales of alcoholic liquor in violation of applicable law,
  - (C) Assault or attempted assault,
  - (D) Criminal sexual conduct or attempted criminal sexual conduct,
  - (E) A fight,
  - (F) Unlawful discharge of a firearm,
  - (G) Unlawful possession or sale of controlled substances,
  - (H) Robbery or attempted robbery,
  - (I) Exhibition of a dangerous weapon, or
  - (J) Theft other than retail fraud.
- (2) Within any 60-consecutive-day period there have been two or more separate incidents or occurrences at the business location leading to the arrest and prosecution of individuals charged with committing any one or combination of the following:
  - (A) Alleged criminal acts involving minor in possession of alcoholic liquor,
  - (B) Sales of alcoholic liquor in violation of applicable law,
  - (C) Assault or attempted assault,
  - (D) Criminal sexual conduct or attempted criminal sexual conduct,
  - (E) A fight,
  - (F) Unlawful discharge of a firearm,
  - (G) Unlawful possession or sale of controlled substances,
  - (H) Robbery or attempted robbery,
  - (I) Exhibition of a dangerous weapon,
  - (J) Theft other than retail fraud, or

**Commented [SS7]:** This is a new concept that becomes important when consider denial of issuance or non-renewal, suspension, or revocation under §§14-9 & 14-13.

(K) The occupancy of the business premises or any part of the business premises exceeded any legal limits.

(3) Within any 60-consecutive-day period there have been two or more substantiated reports to city public safety personnel, the building officials or inspection staff, the city planner, or city manager's office about conditions of the business property, emanating from the business property or seemingly affiliated with business personnel or patrons including:

- (A) Disturbances of the peace,
- (B) Harassment of passersby,
- (C) Extensive littering or a failure to maintain within appropriate containers all refuse and trash or to remove refuse and trash before it becomes a nuisance due to excessive accumulation, odors, or the attraction of rodents, insects or other vermin,
- (D) Nudity or semi-nudity in violation of applicable laws or ordinances,
- (E) Gang activity,
- (F) Illegal sale or distribution of controlled substances,
- (G) Unlawful or uncontained accumulation of solid waste,
- (H) Public urination or defecation,
- (I) Harborage or infestation of rodents, insects or other vermin,
- (J) Parking violations,
- (K) Prostitution,
- (L) Distribution or consumption of alcoholic liquor except as permitted by law,
- (K) Excessive dust or emission of offensive odors experienced beyond the property lines of the business,
- (L) Unlawful obstruction of any public right-of-way,
- (M) Occupancy of the business premises or any part of the business premises exceeding any legal limits or in violation of any
- (N) Accumulation of inoperable or unlicensed motor vehicles (except for a business licensed for vehicle repair and consistent with such license and other regulations), machinery or equipment,
- (O) Illegal sale of tobacco or vaping materials,
- (P) Violations of fire, construction or property maintenance code requirements,
- (Q) Violations of city noise ordinance provisions,
- (R) Violations of public health codes,
- (S) Outside storage in violation of applicable ordinances or laws, or
- (T) Failures to maintain grass length, landscaping or hard surfaces in accordance with applicable legal requirements.

(4) Within any 60-consecutive-day period, there have been more than 15 incidents of retail fraud at the business location reported to city or county law enforcement officials.

(y) *Operate or cause to operate* shall mean to cause to function or to put or keep in a state of doing business.

(z) *Operator* means any person on the premises of a business who exercises overall operational control of the business or a part of the business, who can open or close the business to the public, or who causes to

function or who puts or keeps the business open or in operation. A person may be operating or causing to be operated a business regardless of whether that person is an owner or part owner of the business.

(aa) *Parking lot* means any outdoor space or uncovered plot, place, lot, parcel, yard or enclosure, or any portion thereof, and where more than five motor vehicles are intended to be and may be parked, stored, housed or kept.

(bb) *Patron* means a customer, client, patient, shopper, or member of the public, not an employee of the business, who is on the premises to obtain, receive or view the products, services or performances offered by the business.

(cc) *Pawnbroker* means a person who loans money on deposit, or pledge of personal property, or other valuable thing, other than securities or printed evidence of indebtedness, or who deals in the purchasing of personal property or other valuable thing on condition of selling the same back again at a stipulated price.

(dd) *Regulated sale* means:

(1) Any sale, whether described by such name or by any other name, such as, but not limited to: close-out sales, liquidation sales, lost-our-lease sales, forced-to-vacate sales, or any other sale held in such a manner as to imply that, upon disposal of the stock of goods on hand, the business will cease and discontinue at the premises where the sale is conducted.

(2) Any sale held in such a manner as to induce a belief that, upon disposal of the stock of goods on hand, the business will cease and discontinue at the premises where the sale is conducted, and thereafter will be moved to and occupy another location.

(3) Any sale of goods that is an insurance, bankruptcy, mortgage, insolvent, assignee's, executor's, administrator's, receiver's, trustee's, removal or sale, going out of business or sale of goods damaged by fire, smoke, water or otherwise, unless the seller first obtains a license to conduct the sale from the city clerk under article IX. This does not apply to sales by a person who regularly engaged in insurance or salvage sale of goods, or the sale of goods which have been damaged by fire, smoke, water or otherwise, or who acquired the goods for the account of others as a result of fire or other casualty.

Regulated sales do not include: (i) a sale conducted by or at the behest of a governmental official or agency as authorized by law, (ii) a sale of goods being sold by a person who has acquired a right, title or interest in goods as an heir, devisee or legatee or pursuant to an order or process of a court of competent jurisdiction, or (iii) the sale of goods from a private residence by the owner of that residence a sale of goods which goods include only household furnishings used within that residence or the personal clothing, jewelry, tools and other personal items owned by the owner of that residence.

(ec) *Second hand dealer or junk dealer* means those terms as defined in 1917 PA 350, MCL 445.401 *et seq.*

(ff) *Semi-nude* means the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of the male or female buttocks. This does not include cleavage of the human female breasts exhibited by a bikini, dress, blouse, shirt, leotard or similar wearing apparel if the areola is not wholly or partially exposed. Semi-nudity does not include a woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.

(gg) *Sexual intercourse* means genital coitus, fellatio, cunnilingus, anal intercourse or any other intrusion of any person's body or of any object into the genital or anal openings of any person's body.

(hh) *Specified anatomical areas* means:

(1) Human male genitals in a discernibly turgid state, even if completely and opaquely covered; or

(2) Less than completely and opaquely covered:

(a) Female breasts below a point immediately above the top of the areola;

(b) Human genitalia;

(c) Pubic region; or

(d) **Buttock.**

(ii) *Specified sexual activities* means:

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

(jj) *Vendor/solicitor* means any person who engages in any of the following activities:

- (1) Travels from place to place for the purpose of distributing leaflets, pamphlets, fliers, or other literature advertising or seeking orders for the sale of goods or services; or displaying, selling, making sales, offering for sale, or leasing with the option to buy, takes orders for, or attempts to take orders for the retail sale of any goods, property, or services whatsoever for current or future delivery. This includes any person who travels by foot, vehicle, wagon, cart or any other means displaying, selling, offering for sale, taking orders for sale, or leasing with the option to buy, at retail, any goods, property, or service. It further includes any person who operates a pushcart, or other structure powered by bicycles or human power, with at least two operational wheels, which can be easily moved and which is used by a vendor to conduct sales.;
- (2) While not traveling from place to place, engaging temporarily in a retail sale of goods, wares or merchandise in any place in the city and who for the purpose of conducting business temporarily occupies any private lot, building, room or structure of any kind. This provision does not authorize sales on city-owned property or other public place unless authorized under a separate written agreement and does not authorize any activity that does not comply with chapter 90 of this Code.
- (3) While not having any fixed business address in the city, travels from place to place within the city, for purposes of seeking donations of money, goods, services or other things of value for any purpose.

Vendor/solicitor does not include the following:

- (A) A person engaged in distributing information, seeking signatures on petitions, or engaging in other communications that are not focused on making sales of or obtaining orders for any goods or services or seeking any contributions of money, goods, services or other things of value.
- (B) A person who is an authorized employee or other agent of a business licensed under this chapter that has a fixed place of operation in the city.
- (C) A person who sells at an art fair, farmers' market, festival or similar special event at the invitation of the event's sponsor, if (i) the sponsor has obtained a vendor/solicitor license and (ii) the person provides the sponsor with the person's sales tax license number.
- (D) A person under 18 years old selling goods or services, or soliciting orders for goods or services, on behalf of a public or private school or affiliated organization in the city, a non-profit organization in the city, or place of worship in the city.
- (E) Sales of goods or other items of value and solicitations conducted electronically, by mail, or by other means without any physical presence in the city if the goods or other items of value are delivered by mail, FedEx, UPS, DHL, or other courier.
- (F) Sales of cable or other internet or broadband services.

**Sec. 14-3. – Businesses, individuals or premises licensed by others.**

- (a) This chapter concerns the licensing of a business or certain activities, not the licensing of individuals.
- (b) This chapter does not preempt or modify any requirements for licensing, registration, certification or other approval of any business, individual, activity, or premises by a federal, state, county or other officially recognized body or official. All applicants and licensees under this chapter must comply with any requirements for licensing, registration, certification or other approval of any business, individual or premises by a federal, state, county or other officially recognized body or official. All premises within in the city that are used or occupied by an applicant or licensee and all activities within that premises must

**Commented [SS8]:** Modified from former §§14-34 & 14-35.

comply with applicable zoning ordinance, construction code, property maintenance code, water and sanitary sewer, drainage and other requirements under other city ordinances, rules, regulations and policies.

(c) Unless the laws, rules and regulations related to licensing, registration, certification or other approval of any business, person, activity or premises by a federal, state, county or other officially recognized body or official preempts local licensure, no person shall be exempt from licensing under this chapter due to the issuance of any such license issued by another government, agency, body, or official. If, however, any laws, rules and regulations related to licensing, registration, certification or other approval of any business by a federal, state, county or other officially recognized body or official preempts local licensure as provided in this chapter, then no city license is required.

(d) If, to legally engage in the business in Michigan, it is necessary for a person to obtain or to employ or otherwise engage persons who have obtained a license, registration, certification or other approval from a federal, state, county or other officially recognized body or official, no license or shall be issued under this chapter until that person submits evidence of all such other required approvals. This provision shall not apply in any situation in which it is not legally possible to obtain a license, registration, certification or other approval from a federal, state, county or other officially recognized body or official without first having obtained a license under this chapter.

**Sec. 14-4. – Application.**

Applications for licenses, certifications, or registrations under this chapter, together with the applicable license fee, must be filed with clerk on a form provided by the city clerk. In addition to other information the clerk may request with the approval of the city attorney and such information as is required under other articles in this chapter, a license application must include the following:

(a) The applicant's name, the applicant's business address in the city, and the other name and business address information as stated in paragraphs 14-4(a)(1), (2) and (3).

(1) If the applicant is an individual the applicant's name must be as it appears on the applicant's driver's license or voter registration and the application must also include the applicant's home address if it is different from the applicant's business address and the applicant's date of birth.

(2) If the applicant is a person other than an individual, the applicant's name must be as it appears on any business name filing with the state of Michigan and, if the applicant has other business addresses, the application must include the address of the applicant's principal place of business.

(3) If the applicant is a person other than an individual and the applicant is not a business traded on a public stock exchange, the application must include the names, home addresses and dates of birth of:

(A) The individual serving as the applicant's directors, trustees, general members, operating members, general partners, and principal officers.

(B) Any individual owning 20% or more of the stock or other equity in the applicant.

(b) A general description of the applicant's business including the goods sold and services provided.

(c) A statement about the applicant's intended business hours.

(d) If the applicant has a direct or indirect web or social media presence, the direct or indirect website address and social media information.

(e) If the applicant or its employees or agents need to be licensed, registered, certified or otherwise approved by a federal, state, county or other officially recognized body or official in order to conduct the applicant's business in the city, copies of the pertinent documents must be submitted with the application.

(f) If the applicant will have any hazardous, toxic, extra-flammable or explosive substances or materials (other than those of a type and in quantity generally found within a household) on or within its business premises, the applicant shall provide a detailed list of those substances and materials, as well as of their location(s) on or within the premises in a form required by the city fire department.

(g) If the applicant will have any especially valuable and easily transportable items or materials on or within its business premises, the application should generally describe those items.

**Commented [S59]:** The ordinance provides a single application procedure to be followed for all licenses provided by this chapter. The procedure begins with filing the application, supporting materials, & fee with the Clerk. Needed information is detailed.

- (h) Business hours and after hours contact information for one or more individuals who will have knowledge about and access to the applicant's city business premises at any time.
- (i) The application must be accompanied by any bond and proof of insurance including any required riders or endorsements, that are required by this chapter.

**Sec. 14-5. – Investigation, processing and issuance.**

- (a) Upon receipt of an application under this chapter, the clerk shall:
  - (1) Review the application to ensure it includes all required information and other materials.
  - (2) Transmit a copy of the application and other materials to the police chief, fire chief, treasurer, city planner, and building official for review and comment.
- (b) The officials to whom a copy of the application has been provided shall review it and report their findings as follows:
  - (1) The police chief shall review the application and other information to determine whether the applicant or any individual identified in the application (i) has been found guilty or responsible or has pled guilty, no contest, or responsible to any crime, civil infraction, or municipal civil infraction that indicate the applicant or individual may not serve patrons in a fair, honest or open manner, (ii) has been found guilty responsible or has pled guilty, no contest, or responsible to any crime, civil infraction, or municipal civil infraction that indicate the applicant or individual has engaged or may engage in actions injuring to persons, damaging to property of others, or damaging to the environment or natural resources, (iii) has violated a provision of this chapter or an ordinance in another community similar to this chapter, or (iv) has been closely affiliated with other persons who meet the criteria of subparagraphs (ii) or (iii).
  - (2) The fire chief shall review the application and other information to determine whether the premises, activities on the premises, and information about the premises, substances and materials to be located on the premises, and information provided complies with applicable fire codes.
  - (3) The treasurer shall review the application and other information to determine whether the applicant or any individual identified in the application is in default to the city due to a failure to pay property taxes, special assessments, water or sanitary sewer fees, fees or charges from city inspections staff, fees charged by any other city department for services, or any other amount due and owing the city.
  - (4) The city planner shall review the application and other information to determine whether the proposed use of the premises and other aspects of the business will comply with applicable city zoning requirements. If the city planner is aware of information that the applicant, any individual identified in the application, or the premises from which the business is to be conducted have violated city zoning requirements, the city planner shall also provide that information to the clerk.
  - (5) The building official shall review the application and other information to determine whether the premises currently complies, with applicable construction codes, property maintenance codes, or any city ordinance regarding the condition of property. If the building official is aware of information that the applicant, any individual identified in the application, or the premises from which the business is to be conducted has failed to comply with applicable construction codes, property maintenance codes, or any city ordinance regarding the condition of property, the building official shall also provide that information to the clerk.
- (c) Unless the information reported to the clerk pursuant to subsection (b) demonstrates that a license under this chapter should be denied as provided in sections 14-9 and 14-10, the clerk shall issue the license when the application and other materials and information are complete, fees are paid, and the reports provided.
- (d) If, under federal or state laws, rules or regulations, any business for which a license application has been made under this chapter requires the council's consent or approval for issuance of a state license (such as for a liquor license under state law and article IV of this chapter) or other reason that approval of the council must be given before a business license is issued under this article.

**Commented [S10]:** After the application is filed, there is a standard process for review by other city officials.

**Sec. 14-6. – License fees.**

- (a) Annual fees for licenses issued pursuant to this chapter shall be in amounts established by council resolution. Those fees shall not be prorated for licenses issued for a part of a year.
- (b) The fee for a license issued pursuant to this chapter that is not renewed prior to its expiration shall be 150% of the fee established by the council for that license.
- (c) If any applicable law, rule, regulation exempts any person from paying a fee for a license issued pursuant to this chapter, the license may be issued without payment of the fee.
- (d) Unless otherwise provided in this chapter, all license, certification and registration fees due under this chapter must be paid when the application is filed.

**Commented [SS11]:** Fees are set by the Council (except in certain instances where fees cannot be charged). There is a standard fee for late renewal. All fees are due with the application.

**Sec. 14-7. - License.**

- (a) Unless otherwise provided in this chapter or by council resolution, a license issued pursuant to this chapter will be for a calendar year January 1 until December 31. A license issued between after November 1 of any year shall expire on December 31 of the following year.
- (b) Licenses issued pursuant to this chapter shall be in a form provided by the clerk.
- (c) Licenses are non-transferable. If there is a change in the person owning a business, a new license must be obtained.
- (d) A licensee must notify the clerk of any change in the licensee’s business address(s) and other information in the license application within 15 days of the change(s).
- (e) No person shall permit or allow, by lease or otherwise, another person to use or employ a license issued under this chapter.
- (f) A license issued pursuant to this chapter must be prominently displayed in an area of the licensee’s business location(s) within the city that is generally open to and frequented by its customers, clients, patients, patrons or members of the public.

**Commented [SS12]:** Licenses are issued by the Clerk (except when state law requires issuance by another official) on a calendar-year basis and are non-transferable.

**Sec. 14-8. - Renewal.**

Renewals of any license issued pursuant to this chapter shall be obtained in the same manner as an original license.

**Sec. 14-9. – Reasons for denial, suspension and revocation.**

The following are reasons for the clerk to deny issuance or renewal of or to suspend or revoke a license issued pursuant to this chapter.

**Commented [SS13]:** There are standard reasons from denial, suspension, revocation and non-renewal.

- (a) No license may be issued to or recommended for issuance to an applicant that:
  - (1) Is in default to the city, including, without limitation, failing to timely pay any property taxes, fees, or other amounts due the city related to any property or activities of the (i) applicant/licensee, or (ii) a director, officer, member, or owner of more than a 10% interest in the applicant/licensee. For purposes of this provision, timely payment is payment on the date before which a failure to do so (i) constitutes a breach or default under any contract, (ii) results in the addition of later payment penalties or interest, (iii) exceeds the time for payment allowed by state law, any ordinance, any rule or regulation, or any license or permit requirement, (iv) results in any termination of services or loss of any rights under any applicable state law, ordinance, rule, regulation, or contract, or (v) results in other adverse consequences.
  - (2) Has been denied a license or has had its license revoked within 6 months prior to the date of application.
  - (3) Is a nuisance business.
- (b) A license to be issued or recommended pursuant to this chapter may be denied or recommended for denial for any of the following reasons:
  - (1) A misrepresentation in the application.

- (2) Based on review of the reports required under subsection 14-5(b), the clerk reasonably determines that the applicant or business personnel:
- (A) Has, within the past 10 years, failed to deal with patrons or governmental officials in a fair, honest and open manner;
  - (B) Has, within the past 10 years, engaged in intentional, reckless, or grossly negligent acts that injured persons, significantly damaged property of others, or damaged the environment or natural resources;
  - (C) Has, within the past 10 years, violated a provision of this chapter, violated any provision of this chapter;
  - (D) Has, within the past 10 years, violated a provision of an ordinance of another community that is similar to this chapter;
  - (E) Has, within the past 10 years, been closely affiliated with a person who meets any of the criteria in subparagraphs (A) through (D);
  - (F) Has, within the past 5 years, failed to pay any property taxes, special assessment, water, sanitary sewer, fees or charges for any city services or enforcement action, or pay other amounts due the city before such amounts became delinquent;
  - (G) Has, within the past 10 years, failed to comply with or owned or occupied a premises within the city that failed to comply with any zoning requirements during that ownership or occupancy;  
or
  - (H) Has, within the past 10 years, failed to comply with or owned or occupied a premises within the city that failed to comply with any construction code, property maintenance code or any city ordinance regarding the condition of property within the city.
- (3) The failure of the applicant or a person identified in subsection 14-4(a)(3) to comply with requirements applicable to, or the suspension or revocation of, any license, registration, certification or other approval of a federal, state, county or other officially recognized body or official which license, registration, certification or other approval is required to conduct the business in the city.
- (4) The failure of the applicant, a person identified in subsection 14-4(a)(3), or the business premises in the city to comply with any applicable requirement of this chapter.
- (5) The premises in which the business is or will be located or the occupancy or use of that premises as indicated in the application will not comply with a zoning or construction code requirement.
- (6) Within the past 12 months, the business has been determined to be a nuisance business.
- (c) A license issued or recommended for issuance under this chapter may be denied, suspended, or revoked, or renewal of that license may be denied for any of the following reasons:
- (1) Any reason provided in subsection 14-9(b).
  - (2) The licensee is in default to the city, including, without limitation, failing to timely pay any property taxes, fees, or other amounts due the city related to any property or activities of the (i) applicant/licensee, or (ii) a director, officer, member, or owner of more than a 10% interest in the applicant/licensee. For purposes of this provision, timely payment is payment on the date before which a failure to do so (i) constitutes a breach or default under any contract, (ii) results in the addition of later payment penalties or interest, (iii) exceeds the time for payment allowed by state law, any ordinance, any rule or regulation, or any license or permit requirement, (iv) results in any termination of services or loss of any rights under any applicable state law, ordinance, rule, regulation, or contract, or (v) results in other adverse consequences.
  - (3) While conducting business in the city, the licensee or any of the licensee's personnel:
    - (A) Failed to deal with customers, patients, clients, patrons, governmental officials, or the public in a fair, honest and open manner;

- (B) Engaged in intentional, reckless, or grossly negligent acts that injured persons, significantly damaged property of others, or damaged the environment or natural resources;
- (C) Violated a provision of this chapter or another provision of this Code;
- (D) Failed to comply with or the licensee's premises in the city failed to comply with any zoning requirements during that ownership or occupancy;
- (E) Failed to comply with or the licensee's premises in the city failed to comply with any construction code, property maintenance code or any city ordinance regarding the condition of property within the city; or
- (F) Within the past 12 months, the business has been determined to be a nuisance business.

(4) While conducting business in the city, the licensee or any of the business' personnel had a license, registration, certification or other approval of a federal, state, county or other officially recognized body or official which is required to conduct the business in the city suspended or revoked.

(5) While conducting business in the city, the licensee or any of the business' personnel failed to comply with another applicable law, rule or regulation the violation of which could endanger the public health, safety or general welfare.

**Sec. 14-10. – Denial, suspension or revocation.**

(a) If, after consulting with any other city officials the clerk decides to consult, the clerk determines an application for a license or license renewal should be denied or the clerk determines that a license issued pursuant to this chapter should be suspended or revoked, the clerk shall:

- (1) Inform the applicant/licensee in writing as to the reasons for the denial, suspension or revocation and of the effective date(s) of any suspension or revocation.
- (2) Inform the licensee of any conditions that must be met to lift a suspension.
- (3) Inform the licensee of any conditions that must be met to file a new application after denial or revocation.
- (4) Inform the applicant/licensee of appeal rights under this Code.

(b) The clerk may lift a suspension if the clerk finds that the conditions have been corrected. If the conditions cannot be corrected or if suitable time has been given for their correction and they have not been corrected the clerk may revoke the license.

(c) A revocation shall not become effective until the time for an appeal to the city council under section 1-29 of this Code has expired or the city council has acted on the appeal.

**Sec. 14-11. – Appeal of denial, suspension or revocation.**

A person who has been denied a license, or whose license has been suspended or revoked, may appeal to the city council as provided in section 1-29 of this Code.

**Sec. 14-12. – Authority of city officers.**

By accepting a license issued pursuant to this chapter, a licensee permits the entry upon and inspection of the licensee's business premises in the city by city officers during normal business hours of the licensee and the city.

**Sec. 14-13. – Nuisance businesses.**

(a) The building official, city planner, deputy city manager, or public safety director may preliminarily designate a business operating in the city as a nuisance business. If such a preliminary designation is made, written notice shall be given to the business stating that such a preliminary designation has been made and the basis for that preliminary designation. The notice shall be delivered to the business at the address and to the individual(s) provided in the business' general business license application if the business filed such an application. If the business is operating without a general business license, notice shall be delivered to the address at which the business activity is occurring and to such individual(s) at

**Commented [SS14]:** Appeals use the process approved in an ordinance adopted in 2019.

**Commented [SS15]:** This is a common provision in licensing statutes & ordinance, though we will often seek appropriate administrative or criminal search warrants.

**Commented [SS16]:** This provides for notice, an opportunity for a hearing and other due process. The Council would hold the hearing & it would be required to determine a business is a nuisance business. The Council would also have authority to determine what corrections need to be made, accept plans for correction when appropriate & take other actions.

that address who purports or reasonably appears to be the operator of that business. The notice shall state that date and time of the council meeting at which the council will be asked to approve the designation of a business as a nuisance business. It shall also inform the business of its rights to a hearing regarding that designation. That hearing will be held before the council considers a resolution designating the business as a nuisance business.

(b) If, after receiving a notice of a preliminary designation the business desires that the city council hold a hearing before the council considers a resolution designating the business as a nuisance business, the business must follow the procedure for an appeal in section 1-29 of this Code and a hearing will be held in accordance with that section.

(c) After any hearing requested under this section and held in accordance with section 1-29 of this Code, the council may be resolution designate a business as a nuisance business. That resolution shall state the reasons for that designation. The business shall be provided notice of that designation in the same manner as provided for the notice of a tentative designation under subsection (a).

(d) A business designated as a nuisance business must, within 30 days of that designation, correct all conditions or activities identified in the resolution designating it as a nuisance business or present plans acceptable to the city council that will correct all those conditions or activities. If such corrections have been made within 30 days or accepted plans have been provided within 30 days, the council may, by subsequent resolution, remove or conditionally remove the designation as a nuisance business.

(e) If a business fails to correct the conditions or activities or submit acceptable plans for doing so within 30 days of the council's designation of the business as nuisance business, the general business license for that business shall be deemed to have been revoked and that business may no longer operate in the city until a new license is issued.

**Sec. 14-14. – Violations.**

(a) Except for those offenses designated in this chapter as misdemeanors, a violation of this chapter is a municipal civil infraction punishable by a fine of \$250.00 for a first offense, \$500.00 for a second offense, and \$2500.00 for any subsequent offense. In addition, the court may order compliance with this chapter and may order restitution be paid to any persons suffering harm or loss as a result of violation of this chapter.

(b) Each day that an offense occurs is a separate offense.

(c) Violations of this chapter are also nuisances *per se* that may be abated and actions for abatement undertaken as provided in the Code or by applicable law, including without limitation, civil actions for equitable relief.

**ARTICLE II. – GENERAL BUSINESS LICENSES**

**Sec. 14-21. – City general business license required.**

All persons (i) operating, conducting or carrying on any trade, profession, commerce, business or any other for-profit activity at or from any location in the city involving the manufacture, purchase, sale or providing of goods or services and the related financial transactions, (ii) operating, conducting or carrying on any trade, profession, commerce, business or any other for-profit activity in the city that otherwise requires a license under this chapters, or (iii) non-profit entity operating, conducting or carrying on any activity in the city for which it is paid fees or accepts money or other payment (other than donations) for goods or services in excess of \$25,000 in any 12-month period, must first obtain a general business license issued by the city,

**Sec. 14-22. – Application and issuance.**

An applicant must file an application for a general business license and the clerk shall process, investigate, issue, decline to issue, and otherwise address an application for a general business license as provided in article I of this chapter.

**ARTICLE III. - ADULT BUSINESSES**

**Sec. 14-31. – Article's intent.**

**Commented [SS17]:** Violations are generally civil infractions.

**Commented [SS18]:** All businesses require a general business licens. This will also apply to many non-profits that provide goods & services.

**Commented [SS19]:** These provisions are substantively similar to current provisions, with some updating of references & a few other changes.

This article is intended to provide for licensing and regulation of adult businesses in the city. It is not intended to exclude, restrict access to, or regulate the expressive activities of adult businesses. It also is not intended to condone or legitimize adult businesses or their activities.

**Sec. 14-32. - Legislative findings.**

(a) The city council makes the following legislative findings based upon evidence concerning adverse secondary effects of adult uses on the community provided in various reports made available to the city and on findings incorporated by the United States Supreme Court in the cases of *City of Renton v Playtime Theatres, Inc.*, 475 US 41 (1986); *Young v American Mini Theatres*, 426 US 50 (1976); and *Barnes v Glen Theatre, Inc.*, 501 US 560 (1991); studies conducted in other cities; the findings reported in the Final Report of the Attorney General's Commission on Pornography (1986); and statistics obtained from various health departments. The council specifically finds that:

- (1) Adult businesses lend themselves to ancillary unlawful and unhealthy activities that are often uncontrolled their operators; there regulations making adult business owners responsible for activities occurring on their premises.
- (2) Crime statistics show that all types of crimes, especially sex-related crimes, occur with more frequency in neighborhoods where adult businesses are located.
- (3) Sexual acts can occur at adult businesses, especially those providing private or semi-private viewing areas.
- (4) Offering private and semi-private viewing areas encourages such activities which can lead to unhealthy conditions.
- (5) Persons frequent certain adult businesses for the purpose of engaging in sexual activities within the premises.
- (6) Communicable diseases, including sexually transmitted diseases, can be spread by activities occurring in adult businesses.
- (7) Some adult businesses have unsanitary conditions due either to activities within them or the failure of their owners or operators to maintain them. Nude dancing in adult businesses encourages prostitution, increases sexual assaults, and attracts other criminal activity including drug use and sales.

(b) The city council relies on the findings and evidence of adverse secondary effects incorporated or approved in cases and opinions upholding various regulations or portions of regulations regarding regulation of the time, place and manner of operation of adult businesses including but not limited to the following:

*City of Renton v Playtime Theatres, Inc.*, 475 US 41 (1986); *Barnes v Glen Theater, Inc.* , 501 US 560 (1991); *City of Erie v Paps AM* , 529 US 277 (2000); *DejaVu of Cincinnati, LLC v Union Township*, 411 F3d 777 (6th Cir 2005); *Triplet Grill, In. v. City of Akron* , 40 F3d 129 (6th Cir 1994); *Executive Arts Studio v. Grand Rapids*, 227 F Supp 2d 731 (WD Mich 2002); *City of Los Angeles v Alameda Books, Inc.* , 535 US 425 (2002); *DejaVu of Nashville v Metropolitan Gov't of Nashville* , 274 F 3d 377 (6th Cir 2001); *DLS, Inc. v. City of Chattanooga*, 107 F 3d 403 (6th Cir 1997); *Bamon Corp. v. City of Dayton*, 923 F 3d 470 (6th Cir 1991); *Sensations, Inc v. City of Grand Rapids* (WD Mich, case No 1:06-cv-300, 2006).

Based upon the findings in these opinions and various reports and information presented, the city council finds that adult businesses are often associated with adverse secondary effects including, but not limited to, crime, prostitution, public indecency, potential spread of disease, sexual assault and exploitation, illicit drug sales and use, urban blight and negative impact on surrounding properties and property values. The council further finds that the city has a substantial government interest in preventing adverse secondary effects related to any current or future sexually oriented business that may locate in the city.

**Sec. 14-33. - Location of adult businesses.**

Any existing building or land and building erected, converted or structurally altered for use for an adult business, must meet all requirements in this chapter and chapter 90 of this Code. In addition to

requirements in chapter 90 of this Code; adult businesses must not be located or operated within the following specific distances:

- (a) 500 feet from a church, synagogue or other regular place of religious worship, public or private preschool, elementary school, or secondary school, public park, child care center, entertainment business that is oriented primarily toward children or family entertainment; boundary of any residentially zoned district; or any legal residential use not located within a residentially zoned district.
- (b) 1,000 feet of any other adult business.

For purposes of this article, the distance between an adult business and a use listed in subsection (a) or another adult business will be measured from the location of the building or structure housing the adult business to the nearest point on the other building, structure or use or from the nearest lot line of properties in a residentially zoned district or residentially used property.

**Sec. 14-34. - Adult business building use restrictions.**

- (a) No person shall reside in or permit any person to reside within any building in which an adult business is located.
- (b) The interior portion of an adult motion picture theatre where viewing of adult material is allowed shall be visible from a continuous main aisle.
- (c) No adult business shall permit any of its goods or services offered for the sale, rent or use by its patrons, to be kept in such a manner visible outside the business premises.

**Sec. 14-35. - Adult business license required; procedure.**

- (a) No person shall operate an adult business in the city without a valid adult business license issued by the city.
- (b) An application for an adult business license must be filed with the clerk as provided in article II. In addition to the information required by article II, an adult business license application must be accompanied by a sketch or diagram showing the configuration of the exterior and interior of the business premises, including a statement of total floor space occupied by the business. A sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises.
- (c) The clerk shall forward such application to the offices and officers identified in section 14.5 for the review and comment as provided in that section prior to issuing any license pursuant to this article.
- (d) The applicant, the applicant's business' personnel, and the business premises must comply with the requirements of this chapter and with all other applicable laws, rules and regulations.
- (e) If the applicant is an individual, the applicant must be at least 18 years old. The applicant's business personnel must all be at least 18 years old.
- (f) The applicant and applicant's business personnel:
  - (1) Must not have been convicted or have pled guilty or no contest to any offense involving a violation of a law, rule or regulation applicable to operating an adult business; and
  - (2) Must not have been convicted or have pled guilty or no contest to any offense involving prostitution, indecent exposure, criminal sexual conduct, human trafficking, liquor license violations, sexual activities in a public place, or the illegal sale or use of controlled substances.

**Sec. 14-36. - Inspections.**

An applicant for an adult business license and an adult business licensee shall permit representatives of the county health department, city police department, city fire department, planning and building inspections department, or any other city department, to inspect the adult business premises for compliance with this Code at any time it is occupied or open for business.

**Sec. 14-37. - Unlawful activities.**

- (a) Nothing this chapter is intended or shall be construed to allow activities that are unlawful under any applicable law, rule or regulation, including without limitation, any provision of this Code.
- (b) It is unlawful and a violation of this chapter for an adult business operator to knowingly or intentionally violate a provision of this chapter or to allow, either knowingly or intentionally, an adult business' personnel or a patron of an adult business to violate the provisions of this chapter. It is a defense to prosecution that the person prosecuted was powerless to prevent the violation.
- (c) No person shall, on or within the premises of an adult business, knowingly or intentionally appear nude before a patron, regardless of whether that nudity is expressive in nature.
- (d) All adult business personnel who appear semi-nude before any patron shall be and remain at least 6 feet from all patrons and on a fixed stage at least 18 inches from the floor in a room of at least 600 square feet.
- (e) A adult business which exhibits on the premises by any means a film or other video characterized by an emphasis on the display of specified sexual activities or specified anatomical areas shall comply with the following:
  - (1) The interior of the premises shall be configured so there is an unobstructed view from an operator's station of every area of the premises, including the interior of each viewing room but excluding restrooms, to which any patron is permitted access for any purpose. If the premises has two or more operator's stations, the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the operator's stations.
  - (2) An operator's station shall not exceed 32 square feet of floor area.
  - (3) The view required in this paragraph must be by direct line of sight from the operator's station. The adult business operator must ensure that at least one employee is on duty and in an operator's station at all times that a patron is in the portion of the premises monitored by that operator station. All other personnel of an adult business within the premises shall also ensure that the view area required in this subsection 14-37(e) remains unobstructed by any doors, curtains, walls, merchandise, display racks or other materials or enclosures at all times that a patron is within the premises.
  - (5) None of the adult business' personnel who regularly appears semi-nuded within view of any patron shall knowingly or intentionally touch a patron or the clothing of a patron of that adult business.
  - (6) No adult business operator shall allow or permit an adult business to be or remain open between the hours of 2:00 a.m. and 7:00 a.m. on any day.

**Sec. 14-38. - Violation.**

- (a) A violation of this article is a misdemeanor punishable as provided in section 1-26 of this Code.
- (b) This article does not impose strict liability. A showing of a knowing or reckless mental state is necessary to establish a violation of a provision of this article. It shall be a defense to prosecution that the person to whom liability is imputed was powerless to prevent the act.

**ARTICLE IV. - ALCOHOLIC LIQUOR BUSINESSES**

**Sec. 14-41. - General alcoholic liquor licensing requirements.**

- (a) This article is to be interpreted in accordance with applicable federal and state laws, rules and regulations. Accordingly, if a provision or requirement of this article conflicts with or is determined by a court or governmental agency of competent jurisdiction to violate any federal or state law, rule or regulation, the conflicting provision of this article is to be interpreted in a manner to avoid that conflict.
- (b) Subject to subsection (a), the council shall not approve the issuance or transfer of a license for the sale of alcoholic beverages for on-premises consumption of alcoholic liquor except as provided in this article.
- (c) The city authorizes of licenses for on-premises consumption alcoholic liquor in accordance with the number allowed by state statute and applicable rules and regulations.

**Commented [SS20]:** Violations of this article are misdemeanors because arrests may be needed to protect persons or to restore order.

**Commented [SS21]:** There were several deletions in this article:

- The reference to "offensive, indecent, and obscene" entertainment was deleted to avoid 1<sup>st</sup> Amendment & other constitutional challenges.
- Because some restaurants use sun shades, heavily tinted glass, or other energy efficient treatments, or do not have front windows, the requirement to be able to see into the premises from outside was deleted.
- Some liquor selling establishments are connected with lodging businesses or may have residential units on other floors, so the prohibition against living quarters was removed.
- Many restaurants have rooms for banquets & other meetings, so the prohibition against having a closed door on private rooms was deleted.
- The requirement for separate male & female toilet facilities was deleted.
- Because transfers of licenses no longer require local approval, those provisions are removed.
- Closing time requirements were removed because they seemed to reiterate state law.

**Sec. 14-42. - Requirements for on-premises consumption licenses.**

(a) To the extent the city has the authority to limit their issuance for such reasons, licenses for the sale of alcoholic liquor for on-premises consumption shall not be issued for any location:

- (1) Within 500 feet of a school or a public park.
- (2) Within 500 feet of a church, unless the church consents or does not object when notice of the application is provided to the church. Such distance shall be measured from the nearest point of the church building to the nearest point of the building in which the business is to be conducted.
- (3) Any property that is in (i) a residentially zoned district under chapter 90 of this Code, or (ii) a zoning district in which residences are permitted and existing under chapter 90 of this Code.
- (4) Within 500 feet of any property that is in a residentially zoned district under chapter 90 of this Code unless the application is accompanied by the written consent of the owners (including all owners of property jointly owned or owned as tenants in the entirety) of a majority of all residentially zoned parcels of property within 500 feet of the proposed location, or unless the place is located on a recognized commercial street where at least three-fourths of the frontage within 500 feet on both sides of the street is devoted to some commercial use.
- (5) On a street where, by virtue of density of traffic or other conditions, the proposed use could, in the judgment of the council after a recommendation from the city engineer, constitute a traffic hazard.
- (6) At any place where, in the judgment of the council following a recommendation by the city manager or public safety director, by reason of insufficient lighting, a lack of police patrol, or other conditions, the proposed use could constitute a nuisance.

The council may waive the any of the limitations of this section if the council deems to be in the best interest of the city to do so.

(b) Except for those licenses addressed in subsections (c) or (d), the general requirements for licenses for sales of alcoholic liquor for on-premises consumption are:

- (1) All licenses must be operated in conjunction with a restaurant as a unit. The same person must be the licensee and the owner of the restaurant business. The primary business must be that of the restaurant, so that more than 50 percent of the gross income must be derived from the restaurant business, exclusive of alcohol sales. A licensee who as of January 1, 1980, did not have a restaurant business in conjunction with the license is exempted from this requirement.
- (2) The dining area must have an interior seating capacity to serve at least 50 individuals calculated using 15 square feet per individual.
- (3) Counter space or bar space for the dispensing of alcoholic beverages must not exceed 20 percent of the seating capacity for all dining areas.
- (4) The combined kitchen and food storage facilities must have square footage equal to at least 50 percent of the square footage for all dining areas.
- (5) An architectural or engineered scaled floor plan verifying the above must be provided with the request for a liquor license.

(c) Motels and hotels selling alcoholic liquor for consumption on the premises with either a class A-hotel or a class B-hotel license must have 60 or more guestrooms and a lounge serving at least 25 persons calculated at 15 square feet per person.

(d) Nail salons, day spas, hair salons, and barber shops serving alcohol by the glass to patrons during the performance of services by business personnel or while the patrons are waiting their turn for such services. Hours for serving alcohol must not begin before 10:00 a.m. on any day and must end before 9:00 p.m. on any day.

**Sec. 14-43. - Conduct of liquor licensed business.**

- (a) The business personnel of a liquor licensee are responsible for the conduct of its patrons and other occupants.
- (b) No disorderly, loud or boisterous conduct shall be permitted.
- (c) No booths shall be permitted which are completely enclosed or capable of being either permanently or temporarily completely enclosed or locked or with partitions higher than four feet from the floor.
- (d) A liquor licensee shall not be a nuisance business.

**Sec. 14-44. - Liquor license application and procedure.**

- (a) An applicant seeking a state liquor license must file a general business license application as provided in article II of this chapter accompanied by the additional information required by this article and by liquor control requirements.
- (b) Upon receipt of the application, in addition to processing the application as provided in section 14-5, the clerk shall transmit the application to the city's development review team for a review any recommendation to the clerk. The clerk shall provide a recommendation to the council. The clerk's recommendation shall address whether the applicant and the business premises comply with requirements for issuance of a general business license. The development review team's recommendation to the clerk may consider the requirements for a general business license and but shall focus on the character of the neighborhood of the proposed licensed premises, type of license, the type of restaurant or other business, the type of activities, hours of operation, available public safety resources, and possible secondary effects of the proposed liquor licensed business.
- (c) Upon receipt of the application for a liquor license, the council may decide to hold a public hearing on the application in which case written notice of the public hearing shall be provided to the applicant and to all property owners of record, and occupants of buildings, within a minimum of 300 feet of the property. Such notices shall be sent at least 15 days prior to the public hearing.
- (d) The city council may deny an application or recommended if the applicant, the premises or the application fails to comply with the requirements of this chapter.

**Sec. 14-45. - Revocation or nonrenewal of license.**

- (a) The city manager, clerk, public safety director, city planner, city attorney or building official may recommend to the city council that it recommend to the state liquor control commission the denial of any renewal of or the revocation of a liquor license issued to a business in the city for any of the following reasons:
  - (1) The licensee is a nuisance business.
  - (2) The licensee failed to comply with a provision of this chapter.
  - (3) The licensee failed to comply with any liquor control requirements.
  - (4) The licensee failed to comply with any other applicable requirement of this Code.
  - (5) The licensee failed to comply with an applicable law, rule or regulation.
  - (6) The licensee failed to adequately provide for the safety and security of its patrons or their property.
  - (7) The licensee is delinquent in the payment of real or personal property taxes levied against the licensed premises or personal property within it, is delinquent in the payment of special assessments levied against the license premises, is delinquent in the payment of fees for city water or sanitary sewer services provided the licensed premises, or is otherwise in default to the city. .
  - (8) The licensee's business personnel were found guilty or pled guilty or no contest to criminal charges for activities at the licensed premises that injured or endangered patrons, public officials, the public, or other licensee business personnel or damaged any of their property.

(b) Any recommendation under subsection (a) shall be in writing and accompanied by a copy of a written notice to the licensee informing the licensee of the recommendation, the reasons for the recommendation, and the licensee's rights to appeal as provided in section 1-29 of this Code.

(c) If the licensee appeals the recommendation and seeks a hearing, before the council acts on the recommendation made under subsections (a) and (b), the council shall hold a public hearing as provided in section 1-29 of this Code.

(d) After any hearing held as provided in subsection (c) the council may, by resolution, recommend such action be taken by the Liquor Control Commission as the council may deem appropriate. The clerk shall transmit a certified copy of that resolution, together with supporting documents, to the Liquor Control Commission.

**Sec. 14-45. - Violations.**

A violation of this article is a misdemeanor punishable as provided in section 1-26 of this Code.

**ARTICLE V. - MARIHUANA ESTABLISHMENTS AND FACILITIES**

**Sec. 14-51. - Marihuana establishments and facilities prohibited.**

(a) Pursuant to section 6 of the MRTMA marihuana establishments are prohibited within the boundaries of the city.

(b) Marihuana facilities are prohibited within the boundaries of the city.

**Sec. 14-52. - Rights unaffected by article.**

(a) Except as specifically provided in section 14-51 prohibiting marihuana establishments, this article shall not affect the rights or privileges of any individual or other person under the MRTMA.

(b) This article does not affect the rights or privileges of a marihuana facility outside the boundaries of the city to engage in activities within the boundaries of the city that it is allowed to engage in under the MMFLA within a municipality that has not authorized marihuana facilities to operate within the municipality.

(c) This article does not affect any rights or privileges of registered qualifying patients or registered primary caregivers under the MMMA or the MMFLA.

(d) This article does not affect any rights or privileges of any individual or other person under the IHRA.

(e) This article does not affect any rights or privileges of any individual or other person under any other federal or state law, rule or regulation related to the medical use of marihuana.

**Sec. 14-53. - Review.**

The city council shall review this article and the prohibitions in section 14-51 following the state's promulgation of rules pursuant to the MRTMA, but such a review shall occur not later than June 30, 2020.

**Sec. 14-54. - Violations.**

A violation of this article is a misdemeanor punishable as provided in section 1-26 of this Code.

**ARTICLE VI. - MASSAGE ESTABLISHMENTS**

**Sec. 14-61. – License required.**

No person shall operate a massage establishment in the city without first obtaining a massage establishment license to do so from the city.

**Sec. 14-62. – License application.**

(a) An application to operate a massage establishment shall be made to the clerk on a form provided by the clerk that in addition to the information required for a general business license under this chapter is also accompanied by the following information:

- (1) A description of the services to be provided.

**Commented [SS22]:** Carnival regulations are now under special events.

**Commented [SS23]:** Pool hall licensing/regulation is deleted.

**Commented [SS24]:** Public dance licensing/regulation is deleted.

**Commented [SS25]:** This is a carryover from the existing ordinance with the definition moved to the beginning of the chapter with all others.

**Commented [SS26]:** This date is extended. State licensing is running slower than expected. Communities trying to license establishments are undergoing some challenges. It is recommended that Wyoming continue to observe before revisiting this issue.

**Commented [SS27]:** Gasoline station provisions were deleted. The zoning ordinance addresses siting issue. Environmental & safety issues are address by state law.

**Commented [SS28]:** The city can license the establishments but not massage therapists.

- (2) Written proof that the applicant (if individual or partnership) and all managers are at least 18 years of age.
- (3) Brief history of the applicant's past massage establishment experience.
- (4) Whether any previous massage establishment associated with the applicant had its license suspended, revoked, denied and the reasons for such action.
- (5) The name and address of any other massage business or establishment owned (partially or wholly) or operated by the applicant or the applicant's business personnel.
- (6) The names and addresses of each of the applicant's business personnel who will provide services in the city and copies of any state-issued massage therapist license for each such individual.
- (7) A description of any other businesses to be operated on the same premises as the massage establishment or on any adjoining or nearby premises owned or controlled by the applicant or the applicant's business personnel.
- (8) A scaled drawing showing the layout of the interior of the premises to be occupied by the massage establishment.

(b) The clerk shall transmit, process, issue, and deny an application for a massage establishment in the same manner as for a general business license except for any additional requirements provided in this article.

**Sec. 14-63. – Massage establishment requirements.**

(a) Massage establishment licensee and the licensee's business personnel must comply with the following:

- (1) All requirements of this chapter and all other provisions of this code.
- (2) No alcoholic liquor may be sold, distributed, consumed, stored, given away, or provided to any person on the premises of any massage establishment.
- (3) No individual shall be nude or semi-nude in the presence of another individual on the premises of a massage establishment.
- (4) No individual may engage in any specified sexual activities on the premises of a massage establishment.
- (5) No massage establishments shall be open between the hours of 11:00 p.m. and 6:00 a.m.
- (6) All business personnel must wash or sanitize their hands before giving any service or treatment to a patron.
- (7) All towels, tissues, sheets or other coverings must be used singularly for each patron and discarded for laundering or disposal immediately after use. Clean and sanitary towels and linens shall be provided for each patron. No common use of towel or linens shall be permitted.

(b) The business premises of each massage establishment must comply with the following standards:

- (1) All tables, tubs, shower stalls and floors (except reception and administrative areas) shall be made of nonporous materials which may be readily disinfected.
- (2) Closed cabinets shall be provided and used for the storage of clean linen, towels and other materials used in connection with administering massages.
- (3) Containers shall be provided for all soiled linen, towels and waste materials.
- (4) At least one plumbed sink within the massage establishment. Additionally, each individual area in which massage is practiced shall be equipped with a hand-sanitizing facility equipped with running water and soap, antibacterial hand wipes, waterless hand sanitizers, or other commercially acceptable means of handwashing.

**Commented [SS29]:** Some requirements have been added based on those in other communities.

(5) Lavatories and shower stalls (if provided) shall be located as to ensure privacy between the massage establishment and any other business or use.

(6) No part of the licensed premises shall be used for or connected with any bedroom or sleeping quarters; nor shall any person sleep in a massage establishment except for a limited period incidental to and directly related to massage or bath.

**Sec. 14-64. - Violations.**

A violation of this article is a misdemeanor punishable as provided in section 1-26 of this Code.

**ARTICLE VII. - VENDORS/SOLICITORS**

**Sec. 14-71. - License required.**

All vendors/solicitors must obtain a general business license from the city that also states that the licensee is licensed as a vendor/solicitor under this article.

**Sec. 14-72. - License application.**

In addition to other information on the general business license application, the applicant for a vendor/solicitor license must also provide the following:

- (a) A list of all persons who will be engaging in activities on behalf of the applicant.
- (b) A list and description of the goods or services to be sold or for which orders are being solicited.
- (c) The address of any temporary location in the city that will be occupied by the applicant or anyone acting on the licensee's behalf and the written consent of the owner of that location.
- (d) The name and contact information of a responsible individual who can be contacted at any time any person is engaging in activities in the city on the licensee's behalf.

**ARTICLE VIII. - PRECIOUS METAL AND GEM DEALERS**

**Sec. 14-81. - Registration certificate required.**

No person shall engage in a business of a precious metal or gem dealer as defined in 1981 PA. 95, MCL 445.481 *et seq.*, without having first obtained a certificate of registration from the city police department in addition to a general business license under this chapter.

**Sec. 14-82. - Application for and issuance of certificate.**

The application must be in a form and contain the information and accompanying information required by 1981 PA. 95, MCL 445.481 *et seq.* and the certificate shall be in a form required by 1981 PA. 95, MCL 445.481 *et seq.*

**Sec. 14-83. - Purchase of coins.**

In addition to those items for which records and notification to the police are required by 1981 PA. 95, MCL 445.481 *et seq.*, any precious metal and gem dealer within the city who purchases coins of any kind, whether issued by the United States government or any foreign government, shall comply with the record and notification requirements as provided in the applicable state statutes and the provisions of this article.

**ARTICLE IX. - REGULATED SALES**

**Sec. 14-91. - Regulated sales license and requirements.**

Regulated sales in the city must comply with the following:

- (a) They must be conducted pursuant to a regulated sales license issued pursuant to 1961 PA 39, MCL 442.211 *et seq.*, and this article.
- (b) They must be conducted by a licensee with a general business license issued pursuant to this chapter.
- (c) They must be conducted at a location listed and included on the general business license issued pursuant to this chapter.

**Commented [SS30]:** Violations are misdemeanors.

**Commented [SS31]:** Junkyards are regulated by the Secretary of State under the Michigan Vehicle Code and the zoning ordinance regulates other aspects, so these provisions were removed.

**Commented [SS32]:** Regulations of parking lots and garages have been removed. Some provisions are covered under the zoning ordinance. Some are covered by the Michigan Vehicle Code. Some are covered under Chapter 50 regarding offenses. Others may be added to that chapter when it undergoes a similar review and revision.

**Commented [SS33]:** The city police issue the license as required by state law.

**Commented [SS34]:** Regulation of public lodging was removed. It is covered by the zoning ordinance or short-term rental provisions.

**Commented [SS35]:** Most of these are state law requirements.

(d) They must be conducted in compliance with 1961 PA 39, MCL 442.211 *et seq.*, and this article.

**Sec. 14-92. – Regulated sales license application.**

(a) An applicant for a license under this article must file an application in writing and under oath with the clerk that in a form provided by the clerk that provides the following information regarding the proposed sale:

(1) The name, postal address, telephone number, and electronic mail address of the applicant, who must own the goods to be sold. If the applicant is a person other than an individual, the name and the position of the individual filing the application.

(2) The name and style of the sale and the address where the sale is to be conducted.

(3) The dates and time period during which the sale is to be conducted.

(4) The name, postal address, telephone number, and electronic mail address of the individual who will be in charge and responsible for the conduct of the sale.

(5) A full explanation of the condition or necessity which is the occasion for the sale, including a statement of the descriptive name of the sale and the reasons why the name is truthfully descriptive of the sale. If the application is for a license to conduct a going out of business sale as defined in 1961 PA 39, MCL 442.211 *et seq.*, it shall also contain a statement that the business will be discontinued at the premises where the sale is to be conducted upon termination of the sale. If the application is for a license to conduct a removal sale, 1961 PA 39, MCL 442.211 *et seq.*, it shall also contain a statement that the business will be discontinued at the premises where the sale is to be conducted upon termination of the sale, in addition to the location of the premises to which the business is to be moved. If the application is for a license to conduct a sale of goods damaged by fire, smoke, water or otherwise, it shall also contain a statement as to the time, location and cause of the damage.

(6) A full, detailed and complete inventory of the goods that are to be sold, which inventory shall:

(A) Itemize the goods to be sold and contain sufficient information concerning each item, including make and brand name, if any, to clearly identify it.

(B) List separately any goods which were purchased during a 60-day period immediately prior to the date of making application for the license.

(C) Show the cost price of each item in the inventory together with the name and address of the seller of the items to the applicant, the date of the purchase, the date of the delivery of each item to the applicant and the total value of the inventory at cost.

(7) A statement that no goods will be added to the inventory after the application is made or during the sale and that the inventory contains no goods received on consignment.

(b) A license application, including any application for renewal of a license issued under this article, must be accompanied by a license fee in an amount established by resolution of the city council.

**Sec. 14-93 – License; issuance and restrictions.**

(a) After receiving an application including the information required by this article and filed by a general business licensee or applicant for a general business license, the clerk may issue a license to the applicant that:

(1) Authorizes the licensee to advertise, represent and sell the particular goods so inventoried at the time and place stated in the application and in accordance with this article.

(2) State the date of its expiration.

(3) Is valid only for the sale of the inventoried goods which the licensee owns and applies only to the premises specified in the application.

(4) May not be transferred or assigned.

(b) If a licensee under this section is engaged in business at another location, the advertising or offering of

goods must not represent or imply any connection with, participation in or cooperation with the sale on the premises specified in the license. No advertising or other offering of goods on behalf of the premises where the licensed sale is being conducted may be connected with, represent or imply any participation in or cooperation with such sale at other locations.

- (c) No license under this section authorizes or shall be issued to any person to:
  - (1) Conducts a sale in the trade name or style of a person in whose goods the applicant for the license has acquired a right or title thereto within 6 months before applying for the license.
  - (2) Continues a sale in the name of a licensee under this section whose goods such person acquired a right or title to while such a sale is in progress.
  - (3) Conducts a sale, other than an insurance sale, a salvage sale or a sale of damaged goods, on the same premises within one year from the conclusion of a prior sale of the nature covered by this article.
- (d) A license to conduct a sale issued pursuant to this article is valid only up to 30 days.
- (e) A license issued under this article may be renewed not more than twice for a period not to exceed 30 days for each renewal upon affidavit of the licensee that the goods listed in the inventory have not been disposed of and that no new goods have been or will be added to the inventory previously filed pursuant to this section, by purchase, acquisition on consignment or otherwise.
  - (1) The application for renewal of the license shall be made not more than 5 days prior to the time of the expiration of the license and must include a new inventory of goods remaining on hand at the time the application for renewal is made, which new inventory shall be prepared and furnished in the same manner and form as the original inventory.
  - (2) No renewal shall be granted if any goods have been added to the stock listed in the inventory since the date of the issuance of the license.

**Sec. 14-94. – Regulated and prohibited acts.**

- (a) No person in contemplation of conducting a sale under a license under this article shall order or purchase any goods for the purpose of selling and disposing of those goods at such sale. Each unusual purchase and additions to the stock of goods within 60 days prior to the filing of the application for license to conduct a sale under this article will be presumptive evidence that the purchases and additions to stock were made in contemplation of the sale and for the purpose of selling those goods at the sale and will be presumptive evidence of a violation of this article. Each constitutes a separate offense under this section and also voids any license issued to conduct a sale under this article.
- (b) No person conducting a sale under a license pursuant to this article shall add, during the sale, any goods to the stock of goods described and inventoried in the original license application. No goods shall be sold at or during the sale, except goods described and inventoried in the original application. Every addition of goods to the stock of goods described and inventoried in the application and each sale of goods not inventoried and described in the application, will be presumptive evidence of a violation of this article and each will constitute a separate offense under this article, and will void a license issued under this article.
- (c) A license issued under this article is valid only for a sale of the goods inventoried and described in the license application, in the manner and at the time and place stated in the application. The removal of any goods listed in the application from the place of sale stated in the application will cause those goods to lose their identity as the licensee's stock of goods for the licensed regulated sale and no license will be issued for the conducting of a sale of any of such goods removed from the place stated in the application at any other place.
- (d) The following unfair and deceptive business practices are strictly prohibited in the course of a sale under this article:
  - (1) Causing a probability of confusion or misunderstanding as to the source, sponsorship, approval, or certification of the goods.
  - (2) Representing that goods have sponsorship, approval, characteristics, ingredients, uses, benefits, or

quantities that they do not have.

- (3) Representing that goods are new if they are deteriorated, altered, reconditioned, used, or secondhand.
- (4) Representing that goods are of a particular standard, quality, or grade, or that goods are of a particular style or model, if they are of another.
- (5) Disparaging the goods of another by a false or misleading representation of fact.
- (6) Advertising or representing goods with the intent not to dispose of the goods as advertised or represented.
- (7) Making a false or misleading statement of fact concerning the reasons for, existence of, or amounts of price reductions, including but not limited to advertising and/or conducting a going out of business sale when the business continues to operate and advertising and/or conducting a removal sale when the business continues to operate at its current location.
- (8) Failing to reveal a material fact, the omission of which tends to mislead or deceive the consumer, and which fact could not reasonably be known by the consumer.
- (9) Making a representation of fact or statement of fact material to the transaction such that a person reasonably believes the represented or suggested state of affairs to be other than it actually is.
- (10) Using any other deceptive representations in connection with the sale of goods.

**ARTICLE X. – SECONDHAND OR JUNK DEALERS**

**Sec. 14-101. – Second hand dealer and junk dealer license required.**

Second hand dealers and junk dealers may only operate in the city with a general business license as provided in this chapter and after also obtaining a license issued by the mayor pursuant to this article and 1917 PA 350, MCL 445.401 *et seq.*

**Sec. 14-102. – License application and issuance.**

An application for a license under this article must be filed and a license will be issued in accordance with 1917 PA 350, MCL 445.401 *et seq.*

**Sec. 14-103. – Records and business practices.**

A licensee under this article must comply with the recordkeeping and other requirements of 1917 PA 350, MCL 445.401 *et seq.*

**ARTICLE XI. –PAWNBROKERS**

**Sec. 14-111. - License required.**

No person shall operate a business of a pawnbroker in the city without obtaining a general business license from the city in accordance with this chapter and a pawnbroker license issued by the mayor pursuant to this article and 1917 PA 273, MCL 446.201 *et seq.*

**Sec. 14-112. - License application and issuance.**

An application for a license under this article must be filed and a license will be issued in accordance with 1917 PA 273, MCL 445.201 *et seq.*

**Sec. 14-113. – Records and business practices.**

A licensee under this article must comply with the recordkeeping and other requirements of 1917 PA 273, MCL 446.201 *et seq.*

**ARTICLE XII. – SNOW PLOWING**

**Sec. 14-121. – City license required.**

Except as provided in subsections (a) and (b) no individual or entity shall engage in the business of moving, removing or plowing snow on any public or private property without a snow plowing license

**Commented [S336]:** State law provides the framework including that the mayor issues this license.

**Commented [S337]:** State law provides the framework including that the mayor issues this license.

**Commented [S338]:** These are the same requirements as adopted last year.

issued by the city, a general business license issued by the city, and with any other license that may be required by the city or any other governmental official, agency or entity.

(a) This requirement does not apply to officers, employees or other agents of the city or another governmental agency moving, removing or plowing snow or ice from any public right-of-way, other public property, or property under the control of the city or other governmental agency.

(b) This requirement does not apply to those moving, removing or plowing snow or ice from any premises owned, leased, or under the legal control of the individual or entity engaged in that activity.

**Sec. 14-122. – License application.**

Any individual or entity desiring a snowplowing license shall file an application, license fee and related materials with the city clerk on forms provided by the city clerk. The application shall include (i) the applicant's name, address, and telephone number, (ii) the name, address, telephone number, cell phone number, and e-mail address of the principal contact(s) for the applicant, (iii) and a description including the manufacturer, model, color, vehicle identification or serial number, and, if licensed for use on public roads, the license plate number of each truck, tractor, loader, or other vehicle the applicant may use when moving, removing or plowing snow in the city.

(a) The application shall be accompanied by a license fee in an amount established by resolution of the city council. The amount of the fee may be based on the number of vehicles that may be used for moving, removing or plowing snow in the city.

(b) The application shall be accompanied by current certificates of insurance showing the applicant has no-fault automobile and commercial general liability insurance coverage for the applicant's vehicles and business.

(c) An applicant (or, once a license is issued, a licensee) shall update the list of vehicles that may be used to provide services in the city to coincide with vehicles actually used within the city by sending written notification to the city clerk referring to the name on its city license, its city license number, and a description including the manufacturer, model, color, vehicle identification or serial number, and, if licensed for use on public roads, the license plate number of each additional vehicle used in the city.

(d) Dump trucks or other vehicles used exclusively for hauling snow shall be exempt from the licensing provisions of this division. Dump trucks or other vehicles with blades, buckets, blowers or other equipment used to move, load, or lift snow or ice are not exempt from the licensing provisions of this division.

**Sec. 14-423. – Grounds for denial, suspension, revocation or nonrenewal.**

In addition to grounds set forth elsewhere in this Code, any of the following are grounds for denying a license under this article or for the suspension, revocation, or nonrenewal of a license under this article after it is issued:

(a) Violation of this chapter or of any other provision of this Code.

(b) Failure to repair any damage to any public or private property resulting from any activities undertaken pursuant to a license issued under this division.

(c) Failure to pay any property taxes, fees, or other amounts due the city related to any property or activities of the (i) applicant/licensee, or (ii) a director, officer, member, or owner of more than a 10% interest in the applicant/licensee.

(d) Information about incidents involving (i) the applicant/licensee, (ii) any of the applicant/licensee's directors, members, officers, or employees, or (iii) agents of the applicant/licensee, such as, for example, individuals operating any vehicles or other equipment for the applicant/licensee that lead the city clerk to determine that activities of the applicant/licensee or those identified in subparagraphs (i) through (iii) under a license issued pursuant to this division may result in injuries to individuals or damage to property.

(e) Information about incidents involving (i) the applicant/licensee, (ii) any of the applicant/licensee's directors, members, officers, or employees, or (iii) agents of the applicant/licensee, such as, for example, individuals operating any vehicles or other equipment for the applicant/licensee that lead the city clerk to determine that the applicant/licensee's business practices have violated or may violate applicable laws, rules or regulations.

(f) Information that the applicant/licensee's insurance coverage has expired, lapsed, been terminated or is otherwise reduced.

(g) The applicant/licensee or the applicant/licensee's owner was convicted of, entered a guilty plea to, or entered another plea having the same effect as a guilty plea for sentencing purposes to a crime involving the destruction of property, "road rage," driving under the influence of or while impaired by alcohol, marijuana, or a controlled substance, fraud, deceit, trespass, unlawful entry, or theft.

**Sec. 70-124. – License issuance, term and possession.**

(a) The city clerk shall review the application and supporting materials to determine whether they are complete and include all required information. In the city clerk's discretion, the city clerk may consult with others to determine whether any grounds exist for denying issuance or renewal of a snow plowing license.

(b) If the city clerk determines after reasonable review that an application and supporting materials for a snow plowing license are complete, the applicable fee(s) paid, and there are no grounds for denial or nonrenewal, the city clerk shall issue the snow plowing license in a form prepared by the city clerk. The clerk shall provide sufficient certified copies of the license to enable the licensee to keep one certified copy in each of the licensee's vehicles used in the city.

(c) The license term shall expire on September 30 following its issuance unless the license is issued after July 1 of any year, in which case it shall expire on September 30 of the following calendar year.

(d) Provided the city clerk determines there are no grounds for nonrenewal, a snow plowing license may be renewed for successive 1-year terms upon payment of the annual license fee to the city clerk and filing of updated information on the application with updated supporting materials.

(e) A licensee shall keep a certified copy of a license issued under this division in each of the licensee's vehicles used to provide services in the city. That certified copy shall be presented, upon request, to any city police officer, fire fighter, code inspector, or other city officer or employee authorized to issue municipal civil infraction citations or traffic citations or otherwise charged with enforcing city ordinances.

**Sec. 14-125. – License denial, suspension, revocation or nonrenewal.**

If the city clerk determines there are grounds for denial, suspension, revocation or nonrenewal of a snow plowing license as provided in this chapter, the city clerk shall notify the applicant/licensee in writing addressed to the applicant/licensee's e-mail address and street address as provided in the most recent application or application update filed with the city clerk by the applicant/licensee. Notice shall be given by e-mail and shall also be either personally served, delivered by postage prepaid certified mail with return receipt requested, or delivered by courier service such as FedEx, UPS or similar carrier. The notice shall (i) state the reason for denial, suspension, revocation or nonrenewal, (ii) state the date on which any suspension or revocation is to commence, (iii) state the length and other terms of any suspension (such as, for example, the need to pay taxes or fees, the need to repair or restore damaged property, or other condition of ending the suspension), and (iv) inform the applicant/licensee of the appeal procedure under section 1-29 of this Code.

**Sec. 14-126. – Special equipment and identification.**

(a) In addition to all equipment and lighting required by state law or another provision of this Code, any vehicle used for services provided in the city shall be equipped with a flashing, oscillating or rotating amber light placed in such position as to be visible throughout 360 degrees, which light shall be operated at all times that the vehicle is being used to move, remove or plow snow.

(b) Any vehicle used to provide services in the city shall plainly display on both sides of the vehicle, with letters and numbers at least 3 inches in height, the licensee's name and telephone or cell phone number as they appear on the licensee's application.

**Sec. 14-127. – Violation as municipal civil infractions.**

A violation of this article is a municipal civil infraction punishable by a fine of \$25.00 for first offense, a fine of \$150.00 for a second offense, and fine of \$1500.00 for any third or subsequent offense. Each premises in the city that is plowed or otherwise serviced in violation of this division constitutes a separate offense.

Section 3. That section 1-20 of the Code of Ordinances, City of Wyoming, Michigan, entitled “Reference to offices,” is repealed.

Section 4. That Chapter 70, Article IV, Division 2, of the Code of Ordinances, City of Wyoming, Michigan, is amended to read as follows:

**DIVISION 2. – SNOW PLOWING**

**Sec. 70-421. – City license.**

No individual or entity shall engage in the business of moving, removing or plowing snow on any public or private property without having licenses as required by Chapter 14 of this Code.

Section 5. That Chapter 70, Article III, Division 2 of the Code of Ordinances, City of Wyoming, Michigan, entitled “License” providing for the city’s issuance of licenses to persons engaging in the business of constructing, reconstructing or repairing sidewalks, driveway approaches and curbs is repealed.

Section 6. That this ordinance shall take effect on \_\_\_\_\_, 2020.

Kelli A. VandenBerg  
Wyoming City Clerk

Ordinance No. 11-20

## STAFF REPORT

Date: March 3, 2020  
Subject: Amendment to Restricted Zone Ordinance  
From: Scott Smith, City Attorney  
Meeting Date: March 9, 2020 Work Session/March 16, 2020 Council Meeting

---

### **RECOMMENDATION:**

Adopt the Ordinance to Amend the City Code by Amending Section 1-2 Entitled “Definitions and Rules of Construction,” Chapter 14 Entitled “Business,” and Chapter 70, Article IV, Division 2 Entitled “Snow Plowing,” and by Repealing Section 1-20 of the City Code, Entitled, “Reference To Offices” and Chapter 70, Article III, Division 2 Entitled “Licenses,” to Update Provisions for Licensing and Regulating Businesses in the City and Providing Penalties for Violation of those Provisions.

### **COMMUNITY, SAFETY, STEWARDSHIP:**

Community – The ordinance will improve business licensing processing, remove redundant and outdated regulations, and clarify licensing requirements, benefiting local businesses.

Safety – The ordinance provides additional tools to address businesses who act irresponsibly.

Stewardship – The ordinance effectively uses city resources by focusing licensing and regulation only where needed.

### **BUDGET IMPACT:**

There should be no budgetary impact.

### **DISCUSSION:**

The City Clerk initiated a review of the business licensing provisions to address outdated or redundant regulation, improve process clarity and efficiency, and address other concerns about particular ordinance provisions. The revised ordinance provisions should focus city resources where public benefit is greatest.

The attached draft of the ordinance is annotated to explain the major changes. Questions can be addressed at the work session.

ORDINANCE NO. 10-20

ORDINANCE TO AMEND THE CODE OF ORDINANCES BY AMENDING SECTION  
34-3 TO ADOPT THE INTERNATIONAL FIRE CODE, 2018 EDITION, BY  
REFERENCE TOGETHER WITH CERTAIN AMENDMENTS AND APPENDICES

THE CITY OF WYOMING ORDAINS:

Section 1. That Chapter 34, section 34-3 of the Code of the City of Wyoming, Michigan, is amended to read as follows:

**Sec. 34-3. – Adoption of International Fire Code.**

(a) The International Fire Code, 2018 Edition, published by the International Code Council, Inc. together with its Appendices B, D, F, I, and N, is adopted by reference. A complete copy is available to the public at the Department of Public Safety-Fire Services office and the City Clerk's Office in compliance with state law.

(b) The blanks and jurisdictional specifications in the International Fire Code, 2018 Edition, are completed and specified, and certain sections of the International Fire Code, 2018 Edition, are amended to read, as follows:

(1) The blank in section 101.1 is completed with the phrase "the City of Wyoming, Michigan."

(2) Section 102.4 is amended to read as follows:

102.4 Application of Building Code. The design and construction of new structures, if within its scope, any alterations, additions or changes in structures required by this code, shall comply with the state construction of the state of Michigan.

(3) Section 110.4 is amended to read as follows:

110.4 Violations and Penalties. Persons who violate a provision of this code or fail to comply with any of the requirements thereof or who erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this chapter, shall be responsible for a municipal civil infraction punishable by a fine of \$250.00. Subsequent offenses are misdemeanors punishable by a fine of \$500, or imprisonment for up to 90 days, or both such fines and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(3) Section 112.4 is amended to read as follows:

Section 112.4 Failure to Comply. Any person who continues work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be responsible for a municipal civil infraction punishable by a fine of \$250.00. Subsequent offenses are misdemeanors punishable by a fine of \$500, or imprisonment for up to 90 days, or both such fines and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(4) Section 307 is amended to read as follows:

Open burning is allowed and may be undertaken only as provided by and in compliance with section 30-35 of the Code of Ordinances, City of Wyoming, Michigan.

(5) The date by which a sprinkler system must be installed as provided in section 1103.5.3 shall be immediately for all new construction, and for existing structures at the earlier of (i) within 5 years after the date of the adoption by reference of the International Fire Code, 2018 Edition, or (ii) when it would be required of other Group I-2 occupancies under section 1103.5.2.

(6) Section 5704.2.9.6.1 is amended to read as follows:

5704.2.9.6.1. Locations where above-ground tanks are prohibited. Above-ground storage tanks are prohibited in the City of Wyoming except as allowed under and as approved in accordance with Chapter 90 of the Code of Ordinances, City of Wyoming, Michigan.

(7) Section 5706.2.4.4 is amended to read as follows:

5704.2.49.4. Locations where above-ground tanks are prohibited. Above-ground storage tanks are prohibited in the City of Wyoming except as allowed under and as approved in accordance with Chapter 90 of the Code of Ordinances, City of Wyoming, Michigan.

(8) Section 5806.2 is amended to read as follows:

5806.2 Limitations. Storage of flammable cryogenic fluids in stationary containers is prohibited in the City of Wyoming except by special approval in an I-2 general industrial zoning district in accordance with Chapter 90 of the Code of Ordinances, City of Wyoming, Michigan.

(9) Section 6104.2 is amended to read as follows:

6104.2 Maximum capacity with established limits. Except by special approval in an I-2 general industrial zoning district in accordance with Chapter 90 of the Code of Ordinances, City of Wyoming, Michigan the aggregate capacity of any one installation of storage of liquefied petroleum gas shall not exceed a water capacity of 250 gallons.

Section 2. That this ordinance shall take effect on \_\_\_\_\_, 2020.

I certify that this ordinance was adopted by the City of Wyoming at a regular session of the City Council held on \_\_\_\_\_, 2020.

---

Kelli A. VandenBerg,  
Wyoming City Clerk

Ordinance No. 10-20

## STAFF REPORT

Date: January 6, 2020  
Subject: Amendment to Fire Code Ordinance  
From: Scott Smith, City Attorney  
Meeting Date: March 9, 2020 Work Session/March 16, 2020 Council Meeting

---

### **RECOMMENDATION:**

Adopt the Ordinance to Amend Section 34-3 of the City Code to Adopt the International Fire Code, 2018 Edition, by Reference Together with Certain Amendments and Appendices.

### **COMMUNITY, SAFETY, STEWARDSHIP:**

Community – The ordinance will provide the community an updated version of an internationally accepted fire code, one that is commonly used in communities throughout the country.

Safety – The ordinance will ensure established fire safety measures are employed throughout the community protecting persons and property, including firefighters and their equipment.

Stewardship – Adherence to this code will minimize losses due to fire damage.

### **BUDGET IMPACT:**

It is hoped this ordinance will help control prosecution and defense costs.

### **DISCUSSION:**

The City is permitted to adopt by reference nationally recognized codes. As those codes are periodically updated, it is important for the City to adopt the updated version with updated safety requirements and updated references to other codes with which consistency is needed.

## MEMORANDUM

DATE: March 3, 2020

TO: Curtis L. Holt, City Manager

FROM: William D. Dooley, Director of Public Works

SUBJECT: 2021 Budget Review - Sustainability of the Street, Water, and Sewer Systems

Eight and a half years ago, then Governor Rick Snyder shared the following information with the citizens of Michigan:

*The challenge is simple. Michigan's infrastructure is deteriorating from a lack of investment. If we are going to reinvent Michigan's economy, we have to reinvest in Michigan's infrastructure. A sound and modern infrastructure is vital to attracting and retaining jobs.*

*Michigan's transportation network is not sustainable. Underfunding roads and bridges create a vicious cycle ... and the long-term cost of maintaining the network increases. Underinvestment is also a problem for our water and sewer systems. It is easy to forget or ignore the unseen, massive network of water and sewer infrastructure humming along below our feet. This infrastructure is rapidly aging, much of it nearing or past its useful life.*

*We have a responsibility to ourselves and to future generations to maintain and improve the roads, bridges, and sewer and water systems that previous generations built for us. Investing today not only saves money but builds the foundation for a reinvented 21<sup>st</sup> century Michigan economy. It would be easy to put this off, but it would not be the responsible thing for those who believe in a prosperous future for Michigan.*

*Reinvention means reinvestment from us, the citizens of Michigan, in the infrastructure that allows us to work, play, and live in our beautiful state.*

His message is certainly true for Wyoming. For a period of forty years, from the mid-60's through the mid- 2000's, Wyoming invested considerable resources in the construction and expansion of its street, water, and sewer systems -- and enjoyed the benefits of relatively new infrastructure. Wyoming now faces the long-term cost of preserving and replacing this same infrastructure as it continues to age.

There are approximately 650 lane-miles of major and local streets in Wyoming. Based upon an average pavement life of 15 years for major streets and 25 years for local streets, and a present cost of street resurfacing of \$200,000 per lane-mile, Wyoming needs to invest \$6.5 million each

year in order to improve and preserve the condition of the street system. Over the next 20 years, Wyoming plans to invest \$167 million in street resurfacing – an average of \$8.4 million per year.

Wyoming also has approximately 250 miles each of water and sewer mains. In 2003 and 2007, the consulting firm of CH2M Hill evaluated the age, type of material, and service life of each pipe segment in the water distribution and sewer collection systems and recommended the amount of investment needed each year for infrastructure replacement. Over the next 20 years, Wyoming plans to invest an average of \$7.2 million for water main replacement each year, and \$1.8 million for sewer main slip-lining, as recommended. Additional investment is planned for addressing the aging infrastructure in the water treatment plant, the Gezon pumping station, the clean water plant, and the water transmission pipelines.

The good news is that Wyoming shares former Governor Snyder's understanding of the importance of infrastructure investment and is already investing in the long-term sustainability of its street, water and sewer systems. Steps have also been taken to reduce and minimize the street and utility O&M expenses, there by maximizing the amount of money available for infrastructure investment. This has been done without reducing the exceptional service Wyoming provides to its residential water and sewer customers – including maintenance of water services to the meter inside the basement, maintenance of sewer laterals to the property line (including the critical junction point), and funding of basement clean-up and depreciated damage costs associated with water or sewer problems.

The attached 20-year financial plans for the street and utility funds identify how Wyoming can continue to achieve long-term sustainability and fulfill its four guiding parameters (minimum working capital balance, minimum bond coverage, modest annual rate increases, and sufficient infrastructure investment) through 2040.

**Street Funds (\$1,000's)**

	Revenue		Expenses		Capital		Additional Capital Funding				Fund Balance			DSCR
	Act 51	All Other	O & M	DS	Resurface	Expansion	Fed / State	CIP Fund	Bonding	Other	Begin	Change	End	
<i>2020 est</i>	8,780	440	5,360	0	4,060	100	0	0	0	0	4,870	(300)	4,570	
<i>2021 bud</i>	9,340	430	5,880	0	8,480	0	980	0	0	0	4,570	(3,610)	960	
2022	9,540	440	6,060	0	5,160	0	560	700	0	0	960	20	980	
2023	9,830	450	6,240	0	6,970	0	2,570	400	0	0	980	40	1,020	
2024	10,120	460	6,430	0	5,900	0	1,300	400	0	0	1,020	(50)	970	
2025	10,420	470	6,620	0	7,000	0	1,300	1,500	0	0	970	70	1,040	
2026	10,730	480	6,820	0	7,200	0	1,300	1,500	0	0	1,040	(10)	1,030	
2027	11,050	490	7,020	0	7,400	0	1,300	1,600	0	0	1,030	20	1,050	
2028	11,380	500	7,230	0	7,600	0	1,300	1,600	0	0	1,050	(50)	1,000	
2029	11,720	520	7,450	0	7,800	0	1,300	1,700	0	0	1,000	(10)	990	
2030	12,070	540	7,670	0	7,900	0	1,300	1,700	0	0	990	40	1,030	
2031	12,430	560	7,900	0	8,200	0	1,300	1,800	0	0	1,030	(10)	1,020	
2032	12,800	580	8,140	0	8,400	0	1,300	1,800	0	0	1,020	(60)	960	
2033	13,180	600	8,380	0	8,600	0	1,300	1,900	0	0	960	0	960	
2034	13,580	620	8,630	0	8,700	0	1,300	1,900	0	0	960	70	1,030	
2035	13,990	640	8,890	0	9,100	0	1,300	2,000	0	0	1,030	(60)	970	
2036	14,410	660	9,160	0	9,200	0	1,300	2,000	0	0	970	10	980	
2037	14,840	680	9,430	0	9,500	0	1,300	2,100	0	0	980	(10)	970	
2038	15,290	700	9,710	0	9,600	0	1,300	2,100	0	0	970	80	1,050	
2039	15,750	720	10,000	0	10,000	0	1,300	2,200	0	0	1,050	(30)	1,020	
2040	16,220	740	10,300	0	10,200	0	1,300	2,200	0	0	1,020	(40)	980	
	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----				
Totals	257,470	11,720	163,320	0	166,970	100	26,210	31,100	0	0				

Act 51 Revenue -- 3% annual increase  
 All Other Revenue -- 3% annual increase  
 O & M Expense -- 3% annual increase

**Sewer Fund** (\$1,000's)

	Revenue			Expenses		Capital		Additional Capital Funding				Working Capital (see note)			DSCR
	RTS	Commodity	All Other	O & M	DS	AM	Expansion	Res Funds	CIP Fund	Bonding	Other	Begin	Change	End	
2020 est	1,880	9,580	8,540	13,630	3,450	2,380	220	0	0	0	0	13,350	320	13,670	1.85
2021 bud	1,910	9,580	8,630	13,840	3,470	620	5,320	1,000	0	0	0	13,670	(2,130)	11,540	1.81
2022	1,940	9,580	8,890	14,260	3,480	1,360	530	0	0	0	0	11,540	780	12,320	1.77
2023	1,970	9,580	9,160	14,690	3,480	620	530	0	0	0	0	12,320	1,390	13,710	1.73
2024	2,000	9,580	9,430	15,130	3,380	530	530	0	0	0	0	13,710	1,440	15,150	1.74
2025	2,030	9,680	9,710	15,580	17,600	610	530	3,340	0	0	0	15,150	(9,560)	5,590	
2026	2,060	9,780	10,000	16,050	420	3,870	0	130	0	0	0	5,590	1,630	7,220	
2027	2,090	9,880	10,300	16,530	0	1,600	0	0	0	0	0	7,220	4,140	11,360	
2028	2,120	9,980	10,610	17,030	0	1,600	4,000	700	0	0	0	11,360	780	12,140	
2029	2,150	10,080	10,930	17,540	0	1,600	0	0	0	0	0	12,140	4,020	16,160	
2030	2,180	10,180	11,260	18,070	0	4,000	0	0	0	0	0	16,160	1,550	17,710	
2031	2,210	10,280	11,600	18,610	0	4,000	0	0	0	0	0	17,710	1,480	19,190	
2032	2,240	10,380	11,950	19,170	0	4,000	0	0	0	0	0	19,190	1,400	20,590	
2033	2,270	10,480	12,310	19,750	0	4,000	0	0	0	0	0	20,590	1,310	21,900	
2034	2,300	10,580	12,680	20,340	0	4,000	0	0	0	0	0	21,900	1,220	23,120	
2035	2,330	10,690	13,060	20,950	0	7,000	0	0	0	0	0	23,120	(1,870)	21,250	
2036	2,360	10,800	13,450	21,580	0	7,000	0	0	0	0	0	21,250	(1,970)	19,280	
2037	2,400	10,910	13,850	22,230	0	7,000	0	0	0	0	0	19,280	(2,070)	17,210	
2038	2,440	11,020	14,270	22,900	0	7,000	0	0	0	0	0	17,210	(2,170)	15,040	
2039	2,480	11,130	14,700	23,590	0	7,000	0	0	0	0	0	15,040	(2,280)	12,760	
2040	2,520	11,240	15,140	24,300	0	7,000	0	0	0	0	0	12,760	(2,400)	10,360	
	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----				
Totals	45,880	214,990	240,470	385,770	35,280	76,790	11,660	5,170	0	0	0				

RTS + Commodity (sewer) -- 0.4% average annual increase from 2021 to 2024, then 1.1% from 2025 to 2040  
 All Other Revenue -- 3% annual increase  
 O & M Expense -- 3% annual increase (does not include amount for depreciation)  
 Bonds -- retired when callable (2025 & 2026)  
 Working Capital - an amount equal to 120 days O&M + DS must remain unused until bonds are retired

**Water Fund (\$1,000's)**

	Revenue			Expenses		Capital		Additional Capital Funding				Working Capital (see note)			DSCR
	RTS	Commodity	All Other	O & M	DS	AM	Expansion	Res Funds	CIP Fund	Bonding	OCRC	Begin	Change	End	
<i>2020 est</i>	3,240	5,740	9,920	12,720	3,470	10,870	220	0	3,000	0	2,200	12,720	(3,180)	9,540	1.88
<i>2021 bud</i>	3,290	6,290	10,100	12,640	3,480	6,030	120	0	2,000	0	1,300	9,540	710	10,250	2.13
2022	3,340	6,840	10,400	13,020	3,490	3,000	40,530	1,100	2,000	5,000	26,600	10,250	(4,760)	5,490	2.28
2023	3,390	7,430	10,710	13,410	3,270	5,130	530	0	2,000	0	1,060	5,490	2,250	7,740	2.63
2024	3,440	8,020	11,030	13,810	2,880	3,000	40,530	200	2,000	13,000	20,000	7,740	(2,530)	5,210	3.21
2025	3,490	8,490	11,360	14,220	3,820	7,000	530	0	1,000	0	1,000	5,210	(230)	4,980	2.51
2026	3,540	9,000	11,700	14,650	3,520	7,000	0	0	1,000	0	1,000	4,980	1,070	6,050	2.87
2027	3,590	9,500	12,050	15,090	3,530	7,000	0	0	1,000	0	1,000	6,050	1,520	7,570	3.00
2028	3,640	10,020	12,410	15,540	3,540	7,000	0	0	1,000	0	1,000	7,570	1,990	9,560	3.13
2029	3,690	10,570	12,780	16,010	3,120	7,000	0	0	1,000	0	1,000	9,560	2,910	12,470	3.75
2030	3,750	11,150	13,160	16,490	3,120	7,000	0	0	1,000	0	1,000	12,470	3,450	15,920	3.94
2031	3,810	11,760	13,550	16,980	3,120	7,000	0	0	1,000	0	1,000	15,920	4,020	19,940	4.13
2032	3,870	12,410	13,960	17,490	3,120	7,000	0	2,200	1,000	0	1,000	19,940	6,830	26,770	4.34
2033	3,930	13,090	14,380	18,010	1,320	5,010	0	0	1,000	0	0	26,770	8,060	34,830	11.75
2034	3,990	13,810	14,810	18,550	1,320	5,000	80,000	1,000	1,000	0	40,000	34,830	(30,260)	4,570	12.33
2035	4,050	14,570	15,250	19,110	1,320	15,000	0	0	1,000	0	1,500	4,570	940	5,510	12.95
2036	4,110	15,370	15,710	19,680	1,320	15,000	0	0	1,000	0	1,500	5,510	1,690	7,200	13.61
2037	4,170	16,220	16,180	20,270	1,320	15,000	0	0	1,000	0	1,500	7,200	2,480	9,680	14.30
2038	4,230	17,110	16,670	20,880	1,320	15,000	0	0	1,000	0	1,500	9,680	3,310	12,990	15.03
2039	4,290	18,050	17,170	21,510	1,320	15,000	0	0	1,000	0	1,500	12,990	4,180	17,170	15.79
2040	4,350	19,040	17,690	22,160	1,320	15,000	0	0	1,000	0	1,500	17,170	5,100	22,270	16.60
	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----				
Totals	79,200	244,480	280,990	352,240	54,040	184,040	162,460	4,500	27,000	18,000	108,160				

RTS + Commodity (water) -- 6.2% average annual increase from 2021 to 2024, then 4.5% from 2025 to 2040  
 All Other Revenue -- 3% annual increase (does not include amount for O.C. capital retirement)  
 O & M Expense -- 3% annual increase (does not include amount for depreciation or O.C capital retirement)  
 Ottawa County -- increase share of capital from 43% to 50% in 2022 plus a \$6.6 million catch-up payment  
 Working Capital - an amount equal to 120 days O&M + DS must remain unused until bonds are retired

### Street Funds - Capital List

3/4/2020

FY	Description	Asset Mgt	Total \$1,000's	Federal \$1,000's	Wyoming \$1,000's	Notes
2021	Resurfacing - Unspecified	AM	7,250		7,250	
2021	Resurfacing - Wilson, NCL to SCL	AM	1,230	980	250	
2022	Resurfacing - Unspecified	AM	4,300		4,300	
2022	Resurfacing - 36th, Burlingame to Clyde Park	AM	750	560	190	
2022	Resurfacing - Eastern, 28th to 44th (Wyoming share)	AM	110		110	
2023	Resurfacing - Unspecified	AM	3,730		3,730	
2023	Resurfacing - Gezon, Byron Center to Clyde Park	AM	1,730	1,380	350	
2023	Resurfacing - 54th, Clyde Park to Division	AM	1,510	1,190	320	
2024	Resurfacing - Unspecified	AM	5,900	1,300	4,600	
2025	Resurfacing - Unspecified	AM	7,000	1,300	5,700	
2026	Resurfacing - Unspecified	AM	7,200	1,300	5,900	
2027	Resurfacing - Unspecified	AM	7,400	1,300	6,100	
2028	Resurfacing - Unspecified	AM	7,600	1,300	6,300	
2029	Resurfacing - Unspecified	AM	7,800	1,300	6,500	
2030	Resurfacing - Unspecified	AM	7,900	1,300	6,600	
2031	Resurfacing - Unspecified	AM	8,200	1,300	6,900	
2032	Resurfacing - Unspecified	AM	8,400	1,300	7,100	
2033	Resurfacing - Unspecified	AM	8,600	1,300	7,300	
2034	Resurfacing - Unspecified	AM	8,700	1,300	7,400	
2035	Resurfacing - Unspecified	AM	9,100	1,300	7,800	
2036	Resurfacing - Unspecified	AM	9,200	1,300	7,900	
2037	Resurfacing - Unspecified	AM	9,500	1,300	8,200	
2038	Resurfacing - Unspecified	AM	9,600	1,300	8,300	
2039	Resurfacing - Unspecified	AM	10,000	1,300	8,700	
2040	Resurfacing - Unspecified	AM	10,200	1,300	8,900	
2021 items total \$8,480,000						

## Sewer Fund - Capital List

3/2/2020

FY	Description	Asset Mgt	Cost Est \$1,000's	Notes
2021-25	Collection System AM (Sliplining/Replacement)	AM	2,500	<i>\$500,000 per year</i>
2026-29	Collection System AM (Sliplining/Replacement)	AM	3,200	<i>\$800,000 per year</i>
2030-34	Collection System AM (Sliplining/Replacement)	AM	10,000	<i>\$2,000,000 per year</i>
2035-40	Collection System AM (Sliplining/Replacement)	AM	21,000	<i>\$3,500,000 per year</i>
2021	Meter Replacement Program (AMI capable)		120	
2022-25	Meter Replacement Program (AMI capable)		2,120	<i>\$530,000 per year</i>
2021	Upgrade One Cake Pump	AM	40	
2021	GVRBA Pumps	AM	80	
2021	UV Disinfection w/ Re-aeration		5,200	
2022	Replace Incubator	AM	10	
2022	Third Bar Screen		300	
2022	Replace One Centrifuge	AM	550	
2023	Replace TKN Distillation System	AM	20	
2023	Replace Drain Line (main bldg & truck bay)	AM	100	
2024	Replace GC System (VFA)	AM	30	
2025	Replace Incubator	AM	10	
2025	Renovate Entrance Gates, Loops and Card Readers	AM	100	
2026	Replace ICP/OES System (Metals)	AM	70	
2026	Replace Two Blowers	AM	3,000	
2027	CWP - Unspecified	AM	790	
2027	Replace Autoclave	AM	10	
2028	CWP - Unspecified	AM	730	
2028	Replace Spectrophotometer (UV/Vis)	AM	10	
2028	Replace Extraction System (FOG)	AM	30	
2028	Replace Mercury Analyzer	AM	30	
2028	Two Final Clarifiers		4,000	
2029	CWP - Unspecified	AM	770	
2029	Replace Microwave Digestion System	AM	30	
2030	CWP - Unspecified	AM	1,970	
2030	Replace qPCR System (DNA)	AM	30	
2031-34	CWP - Unspecified	AM	8,000	<i>\$2,000,000 per year</i>
2035-40	CWP - Unspecified	AM	21,000	<i>\$3,500,000 per year</i>
2021 items total \$5,940,000				

### Water Fund - Capital List

3/2/2020

FY	Description		Asset Mgt	Total \$1,000's	Ottawa Co \$1,000's	Wyoming \$1,000's	Notes
2021-24	Dist Syst	Replace watermains	AM	12,000		12,000	\$3,000,000 per year
2025-34	Dist Syst	Replace watermains	AM	60,000		60,000	\$5,000,000 per year
2035-40	Dist Syst	Replace watermains	AM	72,000		72,000	\$12,000,000 per year
2021	Meters	Meter Replacment Program (AMI capable)		120		120	
2022-2025	Meters	Meter Replacment Program (AMI capable)		2,120		2,120	\$530,000 per year
2021	WTP	Replace Digital Titrators	AM	20	10	10	
2021	Low Service	Replace Bleach Tanks	AM	50	30	20	
2021	Gezon	Replace Driveway Pavement	AM	70		70	
2021	High Service	Replace 24-inch Valve	AM	100	40	60	
2021	WTP	Paint 5MG Storage Tank	AM	120	60	60	
2021	High Service	Replace Multilins	AM	150	70	80	
2021	NTF	Renovate Filter Pipe Gallery	AM	200	90	110	
2021	WTP	Upgrade SCADA OS (Wonderware)	AM	320	140	180	
2021	WTP	Replace Bry-Air System - Phase I	AM	2,000	860	1,140	
2022	Pipeline	3rd Pipeline - Phase I		40,000	20,000	20,000	
2023	WTP	Replace Spectrophotometer (UV/Vis)	AM	10	0	10	
2023	WTP	Replace GC/MS System (THM & VOC analysis)	AM	120	60	60	
2023	WTP	Replace Bry-Air System - Phase II	AM	500	250	250	
2023	WTP	Replace Valve Actuators Filters 1-12	AM	1,500	750	750	
2024	Low Service	Second Intake Line		40,000	20,000	20,000	
2025	WTP	Unspecified	AM	1,990	1,000	990	
2025	WTP	Replace Incubator	AM	10	0	10	
2026	WTP	Renovate Filters 1-12	AM	2,000	1,000	1,000	
2027	WTP	Unspecified	AM	1,980	990	990	
2027	WTP	Replace Autoclave	AM	20	10	10	
2028	WTP	Unspecified	AM	1,990	1,000	990	
2028	WTP	Replace Benchtop Turbidimeter	AM	10	0	10	
2029	WTP	Unspecified	AM	2,000	1,000	1,000	
2030	WTP	Unspecified	AM	1,940	980	960	
2030	WTP	Replace Incubator	AM	10	0	10	
2030	WTP	Replace GC System (HAA analysis)	AM	50	20	30	
2031	WTP	Unspecified	AM	2,000	1,000	1,000	
2032	WTP	Unspecified	AM	1,990	1,000	990	
2032	WTP	Replace Microscope	AM	10	0	10	
2033	WTP	Replace Analytical Balance	AM	10	0	10	
2034	Pipeline	3rd Pipeline - Phase II		40,000	20,000	20,000	
2034	WTP	South Treatment Expansion		40,000	20,000	20,000	
2035-40	WTP	Unspecified	AM	18,000	9,000	9,000	\$3,000,000 per year
2021 items total \$6,150,000				Ottawa Co. from 43% to 50% in 2022			

2021 Overall Rate Impact

3/2/2020

Fiscal Year	Ready to Serve	Rate per HCF	Average Winter Quarter Bill	Average Non-Winter Quarter Bill	Impact	Revenue from RTS	Revenue from Commodity
<i>2018-19 (7-1-18) Actual</i>							
Water	\$23.31	\$1.22	\$44	\$65		2,890,000	5,250,000
Sewer	\$17.43	\$2.94	\$68	\$75		1,850,000	9,580,000
Overall			\$112	\$141			
<i>2019-20 (7-1-19) Estimate</i>							
Water	\$23.66	\$1.35	\$47	\$70	7.1%	3,240,000	5,740,000
Sewer	\$17.69	\$2.94	\$68	\$76	0.4%	1,880,000	9,580,000
Overall			\$115	\$146	<b>3.4%</b>		
<i>2020-21 (7-1-20) Budget</i>							
Water	\$24.01	\$1.48	\$49	\$75	6.6%	3,290,000	6,290,000
Sewer	\$17.96	\$2.94	\$68	\$76	0.4%	1,910,000	9,580,000
Overall			\$118	\$151	<b>3.3%</b>		
<i>2021-22 (7-1-21)</i>							
Water	\$24.37	\$1.61	\$52	\$80	6.2%	3,340,000	6,840,000
Sewer	\$18.23	\$2.94	\$69	\$76	0.4%	1,940,000	9,580,000
Overall			\$120	\$156	<b>3.2%</b>		
<i>2022-23 (7-1-22)</i>							
Water	\$24.74	\$1.75	\$55	\$85	6.3%	3,390,000	7,430,000
Sewer	\$18.50	\$2.94	\$69	\$76	0.4%	1,970,000	9,580,000
Overall			\$123	\$162	<b>3.3%</b>		
<i>2023-24 (7-1-23)</i>							
Water	\$25.11	\$1.89	\$57	\$90	5.9%	3,440,000	8,020,000
Sewer	\$18.78	\$2.94	\$69	\$77	0.4%	2,000,000	9,580,000
Overall			\$126	\$167	<b>3.2%</b>		
<i>2024-25 (7-1-24)</i>							
Water	\$25.49	\$2.00	\$60	\$95	4.5%	3,490,000	8,490,000
Sewer	\$19.06	\$2.97	\$70	\$77	1.1%	2,030,000	9,680,000
Overall			\$130	\$172	<b>2.9%</b>		
<i>2024-26 (7-1-25)</i>							
Water	\$25.87	\$2.12	\$62	\$99	4.7%	3,540,000	9,000,000
Sewer	\$19.34	\$3.00	\$71	\$78	1.1%	2,060,000	9,780,000
Overall			\$133	\$177	<b>3.0%</b>		

Ave Winter Qtr (HCF)    Ave Non-winter Qtr (HCF)

17.10

34.56

## Four Guiding Parameters for the Sewer & Water Funds

3/2/2020

Parameter	Goal	2021	Next 20 Years
<b>1. <u>Working Capital Balance</u></b>			
Sewer Fund	\$5 million	\$12 million	\$6 million (min)
Water Fund	\$5 million	\$10 million	\$5 million (min)
<b>2. <u>Bond Coverage</u></b>			
Sewer Fund	1.25	1.8	No debt after 2026 2.3 or greater
Water Fund	1.25	2.1	
<b>3. <u>Annual Retail Rate Increase</u></b>			
Sewer & Water Funds	3.3%	3.3%	3%
<b>4. <u>Infrastructure Investment</u></b>			
Sewer Fund	---	\$6 million	\$90 million
Water Fund	---	\$6 million	\$350 million